

National Child Domestic Worker Convention

12 January 2010



Minister
Ministry of Labour and Employment
Ministry of Expatriate Welfare
and Overseas Employment
People's Republic of Bangladesh

Message

I am very happy that Save the Children Sweden Denmark is organizing "National Child Domestic Worker's Convention 2010". I believe this convention will be helpful to uphold the rights of the child domestic workers. Domestic child work is very common phenomenon in our country. Due to poverty parents send their children away to do domestic work in other families' houses. A major portion of domestic worker is girl children who are living at the guidance of employer and in many cases can face various exploitative situations. Bangladesh Government is very concerned about the rights of each child. Government is trying to establish children's rights through various activities and policies. Civil society, community people, employers and donor organization should come forward to establish these children's rights.

I hope this convention will give us new direction to address the problem to improve the situation and for better future for child domestic workers.

Engr. Khandker Mosharraf Hossain

Recommendations to the Policy makers:

- Protect child domestic worker from economic as well as other exploitation and empower them economically through creating opportunities on education, skill development training and placement in non hazardous jobs.
- Create access to 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 in 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 program 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 UP level. These Committees 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.



State Minister
Ministry of Women and Children Affairs
People's Republic of Bangladesh.

Message

Child Domestic Labour is a priority concern as a large number of children are engaged in household work. Bangladesh Government is concerned about the rights of the working children and is taking various necessary steps in ensuring protection and upholding the rights of the working children in all sectors. Child domestic workers are generally confined within the house of the employer. Employers engaging children in household work have a prime responsibility to ensure their well being. Working children must be given time for learning and recreation.

I believe that this National Child Domestic Worker Convention 2010 will help Government and other stakeholder to uphold the rights of the child domestic workers, to address their vulnerability and to help improve their situation.

Dr. Shirin Sharmin Chaudhury



Sultana Kamal
Executive Director
Ain O Shalish Kendra

I am very delighted that a national convention is going to be held on 12 January 2010 for child domestic work. In informal sector, one of the largest areas where children are working is in domestic households and among them 80% are female children. But the issues and problems of child domestic worker is not highlighted much in discussion due to their nature of work. This convention undoubtedly will help to break the silence of society regarding child domestic worker. I hope that the declaration of the convention from children, employer and different stakeholders will definitely contribute for authentic policy formulation and implementation for the development of child domestic worker.

Study Findings

on
"Child Domestic Workers - living inside room & outside law:
Role of Govt. & Civil Societies".

Child Labour is now a matter of great concern. The Government of Bangladesh has acknowledged the issue 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 Convention of the Rights of the Child (CRC) 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 making a successful realization of the Conventions on Child Rights and that of children working in hazardous work.



Niels Bentsen
Country Representative
Save the Children
Sweden-Denmark

I am pleased that a comprehensive study on "Child Domestic Workers Living Inside Room and Outside Law and the role of Government and Civil Society", undertaken by Ain O Shalish Kendra and Save the Children Sweden Denmark will form the basis for this "National Child Domestic Worker's Convention 2010". A huge number of children, particularly girls, are involved in domestic work in families away from their own environments and families. Many of these children live and work under conditions that are extreme, exploitative, abusive and worse than conditions adults would accept for the same work. It is therefore high time that the Government, along with Civil Society Organisations, take actions to ensure legislative measures and codes of conduct to protect Child Domestic Workers. I believe that the National Convention will contribute to solving the challenges the child domestic workers are facing on a daily basis.



Ratan Sarkar
Focal Person
Together with Working Children (TWC)
Executive Director, INCIDIN Bangladesh

Greetings and salutations to all the child and adult participants of the National Child Domestic Workers' Convention! We the members of TWC are proud to be the actors who have developed a code of conduct for the employers of the children in domestic work. At the same time, TWC through advocacy has been successful in including the issues and concerns of the child domestic workers in the National Child Labor Eradication Policy (2008) which now waits to be finalized by the cabinet. I would also like to congratulate TWC, ASK and SCSD for organizing this timely event and hope for a very successful Congress.



Shamsul Alam
Deputy Country Representative
Save the Children Sweden Denmark

Save the Children Sweden Denmark and Ain O Shalish Kendra are organizing "National Child Domestic Worker's Convention 2010" based on the study "Child Domestic Workers Living Inside Room and Outside Law - and the role of Government and Civil Society". From the study it is found that their rights are highly violated and they become victim of abuse and exploitation. In this context I think it is the crucial time for Government along with Civil Society Organisations, take necessary actions to protect their rights through legislative measures. I believe that the declaration from this National Convention will contribute to resolve the challenge faced by the child domestic worker.



Shahida Begum
Program Coordinator-Child Labour
Save the Children Sweden Denmark

Child domestic worker is one of the most invisible sectors in our country. These groups of children are mostly confined inside rooms under total control of their employers. They are growing up without parental care and guidance. They also live outside law as this sector falls under the informal sector. In terms of rights violation, almost all of their rights are violated. Through National Child Domestic Worker Convention, I would like call for parents, civil society, employers, government and political parties to join the movement to protect child domestic workers from economic exploitation and empowering them economically through providing proper education, skills and recreational facilities, so that we can make this country a better place for them to live in.

The phenomenon of child domestic workers is widespread in Bangladesh. According to a Baseline survey (BBS and UNICEF 2006) showed approximately 400,000 child domestic workers (CDW) aged 6-17 years in Bangladesh. This group of child workers is always cheap, invisible and it is 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 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. Since the CDWs live in the employer's 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. 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, SCSD decided to make a study on "Child Domestic Workers - living inside room & outside law and Role of Govt. & Civil Societies".

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

The Child Labour Team of Save the Children Sweden Denmark & Child Rights Unit of Ain O Shalish Kendra jointly conducted the study. Sultana Kamal, Executive Director, ASK was the Research advisor and Shahida Begum, program Coordinator- Child Labour, SCSD was playing overall planning & coordination role for this study. An external consultant helped the research average 16-18 hours a day. It was also found that 18% CDWs work in a day for an average of 1-8hrs a day and less than 1% CDWs work 19 hrs above. These figures prove 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 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' children's tasks relate to their development.

100% of the children responded that they never like to do work as child domestic worker, because they miss their parents, siblings, relatives and cannot have food and, breakfast as provided for the children of the employers. All children mentioned that they want to live with their parents in their village. Without parents, they feel isolated in the employer's house. They are treated as outsiders of the employer's family, and have nobody to share their emotions with. All day long, they are working under pressure. There is very limited opportunities to work in villages. Responding children mentioned that if their parents have enough opportunity to work in the village and also, if they could get any opportunities to work besides having education facilities at village level they would never come to the cities to work as CDWs. The children strongly believe that if there are enough schools and they have access to education, vocational training and small pieces of land they would never need to come to cities for work.

Children told that they want to get opportunities for recreation and study and they like to be treated as family members and desire the same level of affection that the employer's children receive. They want that employers praise their job and if they make any mistake, employers will make them understand in a calm way.

All children responded that they prefer to work with their parents with basic amenities with one or two meal in a day, even when given the option to work at an employer's house and receiving ample salary. Everyone wants to live with their parents if possible. Child Domestic workers' situation who are living outside law: Domestic workers are excluded from Labour Law 2006 vide section 1(4) (na). Even the National Child Labour Policy (proposed to cabinet 2009), has recognized domestic work as informal sector jobs. As a result the Labour Inspector is not allowed to monitor the work condition in private household. Domestic workers especially the child domestic workers often face mental, physical, verbal, sexual abuse and economic exploitation, which does not appear in the media. They have no specific working hours and get no holidays. In most of the cases, they are not allowed to meet their parents. In this situation, due to lack of an appropriate law, they cannot address their problem by following the provisions of labour law 2006 as domestic work is not recognized within the formal sector.

In Bangladesh 35 laws which concern children have been identified. Most are related to the children who are in contact with law and children engaged in formal sector work. There is no comprehensive law in favor for 93% children out of the 7.4 million who are working in informal sector including the children engaged in domestic work. Only the law named Domestic Servant Registration Ordinance 1961 requires the registration of 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 take one thousand or with both. The Domestic Servant Registration Ordinance 1961 and the Section 34 of the Children Act 1974 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, we have no comprehensive law regarding child domestic workers. 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 as a soft legal binding for them. The objective of the code of conduct is to bring acceptable minimum standard of behavioral patterns among the employers in the informal sectors that consider the best interest of the children. A Code of Conduct will make employers responsible to maintain rules and regulation which will protect children.



Hafiza Akhter Khanom
Employer
Kallayanpur, Mirpur-1, Dhaka

Children who are working as a child domestic worker are the members of our society. Acute poverty forced them to do such job in their child hood. Being an educated and conscious person I believe that every adult people have some responsibility for these children's group. A little children who is giving immense labour all day long to ensure our day to day activities by doing our own household works, I believe to secure their education, protection and development is our pat of ethical responsibility. Let us think child domestic worker as a human being rather a working machine. I appeal to all of you to extend your hands to these children so that they can accomplish their little dreams and have a nice future in life.



Nahar, Age 13
Child domestic worker

I am Nahar. I am a domestic worker and live in the employer's house. When I first come to the city leaving my parents, I was very sad. I could not sleep for many nights and spent whole nights crying. Now I am studying beside work. But in our country there are many children like me who are working in other's house for their survival. Many of them are not getting the opportunity for education. Often we can see from the newspaper that child domestic workers become the victim of violence and torture. My question to the civil society that why this is happening? Is not there any safe place for these children in the whole world? There are so many kind people who are with us in the society. We can view the dream for beautiful future with the help of those people. Our request to all people to assist us to get our basic rights.