

Living inside room outside law

A Study on Child Domestic Worker and
the Role of Government & Civil Society



Save the Children
Sweden - Denmark

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Preface

A huge number of children, particularly girls, are involved in domestic works for families away from their own communities and families. Many of these children live and work under conditions that are so extreme, exploitative and abusive that no adults would accept.

Child domestic work is widespread in Bangladesh. Baseline surveys (BBS and UNICEF 2006) have showed that there are approximately 400,000 child domestic workers aged 6-17 years. Many child domestic workers are exploited by the employers. Child workers are cheap and invisible. When the children are in the employer's household, they live under the overall control of the employers. In these circumstances the children have no opportunity to make their own choice or decision.

As child domestic workers belong to the informal labour sector, they are excluded from legal protection which makes them even more vulnerable. Considering the above, better protection of child domestic workers is very urgently needed.

Realizing this, Save the Children Sweden Denmark & Ain o Salish Kendra jointly conducted the study titled "Living inside room outside law". This publication is the effort of the research team comprised of Child Labour theme of SCSD and Child Rights Unit of ASK.

This report is a compilation of information collected at the field level and experiences of SCSD & ASK on child domestic worker issues. It shows the situation of child domestic workers who are "inside room and outside law" as well as different stakeholders' view on the condition.

The main objective of this report is to draw the attention of the external audience including government and civil society representatives to the issues of child domestic workers and to make recommendations to the government and the civil society for protecting the rights of the child domestic workers.

I hope this document will inspire others to join in our effort to protect child domestic workers and solve the challenges they are facing on a daily basis.

Birgit Lundbak
Country Director
Save the Children Sweden Denmark

Preface

Employing children as domestic workers is socially and culturally accepted in Bangladesh society. With slavery as its historical root, domestic work is an old occupation not only for adults but increasingly now for girl children. While societies changed, the home and nature of work along with terms and conditions of such jobs have changed too, but the situation for them remain essentially the same; in the modern globalised world they are bound by the same rules in different forms.

The hidden nature of domestic work means it often escapes the reach of the law and heightens the risk of abuse for workers at the hands of their employers. Even where legal protections do exist, they are often little known and poorly implemented. Domestic workers tend to be unrecognized, under-paid and unable to access complaints procedures.

At the backdrop of the above reality, Ain o Salish Kendra (ASK) and Save the Children Sweden-Denmark have jointly conducted the study titled "Living inside room outside law". If the findings and recommendations of this study make minimum contribution to bring the positive changes in the lives of the four lacs (BBS and UNICEF report, 2006) child domestic workers, our endeavor will be considered successful.

Sultana Kamal
Executive Director
Ain o Salish Kendra

Executive Summary

Child Labour is now a matter of great concern. The Government of Bangladesh has acknowledged the importance of child labour for long and has already adopted a National Children Policy in 1994 as a commitment to the promotion and protection of children's right. Bangladesh is one of the first countries to ratify the United Nations Convention on the Rights of the Child (UNCRC) in 1990 and ILO Convention 182 in 2001. But still there is lack of political will in policy/law formulation and policy implementation and enforcement, especially in case of the informal sector, for successful realization of the Conventions on Child Rights and that of children working in hazardous work.

The phenomenon of child domestic workers is widespread in Bangladesh. According to a Baseline survey (BBS and UNICEF 2006) there are approximately 400,000 Child Domestic Workers (CDW) aged 6-17 years in Bangladesh. This group of child workers is always cheap, invisible and they are a high risk group for abuse and exploitation. A problem for this informal sector is that it is always the adults who make the decisions on the fate of child domestic workers and when the children are in the employers' household, they live under the overall control of the employers. In these circumstances the children have no opportunity to make their own choice or decision. Since the CDWs live in the employers' houses away from their parents they are almost invisible and inaccessible for government inspectors, statisticians, NGO workers and even for neighbours. Many CDWs face very exploitative treatments from the employers. As CDWs belong to the informal labour sector; they are excluded from legal protection which makes them even more vulnerable. Considering the above it seems that means for protection of child domestic workers is very urgently needed. Realizing this, Save the Children Sweden Denmark (SCSD) has decided to make a study on **"Living inside room outside law."**

The major aim of this study is to make recommendations to the government and civil society for establishing rights of the child domestic workers on the basis of an analysis.

Child Labour team of Save the Children Sweden Denmark and Child Rights Unit of Ain o Salish Kendra jointly conducted the study. Sultana Kamal, Executive Director, ASK is the Research Advisor and Shahida Begum, Programme Director - Child Labour, SCSD is playing the overall planning and coordinating role for this study. An external consultant helped the research team for data entry and analysis. Partners of SCSD and ASK supported the research team to collect all data from the field level and the study team documented all findings from different consultations.

The methodological approach has combined both the qualitative and quantitative techniques. Quantitative data were collected through sample survey questionnaire and qualitative data has been collected through using tools of questionnaire survey, FGD, case studies and key informant interviews. The study was conducted in six divisions of Bangladesh.

The findings of the study are divided into two major areas:

1. The situation of Child Domestic Workers who are confined inside room and 2. The situation of Child Domestic Workers' who are living outside Law:

- a. The overall survey findings show that 92% children are engaged in work as domestic workers due to poverty as poor parents are unable to bear their family expenditure because of big family size, no land for cultivation and sickness of main earning members. It is indicated that parents influenced 50% of the children to work as domestic in the bigger cites whereas the other half were engaged through a middleman.

Child domestic workers are not continuing their job in one house for many years. They change house very frequently to get higher salary/wage and other benefits. This extremely hampers their psychological growth.

The study shows that 36% of CDWs work in average 9-12 hours

a day. 30% of CDW work 13-15 hours and as many as 16% CDWs work 16-18 hours. 18% CDWs work 1-8 hours in a day and less than 1% CDWs work 19 hours and above. These figures prove the hazardousness of CDW's jobs. According to ILO convention 182, long working hours is one of the major indicators for worst form of child labour. Due to long working hours, CDWs are deprived from physical and mental development.

Discrimination between privileged and underprivileged children (CDWs) has clearly shown that the tasks performed by CDWs are not related with their development, whereas employers' own children's tasks relate to do their development.

All CDWs responded that they never like to do work as child domestic worker, because they miss their parents, siblings, relatives and cannot have the same food as provided for the kids of the employers. All children mentioned that they want to live with their parents in their village. Without parents they feel isolated in the employers' house. They are treated as outsiders of the employers' family, and have nobody to share their emotions with and all day they are under pressure to work.

There are very limited opportunities to work in their villages. A number of responding children mentioned that if their parents have enough opportunities to work in the villages and if they get opportunities to work and get education at village level, they never come to the cities to work as CDWs. A few children mentioned that there is very limited access to primary education. Children strongly believe that if they have access to schools and a small piece of land, they would never need to come to the cities for work.

Children told that they want to get opportunity for recreation, study and like to be treated as a family member and the same level of affection that the employers' children receive. They want to be praised for their job and if they make mistakes the employers will correct them in a calm way.

All children responded that they would like to work with their parents with basic amenities, even when given the option to

work at an employers house and receiving ample salary. Children told that they will take option to stay with family with one or two meal in a day. Everyone wants to live with their parents if the option is there.

- b. Domestic workers are excluded from the **Labour Law of 2006**. However, the National Child Labour Eradication Policy (proposed to cabinet) 2009, has recognized domestic work as 'informal sector jobs'. Labour Inspectors are not allowed to monitor the work condition in private households. Domestic workers, especially the child domestic workers often face mental, physical, verbal, and sexual abuses and economic exploitation, which do not appear in the media. They have no specific working hours and get no holiday and in most cases, they are not allowed to meet their parents. In this situation they cannot address their problems as domestic work is not recognized as work in the formal sector.

In Bangladesh **35 laws** which relate to children have been identified. Most of the laws are connected to children in contact with the law and children engaged in formal sector work. There is no comprehensive law in favor of 93% children out of 7.4 million who are working in the informal sector that include the children engaged in domestic work. Only the **Domestic Servant Registration Ordinance of 1961** requires self-registration of the domestic servants with the local police station within fifteen days from employment. This law neither contains any rights for the domestic workers nor defines the obligation of the employers.

Section 34 of the **Children Act 1974** states that *"if any person over the age of sixteen years, who has the charge or care of any child assaults, ill-treats, neglects, abandons or expose such child or causes such child to be assaulted, ill-treated, neglected, abandoned or exposed in a manner likely to cause such child unnecessary suffering or injury to his/her health including loss of sight or hearing or injury to limb or organ of the body and any mental derangement, - such person shall be punishable with*

imprisonment for a term which may extend to taka one thousand or with both". These two laws are not being practiced.

Article 32 (1) of the UN Convention on the Rights of the Child (CRC) provides that "state parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical mental, spiritual, moral or social development". Bangladesh also ratified the Convention on the Elimination of all forms of Discrimination Against Women (**CEDAW**) in respect of economical and social protection and the ILO Convention on the worst forms of child labour. But the reality is that children involved in domestic work often become victims of both economic exploitation and maltreatment. Unfortunately the state has failed to take proper steps to protect the large number of domestic workers.

In order to counter this situation, it is essential to include the informal sector within legal protection and to develop code of conduct for the employers of child domestic workers that can work as a soft legal binding for them. The objective of the code of conduct is to bring the acceptable minimum standard of behavioral patterns among the employers of informal sectors to ensure the best interest of the children.

Recommendations to the Policy Makers:

- Protect child domestic worker from economic exploitation and other exploitation and empower them economically through creating opportunities on education, skill development training and placement in non hazardous jobs.
- Create access for income generating activities or job opportunities for parents in the rural areas to avoid sending children to the cities for work.
- Sensitize parents, family members and the community people on marginalized children need and the bad impacts of child labour, unsafe migration and the value of education.

- Encourage Local Governments to raise awareness on not sending children away from their own locality.
- Implement compulsory primary education properly to encourage poor parents to engage their children into the education system. For ensuring primary education, government could increase social protection scheme like: VGD, scholarship for poor children and widow's honorarium.
- Concentrate all development activities and strategies at village level to create employment opportunities for parents and children. These employment opportunities may reduce unsafe rural urban migration. Government, NGOs and civil society would take massive awareness programme to aware parents, employers of CDWs, civil society, policy makers about bad consequences of CDW's issues and their initiatives to protect CDWs from abuse and exploitation.
- Code of conduct should be introduced instead of legal framework to bind the employers with responsibility of children's well being as an immediate solution.
- To protect children from unsafe migration a detailed registration system should be introduced at local government level to keep record when children migrate and when they arrive in cities.
- "Women and Children Welfare Standing Committees" should be the focal body to work on CDW issues at Union Parishad (UP) level. This Committee can play a vital role to make mass awareness on bad consequences of unsafe rural and urban migration, bad effect of child labour, early marriage, and violence against children.
- A law in favor of the domestic workers should be developed to protect them from exploitation.
- The Government of Bangladesh should immediately approve the "National Child Labour Eradication Policy" and take measures to implement it.

Chapter 1

Justification and
Background of the Study

Chapter 1

Justification and Background of the Study

1.1 Background and Rational of the Study

Child Labour is now a matter of great concern. The Government of Bangladesh has acknowledged the importance of child labour for long and has already adopted a National Children Policy in 1994 as a commitment to the promotion and protection of children's right.

Bangladesh was one of the first countries to ratify the United Nations Convention of the Rights of the Child (UNCRC) in 1990 and ILO Convention 182 in 2001. Two National Plans of Action from 1992 and 1997 were also adopted by the Government. The formulation of Third National Plan of Action for Children (2005-2010) by the Ministry of Women and Children Affairs is in progress. But still there is lack of political will for policy/law formulation and policy implementation and enforcement for successful realization of the Conventions on Child Rights including the rights of children working in hazardous work.

By adopting the CRC as its basic policy framework, Save the Children Sweden Denmark (SCSD) is committed to make Child Rights Programming (CRP) which prioritizes the best interests of children. CRP works towards the elimination of discrimination and upholds agreed international norms and standards in relation to children's rights to provision, protection and participation, and above all addresses the root causes of the right violations.

The partners of the Child Labor Theme of SCSD have been working with child laborers in their local areas throughout fifteen years. They have gained concrete knowledge about their local community and have established good working relations with the parents, employers

of child laborers, children and others in the community. Though they have diversified approaches, they are addressing the child laborers' problems through a child rights based programming approach. Through this approach SCSD transforms the abstracts of the Convention on The Rights of the Child into a concrete approach for developing, planning, implementing and managing programmes and projects with the overall goal of improving the position of children and building societies that acknowledge and respect children's rights.

In the child labour programme the children come from poor families. Their families cannot afford to send them to formal schools. Sometimes, their parents do not understand the importance of education. Supplementing the family income through their children is more important to them. So a huge numbers of children remain 'in the dark' and do not participate in the national development. These patterns are repeated from one generation to the next and the picture is significant in both rural and urban areas.

The phenomenon of child domestic workers is widespread in Bangladesh. The actual number of domestic workers (children or adult) statistically varies. A survey by Bangladesh Bureau of Statistics in 1995 - 1996 showed that 14% out of a total of 6.298 million working children were domestic workers. Another survey by "Shoishab" Bangladesh in 1997 of over 10,000 randomly selected households within Dhaka city, showed that an estimated 250,000 children are working as domestic workers. 80% are girls and 95% of these are full time child domestic workers.

A Baseline survey (BBS and UNICEF 2006) showed approximately 400,000 CDWs aged 6-17 years in Bangladesh. There are 132,000 in Dhaka City alone. This total estimate makes CDW the single largest hazardous child labour sector in the country. Among them 78% constitutes girl. Approximately 94% of CDWs are full timers (24 hours nature of work) and 6% work on part time basis. This group of child

workers is always cheap, invisible and they are a high risk group for abuse and exploitation.

According to the ILO convention (182), the worst forms of child labour means child slavery or servitude, child trafficking, children forced to join armed conflicts, child prostitution or children used for pornographic materials, use of children for crimes including drug trafficking and work that harms the health safety or morals of children. But if we look at our national laws we see no reference to the conditions of child domestic workers.

A problem for this informal sector is that it is always the adults who make the decisions on the fate of child domestic workers and when the children are in the employers household, they live under the overall control of the employers. Under these circumstances the children have no opportunity to make their own choice or decision.

If we analyze the situation in relation to CRC we see that rights of child domestic workers are in one or the other way violated. Relevant articles are - Article 2 non discrimination, Article 7 to be cared for by parents, Article 8 to preserve identity, nationality, name and family relations, Article 9 to maintain regular contact with parents when separated, Article 12 freedom to express his or her own views, Article 14 freedom of thought, conscience and religion, Article 19 protection from abuse and neglect, Article 20 protection of a child without family, Article 24 access to optimal health care, Article 27 living conditions necessary for development, Article 28 right to education, Article 31 leisure, recreation and cultural activities and Article 34 sexual exploitation.

Since the CDWs live in the employers' houses away from their parents they are almost invisible and inaccessible for government inspectors, statisticians, NGO workers and even for neighbours. Many CDWs face very exploitative treatments from the employers. As CDWs belong to the informal labour sector; they are excluded from legal protection which makes them even more vulnerable. However, it is important to

bear in mind that removal of children from their work place has implications, because most of the children in domestic work have been sent by their parents. The children see no alternative which can earn themselves or their parents money. Some cannot go home, either because home is very far away or they do not know how to go or they do not have money for the fare. Some of them fear that if they go home their parents will be annoyed and send them out to work again. Without a place of safety, shelter or care, they are likely to seek a new domestic work situation or they will take up a less safe and potentially more dangerous occupation in the streets. Considering the above it seems that means for protection of child domestic workers is very urgently needed.

SCSD has decided to make a study "**Living inside room outside law**". The study is on the situation of Child Domestic Workers and role of Government and Civil Societies. The study was funded by the Ministry for Foreign Affairs of Finland. The opinions expressed in the paper do not necessarily represent the official view of the Ministry for Foreign Affairs of Finland.

1.2 Objective of the Study

The major aim of this study is to make recommendations to the government and civil society for establishing rights of the child domestic workers on the basis of an analysis.

Specific Objectives:

- Identify the reason for rural-urban children migration of child domestic workers
- Identify opportunities at local and national levels through analysing the duty bearers' roles and responsibilities for ensuring CDW's right to protection from hazardous work.
- Analyse the CDW's situation when living and growing up without parental care.

- Investigate the 'City apartment culture' and the effects it has on child domestic worker's mainstream development.
- Make evidence based analysis on violence against child domestic workers.
- Identify gaps of existing laws, policies and practices on the protection of child domestic workers
- Develop policy level recommendation for the protection of child domestic workers

1.3 Activity and Output of the Study

Activities:

1. Collection and analysis of different studies, reviews, laws and policies.
2. Development of a questionnaire for individual interviews of CDW, their parents, employers and local government.
3. Conduction of consultation with different stakeholders such as CDWs, their parents, employers, communities, local government, middle class children and apartment owners.
4. Conduction of consultation with different implementing organizations and local government which are dealing with CDW's issues.
5. Participation in a one day workshop with all concerned stakeholders to validate the findings.
6. Formation and training of a Co-Researcher group consisting of representatives from both organizations (ASK and SCSD).
7. Gathering all findings from the different consultations by research team.

8. Arranging regular meeting between Co-Researcher group and research advisor for technical inputs.
9. Preparation and submission of draft study report to both organizations (ASK and SCSD)
10. Sharing of final report with both organizations

Out-put:

A study report "***Living inside room outside law***"

Chapter 2

Methodology of the Study

Chapter 2

Methodology of the Study

2.1 Overall Research Design

Study Team: The Child Labour team of SCSD and the Child Rights Unit of Ain O Salish Kendra jointly conducted the study. Sultana Kamal, Executive Director, ASK was the research advisor and Programme Director - Child Labour, SCSD was playing the overall planning and coordination role for this study. An external consultant helped the research team for data entry and analysis. Partners of SCSD and ASK supported the research team to collect all data from the field level and the study team documented all findings from different consultations.

Method of Study: The methodological approach has combined both the qualitative and quantitative techniques. Quantitative data has been collected through sample survey questionnaire and qualitative data has been collected through using tools of FGD, case studies and key informant interviews. The following tasks were undertaken:

- Review of documents
- Sample survey questionnaire
- FGD and in depth interview with key people (employers, civil society representatives, government officials, political persons, NGOs, parents, community, children)
- Case study collection
- Observation

Study Area: The study was conducted in Bangladesh covering six divisions.

Ownership of the Study: Save the Children Sweden Denmark and Ain o Salish Kendra will preserve the ownership of the study.

2.2 Expertise and Positioning of the Research Team

Save the Children Sweden Denmark (SCSD) and Ain o Salish Kendra (ASK) jointly took decision that the study would be conducted by the internal experts of both organizations. Both organizations realized that only a very limited number of people have in-depth knowledge and experience on child domestic work issues in Bangladesh. But SCSD and ASK form an experienced team who are dealing with this issue since long. A ten member research team from both organizations was formed to conduct the study- living inside room outside law. Out of the ten members' team, five have 5-15 years experience on the required issues, two members have solid research experience and three members have legal backgrounds. The Research Advisor has a law background and is a renowned and respected civil society member in Bangladesh. The whole study was carried out under the guidance and advisory support by the Research Advisor.

The study area covered six divisions of Bangladesh. The research team was divided into groups which took responsibility for the divisions and made several visits to their respective fields. Local partner organization helped the research groups to carry out the entire process.

2.3 Ethical Consideration of the Study

Ethical consideration is one of the most important strategies for the study. Before interaction with child domestic workers, the research team obtained permission from the children, their parents and employers. It was also assured to the interviewees that no information would be disclosed without their prior permission and that all statements would be presented as group expressions. Some children wanted to talk with the research without the presence of their adult guardians. The draft report has been shared with all participating stakeholders and any kind of observations and queries from their side has been considered before finalising the study report.

2.4 Field Study Method

Sample Survey Questionnaire

450 semi-structured survey questionnaires were used with 5-18 years old child domestic worker from village to divisional levels.

Focus Group Discussion (FGD) with relevant stakeholders

Total 36 FGDs were conducted for collecting qualitative information from relevant stakeholders of three categories of respondents covering all divisions.

FGD sample size by respondents group

Parents and Community people	12 (district level)
Local Govt.	12 (district level)
Child Domestic Worker	12 (district level)

Key Informant Interview (KII) with different Stakeholders

Key informant interviews were conducted for getting qualitative data. Considering the rural and urban context and situation, based on demand and supply side Key Informants Interviews were conducted at *union/upazila/district* and national level with different respondents to obtain in-depth information from the diversified group of people in the study areas.

KII sample size by types of Respondents:

Category of KII	Total
Teachers	24
Political persons /MPs	24
Employers	24
Journalists	12
UNO	12
DC/ADC	6
UP Chairman/Ward Commissioner	24
Police	12
Total	138

2.5 Review of Secondary Documents

Secondary literature review was used for understanding the overall situation of child domestic workers in Bangladesh. Secondary data in the form of other study reports, BBS baseline report, Government laws and policies, research documents, etc. have also informed the overall findings of the report.

Law and Policy Analysis related to Child Labour

There are various provisions in the laws that can be used to protect child domestic workers. However, there are gaps of existing laws and policies on protection of child domestic workers. An attempt has been made by the research team through cooperation from legal personnel to discover the strength and weakness of the existing laws and policies. Government legislation, policies, plans, different national and international laws, conventions, etc. were reviewed to understand the measures the government is taking to address the CDW issue. Finally some recommendations have been made to the policy makers to protect child domestic workers from a legal perspective.

2.6 Data Collection Tools Development

A pre-tested semi-structured questionnaire, developed with the participation of team members, has been used for collecting CDW information. Apart from this, observation guideline and FGD and KII checklists were developed to meet the demand:

- Household/questionnaire survey
- FGD - check list
- KII checklist
- Case study

Study population

- Domestic working children
- Parents/Community People

- Elected representatives, teachers
- Journalists
- Parliament Members
- Government Officials
- NGOs

2.7 Data Entry and Analysis

Quantitative data entry has been done in MS. Access and analysis has been done using SPSS. Data management consists of editing, coding, data entry and verification, preparation of a set of dummy tables and tabulation. Qualitative data has been compiled by the research team. Finally a report was prepared on the basis of the findings.

2.8 Sample size Determination and Sampling Framework

The children of 5-18 years are the key study population for the sampling survey. In selecting the households the study has identified the domestic children among the selected desired sample size households using systematic stratified random sampling. A proportionate sample size has been determined area wise. The study has interest to know the situation and present status of the working children and has also interest to know the situation of the non-working children. Regarding this the study will cover sample size following the purposive ratio after having determined the total sample size. For identifying actual study population a simple household profile survey has been conducted. Based on the findings of the domestic worker's profile survey, according to BBS survey-Statistical Pocket book Bangladesh 2006, the desire sample size has been determined.

The following standard statistical formula has been used for determining the sample size; $n = z^2pq/d^2$ (If the population size is more than 10,000)

Where,

n = desired sample size

z = standard normal deviation usually set at 95% confidence interval
 p = proportion in the target population estimated to have a particular characteristic

$$q = 1.0 - p$$

d = degree of accuracy desired set at 0.05

Short of a priori information we chose $p = 0.5$ to be sure that the actual p was within the range. Therefore,

$$\begin{aligned} n &= z^2 pq / d^2 \\ &= (1.96)^2 * 0.5 * 0.5 / (0.05)^2 \\ &= 384 \end{aligned}$$

And should added 5-15% more sample for reduce sampling and non-sampling error.

If, the sample size is more than 400,000.00, then not need to use another formula.

Therefore,

In order to reduce non-sampling error (non response, interview staff skill, drop out, etc.) a 15% margin will be allowed and we will fix-up at a sample size $384 * 15\% + 384 = 441.6 \sim 450$ respondents domestic working children.

Study sample size by division wise:

Methodology	Total	Dhaka	Chittagong	Sylhet	Rajshahi	Khulna	Barisal
Questionnaire	450	160	111	67	45	45	22
FGD	36	6	6	6	6	6	6
KII	138	23	23	23	23	23	23
Case study	12	2	2	2	2	2	2

2.9 Study Report Finalization through Sharing at Various Level

After finalization of the study report a draft report was shared internally in both organizations and all feedbacks were incorporated.

Then report was shared with 'Together with Working Children' (TWC), an informal network of fifteen national organizations dealing with child labour issues in the country. TWC's feedback was considered for finalising the draft report. The final report has been presented and shared in a National Child Domestic Worker Convention organized by ASK and SCSD.

Chapter 3

Child Domestic Worker Situation
inside the Room

Chapter 3

Child Domestic Worker Situation inside the Room

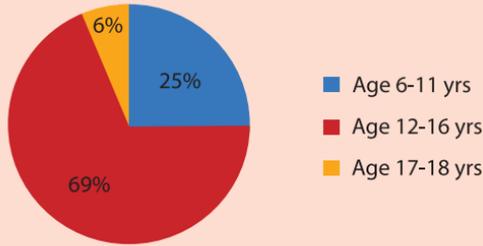
3.1 Profile Of Child Domestic Worker by Age and Sex

The study shows that out of the total responding children in the six divisions, 80% of the domestic workers are girls and 20% are boys. Male and female ratio differs in different cities, such as in Dhaka division 16% male and 84% female, Chittagong division 32% are male and 68% female, Sylhet division 18% male and 82% female, Rajshahi division 18% male and 82% female, Khulna division 6% male and 92% female, Barisal division 23% male and 57% female. This statistics shows that girls are more likely to become child domestic workers.

Table-1: Respondent Children by gender and division

Division	Gender					
	Male		Female		Overall	
	Count	Row %	Count	Row %	Count	Row %
Dhaka	18	16	94	84	112	100
Chittagong	35	32	75	68	110	100
Sylhet	12	18	54	82	66	100
Rajshahi	10	18	47	82	57	100
Khulna	3	6	45	94	48	100
Barisal	13	23	44	77	57	100
Overall	91	20	359	80	450	100

Table-2: Working Children's age group

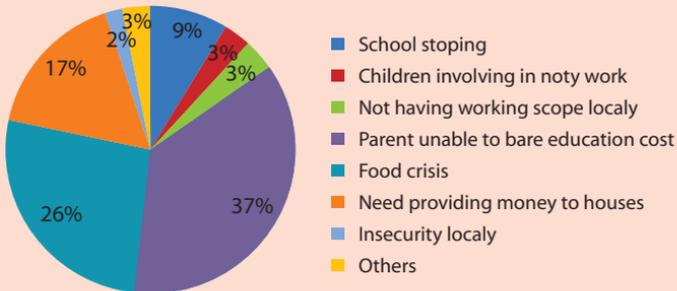


The study reveals that 93% of the children are aged between 6-16 years. From KII it was found that employers like to engage this group as domestic work because they are easy to handle and perform all kinds of job in the household. 25% children age between 6-11 years children are engaged under the condition of doing light jobs, but they perform heavy task for the employers. 17-18 years children are the victim of early marriage and employers are not interested in engaging them in the house work as this group tend to raise their voice to fulfil their rights.

3.2 Reason Behind the Child Domestic Worker

The overall survey findings show that 92% children are engaged in work as a domestic worker due to poverty. In the KII and focus group discussions, children said that their parents are unable to bear their family expenditure due to big family size, no land for cultivation and sickness of main earning members.

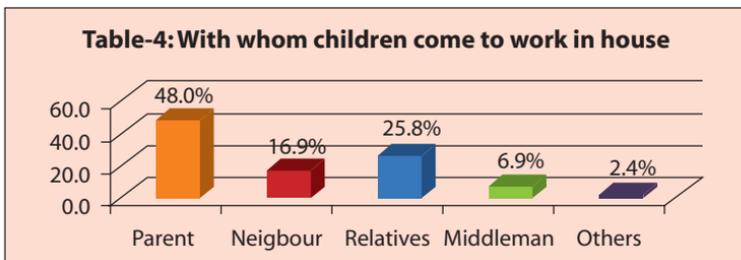
Table-3: Reason for children coming to work in house



The pie chart shows that 37% children came to cities to work as domestic worker as their parents were unable to bear their education costs. 26% came due to food crisis and 17% children are willingly engaged in domestic work when observing the family crisis. In the KII they mentioned that "we felt the need to do something for our parents as they are completely unable to bear the family expenditure and therefore, need our support." 9% children have been engaged in work after stopping their schooling due to poverty. A very negligible 5% children were chosen by the parents to engage in work as they were involved in mischievous works and some parents felt insecurity in the society and then they decided to migrate their child from rural to urban for work.

3.3 Influence of Stakeholders in Engaging Children to Domestic Work and Dropout Scenario

The following table indicated that less than 50% children came to cities to work as domestic work influenced by the parents while the other half were engaged by influence of middlemen. These middle men could be their neighbour, relatives, or a professional middleman. In the focus group discussion CDWs mentioned that the ultimate decision was taken by their parents. The following table prove the CDWs statement about the contributing stakeholders: 48% came by their parents, 26% by the relatives, 17% by the neighbours and 7% came through professional middlemen. A negligible 2.4% came through other sources.



The following table provides a dropout scenario of child domestic workers. This scenario indicated that the interventions should be

taken by considering their duration of stay in one household (HH). During KII and FGD with CDWs and employers, it was mentioned that it does not mean that children go back to their own families. Parents and middleman changes the household if they failed to negotiate wage and other facilities with the employer. The following table reveals that 52% CDWs stay in one household for about 6 months. 24% CDWs stay 1-2years in one HH, 16% stay 2-3 years in one HH and only 8% CDWs living 3-4 years in one HH.

Table-5: How long children are working in house

	Working days in group								Overall	
	5-12 months		13-24 months		25-36 months		37-48 months			
Division	Count	Row %	Count	Row %	Count	Row %	Count	Row %	Count	Row %
Dhaka	65	58	26	23	15	13	6	5	112	100
Chittagong	55	50	29	26	15	14	11	10	110	100
Sylhet	31	47	13	20	16	24	6	9	66	100
Rajshahi	25	44	16	28	9	16	7	12	57	100
Khulna	23	48	16	33	6	13	3	6	48	100
Barisal	35	61	8	14	10	18	4	7	57	100
Overall	234	52	108	24	71	16	37	8	450	100

3.4 Indication to treat Child Domestic Work as Hazardous Job

Sleeping and awake time: According to World Health Organization, one adult person should sleep at least 8 hours in a day and for children sleeping hours should be more. Sound sleep is required for mental and physical development of a human being. Comparative analysis of the following two tables show that 66% of child domestic worker sleep 5-6 hours in the night and child domestic workers wakeup from bed between 5-6 O'clock in the morning. And 74% CDW go to bed for sleeping at an average 11-12 O'clock at night. The following tables also show that 11% CDW wake up at 5 O'clock, 50% at 6, 28% at 7 in the morning and around 10% CDW get opportunity to awake up by 8-10 O'clock in the morning. 39% CDWs go to sleep at 12 O'clock, 35% at 11, 15% at 10 and 5% CDW go to sleep at 8-9 in the evenings. One alarming finding was that 6% children go to bed at 1 O'clock at night. Numerically, the numbers of children who are deprived of their basic rights are huge.

Table-6: When children awake to start house work (morning time at O'clock)

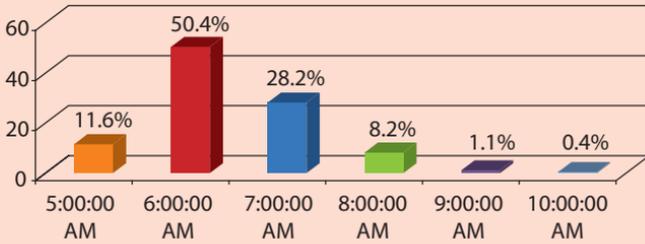
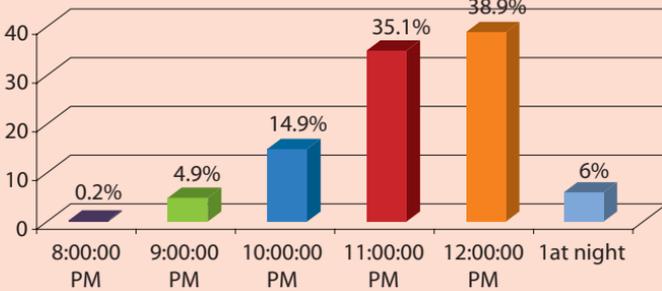


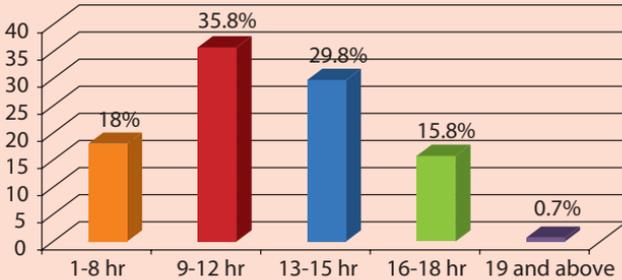
Table-7: When children go to sleep (night time at O'clock)



Working Hours: According to Labour law 2006 and ILO convention 182, children working hours should not be more than 5 hours.

Table 8 shows that 36% CDWs work an average 9-12 hours in a day, 30% work 13-15 hours, 16% work 16-18 hours and 18% CDWs work 1-

Children working hour in a day



8 hours in a day. Less than 1% CDWs work 19 hours and above but in number of children it is significant. These figures proved how hazardous CDW's jobs are. According to ILO convention 182, long working hours is one of the major indicators for worst form of child labour. Due to long working hours, CDWs are deprived from psychical and mental development.

3.5 Workload of Child Domestic Worker

Task between 5 am-12 pm : Discrimination between privileged and underprivileged children (CDWs) has clearly shown that the tasks performed by CDWs are not related with their development, whereas employers' children's tasks do relate to their development. 88% to 96% CDWs performed cooking, preparing breakfast, prepared bed, refreshing floor, cleaning utensils but 48% to 55% employers children performing jobs for 5 am-12 pm are mainly showering themselves, reading their lessons and brushing their teeth. It should also be mentioned that all studied HH do not have children in same age. The following two tables also show that CDWs are performing cooking, washing clothes, cutting vegetables and fish 28% to 77% of the time, but employers' children are engaged in school and having their breakfast and lunch and other developmental activities 18% - 55% of the time. Study proved that child domestic workers all the time are engaged in specific jobs assigned by employers.

Table-9: Child Domestic Worker Activities 5 am-12 pm

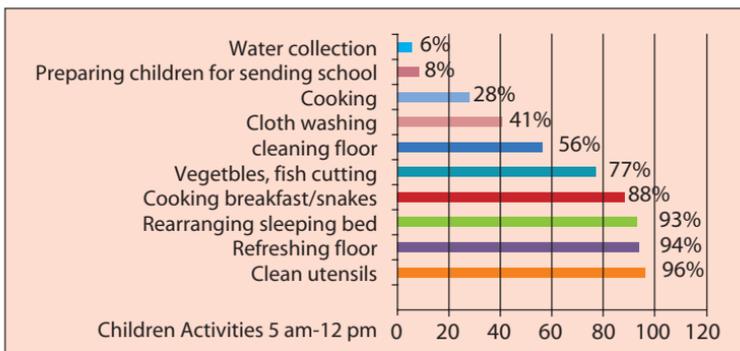
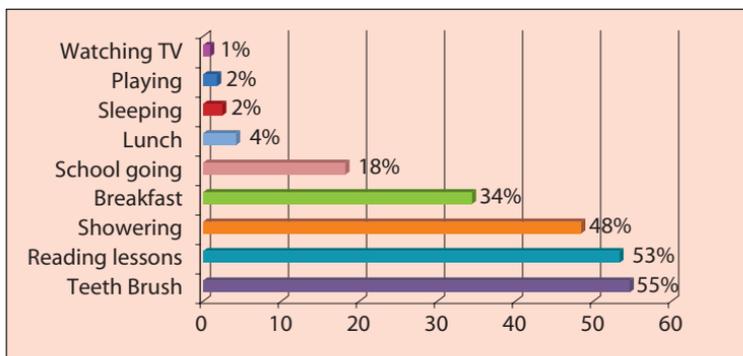


Table-10: Employers' Children's Activities 5 am-12 pm



Task between 12 pm-4 pm: The study shows that CDWs task from 12 pm-4 pm are cleaning utensils, mopping floor, rearranging sleeping bed, cutting vegetables and fish, cleaning floor, washing clothes, cooking food for lunch, water collection, preparing employers' children for school, shopping for employers, playing with employers children, making tea, own playing, watching TV, reading, showering, taking meal, cleaning furniture, cleaning bathroom, pasting spices, prepare children for sleeping, feeding employer children and sleeping. The assigned task reveals that CDW has to perform a big list of tasks in a day. Study has shown that 32% - 80% CDW has to perform cleaning utensils mopping floor, rearranging sleeping bed, cutting vegetables and fish, cleaning floor, washing clothes. Around 4% - 5% CDW has spent time for their own development and rest and recreation during 12 pm-4 pm. During this time they have a chance for playing, reading, showering, watching TV etc. One significant finding was that only 20% CDWs have their lunch by 4 pm.

Besides this scenario the table 12 shows that employers' children's tasks from 12 pm-4 pm are brushing teeth, reading, showering, having lunch, school, sleeping, playing, watching TV, talk with friends, go outside etc. These tasks proved that employers children spent their whole time for their own development, rest and recreation.

Table-11: Child Domestic workers daily activities 12 pm-4 pm

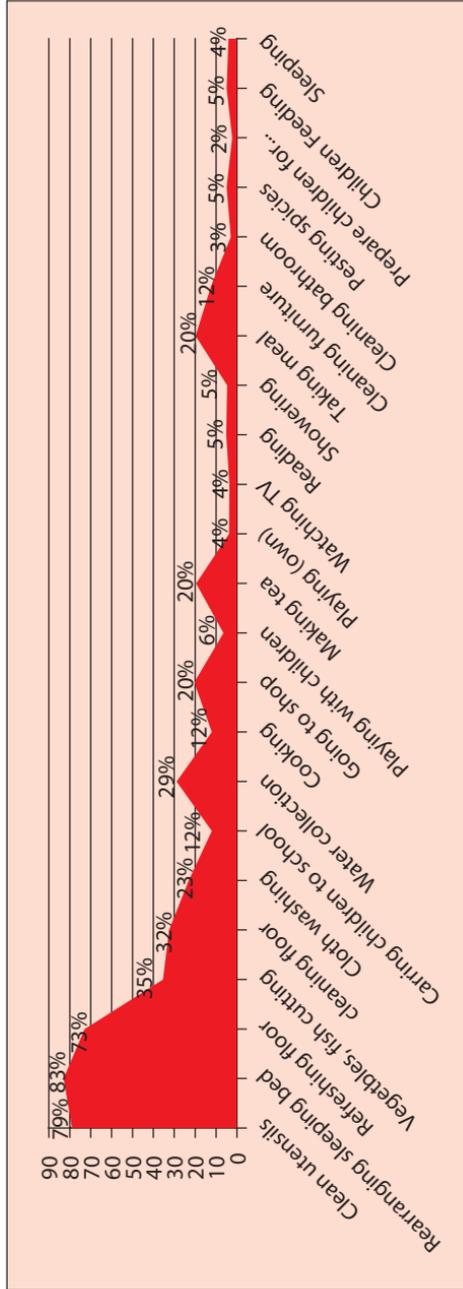
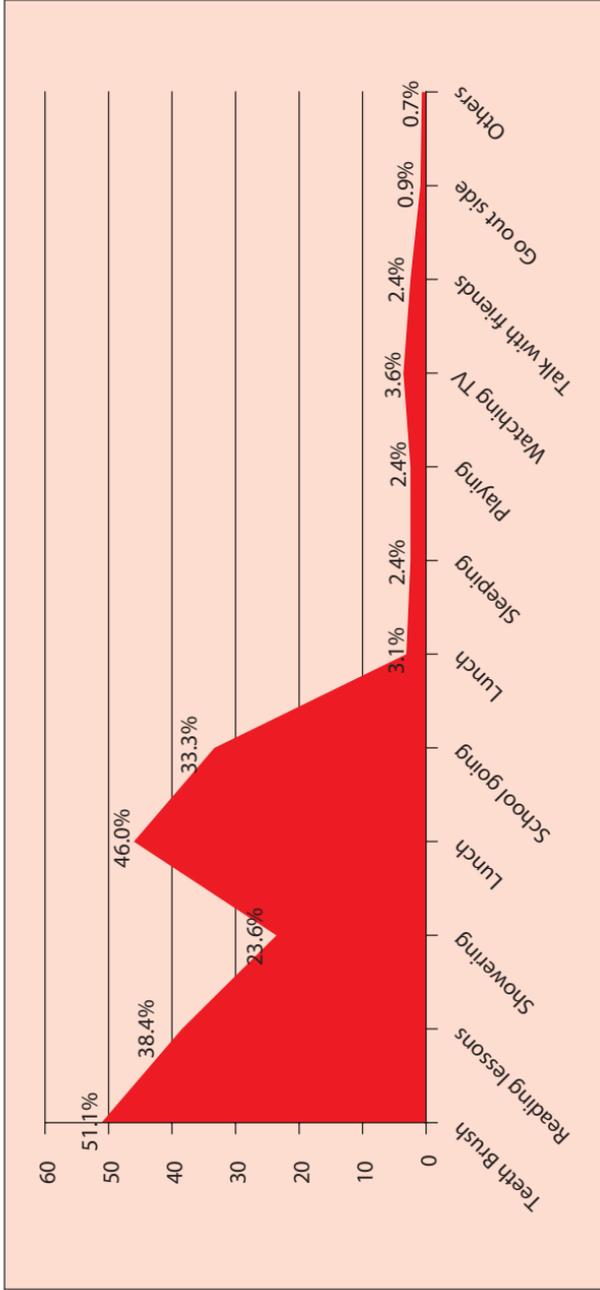


Table-12: Employers' children's daily activities list 12 pm-4 pm



Task between 4 pm-6 pm: The study shows that 66% CDWs are showering, 64% are taking meal, 21% cleaning utensils, 22% cleaning floor, 22% going to shop, 25% collecting water, 28% cutting vegetables and fish, 29% cooking food, cutting, 30% mopping floor, 31% cleaning bathroom, 37% washing clothes are significantly done by the CDWs. The study also proved that a very little percentage of CDWs are getting chance to take rest and recreation (13% playing with children, 7% playing (self), 10% watching TV, 6% sleeping) but the scenario is completely opposite for the employers' children activities.

During this period very few of employers' children have working tasks, their significant task are mainly 26% showering, 30% sleeping, 48% dinner, 13% playing.

Table-13: Child Domestic workers' activities 4 pm-6 pm

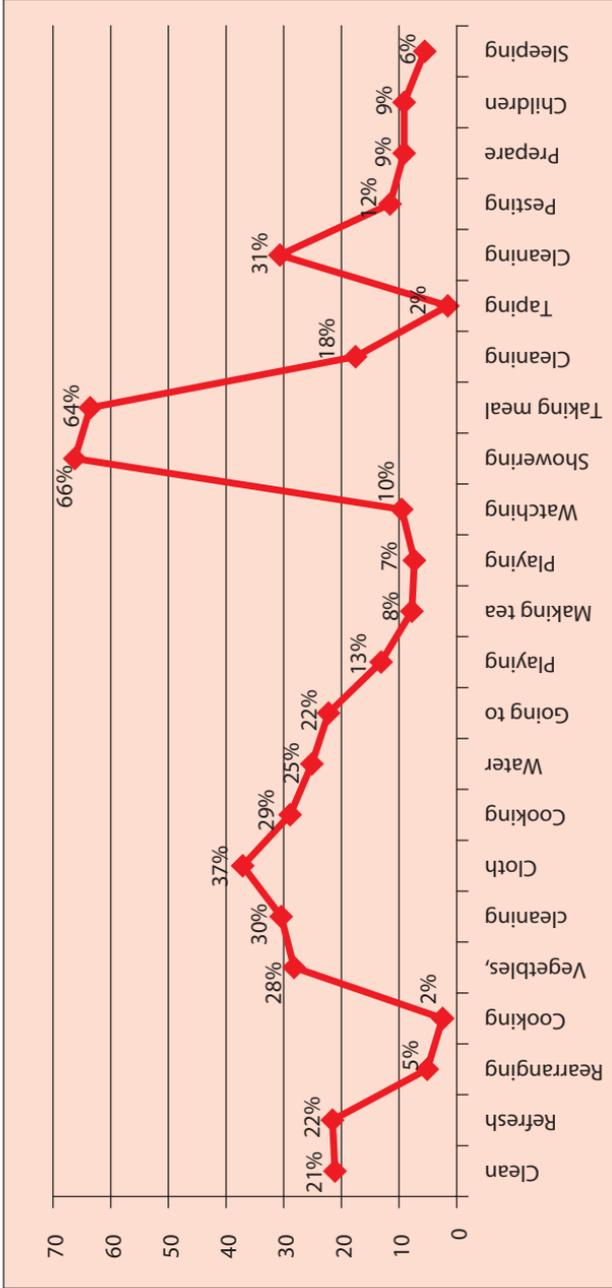
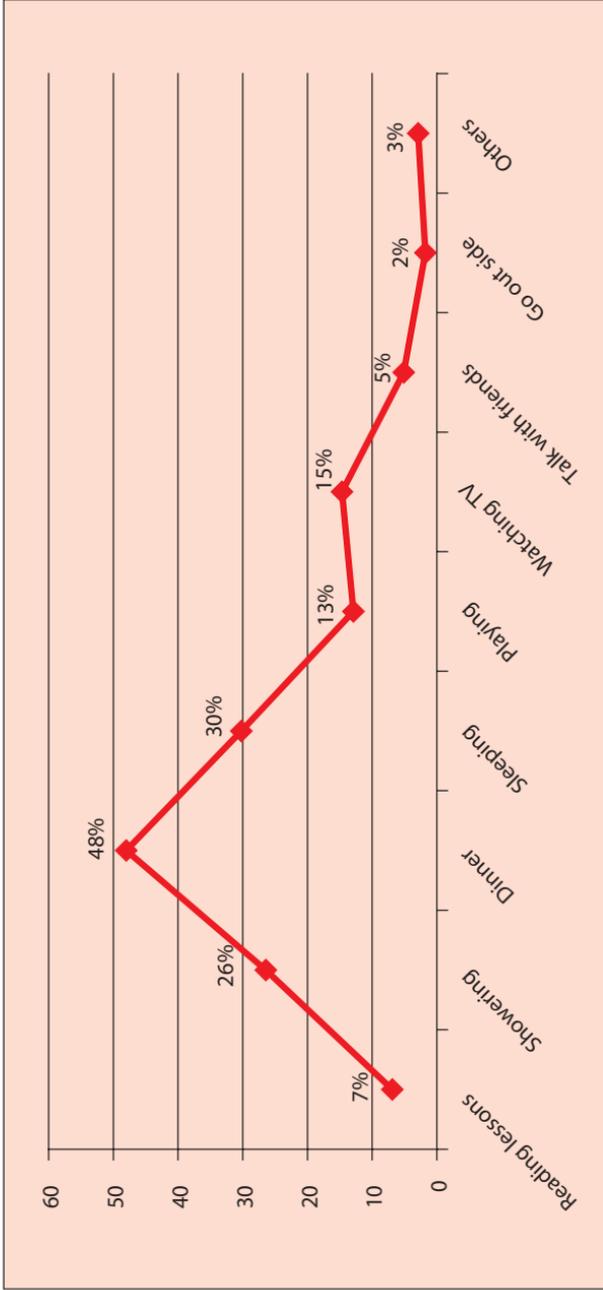


Table- 14: Employers' children activity: 4 pm-6 pm



Task between 4 pm-6 pm and 12 pm-5 am: The following table shows that the main tasks of CDWs are 26% refreshing floor, 33% making tea, 21% cleaning furniture and it is also found that this period CDWs get chance to enjoy leisure time that are mainly 24% playing with children, 28% playing (self), 23% watching TV.

Table-15 shows that 93% CDWs are sleeping after 12 pm and 53% are taking meal. During 12 pm-5 am 39% watching TV, 29% cleaning utensils and then they go to bed.

Table-15: Child Domestic workers' activities 4-6 pm-12 pm

Task list	Division						Overall %
	Dhaka %	Chitagong %	Sylhet %	Rajshahi %	Khulna %	Barisal %	
Clean utensils	4.2	3.1	0.7	2.7	0.4	1.1	12.2
Refreshing floor	6.7	4.7	6.4	4.7	1.3	2.2	26.0
Rearranging sleeping bed cleaning floor	2.7	1.6	3.3	0.7	1.1	1.6	10.9
Cloth washing	0.9	0.9	0.4	0.7	0.0	1.1	4.0
Cooking	0.2	0.4	0.0	0.7	0.2	0.0	1.6
Water collection	1.6	3.3	0.4	0.9	0.0	0.7	6.9
Going to shop	2.2	8.0	0.9	3.1	1.6	0.9	16.7
Playing with children	5.6	4.7	1.6	1.6	0.4	1.1	14.9
Making tea	6.0	6.0	4.9	3.1	2.2	2.2	24.4
Playing (self)	9.8	8.9	4.7	4.7	1.6	3.3	32.9
Watching TV	7.8	5.8	5.1	2.9	2.0	4.0	27.6
Reading	6.4	5.3	2.7	2.7	2.2	4.0	23.3
Showering	2.4	1.8	1.6	1.1	0.9	2.2	10.0
Taking meal	1.3	5.1	0.9	2.4	0.4	1.3	11.6
Cleaning furniture	4.9	3.3	0.7	3.1	0.7	1.3	14.0
Massaging body	6.0	2.7	4.2	4.4	1.3	2.2	20.9
Cleaning bathroom	1.1	0.2	0.9	0.9	0.4	0.4	4.0
grinding spices	1.1	0.0	0.4	0.9	0.0	0.4	2.9
	1.6	1.6	0.4	1.8	0.2	1.3	6.9

Continued Table-15

	Division						Overall
	Dhaka	Chitagong	Sylhet	Rajshahi	Khulna	Barisal	
Task list	%	%	%	%	%	%	%
Prepare children for sleeping	1.6	1.8	0.9	3.1	0.2	0.4	8.0
Feeding the children	1.1	0.7	0.4	1.6	0.0	0.4	4.2
Sleeping	4.9	4.4	0.2	0.7	1.1	0.7	12.0

Table-16: Child Domestic workers' activities 12 pm-5 am

	Division						Overall
	Dhaka	Chitagong	Sylhet	Rajshahi	Khulna	Barisal	
Task list	%	%	%	%	%	%	%
Clean utensils	8	4.9	8.2	3.3	1.6	3.1	29.1
Watching TV	10.9	10.9	3.1	5.8	3.6	5.1	39.3
Taking meal	12.9	13.8	10.7	5.3	3.1	6.9	52.7
Taping hand and body	3.1	0.9	1.1	1.6	0.2	1.8	8.7
Feeding to the children	2.7	3.3	1.3	2.9	0.9	0.7	11.8
Sleeping	50.4	66.2	32.9	31.6	27.1	36.0	93.3

Disliking employers' type of behaviour: 51% CDWs reported that most disliking behaviours of the employers is bad speaking to them and 26% CDWs dislike employers bad speaking with their parent, 9% frowning while talking with them at the time of mistakes. 7% CDWs dislike employers' behaviour when employers are slapping their face and beating them with stick if they made mistakes.

Table-18: Working children dislike type of employers' behavior

	Dhaka	Chitagong	Sylhet	Rajshahi	Khulna	Barisal	Overall
	%	%	%	%	%	%	%
Bad speaking	51.8	56.4	58.2	33.9	62.5	35.1	50.7
Slapping face	8.9	7.3	3.0	7.1	2.1	12.3	7.1
Beating with stick	2.7	4.5	3.0	7.1	2.1	7.0	4.2
Red eye	7.1	4.5	16.4	16.1	12.5	0.0	8.7
Bad speaking with parent	25.0	26.4	17.9	25.0	18.8	43.9	26.0
Others	4.5	0.9	1.5	10.7	2.1	1.8	3.3
Overall	100	100	100	100	100	100	100

Chapter 4

Child Domestic Worker Situation
outside law

Chapter 4

Child Domestic Worker Situation outside law

4.1 Legal Framework towards Child Domestic Worker Issue

Reviewing the Law and Policy to Protect Child Domestic Workers:

Employment of children as domestic workers has become common in Bangladesh. Ain o Salish Kendra (ASK) and SCSD are jointly working to promote human rights of the child domestic workers. This report contains inadequacies in law and lack of other protection facilities and is a motivation to start approaches to bring the desired change in the life of child domestic workers.

The state and our children: 37% population of Bangladesh is children which is more than in most of the countries of the world. In the developed countries, the ratio of children in the population is less than 20%. Due to extreme poverty many of the children in Bangladesh have to work for their livelihood. According to surveys of BBS and UNICEF 2006, approximately 400,000 children in Bangladesh are engaged as domestic workers for their livelihood. 132,000 are working in Dhaka City.

Practical Situation of Child Domestic Workers: Domestic workers are excluded from **Labour Law 2006** vide section 1(4) (na). Even National Child Labour Eradication Policy (Final draft) 2008, has recognized domestic work as informal sector job. In case of violence like physical torture, sexual abuse domestic workers may get remedy under the **Penal Code and Nari o Shishu Nirjatan Daman Ain 2000**. According to the statistics of Ain o Salish Kendra (ASK) in 2008, 479 child domestic workers were subjected to violence and some perpetrators were prosecuted. But due to imbalance of power

between the parties, victims were compelled to compromise or to withdraw their case.

Laws and Policies in Bangladesh to Protect Domestic Workers:

Law is an important instrument of empowerment. Different laws regulate different aspects and dimensions of our social, political and economic lives. The Constitution is the best instrument for such empowerment. As part of fundamental State policy, **Article 14** of the Constitution of Bangladesh states that "It shall be fundamental responsibility of the state to emancipate the toiling masses-the peasants and workers-and backward sections of the people from all form of exploitation."

Article 15 (b) "the right to work, that is the right to guaranteed employment at a reasonable wage having to the quantity and quality of work."

Article 28 (4) of the Constitution of Bangladesh provides that "nothings shall prevent the state from making special provision in favor of women or children or for the advancement of any backward section of citizens."

In Bangladesh **35 laws** have been identified which concern children. Most of the laws are related to the children in contact with law and children engaged in formal sector work. There is no comprehensive law in favor of 93% children out of 7.4 million who are working in informal sector including the children engaged in domestic work. Only the **Domestic Servant Registration Ordinance 1961** requires the registration of the domestic servants by themselves with the local police station within fifteen days. This law neither contains any rights for the domestic workers nor defines the obligation of the employers. This law brought the domestic workers under suspicion that they may commit offence any time and their employers will be protected by police. But in case of offence by the employer against the domestic worker, this law does not contain anything. Moreover, this law is applicable only for five police stations named Katwali, Sutrapur, Lalbag, Ramna and Tejgaon of Dhaka City. Section 34 of the **Children**

Act 1974 states that "if any person over the age of sixteen years, who has the custody, charge or care of any child assaults, ill-treats, neglects, abandons or expose such child or causes such child to be assaulted, ill-treated, neglected, abandoned or exposed in a manner likely to cause such child unnecessary suffering or injury to his health including loss of sight or hearing or injury to limb or organ of the body and any mental derangement such person shall be punishable with imprisonment for a term which may extend to taka one thousand or with both". The laws are not being practiced.

Article 32 (1) of the UN Convention on the rights of the child (CRC) provides that state parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development. Bangladesh also ratified the Convention on the Elimination of all forms of Discrimination Against Women (**CEDAW**) in respect of economical and social protection and **ILO** Convention on the worst forms of child labour. But the reality is that children involved in domestic work often become victim of both economic exploitation and maltreatment. Unfortunately, we have no comprehensive law regarding child domestic workers. State has failed to take proper steps to protect a large number of domestic workers.

4.2 Code of Conduct for the Employers as Soft Bindings instead of Legal Framework as an Immediate Solution

Different statistics show that 93% children of the total child labour are engaged in informal sector. As a result of the total child labour force, child labour of informal sector suffers the most exploitative treatment. Since the CDWs live in the employers' houses away from their parents, they are almost invisible and inaccessible for government inspectors, statisticians, NGO workers and even for neighbors. Many CDWs face very exploitative treatments from the employers.

In order to counter this situation, it is essential to include the informal sector within legal protection and development of code of conduct for the employers of child domestic workers can work as a soft legal binding for them. The objective of the code of conduct is to bring the acceptable minimum standard of behavioral pattern among the employers of informal sectors considering the best interest of the children.

Code of conduct will make employers responsible to maintain some rules and regulation which will protect children. These are: regular norms, three times proper food, opportunity for education, economical support for study, provision for not to abuse or torture, allow the CDW to communicate with her/his family members, proper wages and health care facilities, provide minimum standard living facilities, ensure holiday and recreation facilities. Such codes of conduct will also help the parents to bargain with the employers.

Chapter 5

Group Views on Child Domestic Worker's
Condition

Chapter 5

Group Views on Child Domestic Worker's Condition

36 FGDs have been conducted with 3 groups of people (child domestic worker, parents/community and local government) covering all six divisions of the country.

5.1 Children's Thoughts on Child Domestic Workers' Condition

Reason for leaving home to engage in child domestic work:

Twelve focus group discussions were held with 200 CDWs. All CDWs mentioned that their parents engaged them as CDW due to poverty. Almost all CDWs mentioned that their families are suffering from scarcity of food, low income, and that it is difficult to manage the family expenditure. Some reasons for engaging children in domestic work are long-time sickness of the father, the only bread earner in the family, big family size, no land available for cultivation, loans to be paid back, no access to schools. Around 10% participants among the discussants informed that they became CDWs as they do not have any parents, lost father, or their mother is sick.

The level of poverty increases with each passing generation. All children mentioned that parents cannot provide three meals a day CDWs often come from poor, large, rural families, but there are other factors which, depending on the region, determine the likelihood of children working as domestic workers. Undoubtedly, the poverty of a family and increasing need for cash as a form of household income are important factors for sending young members of the families off to work. The rapid economic transition in the country is linked to the growing market for child domestics. It was also found that children of widowed or abandoned women who are forced to raise the family without support are engaged in domestic work.

Pros and Cons of working as CDW: 100% of the children responded that they never like to do work as child domestic worker, because they feel isolated, miss their parents, siblings, relatives and cannot get food, as provided for the kids of the employers. They are treated as the outsiders of the employers family, and have nobody to share their emotions with. Day long, they are under pressure to work. Employer gives them plenty of jobs which they have to perform within a stipulated time in a day. Almost all the children mentioned that they wake up from bed very early in the morning (during prayer time) and go back to bed at 12 o'clock (around mid night). Nobody considered their age and everybody at the employers' house feel that they should perform like adults. There is no freedom at work but in their family they can do what they wish. Moreover, they are not getting the chance for education and employers are not allowing meeting with their family members.

Children noticed that if they make just simple mistakes, employer scold them severely and sometimes slap them. Even when they feel sick they have to work. They feel sad when the employer goes outside and keeps them locked in alone. They feel very bad when employer deduct their wages for mistakenly breaking something. Children opined that they want to study at school. A significant number of children have mentioned that they want to get education beside work. Few children, however, told that they like work as they can take food thrice a day, they can watch TV, can read sometimes and that they can help their parents financially.

Decision maker for CDW: 95% children responded that their parents took decision to send them to work as CDW. Few children came on their own decisions as they observed that their father worked really hard to keep up with their family expenditure. Children told that their opinions are never considered when they are sent away to work.

Facilities needed to prevent child domestic work: If the basic needs are fulfilled, children need not to work as CDW. If there is an opportunity to study, if their parents could feed them three times and

father could earn a good salary, if they have good clothes and can manage treatment for family members, they need not to work as child domestic workers.

There are very limited opportunities to work in the villages. Some children mentioned that if their parents had enough opportunities to work in the village and also, if the children could have opportunities to work at village level, they would never come to the cities to work as CDW.

Expected behavior from employers: The children told that they want fair treatment from the employers. When employers behave positively and talk tenderly, they become happy. They also want opportunities for recreation, study and they like to be treated as a family member and want the same level of affection that the employers' children receive. They want the employers to praise their job and calmly correct their possible mistakes. Employers should offer the same food, buy clothes for them and provide their salaries regularly.

Activities to relieve themselves from sadness: Almost all the responding children mentioned that when they feel sad or don't like to work they sit silent, spend few hours in the toilet or balcony, sometimes cry and recall the memory of their family and village. Some children mentioned that they wish to go back to village, meet parents and share their bad feelings. Few of them replied that sometimes they wish to visit other places and play.

Urge to stay with parents: All children responded that they would like to work with their parents with basic amenities, even when given the option to work at an employers house and receiving ample salary. Children told that they will take the option to stay with family with one or two meals in a day. Everyone wants to live with their parents if it is possible. To their parents they don't have to be rebuked, beaten up for small faults and will be able to enjoy the company of their parents.

5.2 Parents and Communities' Perception on Child Domestic Workers' Condition

Perception about child labour: Twelve focus group discussions were held with around 300 parents and community representatives. Most of the parents and community representatives living in the rural area mentioned that they did not have any clear idea about child labour, but they guess that children, who are working in others household and garments factories, shops, are called child laborers. According to the discussions it is delineated by the participants that children should go to school and play in the play ground. It is not suitable for the children to involve with work during early childhood. Most of the parents were not aware of child labour and hazardous work. As a result they give their children to another house as domestic child workers. Perception of child labour differs from one place to another. Some participants were describing that when children are engaged with work which includes benefits or wages it may be called child labor. Some parents and community peoples said that children should not be involved with heavy work. It is assumed that children who are living in village and do household activities or helping the father in his small business like tea stall are not considered as child laborers. It was also found that children who are pulling van, rickshaw are not even considered 'children'. They are considered as adult who are still 14-15 years old. Especially girl children who are above 12 years are no more children in the eyes of the parents.

Some parents feel that Bangladesh is a poor country and it is not possible to eliminate child labor overnight here. Children are working in other's house as domestic worker, they do agriculture work, fishing, work in shops, hotels and other sorts of work. But the work that is harmful for the health of children should be prohibited. If children work, they cannot get access to school, they don't get time for play and recreation. If children are domestic workers, they become the victims of violence, they do not get proper food, the employers bit them and sometimes they become victims of sexual abuse.

Level of parents' and communities' understanding on the bad impact of child labor: Most participants strongly believe that child labor is not good for children and it is not favorable for their mental and physical development. They noticed that most of middleclass and rich people's children go to school but at same age poor families' children enter into job market. Because of having labor at the tender age the education of children is hampered, children become sick, do not have any idea about the outer world, their brain does not develop, they fall victim of different physical and mental diseases and accidents in the work places. Besides, due to indecent directions they are sometimes involved in various kinds of crime. Parents and community representatives are also realizing that their children never enjoy freedom in an independent country. Their children are always obliged to obey employers and follow employers' direction. Their children never get chance to enjoy rest and recreation. During work they become sick or feel sick. Parents mentioned that child domestic workers are treated badly. Parents face difficulties when they arrange marriage for their daughter and most of the time hide this information that once their daughter work as a domestic worker in another person's house.

Huge numbers of children are deprived from the socialization process due to early involvement with work. Significant numbers of parents are worried to involve with unhealthy activities due to 'bad buddy's' company. Moreover, children's creativity is destroyed. In the Hill Tract areas children are not continuing their education during cultivation and harvesting time. All of the parents reveal that children future is going to be destroyed due to work.

Reason for discrimination between boys and girls when sending them for CDW: Parents noticed that in the society some parents have the misperception that the boy child will earn money and look after the family in future. These types of social taboos are encompassing with the parents. Traditional perception is creating discrimination within the family. Simultaneously, parents believe that girl children are better in household work and are safe in domestic work. At village

level there are limited opportunities to engage girls in job market. In Bangladesh, rural economies depend on agriculture but 70-80% job opportunities in this sector are created for boys. Parents feel insecurity towards girl children due to some societal problems. Parents also informed that it is difficult to send all children in the school due to poverty. They cannot provide food and cloth properly but adolescent girls need proper clothing at this stage. Considering the whole situation parents feel more interest to give better facilities to boy children and engage girls in work instead of schooling. Moreover, there is more demand for girl child as domestic workers from the employers side.

Parents' awareness about the situations of CDW: Most parents are informed about the situation of child domestic worker and in most cases the CDW are in miserable situation. Normally they remain mentally oppressed as they are separated from their families and are very often rebuked and neglected by the employers for small, negligible faults. Employers do not consider their faults with an open mind and in most cases they try to find the faults of the children engaged in their houses. CDWs work from dawn to mid night, go to bed after all others in the house, eat in a separate place and are not allowed to sit on the sofa even in absence of the family members.

There are very few cases where family members consider the working children as their own. For the same faults, family members' children are not accused, but the working children are highly scolded

"I know that my child is not in a good position. She is smiling with me. She didn't share anything with me. But, as a mother I deemed that she is suffering from many problems but I am not able to relieve her from work."

Rinu Bala - mother of a CDW

and even beaten sometimes. They are deprived from their right to education and other social facilities and activities though employer committed themselves to give CDWs the chance for education at the time of recruitment. Even employers do not consider their sickness;

the only thing they care about is work. Some employers also cheat parents by giving promises to assist in marriage in future but they do not keep promises. Employers do not play the role of guardians; rather treat them as 'working machines'.

Almost all parents noticed that their children sleep in the kitchen or on the floor. They do not get proper wages even on irregular basis. They usually do not get the chance to go outside with the employers and sometimes they are keeping them locked in the house. CDWs have to work a lot though employer recruited the children by telling them that they should be baby sitters and only play with their small kids, but in reality they engage them for doing all kinds of household work. Few of the participants shared that comparison with other work, domestic work is safe for the girl's children and less hazardous. However, their opinion was that children involvement with domestic work is not suitable.

Reason behind child domestic work: Parents and community representatives mentioned that they send their children at work mainly due to financial crisis. Few children are involved with work due to separation between father and mother and domestic violence. A significant number of children are involved with work due to parent's lack of awareness about the bad impact of domestic works. However, some parents are aware about the situation, but they cannot find any alternatives. Drop out from education is one of the reasons to involve children in work. Besides, illiteracy, low income, large family size, and lack of education facilities encourage parents to engage children in work.

Parents' demands to the Employers: All the participants demanded that employers should consider CDW as their own child and give the opportunity for education and recreation. They should give the wage regularly and give work according to the age and psychological condition of the child. They should praise the child's work. A suitable and protected place should be given for and employers' attitude must be positive.

The employers should always be responsible, sincere and friendly. They should behave such as parents behave with the children. If children make any mistake they should not scold or beaten but rather teach them or make them understand how to do work correctly. In case of sickness the working children's proper treatment should be ensured. The employers should make some savings for CDWs or provide some skill training so that they can do other jobs or businesses in the future.

Role of Local govt. to reduce unsafe rural-urban children migration: In the group discussion the participants shared that local govt. can raise mass awareness at the community level on unsafe rural-urban migration. They can create job in their own area. Local govt. can take information from Primary school about drop out of poor children and arrange grant for these children. They can encourage improvement of the quality of education so that children like to go to school and to stay in school. Rich people should come forward to co-operate local govt. Government should provide scholarship to poor children so that they can enroll in school. Local govt. should take necessary action for creating parent's alternative job and stop child domestic work. Vocational and technical education based on demand at locally and nationally, should be set up in the rural level. Such initiatives can prevent people from migrating to the urban areas. Full and detailed information of employers including employers' photograph should be collected and archived for protection of the CDWs who leave their families. Local government should be provided support to develop registration systems and awareness programmes.

5.3 Local Government View on Child Domestic Workers' Condition

Level of awareness of local government about CDW: Twelve focus group discussions were held at the study areas for a significant number of participants from local govt. institutions. All participants mentioned that children migrate from village to cities for various paid

jobs. Most of the children go to cities for domestic work, motor garage work, tempo helper etc. Reasons for children migration to cities for work are financial crisis in the families, lack of education facilities, polygamy, large family size and broken families. It was also discussed that most of the girl children are involved with domestic work. Comparatively, the migration rate from Sadar district to other cities (for example from Sylhet, Chittagong or Dhaka to other cities) is low but children from different districts are coming to main cities for domestic work. It was also shared that the migration scenario of other district under Sylhet and Dhaka division is alarming. As an example, in Hobigonj district, a huge number of children come from rural areas to work at Hobigonj city.

Local governments also shared that there are child domestic workers in their respective working areas, but they don't know the actual number, as there are no supporting paper/documents mentioning accountability/responsibility of local govt. towards CDWs. If they know the numbers, it would be helpful for them to work and monitor the situation of the CDWs. They also viewed that nobody contacts the local UP/Ward Commissioner before sending their children away for work; only if anything goes wrong then children and their parents contact them. It was found from the discussion that the local govt. (UP/City Corporation) offices have no clear information about child domestic workers. The same counts for commissioners/UP representatives.

Almost all participants informed that they do not have a very clear idea about the situation of child domestic worker in their areas. But through informal discussions and observations, it was revealed that children are living under mixed conditions in this profession, - from good to very bad conditions. Sometimes the CDW are victimized through violence, torture and abuse. But the rate of violence and torture is comparatively lower in rural than in urban areas.

Role of Local govt. to stop unsafe rural-urban children migration:

It is found from the discussion that there is no available information

about children migration at Union Parishad level. Furthermore, there is no statistics of CDWs who work in cities. However, UP members are very positive to stop unsafe migration and to make awareness raising, creating local employment and agriculture based training that can be ways to stop migration. Local govt. representatives expressed their view that Bangladesh is a country prone to river erosions and that poor people migrate to the urban areas due to scarcity of land and jobs. If the rehabilitation as well as employment of these people could be managed in the rural areas, they would remain there. In the urban areas the City Corporation does not have any information on these children and only when there are accidents or violations published in the new papers, people would know. So, the City Corporation need to have a record on how many children are working in the locality.

Roles and responsibilities of "Women and Children Welfare Standing Committee" of local govt: Most of the respondents noticed that "Women and Children Welfare standing committees" of Union Parishad are not formed in all places and where they are formed they are not functioning well. Some UP members do not even know about the committee as it is not functional at all. This is not that much highlighted in the local govt. structure and there is no fund in the local govt. to work on women and children issues. The upper level hierarchy of the local govt. should be aware of and legally obliged in this regard. The respondent realized that this committee can play a vital role to make mass awareness on bad effect of early marriage, dowry problems, birth registration, violence against children and bad consequences of unsafe rural and urban migration. They informed that there is no separate law for child domestic workers. If the higher level authority of the local govt. shows interest in the issues of child labor, the UPs and municipalities will automatically be active.

UP or Ward representatives suggested that one policy is required for child domestic workers. In Bangladesh we have lots of laws but no

law is working effectively for the poor and underprivileged people and they are always deprived due to loopholes in the laws. They also recommended that this standing committee can be made more effective through dividing roles and responsibility among the committee members, providing capacity building and by decentralizing the power.

There is also a "social welfare department" in the city corporation meant for children and women development. The issue of CDWs should be discussed and worked in this department. After revitalizing this committee it would be easier for the Ward Commissioners to maintain data of CDWs and take initiatives in case of violence.

How "Women and Children Welfare" standing committee can work for children who are at risk to become CDWs: Women and Children Welfare Standing Committee will be the focal body to work on child domestic worker's issues at UP level. It can collect required information and keep record accordingly. The Standing Committee can work on registration on migration from village to urban areas. It can take measure and make people aware that without informing the UP, parents should not send their child to cities for work. Parents should be made positive towards education of their children. They can take initiatives to make the people understand this mechanism on how they can protect their children from abuse and exploitation.

The participants opined that the committee can play a monitoring role through observing the situation, by registering the migrating children and keeping the addresses of both parents and employers. They also informed that there is insufficient staff in the local governments. Extra staff is required for keeping record on CDW and other child right issues. The committee should be made functional and authoritative. It was also recommended that the Government should declare a law to eliminate CDW. Codes of conduct both for the employers and parents should be made. "Women and Children Welfare" Standing Committee should monitor this code of conduct.

The Government should issue an order for the committee to work independently.

It is highly recommended that Govt. should prepare roles and responsibility of Ward Commissioners or UP representatives for the protection of CDWs. Ward Commissioners will work based on that and submit monthly report to the authority. Govt. may employ one staff member for each ward to monitor the overall situation of CDWs.

Chapter 6

Stakeholders Individual Opinion on Child
Domestic Worker Issue

Chapter 6

Stakeholders Individual Opinion on Child Domestic Worker Issue

6.1 Government Officials' Individual Insight on Child Domestic Worker Issue

How far existing laws of Bangladesh are capable for protecting child domestic workers: In order to get the views on child domestic worker issues the Deputy Commissioner, UNO, police officers, local govt. representatives, district and upazila level govt. officials have been interviewed in all six divisions of Bangladesh. Different opinions have been obtained from different government officials. Some have noticed that Bangladesh government has laws to protect children which cover child domestic workers from abuse and exploitation. There is proper law, but there are gaps in knowing and obeying to the laws. Moreover, there is no proper implementation of whatever is. The other group opined that the existing laws are not enough to deal with the issues of the children working in domestic jobs. The existing laws are very old and are not sufficiently protecting the child domestic workers. The forms and nature of violence are changing day by day. For this reason, existing laws need to be reformed or new law need to be formulated. One UNO said that laws cannot solve the problem of violation of children's rights. It is needed to change the perception and attitude of people. Only if people respect law and if the laws are implemented properly then it is possible.

They mentioned that the rate of abuse is higher in urban areas than rural areas as rural communities have social structure and everybody knows each other. The interviewees recommended that government should take more attention to practice existing laws and revise existing laws as necessary.

Perception on the level of hazard of child domestic work: A major portion of the Government officials said that domestic child work is a hazardous work as it hampers children mental and physical growth. This group of children is deprived of education and parental affection. 25% government officials mentioned that domestic work is not a hazardous work under any circumstances, because children are getting protection at the employers house. Hazards depend on engagement of work and also depend on how the child is treated in the employers' house. If he/she is engaged in cooking or heavy work, then it is hazardous work. But if she performs light work then it is not hazardous. Poor families allow their children for domestic work due to different economic and social reasons. They get food, cloths, wages (though not always), shelter etc. at minimum level. Therefore, it may create a bad impact for the poor families if child domestic work has been stopped without making any alternatives for these families. Adolescent children may involve in illegal or immoral work. But gradually it should be reduced. CDWs are often far away from family and home and they are under the control of adults whose first concern is not their well-being, but their contribution to the well-being of the household. They are most often not getting the chance of going to school. They are becoming the victims of violence like mental and physical torture, abuse, rape, etc.

Govt. officials told that they are in favor of elimination of all sorts of child labour, but before elimination there should be created some alternatives. Child labour cannot be stopped at this moment considering our socio-economic condition. CDWs may be turned into skilled workers on cooking, bakery, housekeeping etc. and there should be some organizations that will provide skills training for them.

"I can't say directly to stop the children's engagement in domestic jobs but the employer must be sympathetic and care for the needs of the children they engage and for this purpose a monitoring mechanism is needed."

Upazilla Nirbahi Officer

Need for Code of Conduct for the immediate protection of child domestic workers: 80% Government officials said that there must be made some code of conducts for the employers. One kind of soft bindings is essential for the employers of domestic child worker to protect them from exploitation and torture and to ensure their basic rights. They suggested that government should formulate code of conduct in a soft way where employer does feel it is their obligation for recruiting a child domestic work in their house because few employers are taking advantage of other families' economic problems. Children are involving with work for food. No other acceptable benefits are included. Verbal and physical assault is common scenario. Most children are not getting time for playing and refreshment and medical support from the employers is not given for long time sickness etc.

What should be the role of the govt. to finalize and implement the national child labour policy: The final draft of the Child Labour Eradication Policy has been formulated. All govt. officials said that national child labour policy should be approved by the government as soon as possible.

An implementation strategy should be made by the govt. and other relevant stakeholders. There are many laws in our country which are not implemented properly. The child labour policy should be properly implemented and govt. should introduce a monitoring mechanism. Almost all government officials mentioned that national child labour policy implementation would be difficult as there is no record or data about child labour in the Ups, not even at districts level. They suggested that before implementation of the national child labour policy, government in cooperation with donors should take initiative to make nationwide survey where Union Parishad to district level statistics would be considered. They pointed out that a district level committee could be considered with the Deputy Commissioner as chairperson. This committee will monitor the progress of the implementation of national child labor policy. Local government should play a vital role in this regard and be properly

trained and equipped for monitoring the policy. A high level standing committee may be formed to evaluate the policies at national level. Non-government organizations could be also involved for this purpose.

What should be the role of Local govt. to reduce unsafe rural-urban children: Local government can make registration, create alternative employment for parents or opportunities for parent's self employment. In the cases of migration local government should be involved for data collection from the migrating children before they leave for the cities. The same data and information should be kept in the Ward Commissioner's offices and in local Thanas. These authorities may include children and their families in different social protection schemes given by government or NGO's for reducing unsafe migration to cities. Local govt. could, in association with NGO and civil society organisations, create mass awareness programmes for the parents of children. They should ensure education possibilities for the children in their localities. Child marriage, polygamy, illegal divorce etc. should be prohibited in the society.

6.2 Employers Individuals Argument to Engage Children as Domestic Worker

Employers' individual perception about child labour: Many children are working in households, factories, business organizations and other places- this is called child labour. According to UNCRC all human being below 18 years old are children. Children are engaged in the job market at a very tender age as their parents do not have any alternatives to bear their family expenditure. Parents have lack of awareness about the benefit of education, as they are illiterate themselves. They think that education will bring return to the family only after a long time. So for getting benefit within the short time, they involve children in hazardous work. Employers told that it is not a bad idea for children to work with other families as at least they get homely environment, have enough food and good clothes which they never would get from their families. Employer also mentioned

that "we treat them as our children and we do help the poor families in voluntary basis."

Employers also shared that when children are engaging with heavy work and earning money, it is called child labour. Child

"Child labor, to me, is a great offence and should be stopped"

*Lawyer, Bangladesh High Court,
Barisal Bench*

labour should be eliminated. Adult should take the responsibility of the children, but due to poverty their children have to be engaged in work. Some works are hazardous for children, such as operation machines, motor garage, welding, factory work, rickshaw pulling and domestic work. Children should not be engaged in any harmful work.

Employers' perception regarding reasons behind engaging children as domestic workers: Poverty is the main cause. Along with poverty there are many other reasons that are contributing to engage children in domestic work such as big family size, parents' irresponsibility towards children, loss of main earning members in the family. Employer also mentioned that children are easily available for domestic work and very cheap in Bangladesh. This also encourages employers to engage children at home.

Due to traditional values and gender discrimination, parents and employer prefer to allow/engage girl children as CDWs. Adults find that household activities can be done more smoothly by children than by adults. Children also have less demand than adults. Lack of quality education also results in parents sending their children to work rather than to school. Children are preferred to work because they can be paid less than adults and can work more hours and have no bargaining capacity.

Employers' motivation to prefer children instead of adult worker for household work: Children are more preferable to household work rather than adults, as it is easy to handle them. Some employers told that child workers can play with their children in the family and give company for all the family members, which is not possible for

adult workers as they have lots of responsibility for their own family. Children can do more work in a very neat and clean way according to the employers instruction whereas it is difficult to give so many instructions to the adult employers. Adult worker cannot work as fast as children and most of the time does not follow the employers' instruction.

I do prefer a child age between 10-12 years for my household work as a helping hand, because child can easily be a member of the family and he/she can follow my order in a correct manner, I can easily control them. More over child workers are faithful and simple minded, which makes it easier for me to handle them. I also believe that they should not be given heavy work like washing clothes, cleaning floor, cooking.

One employer of child domestic worker

The other group of employers opined that they prefer to adult for domestic work, because children should not do the heavy works of the household. Because of work children are losing their childhood and for this reason their families should be less inspired to send their children away for work. However, most of the employers are preferring to children as they are cheap and easy to control. For domestic chore girls are more helpful as they are supportive in taking care of the adult family members and the children as if she is a family member herself. One employer shared that child workers give more in return than adult workers. In families there is a clear preference for boys who are sent to school and being educated. The logic is that they will look after the parents as well as family while the girls will move to their in-laws' house after marriage. So female children do not need school education but are engaged in work in the other people's houses.

Employers' opinion about discrimination of same age group children in poor and rich families: Employers said that being an employer and citizen of Bangladesh they realized and feel guilty when they see one child goes to school with lots of parent's attention while another child at same age does not go to school. Though

employers are recruiting children for their house work, they also feel financial crisis and can therefore not provide all facilities to the CDWs as they do to their own children. However, they believe that employers should treat both categories of children equally. One employer said that "I have my own child and one child domestic worker and I treat them equally. I admitted both of them in the school and both are doing study in grade three. For this I am not losing financially so much, I only have to manage my time. Due to this support I get tremendous support from her and she tries to manage all her tasks within a stipulated time of the day."

CDWs must get the opportunity for education like other children. All representatives of the society should play a key role in establishing the basic rights for CDWs such as rights to food, clothing, treatment and protection. All relevant stakeholders should identify the root causes of child domestic work and should take proper initiatives to eliminate it gradually. As a result all children will enjoy their childhood.

Employers' judgment when child domestic workers become victims of violence: Violence against children is a major crime. CDWs need special protection because they are living without parental care, affection and guidance. Exploitation and abuse are often a daily and customary event in their life that are reported in newspapers. Usually no punishment is given to the perpetrators not even when the abuse led to death or severe injury. Moreover, to many parents it becomes threatening if they pursue a case in the court. Children should return home, if they are unable to meet the employers' requirements. Sometimes parents are also accountable for this type of violence, because they don't have regular communication with their children. Violence and accidents would be reduced if laws are properly enforced and implemented.

Some employers informed that violence against child domestic workers is now more frequently reported in the news papers. The violence is often happening in educated and rich families and strong penalties should be enforced against violent employers so that

others can be warned from this penalties. Other opined that the employers, especially the women, do not treat the child workers in their houses in the same way as they do to their kids. When a child comes for work, we have to understand that s/he has come due to his/her poverty. People take advantage of poverty and misbehave with the children.

6.3 Sensitivity and Role of Civil Society to the Children's Engagement in Domestic Work

Obligations of the civil society members: Civil Society Organisations (CSO) have a major role in establishing child rights in the country. In this regards, civil society members need to create scope for providing education and develop awareness among the parents to ensure fulfillment of the basic needs of the children. Civil society should also create pressure for law enforcement agencies in case of violence against children.

The CSO members shared their view that they can promote all sorts of rights i.e., nutritious foods, good behavior, enjoying the leisure time, basic education, proper recreation, timely salary, sound and decent sleep, and other basic needs for making good examples for the general public. Teachers, while giving lecture to the students, can emphasize the issues of respecting child domestic workers. In the weekly Jumma prayer, the religious leaders can give some lectures on the issues of CDWs. CSOs can protest any single incident of rights violation of CDWs, their accountability and situation. They can make advocacy to make the employers accountable to submit information on CDWs in the local police stations. Different CSOs like human rights organizations, NGOs, educated persons, policy analysts and lawyers should sensitize and keep pressure on different legal -and government organizations to 'raise their voices' for proper justice if any violence occur to child domestic workers.

Role of civil society to reduce hazards: Almost all CSO representatives shared that they can play a vital role to stop violence against children. They should encourage local government and law

enforcement agency to take initiative and make strategy for protecting CDWs. Area based committee should be formed for stopping violence against children and local govt. can monitor those committees to make them more functional. Minimum age should be defined by the govt. for child labour, especially for CDWs. Social protection mechanism should be introduced at the community level to prevent violence against children and CSOs can be instrumental in this regard. There must be provision of punishment of employers if they physically and mentally torture CDWs. There should be alternative options for employment opportunities for the parents so that they are not interested in migrating to cities. Moreover, civil society can help discouraging child labour.

A comprehensive approach is needed to raise the issue of CDWs at national level. CSOs have a huge influence in the society. In general civil societies have the capacity to motivate people for popularizing the CRC. CSOs can provide support for finding the incidents of violence against domestic workers and move them forward for justice. They are also advocates for getting support from local administrations. Civil Society can work as a 'watchdogs' to implement the policy and laws. Extra and/or alternative employment opportunities need to be created by the government and private sector. Civil society organizations may provide assistance, directions, and trainings to engage them in alternative, decent jobs.

Responsibility of the civil society to push Government in finalizing, approval and further implementation of the National Child Labor Eradication Policy: All participants emphasized that it should be the first priority of govt. to finalize the child labour policy within a short period of time. After finalization proper implementation should be made by the govt. and other relevant stakeholders and the implementation process should be monitored very closely. People concerned have to be very conscious on the minor gap/loopholes of the new law. Some regional roundtable discussions could be made for better dissemination and understanding of the law. It has to be emphasized that the law should

be duly implemented. There should be made serious publicity on the law in all media.

Recommendation and perception of civil society on Code of Conduct for the protection of working children: The respondent answered very positively that there should be made Code of Conduct relating both to employers and children so that both parties will be accountable to follow their obligations. The Code on Conduct should be made in written form and distributed to all concerned groups and institutions including police, children, parents and employers.

Civil society foresees the roles of the local government to ensure children's safe migration from rural to urban for job: Children and their families migrate to the urban areas due to their financial needs. Local govt. can ensure reduction of unsafe migration. A survey for possible employment scopes in each district should be made. Based on the findings of the survey employment structure should be built in each district and upazilla.

6.4 Political Leaders' Individual Opinion about their Commitment to Child Domestic Worker Issue

Politicians' obligations to the children engaged in domestic works: In Bangladesh more than 60% people are living under the poverty line. Not only politicians but all of us should cooperate on the issue. Political leaders have more influence than mass people for the country, so they have certain responsibilities towards child domestic workers. Government should create alternative job opportunities for parents so that they would not engage their children in work and political leaders should co-operate with the government to create more jobs. No political party accepts the issue of child labor let alone engagement of children as domestic help. The political persons are accountable to the society and they should, like other people ensure medical treatment, education, timely salary, recreation, leave and other rights of the children they engage.

It was expressed by the political leaders that the issue of CDWs and responsibilities for them should be firmly included in the election manifestos. While in power, the party should arrange employment for the poor children or undertake some programmes which can meet the needs of children in their locality. Political leaders definitely have accountability to child domestic workers. Their main accountability is to make the government's focus on these vulnerable groups of children and help government to formulate laws and policies in favor of them.

Politicians' perception and recommendation on existing laws on child laborers of Bangladesh: "Existing laws are not enough to protect the child domestic workers" (Public Prosecutor of Kurigram). Those violating the law should confront stern punishment to be executed against them. There are some gaps in the existing laws and for this reason the employers perform torture and exploitation of CDWs. Proper implementation of law is important and at the same time people should be aware on the different concerned laws to make implementation easier. All involved persons do not know the law. Motivation is actually the main thing. Changes take place through meetings and awareness activities that can change people's minds. Even we are not that much aware of the legal process relating children working as domestic servants, - let alone the general public.

The politicians also recommended introduction of a new law on CDW issues that has to be disseminated to all layers of the society. The existing juvenile court is not that much active to deal with the cases of CDWs. A special court was recommended to help prevention of child repression at domestic level. Presently, there is no, - but much needed juvenile court and shelter homes in Barisal.

Politicians' sensitivity on Code of Conduct for the protection of children: Definitely there should be a code of conduct for the immediate protection of children in domestic work. There must be certain time period of job, opportunity for primary education, health facilities, not engaged in heavy and risky work, take care as a family

member, no abuse or brutal behavior with the child, allow to meet/communicate with parents regularly. Thus should be included in the code of conduct. Sometimes employers send children back, without any treatment, when they become sick. Again, therefore a law is needed to stop this kind of inhuman behavior.

"Yes, it might be but to me a Code of Conduct will not be much useful for the children unless the employers are aware enough about the issues" (Mr. Mohsin Montu, Advocate, Barisal Bar). Almost 50 - 60% employers are impatient towards the children engaged in their homes. CoC should be in written form based on the values that "the work place is an education place for children". The most important things are motivation and awareness. Making the people aware through the religious leaders can be effective and the media can play a big role for this.

Politicians' Commitment to push Government in finalizing, approval and further implementation of the National Child Labor Eradication Policy: Considering the situation of violence against CDWs the Government should immediately approve the National Child Labour Eradication Policy. When implemented, the Government should allocate a budget for child labour. There should be a guideline in the policy on how children can be shifted to non hazardous jobs. Along with the Local govt. respective Thanas (police stations) should be given authority to monitor the situation of CDW. It will help later in case of any violence against CDWs. The govt. should raise the bill of the Child Labour Eradication Policy in the parliament immediately, and pass it. To implement the policy relevant ministries should work with good coordination. Local governments, social welfare officials, Parliament members, Upazila Parishads and NGO should coordinate to implement the policy. Media should be active to disseminate the policy also in rural areas.

Politicians' foresee the roles the local government to ensure children's safe migration from rural to urban for job: Local govt. can play a vital role in reducing unsafe migration. In this regard, central government will have to give support to build capacity of UPs.

Government can take initiative for providing small and cottage industries in rural area supervised by local govt. To stop unsafe migration government can develop new rules and regulation which will be executed and monitored by the local govt. It should be like the transfer certificate in schools. Local government will facilitate the whole process with the help of local Thanas. However, neither parents nor employers are interested to contact to local Thanas.

6.5 NGO Representatives' Opinion about Rights of Child Domestic Workers

NGO representatives' perception regarding reasons behind engaging children as domestic workers: Poverty, Inadequate income of family, Inadequate education facilities, demand of child domestic worker, lack of awareness, gender discrimination, weak legal protection mechanism big family size, polygamy and separation of the parents are the main reasons behind child domestic work. It is believed that domestic work is appropriate work for girls and that girls will be protected from social evils by living with a middle class family. Children are preferred as workers because they can be paid less than adult workers and can work more hours and they don't have bargaining capacity.

NGO programmes on child domestic workers: There are very few organizations that have programme for child domestic workers. The programmes are mainly non-formal education, vocational training, mainstreaming in formal schools, referral, health -and legal service, awareness raising, local and national level advocacy and capacity building. It is difficult to stop the CDWs from working because of the prevailing poverty situation, but it would be necessary to bring an attitude-change in the society towards creating a CDW friendly-environment to give them a life with value and dignity.

How far existing laws of Bangladesh are capable for protecting child domestic workers: The existing laws on Child Labour are not at all enough to deal with the issues of CDWs. The laws need rectification. Moreover, there is no proper implementation of the

laws. Besides existing laws some new laws have to be formulated to address CDW issue. To formulate the laws govt. should involve govt. and NGOs who have a background in this regard. Strong initiatives have to be taken by govt. to monitor and implement the law.

Perception on the level of hazard of child domestic work: NGO representatives are in favor of stopping child domestic worker gradually. To stop appointing child domestic worker the following initiative can be taken by involving govt., private sector and NGOs.

- a. Beside existing law, formulate a law which will address CDW issue low for child labour. That should be based on the Child Labour Eradication Policy, 2008 (which is currently waiting for cabinet approval).
- b. Take convincing initiatives to implement the law.
- c. Strengthen and activate monitoring mechanisms.
- d. Formulate and Implement Code of Conduct for the informal sector child laborers that will cover CDW issues.
- e. Develop a registration system and keep all records of CDW to stop unsafe migration.
- f. Create alternative livelihood options for CDW.
- g. Create job opportunities for parents/guardians
- h. Mass awareness raising programme.

Chapter 7

Overall Findings and Recommendations

Chapter 7

Overall Findings and Recommendations

7.1 Overall Findings of the Study

The situation of Child Domestic Workers who are confined inside room:

Bangladesh is one of the pioneer signatory of the UN Convention on the Rights of the Child (UNCRC) in 1990 and since then the government has taken up a number of measures and activities for implementation of the provisions of the CRC. Besides duty bearer, a number of NGOs as supporting organizations have been implementing different programme in favour of child rights. But still there are gaps at policy and practice level for addressing right violation of children, especially for the rights of child domestic worker.

It was found that generally CDWs are confined in a house where they are deprived of their rights. The study shows that:

- 80% of the domestic workers are girls and 20% are boys
- Adolescent girls aged between 6-16 years is the most vulnerable group
- 93% of the children are between 6 and 16 years
- The majority of CDWs are 12-16 years old as they are easy to handle
- 25% children aged between 6-11 years are engaged under the terms and condition of doing light jobs, but they perform heavy tasks
- 17-18 year old girls are the victims of early marriage and employers are not interested in engaging them as this group demands to have their rights fulfilled.

Reasons for becoming CDW:

- 92% children are engaged in work as a domestic worker due to poverty
- 37% children became CDWs because of high education costs
- 26% came due to food crisis and
- 17% children willingly engaged in domestic work after observing family crisis.

Decision on becoming CDW:

- 50% children became CDWs according to parents' decision
- 50% were engaged by middlemen but with parents' consent.

Parents and middlemen change the work place if their negotiation determining wage and other facilities with the employer fail.

- CDWs are not staying in the same job for long time
- Frequent changes hamper their psychological and physical growth
- 52% CDWs stay in one household around 6 months
- 24% CDWs stay 1-2 years in one household,
- 16% stay 2-3 years in one household
- 8% CDWs are living 3-4 years in one household.

Daily working hours:

- 36% of CDWs work on an average 9-12 hours a day
- 30% of CDWs on an average 13-15 hours a day
- 16% CDWs work on an average 16-18 hours a day
- 18% CDWs works 1-8 hours a day
- Less than 1% CDWs works 19 hours and above

Discrimination between privileged and underprivileged children in the household:

- 88% to 96% CDWs perform all kinds of house work
- 48% to 55% employers' children perform jobs only related to their own wellbeing

When CDWs feel comfortable:

Children want to get opportunity for recreation, study and like to be treated as a family member and desire the same level of affection that the employers' children receive. They want to be praised for their work. Employers should offer same meals and buy clothes for them. They would like to get salary regularly.

- 38.4% CDWs feel happy when their employers talk with them in a pleasant manner.
- 37% CDWs like their errors to be corrected calmly. They like their employer to speak to them in a smiling manner.
- 16% CDWs feel happy when they get scope to play and recreation i.e (watching TV).

When CDWs feel uncomfortable:

No children like to work as CDWs, because they feel isolated, miss their parents, siblings and relatives and cannot have meals as provided for the employers' children. They feel treated as outsiders of the employers family, and have nobody to share their emotions with.

- 51% CDWs dislike bad speaking with them and
- 26% CDWs dislike employers' unfriendly speaking with their parent,
- 9% dislike employers' frowning while talking to them on mistakes.
- 11% CDWs dislike employers' behaviour when they are slapping their faces and beating them with sticks if they made mistakes.

Most disliked working task:

- 30.9% washing clothes
- 28% being called during sleep,
- 15% collecting water and feeding cow,
- 15% cooking and cleaning floor
- 10% washing plates and making breakfast.

All children would like to work with their parents with basic amenities, even when given the option to work at an employers house and receiving an ample salary. They would rather stay with their family with only one or two meals a day. With their parents they don't have to be rebuked, beaten up for small faults and they will be able to enjoy the company and affections of their parents.

The situation of Child Domestic workers' who are living outside the Law:

- 93% children out of 7.4 million who are working in informal sector are engaged in domestic work
- Domestic workers are excluded from Labour Law 2006 vide section 1(4) (na).
- The National Child Labour Policy (proposed to cabinet) 2009, has recognized domestic work as informal sector job.
- Labour Inspectors is not allowed to monitor the work condition in private households.
- CDWs often face mental, physical, verbal, sexual abuse and economic exploitation, which does not appear in the media.
- CDWs have no specific working hours and get no holidays.
- In most cases, they are not allowed to meet their parents.
- 479 child domestic workers were subjected to violence and some perpetrators were brought under prosecution. Due to imbalance of power between the parties, victims were compelled to compromise or withdraw their case.
- Only the law named Domestic Servant Registration Ordinance 1961 requires the registration of the domestic servants by themselves with the local police station within fifteen days. This law neither contains any rights for the domestic workers nor defines the obligation of the employers.

Section 34 of the Children Act 1974 states that "*if any person over the age of sixteen years, who has the custody, charge or care of any child assaults, ill-treats, neglects, abandons or expose such child or causes*

such child to be assaulted, ill-treated, neglected, abandoned or exposed in a manner likely to cause such child unnecessary suffering or injury to his health including loss of sight or hearing or injury to limb or organ of the body and any mental derangement such person shall be punishable with imprisonment for a term which may extend to taka one thousand or with both. Both the laws are not in practice".

Article 32 (1) of the UN Convention on the Rights of the Child (UNCRC) provides that state parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical mental, spiritual, moral or social development.

- It is essential to include the informal sector within legal protection and develop Code of Conduct for the employers of CDWs that can work as a soft legal binding for both parties.

7.2 Overall Recommendations

Recommendation from Child Domestic Workers to the policy makers

- **Education Facilities to Children:** Ensure education facilities for CDWs
- **Income Generating Activities to Parents:** Government and NGOs should create access for income generating activities or job opportunities for the parents to avoid sending children away to work as CDWs.
- **Vocational training for children:** Provision of vocational training to acquire skills for future trades so CDWs can get better jobs.
- **Residence and health:** Provision for secured residence and proper medical treatment.
- **Education and playing materials** should be provided so that they can enjoy their childhood.

- **Soft Bindings for the Employers:** A code of conduct should be introduced as soft binding as an immediate solution for children's wellbeing instead of legal framework.
- **Implementation of Law to release CDWs from Slavery like conditions:** The Prime Minister should release the children to freedom from the slavery like situation through proper implementation of the law to stop violence and torture against CDWs.

Recommendation from Parents and Community

- **Rehabilitation services for potential child labourer without parents/caregivers:** Children who have no parents or any caregiver to support their survival, has no way except to do work for their daily livelihood. Rehabilitative measures should be taken at the grass root level so the children should not join the labour market.
- **Income Generating Activities to Parents:** Government and NGOs should create access for income generating activities and/or job opportunities for the parents
- **Strengthening role of other relevant stakeholder:** Religious leader, UP chairman and other community leader should come forward to work against any kind of violence.
- **Awareness raising and Capacity Building of Parents and Community:** The parents, family members and community people of the marginalized children need to be sensitized on the bad impact of child labour, unsafe migration and on the value of education.
- **Law formulation:** Government should take initiatives to formulate Law and policy to stop violence against CDWs.
- **Family member status:** CDWs should be considered as family members and be given the opportunity for education and recreation and not be engaged in heavy work.
- **School Drop-outs:** Local govt. should take information about drop out poor children from primary school and arrange grant

for these poor children. Rich people should come forward to co-operate with local govt. Government and should provide scholarship to these poor children.

Recommendation from Government Representatives and Civil Society

- Local govt. should raise mass awareness on unsafe rural-urban migration at the community level and create jobs in their own area. Vocational and technical education, based on reality and demand at home and abroad, should be set up in the rural level.
- Local government has to be provided support to develop a registration to keep record in both CDWs and employers.
- Women and Children Welfare standing committee" should be activated and become the focal body to work on child domestic worker issues at UP level.
- The issue of CDWs and responsibilities for them should be firmly included in the election manifesto as well as party principles and while in power, the party should arrange employment for the poor children or undertake some programme which can meet the needs of children in their locality.
- Political leaders should make the government focus on the vulnerable children groups and help government to formulate laws and policies in their favour.
- The Government should immediately approve the National Child Labour Eradication Policy.
- The Government should make guidelines in the child labour policy on how children can be shifted to non hazardous job.
- Along with the Local govt. respective Thanas (police stations) should be given authority to monitor the situation of CDW.
- Relevant ministries should work in coordination to implement the policy.

- Local governments, social welfare officials, Parliament members, Upazila Parishads and NGOs should work in coordination to implement the policy.
- Media should be active in disseminating the policy in rural areas.
- It is strongly recommended that compulsory primary education should be implemented properly to encourage parents to engage their children in education.
- The Government should increase social protection schemes like: VGD, scholarship for poor children, widow's honourarium, and 100 day's work.
- All development activities and strategies should be concentrated in village level which will create employment opportunity for their parents and children.

Recommendations from Legal Perspective

Enactment of law in favour of the domestic workers should contain the following:-

- Employer will register the name and particulars of the domestic worker with the office of local Ward Commissioner/local Union Parishad.
- Local Ward Commissioner/Chairman or his/her representative will have right to visit the house of the employer and also will have the right to talk with the domestic worker.
- Employer will fix the salary and the nature of work of the domestic worker and will inform this in writing to the office of the local Ward Commissioner/Union Parishad Chairman.
- Employer will ensure education of the domestic worker by admitting him/her to school or shall arrange education in household and also report to the office of the local Ward Commissioner/Union Parishad Chairman each month.
- In case of economic exploitation (salary, bonus) mental torture, maltreatment the employer will be punished for one month or fined TK. 1000/- or both.
- The victim or her/his representative or the office of the local Ward Commissioner/Union Parishad can file complaint before the court.
- At the time of employment, the employee (domestic worker) will provide his/her birth registration certificate to the employer to ascertain his/her age and the employer will give a copy of the same to the office of the local Ward Commissioner/Local Union Parishad.

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The Study Team

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Contributing Organization

Ain o Salish Kendra (ASK) - legal aid and human rights resource center in Dhaka, Bangladesh: <http://www.askbd.org>

Society for Under privileged Families (SUF) - NGO working with disadvantaged families; SUF works for working children in different district in Bangladesh: <http://sufchildrights.org/index.htm> Email: suf@accesstel.net

Community Participation and Development (CPD) - NGO working with disadvantaged women and working children including ethnic children in Bangladesh. Email: cpd@multitech.net.bd, cpd@bdcom.com

Nari Maitree (NM) - NGO working with building the capacity of women, children and adolescent for establishing their rights in the society of Bangladesh: <http://www.narimaitree.org/> Email: nmhq@bracnet.net

Bangladesh Institute of Theatre Arts (BITA) - is Human Rights focused NGO committed to national development through the improvement of cultural heritage of disadvantaged populations, and rights promotion of rural and ethnic children and marginalized women. Web: www.bita-bd.org, email: bita@spnetctg.com

Association for Community Development (ACD) - human rights based women-headed community development organization established in 1989. Its primary mandate is to work on human rights in general and women and child rights in particular in Bangladesh. Email: rajacd@librabd.net

Solidarity - A community based organization has been working in the northern part of Bangladesh since 80's for the disadvantaged children, adolescents and women for health and education support along with emergency and DRR response.

Agrogoti Sangstha - is working environment since 1988 for protecting the Coastal Environment, Establish Child right and

establishing a dynamic society without discrimination among man and woman right. E-mail: agrogoti9@yahoo.com

ADORE - a development organization working since 1992 in the south-west part of Bangladesh for Improving outreach capacity for disadvantaged women, street-children along with campaign for anti-drug, civic rights etc. <http://www.adorebd.org/> Email: adorekbd@yahoo.com

Organization for Women's Development in Bangladesh (OWDEB) - a development organization is working since 1995 with a vision to build a society which fulfills all fundamental rights of the deprived people in Bangladesh: <http://www.owdeb.org/> Email: owdeb123@gmail.com

Shoishab Bangladesh - NGO working with disadvantaged women and children, including child domestic workers. Email: sb1991@aitlbd.net

Hobiganj Unnayan Shangstha - NGO working with disadvantaged community people for their economical empowerment especially for women, children and vulnerable group.

SUROVI - a development organization working in all over the country for working children, child domestic worker and for education programme. Email:

AVAS - Association of Voluntary Action for Society is a leading local NGO working in the Southern Bangladesh to address different issues: poverty, vulnerable and destitute community. It has intervention on Micro Finance, HIV & AIDS, Good Governance, Women and Child Rights. Email: rskazal@yahoo.com

Abbreviations

ADC	- Additional Deputy Commissioner
ASK	- Ain o Salish Kendra
BBS	- Bangladesh Bureau of Statistics
CDW	- Child Domestic Workers
CEDAW	- Convention on the Elimination of all forms of Discrimination Against Women
CRP	- Child Rights Programming
CSO	- Civil Society Organizations
DC	- Deputy Commissioner
FGD	- Focus Group Discussion
HH	- Household
ILO	- International Labour Organization
KII	- Key Informant Interview
SUF	- Society for under privileged Families
SCSD	- Save the Children Sweden Denmark
TV	- Television
UNCRC	- United Nations Convention on the Rights of the Child
UNICEF	- United Nations Children's Fund
UP	- Union Parishad
VGD	- Vulnerable Group Development
MP	- Member of Parliament



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