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Vulnerable Labour Condition of Single Mother's Children in Bangladesh and Comprising a Special Law to Sustain Their Rights

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Abstract

Bangladesh has numerous socio economic disputes and obstruction as it is one of the developing countries in the world. Protection of child right is extremely insightful question as well as a big challenge for the country. In this paper I have intended to accomplish a profound study based on vulnerability of labour condition of single mother's children in Bangladesh. Single mothers are becoming deserted with children as a result most of the divorced, separated or widow single mothers are experiencing severe financial destitution as well as a large amount of children are becoming shelterless and experiencing the rigid reality of extreme poverty. Consequently the children are being occupied in different types of forced works to earn basic needs. Since secured life of single mothers by law can provide a better life to the children therefore in this work I will also focus on comprising a special law in support of the single mothers of Bangladesh to protect children from forced and hazardous labour.

Keywords: Child labour, single mother, special law, poverty, hazardous work

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1.Introduction

International Labour Organization (ILO) estimated that about 250 million children around the world between the age of 5 and 14 work to survive. Approximately 120 million work full time per day. About 70% work hard in dangerous surroundings of the 250 million. Moreover, minimum 50 to 60 million children are between 5 and 11 years old. In the name of employment they are engaged in practical slavery. The child employment has been defined as the labour of children under a certain age set by national or international child Labour laws. International Labour Organization covenants have been acknowledged 15 years as the minimum age for admission to full time employment and 12 for light part time work. For the particular countries with less developed in financial and educational facilities age limits are mentioned as 14 years and 12 years respectively in the law. For every kinds of hazardous works, the minimum age limit is 18 years old. One of the major problems in Bangladesh is child labour like other developing countries of the world. Children are going to work from their early age instead of going to school. A huge number of people in Bangladesh are sending their children for working as day labourers in exchange of very small wages. Since it is incredibly hard for the parents to maintain their family with petty income therefore they are forcing to employ their children in different types of physical work from a very early age. In my study, I have found that the children from the families which are headed by single mothers are more likely to involve in work compared with the children who are living with their father and mother or with both of the parents. Consequently, absence of father due to marital dissolution or any other kind of desertion is an indicator of child labour. Single parent's families are inferior in earning for maintaining their children therefore much higher poverty they have to experience every day. At the age of school, education, joyful living, love and care, mothers are engaging the children in different types of work to earn their food. Moreover, these children are supporting their mother and other siblings by their little money. They are engaged in different types of hazardous work such as in the factory, building construction, motor vehicle helper, in chemical factory and many more. In this paper, my aim is to pick up the sincere of vulnerability of child labour and finding legal aid by comprising special law in support of single mothers.

2. Child Labour situation in Bangladesh

According to UN organization and ASK (2009) child labour is one of the crucial issues around the word. It is mostly important in the developing countries such as Bangladesh, where 4.8 million children are working in different sectors including domestic work who are under 17 years of age. An enormous number of children are working in agriculture as well as related sectors of rural areas. Similarly, urban poor child workers are mostly occupied in activities as selling of small things like foods, peanuts, ice creams, newspapers, water, flowers, cigarettes and other cheap articles. Domestic worker, gatekeeper, cobbler, and other work places as cleaners, helpers in automobile factory as well as other workshops. Low income, shortage of food, and hardship to manage the family expenditure force the children to work as domestic worker. The key reasons for pushing children into work from very early age are long time disappearance of the father who is the only bread earner in the family. A



government survey on poor child labour in Bangladesh collaboration with UNICEF in 2007 has estimated that child labour situation is alarming in Bangladesh due to poor status of family but it is more shocking that 24% children are engaged in forceful hazardous labour as they belong a single parent family. Adversity of children of single mother's due to scarcity of living resources are discussed below.

2.1 Domestic labour condition of single mother's children in Bangladesh

Domestic child labour is not new in Bangladesh as well as it indicates the communal structure, monetary with cultural conditions of a country. The panorama of child domestic labour is very unkind, unfavourable and challenging. Household child labour are among the invisible child labour as they live almost confined in the domestic houses. According to a report of UNICEF (2007) the number of children are dominated in private households is unidentified since the hidden nature of the work. According to Black unenthusiastic impacts and humiliation faced by children in domestic work also especially widespread obsession. Most of the child workers have to spend very scanty life as domestic worker in the employer's residence. First of all, they have to depart from their own residence leaving behind all emotional attachments in search of bread and shelter to survive. Children have to engage them as household worker at any place which is absolutely unknown to them. Occasionally their guardians also do not have any knowledge about the employer or location of the job. Their working place is another dreadful introduction of life where they do not have any acceptance as human being rather they are taken as slave. In many cases, they are hired with very small wages or sometimes just food and shelter is considered as money or wage. International Labour Organization (2008) has reported that the frequency of child labour is high in Bangladesh as it is a small income country. In 2003 the per capita gross domestic income was approximate at USD 489 and from 1997 to 2006 36% of the populace lived under the poverty line with an earnings less than 1 USD per day. It should be mentioned that about 83% of the 27 people had an income less than 2 USD. Research has stated that in countries with a per capita income of 500 USD or less than that, the child labour force involvement is tremendously high at 30 to 60%. Children also drop out or become irregular attendees at school to work to enhancement of the family income. The important finding of the report is most of the children who are engage in forced labour do not have the both parents in case of Bangladesh.

In my study, I have conducted interviews with 35 child domestic workers within two kilometres of area of Dhaka city, which is known as 'Kurmitola' inside Dhaka North City Corporation area. The naive workers complained that their parents could not afford three meals a day. Many of them have come from poor, large and rural families. Nevertheless there are other factors such as abandonment, remarriage of parents and single mother headed family which are not favourable at all for maintaining the children with familial care and attachments . Unquestionably, single mother headed families have increasing need for financial resources and suffering extreme poverty in everyday life. There was a question in my survey about their job satisfaction however all of the children answered the same way that they extremely dislike to do work at other's place, as they feel so isolated, become emotional for siblings, relatives, friends and specially for mother. They are treated as slave as well as there is no value of their emotional condition by the employers. Employers give them plenty of tasks everyday and they have to finish the works within a predetermined time. Almost all the children mentioned that they wake up from bed very early in the morning and go back to bed at late night. They work for the elder persons where nobody considers their age. A 9 years old child name 'Khushi' who works as domestic helper at Kurmitola mosque area since 2017. She joined in this house when she was 8 years old. A far related uncle has brought her and before coming she did not know that she has work in this house without her will. She said 'I could not eat every meal and cannot go to school as my father left us before three years to marry other lady, still I want to go back to my mother.' Kiron, Shumi and Jomila three other household workers who are not sure about their age but it can be assume that they are in between 9 to 11 years old children who want to meet their mother at least once in a month. 22 Out of 35 children worker do not have any idea about their father as they all are from different broken families. 10 years old, little ill health boy name 'Zulu' works at 'Kurmitola Housing Society' has stated that 'physical punishment is regular at his workplace by the employer or their adult children.' 'Morzina' and 'Toma' are two cousins used to work in the same house before three years in 'Kurmitola School Road' area. Now they are working as helper in a small tea stall in the opposite of the highway of 'Kurmitola Housing.' They said that they never dare to go opposite of the highway as their previous employer lives at the end of the housing society. Their present employer 'Gani Mia' stated that 'these two kids escaped from the previous employer due to severe torturing on them and he found them crying in the street. He is from the same village and knows one of their mother who is incredibly helpless with three minor children abandoned by husband, thus she sent her daughter in the work.' Some instances regarding torture on domestic child workers are given below.

According to report of a renowned news paper name Dhaka Tribune (May,2017) police have detained a homemaker in a case filed over physical torture to a ten years old household worker in Savar's Rashaon area. The jailed Shimu Akter is a house wife and her husband Saif Mia is a cloth seller and resident of Savar municipal zone. The victim Hosne Ara summons from Mymensing's Goforgaon upazila. She stated that she had been working in that house for nearly nine months. She said that the employer has beaten the child more often and then over minor



issues. Her cruelty went as far as make the child's chest with a hot iron rod for being late to finish a task on that day. The victim girl child fled from the house being unable to tolerate the torture. After observing that, general people took her to the nearby hospital. Victim's mother Jahanara Begum had filed a case over the torture in that morning in Savar police station. Savar Police has been confirmed the incident said that the accused lady has been detained and the wounded was admitted to Dhaka Medical College Hospital.

A report by the same newspaper has stated that fourteen years old Kajal was the domestic helper at retired policeman Abdul Hannan's residence in Kaligona village under Sadar upazila of Shorupkathi for the five months. Her mother Kiron Howladar, a widow day labourer from Khejurbari village under Kaliabakpur Union of Banaripara in Barisal. According to her, on March 8, Abdul and another woman brought Kajal at home in unconscious state. They were claiming that she was suffering from a high fever. Kiron suspected the situations and move towards the local chairperson who recommend them to search for help from the police. Then she admitted to the Banaripara Upazila Health Complex, from where doctors sent her to specialized hospital on March 9. The hospital Director Dr Sirajul Islam confirmed the facts and stated they had informed the police that Kajal had died after purportedly being raped and tortured. Dr Tajmery Begum, registrar of labour unit 4 of the same hospital said that the victim died early on the morning for extreme bleeding due to rape. Ward master Babul Alam said the body had been sent to the morgue for an autopsy. Kajal's brother Mehedi Hasan claimed that victim had died after being raped at her workplace and said that her mother would lodge a rape and murder case.

Torture on child domestic worker has become as a disaster in the country. Most of them migrate from village or rural area with the intermediary or any other relatives of them to get a job in the city. They cannot keep contact at their home for lack of opportunities and as they can be hired in less prices or sometimes only in exchange of food thus they are used as slave at the workplace. In addition, because of physical inferiority, the employers can easily torture on them for a little mistake. A report is presented here to demonstrate the severe condition of domestic child helper.

More than 398 domestic workers were murdered in the last four years while at least 299 workers were offended by any means and 100 female domestic workers were sexually harassed in the country. Bangladesh Investigation of Labour Service revealed the information at a seminar on 'Domestic Workers in Bangladesh: Tracing the Policy Process,' at the National Press Club on Sunday (The New Age,20 April 2015).

Thus it is demonstrated from my study that most of the child domestic worker come forcefully due to tremendous scarcity which is caused by single mother headed family.

2.2 Informal employment of single mother's children in garments sector in Bangladesh

Garments sector is another preference for the under poverty line people in Bangladesh. Easy entering process for the unskilled children in this job is the key cause for such weakness. Disadvantaged mothers like to send their children in the ready garments factory to earn money to support the family. Child labour in export business and factories is very common. Employers of this sector favour workers who are under 14 years old as they have no knowledge about the wages against his labour and work. Moreover, they are without charge of family responsibilities such as they do not have dependent children or any other responsibilities like adults.

According to a statistics published in the prominent newspaper regarding child labour garments factories in the country are hiring 35% of the workers who are children under age of 18 years. They enter unofficially as well as do nonstop hard work in this sector. They are not getting transportation or food and have no scope to enjoy weekly holidays and for medical leave or sick leave. Most of the distressed mothers engage their children in the garments sector as they need not to enter here formally. They just work without any fixed terms and conditions thus it is also favourable for the employers to engage children in the works. Since many of the distressed mothers now a days thinks that domestic work is not safe rather they send their children to garments job to support their family. Moreover as the children enter without any documentation thus they do not get any influence of regulations or law as labourer. Another study shows that there is no remunerated leave for vacation, and salary is deducted if the child is absent in the work, or for blocked periods due to lack of electricity and production barriers. Most of the child workers do not use shielding gear and have no concept on work related health and security issues. As a result, they are suffering serious injuries and sometimes death in the workplaces.

2.3 Children of single mothers as street beggar in Bangladesh

Child beggar is very common both in rural and urban areas. However, child labour is placed as criminal offence by law but monetary condition of Bangladesh is forcing the poor children into begging food or money from the people in the street or other public places. Poor children are working on the streets as beggars every day and their number is increasing gradually as rate of migration from rural to city area is high in order to in search of food. Door to door begging is very widespread and common in the country mostly in rural area. Children beggars start begging foods and money when their mothers go to toil outside or sometimes their mothers send them to beg money in the street due to extreme poverty. Extreme distraught condition of single motherhood is the rigid truth of sending children to beg food and money to meet daily needs (Single Motherhood and Poverty). They involve



themselves in begging as food is the first preference but they do not get food properly. In a survey named Poverty and Child Beggar by a NGO it has been found that approximately 55% of the respondents are living without supervision of guardians in the urban area. This includes some of them are from divorced, widow or in separated family. A number of respondents have immensely slack contact with their relatives and the relatives also do not feel that they are accountable to take care of their family members. Single motherhood and poverty is interconnected with each other as they distressed by both families and the society as well. Hunger, scarcity and short of accommodation are regular issues thus they choice first to drive out the hunger. Begging has become the initial choice for the children. In a report it has been stated that 46% of the child beggars are from single parent family. They do not know whereabouts of their parents, siblings or their other family members. They just live distressed in Dhaka city sharing their living with other beggars (BEGGARS IN DHAKA CITY: PROFESSION OR COMPULSION). Some child beggars whose bodies are able to move however they are pretending lame, dump or blind to get favour from the people. Most of these children commit crimes in daytime or at night by stealing other people's belongings or hijack in the public place moreover most of them are addicted in different kinds of drugs like heroin, cigarette, ganja etc.

2.4 Other hazardous works by the poor single mother's children in Bangladesh

According to section 7 of Bangladesh Labour Law, 2006 the actions or professions are done by any children who comes under description of children by the law which is not secured for them in any way in cerebral or corporeal by its nature or direct to adverse effects and moral expansion will be considered as hazardous child labour. Poverty of single mothers push their children into any kind of toils. Most of the time mitigating the scarcity of life become the first choice rather comprehending the suitability of the work for the children. By occupying children in any kind of work to earn the single mothers first get relief from the whimper of hunger of their children. A campaign for child labourer has conducted an interview with a mother of a child worker. She stated that it was really intolerable for her to listen three minor children's cry for food every day after death of their father. Thus she has sent elder one to the wielding factory to work as helper against three times food daily without wages. From the given statement of a widow mother it comes in the realization that single mothers become bound to send their children in the dangerous work due to their helplessness. The examples of hazardous work stated by different research reports are given below.

A 2005 baseline survey on child labour in the battery recharging or recycling sector estimated that there were some 6,500 children who are 5 to 17 years old working in this sector in over 14,000 organization throughout the country. Concerning one quarter of the whole sector labour force. In addition, the survey found that the children had to work in an average of more than eight hours each day and for six or seven days per week. In exploitative circumstances with extremely limited recompense. 25 percent of the child workers were forced to work exceptionally extended hours 11 or more per day. Among them just eight percent is attending school. 13% of the children were presented without any form of protective gear, and 23% contributing to an incredibly high rate of work related illness and injury. As soon as scarcity of single mother headed family can be minimized by law the rate of hazardous work by children can be minimized. Parents of poor family structure are sending their children to the hazardous work without any hesitation as survival in the world has become tremendous hardship to them. In a survey based on harmful condition of welding factories for the children has mentioned that a child worker is working hard in a welding factory but occasionally the child get pocket money from the employer which he gives to his mother to use in family purpose. The aforementioned statement was given by a 15 years old boy to the survey team of this prominent news paper (The Daily Star, 2017). The children are working on average nine hours per day and that school attendance among the children extremely low which is only four percent. The survey also found that among the children most have come to the city from broken family or single mother headed family. Repairing work was originated to be even more hazardous for children. 41 % reported most form of work linked injury or illness, 93 % requiring medical concentration. Specially burning in the body was a serious hazard, affecting more than 2,272 children. Almost 45 percent of the children concerned were deprived of safety gear, including masks for eye protection while welding in the factory. These surveys reports are the strong evidence for my thesis concern as these shows that vulnerabilities of single mothers drag their children to the dangerous works.

3.International and domestic laws regarding child labour in Bnagladesh

The principle of International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour 1999 was to keep children safe from all the forceful labour and vulnerability around the world. Article 2 of this convention states about the age of children.

Child labour has turned into a kind of slavery and children are used as product by the self concerned group of people. Thus, International Labour Organization has initiated to stop the offence with configuration of Article 3 of the convention. The details of the article are mentioned here for better comprehension of the law.

The term the worst forms of child labour is stated in the Article 3 of purposes of this Convention.

(a) appearance of slavery or exercise comparable to slavery, such as the auction and trafficking of children, money



owing and forced or compulsory labour, counting forced or compulsory employment of children for use in armed conflict

(d) Employment that by its character or the conditions in which held is likely to harm the physical condition, security or ethics of children.

According to 'Article 4(a) The kind of employment referred to under Article 3(d) must be determined by national laws or regulations or by the capable authority of the country. After discussion with the association of employer and labourer concerned with the work, taking into contemplation relevant international standards, especially in Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.

- (b) The knowledgeable authority, after discussion with the organizations of employers and workers concerned must recognize where the types of work so resolute exist.
- (3) The register of the sort of work resolute under section 1 of this Article must be cyclically scrutinize and revised as obligatory with consultation of the concerned persons.

The objective of my thesis is to comprising an unique legislation by comprehending the roots or origins of violations of human rights of a particular group of the society. To save the children from the worse form of work these article has been made and imposed on national law for making law in consistent with this law. The signatory state parties are bound to follow the commandment in case of making their domestic laws. However contravention of subsection (a) and (d) of Article 3 is very clear and extreme poverty of single mothers is one of the key motivation to push their children in harmful work. Thus it is translucent that only a special law in protection of single mothers can act as safe guard of this group otherwise these offences will take place continuously in the country.

The government of Bangladesh has passed a Labour Law in 2006, mentioning the minimum legal age of children for employment as 14 years. However, the age limitation on the labour laws is almost impracticable for Bangladesh as 93% of child labourers are functioning as the informal worker in various small industries such as automobiles factory and workshops, as street hawker, garbage collector, as household workers, small businesses and domestic handlooms without maintaining any age and risk factors for the children. The Bangladesh Labour Act, 2006 has classified 'Children' and 'Adolescents' in Section 2. The Act states that 'an juvenile must not requisite or permitted to employment in a plant except an official document of health condition approved to for the child. The juvenile transmit an indication giving a reference to such official document while he is at job. This commandment forbids service of children under the age of 14 years. However Section 44 of the law permit the employment of children of 12 years for such kind of work which are not heavy in nature and does not imperil their health and development or hinder with their education.

According to sections 39, 40 and 42 of the Act, service of the juvenile is strictly classified for the subsequent activities such as cleaning of the equipment while it is in movement and lubrication or other alteration process of the apparatus while it is in action. Any vocation in between the stirring parts of an appliance as well as any kind of work under earth or under water. According to Section 41, adolescent must be required or permitted to labour in any factory or undermine for additional time than five hours in per day and thirty hours weekly. Moreover uppermost thirty six hours in a week with eventually and in some other institution, not more than seven hours in per day and forty two hours in a week. And maximum forty eight hours in a week with ultimately. An adolescent must not be allowed to work in any kind of institution between the times of 7.00 p.m. and 7.00 a.m. Section 284 provides that, any child or adolescent to work in infringement of any provision of this Act, shall be penalized with pecuniary fine to 5000 taka. In addition to this provision of the Act present for a number of health, sanitation, safety and welfare methods those are applicable for all labourers regardless of their age.

Despite of having national law with influence of international treaties due to extreme poverty and scarcity children of single mothers are engaging them as wage earners. The self centred community is taking advantages of helplessness of the single mother headed family members. They are working informally in the organizations thus labour law is not executing for them. They remain out of protection as earning bread is their main objective. Search of food and basic requirements is the prime desire for the victims therefore they are entering in any kinds of work. Mere enforcement of proper labour law cannot make any changes in present situation as the disadvantaged group cannot be reduced by ample enforcement of labour law. The initial step of mitigating the sufferings of this peer is to bring them under special proposed law. As soon as they get recognition by the special law this rate will be minimized from the society.

4. Complex discussion on the issue

Instead of having laws and regulations in Bangladesh, child labour has become a regular issue in the society. There are difference between light works and heavy works by the children. Considering socio economic situation of the country children are allowed to work but not the heavy and hazardous work. Moreover, they should not deprive from education and other human rights in the name of work. In my research, I have found that in single mother headed family's excessive poverty, vulnerability and infringement of human rights are moving in cyclic order. Such as a family needs financial resources, emotional attachments, sharing and caring as well other social security.



Elimination of a parental relationship affected the children like the mothers as it makes every resources limited. When resources become lesser daily human requirements gradually become burden due to lack of financial support thus the single mothers left behind one by one. They choose their first requirement as food and shelter but extreme poverty scoff the least chance of their demands which bounce them to force the children into the hazardous and harmful labour. Therefore, single mother's defencelessness are generating poverty and poverty causes all other destruction of human rights. In the current situation, it is compulsory to turn ahead by making necessary legal solutions to stop the human crisis. In my point of view, a law regarding support of single mothers and care for their children could reduce the present problems. The proposed law should be consists of new structures for ensuring the social security connecting the daily needs which as consider as basic human rights.

The proposed legislation must be consists of the provisions are mentioned below.

4.1 Ensuring mother's employment

Mother's employment can make sure the children's better future and exempt children from the excessive workload from childhood. Vocational training, handicrafts, private and public sector job, teaching could make their opportunity for employment. In many conditions the minor single mothers must get the free education facilities from the government beside employment opportunities.

4.2 Partial or full exemptions for education

Children are the future of the state so it is state's responsibility to bring the children under education. Moreover in the Article 15(a) of The Constitution of Bangladesh primary education for children is assured by the state for the betterment of the nation. Beside employment of single mothers partial or need based exemption for higher education of the children must be guaranteed in the proposed law.

4.3 Consistency with the Constitution and prohibition of forced labour

To keep consistent with the Constitution of Bangladesh it is important to keep provisions for basic human rights such as food, shelter and education. In the Article 15 (a) of the constitution ensuring food, asylum, education, clothing and medicinal care has been declared as fundamental state responsibilities. In the present condition if the state do not act in consistent with the constitution of the country it will be contravention of the supremacy of the constitution. As in the Article 7 of the Constitution of Bangladesh it is stated that nothing can be done which is inconsistent with the constitution. Moreover in the Article 34 of the Constitution has prohibited any form forced labour. The circumstances of single mothers are creating the situations of force labour to their children. According to this article forced labour will be considered as the criminal offence. To keep consistency with the constitution former initiative should be made a special law for single mothers and in the law there should be mentioned in the provision that any single mother is taking amenities of the special law cannot push their children to the force labour otherwise it will be counted as criminal offence for the mothers.

4.4 Alternative programs for the distressed children

Emerging of some alternative programs with small projects like poultry, fishery, and sewing can stop the forceful informal employment of the children of single mother headed family. They can earn money as well as they can go to school for education. Light and part time alternative programs for the children of single mothers in the basis of requirement must be added in the proposed legislation.

5.Conclusion

The state has guaranteed equality in every phase of life between men, women and children by the constitution of the country and government has ratified in numerous international conventions to maintain global standard to protect the basic human rights of women and children. However it is observed that despite of having good plans and objectives rights and equality cannot be maintained in many aspects which denotes the steps have been taken until now are not sufficient to sustain the real equality and justice for the women and children. A mass part of the society is women and children and among them the silent victim groups are the single mothers and their children. In early centuries people used the child labour as investment and benefit for their business however contemporary society must not be an evidence of child labour. A friendly world environment is the key for development of the children. Problematic family condition forcing the children towards unsafe and uncertain future. Push and pull factor is very much applicable for this condition of the children as they become bound to the situation as well as order of their life turn into ill and unhealthy due to trembling circumstances of their family life. Forced child labour is an illegal act which is damaging their mental and physical development. I have studied profoundly to find out the key reasons of this illegal act. In my recent study, I have found that one of the reasons for forced child labour and their injurious life is parental separation and unsafe single mother headed family stipulation. Instead of being crucial concern it has become a dormant issue thus awareness regarding this problem has not been raised yet. Since mother's welfare is intensely interconnected with children's interest therefore to prevent this aggression against



single mother's children it is compulsory to secure single mother's rights as human being by comprising a special law immediately.

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