

# Alternatives

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## We are Not Tokais, We are Children!

From the Alternatives Desk

I was absolutely stunned when at a recently held public dialogue on "Children and Security," a self-proclaimed 'former Tokai' not more than 14 years old got hold of the microphone and stated in clear terms: "Please stop calling us Tokais. It only brings us shame and humiliation!" I must confess that I never thought of the 'designation' in that manner. I was immediately reminded of Mahatma Gandhi's campaign for uplifting the social position of the *Namasudras* (i.e., the lower caste) by providing them the title *Harjans* (Children of God), which soon (as we all know) became a derogatory term, used only for rebuking the members of the lower caste. The latter, in fact, now call themselves the *Dalits*! I am sure cartoonist Ranabi had similar noble intention in mind when referring to the street-children 'Tokais', but unfortunately it has come to meet a similar fate, where street-children themselves find the term humiliating and socially derogatory. Any responsible person from now, if the passionate plea of the 'former Tokai' is well understood, hopefully would avoid using the term, however well-intended the person's use of the term may be. And if they are 'street-children' (*patho-shishu*) they should be called as such so that no linguistic pun or fun can be played on them.

I was also reminded of something else at the above-mentioned dialogue and that is, how much we all suffer from self-righteousness, even self-assuredness, making ourselves believe that we have the solution to the problems of the less privileged people. Nothing is far from true. As it became quite evident in the midst of the exchange between the children of privileged and less privileged groups (and this following Rehman Sobhan), we not only have 'two societies' superimposed on 'two economies' but a concern for 'security' which is also different and divided. Must the solution to children's state of insecurity be different and divided too? But then, children are children.... Or, are we once again befooling ourselves with rhetoric?



Growing up in hazards.

—Star photo

## Environmental Security for the Children

by Tahsin Farzana Tilottoma

*Legal provisions cannot always effectively deal with many forms of social exploitation that result from poverty and ignorance. Newspapers, in recent times, suggested that even the parents evade the legal provisions under the Child Marriage Restraint Act, 1929 suggesting minimum age for marriage and over age their girl child while registering the marriages.*

THE issue of protection of children against exploitation is, in recent times, rationally taking a dimension on the concern to protect the next generation from environmental degradation. The environment of a country, be it natural, physical or social, essentially sustains and governs the growth of the future leaders. In Bangladesh the child population is approximately 16% (under 5 years of age) and 44% (under fifteen years of age) while the rate of infant mortality is alarmingly 78 and child mortality of 117 per thousand. About 70% of all children under five years of age are malnourished and 11% are severely malnourished. The gorgeous Bangladesh turns all grey to 25 thousand children every year who suffer from diarrhoea and other water born diseases. On the face of these facts the Constitutional commitment to improve the level of nutrition remains a mockery and the street children most popularly known as TOKAIS frown at the high promises of the Constitution aiming to secure food, clothing, shelter, education, treatment, security and so on.

tered around the welfare of these tokais or the street archives. While commitments are only commitments and the tokais remain the tokais, it must be remembered that they also comprise the vast section of the children community and a tokai is essentially a child towards which the society holds specific responsibility. A society that seeks a good citizen for the future must also ensure a healthy environment and structure that would support the normal upbringing and growth of a child.

While the socio-economic conditions have given variant status to the children, the laws dealing with rights and justices for children differ in terms of the defining age of children. For example, the Majority Act, 1975 defines a child as a person below the age of 18 years while the Children (Pledging of Labour) Act, 1933 regards a child to be a person of 15 years. Under the Factories Act, 1965 a person under the age of 16 shall be deemed a child while the age limit for being a child is below 12 under the Employment of Children's Act, 1938. For the purposes of the Children Policy of 1994 the age limit for children would be 14 years.

### Who is a Child

It remains to be a harsh reality that the entire child population has gained two different status. Those who can afford the essentials belong to an upgraded community and are usually given the status of children. Those who are deprived are called tokais. Most commitments with regard to protection of the children are cen-

### Status of Child Security in the NFYP

This paper attempts to provide a brief picture on the status of the children as prevail in different environment. The best way to start, perhaps, would be to see what the NFYP National

- Five Year Plan (1997-2002) commit for them that also amount to be a recognition by the state of the existing threats in terms of child security. The said Plan seeks to adopt:
  - appropriate measures for providing equal opportunities to all children for development of their personality, talent and mental and physical abilities to the fullest potential through the Local Government structure at various levels;
  - provide a favourable environment to children through the universal access to safe drinking water and sanitary means of excreta disposal;
  - protect children from economic exploitation and hazardous occupations and to reduce child labour in a phased manner;
  - take measures for delaying the age of marriage of girls and prevent early pregnancy;
  - take necessary steps towards children requiring special protective measures, such as urban slum children, children without shelter, children exposed to sexual exploitation and violence

with particular focus on adolescent girls, disabled, destitute and displaced and those caught up in arm conflict;

• adopt appropriate measures towards elimination of trafficking, including immoral trafficking of girl children. The above extract from the NFYP clearly reveals that children in our society do not enjoy security in most instances. Their work and working environment remain to be hazardous, their physical environment might be seriously sub-standard, the natural environment might expose them to deadly health threats and all these would disturb their physical and intellectual development and in extreme situation even lead to terminate the young lives.

### Children and Their Environment

The question of security for the children starts from the mothers' womb. Despite clear prohibition of law (Section 312-316 of the Penal Code) against causing harm to unborn child, the rate of illegal abortion is ever increasing and the doctors

who on oath declare to be honest to human life right from the time of inception hardly hesitate to kill the fetus. Innumerable numbers of fetuses are denied access to this world while the major reason for such denial is social exploitation in various forms.

When a fetus is lucky enough and is given birth to, the next crisis evolves around the basic necessities. Large number of parents find themselves helpless in addressing hunger and in many cases mourn the death of their descendants. Those children who survive facing the utmost odds of poverty, the atmospheric pollution persist to be a threat for their development. Every year almost 50% of the children under the age of 12 years become victims of led pollution that is highest in the air of Dhaka City.

For obvious reasons of poverty, the childhood in most instances is not all rosy. The bulk of the deprived sector of children start an early career and although laws prohibit hazardous job for them the preparation of a long list of high risk job is not at all a difficult task.

The Children Pledging of Labour Act, 1933 prohibits in

sections 3.4.5 all kinds of agreements to pledge the labour of a child who is under the age of 15 and provides punishment with fine for such offences. No national law nor even any international document has been able to put restriction on the heinous trade on child labour. Crossing even the boundary of the country the children of Bangladesh have become capital for trade for many middle eastern countries. It is a shame that the Bangladesh children are sold to the organisers of camel race in the UAE for using them as camel jockey. The tender hearts bleed when they are put on the back of the camel and screams out of fear that makes the camel run. Who is to perform the obligation of protecting these children from such exploitation that is prohibited under the UN Convention on the Right of the Child? Who really is counting the number of deaths caused by falling from the back of a running camel that is so frequently reported in the newspapers?

Protesting such trafficking in children the founder of BELA Dr. Mchiddin Faroque moved a Writ Petition (No. 278 of 1996) before the High Court demanding the followings:

- Ensure that no further children are smuggled out of Bangladesh and that no such camel race take place with Bangladesh children anywhere in the world; and
- Take immediate measures to bring back all the children illegally trafficked to the UAE.

Meanwhile following severe protest from the international community the Government in UAE banned the use of children under 14 years of age with less weight than 45 KG. The recent incident of one Bangladeshi child aged 4 years named Juru Miah being abandoned in a desert by his importer/organizer for 4 days because of his refusal set another example of audacity by such traders to all norms and concerns of the international community about child rights.

The situation for child labour is even worse with regard to the girl child. The rational that laws rightly reflect the socio-economic condition of a country perhaps found its justification in the *Suppression of Immoral Traffic Act of 1933*. This particular Act prohibited the keeping of a brothel for safeguarding women from trading on their physique. There is, however, no dirt of brothels or numbers of child prostitutes being kept in such brothels.

The fact that the laws tend to protect children from violence clearly suggests the existence of such phenomenon in the society. Section 34 of the Penal Code prescribed punishment for assault, ill treat, neglect, aban-

don or exposition of children to any kind of the above mentioned acts.

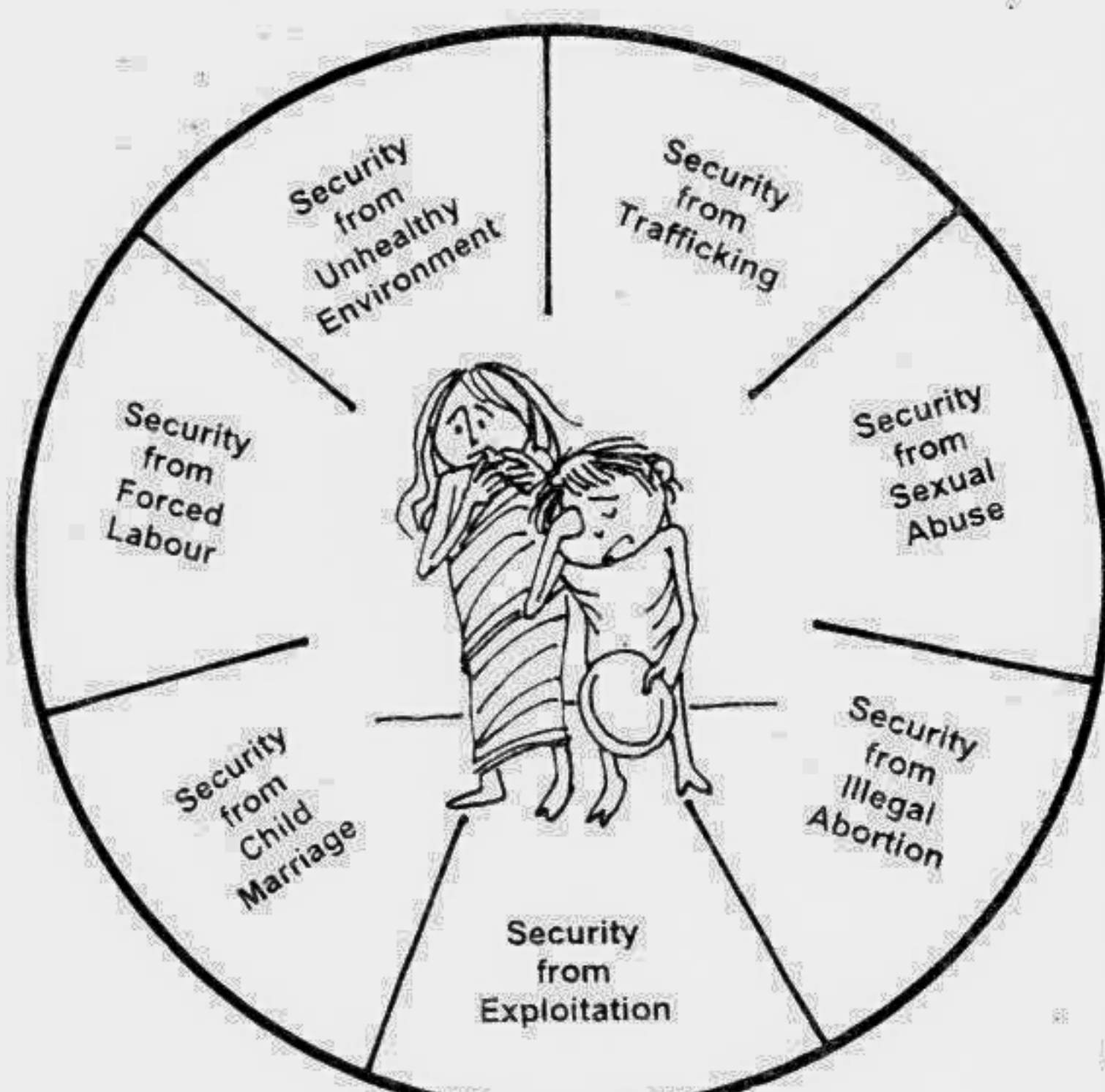
With increasing number of child beggars, section 35 of the Penal Code that prescribe penalty for employing children for begging turn out to be a paper-commitment than of any real significance.

End of the day children even cannot count for their just earnings. There is exploitation by the employees who tend to pay them less although the same is punishable with fine, which may extend to TK.1000.

### Conclusion

Legal provisions cannot always effectively deal with many forms of social exploitation that result from poverty and ignorance. Newspapers, in recent times, suggested that even the parents evade the legal provisions under the *Child Marriage Restraint Act, 1929* suggesting minimum age for marriage and over age their girl child while registering the marriages. As such, the legal prohibition of selling tobacco to children under 16 could not deal effectively with the scenario where children promote sell of such products for their livelihood. These situations reflects the general helplessness in respecting law and so long the other socio-economic conditions are not considered in a holistic approach in preventing abuse of child right, violation of law would continue to be registered.

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### CA's Note:

The CA received several notes and letters from children. The following is being published as it encapsulates the feelings expressed by most of the children.

### The Plea of A Child

Around us many dangerous incidents of female child repression take place. We all say, "The country seems to have spoiled. It is not possible any more to lead a normal and decent life here." But alas! This country of ours which is as innocent as mother is not responsible. Why should she be blamed for her wicked children?

We have to understand that the problem rests not with the country but with the society. Because the society has been rotten to the core. The only solution lies in its reconstruction. As one of all children of Bangladesh, I want this society to be done away with. Instead I want a new society that is enlightened, civilised. A society that would provide children with security, sufficient rights and protection from all kinds of abuse. A society that would give children love and affection irrespective of their gender.

Kazi Rabeya Khatun Gypsy  
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TWELVE years old Taher was a transport worker. He was a tempo-helper of Farigate - Newmarket route. According to co-workers, he was the jolliest of all the children working at that route. Making fun out of everything was his habit. But one day changed everything, Taher slipped from a moving tempo and instantly was overrun by a bus. Loozing both the legs, he is now physically handicapped. Gone are his laughter, joy and fun. Now lying silently in bed he gives a blank look all the time.

Taher's incident is not something isolated. Behind us, many other working children might be facing such unwanted consequences everyday. If child labourers are one of the most insecure groups among children, the situation of those engaged in hazardous sectors is worst of all.

### Hazardous Child Labour: The Ugly Face

According to the Bangladesh Bureau of Statistics (BBS), there are about 6.1 million child labourers (aged 14 or below) engaged in more than 300 different economic activities. Most of them are employed in 27 sectors earmarked as 'hazardous' for children by the International Labour Organisation (ILO). The nature of work, method of working, situation of workplace, working condition etc. of these sectors are all hazardous for both physical and mental security of children. The enormity of situation would be further clear by an example. Last year, authors of this write-up conducted a research on child labourers of transport sector of Dhaka city as part of their academic study. Ninety percent of the child labourers who participated in the survey of that research were found to be victims of one or more health complication.

What is the way out of this situation? The easiest and most available answer is banning of child labour. When we face a problem, generally we seek the apparently easy solution. That's why efforts are underway in both national and international level to ban child labour in the shortest possible time. But banning child labour alone would not ensure security of working children. It may tem-

porarily increase their physical-mental security but will endanger their sole existence in the long run. But why this predicament? To know this we have to understand the dynamics of our society.

### The Security Dilemma of Child Labour

The predicament of a child labourer is rooted in his or her socio-economic reality. Child labourers predominantly come from lower and lower-middle class families of our society. These families are characterised by some or all of the following features: big families, absence of father, unsatisfactory (low) family income, unemployment of elder family member(s), social barrier restraining elder woman family members from employment, lack of interest in child education etc. Besides, many of the low income parents are former child labourers themselves who do not bother much with their children as labourers.

Thus the negative socio-economic condition lead the children of lower and lower-middle class families to child labour. Moreover, an early entry into labour market is worth not only instant income but also opportunity of internship in a particular trade that may pay off in the long run. Once they are in the marketplace as labourers, rules of economics draw them into the hazardous sectors. Because the wage in hazardous sectors are more than the ones which are not hazardous.

Now let's see what happens if child labour is banned? When child labour is banned from a sector, it makes the children unemployed but does not put them out of child labour. As unemployment precipitate their poverty, they start hunting for jobs at once. Soon enough, they are re-engaged in child labour. This time may be in a more

## HAZARDOUS CHILD LABOUR

### The Dilemma of Child Security

by K.N.M. Hossainul Haque and Md. Saidul Huq

*The phenomenon of child labour that emerged over years cannot be altered in a short period. Particularly, if it is tied up with macro-problems like population explosion and poverty as in case of Bangladesh. But, had reality been the only criterion of action, there would have been no change in the world.*

hazardous sector than the previous one. During our survey on child transport workers of Dhaka last year, we found that children sacked from garment factories are working as rickshaw-van helpers. If that is the result of banning child labour in one sector, banning child labour in all the sectors would make things worse. That would rather increase juvenile crime instead of doing any good (See Figure - 1).

We therefore see that the 'vicious circle' connecting poverty and child labour has been continuously creating security dilemma for child labourers. We have also found traditional approach to ensure security of child labourers has rather reinforced their security dilemma. But things cannot go on this way for ever. Change must come. If straight finger cannot get the cheese, bend the finger. As conventional means are failing, let us invent and discover the unseen.

### The Way Out

Our propositions for breaking the dilemma of child security are based on the following two assumptions:

- Child labour, irrespective of its form, is not a problem singularly but an integral part of the process of our societal construction. Beginning as the result of other social problems, it later evolves as a social problem itself and eventually end up as a cause of other social problems. Any efforts of mitigating it, therefore, require a three-pronged strategy dealing not only with child labour but also with its causes and effects.
- Hazardous child labour is inter linked with overall child labour issue. Therefore, effort to deal with it should encompass non-hazardous child labour as well.

Keeping the above two points in mind, we suggest of bi-focal action for breaking-up security

dilemma of children in hazardous labour. The 'strategic action' for eliminating hazardous child labour in the long run and the 'tactical action' for gradually reducing it in the short run.

### Strategic Action

- Solution of the issues of imbalance population, unemployment and poverty. Consequently, the economic situation of lower and lower-middle class families would sufficiently improve. This would revert the negative economic reality that produce child labourers.
- Qualitative change in education system by integrating general and technical education. Both male and female children should be given technical training in one or more trade as part of their general education. Existing workshops and factories can be utilised for practical part of that training. This would revert the prevailing tendency of preferring working to schooling for children among low income parents.
- Implementing the following legal reforms: a uniform & common legal definition of children and enunciating 'United Nations Convention on the Rights of the Child' (UNCRC) in our law. This would vanish the legal loopholes that make child labour possible.

### Tactical Action

- Discouraging the amount of social resistance still existing against extra-house economic activity of women. So that, in time of emergency, elder female members of family instead of children can take up the economic responsibility of family.
- Raising awareness among child labourers of hazards involved in respective sectors, giving practical training (both pre-job and in-job)

on precautions to be taken and providing them with protective gears to save their body from accident and harmful exposure. These would increase security at workplace of child labourers.

- Developing an integrated health care system for child labourers. The existing infrastructure of hospitals, clinics and health centres can be utilised for this purpose. The system would include health insurance, emergency health fund, health card, periodic health check-up, physical and psychological therapy etc. The fund for this system can be raised by joint contribution of child labourers, employers, parents, concerned NGOs and government agencies and any other person or quarter interested.
- Developing an integrated system of education for child labourers. The existing infrastructure of formal and non-formal primary schools respectively run by the gov-

ernment and the NGOs can be utilised for this purpose. Necessary fund can be raised by joint contribution of the parties discussed earlier (see no. 3). The class schedule of child labourers should be in harmony with respective working hour and working day. Besides general subjects like, Bengali and math, they should also be taught food and nutrition, health and cleanliness, population, child rights, etiquette etc.

- Increasing entertainment facilities for child labourers. Programmes like cultural functions and sports competitions can be arranged for child labourers in this purpose. Government agencies like the Shishu Academy and private bodies like the NGOs, children organisations and cultural associations can implement them. This would enable the child labourers to escape from harsh reality of life for the time being and contribute in their mental development.
- Ensuring safety of child labourers from torture and abuse. This can be successfully implemented by following initiatives:
  - developing a countrywide network with a common mailing address and a common phone number through which child labourers can channel their complaints to proper authority;
  - appointing an official with

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Figure - 1: The 'Vicious Circle' of Security Dilemma of Child Labourers

