



Fondazione Marista  
per la Solidarietà  
Internazionale Onlus  
**FMSI**  
Per il Bene dei Bambini

**CCIG**  
CENTRE  
CATHOLIQUE  
INTERNATIONAL  
DE GENEVE



# BANGLADESH

UPR 44<sup>th</sup> Session – October/November 2023

**Executive summary of civil society's  
UPR submission on “Human Rights in  
Bangladesh: the situation of children and  
their families in the tea gardens of Sylhet”**

Submitted by  
Marist Foundation for International Solidarity  
Onlus (FMSI)

With  
International Catholic Centre of Geneva (CCIG)

Marist Brothers Trust Bangladesh

## CHILDREN IN THE TEA GARDENS OF SYLHET

The data and information obtained for this submission came from various sources, including educators, social workers and secondary school students belonging to the **North Eastern Region of Bangladesh known as Sylhet; specifically, the Tea Garden Estates of Moulvibazar District.**

Children in the tea gardens of Sylhet experience very serious human rights challenges. Compared to other children in the mainstream community, children in the tea gardens are found to be deprived of their human rights due to the specific geographical and cultural circumstances in which they live, as well as the socio-economic conditions of their families.

### CORPORAL PUNISHMENT

#### UPR Recommendations addressed to Bangladesh in 2018

Recommendations from the 3<sup>rd</sup> cycle: 147.45 (Zambia); 147.51 (Poland); 147.52 (Uruguay); 147.55 (Montenegro); 147.56 (Namibia); 147.145 (Nepal); 147.150 (Chile).<sup>1</sup>

#### Current situation

##### Corporal Punishment in Schools

In Bangladesh, corporal punishment is unlawful in schools: according to a

Supreme Court judgment issued on 13 January 2011, corporal punishment violates the Constitutional prohibition of torture and cruel, inhuman or degrading punishment or treatment. Accordingly, the Ministry of Education published a circular which came into effect in April 2011, stating that corporal punishment is prohibited in schools. Following the Supreme Court's directive, the Children Act 2013 was enacted, which includes the offence of cruelty against children. However, the Children Act 2013 does not include any particular provision prohibiting corporal punishment in schools.

##### Corporal Punishment in Homes

Despite the positive developments that occurred in domestic law in recent years, corporal punishment is not categorically prohibited at home. In the 2011 ruling on corporal punishment in schools, the Supreme Court of Bangladesh High Court Division called for the prohibition of corporal punishment at home and directed the Government to amend the Children Act 1974 to make it an offence for parents (and employers) to impose corporal punishment on children. The Children Act 2013, which repeals the Children Act 1974, failed in achieving this. As a matter of fact, the number of cases of violence reported in families, schools and alternative care settings remains very high.

<sup>1</sup>Recommendations : No. 147.45 Enact legislation clearly prohibiting corporal punishment (Zambia); 147.51 Strengthen existing law and practice to guarantee effectively the rights of children, in particular by Combating violence against children, child labour and forced marriages, and by improving access to education (Poland); 147.52 Establish a comprehensive national system for the protection of children to prevent and respond to violence against children, prohibit corporal punishment of children and implement awareness and education programmes in this area (Uruguay); 147.55 Explicitly prohibit corporal punishment of children in all settings, including at home (Montenegro); 147.56 Consider revising the Penal Code and the Children Act in order to prohibit corporal punishment of children in all settings and raising the minimum legal age for marriage to 18 years under all circumstances (Namibia); 147.145 Strengthen existing monitoring mechanisms to protect women and children from all forms of violence and exploitation (Nepal); 147.150 Take strong measures to eradicate child labour, and violence and crimes against children (Chile). Report of the Working Group on the Universal Periodic Review of Bangladesh, 11 July 2018, UN Doc. A/HRC/39/12 and its Addendum UN Doc. A/HRC/39/12/Add.1.



## OUR RECOMMENDATIONS TO IMPROVE THE HUMAN RIGHTS SITUATION IN BANGLADESH

In light of CRC general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, this NGO coalition recommends the Government of Bangladesh to:

- » Adopt all necessary measures to promote positive, non-violent and participatory forms of child-rearing and discipline, including implementing human rights education programmes addressed to teachers and parents.
- » Create a National Child Rights Commission (NCRC) that will strictly monitor the implementation of the ban on corporal punishment in all educational institutions.
- » Form child help desks where all (physical and harmful punishment) PHP will be reported, and strengthen the training of officials responsible for law enforcement on children's rights.

### CHILD LABOUR AND ACCESS TO QUALITY EDUCATION

#### UPR Recommendations addressed to Bangladesh in 2018

Recommendations from the 3<sup>rd</sup> cycle: 149.13 (Spain); 147.145 (Nepal); 147.51 (Poland); 147.150 (Chile).<sup>2</sup>

### Current situation

In Bangladesh, the 2006 Labour Act defined a child as a person below the age of 14, and following this definition, the Government of Bangladesh fixed the Minimum Age for labour at 14 years. As a result, those aged between 15 and 18 are considered adults.

In the tea garden, 29.8 per cent of children aged 5-17 are involved in child labour in Habiganj, 15.6 per cent in Moulvibazar and 19.3 per cent in Sylhet. These data are even more alarming if compared with the national average of 6.8 per cent of child workers. Tea-garden children mostly work as substitutes for or in addition to a family member in order to keep a steady income and secure more income.

### Concerns for the impact of the 14 years minimum labour age on the enjoyment of the right to education

The average span of schooling in the tea garden areas is 2.9 years, compared to the national average of 6.2 years. Most of the children aged 14 years in the tea gardens are either in classes 7 or 8, and a significant number of them can hardly read or write. In areas already suffering from a low school completion rate, the opportunity to become employed at the age of 14 only risks becoming an alternative to school instead of a complementary occupation and greatly worsening the already precarious illiteracy levels of the population of Sylhet. According to the survey conducted by this NGO coalition,

<sup>2</sup>Recommendations : No. 149.13 Ratify the ILO Minimum Age Convention, 1973 (No. 138) and Occupational Cancer Convention, 1974 (No. 139) for the elimination of child labour (Spain); 147.145 Strengthen existing monitoring mechanisms to protect women and children from all forms of violence and exploitation (Nepal); n. 147.51 Strengthen existing law and practice to guarantee effectively the rights of children, in particular by combating violence against children, child labour and forced marriages, and by improving access to education (Poland); 147.150 Take strong measures to eradicate child labour, and violence and crimes against children (Chile). Ibidem.



26 per cent of the respondents stated that their siblings are working to earn money instead of going to school, whereas 30 per cent said that their friends are working instead of going to school.

The growing number of absenteeism and dropouts from school due to child labour is encouraged by owners of the betel leaf and tea gardens factories. As a result of interviews conducted by this NGO coalition, parents reported that the tea garden owners force them to bring their children aged 15 or older to work in the tea gardens; threatening to cut their weekly food rationing if they refused to comply with the tea garden owners' directives.

### **Improving access to quality education**

Despite the government's efforts to ensure free education, school fees persist, especially for secondary education, which makes access to education for all the children of the tea garden yet to be achieved. The survey conducted by this NGO coalition showed that 22 per cent of the children in the village do not go to school because families cannot afford to pay school fees, particularly for secondary education.

Most of the schools in the tea gardens are run by NGOs and Tea Garden Owners and the quality of education is difficult to achieve due to the lack of qualified teachers. Another alarming factor is the teacher-pupil ratio which in some schools is as bad as one teacher per school. Very little is done by the government to ensure that such institutions comply with

minimum educational standards, leaving the quality of education provided to children in the tea gardens exclusively to the effectiveness of the NGOs and other private actors running the schools.

## **OUR RECOMMENDATIONS TO IMPROVE THE HUMAN RIGHTS SITUATION IN BANGLADESH**

This NGO coalition recommends the Government of Bangladesh to:

- » Revise the minimum labour age for children in the tea gardens in order to fight the high drop out and illiteracy rates.
- » Adopt all possible measures de jure and de facto to ensure that child labour, even when legal, does not prevent children from going to school.
- » Develop poverty alleviation programs to combat drop out especially among children in the tea gardens.
- » Provide scholarship schemes for students whose parents cannot afford to pay tuition and exam fees.
- » Ensure adequate and continuous training as well as adequate salaries for teachers of the schools in the tea gardens.
- » Ensure adequate guidance and supervision to make sure that schools run by NGOs and other private actors comply with international minimum standards of quality education.



## FORCED CHILD MARRIAGES

### UPR Recommendations addressed to Bangladesh in 2018

Recommendations from the 3<sup>rd</sup> cycle: 147.46 (Denmark); 147.47 (Viet Nam); 147.48 (Republic of Korea); 147.49 (Spain); 147.50 (Gabon); 147.51 (Poland).<sup>3</sup>

#### Current situation

Over the decade of 2007–2017, child marriages reduced nationally from 66% to 59%, whereas marriages before 16 years of age plummeted from 46% to 32%. Despite this significant progress, Bangladesh has the fourth-highest prevalence of child marriage in the world and the highest in Asia. The current domestic law addressing child marriage in Bangladesh is the Child Marriage Restraint Act, 2017 (CMRA) repealing the earlier British law of 1929. The Act sets the minimum age of marriage for a male at 21 years and for a female at 18 years. However, parents often increase the ages of their children to or beyond the legal age to enter them into marriage. As birth certificates are uncommon in the tea gardens, it becomes very easy to manipulate the birth dates of the children to bypass the minimum age set by law to enter into marriage.

Despite the stringent provisions in the new law, the CMRA act does little to prevent child marriages in Bangladesh, especially in the Tea Gardens. Worse still, the law sets no minimum age for the

parental consent clause, implying that a girl below 18 years of age can be married at any age.

Data showed that about 59% of women in the country aged 20–24 years were married before the age of 18 years.<sup>4</sup> In 2021, the number of child brides was a staggering 38 million, while around 13 million of them have been forced into marriage even before 15 years of age, with an increase of 13 per cent in forced child marriages since the spread of Covid-19, especially in rural Bangladesh, including the tea gardens.

### OUR RECOMMENDATIONS TO IMPROVE THE HUMAN RIGHTS SITUATION IN BANGLADESH

This NGO coalition recommends the Government of Bangladesh to:

- » Revise the 2017 Child Marriage Restraint Act (CMRA) by removing the provision that allows child marriages below the age of 18 in “special circumstances”.
- » Work towards making marriage registration compulsory for all religions and digitize records.
- » Ensure that birth registration is mandatory especially in the tea gardens in order to prevent deceitful manipulations of the age of children as a measure to fight against child marriages.

<sup>3</sup>Recommendations : No. 147.46 Formulate rules of procedures for the use of clause 22 of the 2017 Child Marriage Restraint Act to clarify existing gaps in order to prevent misuse of the provision allowing marriage for children below the legal age in “special circumstances” (Denmark); 147.47 Continue to strengthen its measures in preventing child marriages (Viet Nam); 147.48 Amend the Child Marriage Restraint Act to maintain the legal minimum age at 18 years (Republic of Korea); 147.49 Move towards the real and effective elimination of child marriage, restricting to the maximum the application of exceptions (Spain); 147.50 Step up measures to combat child prostitution and early marriage (Gabon); 147.51 Strengthen existing law and practice to guarantee effectively the rights of children, in particular by combating violence against children, child labour and forced marriages, and by improving access to education (Poland). Ibidem.

<sup>4</sup>This was reported by Hossain MJ, et al. BMJ Paediatrics: <https://bmjpaedsopen.bmj.com/content/5/1/e001328>.





