



## RIGHTS CORNER

# Rights of child domestic worker and reversing the current trend

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A small news item got published in the 3rd page of The Daily Star on December 22, 2012. As it occupied a small space, it might escape attention of many readers. The story was about a child domestic help who became a victim of torture and rape. Many such incidents did not come in the newspaper. Only handful of incidents though appeared in newspapers, victims were provided little remedies. Child domestic workers are still most vulnerable group of informal labour sector and they are often forced to work in conditions that are oppressive, exploitative, abusive and worse than adults would accept for the same work.

Although it has been stated in Article 4 of the UN Convention on the Rights of the Child (CRC), "States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognised in the present Convention", Bangladesh has largely failed to protect child domestic worker from abuse. Bangladesh signed and later ratified CRC, but many of the child domestic workers continue to experience beating, scalding, branding with hot irons, denying children an education and lack of proper sleeping conditions among others. Girl child laborers are particularly vulnerable in absence of a protective mechanism. Without the opportunity to receive an adequate education, child laborers are confined to domestic settings and face constraints on their potential from early childhood. Girl child domestic workers are particularly

vulnerable to sexual abuse.

The punishment for rape, under the Prevention of Oppression against Women and Children Act, is a maximum of life imprisonment with a fine. If the victim later dies, or the rape is committed by more than one man (i.e. gang rape), then the maximum penalty imposed is capital punishment. "If in

Association v. The Cabinet Division, Bangladesh, Supreme Court, 2011) regarding child domestic help. The court directed among others to take immediate steps to prohibit the employment of children below the age of twelve with a view to ensuring childhood education; implement provisions of the National Elimination of Child Labour Policy 2010

convention and they made a number of recommendations. Apart from registration with local government bodies, the convention also called for stronger political will and a safety net dedicated to child domestic workers.

In absence of a protective mechanism and political will, issues related to education of child domestic help have often been neglected. Right to education is a constitutional right as it is enshrined in Article 17, "The state shall adopt effective measures for (i) establishing a uniform mass-oriented and universal system of education and extending free and compulsory education to all children to such stage as may be determined by law; (b) relating education to the needs of the society and producing properly trained and motivated citizens to serve these needs; (c) removing illiteracy within such time as may be determined by law". On the one hand, it is true that Bangladesh has made a commendable progress in achieving universal primary education. Child domestic workers, on the other hand have mostly been deprived of basic rights including the right to education.

To recapitulate, likelihood of suffering from inter-generational cycle of poverty increases for those children who are engaged as child domestic workers. Child domestic workers grow up in a situation whereby they are likely to find themselves in early marriage, and, like their parents before them, may then engage their own children into domestic service as one of the few avenues of providing for them. Will there be enough effort from all the stakeholders to reverse this trend?

The writer is a human rights worker.



consequence of rape or any act by him after rape, the woman or the child so raped, died later, the man shall be punished with death or with transportation for life and also with fine not exceeding one lac taka" - said in Section 9 (ii) of the Act. Even though there is a provision of capital punishment, incidents of crime have not been decreased drastically.

There are laws regulating labour in Bangladesh. However, the Labour Act of 2006 does not extend labour law protections to domestic workers. There has been a landmark directive (Bangladesh National Women Lawyers

that would increase protections for child domestic workers; include "domestic workers" under the protections provided by the Labour Act, 2006; maintain a register with details about children entered into service with a view to combating trafficking; mandate health check-ups for domestic laborers and ensure proper medical treatment and compensation by employers for all domestic workers.

Interestingly, Child Domestic Workers Convention 2012 also called for registration of child domestic workers. Save the Children in Bangladesh organised this



## LAW NEWS

## Global arms trade contributes to use of child soldiers

HALTING the use of child soldiers in conflicts is just one of a series of compelling reasons for states to adopt a strong Arms Trade Treaty (ATT), Amnesty International said to mark the International Day against the Use of Child Soldiers on 12 February.

In Mali and close to 20 other countries, poorly regulated international arms transfers continue to contribute to the recruitment and use of boys and girls under the age of 18 in hostilities by armed groups and, in some cases, government forces.

With the final talks on the ATT taking place at the United Nations next month, Amnesty International continues to call on all states to adopt a strong treaty with effective rules to protect human rights.

"Amnesty International's recent research on the ground in Mali has revealed once more the horrors faced by child soldiers who are being recruited in numerous conflicts around the world to support troops and armed groups, sometimes in frontline roles," said Brian Wood, Amnesty International's Head of Arms Control and Human Rights.

"The Arms Trade Treaty must require governments to prevent arms transfers that would be used to commit violence against children and include rules to stem the flow of weapons into the hands of the government forces and armed groups responsible for war crimes or grave abuses of human rights, but the current draft rules are not strong enough to make a real difference."

An overwhelming majority of the world's states oppose the recruitment and use of anyone under the age of 18 by armed forces or armed groups, since taking part in hostilities robs them of their childhood and exposes them to terrible dangers as well as psychological and physical suffering.

Apart from the tragedy of becoming perpetrators of human rights abuses themselves, many child soldiers are killed, maimed or are victims of rape and other sexual violence.

### Current use of child soldiers

Since January 2011, child soldiers have reportedly been used in at least 19 countries, according to the global NGO coalition Child Soldiers International, of which Amnesty International is a member.

Among them is Mali, where in recent weeks Amnesty International delegates have interviewed

eyewitnesses as well as children who were recruited by the Islamist armed groups currently fighting against Malian and French forces in the north of the country.

In the city of Diabaly some 400km north-east of the Malian capital Bamako several people, including the deputy mayor, reported seeing children aged between 10 and 17 with the Islamist armed groups that had taken control of the area.

"These children were carrying rifles. One of them was so small that his rifle was sometimes dragging on the ground," one eyewitness said.

Farther south, in Ségou, Amnesty International met two captured child soldiers one of whom showed signs of mental illness.

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His 16-year-old companion said they were arrested and handed over to the Malian authorities after the French and Malian armies re-conquered Diabaly in late January.

He told Amnesty International about his forcible recruitment and training by the Islamist armed group:

"I used to study with 23 other pupils with a Koranic Master. Two months ago, the grand-son of my master sold us to the Islamists. We joined a group of 14 other young people carrying firearms. At the beginning, I was asked to work in the kitchen. We used to cook in a Christian church occupied by the Islamists. The rebels would beat us [with a rubber belt] during Koran lessons because ...they wanted us to pronounce Arabic like them."

"They trained us to shoot, aiming at the heart or feet. Before the fighting, we had to eat rice mixed with a white powder and a sauce with a red powder. We also had injections. I had three. After these

injections and eating the rice mixed with powder, I would turn like a motor vehicle, I could do anything for my masters. I perceived our enemies like they were dogs and all that was in my mind was to shoot them."

The boy told Amnesty International that four child soldiers were killed during the fighting to regain control of Diabaly from the Islamist armed groups and the Malian and French military forces that took over the city of Diabaly around 20 and 21 January.

The organization has evidence that militia groups supported by the Malian government have also recruited child soldiers previously, but so far there is no documented case of these groups using child soldiers on the front lines.

In recent years, Amnesty International has also documented use or allegations of use of child soldiers in numerous other countries, including Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of Congo, Sri Lanka, Somalia, and Yemen.

### How the Arms Trade Treaty can help

Some 150 countries, including Mali, have already agreed to prohibit the use of anyone under 18 in armed conflict by joining the Optional Protocol to the Convention on the Rights of the Child. It is a war crime to conscript or use child soldiers under age 15 in active hostilities.

A strong ATT can help to end the forced recruitment of child soldiers by stopping the flow of arms to governments and armed groups that abuse human rights.

The current draft ATT text proposes weak rules to help prevent arms transfers to states or groups using child soldiers. The draft rules to respect existing international human rights law and international humanitarian law could be circumvented the rule on violence against children merely requires state to "consider taking feasible measures" and rules to prevent the diversion of arms are weak, for example ammunition is not covered.

Amnesty International is pressing for these loopholes to be closed so that the rule in the ATT would require States Parties to prevent arms transfers that pose a danger of contributing to violence against children, including the recruitment and use of child soldiers.

Source: Amnesty International Press release.



## LAW WEEK

### SC too clears way for Tarique, Mamun money laundering trial

The Supreme Court on February 14 upheld a High Court order that cleared the way for continuing a money-laundering case against BNP Senior Vice-Chairman Tarique Rahman and his business partner Giasuddin Al Mamun in a trial court. A six-member bench of the Appellate Division headed by Chief Justice Md Muzammel Hossain passed the order after rejecting a petition filed by Mamun seeking a stay on the HC order. The Anti-Corruption Commission (ACC) on October 26, 2009 lodged the case with Cantonment Police Station against the duo on charge of laundering Tk 20.41 crore to Singapore between 2003 and 2007. - *The Daily Star online edition February 14 2013.*

### Limon Case Probe

#### Court rejects no-confidence petition

A Jhalakathi court on February 13 rejected a no-confidence petition against a police probe filed by Henoara Begum, mother of Limon Hossain who was shot and maimed allegedly by Rab in 2011. Henoara submitted the petition before the court on August 30, 2012, challenging a police probe report that found no evidence against the elite force in shooting and maiming Limon. Henoara on April 10, 2011, had filed a case with Rajapur Police Station against six Rapid Action Battalion personnel. In the case statement, she said the accused without verifying Limon's identity shot him in the left leg on March 23, 2011, when he was bringing cattle home. Later, his leg had to be amputated from the thigh. - *The Daily Star February 14 2013.*

### Parag Abduction Case

#### HC summons dist judge, PP

The High Court on February 13 summoned before it the lower court judge, who had granted bail to five accused in schoolboy Parag Mondol abduction case. Judge Md Abdul Majid of the Dhaka District and Sessions Judge's Court will have to appear before the court on February 20 by 10:30am to explain why he had granted bail to the accused in this sensational case. Six-year-old Parag Mondol, a student of KG-I at Heed International School, was abducted at Shuvadda Paschim Para in Keraniganj on November 11, 2012. He was found three days later in Atibazar area of the locality. According to the reports published in Bangla daily Prothom Alo on February 12 and 13, Judge Abdul Majid granted bail to Aminul Haque alias Jewel Mollah, Alfaz Hossain, Mamun Miah, Rizvi Ahmed Anik and Abul Kashem on different days of January and February. - *The Daily Star February 14 2013.*

### Hall-Mark Loan Scam

#### ACC quizzes former Sonali Bank official

The Anti-Corruption Commission (ACC) on February 13 interrogated state-run Sonali Bank's former board director Saimum Sarwar Kamol, who allegedly took bribe from Hall-Mark Group to help the controversial group commit a loan scam. Kamol was summoned as Hall-Mark Managing Director Tanvir Mahmud confessed that he (Kamol) received Tk 3 crore as bribe to help him (Tanvir) commit the scam. Kamol however denied taking any bribe from Hall-Mark Group. On October 4 last year, the ACC filed 11 cases against 27 top officials of Sonali Bank and Hall-Mark Group for misappropriating over Tk 1,568 crore as loan. - *The Daily Star February 14 2013.*

### Sayedee's son remanded

A Dhaka court on February 12 sent war crimes suspect Delawar Hossain Sayedee's son and four others on a three-day remand each in connection with a case filed for January 28 cocktail blasts at the capital's Motijheel. Detectives on February 11 arrested Shamim Hossain Sayedee and his four associates in separate drives in the capital on charges of planning subversive activities. Metropolitan Magistrate Shahriar Mahmud Adnan passed the remand order when Kabir Hosain Hawlader, investigating officer of the case, produced them before the court with a seven-day remand prayer for each. On January 28, a group of Jamaat-Shibir leaders and activists brought out a procession in Motijheel area, demanding release of their top leaders who are facing trial for crimes against humanity. As police resisted them, the activists attacked the law enforcers, preventing them from discharging their duties and blasted cocktails that left several policemen injured. - *The Daily Star February 13 2013.*

### Hall-Mark

#### HC directs govt to bar chairman from going abroad

The High Court on February 11 directed the government to immediately take steps for barring Jasmine Islam, chairman of Hall-Mark Group, from going abroad. Responding to a petition filed by journalist Nazim Ahmed, the court also issued a rule upon the authorities concerned to explain in seven days why the lower court order that granted bail to Jasmine should not be cancelled. Earlier, Judge Md Zahirul Haque of the Senior Special Judge's Court granted bail to Jasmin in 11 corruption cases on the condition that Jasmine and the Hall-Mark Group will repay Tk 2,600

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