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## Safeguarding the Future of Bangladeshi Children: The Need for a Comprehensive National Educational System

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# SAFEGUARDING THE FUTURE OF BANGLADESHI CHILDREN: THE NEED FOR A COMPREHENSIVE NATIONAL EDUCATION SYSTEM

## INTRODUCTION

“I believe that children are our future, teach them well and let them lead the way.”<sup>1</sup>

Children are guaranteed many rights to ensure that once they are born into the world, they are given the necessary tools to succeed.<sup>2</sup> Such rights include, but are not limited to, the right to education, nutrition, health, shelter, clothing, and love.<sup>3</sup> These rights are safeguarded internationally by the United Nations Convention on the Rights of the Child (CRC).<sup>4</sup> States Parties—members who have ratified the CRC—are required to make sure that their national legislation complies with the goals set forth by the CRC, which are to universally promote the success and positive emotional and physical well-being of all children.<sup>5</sup>

Despite the widespread ratification of the CRC, many countries fail to recognize the rights guaranteed to children under it, often because they do not have the proper legislation and agencies in place to ensure that these rights are well-known, written into their nation’s law, understood by adults and children, and enforced legally throughout their nation.<sup>6</sup> Children globally face many grave issues, such as exploitation, trafficking, child labor,

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1. WHITNEY HOUSTON, *GREATEST LOVE OF ALL* (Arista Records 1985).

2. See Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3 [hereinafter Convention on the Rights of the Child].

3. See UNICEF, *FACT SHEET: A SUMMARY OF THE RIGHTS UNDER THE CONVENTION ON THE RIGHTS OF THE CHILD* (2014), [http://www.unicef.org/crc/files/Rights\\_overview.pdf](http://www.unicef.org/crc/files/Rights_overview.pdf) [hereinafter UNICEF, *Summary of Rights*].

4. See Convention on the Rights of the Child, *supra* note 2. The CRC opened for signature in 1989 and has since been ratified by nearly every country in the world. *Id.*

5. *Id.* art. 44.

6. See Farzana Islam & Gulshan Ara Akhter, *Child Abuse in Bangladesh*, 9 *IBRAHIM MED. COLL. J.* 18, 19 (2015).

and various other forms of physical and mental abuse.<sup>7</sup> One country which has ratified the CRC, but whose youth continues to face such evils, is Bangladesh.<sup>8</sup>

Although the CRC guarantees many rights to children, the main focus of this Note will be on the right to education. While there are schooling options in Bangladesh, the schools are run by various organizations, creating a lack of uniformity in the quality of education children receive. With an overwhelmingly high rate of poverty,<sup>9</sup> Bangladeshi children are often forced into the workplace by their parents at a young age, requiring them to forego their education or strike a difficult balance between school and work.<sup>10</sup> This often results in children failing to finish their schooling and instead committing their time solely to the workplace.<sup>11</sup> Without completing their own education, children fail to recognize its importance and are then unable to explain this to their own children, creating an endless cycle of youth who are involved in labor at such a young age.<sup>12</sup> The challenge of eradicating child labor persists because there is no child-specific legislation for law enforcement to administer. This increases the difficulty in promoting the rights guaranteed by the CRC.<sup>13</sup>

In the past decade, Bangladesh has made new attempts to combat the devastating child labor problem.<sup>14</sup> New legislation has been introduced, such as the 2010 National Child Labor Elimination Policy, the National Education Policy, and the Bangladesh Labor Act (the "Act").<sup>15</sup> There has been an increased focus on child-specific training for Bangladeshi police officers to properly identify and handle violations of children's rights.<sup>16</sup>

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7. *See id.* at 19–20.

8. *See id.* at 18.

9. It is estimated that about a quarter of the population of Bangladesh is impoverished. *See* EDUCO, CHILD RIGHTS SITUATION ANALYSIS (CRSA) IN BANGLADESH 10 (2016), [https://www.educo.org/Educo/media/Documents/Paises/Child-Rights-Situation\\_Bangladesh\\_2016.pdf](https://www.educo.org/Educo/media/Documents/Paises/Child-Rights-Situation_Bangladesh_2016.pdf).

10. *See id.* at 12–13.

11. *See id.*

12. *See id.* at 12–13.

13. *See* Islam & Akhter, *supra* note 6, at 20.

14. *See* U.S. DEP'T OF LABOR, BANGLADESH MODERATE ADVANCEMENT: 2014 FINDINGS ON THE WORST FORMS OF CHILD LABOR (2014), <https://www.dol.gov/ilab/reports/child-labor/findings/2014TDA/bangladesh.pdf>.

15. *Id.* at 2, 5.

16. *Id.* at 7.

There has also been an introduction of many social programs sponsored by the Bangladeshi government, such as a Services for Children at Risk Project and an Initiative to Eliminate Child Labor from Urban Slums and Rural Areas.<sup>17</sup>

Despite Bangladesh's recent efforts to enact new legislation and create government agencies and social programs focusing on the rights of the children guaranteed under the CRC, the lack of a comprehensive national education system keeps Bangladeshi children from completing their education and continues to force them into a lifestyle plagued by child labor, mistreatment, and abuse.<sup>18</sup> With a uniform curriculum taught throughout the nation, the introduction of after-school programs, involvement of parents, and well-educated teachers and tutors, children will be given the necessary tools to succeed and create long-term goals, which will break the cycle of child labor.

Part I of this Note will introduce the United Nations and one of its subcommittees, the United Nations International Children's Emergency Fund (UNICEF), which is exclusively focused on children's rights. It will specifically focus on the role of the CRC, an international human rights treaty, which has been ratified by nearly every country worldwide. It will then delve into the rights that the CRC affords to all children and the role of the Committee on the Rights of the Child (the "Committee") in ensuring that all States Parties to the CRC are in compliance with its terms. Part II will examine the short history of Bangladesh as a country and the state of children's rights there. A focus will be on the failure of the Bangladeshi Constitution to provide child-specific provisions. It will also discuss Bangladesh's early ratification of the CRC. Part III will address the specific kinds of abuse faced by Bangladeshi children at home, school, and the workplace. It will address the effects of abuse on the child's physical and mental development. It will also discuss the causes of child labor, such as poverty and parental pressure. Finally, it will touch upon the current state of education in Bangladesh, as well as the Bangladeshi government's recent attempts to implement change and begin to eliminate some forms of child labor, through enacting new legislation and creating government and social programs. Finally, Part IV will provide a solution for the grave problem of child labor in Bangladesh. It will propose that

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17. *Id.* at 6.

18. *Id.*

a comprehensive national education system, available to all Bangladeshi children ages five (kindergarten) through eighteen (twelfth grade), is the best way to completely eradicate child labor. A focus on the strengthening of the primary education system will bolster the likelihood of Bangladeshi children staying in school and hopefully continuing onto secondary education, creating long-term career goals, and ensuring their rights, as outlined in the CRC, are guaranteed as promised. This Part will discuss the role of UNICEF in assisting the Bangladeshi government with planning for and funding the creation of a nationwide core curriculum, the training of teachers, building of new schools, providing of tutors and after-school programs, and educating and involving parents in their children's success.

#### I. THE HISTORICAL ROLE OF THE UNITED NATIONS, UNICEF, AND THE CRC

This Part will briefly introduce the role that the U.N. plays in international law. It will also discuss one subcommittee, UNICEF, and its goals of recognizing children's rights worldwide. Finally, it will focus on the CRC and the rights guaranteed by it to children worldwide.

##### A. *The United Nations*

In 1945, the United Nations was formed after World War II came to a grueling end.<sup>19</sup> Composed of 193 Member States globally, the United Nations is an international organization created to combat issues facing all countries across the world,<sup>20</sup> including, but not limited to, international concerns with human rights, security, equality, peace, health, nutrition, climate change, and terrorism.<sup>21</sup> Through its General Assembly and other legislative bodies, the United Nations has become a network for countries to congregate and work together to address and solve matters afflicting the world.<sup>22</sup> The United Nations has

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19. See *Overview*, UNITED NATIONS, <http://www.un.org/en/sections/about-un/overview/index.html> (last visited Oct. 6, 2017).

20. *Id.*

21. *Id.*

22. *Id.* As set forth in Chapter 1: Purposes and Principles of the United Nations Charter ("U.N. Charter"), three of the main purposes of the United Nations are: (1) "maintain[ing] international peace and security," (2) "develop[ing] friendly relations among nations," and (3) "achiev[ing] international co-

created subcommittees and ratified numerous conventions to address individual topics, such as, nuclear terrorism, international seas, and international sale of goods.<sup>23</sup>

### B. UNICEF

One incredibly important subcategory of the United Nations, which plays a large role in supporting the child's right to education, is UNICEF.<sup>24</sup> Mandated by the General Assembly in 1946, UNICEF is a program devoted entirely to the improvement, wellbeing, and promotion of children's rights in developing countries worldwide.<sup>25</sup> Working in over 190 countries, UNICEF strives to promote the importance of comforting children from birth and throughout each of the developmental stages until the completion of adolescence.<sup>26</sup> UNICEF seeks to advance the welfare of children by focusing on overcoming the obstacles that are faced by the most disadvantaged children, such as poverty, disease, and discrimination.<sup>27</sup> In hopes of fostering a solid foundation for children at birth to carry throughout their lifetime, UNICEF's mission is to emphasize the need for worldwide recognition of the rights of all children.<sup>28</sup> While many rights are guaranteed to all children—such as the rights to education, health, safety, nutrition, shelter, love, and support—many countries do not acknowledge the existence of these rights or implement safeguards to ensure that these rights are recognized.<sup>29</sup> In 2013, UNICEF had a budget upwards of \$4 billion USD to implement

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operation in solving international problems of an economic, social, cultural, or humanitarian character." U.N. Charter, art. 1.

23. See U.N. Charter, art. 1. While the U.N. Charter is comprised of an exhaustive nineteen chapters and 111 articles, the specific plans of how the United Nations will achieve its international goals are not delved into in the Charter. *Id.* As a result, these individual subcommittees have been created to address the specific goals that the United Nations sets out to achieve. *Id.*

24. See *About UNICEF*, UNICEF, [http://www.unicef.org/about/who/index\\_introduction.html](http://www.unicef.org/about/who/index_introduction.html) (last visited Oct. 6, 2017).

25. *Id.*

26. *Id.*

27. *Id.*

28. *Id.*

29. *Id.*

programs to achieve its goals of combatting issues with early childhood care, education, health, nutrition, and protection.<sup>30</sup>

### C. *The CRC*

Despite the creation of UNICEF early on in the United Nation's existence, it was just slightly over twenty-five years ago, on November 20, 1989, when the General Assembly adopted and opened for signature, ratification, and accession, the CRC, which entered into full force on September 2, 1990.<sup>31</sup> The CRC is an international human rights treaty that details the civil, political, economic, social, health, and cultural rights of children.<sup>32</sup> The 196 nations that have ratified the CRC are bound to it by international law.<sup>33</sup>

Considerable time and effort were put into analyzing what should go into the CRC.<sup>34</sup> Over a ten-year period, the canons and criteria were negotiated by governmental and nongovernmental organizations, lawyers, social workers, educators, and experts on child development across the world.<sup>35</sup> The resulting document takes into account all of the non-negotiable rights that were determined by these astounding field experts to be absolutely essential to promoting the well-being of all children universally.<sup>36</sup>

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30. See UNICEF, ANNUAL REPORT 2013, 38 (June 26, 2014), [http://www.unicef.org/publications/files/UNICEF\\_Annual\\_Report\\_2013\\_web\\_26\\_June\\_2014.pdf](http://www.unicef.org/publications/files/UNICEF_Annual_Report_2013_web_26_June_2014.pdf). According to the UNICEF Annual Report for 2013, revenue and funding were supplied by private sector and nongovernmental organizations (29 percent), governments (62 percent), inter-organizational arrangements (7 percent), and other revenue (2 percent). *Id.*

31. See Convention on the Rights of the Child, *supra* note 2. A signature generally shows a country's preliminary commendation of the terms set forth in the convention, while ratification or accession shows that the country actually intends to and is agreeing to be bound by the terms of the convention itself. See *What is the Difference Between Signing, Ratification and Accession of UN Treaties?*, DAG HAMMARSKJOLD LIBRARY (2016) <http://ask.un.org/faq/14594> (last visited Oct. 7, 2017).

32. See *Frequently Asked Questions: Convention on the Rights of the Child*, UNICEF (2005) [http://www.unicef.org/crc/index\\_30229.html](http://www.unicef.org/crc/index_30229.html) (last visited Sept. 25, 2017) [hereinafter UNICEF, *FAQ: CRC*].

33. *Id.*

34. *Id.*

35. *Id.*

36. *Id.*

As far as human rights treaties go, the CRC has the highest number of countries who are a State Party to the convention.<sup>37</sup>

A State Party's obedience to the guidelines set forth in the CRC are monitored by the Committee, which is given its power in Article 43 of Part II of the CRC.<sup>38</sup> The Committee is composed of ten members who are considered experts in the field of child development.<sup>39</sup> The Committee members come from various different countries and are elected to serve four-year terms.<sup>40</sup> Each State Party may nominate one potential Committee member from amongst its nationals.<sup>41</sup> The ten Committee members are then elected by secret ballot from the list of nominees.<sup>42</sup> Within two years of ratifying the CRC, each State Party must submit a compliance report to the Committee, followed by a comprehensive report every five years after that.<sup>43</sup> It is the job of the Committee to share the reports supplied by each State Party with the General Assembly.<sup>44</sup> In turn, each State Party must make these reports available for its individual country's public

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37. The only two countries that have not ratified this convention are Somalia and the United States. See UNICEF, *FAQ: CRC*, *supra* note 32. With no current recognizable government, Somalia is unable to sign or ratify the convention. *Id.* Although the United States has signed the convention, it has not officially ratified it. *Id.* This indicates that while the United States supports the terms of the CRC, it does not yet agree to be bound by it. *Id.* Cf. International Convention on the Elimination of All Forms of Racial Discrimination, Dec. 21, 1965, 660 U.N.T.S. 195 (with 178 States Parties, 5 signatories, and 14 states who have taken no action); International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, S. Treaty Doc. No. 95-19, 6 I.L.M. 360 (1967), 993 U.N.T.S. 3. (with 169 States Parties, 6 signatories, and 22 states who have taken no action); and International Covenant on Civil and Political Rights, Dec. 16, 1966, S. Treaty Doc. No. 95-20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171 (with 165 States Parties, 5 signatories, and 27 states who have taken no action). See also UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER, <http://www.ohchr.org/EN/pages/home.aspx> (last visited Sept. 26, 2017).

38. Convention on the Rights of the Child, *supra* note 2, art. 43.

39. *Id.*

40. *Id.*

41. *Id.*

42. *Id.* art. 44.

43. *Id.* In its report, a State Party should provide information detailing actions taken to ensure the implementation of the CRC throughout its nation. *Id.* The report should also identify any obstacles the State Party faces in fulfilling the goals of the CRC. *Id.*

44. *Id.*



viewing.<sup>45</sup> In assessing each State's report, the Committee seeks to work with any State who is not meeting the requirements of the CRC to implement change within its governmental framework to ensure that the necessary transformation occurs.<sup>46</sup> This process of review seeks to promote the collaboration of governments, as well as private and independent advocates, in progressing the status of all children's rights.<sup>47</sup> The preamble of the CRC declares that States Parties who have ratified the CRC recognize the importance of international cooperation in order to strengthen the living conditions of all children globally.<sup>48</sup> Particular emphasis is placed on children's needs in developing countries.<sup>49</sup> The preamble also references prior legislation that has specifically addressed the "need to extend particular care to the child," such as the Geneva Declaration of the Rights of the Child of 1924, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.<sup>50</sup>

Following the preamble, the meat of the CRC is detailed in forty-one separate articles under Part I, which expends a thorough explanation of the rights that all children should be afforded.<sup>51</sup> Articles 28 and 29, affording the child the right to education, apply to *all* children worldwide, as detailed in Articles 1 through 4.<sup>52</sup> Article 1 determines that, for purposes of the CRC, every human being under the age of eighteen is a child, unless under a specific law applicable to the child, wherein the age of

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45. *Id.*

46. See UNICEF, FACT SHEET, THE COMMITTEE ON THE RIGHTS OF THE CHILD 2 (2014) [http://www.unicef.org/crc/files/Committee\\_fact\\_sheet.pdf](http://www.unicef.org/crc/files/Committee_fact_sheet.pdf).

47. *Id.*

48. Convention on the Rights of the Child, *supra* note 2, pmbl.

49. *Id.* To determine if a country is a "developing country," the World Economic Outlook looks to a country's (1) per capita income level, (2) export diversification, and (3) degree of integration into the global financial system. See *Frequently Asked Questions: World Economic Outlook (WEO)*, INT'L MONETARY FUND (July 29, 2017), <https://www.imf.org/external/pubs/ft/weo/faq.htm> (last visited Sept. 25, 2017). As of 2016, the World Bank has indicated that it plans to eliminate the distinction between "developing" and "developed" countries in displaying future statistics. See Tim Fernholz, *The World Bank is Eliminating the Term "Developing Country" From its Data Vocabulary* (May 17, 2016), <http://qz.com/685626/the-world-bank-is-eliminating-the-term-developing-country-from-its-data-vocabulary/>.

50. Convention on the Rights of the Child, *supra* note 2, pmbl.

51. *Id.*

52. *Id.* art. 1–4, 28–29.

majority is lower.<sup>53</sup> Article 2 regulates that all rights under Part I apply without discrimination or punishment to all children, regardless of sex, race, religion, national origin, or disability status.<sup>54</sup> Article 3 requires all States Parties to the CRC to focus on the best interests of the child.<sup>55</sup> Finally, Article 4 requires all members to use all legislative, administrative, and other resources to see that the rights of the child are legally recognized.<sup>56</sup>

Some of the highlights of the rights guaranteed to all children enumerated in the forty-one articles of Part I of the CRC include protection of the right to survival and development (Article 6); respect for the views of the child (Article 12); freedom of expression (Article 13); right to privacy (Article 16); protection from all forms of violence (Article 19); the right to an adequate standard of living (Article 27); the right to education (Article 28) and the specific goals of education (Article 29); the right to leisure, play, and culture (Article 31); protection from child labor (Article 32); and rehabilitation of children who have been victims of neglect, abuse, or exploitation (Article 39).<sup>57</sup> Article 42 provides that governments should make the contents of the CRC known to adults and children.<sup>58</sup> It also indicates that adults should play an active role in ensuring that said rights are recognized and understood by children.<sup>59</sup>

Many of these rights provided for in the CRC—for example, the right to an adequate standard of living—include a responsibility on parents to secure these rights for their children.<sup>60</sup> States Parties have a duty to aid parents in carrying out these responsibilities to assure the protection of these rights.<sup>61</sup> If necessary, States Parties must make sure that government assistance and programs are available to parents who are unable to provide an adequate standard of living for their child.<sup>62</sup> The main focus for States Parties with regard to support is nutrition,

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53. *Id.* art. 1.

54. *Id.* art. 2.

55. *Id.* art. 3.

56. Convention on the Rights of the Child, *supra* note 2, art. 4.

57. See UNICEF, *Summary of Rights*, *supra* note 3, at 1–4.

58. *Id.* at 4.

59. *Id.*

60. See DANIEL MOECKLI, SANGEETA SHAH, & SANDESH SIVAKUMARAN, *INTERNATIONAL HUMAN RIGHTS LAW 207–08* (2nd ed. 2014).

61. *Id.*

62. *Id.*

clothing, and housing.<sup>63</sup> It is also the duty of States Parties to step in by creating government-funded support programs to help provide for a child if he has become orphaned or has been neglected by his parents.<sup>64</sup>

While there has been wide acceptance of the CRC through ratification by nearly every country, millions of children across the world are still denied rights guaranteed to them by this expansive convention.<sup>65</sup> Globally, especially in developing nations, children are still facing devastating issues, such as child labor, sexual exploitation, physical and mental abuse, disease, malnutrition, poor education, unsanitary living conditions and water supply, and many other grave problems.<sup>66</sup> One example of such a nation is Bangladesh.

## II. BANGLADESH AND THE CRC

On March 26, 1971, Bangladesh, a relatively young country, won its independence from Pakistan.<sup>67</sup> Located in Southern Asia, between Burma and India and bordering the Bay of Bengal, Bangladesh is the eighth most populated country in the world.<sup>68</sup> With a total area of 148,460 square kilometers, Bangladesh is home to roughly 156 million people.<sup>69</sup> Of this vast population, 28.27 percent are under the age of fourteen, 19.53 percent are between the ages of fifteen and twenty-four, 39.39 percent are between the ages of twenty-five and fifty-four, 6.77 percent are between the ages of fifty-five and sixty-four, and 6.04 percent are sixty-five years or older.<sup>70</sup> Thus, nearly half of the population of Bangladesh is twenty-four years old or younger.<sup>71</sup>

With children being such a large percentage of its population, the future of Bangladesh as a nation truly rests on the protection and promotion of the safety and welfare of its children.<sup>72</sup> Throughout its history, however, Bangladesh has categorically

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63. *Id.*

64. *Id.*

65. See UNICEF, FAQ: CRC, *supra* note 32.

66. See Islam & Akhter, *supra* note 6, at 18.

67. Bangladesh, WORLD FACTBOOK, [https://www.cia.gov/library/publications/the-world-factbook/geos/print\\_bg.html](https://www.cia.gov/library/publications/the-world-factbook/geos/print_bg.html) (last visited Sept. 26, 2017).

68. *Id.*

69. *Id.* For reference, Bangladesh is comparable to the size of the state of Iowa. *Id.*

70. *Id.*

71. *Id.*

72. See EDUCO, *supra* note 9, at 9.

failed to recognize the importance of caring for its children.<sup>73</sup> For example, in the Bangladeshi Constitution, which was ratified on November 4, 1972, the word “children” was only mentioned two times throughout the 153 sections of text.<sup>74</sup> Children are mentioned once in the context of “free and compulsory education” under Section 18 and once, although grouped together with women, in the context of “discrimination on grounds of religion, etc.” under Section 27.<sup>75</sup> Other than these two mentions, there are no other provisions that specifically provide for, or even generally allude to, the safeguarding of children’s rights within the Bangladeshi Constitution.<sup>76</sup>

It was not until eighteen years after Bangladesh’s independence as a freestanding country that children’s rights first became a serious international consideration.<sup>77</sup> The CRC details, in Article 49 of Part II, that it will go into full force and effect thirty days after at least twenty States Parties have notified the General Assembly of their ratification.<sup>78</sup> In mid-1990, Bangladesh was one of the first twenty Parties to ratify the CRC.<sup>79</sup> Once a State Party ratifies the CRC, it has an obligation to make sure that its domestic laws correspond to and coincide with the protocols set out in the CRC.<sup>80</sup> Similarly, the State Party must have the proper agencies in place to make sure that these domestic laws are carried out in accordance with the goals of the CRC.<sup>81</sup> If a violation occurs, it must be addressed and properly remedied by collaboration between the Committee and the Bangladeshi government.<sup>82</sup> Despite this early ratification of the CRC, Bangladesh has historically had high rates of child labor and child exploitation, low rates of children completing their primary and secondary schooling programs, and high rates of child marriage,

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73. *See id.*

74. CONSTITUTION OF THE PEOPLE’S REPUBLIC OF BANGLADESH, Dec. 16, 1972, §§ 18, 27.

75. *Id.*

76. *Id.*

77. *See* Convention on the Rights of the Child, *supra* note 2.

78. *Id.* art. 49.

79. *See* CHILD RTS. ADVOC’Y COALITION IN BANGLADESH, 25 YEARS OF THE CRC IN BANGLADESH: SNAPSHOT OF SUCCESS 2 (2014), <https://bangladesh.savethechildren.net/sites/bangladesh.savethechildren.net/files/library/CRC@25%20Report.pdf>.

80. *See* EDUCO, *supra* note 9, at 23.

81. *Id.*

82. *Id.*

which are all evils that the CRC explicitly prohibits from occurring within the enumerated rights set forth in the body of its text.<sup>83</sup>

### III. THE TREATMENT OF BANGLADESHI CHILDREN, ITS EFFECTS ON CHILD DEVELOPMENT, AND RECENT EFFORTS TO IMPLEMENT CHANGE

This Part will examine the struggles faced by Bangladeshi children, such as neglect, abuse, and exploitation. It will also address many of the causes of these child-specific issues, such as poverty, parents with low education levels, and the lack of consequences faced by employers of child laborers. It will then address the current status of the education system in Bangladesh. Finally, this Part will discuss the recent efforts made by the Bangladeshi government to implement new legislation, government programs, and agencies, such as the Act, the National Education Policy, the 2010 National Child Labor Elimination Policy, Child Protection Networks, the National Child Labor Welfare Council, and National Helpline Centers.

#### *A. Child-Specific Abuse and its Future Implications on Bangladeshi Children*

Bangladeshi children have been victims of both physical and psychological/mental abuse,<sup>84</sup> as well as subjects of neglect,<sup>85</sup>

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83. *Id.* at 10.

84. *See* Islam & Akhter, *supra* note 6, at 20. *See* CHILD RTS. ADVOC'Y COALITION IN BANGLADESH, *supra* note 79, at 6–7. An example of psychological abuse that is extremely prevalent is early marriage. *Id.* Bangladesh has one of the highest rates of child brides, with 65 percent of girls marrying before age eighteen and 29 percent of girls marrying by age fifteen. These high rates are extremely unsettling in lieu of the fact that the legal age of marriage in Bangladesh is eighteen for females, as compared to twenty-one for males. *Id.* Studies have shown that child brides are more likely to be uneducated, live in poverty, and suffer from problems during child delivery. *Id.* The age gap between brides and their husbands creates a power disparity that leads to marital tension. *Id.* Because there is a tradition of child marriage embedded in the cultural beliefs of the Bangladeshi people, this practice continues to be widespread. *Id.* There is a large focus on family “honor,” guiding parents to believe that marrying off their daughters at such a young age is in their daughters’ best interest. *Id.* Parents often feel that they are protecting their daughters from sexual harassment and promoting her chastity, reputation, and respectability. *Id.*

85. *See* Islam & Akhter, *supra* note 6, at 18. Neglect of a child includes any failure to meet the basic needs of the child emotionally, physically, medically, or educationally. *Id.*

sexual abuse, exploitation, and trafficking for decades.<sup>86</sup> Abuse is not only prevalent at home, but is also faced by children while in school and at the workplace.<sup>87</sup> All of these factors continue to fuel the cycle of child labor that has plagued Bangladesh for decades, keeping children from completing their education.<sup>88</sup> The World Health Organization defines child abuse or maltreatment as “constituting all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation resulting in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power.”<sup>89</sup> Examples of child abuse or maltreatment include, but are not limited to, exploitative child labor, lack of adequate education or healthcare, neglect by parents or the state, effects of poverty, and various forms of violence, including abuse that is both physical or mental in nature, against children.<sup>90</sup>

Despite a judgment issued by the Supreme Court of Bangladesh’s High Court Division (“High Court Division”) on January 13, 2011 in *BLAST and another v. Sec’y, Minister of Educ., and others*, which indicated that corporal punishment, such as whipping or caning, inflicted to change students’ behavior, is unlawful in Bangladeshi schools, many children are still subjected to such disciplinary actions by teachers.<sup>91</sup> The High Court Division found that the use of corporal punishment in school violates Articles 28(2), which states that “States Parties shall take all appropriate measures to ensure that school discipline is

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86. *See id.* While sexual abuse remains a taboo subject in Bangladesh, making it hard to gain data, it is a common issue that children of all ages face. *Id.* Despite the minimum age of sexual consent being sixteen, the Bangladesh Penal Code sets the age at fourteen. *Id.* Exploitation and trafficking of children occurs both within Bangladesh and in neighboring countries abroad after children are removed from Bangladesh. *Id.*

87. *See id.* at 19. Violence in the workplace is displayed by abusive language, long hours with low pay, lack of time off for leisure or holidays, and physical beatings. *Id.*

88. *See* Mahbub Bin Shahjahan et al., *Protecting Child Labor in Bangladesh Under Domestic Laws*, 3 OPEN ACCESS LIBR. J. 1, 5–6 (2016).

89. *See* Islam & Akhter, *supra* note 6, at 18.

90. *See id.*

91. *See* Abul Hasanat & Md. Iqbal Mahmud Fahim, *Judicial Use of UNCRC in Protection of Child Rights in Bangladesh*, 8 WORLD VISION 17, 22 (2014). 92 percent of students in primary schools have been subjected to corporal punishment, as well as 86 percent of students in higher secondary schools and 20 percent of college-aged students. *See* Islam & Akhter, *supra* note 6, at 19.

administered in a manner consistent with the child's human dignity and in conformity with the present Convention" and 37 of the CRC, which states that "no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment."<sup>92</sup> The High Court Division also found that, in addition to creating adverse effects on children, corporal punishment in school also increases the absenteeism in the Bangladeshi school system, which is already a major problem that the country struggles with.<sup>93</sup>

While the most heinous forms of child abuse are often reported in Bangladesh, it is very startling to know that there are many more incidents of child abuse that occur and remain unreported.<sup>94</sup> Child abuse has an aggregation effect, which can lead to long-term consequences for children with respect to their behavioral and mental development.<sup>95</sup> Such accumulation of negative effects, as well as the continuation of a majority of abuses going unreported, keeps children and future generations of children engaged in child labor.<sup>96</sup>

As a lower-middle income nation<sup>97</sup> that is still developing, Bangladesh continues to suffer from an abundance of poverty, despite strides made in recent years.<sup>98</sup> As of June 2015, the poverty rate of the nation was still 25.6 percent, with over 26 million of the 63 million children in Bangladesh living below the

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92. See Hasanat & Fahim, *supra* note 91, at 22.

93. See *id.*

94. See Islam & Akhter, *supra* note 6, at 19. Behavioral problems often exhibited in children who have been abused include disciplinary problems, trouble sleeping (i.e. insomnia and nightmares), anxiety, and depression. *Id.* Examples of interferences with mental development that child abuse can cause include sympathy, reasoning, and rational thinking. *Id.*

95. See *id.* at 21.

96. See *id.*

97. A lower-middle income nation has a gross national income (GNI) between \$1,006 and \$3,955 USD. See *World Bank Country and Lending Groups*, WORLD BANK, <https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups> (last visited Sept. 26, 2017). GNI is the total domestic and foreign output claimed by residents of a country, consisting of gross domestic product plus factor incomes earned by foreign residents, minus income earned in the domestic economy by nonresidents. *Id.*

98. See EDUCO, *supra* note 9, at 10.

international poverty line.<sup>99</sup> Due to this high level of poverty, it is estimated that about 58 percent of all Bangladeshi children are deprived of any one or more of the six deprivation indicators, which include: “shelter, sanitation, water, information, education and health.”<sup>100</sup> Each of these six deprivation indicators are all rights that are supposed to be guaranteed by specific articles within Part I of the CRC.<sup>101</sup>

Due to this high poverty level, children are often forced to engage in child labor to support their families.<sup>102</sup> Many families are reliant upon their child’s work for the additional income, while employers are often happier to employ children because they tend to be more submissive and less expensive laborers.<sup>103</sup> Beyond poverty, other causes leading to child labor include the lack of awareness and embedded tradition of child labor as a practice in Bangladesh, the lack of parental education on the taxing and negative effects of labor on children, and the inadequacy of the Bangladeshi school system.<sup>104</sup> Moreover, Bangladeshi employers often face few consequences, if any, from the government and law enforcement for continuing to employ children.<sup>105</sup>

### *B. The Current State of Bangladesh’s Education System and Recent Efforts Taken by the Bangladeshi Government*

A variety of school options do exist in Bangladesh.<sup>106</sup> These include government-supported schools, private schools, nongovernmental organization schools, unrecognized *Madrasahs* (religious schools), and nonformal education programs.<sup>107</sup> While there are many different types of schools available in

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99. *See id.* The international poverty line is \$1.25 USD per day. *See Statistics: Bangladesh*, UNICEF [https://www.unicef.org/infobycountry/bangladesh\\_bangladesh\\_statistics.html](https://www.unicef.org/infobycountry/bangladesh_bangladesh_statistics.html) (last visited Oct. 4, 2017).

100. *See* EDUCO, *supra* note 9, at 10.

101. *See* Convention on the Rights of the Child, *supra* note 2.

102. *See* Hasanat & Fahim, *supra* note 91, at 1.

103. *See id.*

104. *See id.* at 5. The shortcomings of the Bangladeshi school system include a poor curriculum, lack of proper care for students by their teachers, and the lack of a useful education for the long-term plans of Bangladeshi children, as many of the children’s careers that they ultimately choose do not require a formal education. *Id.*

105. *See id.* at 5–6.

106. *See* EDUCO, *supra* note 9, at 40.

107. *See id.*



Bangladesh, this creates more problems than solutions.<sup>108</sup> There is no national core curriculum that is taught across the board at each school.<sup>109</sup> Children are rarely taught the tools they need to develop critical thinking skills.<sup>110</sup> They are also rarely offered extracurricular activities to hone in on their areas of interest.<sup>111</sup> Bangladeshi schools tend to be overcrowded, with the student-teacher ratio ranging from forty to forty-six students to one teacher.<sup>112</sup> In urban areas, where overcrowding is a particularly large concern, the classroom size can end up being as high as 100 students.<sup>113</sup> Besides large classroom size, other problems in the Bangladeshi schooling system include minimum student-teacher contact, a shortage of educated teachers with the requisite teaching capacity, a lack of supplementary educational materials, little involvement from the government and educational authorities, and teachers working double shifts.<sup>114</sup>

Within the past decade, the Bangladeshi government has begun to take steps toward addressing these domestic issues affecting its children.<sup>115</sup> Laws and regulations relating to child labor have been put into place, specifically the Act.<sup>116</sup> The Act mandates that the minimum age for work is fourteen and the minimum age for hazardous work is eighteen.<sup>117</sup> The Act also prohibits children from engaging in hazardous occupations or activities.<sup>118</sup> Other regulations that are in place include the prohibition of forced labor,<sup>119</sup> child trafficking,<sup>120</sup> and commercial sexual exploitation of children.<sup>121</sup> The Bangladeshi government has

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108. *See id.*

109. *See id.*

110. *See id.*

111. *See id.*

112. *See* EDUCO, *supra* note 9, at 40.

113. *See id.*

114. *See id.*

115. *See* U.S. DEP'T OF LABOR BUREAU OF INT'L LABOR AFF., *supra* note 14.

116. *Id.* at 2–3.

117. Labor Law, No. XLII §§ 34–39 (2006) (Bangl.); U.S. DEP'T OF LABOR BUREAU OF INT'L LABOR AFF., *supra* note 14, at 2.

118. Labor Law, No. XLII § 40.3 (2006) (Bangl.); U.S. DEP'T OF LABOR BUREAU OF INT'L LABOR AFF., *supra* note 14, at 2.

119. Penal Code, No. XLV §§ 370–374 (1860) (Bangl.); U.S. DEP'T OF LABOR BUREAU OF INT'L LABOR AFF., *supra* note 14, at 2.

120. Suppression of Violence Against Women and Children Act §12 (2000) (Bangl.); U.S. DEP'T OF LABOR BUREAU OF INT'L LABOR AFF., *supra* note 14, at 2.

121. Penal Code, No. XLV §§ 372–73 (1860) (Bangl.); U.S. DEP'T OF LABOR BUREAU OF INT'L LABOR AFF., *supra* note 14, at 3.

also put into place various agencies that are responsible for child labor law enforcement, including the Department of Inspection for Factories and Establishments (“Department of Inspection”),<sup>122</sup> the Bangladeshi police,<sup>123</sup> the Bangladesh Labor Court,<sup>124</sup> the Anti-Human Trafficking Police Unit,<sup>125</sup> and Child Protection Networks.<sup>126</sup> Moreover, the Bangladeshi government has created mechanisms to coordinate government efforts toward eradicating child labor, such as the National Child Labor Welfare Council, the Counter-Trafficking National Coordination Committee, Ministry of Home Affairs (MHA), the Rescue, Recovery, Repatriation, and Integration Task Force, and UNICEF.<sup>127</sup>

In terms of labor law enforcement, in 2014, the Department of Inspection improved upon its effort to combat child labor by hiring 152 additional labor inspectors, bringing its total to 335.<sup>128</sup> While this is not large enough to support the Bangladeshi workforce, it is a step in the right direction.<sup>129</sup> Similarly, the Ministry of Labor and Employment has increased its training on labor laws and inspection policies for these new inspectors.<sup>130</sup> While this training included thorough explanation of the Act, which includes child labor policies, the training failed to include training on child labor law enforcement.<sup>131</sup> The budget for the Department of Inspection was also increased trifold from \$970,000 USD in 2013 to \$3,000,000 USD in 2014–2015, which made more financial resources available to ensure thorough inspections of workplace environments were conducted.<sup>132</sup> In terms of criminal law enforcement, the MHA and UNICEF have provided training

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122. The Department of Inspection is responsible for enforcing labor (including child labor) laws. U.S. DEP’T OF LABOR BUREAU OF INT’L LABOR AFF., *supra* note 14, at 3.

123. The Bangladeshi police are entrusted to enforce the Penal Code to prevent children from being forced into labor and/or sexual exploitation. *Id.*

124. The Bangladesh Labor Court serves to prosecute labor law cases by imposing fines or sanctions on violators. *Id.*

125. The Anti-Human Trafficking Police Unit investigates cases of human trafficking, including those cases involving children. *Id.*

126. Child Protection Networks consist of officials from various agencies who handle a wide range of child-specific issues, including prosecuting violations against children and providing social welfare services. *Id.*

127. U.S. DEP’T OF LABOR BUREAU OF INT’L LABOR AFF., *supra* note 14, at 4–5.

128. *Id.* at 3.

129. *Id.*

130. *Id.*

131. *Id.*

132. *Id.*

to police officers, Border Guard Bangladesh personnel, and Coast Guard officers on how to conduct child-specific interviewing if a violation is reported.<sup>133</sup>

Along with the creation of new governmental agencies, the Bangladeshi government has focused on implementing a number of new programs and policies relating to child labor.<sup>134</sup> These programs will go into effect overtime, with the hopes of eventually producing long-term results.<sup>135</sup> Some examples of these programs and policies include the 2010 National Child Labor Elimination Policy, Child Labor National Plan of Action, the National Labor Policy, the National Education Policy, the National Plan of Action for Education for All, and the National Policy for Children.<sup>136</sup> The goals of these programs include prioritizing the elimination of child labor, extending anti-child labor provisions for the formal and informal economic sectors, promoting education for all children, and increasing children's access to health services.<sup>137</sup> In particular, an important achievement of the National Education Policy was raising the age of compulsory education from age ten (fifth grade) to age fourteen (eighth grade), which means that free education will now be provided for an additional three grades.<sup>138</sup> This has helped to increase the percentage of children who complete primary education and raise the percentage of children who continue onto secondary education.<sup>139</sup> The introduction of social programs, such as a National Helpline Center, a Services for Children at Risk Project, and an Initiative to Eliminate Child Labor from Urban Slums and Rural Areas, has also been part of the efforts by the Bangladeshi

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133. U.S. DEP'T OF LABOR BUREAU OF INT'L LABOR AFF., *supra* note 14, at 4. Extra safeguards must be implemented when interviewing children to ensure comfort and ease as they are asked difficult and probing questions by unfamiliar adults. *Id.*

134. *Id.* at 5.

135. *Id.*

136. *Id.* Other policies related to child labor that were implemented include the Sixth Five-Year Plan, which places a government priority on the elimination of child labor; the National Plan of Action to Combat Human Trafficking, which provides a framework for addressing human trafficking both internally and across borders; and the National Skills Development Policy, which strives to provide training for children of legal working age to ensure that they are in workplaces free from child labor violations. *Id.*

137. *Id.*

138. *Id.*

139. U.S. DEP'T OF LABOR BUREAU OF INT'L LABOR AFF., *supra* note 14, at 6.

government.<sup>140</sup> These programs have strived to provide outreach, guidance, and referral services to children who have been engaged in child labor.<sup>141</sup>

Another important step taken by the Bangladeshi government towards improving the welfare of children nationwide was repealing the Children Act of 1974 and replacing it with the Children Act, 2013, officially known as “Shishu Ain, 2013.”<sup>142</sup> The Shishu Ain, 2013 has been executed to align more with the goals of the CRC and to further help implementation of the CRC throughout Bangladesh.<sup>143</sup> Some noteworthy provisions in the Shishu Ain, 2013 include the hiring of probation officers who specifically deal with children coming into contact with the law, the founding of Child Welfare Boards, the creation of Child Affairs Desks at police stations, the establishment of a Children’s Court, a focus on Child Development Centers, and the imposition of penalties for the commission of certain offenses with respect to children.<sup>144</sup> By creating additional resources that are focused on the specific needs of children, better efforts can be expended toward ending the hardships faced by children.<sup>145</sup>

While these prohibitions have been enacted under Bangladeshi law and monitored by many new governmental agencies and programs, it is extremely challenging to enforce them in the informal economic sector, which includes domestic, agricultural, and street-work, where child labor is the most prevalent.<sup>146</sup>

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140. *Id.*

141. *Id.*

142. See Hon. Justice M. Imman Ali, *Justice for Children in Bangladesh*, Brief Commentary, SUP. CT. BANGL. 1, [http://supremecourt.gov.bd/resources/contents/Children\\_Act\\_2013-Brief\\_Commentary\\_v4.pdf](http://supremecourt.gov.bd/resources/contents/Children_Act_2013-Brief_Commentary_v4.pdf).

143. *See id.*

144. *See id.* at 1–3, 6, 8. Some examples of offenses committed against children that are worthy of penalties include cruelty to a child, being drunk while in charge of a child, inciting a child to bet or borrow, allowing a child to be in a brothel, leading or encouraging a child to immoral activity, and exploiting a child. *Id.* at 27–32.

145. *See id.*

146. U.S. DEP’T OF LABOR BUREAU OF INT’L LABOR AFF., *supra* note 14, at 1. As of 2014, 10.1 percent of Bangladesh’s child population aged five to fourteen, totaling roughly 3.7 million children, were still engaged in work. *Id.* 45.5 percent of children were engaged in agricultural jobs including farming, fishing, and harvesting, 36.0 percent of children were engaged in services jobs including domestic work, hotel and restaurant work, and street work, and 18.5 percent of children were engaged in industry work including mining salt, the garment industry, and carpentry. *Id.* Of children aged five to fourteen, 81.2

Within the informal sector, an extremely prevalent and demanding form of labor affecting children is “child domestics.”<sup>147</sup> Child domestics, who are usually treated like slaves, are often hard to detect because they work inside the home and away from the watchful eyes of governmental agencies and programs.<sup>148</sup> Another problem with these provisions is that they address the “worst forms of child labor,” rather than *all* forms of child labor.<sup>149</sup> The worst forms of child labor include: forced labor in the drying of fish and the production of bricks, use in drug dealing, commercial sexual exploitation (sometimes as a result of trafficking), street work and domestic work (usually as a result of trafficking), and forced begging.<sup>150</sup> Many of these “worst forms of child labor” are those that are the hardest to regulate because they are part of the informal sector of the Bangladeshi economy.<sup>151</sup>

#### IV. IMPLEMENTING A COMPREHENSIVE NATIONWIDE EDUCATIONAL SYSTEM TO STOP THE MALTREATMENT OF BANGLADESHI CHILDREN

This Part will focus on providing a solution to Bangladesh’s child labor problem. It will first discuss the implementation of a comprehensive nationwide education system centered around a uniform curriculum taught throughout all schools in the country. With the help of UNICEF, the Bangladeshi government will work toward having highly trained teachers and tutors, creating after-school programs, and promoting parental involvement in their children’s education. Finally, this Part will discuss the justifications for implementing a new education system, derived from the text of the CRC.

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percent are attending formal schooling and 6.8 percent of these children are engaged in both school and work. *Id.* Bangladesh has a primary school completion rate of 74.6 percent. *Id.*

147. See Shuchita Sharmin, *Wellbeing of Child Domestic Workers in Urban Bangladesh*, 3 J. INDIAN RES. 89, 89 (2015). A child domestic refers to a child under the age of eighteen who works in the households of others doing chores, caring for children, and running errands. *Id.*

148. See *id.* at 89–90.

149. See U.S. DEP’T OF LABOR BUREAU OF INT’L LABOR AFF., *supra* note 14, at 2.

150. *Id.*

151. *Id.*

*A. The Proposed Education System*

Since the Act prohibits children under the age of fourteen from engaging in work, the goal should be to eradicate child labor entirely, not just the forms that are deemed the “worst.” Beyond eliminating child labor in Bangladesh, there must also be a substitute for work. If children do not have something to occupy their time, they will end up back in the workforce. In addition to the Bangladeshi government’s current attempts to alleviate children suffering from the worst kinds of labor through creating new agencies to strengthen the support networks available for children, the Bangladeshi government should use its financial resources to create a comprehensive education system that is available and promoted nationwide to keep all children aged five (kindergarten) through eighteen (twelfth grade) in school.

Despite the fact that the Bangladeshi government adopted the Compulsory Primary Education Act in 1990, which made primary education free for all children, Bangladesh still has a high rate of children who are out-of-school.<sup>152</sup> The Bangladesh Primary Education Annual Sector Performance Report-2014 approximates that about 2 million children aged six to ten have never been to school, 1.9 million children have entered school late, and 400,000 children have dropped out of school.<sup>153</sup> Also, according to the Central Intelligence Agency, which defines literacy as “[children] age fifteen and over [who] can read and write,” only 61.5 percent of the Bangladeshi population was literate as of 2015.<sup>154</sup>

In order to combat this extremely devastating problem, Bangladesh must strive to create a comprehensive national education system that is available and promoted to all children nationwide. Schools should not be run by so many different organizations, but rather, the Bangladeshi government should control the entire schooling system so that it can be created uniformly. The government should implement a “child budget” that is specifically used for the education of teachers and the building of schools with classrooms that are fully stocked with books, writing utensils, decorations, toys, and any other necessary

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152. See EDUCO, *supra* note 9, at 31.

153. See *id.*

154. *The World Factbook: Literacy*, CENTRAL INTELLIGENCE AGENCY (2015), <https://www.cia.gov/library/publications/the-world-factbook/fields/2103.html#136> (last visited Oct. 6, 2017).

materials to run a fully functioning school. The budget should also be put towards tutors and after-school programs to ensure that all children have the available tools to be successful in school. If children are struggling academically, a comprehensive education system should be available, providing an abundance of resources to ensure that children get back on track and keep pace with one another.

The goal of worldwide recognition of children's rights requires the efforts of all nations. Thus, the failure of this ambition is a problem that afflicts the entire international community.<sup>155</sup> The CRC has been ratified by the most States Parties and has the most official signatories of any of the U.N. human rights treaties.<sup>156</sup> It is the collective job of all States Parties to ensure that each individual State is abiding by the enumerated articles of the CRC.<sup>157</sup> If a State Party is not fulfilling its duty in recognizing, respecting, and protecting the rights of the child, as is the case with Bangladesh, the other States Parties, UNICEF, and the international community as a whole should step in and play an active role in helping to remedy the problem.<sup>158</sup> If one State Party is failing to implement the CRC, it is a setback that cannot be ignored by the other States Parties.<sup>159</sup> Since many Bangladeshi children are failing to receive proper education, despite the fact that a right to education is guaranteed by the CRC, it is time for the Bangladeshi government to seek outside help.

With a budget upwards of \$4 billion USD, UNICEF has the ability to step in and work with the Bangladeshi government to implement change and create a successful nationwide comprehensive education program.<sup>160</sup> UNICEF can hone in on the needs of the Bangladeshi children and work with the government to foster the growth of an education system that suits its particular needs.<sup>161</sup> While Bangladesh can look to other States Parties for guidance with executing this new education system, not all countries have the same needs, which is why a tailored focus on the

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155. See UNICEF, *FAQ: CRC*, *supra* note 32.

156. *Id.*

157. *Id.*

158. *Id.*

159. *Id.*

160. See UNICEF, *ANNUAL REPORT 2013*, *supra* note 30, at 38.

161. See UNICEF, *EDUCATION: THE CASE FOR SUPPORT 5-7* (2015) <https://www.unicef.org/publicpartnerships/files/EducationTheCaseForSupport.pdf>.

precise goals of Bangladesh is important.<sup>162</sup> UNICEF can work with the Bangladeshi government to determine how to acquire and allocate funds—both from within the Bangladeshi government and subsidies from UNICEF—to support the training of more teachers, building of new schools, purchasing of supplies, and creating of after-school programs.

A specific focus of this comprehensive education system must be on educating teachers with one consistent training program, so that no matter where children live within Bangladesh, they receive the same quality education. The Bangladeshi government would determine this uniform curriculum and ensure that it is executed consistently by teachers in schools across the country. The Bangladeshi government will thus need to create an administrative body, focused on overseeing all schools and creating procedures for checking in on schools to ensure that they are complying with the new curriculum. Children need to be taught the subjects that compose a typical core curriculum, such as math, science, history, and language.<sup>163</sup> Children, however, also have a right to be exposed to additional subject matters beyond these. Children should be exposed to the arts, including, fine arts, theater, music, and dance, as well as physical activity, puzzles, games, and other recreational activities. Including this as part of the comprehensive education system will create a strong foundational learning system, which will allow children to not only absorb the material, but to do so in a way that they can enjoy and see the purpose of. If children do not see the benefits of education and understand the opportunities that an education can bring them, they will not stay in school.

Collaboration between teachers and parents is also important to ensure that children realize their full potential and capabilities. Many parents of Bangladeshi children have not completed their own education, so they are unable to explain the importance of such to their children.<sup>164</sup> They are more inclined to have their children work in order to keep the family financially afloat.<sup>165</sup> If parents are instead able to work together with their children's teachers and maintain an active role in their child's

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162. *See id.*

163. *See* UNICEF, IMPROVING CHILDREN'S LIVES, TRANSFORMING THE FUTURE (2014) <http://files.eric.ed.gov/fulltext/ED560005.pdf> [hereinafter UNICEF, *Transforming the Future*].

164. *See id.*

165. *See id.*



education, they will be able to see the true benefits. By being involved in their children's education, parents will ensure that their child is learning both at school and at home. Positive reinforcement of the importance of education, both in and out of school, will help keep children in school, which will reduce, and ultimately eliminate, the option for a child to be involved in the workforce at such a young age. A strong education is the only alternative to the workplace that not only should be, but must be, available to all Bangladeshi children.

### *B. Justifications for a Comprehensive National Education System*

The benefits of a strong education system are clear. A strong education allows people to lead healthier lives, have brighter futures with more opportunities, and increase the likelihood of becoming a responsible citizen.<sup>166</sup> Children who are engaged in school from a young age learn the importance of an education and its possibilities for their future.<sup>167</sup> They are instilled with a sense of pride and are taught to always strive for more.<sup>168</sup> They learn to feel confident in their own work through interactions with their teachers.<sup>169</sup> Not only do children learn about subjects like math, science, history, and language, but they also discover their social skills through interactions with their peers.<sup>170</sup>

Furthermore, without a formal education, women are more likely to be pushed into child marriage or push their own children into it, to die during childbirth, and to raise unhealthy children.<sup>171</sup> Uneducated men are more likely to wind up in the workforce at a young age in order to support their families.<sup>172</sup> Young men and women who remain uneducated are also more likely to fail to see the benefits of education for their own children, thus continuing the cycle for future generations.<sup>173</sup>

A comprehensive education system is not only beneficial, but it is also justified under the CRC. Education is not a privilege,

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166. See UNICEF, *Transforming the Future*, *supra* note 163, at 49.

167. *See id.*

168. *See id.*

169. *See id.*

170. *See id.*

171. *See id.*

172. *See id.*

173. *See id.*

but a right that is guaranteed to children globally by the CRC.<sup>174</sup> Article 28 of the CRC provides that:

States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: (a) [m]ake primary education compulsory and available free to all; (b) [e]ncourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need; (c) [m]ake higher education accessible to all on the basis of capacity by every appropriate means; (d) [m]ake educational and vocational information and guidance available and accessible to all children; (e) [t]ake measures to encourage regular attendance at schools and the reduction of drop-out rates.<sup>175</sup>

Article 29 of the CRC further explains that the goals of educating each child shall strive to allow children to develop their personality and mental and physical capabilities to their fullest potential, to understand and respect human rights and freedoms, to learn to respect their parents and family identity, to prepare them to be responsible individuals in society, and to teach them to respect nature and their environment.<sup>176</sup>

The CRC provides a legislative guarantee that all children have a right to education. The negative effects of an improper and incomplete education have been seen throughout Bangladesh with the high levels of child labor and child marriage. It has also been shown that uneducated parents are unable to stress the importance of education for their own children. The grave need for implementing a comprehensive nationwide education system in Bangladesh can be easily seen. It is time for the Bangladeshi government to follow through on the initial steps it has taken to remedy some of these problems.

## CONCLUSION

The Bangladeshi government has made recent efforts to increase legislation and government involvement in the lives of Bangladeshi children. Despite these recent efforts, the country

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174. Convention on the Rights of the Child, *supra* note 2, art. 28.

175. *Id.*

176. *Id.* art. 29.

as a whole still has a long way to go.<sup>177</sup> Twenty-eight years after ratification of the CRC, an astounding number of Bangladeshi children are still not granted recognition of the rights that they are supposed to be guaranteed.<sup>178</sup> The CRC provides for protection of the right to survival and development in Article 6, protection from all forms of violence in Article 19, the right to an adequate standard of living in Article 27, and a right to education in Articles 28 and 29.<sup>179</sup> Despite these international guarantees, many Bangladeshi children are still not free from exploitation, child labor, and abuse.<sup>180</sup> Furthermore, many Bangladeshi children are not provided with basic nutrition, health, shelter, clothing, love, support, and education.<sup>181</sup> The creation of a comprehensive education system for all Bangladeshi children will help to break this cycle.<sup>182</sup> It will not only teach children the core curriculum material—math, science, history, and language—that they need to learn in order to be successful adults, but it will also expose children to extracurricular activities, such as the arts, sports, and games. This expansive approach to education will help children to understand the importance of, and remain excited about, their education so that they can stay in school and spread this message to their children, with the goal of eventually breaking the cycle of child labor.<sup>183</sup> By working together with UNICEF, the Bangladeshi government can allocate the funds to support the proper training of teachers and tutors to ensure that children nationwide are learning the requisite skills for their future and receiving the individualized attention necessary to succeed and create long-term goals for their future. Funds should also be allocated to the building of adequately supplied schools. A special focus should be placed on getting parents involved in

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177. See UNICEF, *Transforming the Future*, *supra* note 163; CHILD RTS. ADVOC'Y COALITION IN BANGLADESH, *supra* note 79.

178. See UNICEF, *Transforming the Future*, *supra* note 163; CHILD RTS. ADVOC'Y COALITION IN BANGLADESH, *supra* note 79.

179. See Convention on the Rights of the Child, *supra* note 2, art. 6, 19, 27–29.

180. See UNICEF, *Transforming the Future*, *supra* note 163; CHILD RTS. ADVOC'Y COALITION IN BANGLADESH, *supra* note 79.

181. See UNICEF, *Transforming the Future*, *supra* note 163; CHILD RTS. ADVOC'Y COALITION IN BANGLADESH, *supra* note 79.

182. See UNICEF, *Transforming the Future*, *supra* note 163; CHILD RTS. ADVOC'Y COALITION IN BANGLADESH, *supra* note 79.

183. See UNICEF, *Transforming the Future*, *supra* note 163; CHILD RTS. ADVOC'Y COALITION IN BANGLADESH, *supra* note 79.

their children's education so that the importance of education is reinforced both inside and outside of school. Since the future of Bangladesh rests in the hands of its children, the implementation of a comprehensive education system should be given the highest priority. Education must be available to ensure that children's rights are recognized, appreciated, and fulfilled to keep Bangladesh's future bright as a developing nation.<sup>184</sup>

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184. See UNICEF, *Transforming the Future*, *supra* note 163; CHILD RTS. ADVOC'Y COALITION IN BANGLADESH, *supra* note 79.

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