

# Street Children of Bangladesh: Making Them Visible



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**Empowerment through Law of the Common People (ELCOP)**

# Street Children of Bangladesh: Making Them Visible

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*In Loving Memory of*

**Chowdhury Shahabuddin Ahmed**

and

**Maqsuda Chowdhury**

Whose endless love for the street children made this CLR possible

**DEDICATION**

To the forgotten heavenly souls living on the street as children  
without a childhood...

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## FOREWORD

In the bustling streets of Bangladesh, in the lively and diverse fabric of life, exists a community often overlooked yet profoundly significant—the street children. ‘Street Children of Bangladesh: Making Them Visible’ is a poignant and necessary exploration into the lives of these resilient individuals who navigate the complexities of survival in an environment fraught with challenges. The research presented here, titled ‘Street Children of Bangladesh: Making Them Visible’ marks a significant addition to ELCOP’s Community Law Reform (CLR) publication series. Following the tradition established by previous CLR works, a team of young researchers, comprising of students of law discipline from various public and private institutions in Bangladesh, embarked on a mission of compassionate advocacy to shed light on the lives of street children in Bangladesh.

In exploring the challenges faced by these marginalized youth, the researchers traveled to three different cities of Bangladesh—Rajshahi, Dhaka, and Sylhet—concentrating on the situations faced by these children. Much like the resilience historically demonstrated by inhabitants in various regions, these young CLR researchers delved deep into the heart of a societal issue that is often obscured from public view. Interviews conducted with these children aimed to provide a comprehensive understanding of their struggles, viewed through a socio-legal lens, while considering the geographical constraints and societal factors contributing to their vulnerability and invisibility in the eyes of the policymakers. It sheds light on the absence of a defined recognition of these children within national laws, highlighting the profound implications this oversight has on the lives and rights of these children. Their struggle for an adequate standard of living, compounded by the lack of implementation of economic, social, and cultural (ESC) rights, forms the crux of this exploration. Through meticulous analysis and compassionate insight, this research not only identifies the systemic challenges but also serves as a clarion call for action and change. It beckons policymakers, advocates, and society as a whole to recognize, acknowledge, and address the plight of the street children of Bangladesh.

CLR stands as a profound initiative taken by ELCOP, offering young legal minds an opportunity to engage with marginalized communities. It allows them to experience firsthand the pain and suffering of these individuals by directly listening to their stories. What sets this research apart is its methodology. CLR prioritizes an empathetic approach to comprehending the challenges faced by marginalized communities. Researchers underwent rigorous training in empathetic interviewing, understanding power dynamics, and engaged in challenging journeys to remote areas, bridging the gap

between privileged researchers and underprivileged communities. This particular book is also based on the empathetic primary data gathered from the stories of the street children of our country by a bunch of young legal enthusiasts.

The collaborative efforts behind this research are commendable. Barrister Tapas Kanti Baul and Mr. Sayeed Hossain Sarwar, my young colleagues, have exemplified relentless dedication, channeling their expertise and passion to shed light on this often-overlooked issue. Their tireless pursuit of understanding and advocacy has been instrumental in the fruition of this vital and sensitive research.

As you delve into the pages of this research, I urge you to immerse yourself in the narratives, to empathize with the struggles, and to heed the imperative call for creating a more inclusive and just society—one where the rights and dignity of every child whether street children or not, regardless of circumstance, are upheld and safeguarded.

**Prof. Dr. Mizanur Rahman**

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4 January, 2024  
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The depiction within these pages represents only a fraction of the information exchanged, the knowledge imparted, and the visions painted by a dedicated group of learners of the law within our society. This book owes its existence to the guidance, involvement, and personal commitment of numerous individuals at various stages of our research. Though it is unfair to pick just a few names, the authors and the editors of the book would like to acknowledge with a deep sense of gratitude those persons without whose help, guidance, involvement, and personal attachment, the research findings could not have been articulated in the form of this book. The authors also want to thank and acknowledge the people who helped a lot with this project but chose to stay unnamed and keep their contributions private. Even though their names aren't mentioned, their help was essential, and we are equally thankful to everyone who played a part in making this CLR successful. Last but not the least, we would like to thank **Robi Snal**, without whom our stomachs would have been empty and *no man can be wise on an empty stomach*.

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## GLOSSARY AND ACRONYMS

- Dandi** : Locally known as a deadly drug inhaling glue contained in a plastic bag
- Upazila** : An administrative unit under the district administration in Bangladesh which sometimes is referred as a sub-district as well
- Lalon Shah Mukto Moncho** : A socio-cultural organization which seeks to promote the philosophy and teachings of Lalon Shah, a prominent Baul mystic and philosopher from the Bengal region
- Sheikh Russel Shishu Proshikkhon O Punorbashon Kendro** : Rehabilitation center for children
- Manob Pachar Oporadh Daman Tribunal** : For the purpose of speedy trial of offenses under the Act of Manob Pachar Protirodh ebong Daman Ain, 2012, the Government may, by notification in the Official Gazette, constitute an Anti- Human Trafficking Tribunal in any district consisting of a Judge of the rank of Sessions Judge or Additional Sessions Judge.
- Nari O Shishu Nirjatan Daman Tribunal:** : A Tribunal for the prevention of violence towards Women and Children, established under section 26 of the Act of Nari O Shishu Nirjatan Daman Ain, 2000
- Ahsan Manjil** : A historical palace located on the banks of the Buriganga River in the Old Dhaka area of Bangladesh
- Buckland Bund** : A historically significant architectural creation situated by the Buriganga River Bank of Old Dhaka in Bangladesh
- Antaghor Maidan** : At the end of the 18th century, there was a billiard club of Dhaka Armenians which is now known as Victoria Park.
- Buriganga River** : A the river of Bangladesh which is originated from the main river Padma and situated to the south and west of Dhaka city
- Golap Shah Mazar** : A historical shrine located in the city of Dhaka in Bangladesh

<b>Hijra</b>	: An individual whose gender is neither male nor female
<b>Chotomoni Nibash</b>	: Rehabilitation center for children established by the government. Currently, there are 6 Chotomoni Nibash in different districts.
<b>Pourashava</b>	: Local government municipalities
<b>Mouza</b>	: A kind of administrative district that represents a certain piece of land that may contain one or more settlements
<b>Thana</b>	: Police Station
<b>Mahalla</b>	: Colony
<b>Padmar Paar</b>	: A visiting place which is situated in Rajshahi at the riverside of Padma
<b>Achar</b>	: Pickles
<b>Sharkari Ashroy Kendra</b>	: Government Rehabilitation Center
<b>Jhupri</b>	: Housing
<b>Mobile School</b>	: A movable educational facility designed to reach and provide education to underserved or transient populations
<b>Pother Ishkul</b>	: A non-profit organization that provides informal or non-traditional education to street children and underprivileged children, with learning taking place outside conventional classroom settings, often in open spaces or community areas
<b>Tokai</b>	: Symbolizes the poor street children who usually live on picking objects from the street garbage
<b>Ekmatra Society</b>	: An non-profit organization that works for the underprivileged children through various development functionaries
<b>Doba</b>	: Puddle
<b>Shonar Bangla Pukur Ghat</b>	: An area by the side of a pond or a water body where people can access the water
<b>Bostir Meye</b>	: Slum girl
<b>Bostir Chele</b>	: Slum boy

<b>Ganja</b>	: Weed
<b>Union Somaj Kormi Officer</b>	: A social or community worker associated with or working at the union level of local administration
<b>Mora Hatano</b>	: Pickpocketing from the persons sleeping on the street/railway station
<b>Vaisheba</b>	: Prostitution of the street children, mainly boys
<b>Murgi Churi</b>	: Act of stealing chicken by the street children
<b>Madrasa</b>	: Religious educational institution
<b>Boro Bhai</b>	: Most senior among the groups of street children
<b>Bhangari Shop</b>	: Shop for second hand recyclable material
<b>Baraf paani</b>	: A game where one player becomes 'It' and counts to three before chasing others. 'It' tags players, saying "Baraf," causing them to freeze until another player touches and says "Paani," unfreezing them. The game concludes when 'It' successfully freezes all players simultaneously.
<b>Kanamachi</b>	: Bengali Folk Game where it requires multiple players to be in an open space. One person, blindfolded and chosen by lottery, must touch others and correctly identify them by name; the touched person then becomes the new "thief." The game continues, and the participant with the fewest instances of being identified as the "thief" is the winner.
<b>Gollachhut</b>	: Bengali Folk game where a stick is planted in a small hole, thereafter called golla (circle) or the centre of the game. A tree or a stone twenty-five to thirty feet from the centre is fixed as the goal. The main objective of the game is for each player to take turns to run and touch the goal. In Bangla, chhut means 'to run', and hence the name gollachhut.
<b>Mangsho Chor</b>	: A game where two teams compete to secure a valuable object, symbolized as the 'mangsho' (meat). One team defends it in a circle or straight line, while the other aims to take it and eliminate opponents through touch. The game consists of multiple rounds, continuing until the mangsho is captured or all opposing team members are eliminated. In each round, one member from the

opposing team ventures out to seize the mangsho, with the option to capture it, eliminate opponents, or return to their team.

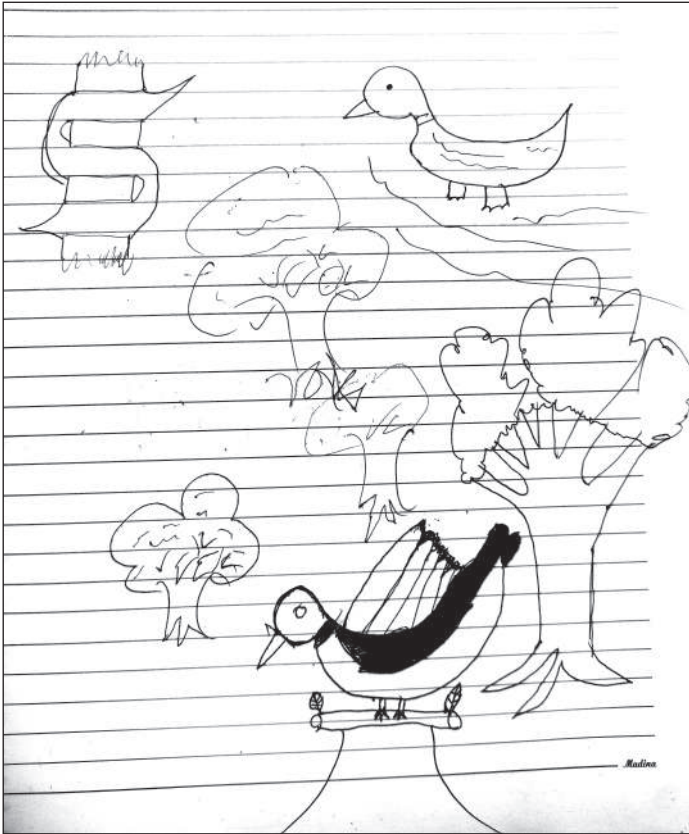
<b>Shishutori</b>	: A non-government child care center
<b>Khich</b>	: A ball is made from polyethylene bags
<b>FGD</b>	: Focus Group Discussion
<b>DSCC</b>	: Dhaka South City Corporation
<b>DNCC</b>	: Dhaka North City Corporation
<b>RAJUK</b>	: Rajdhani Unnayan Katripakkha
<b>Pouroshava</b>	: Municipality
<b>KIIs</b>	: Key Informant Interviews
<b>IDIs</b>	: In-Depth Interviews
<b>Mazar</b>	: Shrine
<b>CJM</b>	: Chief Judicial Magistrate
<b>CMM</b>	: Chief Metropolitan Magistrate
<b>Zila</b>	: A district that has its own local government
<b>CLR</b>	: Community Law Reform a programme of ELCOP
<b>NGO</b>	: Non-Governmental Organization
<b>WHO</b>	: World Health Organization
<b>UNICEF</b>	: United Nations Children's Fund
<b>USAID</b>	: United States Agency for International Development
<b>SCS</b>	: Sense of Community Scale
<b>SDG</b>	: Sustainable Development Goals
<b>ICESCR</b>	: International Covenant on Economic, Social, and Cultural Rights
<b>UDHR</b>	: Universal Declaration of Human Rights

<b>ILO</b>	: International Labour Organization
<b>UNCRC</b>	: United Nations Convention on the Rights of the Child. Alternatively mentioned as CRC
<b>Shishu Sreni</b>	: It refers to a specific section or class in a school that is dedicated to young children, typically before they formally enter primary education
<b>VIP</b>	: Very Important Person
<b>DSS</b>	: Department of Social Services
<b>BBS</b>	: Bangladesh Bureau of Statistics
<b>ESC</b>	: Economic social and cultural rights
<b>IDPs</b>	: Internally Displaced Person
<b>SHI</b>	: Sports for Hope and Independence
<b>NID</b>	: Bangladeshi National Identity Card
<b>Bhai</b>	: Brother
<b>Pitha</b>	: Traditional rice cake or sweet snack
<b>Baishakhi</b>	: Bengali New Year Festival
<b>JAAGO foundation</b>	: A non-profit organization works in providing quality education and social development opportunities to underprivileged children and communities
<b>SONGKOLPO foundation</b>	: A non-profit organization works on sustainable development through

## Chapter 1

### In Lieu of Introduction: The Forgotten Future

Tapas Kanti Baul  
Sayeed Hossain Sarwar



This picture is drawn by Hossain, a Street child, who was living at Kamalapur Railway Station during the field visit.

## 1.1 Prologue

Just a quotidian mid-noon at the foot of Victoria Park, a historical yet untended monument at the oldest part of Dhaka, amidst the concrete rubble and chaos of the city, eight to ten street children are visible, yet remain overlooked and unseen through the specs of profit-monger urban society. Their tethered and faded clothes hung over their skinny bodies. Their faces are pale, yet an unknown and defiant spirit is burning in their eyes. The dirty ground of Victoria Park is their makeshift home. They will be here till being chased away by the local police. Four of them are sitting in a circle, inhaling plastic bags with glue inside, a deadly drug locally called *Dandi*. Some do not know their families or homes, and others have run away. They seize the street life (or the street life seizes them) that comes with unbounded freedom in exchange for their innocence and childhood. In a metaphorical sense, the metropolitan conceals the street children (and their plight) with its deceptive grandeur.

In 2022, a group of street children from Bangladesh undertook to participate in the Street Child World Cup in Doha but were denied visa on the ground that none of them had any birth certificate, the only governmental record maintained for the children. The matter was dealt through judicial intervention by the Supreme Court of Bangladesh after a writ petition was filed. These incidents reflect the findings of Theresa Blanchet who shows that children are invisible in policy-making and social debate and they have no say in society.<sup>1</sup> This invisibility in the eye of the state renders a crisis of individual identity and the right to have other rights. The marginalization of street children in terms of individual identity, human rights and affirmative actions of the government (undertaken for the children) makes the case of street children a very unique one.

## 1.2 Research Premise to the Present CLR

A study in 2015 conducted by the Bangladesh Institute of Development Studies (BIDS) estimated that there were 1.5 million street children in Bangladesh. The study further suggested that the number will rise to above 1.6

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<sup>1</sup> Theresa Blanchet, *Lost Innocence, Stolen Childhood* (1st edn, UPL 2008)

million within 2024.<sup>2</sup> The dominant reasons behind children ending up in the street are rooted in poverty and uncontrolled urbanization.<sup>3</sup> Domestic violence, broken families, domestic abuse, disinheritance, or being disowned are also some major factors, though many studies identified poverty as the root cause of these factors.<sup>4</sup> Extreme lack of basic socio-economic amenities, e.g, food, clothing, shelter etc. along with deprivation of care and affection push the children to cross their family boundaries.<sup>5</sup> The urban life of metropolitan cities, like - Dhaka, Sylhet, Rajshahi, and Chattogram, lured the children with livelihood scopes and opportunities and unbounded freedom of street life which worked as the push factor that trapped down the children in the street.<sup>6</sup> Finding employment is effortless to some extent and circumstances as they can be easily exploited for not having enough bargaining power. Given their physique, physical capacity and social invisibility, they are prone to get away with criminal activities. Hence, street children are commonly found to be employed in severe risky, hazardous, dangerous and criminal activities. Studies show that street children's job experiences reveal a complex scenario where they become victims of extreme human rights violations and exploitation at the hands of the adults including their employers and members of law enforcement agencies.<sup>7</sup>

Every child possesses the right to develop in such an environment that allows them to be better people and have a better future. Instead, street children in Bangladesh are susceptible to all kinds of exploitation, abuse, dangerous situations, violence, and discrimination which severely violate their human rights.<sup>8</sup> Many street children are being victims of human trafficking.<sup>9</sup> A

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<sup>2</sup> Sally Atkinson-Sheppard 'A rough life: exploring the involvement of street children in organized crime in Dhaka' (*LSE Blog*, 4 April 2018) <<https://blogs.lse.ac.uk/southasia/2018/04/04/a-rough-life-exploring-the-involvement-of-street-children-in-organised-crime-in-dhaka/>> accessed 12 December 2023.

<sup>3</sup> Rehnuma Rahman and Zion Rabbi Samadder, 'Lives of Street-connected Children in Bangladesh' (2015) Research Report No. 45, Research and Evaluation Division, BRAC.

<sup>4</sup> Conticini A and Hulme D (2007). Escaping Violence, Seeking Freedom: Why children in Bangladesh migrate to the street. *Development and change*, 38(2), 201-227.

<sup>5</sup> Rehnuma Rahman and Zion Rabbi Samadder (n 3).

<sup>6</sup> *ibid*.

<sup>7</sup> Md. Hasan Reza & Nicole F. Bromfield. 'Human Rights Violations Against Street Children Working in the Informal Economy in Bangladesh: Findings from a Qualitative Study' (2019) *Journal of Human Rights and Social Work*.

<sup>8</sup> MS Ali, MT Islam, MA Momin, 'Street Children and Their Socio-Economic Background in Bangladesh' (2012) 7:2 *Development Compilation* 49,59.

<sup>9</sup> Haradhan Kumar Mohajan, 'Child Rights in Bangladesh' (2014) 2:1, *Journal of Social Welfare and Human Rights* 207.

number of studies show that street children are deprived of their right to proper shelter. 52% of the street children live and stay in the open air in places like streets, bus and train stations, boat terminals, and footpaths, whereas 33% live in shanty temporary houses.<sup>10</sup> For livelihood, they were involved as scrape pickers and sorters, beggars, sellers of various commodities, and porters. Many of them are involved in various criminal activities like theft, pick-pocketing, extortion, and selling drugs.<sup>11</sup> Being exposed to dangerous and open environments and maintaining deficient status of hygiene, they suffered from various categories of diseases. Infectious diseases, like - tuberculosis, polio, skin diseases, diarrhea, and chest infections are most common.<sup>12</sup>

One major concern about street children is their high tendency for substance abuse. The most common drugs abused by street children are *Dandy*, Cannabis, Cigarettes, tobacco blends and sleeping pills.<sup>13</sup> They operate both as drug consumers and dealers. Which eventually pushes them to a life of street crimes. Dr. Sally Atkinson-Sheppard shows that the street children in Bangladesh take in the urban organized criminal activities not as offenders but more like illicit laborers.<sup>14</sup> Dr. Atkinson-Sheppard argues that organized crimes in Dhaka have operated within a hierarchy of three echelons. The street children are employed in the lowest echelon where they are subject to the worst form of child labor. Eventually, she claimed, their sufferings continue at the hands of the law enforcement agencies after being exploited by the criminal gangs.

Yet every group of street children possesses strong communal bonding, interconnectedness and dependency among them. They form an alternative to their actual family and society with an organized network which Cottrell-Boyce named 'street family'.<sup>15</sup> There are various shared factors that build the

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<sup>10</sup> Shekh Farid and Mamata Mostari, 'Lives and Livelihoods of Children Living in Street Situation in Dhaka City of Bangladesh' (2015), 11:1 Bangladesh Research Publications Journal 40.

<sup>11</sup> *ibid.*

<sup>12</sup> Rehnuma Rahman and Zion Rabbi Samadder, (n 3) 22.

<sup>13</sup> *ibid.*

<sup>14</sup> Sally Atkinson-Sheppard (n 2).

<sup>15</sup> Cottrell-Boyce J, (2010). 'The role of solvents in the lives of Kenyan street children: an ethnographic perspective' African Journal of Drug & Alcohol Studies, 9(2): 93.

sense of community among the children such as dwelling at the same places, same profession, age, gender, and drugs they abuse.<sup>16</sup>

### 1.2.1 International Obligation of Bangladesh Towards Street Children:

The United Nations adopted the UN ‘Convention on the Rights of Child (CRC)’ in Nov. 20, 1989 with a pledge to protect and fulfill the rights of every child. The central idea of the treaty is that children are human beings and individuals with their own rights, not any object that belongs to the adults who make the decisions for the children. Bangladesh was one of the first two states in the South Asian region that ratified the CRC back in 1990. Since then, Bangladesh has put considerable effort through governmental and non-governmental institutions to fulfill the rights of children, particularly in the areas of health and education. The government of Bangladesh adopted the ‘National Children Policy, 2011’ and enacted the ‘Children Act, 2013’ to build a child-sensitive legal framework. Bangladesh submitted three state-party’s reports to the Committee on the Rights of the Child (CRC Committee) as a part of the periodic review to show compliance with the CRC in 2001, 2007 and 2012.

In the Concluding Observation, the CRC Committee particularly provided remarks and recommendations on the street children. The CRC Committee shows concerns about the significant number of children working and living in the street and their vulnerability to various prevalent risks, including drug abuse, sexual abuse and economic exploitation.<sup>17</sup> It further urged to increase budget allocation for children in disadvantaged or vulnerable situations who may require affirmative social measures; expedite the operation to guarantee birth registration; review and monitor the placement of children in foster care and institution and the quality of care; provide life-skill education on preventing substance abuse, including the abuse of tobacco and alcohol but especially hard drugs, as well as glue and solvent sniffing; take all measures necessary to combat poverty and to eliminate urban/rural, social and other disparities in children’s standard of living through, inter alia, social protection and targeted programs for children; ensure children’s right to rest, leisure and cultural activities; and to systematically involve communities and civil

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<sup>16</sup> Rehnuma Rahman and Zion Rabbi Samadder (n 3) 16.

<sup>17</sup> Committee on the Rights of the Child, Concluding observations on the fifth periodic report of Bangladesh, CRC/C/BGD/CO/5, 30 October 2015.

society, including non-governmental and children's organizations to realize and fulfill children's rights.

The CRC Committee recommends that the State party: (a) Undertake a systematic assessment of the conditions of children in street situations in order to obtain an accurate picture of the root causes and magnitude of the phenomenon; (b) Develop and implement, with the active involvement of children themselves, a comprehensive policy that addresses the root causes of the phenomenon in order to prevent and reduce it; (c) In coordination with non-governmental organizations, provide children in street situations with the necessary protection, including access to nutrition and shelter, adequate health-care services, the possibility of attending school and access to other social services, as well as protection from drug abuse, sexual abuse and economic exploitation; (d) Support family reunification programs when that is in the best interests of the child; (e) Allocate all human, technical and financial resources necessary to implement all policies and programs on children in street situations.<sup>18</sup> It is also concerned about the rising number of children living or working in urban areas who are prime targets of organized child-trafficking rings, are susceptible to abuse and are often charged with the crime of vagrancy and confined in vagrant homes and shelters.<sup>19</sup>

### **1.3 Research Objective**

Our literature review has suggested that the predicament of the street children has been addressed from different sociological perspectives. The underlying objective of this research is to concentrate on the types, levels and degrees of deprivation of human rights of the street children, and explore the socioeconomic as well as cultural factors that are contributing to the deprivation through the human rights perspective. It further aims to explore the gap in the law and policy measures of the government. In doing so, the research aims to have a magnifying look at the lived experience of the street children through human rights specs. Finally, the book will pictorially depict

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<sup>18</sup> Committee on the Rights of the Child, Concluding observations on the fifth periodic report of Bangladesh, CRC/C/BGD/CO/5, 30 October 2015.

<sup>19</sup> Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding Observations: Bangladesh, CRC/C/BGD/CO/4, 12 June 2009.

through diagrams initiatives lawfully affirmed for the protection and promotion of human rights of the community and propose policy interventions, so that the existing means of protection mechanism can be transformed into a more effective, improved and inclusive one for guaranteeing the due socio-legal empowerment of the community.

#### **1.4 Scope and Limitation**

There is no agreed legal definition of street children. There is another term ‘street-connected children’, both of which refer to children living in the street and children working in the street who return home or are cared for under institutional arrangements at night. The book focuses on the dependency connection of the children with the street and scopes its discussion on this basis. The book argues that the shared dependency eventually results in constituting the elements of a community and creates a profound sense of community among the street children. The book investigates the lived life of street children from a socio-legal approach. The research operates within the normative framework of human rights developed by international human rights law in various conventions, general comments, cases and communications. The data was measured through this normative framework considering the legal weight and interpretive value of the framework as well as Bangladesh’s obligation as a signatory in the human rights conventions. It does not engage in theoretical discussion of human rights.

The research has analyzed the laws, policies and measures of the government of Bangladesh addressing children as a general subject. It is found that there are a total of 185 statutes in Bangladesh that mention the term children, among which the research has addressed 22 legislations and policies that are assumed to be relevant to the welfare of street children. These are:

1. Constitution of the People’s Republic of Bangladesh
2. The Children Act, 2013
3. National Children Policy 2011
4. The Prevention of Women & Children Repression Act, 2000
5. Bangladesh Labour Act, 2006
6. Bangladesh Labour Rules, 2015
7. Penal Code, 1860
8. Code of Criminal Procedure, 1898
9. Child Marriage Restraint Act, 2017
10. Birth and Death Registration Act, 2004

11. Prevention and Suppression of Human Trafficking Act, 2012
12. Prisons Act, 1894
13. Vagrant and Shelterless Persons (Rehabilitation) Act, 2011
14. Mines Act, 1923
15. Road Transport Workers Ordinance, 1961
16. Tree Plantation Labour Ordinance, 1962
17. The Contract Act, 1872
18. The Pornography Control Act, 2012
19. The Guardians and Wards Act, 1890
20. The Family Court Ordinance, 1985
21. The Citizenship Act, 1951
22. The Divorce Act, 1869

On the matter of limitation, the field visits were limited to a fixed number of locations. Though having the ambition to draw a generalized conclusion, the research has to focus on certain places and aspects. The sample size of the research is quite small in comparison to the claimed number of street children in Bangladesh. The emphasis was given to explore the individual cases of the lived experience of the street children rather than generalized data applicable all over the country. Thus, the research principally relies on the qualitative data leading to qualitative findings. Another primary limitation was time constraints. It is difficult to gain access and build trust with a large number of street children in such a short period as they belong to an extremely vulnerable group and have built distrust towards society over the years. Moreover, the researchers found difficulties in obtaining up-to-date information from government websites on many occasions. The researchers tried to communicate with relevant government officials, however, there was hardly any response from their side.

## **1.5 Research Design and Methodology**

### 1.5.1 Methodological Approach

This research, the 12<sup>th</sup> Community Law Reform (CLR) project, has been primarily carried out through qualitative research methodology. The qualitative research methodology attempts to interpret the social realities.<sup>20</sup>

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<sup>20</sup> P. Ishawara Bhat, *Idea and Methods of Legal Research* (1st edn, OUP 2019) 359.

This research methodology primarily explores people's feelings, perceptions and experiences through various qualitative tools.<sup>21</sup> The case-study method, one of the highly regarded qualitative methods has been instrumented. Case-study method, widely used in community-based research,<sup>22</sup> allows the researcher to work on a problem in an extensive manner<sup>23</sup> and explore new and complex phenomena as well as understand real-world cases to assess and develop knowledge.<sup>24</sup> The importance of the case-study method in human rights research lies in observing and analyzing the behavioral pattern of a particular group or society for some time in response to their lack of enjoyment of their human rights.<sup>25</sup>

The CLR research encourages socio-legal and anthropological methods. It is a research-oriented program coupled with a training component to observe the life of the marginalized community from a human rights perspective. Professor Dr. Mizanur Rahman says:

“CLR has been the first step towards implementing a unique methodology of research which we opted to call ‘anti-generic research’. It involves an empathetic approach in analyzing the problems of the poor and the marginalized.”<sup>26</sup>

The case study method is an appropriate methodological approach to conduct this incumbent study. A chain of evidence-backed data has been used to find out how the street children of Bangladesh in our country remain invisible in different spheres of life.

### 1.5.2 Sampling Design

The primary data of the research have been collected from places spanning three different divisions i.e., Dhaka, Rajshahi and Sylhet. In the absence of any complete list and access to the whole population of street children, we

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<sup>21</sup> *ibid.*

<sup>22</sup> Zaida Zainal, ‘Case Study as a Research Method’, 5(1) 1 (2017) *Jurnal Kemanusiaan* <<https://jurnalkemanusiaan.utm.my/index.php/kemanusiaan/article/view/165>> accessed 15 December 2023.

<sup>23</sup> *ibid.*

<sup>24</sup> Yin, R. K., *Case Study Research and Applications: Design and Methods* (6<sup>th</sup> edn, Sage Publication 2017).

<sup>25</sup> Dr. Tamma Suryanarayana Sastry, ‘The Significance of Research Methodology in Human Rights: A Bird’s Eye View’ [2013] 32(1) *Delhi Law Review* 105-114.

<sup>26</sup> Mizanur Rahman, ‘CLR, ‘Rebellious Lawyering, and Justice Education: A Few Lessons from Bangladesh’ (2020) 11(2) *Jindal Global Law Review* 289.

used ‘quota sampling’ in selecting children for the interviews. Moreover, to get a larger view of the matter, we engaged in interviews and FGDs with members of the community from diverse backgrounds and used ‘snowballing or chain sampling’ and ‘random sampling’ for the purpose.

Of the 236 street children participants, 124 children came from Dhaka of which 78 were male and 46 were female. In Rajshahi, 55 street children were interviewed among which 46 were male and only 9 were female participants. 57 of the children participants were from Sylhet of which 38 were male and 19 were female participants. The lower number of participants in the Sylhet and Rajshahi areas refers to the lower number of street children in total in those areas compared to Dhaka. It also reflects on the amount of proportionate time that has been spent on the respective areas. Furthermore, the lower number of female participants is a reflection of the lower numbers of female street children being sighted in the street and willing to engage in interviews despite the research team having almost equal representation of both males and females.

### 1.5.3 Data Collection and Analysis Methods

Data collection for this research has been carried out by 13 researchers and 3 supervisors. The researchers have used Interviews i.e., Key Informant Interviews (KIIs) with the government and non-government officials, experts, lawyers, judges, human rights activists etc., who are considered as stakeholders of different levels in street children’s lives and In-Depth Interviews (IDIs) with the street children, Observation and Focus Group Discussion in the field for the purpose of gathering primary data. The researchers followed a ‘semi-structured questionnaire’ while conducting the interviews. The secondary data have been gathered by literature review from websites, newspaper and journal articles, books, and governmental and non-governmental reports. Despite the majority of authors themselves being the researchers in this study, all the authors have attended the entirety of the primary and secondary data to determine the credibility of the same. Finally, the data have been put into different sections upon coding it in a qualitative method for the purpose of the analysis.

### 1.5.4 Ethical Consideration

The researchers were provided with three full days of training (see Annexure A for details of the training schedule) prior to the field visit which is an essential component of CLR research. The training sessions were conducted by a number of prominent academicians, researchers and stakeholders from different walks of Bangladesh to introduce the researcher with different sociological and anthropological and enable them to see law as a humanistic discipline.<sup>27</sup> Due to the sensitivity revolving around the participants of this study i.e., the street children being minors and vulnerable at the same time, the researchers have taken due precaution to not bring any inconvenience to them. All the interviews have been taken with the consent of the children as well as their parent/s (if they were available on the spot) or before other adults (not being the researchers), in an open space in their habitual place of activities. The real names of the street children have not been used in the book for the purpose of confidentiality and to avoid exposing the street children to any danger that might present itself. Finally, the photos used in the book have been altered to blur the faces of the children or animated pictures which are based on the real photographs taken by the researchers during field visits for the purpose of keeping their identities undisclosed.

### **1.6 Outline of the Book Chapters**

The present book is a compilation of seven chapters addressing various aspects of the life of street children from the human rights perspective. Some of the chapters delved into socio-legal aspects as well. The first chapter provides the context and overview of the research objectives and its methodologies. It also briefly highlights Bangladesh's obligation towards street children under international law. Following that, the second chapter describes the geographical location, demography and social structure of the research subject and area. It provides a virtual walk on the research location which provides significant observational data. The demarcation of the definition of Street Children and their categories are dealt with in the third chapter. Additionally, it sets the terms of the references of the book. The chapter recognizes the ambiguity in the term 'street children' and deconstructs the term into its specific categories. The fourth chapter focuses on the right to

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<sup>27</sup> Mizanur Rahman, 'CLR, 'Rebellious Lawyering, and Justice Education: A Few Lessons from Bangladesh' (2020) 11(2) Jindal Global Law Review 289.

an adequate standard of living for children. Emphasis is given particularly on the right to food, right to shelter, right to education, right to health, right to sanitation and right to social security. The chapter develops a normative framework based on the international human rights law (IHRL) to measure the realization and fulfillment of the said rights. The chapter further discusses the contribution of state and non-state actors in fulfilling their rights.

Civil and political rights of street children in Bangladesh on the basis of the normative framework developed under (IHRL) are the central issues in the fifth chapter. The chapter identifies some major areas of violation of the civil and political rights of the children such as the right to identity, and the right to liberty against wrongful arrest and detention. It delves deeper into exploring the loopholes in the government's laws, policies and initiatives. The chapter centers its discussion on street children's right to have a dignified life. The sixth chapter focuses on the area of juvenile delinquency. The first part of the chapter explores the contributing factors that are responsible for the tendency to involve juvenile delinquency for street children. The second part explores the nature of delinquent acts that are prevalent among the street children in the research area. Finally, the chapter assesses whether the state mechanism of dealing with juvenile delinquency is in compliance with the international human rights standard. The seventh chapter explores the recreational activities performed by the street children. It addresses how both modern and traditional child recreational activities are performed by the street children given the severe lack of proper facilities and environment for healthy recreation. It also assesses the obligation of the states to provide children with recreation, its impact on the mental health of children and the government's negligence in addressing the matter in legal and policy framework. The aggression of capital-based urbanization leads to limiting healthy recreational opportunities for the children. The final chapter is the concluding chapter of the research. The chapter provides some feasible recommendations for legal and policy reformation to address the existing problem syncing with the recommendation provided by the CRC Committee in its Concluding Observation.<sup>28</sup>

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<sup>28</sup> Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding Observations: Bangladesh, CRC/C/BGD/CO/4 12 June 2009.

## Chapter 2

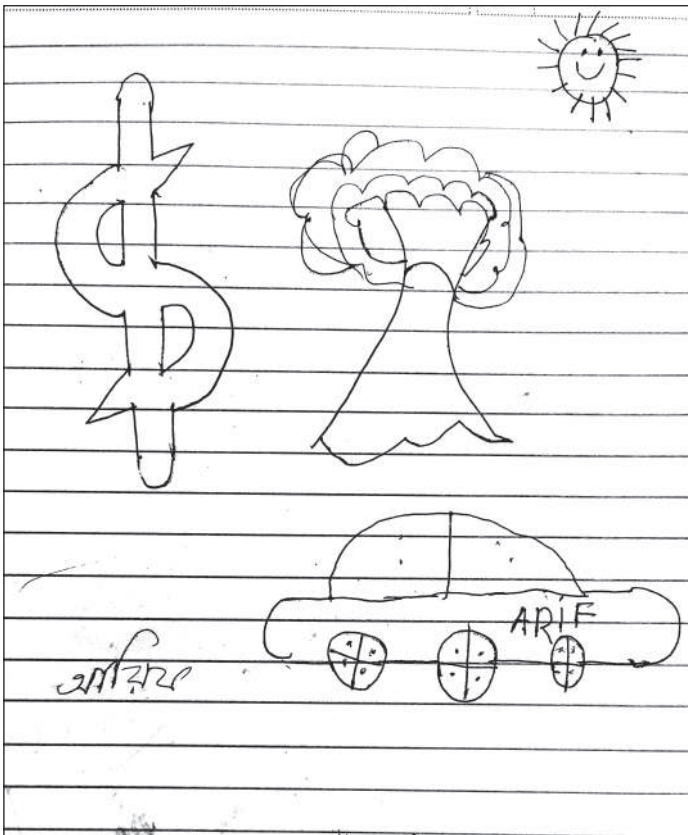
### Geographical Mapping and Demography

Akhlak-Ul-Islam Tusar

Mahasina Akter Banna

Samiul Aziz

Md Sohanur Rahman



This picture is drawn by Arif, a Street child, who was living at Kamalapur Railway Station during the field visit.

## 2.1 Introduction:

The prevalence of street children is high in Bangladesh. Street children always live a life of hardship and uncertainty. They reside in open spaces, streets, parks, train terminals, bus stations, and other public places. Characterized by a nomadic lifestyle, these children temporarily inhabit diverse locations like roadsides, railway stations, bus stations, parks, abandoned houses, and public spaces. Notably prevalent in major cities, the latest Bangladesh Bureau of Statistics survey reveals regional disparities, with Dhaka Division exhibiting the highest prevalence at 48.5%, followed by Chattogram Division (17.5%), Khulna Division (8.1%), Rajshahi Division (7.3%), Rangpur Division (5.5%), Barisal Division (4.9%), Mymensingh Division (4.1%), and Sylhet Division (4.00%).<sup>29</sup>

Dhaka Division, encompassing both Dhaka South City Corporation and North City Corporation, was chosen as a high-prevalence area. Rajshahi Division, representing a moderate prevalence, was selected, and finally, Sylhet Division, with the lowest prevalence, was included. This strategic selection aims to explore the factors contributing to the diverse prevalence rates in these areas, providing insights into the nuances of the issue and reevaluating past survey statistics. Moreover, the investigation extends its focus to the violation of human rights and the pervasive absence of adequate human rights protection for street children.

This chapter is segmented into two sections. The initial portion outlines the geographical demography of the research areas, while the subsequent part elucidates the methodology, detailing how the research was carried out.

## 2.2 Research Areas

The research was conducted on street children in Dhaka, specifically in 10 areas where they predominantly resided. The areas visited by the research team include Sadarghat River Port, Victoria Park, Gulistan Mazar, Airport

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<sup>29</sup> Bangladesh Bureau of Statistics ‘Survey on Street Children 2022’ (15 March, 2023) <<http://203.112.218.65:8008/WebTestApplication/userfiles/Image/latesreport/SurveyStreetChildren2022.pdf>> accessed 3 May 2023.

Railway Station, Kamlapur Railway Station as well as two shelter homes for street children located at Kamalapur named Shishutori center and Kotha apa's Transgender center which is in Mugda.

The research for Rajshahi took place in the city of Rajshahi itself. The team visited a total of 11 areas, which were The Railway Station, T-Badh, *Lalon Shah Mukto Moncho*, Padma Garden, Namobhodra, Rajshahi University. The team also went to a few government affiliated institutions to gather a better insight, namely *Chotomoni Nibash*, *Sheikh Russel Shishu Proshikkhon O Punorbashon Kendro* (rehabilitation center), Rajshahi Court, where the team met with a judge of the *Manob Pachar Oporadh Doman Tribunal* (Human Trafficking Tribunal) and *Nari O Shishu Nirjatan Daman Tribunal* (Prevention of Violence towards Women and Children), then the team also went to Shishu Academy, and SOS children's village.

### 2.2.1 The Rationale behind Choosing the Research Areas:

Most of the street children migrate from various areas to these three metropolitan cities namely Dhaka, Rajshahi and Sylhet. Selecting such divisions allows for a comprehensive exploration of street children's manner of living across diverse regions in Bangladesh, considering the distinct cultural, economic and social contexts of each city. Dhaka represents a bustling urban environment and the most densely populated city, whereas Sylhet city and Rajshahi city offer insights into both urban and rural influences. This diversified combination provides a holistic understanding of how street children navigate different environments and also provides a significant sample size for studying street children and their living conditions. The purpose of this research in multiple cities enables the researchers to make a comparative analysis from different perspectives with a view to helping identify commonalities and differences in the challenges facing by street children across these selective regions.

The economic and socio-cultural dynamics of Dhaka differ from those of Sylhet and Rajshahi. Exploring how these factors influence the lives of street children in these cities provides valuable insights into the role of economic and socio-cultural disparities. As each city has its unique educational landscape, research on street children's access to education in Dhaka, Sylhet

and Rajshahi allows for nuanced findings on the educational challenges and opportunities they encounter. Exploring healthcare accessibility and health outcomes for street children in such areas can reveal disparities and contribute to understanding how regional variations impact their wellbeing.

In fact, findings from these research areas can have direct implications for local, national and international policies, influencing efforts to address the challenges facing by street children in various urban and regional contexts. Comparatively Rajshahi and Sylhet, Dhaka city hosts numerous governmental, non-governmental organizations (NGO) and social welfare communities working with street children. Access to these organizations can facilitate data collection and help to corroborate the data collected from the respondents. Among these three areas, Dhaka and Sylhet are also famous as a popular tourist destination, specially the geographical features of Sylhet (including tea gardens and hills) may bring unique challenges and opportunities for them.

Exploring into the effects of tourism on the lives of street children, both positive and negative, can be a valuable aspect of this research. Moreover, by selecting these areas, a more holistic understanding of the complexities surrounding street children in Bangladesh can be gained, considering the interplay of urbanization, culture, economy and regional dynamics.

### 2.2.2 Research Area- Dhaka

Dhaka is one of the eight administrative divisions of Bangladesh located in the central region of Bangladesh. It covers an area of 31026.51 sq km and is situated almost at the heart of Bangladesh.<sup>30</sup> Dhaka is divided into 3 City Corporations, 13 Districts, 63 Municipalities, 89 Upazilas, 885 Union Parishads, 12,765 Mauzas, 589 Wards, 1,623 Mohallas and 25,244 Villages.<sup>31</sup>

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<sup>30</sup> Banglapedia (2nd edn, 2012), 'Dhaka Division'  
<[https://en.banglapedia.org/index.php/Dhaka\\_Division](https://en.banglapedia.org/index.php/Dhaka_Division)> accessed 10 February 2023.

<sup>31</sup> Bangladesh National Portal, 'Dhaka Division' ([www.dhakadiv.gov.bd](http://www.dhakadiv.gov.bd))  
<<https://www.dhakadiv.gov.bd/>> accessed 10 February 2023.

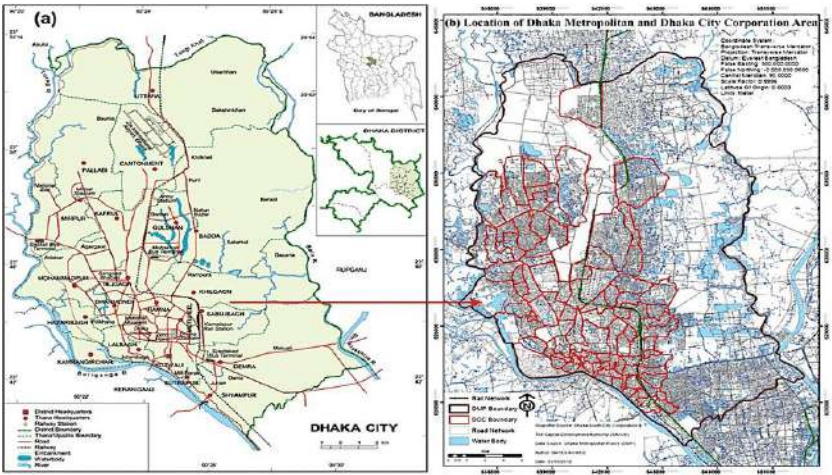


Figure-2.1: Location of Dhaka Metropolitan Area (a) in Bangladesh and (b) in Dhaka City Corporation<sup>32</sup>

According to Bangladesh Bureau of Statistics Report 2022, Total Population in Bangladesh has 165,158,616 (Population and Housing Census 2022) and 144,043,697 (Population and Housing Census 2011). In Dhaka Division, the total population exists 5,979,537 in Dhaka North City Corporation and 6,970,105 in Dhaka South City Corporation (Population and Housing Census 2022) where the compilation of DSCC and DNCC, the figure was 4,299,345 according to (Population and Housing Census 2011).<sup>33</sup>

### (A) Under Dhaka South City Corporation (DSCC)

The former Dhaka City Corporation was split into two new municipal corporations, one of which is now called the Dhaka South City Corporation (DSCC). There are about 57 wards of the Dhaka South City Corporation. The population of DSCC is more than 1.20 crores (till 2022). Under DSCC, some particular areas have been considered for this study. In total, there has been selected four places within DSCC where street children have been found in

<sup>32</sup> Bayes Ahmed and others, 'Simulating Land Cover Changes and Their Impacts on Land Surface Temperature in Dhaka, Bangladesh' (2013) 5 Remote Sensing 5969.

<sup>33</sup> Bangladesh Bureau of Statistics, 'Population & Housing Census 2022' (2022)

<[https://sid.portal.gov.bd/sites/default/files/files/sid.portal.gov.bd/publications/01ad1ffe\\_cfef\\_4811\\_af97\\_594b6c64d7c3/PHC\\_Preliminary\\_Report\\_\(English\)\\_August\\_2022.pdf](https://sid.portal.gov.bd/sites/default/files/files/sid.portal.gov.bd/publications/01ad1ffe_cfef_4811_af97_594b6c64d7c3/PHC_Preliminary_Report_(English)_August_2022.pdf)> accessed 12 February 2023.

large number and the purpose of the study of which have been visited for are elucidated below:

**(i) Sadarghat River Port Area**

Sadarghat River Port is a vital transportation area in Dhaka that connects waterways of different major districts to land-based transportation networks, facilitating the movement of goods and people across different regions. It plays a crucial role in the economy by providing access to markets and reducing transportation costs for businesses and individuals alike. The majority of the city’s homeless youngsters come from other districts’ river ports and find shelter there either temporarily or permanently. It is located in the historic district of Dhaka along the Buriganga River. It is positioned somewhat to the left of the *Ahsan Manzil*. Moreover, Sadarghat serves as the pivot of the *Buckland Bund*. It was initially constructed as a location for the landing of boats, launches, and even ships arriving in Dhaka from distant locations. Due to shoaling up of the river bed entry and a general reduction in the capacity of the inland waterways, large vessels are no longer able to use it.<sup>34</sup>

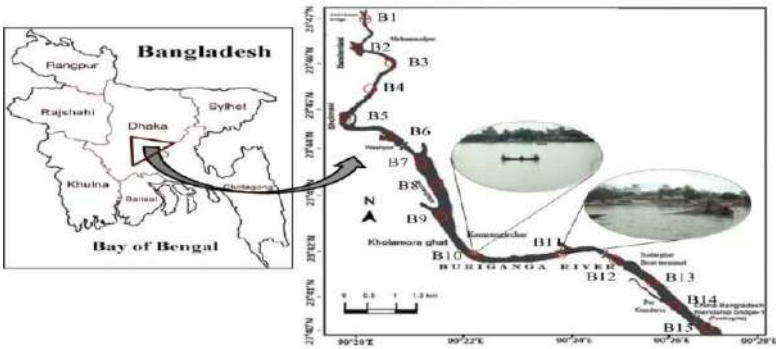


Figure 2.2 Geographical view of Sadarghat River Port (B13)<sup>35</sup>

<sup>34</sup> Bangladesh Tourism Board, ‘Sadarghat’ <<https://beautifulbangladesh.gov.bd/event/115>> accessed 12 February 2023.

<sup>35</sup> Md Saiful Islam, Ram Proshad and Saad Ahmed, ‘Ecological risk of heavy metals in sediment of an urban river in Bangladesh’ *Human and Ecological Risk Assessment* [24(2):1-22], November 2017.



*Image-01: View of the riverbank of Sadarghat<sup>36</sup>*

This area is located in region 04 and falls under ward No. 43 (Farashganj Lane, Farashganj Road). This port is the most densely-populated place as it is used daily by more than 50,000 passengers, while thousands more are occupied with other purposes.<sup>37</sup>

Though this area is a nexus between socio economic and environmental factors, the place is over-crowded and the surroundings are heavily polluted. The high population density and lack of proper waste management systems contribute to the worsening environmental conditions in the area. Perhaps, these have resulted in severe air and water pollution which is slowly poisoning the river and causing respiratory problems for the residents.

Many street children are found in this port with different sloughs. Some are involved in selling water, tea or coffee, some of them are busy in begging, some are helping hand in hand to lessen the workload of their masters but are hardly seen to take *dandi* during the working times.

### **(ii) Victoria Park Area**

Victoria Park, named after Queen Victoria (1819–1901), was constructed in the early half of the 19th century in the Sadarghat locality of Dhaka during the

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<sup>36</sup> Captured by the CLR Researchers.

<sup>37</sup> Md Saiful Islam, Ram Proshad and Saad Ahmed (n 35).

reign of a former Armenian clubhouse known as *Antaghar*.<sup>38</sup> To honor the memories of the brave citizens who gave their lives for Sepoy Revolt of 1857, the Dhaka Improvement Trust (now RAJUK) built a huge cenotaph here much later. Victoria Park is a 2.6-mile (6,000-steps) promenade near Dhaka in Dhaka Division. The elevation gain along this route is roughly 62.3 feet. The park contains an obelisk.



Despite having a remarkable history behind this park, nowadays it is losing its glorious character amongst today's generation. Now this place is used for physical exercise, and also as a shelter for the homeless people. Many street children who have come across the *Buriganga River* often take shelter in this place. Most of the respondents living inside the park fall under the age categories of 10 to 12 years old (46.60 percent) and of 12 to 15 (33.6 percent).

Image-02: Picture of the street children in Victoria Park<sup>39</sup>

There is also a good portion of respondents of the age of 10 to 18 (64.80 percent) and they also wander almost every day [These data are summarized in Figure 2.3]

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<sup>38</sup> Banglapedia, 'Victoria Park' (2nd edn, 2012)

<[https://en.banglapedia.org/index.php/Victoria\\_Park](https://en.banglapedia.org/index.php/Victoria_Park)> accessed 10 March 2023.

<sup>39</sup> Captured by the researchers.

### Age Category of the Respondents

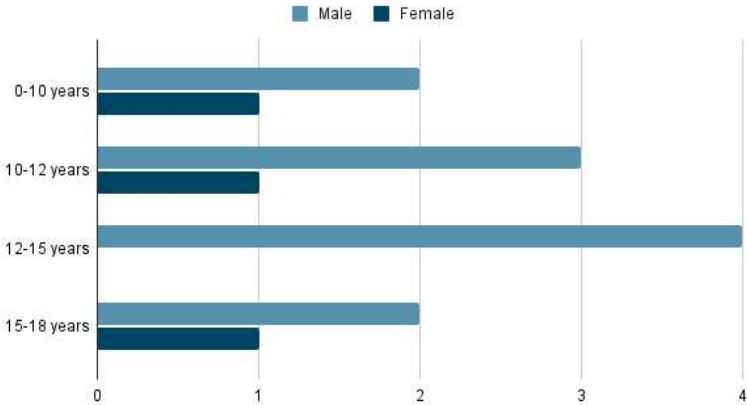


Figure 2.3 Age Category of the Respondents from Victoria Park<sup>40</sup>

A number of schools, colleges, and universities, as well as significant governmental structures, can be found in and around the park, making it the most significant area of old Dhaka. St. Thomas Church, Dhaka's first water supply tank, is situated on the north side of the park. The Government Muslim School, one of Dhaka's oldest schools, is located on the east side, and Jagannath University is located on the southwest corner. Just to the northwest of the park is the Dhaka Judge Court, Dhaka Chief Judicial Magistrate Court (CJM), Dhaka Chief Judicial Magistrate Court (CMM), Dhaka National Medical College Hospital. The northeastern corner of Dhaka is where Islamia High School and Kabi Nazrul Government College are situated. In the northeast corner are Islamia High School and Kabi Nazrul Government College. Furthermore, Bangmata Sheikh Fazilatunnesa Mujib Hall for the students of Jagannath University, Islampur, Shakhari Bazar, is one of the most significant areas of Dhaka.<sup>41</sup> This park has a sociological impact on the locality. As a public space, any park should attract people for a variety of reasons. While a significant number of people utilize this park as a gathering or meeting place, the majority of people use it as a place to unwind. There are a lot of people who visit for its peaceful and quiet surroundings with fresh air

<sup>40</sup> Collected and compiled by the researchers.

<sup>41</sup> Staff Reporter, 'Antaghar, a historical heritage is now Bahadur Shah Park' *Channel 24* (Dhaka, 20 May 2022) accessed 12 February 2023

in the early morning. Others also use the locations for recreation, sports, and gaming.

### (iii) Gulistan Area

Gulistan is a congested street in Bangladesh’s capital, Dhaka. It is connected to a number of significant streets, which makes it bustling and crowded. Roadside businesses cover the entire street. Several individuals come here on a daily basis, numbering in the thousands. Both vehicles and passersby are highly visible on the route. Every point in Gulistan—from the street to the multistory building, is a market. Hawkers, rickshaws, buses, and bikes are constantly moving down the road, so are restless men and women. The suburb of Dhaka Division is called Gulistan.

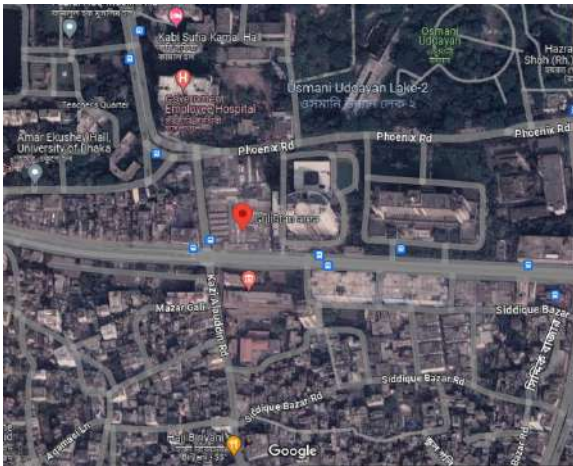


Figure 2.4: Google Map of Gulistan Area<sup>42</sup>

Gulistan is located close to the neighborhoods of Kaptan Bazar and Fulbaria. There is a famous *mazar*, a small, exquisitely decorated shrine known as “*Golap Shah Mazar*”, attracts the attention of passersby and commuters crossing the area in the midst of Gulistan, one of the busiest junctions in the city.

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<sup>42</sup> Mapcarta, Gulistan <<https://mapcarta.com/N6786775142>> accessed 13 February 2023.

The century-old shrine, with all its serenity and spiritual ambiance, serves as a place for prayer and homage to Golap Shah for thousands of his devotees. Nowadays, there are found many people, including adults and teenagers and also children who consider this



*Image 03: Front view of 'Golap Shah Mazar'*

*mazar* as their home. The Gulistan (Fulbaria) Bus Station is the city's one of the major bus stations.<sup>43</sup> The majority of the buses in this area are public, and there are only a few buses per passenger. When no space is left inside the bus, people frequently climb on top of it. At the doors, some people can be seen hanging in risky positions.

#### **iv) Kamalapur Railway Station**



*Image 04: View of Kamalapur Railway Station*

The major railway station in Dhaka, the capital of Bangladesh, is known as Kamalapur Railway Station (formally known as Dhaka Railway Station). The largest station and busiest transportation area in the nation, it serves as the entrance to the nation's capital. Also, it is regarded as one of the most cutting-edge structures for the decade in which it was constructed. It opened on May 1st, 1968.<sup>44</sup> Here was created the nation's first inland container depot after the liberation of Bangladesh. Following then,

<sup>43</sup> Stuart John Butler, 'Bangladesh : Lonely Planet Country Guides' (6th edn, Lonely Planet Publications, 2008) 68.

<sup>44</sup> Zafar Ahmed, 'All Roads Lead to Kamalapur: How the Dhaka Area Is Set to Be Transformed into a Multimodal Transport Hub' (*bdnews24.com* 30 November 2022) <<https://bdnews24.com/economy/ogh85fy4r1>> accessed 28 February 2023.

various plans and decisions to relocate and demolish the station building were made, but they were not carried out due to resistance from the authorities and dignitaries. The station is being surrounded by a multimodal transportation hub, which is planned to be finished in 2030. Kamlapur Railway Station is located on Outer Circular Road, Motijheel Thana, Dhaka, Bangladesh. This station is owned by Bangladesh Railway. It has 8 platforms and 7 tracks. In 2022, there are number of passengers estimated 115,000 per day. Around 7,000 people are floating in Dhaka according to the Bangladesh Bureau of Statistics. Yet, the Voice of America published in their newspaper that the government's information is out of date.<sup>45</sup> After 2014, the Bangladesh Bureau of Statistics has not released a new report. Due to a lack of means, many street children reside in Kamalapur railway station. Nowadays, it serves as a haven for the city's homeless population.<sup>46</sup> The structure holding the train station is not monitored, making it a target for vagrants' criminal activities. According to the news of Kaler Kontho, there is information from the detective branch, a number of criminals are ready to commit crimes at this train station, making it unsafe for travelers. 86 criminals were detained from the terminal in 2021<sup>47</sup> according to the data from the Railway Police. Drug dealers may operate here without fear and most of the time they use the street children as their weapon. According to Newsbangla24.com, there are security issues at the terminal and a shortage of police officers after dark. The street children also under 8 years old were observed by the researchers taking drugs openly in public.

### **(B) Dhaka North City Corporation (DNCC)**

Dhaka North City Corporation or DNCC, known as an autonomous body, is in charge of Dhaka's 54 northern wards within 10 regions. It covers an area of 196.22 sq km.<sup>48</sup>

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<sup>45</sup> Voice of America 'Kamalapur railway station is one of the shelters of floating people in the capital Dhaka', (7 February 2022) <<https://www.voabangla.com/a/6430691.html>> accessed 28 February 2023.

<sup>46</sup> *ibid.*

<sup>47</sup> Kaler Kantho, 'Gang of vagrants at Kamalapur railway station' (18 May 2022) <<https://www.kalerkantho.com/print-edition/last-page/2022/05/18/1147291>> accessed 28 February 2023.

<sup>48</sup> Dhaka North City Corporation, 'Location and Geographical Boundary' <<https://www.dncc.gov.bd/site/page/c0b6953f-16d3-405b-85e9-dece13bb98de/->>> accessed 28 February 2023.



Figure 2.5: Geographical area of DNCC<sup>49</sup>

Wards and areas of DNCC also cover the thanas of Turag, West Uttara, East Uttara, Uttarkhan, Dakshin Khan, Biman Bandar, Khilkhet, Vatara, Badda, Rampura, Hatirjheel, Shilpanchal, Tejgaon, Sher-E-Bangla nagar, Mohammadpur, Adabor, Darussalam, Mirpur, Pallabi, Rupnagar, Shahali, Kafrul, Bhashantek, Cantonment, Banani and Gulshan. For research purposes, the researchers have selected such places under DNCC where so many street children are found and analysis of such areas.

#### (i) Dhaka Airport Railway Station

Dhaka Airport Railway Station is a rail route station in Dhaka. It is typically reached through Airport Road, which is positioned beside Hazrat Shahjalal International Airport. It is the second stoppage for trains in Dhaka, after the Kamalapur railway station. Trains come from India and locally Khulna, Jessore, Noakhali, Sylhet, Rajshahi, Chittagong, Comilla, and many important towns and cities. Its rail tracks are Dual gauge which provide both Meter gauge and Broad gauge. Therefore, Broad gauge trains from Rajshahi, Khulna

<sup>49</sup> S Roy, S Dutta and MM Hoque, 'Urban Forestry and Urban Greening for Sustainable Urban Development-A Case of Dhaka North City Corporation Area (Zone-1)' (2016) 14 Journal of the Bangladesh Agricultural University 167  
<<https://www.banglajol.info/index.php/JBAU/article/view/32691>> accessed 28 February 2023.

and the Maitree Express can stop at that station easily. The station has two platforms. Most of the street children spend their lives on this platform. Many of them are often seen spreading their hands for some money, or some of them work in mini shops. At night, they often fall asleep on the platform.

### 2.2.3 Sylhet Division

#### **(a) Sreemangal:**

Sreemangal Upazila of Moulvibazar District with an area of 425.15 sq km is located at 24°10' and 24°28' North latitudes and between 91°36' and 91°48'.<sup>50</sup> With Moulvibazar Sadar Upazila on the North and Tripura State of India on South, Sreemangal is bounded by Kamalganj Upazila (East) and Chunarghat, Bahubal and Nabiganj (West).<sup>51</sup> Consisting of 1 *Pouroshava*, 9 Unions, 109 *Mouza* and 207 villages.<sup>52</sup> Sreemangal has a total population of 318025 among which 158706 are male and 159319 are female.<sup>53</sup> Religiously, there are 183832 Muslims, 129099 Hindus, 4266 Christians, 71 Buddhists and 757 belonging to other religious beliefs.<sup>54</sup> Bilash (Gopla), Gopbia, Phulchhari, Udnachhari, Barmachhari; Hail Haor among others are notable water bodies of Sreemangal Upazila. Lawachara National Park, Rubber Garden, Tea Garden, Tea Resort, Rajghat Lake etc. among many others are mentionable visiting spots and places of Sreemangal.<sup>55</sup>

There is one Sarkari Shishu Paribar (State Children Home) managed by the Department of Social Services under the Ministry of Social Welfare.<sup>56</sup> Only one Upazila Health Complex with 50 seats is situated at Sreemangal.<sup>57</sup> There are 66 government primary schools whereas, only one government High School for girls in the entire Upazila.<sup>58</sup> 139 NGOs are currently active in the

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<sup>50</sup> Gopal Dev Chowdhury, 'Sreemangal Upazila' (*Banglapedia 2nd edn 2012*, 18 June 2021) <[https://en.banglapedia.org/index.php/Sreemangal\\_Upazila](https://en.banglapedia.org/index.php/Sreemangal_Upazila)> accessed 29 November 2022.

<sup>51</sup> *ibid.*

<sup>52</sup> *ibid.*

<sup>53</sup> Bangladesh Bureau of Statistics, *Zila Report: Moulvibazar, Bangladesh Population and Housing Census 2011* (Statistics and Informatics Division, Ministry of Planning 2015) 325.

<sup>54</sup> *ibid.* 768.

<sup>55</sup> Bangladesh National Portal, 'Sreemangal at a glance' <<https://tinyurl.com/ycks79vf>> accessed 29 November 2022.

<sup>56</sup> *ibid.*

<sup>57</sup> *ibid.*

<sup>58</sup> *ibid.*

Upazila.<sup>59</sup> In the Sreemangal, our study mainly centered around the Sreemangal Pouroshava.

By age group, 44.8 percent of the population falls within 0-19 years old. There are 10.6 percent 0-4 years old children, 12.9 percent 5-9 years old children, 11.8percent 10-14 years old and 9.5percent 15-19 years old.

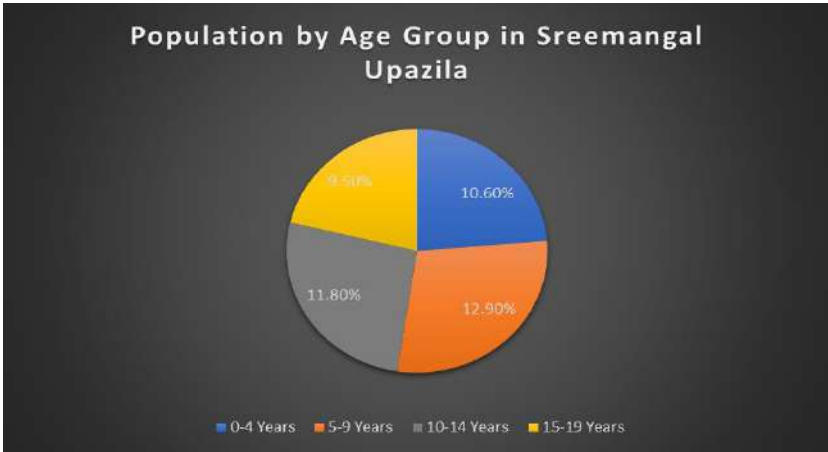


Figure 2.6: Population by Age Group in Sreemangal Upazila



Image-05: Sreemangal Railway Station

Sreemangal Pouroshava with an area of 2.3 sqkm is situated at the center of Sreemangal Upazila.<sup>60</sup> Sreemangal Municipality was formed in 1935.<sup>61</sup> It has a population of 23,031, among which 11,814 are male and 11,216 are female with a sex ratio of 105.<sup>62</sup> There are 9 wards in the *Pouroshava*, among which Ward 2 and 3 fall within the purview of our study. Ward 2 with an area of 0.08 sqkm has a population of 2,331,

<sup>59</sup> *ibid.*

<sup>60</sup> Bangladesh Bureau of Statistics, *National Volume -3, Urban Area Report: Population and Housing Census 2011* (Statistics and Informatics Division, Ministry of Planning 2014) 275

<sup>61</sup> *ibid.*

<sup>62</sup> *ibid.*

among which male are 1,210 and female are 1,121 and the sex ratio in the area is 108.<sup>63</sup> The literacy rate is 47.1percent. Whereas, Ward 3 with an area of 0.019 sqkm has a population of 2,723, among which 1,210 are male and 1,121 are female.<sup>64</sup>

**Table 2.2: Sreemangal Pouroshava’s population and literacy rate of each ward**

Geo - code	Area (sq.km)	H/H	Population			Sex-Ratio	Literacy 7+yrs
			Both Sex	Male	Female		
Paurashava	2.30	4825	23031	11814	11217	105	66.5
Ward-01	0.82	369	1890	1044	846	123	71.3
Ward-02	0.08	503	2331	1210	1121	108	47.1
Ward-03	0.19	575	2723	1378	1345	102	59.7
Ward-04	0.16	449	2038	985	1053	94	81.4
Ward-05	0.21	812	3693	1820	1873	97	61.2
Ward-06	0.20	362	1631	982	649	151	59.7
Ward-07	0.17	542	2800	1424	1376	103	55.3
Ward-08	0.27	839	4256	2135	2121	101	77.7
Ward-09	0.20	374	1669	836	833	100	87.1

Source: *National Volume -3, Urban Area Report: Population and Housing Census 2011*<sup>65</sup>

After analyzing the data of the above-mentioned table, data vis-a-vis population density of the Sreemangal Pouroshava and the area of study i.e. Ward 2 and 3 can be compared. The population density of the Sreemangal Pouroshava is 10,013/sqkm. On the other hand, the population density of Ward 2 is 29,137 and Ward 3 is 14,331/sqkm. Both the research areas have much higher population density than the average population density of the

<sup>63</sup> *ibid.*

<sup>64</sup> *ibid.*

<sup>65</sup> Bangladesh Bureau of Statistics (n 60).

Sreemangal Pouroshava. Specially, Ward 2 is the most densely populated where most of the respondents of our research i.e. street children come from. Furthermore, the average literacy rate of the Sreemangal Pouroshava is 66.5percent whereas, the literacy rate of the Ward 2 is 47.1percent which is much lower in comparison. The literacy rate of Ward 3 is also lower than the average literacy rate of the Pouroshava i.e. 59.1percent. Kalighat area, Sreemangal Railway Station area, Jalalia Road area and Habiganj road are the research areas in Sreemangal which fall within the said Wards 2 and 3 where the street children of the Sreemangal can be found.



Figure 2.7: Geographical Map of Sreemangal Upazila<sup>66</sup>

**(b) Sylhet City Corporation:**

Sylhet City Corporation is in the northeast of Bangladesh. It is located in between 24°51’ and 24°55’ North latitudes and in between 91°50’ and 91°54’ East longitudes<sup>67</sup> and has an area of 26.5 sqkm<sup>68</sup>. It is bounded by Sylhet Sadar Upazila in North, Dakshin Surma in South, again by Sadar Upazila in East and then by Sadar Upazila along with Dakshin Surma in the West.<sup>69</sup>

<sup>66</sup> Bangladesh National Portal, ‘Sreemangal Upazila’

<<https://sreemangal.moulvibazar.gov.bd/en>> accessed 27 November 2022.

<sup>67</sup> Tapan Palit, ‘Sylhet City Corporation’ (*Banglapedia 2nd edn 2012*, 18 June 2021)

<[https://en.banglapedia.org/index.php/Sylhet\\_City\\_Corporation](https://en.banglapedia.org/index.php/Sylhet_City_Corporation)> accessed 27 November 2022.

<sup>68</sup> Bangladesh Bureau of Statistics (n 60) 164.

<sup>69</sup> Tapan Palit (n 67).

The total population of Sylhet City Corporation is 532,426, among which male population is <sup>70</sup>275,838, female population is 256,474 and transgender population is 114.<sup>71</sup>

The density of Sylhet City Corporation is 20,092.<sup>72</sup> There are 87.15 percent Muslim, 12.63percent Hindu, 0.06percent Buddhist, 0.09percent Christian and 0.07percent others.<sup>73</sup> Sylhet City Corporation is the smallest City Corporation in the Country. The main source of water for the city of Sylhet is the Surma river. Tea gardens and tropical forests surround the city. There are 27 Wards, 4 Thanas and 236 Mahallas in the city corporation.<sup>74</sup> There is one railway station, two bus terminals, one government medical college and hospital, one public institution for tertiary level education. Sylhet City Corporation has a literacy rate of 60.19 which is the lowest among the city corporations.<sup>75</sup> By age group, 40.2 percent of the population falls within the age of 0-19 years old. There are 9.04 percent 0-4 years old children, 9.93 percent 5-9 years old children, 10.13percent 10-14 years old and 11.11 percent 15-19 years old.<sup>76</sup>

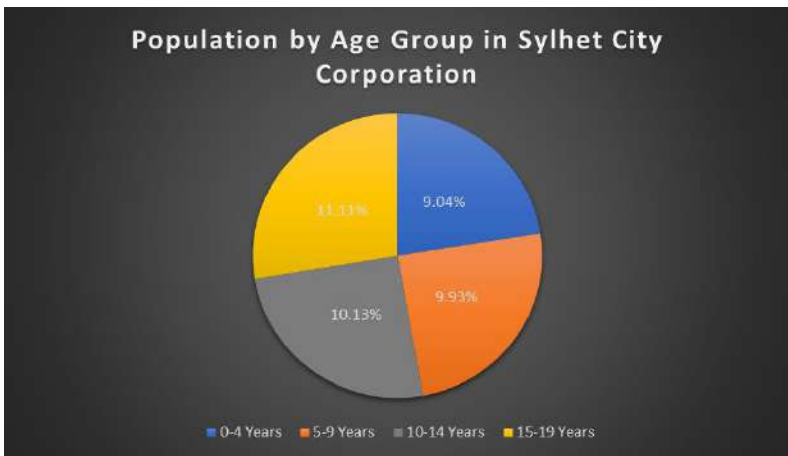


Figure 2.8: Population by Age Group in Sylhet City

<sup>70</sup> *ibid.*

<sup>71</sup> Bangladesh Bureau of Statistics, *Population and Housing Census 2022: Preliminary Report* (Statistics and Informatics Division, Ministry of Planning 2013) 10.

<sup>72</sup> *ibid.*

<sup>73</sup> Bangladesh Bureau of Statistics (n 60) 48.

<sup>74</sup> *ibid* 165.

<sup>75</sup> *ibid* 47.

<sup>76</sup> *ibid* 390

Our research area mainly covered Ward 2, 15 and 25 of the Sylhet City Corporation. Ward 2 with an area of 0.65 sqkm has a population of 11781 and among which 6536 are male, 5245 are female and has a sex ratio of 125.<sup>77</sup> The population density in the area is 16830 while the literacy rate is 78.9.<sup>78</sup> Ward 3 on the other hand, with an area of 0.75 sqkm has a population of 19076 among which 11831 are male and 7245 are female and has a sex ratio of 163.<sup>79</sup>



*Image 06: Kolabagan Kolony Adjacent to Sylhet Railway Station*

The population density in the ward is 25435 and the literacy rate is 74.6.<sup>80</sup> Lastly, ward 25 has an area of 1.30 sqkm and population amounts to 15106. It consists of 7853 male and 7253 female with a sex ratio of 108.<sup>81</sup> The density of population in the area is 11620 with a literacy rate of 52.2 percent.<sup>82</sup>

Ward	Area (sqkm)	Population	Male	Female	Sex Ratio	Literacy Rate (7 years+)	Population Density
2	0.65	11781	6536	5245	125	78.9	16830
15	0.75	19076	11831	7245	163	74.6	25435
25	1.30	15106	7853	7253	108	52.2	11620

*Table 2.3 The population, literacy rate and population density of the Ward 2, 15 and 25<sup>83</sup>*

<sup>77</sup> *ibid.*

<sup>78</sup> *ibid.*

<sup>79</sup> *ibid.*

<sup>80</sup> *ibid.*

<sup>81</sup> *ibid.*

<sup>82</sup> *ibid.*

<sup>83</sup> Bangladesh Bureau of Statistics (n 60).

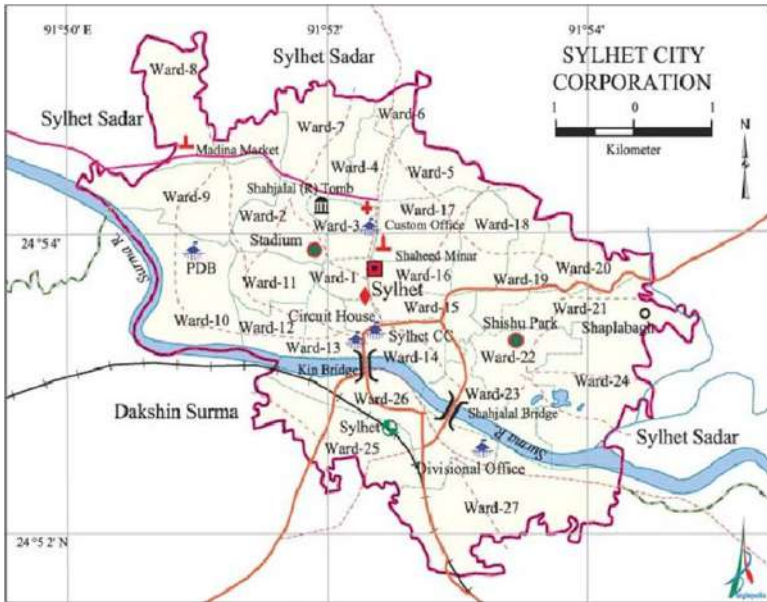


Figure 2.9 Mapping Area of Sylhet City Corporation (Source: Banglapedia.org)

### 2.2.4 Rajshahi City Corporation

The *zila* of Rajshahi, was founded in 1772. As to how the name *Rajshahi*, came forward, is massively disputed, the popular theory is that when Raja Kans, took over the area from the Sultan of Gaur, he took on the title of Raja Shah, and that is how the name had come into existence. Rajshahi city is a metropolitan city situated in 24°20'' and 24°24'' north latitudes and 88°32'' and 88°40'' east longitudes.<sup>84</sup> It is a city situated on the northern banks of the Padma River, near the Bangladesh-India border. Rajshahi spans over an area of 96.72 km. The total population of Rajshahi City is 552,791, 284,382 of it is male, 268,358 is female, and 51 is “*Hijra*” (an individual whose gender is neither male nor female). Rajshahi has a population density of 5,688/sq.km.<sup>85</sup>

<sup>84</sup> Tapan Palit, ‘Rajshahi City Corporation’ (*Banglapedia 2nd edn 2012*, 18 June 2021) <[https://en.banglapedia.org/index.php/Rajshahi\\_City\\_Corporation](https://en.banglapedia.org/index.php/Rajshahi_City_Corporation)> accessed 11 March 2023.

<sup>85</sup> Bangladesh Bureau of Statistics, ‘Statistical Yearbook Bangladesh 2022 42nd EDITION’ (June 2023) <[https://bbs.portal.gov.bd/sites/default/files/files/bbs.portal.gov.bd/page/b2db8758\\_8497\\_412c\\_a9ec\\_6bb299f8b3ab/2023-06-26-09-19-2edf60824b00a7114d8a51ef5d8ddbce.pdf](https://bbs.portal.gov.bd/sites/default/files/files/bbs.portal.gov.bd/page/b2db8758_8497_412c_a9ec_6bb299f8b3ab/2023-06-26-09-19-2edf60824b00a7114d8a51ef5d8ddbce.pdf)> accessed 11 March 2023.

According to the population and housing census that was done in 2011, the population of Rajshahi has increased from 448,087, there has been an increase of 104,704 of the total population of the city. The population growth rate in comparison to the last census done, was 0.76 in 2011 and 0.86 in 2022.<sup>86</sup> The religious population has been given as percentages out of 100, 93.67% is muslim, 5.67% is hindu, 0.01% is buddhist, 0.41% is christian, 0.24% is others.<sup>87</sup> The total literacy rate for the district of Rajshahi as a whole, for individuals from the age of 7 and above, from the total population is, 71.91%.<sup>88</sup> The household type of dwellings totally tallied as 5,371,729, and have been split up for Rajshahi as a whole, as 17.713 for slum households, 1,513 for floating households, and 5,352,863 for others.<sup>89</sup> The city corporation has been divided into 30 wards, 6 thanas, 134 mohollas.<sup>90</sup> Rajshahi City Corporation, ranks fourth amongst twelve city corporations in terms of population, which is relatively lower.



Figure 2.10: Map of Rajshahi City Corporation<sup>91</sup>

<sup>86</sup> *ibid.*

<sup>87</sup> *ibid.*

<sup>88</sup> *ibid.*

<sup>89</sup> *ibid.*

<sup>90</sup> *ibid.*

<sup>91</sup> Rajshahi City Corporation, 'History/Location/Size of Rajshahi' <<https://erajshahi.portal.gov.bd/site/page/d111d49a-1f23-46fd-a540-6cb11e2e482e/->> accessed 11 March 2023.

<sup>91</sup> *ibid.*

2.2.4.1 Rajshahi Railway Station- This is one of the major points of entry, located at the heart of Rajshahi City. It is situated between the latitude 24° 22' 29" N, and longitude 88° 36' 41" E.<sup>92</sup> The station hosts the headquarters for the western division of the Bangladesh Railway as well.<sup>93</sup> The railway station has double-island platforms, with 8 tracks in total. Upon leaving the platform area, and entering the station, there are a few confectionary shops, which sell foods and snacks for travelers, there is a makeshift restaurant as well, selling cheap and quick meals. Behind these shops, there is a walkway, which is not accessed by travelers at all. During the research team's field visit, they came across a few children, who used to spend their nights there. The station spans three floors. Upon exiting the main station building, a huge parking area is visible, this area also becomes a sleeping ground, quite literally and figuratively for people without homes. Although, a full night's sleep is not something they get, as regular interference by the local authorities sees them getting awoken, and having to move.

Just outside the station, there are many street vendors, who flock the streets with various goods, starting from clothes to fruits to dry snacks that any traveler might need. Some street children are also seen related to these shops, working as sales persons, busboys and so on. Rajshahi railway station can be considered as a hub for individuals without shelters. The individuals working in the railway tend to assist the children every now and then, to help them get a better chance at life.

2.2.4.2 Padmar Paar- Padmar paar is the bank of the river Padma (meaning the lotus flower.)<sup>94</sup> Spanning over an area of 12 km, it is one of the major tourist destinations of the city.<sup>95</sup> This is a popular go-to place for leisure. Huge number of people roam around the *Padma paar* during the afternoon. The area provides beautiful views of the setting sun. There are a number of boats

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<sup>92</sup> Mindat.org, 'Rajshahi Railway Station' <<https://www.mindat.org/feature-7483331.html>> accessed 3 January 2024.

<sup>93</sup> The Financial Express 'The plight of Railways' (11 June 2019) accessed 4 April 2023.

<sup>94</sup> Collins Dictionary, '*Definition of Padma*',

<<https://www.collinsdictionary.com/dictionary/english/padma>> accessed 4 April 2023.

<sup>95</sup> Rajshahi Government Website, <[https://www.rajshahi.gov.bd/bn/site/tourist\\_spot/GyFP-%E0%A6%AA%E0%A6%A6%E0%A7%8D%E0%A6%AE%E0%A6%BE%E0%A6%B0-%E0%A6%AA%E0%A6%BE%E0%A7%9C](https://www.rajshahi.gov.bd/bn/site/tourist_spot/GyFP-%E0%A6%AA%E0%A6%A6%E0%A7%8D%E0%A6%AE%E0%A6%BE%E0%A6%B0-%E0%A6%AA%E0%A6%BE%E0%A7%9C)> accessed 4 April 2023.

available, which people can hire and take out to the river. The area is beautifully decorated with trees and lights, lined up by the roadside. There are multiple stores available, selling all kinds of snacks and street food for people coming to visit. There are also a few shops where they sell toys, for the children who come to visit. The area consists of other attractions, like - *T-Badh*, *I-Badh*, *Lalon Shah Mukto Moncho* and Padma Garden. These areas are all along the bank of the river, where the *T and I- Badh*, are mostly tourist destinations for both tourists from the city and out of the city. *Lalon Shah Mukto Moncho*, and Padma Garden are more of a hub for the students of the various institutions that exist around the city, such as University of Rajshahi, Rajshahi University of Engineering & Technology (RUET), Varendra University, etc.



*Image: Rajshahi City Padmar Paar*

These two places really come into life, in the evenings, underneath the beautiful city lights, hustle and bustle, and laughter can be heard from any and every direction. In the team's visit to Padma Garden, they had come across a shop that sells *achars*, the shop was surrounded by multiple groups of students, who were enjoying their late conversations, the team was introduced to this little boy named Kalam, who provided the team with great insights on how life being connected with the street is like.

## Chapter 3

### Defining Street Children as a Community

Rabeya Dewan  
Akhlak-Ul-Islam Tusar  
Imtrita Hossain Elma  
Nipa Rani Saha



This picture is drawn by Robiul, a Street child, who was living at Kamalapur Railway Station during the field visit.

### 3.1 Introduction:

The street connected children of Bangladesh are the community for this year's CLR. The initial question was whether or not street children satisfy the requirements to be considered as a community. This question led the researchers to identify the crucial characteristics a community must have within street children in Bangladesh. The answer to this question is not simple. To find out the answer, the researchers discussed the definition of certain keywords, e.g., street children, community etc. which was not easy at all.

It was found during the literature review that, 'community' as a term is often used across various disciplines of study and its connotation may also vary depending on the discipline. Moreover, a thorough comprehension of this incumbent term is pertinent for the comprehension of the social behavior of a group<sup>96</sup> and guiding policies as well as for building inclusive communities.<sup>97</sup> In the absence of any knowledge on dominant social group behavior and social narrative, it is quite difficult to define a group as a community.<sup>98</sup> With this objective in mind, the research has tried to find the dominant group behaviors and dominant social narratives of the street connected children of Bangladesh.

To understand whether a group constitutes a community, a number of studies have been conducted over the years and different methods have surfaced to quantify the understanding of community. In 1978, Doolittle and MacDonald proposed the Sense of Community Scale (SCS) to understand the 'community of neighborhoods'.<sup>99</sup> Riger and Lavrakas, while taking a different approach, they developed their theory of understanding the community from the point of view of the neighborhoods as well.<sup>100</sup> In developing the definition of

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<sup>96</sup> Toby Lowe, 'What is 'community' and why is it important?' (*Centre for Public Impact*, 26 February) <<https://www.centreforpublicimpact.org/insights/what-is-community-and-why-is-it-important>> accessed 27 February 2023

<sup>97</sup> Virginie Cobigo, Lynn Martin and Rawad Mcheimech, 'Understanding Community' [2016] 5(4) *Canadian Journal of Disability Studies* 181-203

<sup>98</sup> Toby Lowe (n 95).

<sup>99</sup> David W Mcmillan and David Chavis, 'Sense of Community: A Definition and Theory' [1986] 14(1) *Journal of Community Psychology*.

<sup>100</sup> *ibid* 7.

community, Riger, LeBailly, and Gordon kept the residential roots and the element of neighborhood in their definition.<sup>101</sup>

The definition of community as given by the aforementioned scholars mostly centered around the study of neighborhoods and residence and not the definition of community specifically. Rather, the definition and the elements were developed incidental to their respective research. As a result, these definitions, in their entire form, cannot be applied to any random groups to examine whether they are a social group or not. Thus, to examine whether street children fall within the purview of the definition of a community, the definition and elements developed by McMillan and Chavis have been used in this chapter who conducted their study completely focused on the sense of community rather than it being an incidental finding. McMillan and Chavis proposed four elements of a community, i.e., membership, influence, reinforcement and shared emotional connection<sup>102</sup> and through these elements the characteristics of the street children will be examined in order to find out whether they constitute a community or not. However, before examining the characteristics of street children as a community, it is required to define street children and find out whether they create a social group in the first place.

## **3.2 Definition and Types of Street Children**

### **3.2.1 Definition**

The definition of street children has been subjected to changes over the years due to the modification in the scope of the definition. The common definition is that the children who are homeless are street children. For example, according to Cambridge dictionary, “a child who does not have a home and who often sleeps outside in a city” is a street child<sup>103</sup>; whereas, according to Oxford Learner’s dictionary, a street child “is a child who has no home and lives in poverty on the streets of a town or city”.<sup>104</sup> For the purposes of this

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<sup>101</sup> *ibid.*

<sup>102</sup> *ibid* 9

<sup>103</sup> Cambridge Dictionary, ‘Street child’,

<<https://dictionary.cambridge.org/dictionary/english/street-child>> accessed 11 November 2022.

<sup>104</sup> *ibid.*

research, the definition of Oxford Learner’s Dictionary is more perfect. However, the definition of street children is not that simplistic and narrow. In fact, not all homeless children or children living under the poverty line can be regarded as street children and vice versa.<sup>105</sup>

In the national context, Bangladesh does not have a comprehensive definition of the street child though it does recognize the term in its social security programs.<sup>106</sup> The national instruments described below only contain the definition of ‘Child’.

<b>Laws</b>	<b>Articles/ Sections</b>	<b>Provisions</b>
The Children Act, 2013	Section 4	Notwithstanding anything contained in any other law for the time being in force, all persons up to the age of 18 (eighteen) years shall be regarded as children for the purposes of this Act.
The Prevention of Women & Children Repression Act, 2000	Section 2(k)	‘Child’ means any person under fourteen years of age
National Children Policy, 2011	2.1	‘Children’ shall include all individuals under 18
Bangladesh Labour Act, 2006	Section 2 (63)	‘Child’ means a person who has not completed 14 (fourteenth) years of age.

The absence of a particular definition of street children is surprising as Bangladesh is a party to the Convention on Rights of the Child, 1989 which has been ratified by almost all the countries in the world.<sup>107</sup>

<sup>105</sup> Consortium for Street Children, ‘Street Children and Homeless Children – Definitions’, <<https://www.streetchildren.org/about-street-children/>> accessed 11 November 2022

<sup>106</sup> Finance Division, ‘Social Security Programs: Fiscal Year 2022-23’ (13 June 2022) <<https://mof.portal.gov.bd/site/page/5f9be3bc-923f-4c27-8a65-c5e7fe417945/Social-Security-Programs>> accessed 11 November 2022

<sup>107</sup> UNHRC, ‘Report of the United Nations High Commissioner for Human Rights on the protection and promotion of the rights of children working and/or living on the street’ (11 January 2012) UN Doc A/HRC/19/35, para 3.

In the 1980s, the definition of the street children encompassed those who either made the street their habitual abode or/and the source of livelihood and go back to their homes at night time.<sup>108</sup> They were categorized as children of the street and children on the street. However, later on, the scope of the definition of street children became wider. Different organizations have various terms to address the street children. The Committee on the Rights of the Child refers to street children as “children in street situations”<sup>109</sup> which has a much larger scope than the earlier definition of 1980s.

At the moment, another emerging term for street children is the “children with street connections”.<sup>110</sup> The term ‘children with street connection’ has no concrete definition but is used to refer to the children having any sort of connection with the street, especially for living or livelihood. Despite all these varying definitions and terms in existence for street children, one of the most accepted definitions encompasses four types of children, i.e., children of the street, children on the street, street family children and children in institutionalized care who are at risk of getting back to the street.<sup>111</sup> Consortium for Street Children (the Consortium) defines street children on the basis of the ‘dependency and connection approach’. According to them<sup>112</sup>:

“‘Street children’ or ‘street-connected children’ ...:

1. Depend on the streets to live and / or work, either on their own, or with other children or family members; and
2. Have a strong connection to public spaces (e.g. streets, markets, parks, bus or train stations) and for whom the street plays a vital role in their everyday lives and identities. This wider group includes children who do not live or work on the street but regularly accompany other children or family members in the streets.

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<sup>108</sup> *ibid* [8].

<sup>109</sup> *ibid* [10].

<sup>110</sup> *ibid* [11].

<sup>111</sup> WHO, ‘Module 1 A Profile of Street <[https://cdn.who.int/media/docs/default-source/substance-use/who-msd-mdp-00-14-module1.pdf?sfvrsn=7fd26d46\\_2](https://cdn.who.int/media/docs/default-source/substance-use/who-msd-mdp-00-14-module1.pdf?sfvrsn=7fd26d46_2)> accessed 02 January 2023.

<sup>112</sup> Consortium for Street Children, ‘Street Children and Homeless Children – Definitions’, <<https://www.streetchildren.org/about-street-children/>> accessed 11 November 2022.

In other words, 'street children' are children who depend on the streets for their survival – whether they live on the streets, work on the streets, have support networks on the streets, or a combination of the three.”

The Consortium coined a new term, i.e., 'streetism' which is closer to the definitions provided in the aforementioned dictionaries. It means “living on the streets or being of the streets”. Humanium, an international NGO working on child rights, gave a definition similar to the Oxford dictionary. It has further qualified them by where they live. According to them, street children often grow up in public landfills, train stations, under the bridges of the world's major cities.<sup>113</sup>

During the field visit, the researchers adopted the definition of the Consortium for Street Children and identified those kids as street children who are dependent and connected with the streets for their survival. Out of 236 Kids interviewed, the researchers found that 67% of them are dependent and connected with streets for their survival. They think most of them would not have survived without the street.

### 3.2.2 Classification of Street Children:

Different authors and organizations made different categorizations of street children, i.e., they talk about different types of street children on the basis of different factors. Abdelfatah Ibrahim has talked about only two groups of street children namely children on the street and children of the street.<sup>114</sup> Another author Mark W. Lusk described four groups of street children<sup>115</sup>: the first group includes those children who work on the streets and return to their families at night, are likely to attend school and not be involved in criminal activities; the second group is the independent street workers whose family ties begin to break down as their school attendance decreases and criminal behavior increases; third one is the children of poverty ridden street families living and working on the streets; and lastly the fourth group encompasses

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<sup>113</sup> Humanium, 'Children Living on the Street' (2011), <<https://www.humanium.org/en/street-children/>> accessed 16 February 2023.

<sup>114</sup> Abdelfatah Ibrahim, 'Characteristics of Street Children' (*E-international Relations* 11 December 2012), <<https://www.eir.info/2012/12/11/characteristics-of-street-children/>> accessed 16 February 2023.

<sup>115</sup> Mark W Lusk, 'Street Children of Rio de Janeiro' (1992) 35 *International Social Work* 293 <<https://journals.sagepub.com/doi/10.1177/002087289203500302>> accessed 16 February 2023.

children who cut off family ties and reside on the streets all the time and are referred to as the “real” street children.

The World Health Organization (WHO) also identified four types of street children, i.e., a) children on the street, b) children of the street, c) children from street families, and d) the children living in shelter homes or protection centers.<sup>116</sup> The fourth category is termed as “street children in institutionalized care” by WHO<sup>117</sup> and also by USAID.<sup>118</sup> The first three categories of WHO’s definition are formulated from the ‘dependency approach’ whereas the fourth category is formulated on the basis of ‘vulnerability approach’. After the literature review, it is found that WHO has included them as they are a vulnerable group who are at the risk of becoming homeless and resorting to streets for shelter and thereby may become “street children”. Hence, this group of children have been included in the study as well.

Most of the literature pointed out that three types of street children are widely known and the three recognized types or groups of street children are: a) children on the street, b) children of the street and c) children from street families. These three categories are identified by UNICEF as well.<sup>119</sup> These three groups are coined on the basis of ‘dependency approach’ and they are used by most of the national and international human rights organizations and authors in referring to different groups of street children. Though sometimes the three types are known by some alternative or colloquial terms. For example, the three categories have alternatively been termed by UNICEF as Street-Working, Street-Living, and Street-Family children<sup>120</sup> indicating the same characteristics as that of children on the street, children of the street and children from street families.

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<sup>116</sup> WHO (n 110).

<sup>117</sup> *ibid* 2.

<sup>118</sup> Shahina Parveen, ‘Conceptual Meaning and Definition of Street Children: Worldwide’ 118, Vol - XII (11), January – 2014 79.

<sup>119</sup> *ibid* 78.

<sup>120</sup> Fight Slavery Now, ‘Street Children’ (31 May 2010) <<https://fightslaverynow.org/why-fight-there-are-27-million-reasons/street-children/>> accessed 16 February 2023.

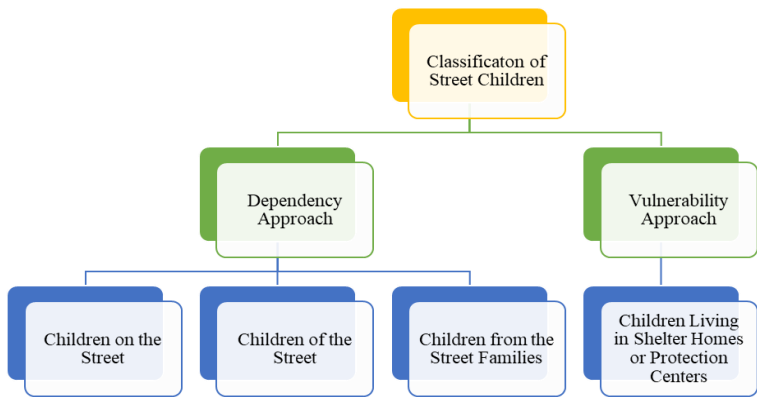


Figure 3.1 Classification of Street Children

i. **Children on the street:** Children on the street viz-a-viz Street-working children are those children who spend most of their time on the streets working<sup>121</sup> or just roaming around. UNICEF identifies that these children are not completely detached from their families and they work on the streets in order to provide extra earnings for their families or sometimes even to provide for themselves. This UN body has identified ‘poverty’ as the main reason for these children’s situation. Hence, these children are not homeless per se; they do have a home to return to and usually do not sleep on the streets. They either go back to their homes to sleep after each day’s work or regularly visit their families or who occasionally sleep on the streets.

ii. **Children of the street:** This group of children who are also known as Street-living children are those children who spend their days and nights on the streets. According to UNICEF these kids do not just work on the streets but also live there without their families. They may live alone or with other children of the same category. These children don’t live at the same place for a long time, rather keep moving from one place to another and they live in public places, shelters, abandoned places or buildings. Many of these children run away from their families or leave their families at a young age due to physical or emotional abuse and often sever all ties with their families.<sup>122</sup> There may be other factors behind their lives on the street, like-

<sup>121</sup> *ibid.*

<sup>122</sup> *ibid.*

overcrowding at home, sexual abuse, displacement due to natural disasters, conflicts or family breakdown, parental deaths, parental neglect or even violence and abuse within communities.<sup>123</sup> So, in short, these children usually have weak family bonding or insubstantial relations with their families and are most often forced by circumstances to leave their home and take shelter on the streets. Unlike “children on the street” they do not have a home to return to nor have any family support. These children need to struggle for their survival.<sup>124</sup>

iii. **Children from street families:** Children from street families viz-a-viz Street-family children are those who live with their families on the streets.<sup>125</sup> In this case, the families of the children live on the streets along with the children and there is no severance of ties with the families. These children are often displaced due to poverty, wars or natural disasters<sup>126</sup> and lead a nomadic life with their families carrying their belongings with them. Most children work on the streets with other members of their families to earn their livelihoods and return to their families at night.

The first and last groups of street children, i.e., children on the street and children from street families are often jointly referred to as street-connected children without making any distinction. However, in general, children who depend on the streets for their survival are simply known as ‘street children’—whether they work on the streets, live on the streets, have support networks on the streets, or a combination of the three.<sup>127</sup>

iv. **Children living in shelter homes or protection centers:** Apart from the three well-established categories of street children described above, there is another distinct category identified through the vulnerability approach; these are the children living in shelter homes or protection centers.

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<sup>123</sup> Consortium for Street Children, ‘The Facts about Street Children | CSC’ (2019) <<https://www.streetchildren.org/about-street-children/>> accessed 16 February 2023.

<sup>124</sup> WHO (n 110).

<sup>125</sup> Fight Slavery Now (n 120).

<sup>126</sup> WHO (n 110).

<sup>127</sup> Consortium for Street Children, ‘The Facts about Street Children | CSC’ (2019) <<https://www.streetchildren.org/about-street-children/>> accessed 16 February 2023.

Shelter homes or protection centers are certified places, institutions and establishments which are run for the purpose of providing safe refuge and shelter to homeless children, street children or children in distress. They are also termed as safe homes. In Bangladesh there are many government run safe homes like Shishu Nibash, Sheikh Russel Children Training and Rehabilitation Center which are established to keep the children sent thereto in safe custody as per the provisions of the 'Children Act, 2013'. In addition, there are also many NGO-run safe homes such as Thikana. Many street children take refuge in such safe homes as these homes provide them some hope for a better future and a somewhat family-like place, and a sense of belongingness. Hence, this particular category is included in this research as a crucial component of the overall study.

### **3.3 Types of Street Children in the Research Area**

As discussed in the previous chapter, field visits were carried out in three different cities of Bangladesh, i.e., Dhaka, Sylhet, and Rajshahi. The research teams found the existence of the aforesaid three types of street children. Apart from these three groups, around 18% of children that were interviewed by the research team were found to be living in different Safe Homes<sup>128</sup> many of whom were formerly living on the streets or are at risk of going back to the streets.

During the field visits, the researchers adopted two methods. At first information was gathered on the basis of a semi-structured questionnaire. Then on the basis of the gathered information the researchers categorized them under the aforesaid 3 groups, i.e., children on the street, children of the street and, children from street families although there was another distinct group; children living in the safe homes. It is discussed in chapter 2<sup>129</sup> that the researchers formulated appropriate questionnaires that could be asked to the children and once the children were comfortable with the researchers, they shared information and stories about their everyday lives. Again, their living conditions, clothes, body language, everything were closely observed in order to understand them more and do the categorization correctly.

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<sup>128</sup> Safe Homes are certified institutes, places or establishments, the authority of which are duty bound to keep the children sent thereto in safe custody as per the provisions of the Children Act 2013.

<sup>129</sup> See Chapter 2 for details.



*Figure 3.2: Types of Street Children*

A total of 290 respondents were interviewed during field visit. Among them 236 were children (81.38% of the total respondents) belonging to different groups as aforementioned and their age varied from 5 to 17 years old. The ratio of the three groups varied greatly as about 62% of them were children on the street, 15% were children of the street while around 5% were children from street families. Again, the dimensions of these groups were completely different as the most number of children on the street was found in Dhaka while the least was found in Rajshahi. Moreover, none among the respondents in Sylhet were living in any Safe Home whereas almost half the number in Rajshahi were facilitated by different Safe Homes. In fact, due to this reason, the research team of Rajshahi found a low number of street children there. Most of the interviewed children were the victims of circumstances and were forced to resort to the streets for working and earning money such as the case of a boy of 14 who has to sell balloons at Rajshahi *Lalon Shah Mukto Moncho* in order to cover his tuition fees.<sup>130</sup> The teams met a number of children found at Railway Stations of Dhaka, Sylhet and Rajshahi who were simply rebellious children wanting to live as they liked and spend their time on the streets roaming around and then return home. The *children of the street* are the most vulnerable among the three groups and are most often subjected to violence or exploitation as found during the interviews.

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<sup>130</sup> Interviewed on 25 November 2022.

On the other hand, *the children from street families* came to the streets as their families became the victims of natural calamities or sudden economic misfortune, forcing them out of their homes. The children of the families living in slums at Namo Bhadra of Rajshahi fall within this group.

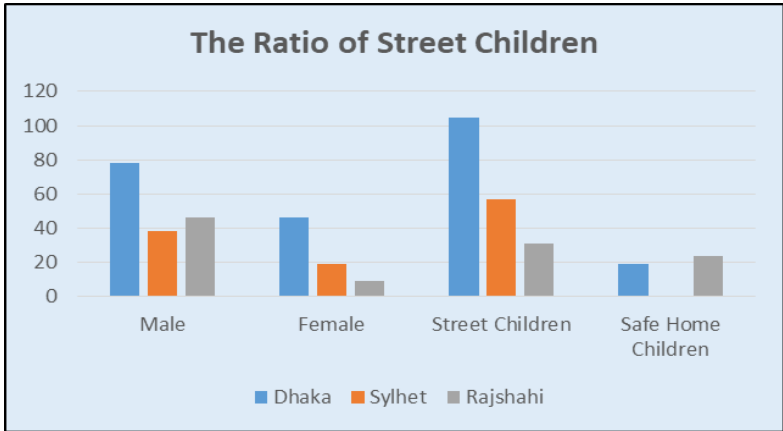


Figure 3.3: The Ratio of Street Children

### 3.4 What is a ‘Community’?

The first question the researchers faced at the very first stage of this research was whether ‘street children’ qualify as a ‘community’. To answer this question, a definition of the term ‘community’ needs to be ascertained. Providing a universally accepted, single-sentence definition of community is quite challenging since the term has been delineated in diverse ways across different contexts and locations. Community is a form of social, and mostly spatial, organization centered on common interests and/or a locale.<sup>131</sup> A community inherently consists of a group of people, so it cannot be established by a sole individual.<sup>132</sup> In other words, a community is a group of

<sup>131</sup> A Dictionary of Human Geography, ‘Community’, (*Oxford Reference*, 2013) <<https://www.oxfordreference.com/display/10.1093/acref/9780199599868.001.0001/acref-9780199599868-e-253>> accessed 6 December 2023.

<sup>132</sup> Cobigo et al., ‘Understanding Community’ [2016] 5.4 CJDS 181 <[https://www.researchgate.net/publication/312186833\\_Understanding\\_Community#:~:text=community%20is%20a%20group%20of,be%20established%20by%20a%20sole](https://www.researchgate.net/publication/312186833_Understanding_Community#:~:text=community%20is%20a%20group%20of,be%20established%20by%20a%20sole)> accessed 6 December 2023.

people that interact and support each other and are bound by shared experiences or characteristics, a sense of belonging, and often by their physical proximity.<sup>133</sup> In another definition, Community is defined as the fact of having a quality or qualities in common; shared character, similarity; identity; unity.<sup>134</sup> Community actually means as a social unit with a mutual commonality, which binds a group together with their similar characteristics, such as geography, norm, culture, lifestyle, language, body structure, socio legal order and so on. Finally, a community can be defined as a group of people creating a bond among themselves due to having shared interests, characteristics, or goals.

### **3.5 Street Children as a Community**

The daily activities of street children mainly include their interaction with the other street children. Excluding other children who are not street children in their educational institution, recreational activities work as a boundary which distinguishes their membership or belonging to a group. The street children remain in groups mainly with those who come from similar backgrounds as them. The street children are likely to spend their time with other street children as they believe that they have an influence over the group and they matter to the group and vice versa. Whenever any street child gets hurt or is affected adversely by any external factor, other children come to his rescue whether in terms of financial support or to support their numbers. A group of street children share a similar history, common places, time and experiences together. All of them have quite similar histories in terms of migrating from one place to another. Most of their families do not come from the place they are currently residing in.

Moreover, their activities include their earning of livelihood, recreation, schools etc. centers around the local railway station and as such share common places. As a result, they spend most of their time together and they have a high level of interaction. Even they stay together at night considering their security and safety. These characteristics cover the four attributes of a

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<sup>133</sup> *ibid.*

<sup>134</sup> Oxford English Dictionary, 'Community, N. Meanings, Etymology and More' <[https://www.oed.com/dictionary/community\\_n?tl=true](https://www.oed.com/dictionary/community_n?tl=true)> accessed 6 December 2023.

sense of community. In that sense, street children can be defined as a community. According to the “Consortium for Street Children”<sup>135</sup> ‘Street Children’ are children who depend on the streets for their survival – whether they live on the streets, work on the streets, have support networks on the streets, or a combination of the three. It needs to be understood that not all homeless children are street children and not all street children are homeless.

Not all children who can be described as ‘street children’ are necessarily homeless. They may work, play or spend their time on the street, but may go back to sleep with their family or parents. USAID refers to the children who spend most of their day in the street and go back home to their families at night as “children on the street”.<sup>136</sup> They have some common characteristics with the urban poor in general, but they still have their own different characteristics that distinguish them from other urban groups. They face difficulties with good sources of food, water, health care, adequate shelter, security and protection, mental and moral support. They are not in the policies and law implementation process. They don’t want to go back home, they like to live independently. They are likely to spend their time with other street children. On the basis of the Sense of Community, street children fulfilled the elements of community regarding that sense.

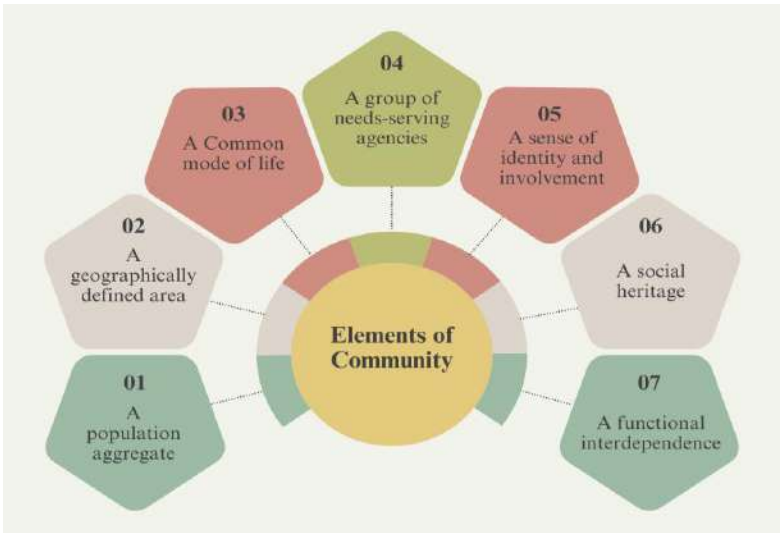
### 3.5.1 Elements of a Community

The concept of community is not a mere construct or model rather it is a sociological construct. Formation of a community requires some essential elements. In a distillation of the literature on communities, it reveals that, every community has approximately the following characteristics:

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<sup>135</sup> Consortium for Street Children, ‘Global Partnership for Sustainable Development Data’ <<https://www.data4sdgs.org/partner/consortium-street-children#:~:text=For%20street%20children%2C%20being%20uncounted>> accessed 16 February 2023.

<sup>136</sup> Katarzyna Wargan and Larry Dershem, ‘*Do not Call Me a Street Child: Estimation and Characteristics of Urban Street Children in Georgia*’ (USAID 2009) <[https://pdf.usaid.gov/pdf\\_docs/Pnado657.pdf](https://pdf.usaid.gov/pdf_docs/Pnado657.pdf)> accessed 16 February 2023.



*Source: Orden C. Smucker*  
**Infograph: Researcher**

These are the basic prerequisites of a community. These are the necessary conditions for defining the community as a concrete social reality.

Community is a group of human beings. Without a group of people, a community cannot form. A group of people forms a community when the members of the community reside in different localities or territories. The members of a community have the same norm, culture, language, sentiments and same attitudes for the feeling of belonging together. They lead their life in a common way; their tradition and custom are similar. People in a community share their common interests. Under the sense of community, the definition of community has four elements. These are: Membership, Influence, Reinforcement and Shared Emotional Connections.<sup>137</sup> Membership has four attributes: boundaries, emotional safety, a sense of belonging and identification, personal investment and a common symbol system. Members are more attached to the family in which they feel that they are influential.

<sup>137</sup> Collaboration for Development, 'Sense of Community' (World Bank 23 March 2021) <[https://collaboration.worldbank.org/content/sites/collaboration-for-development/en/groups/communities4Dev/blogs.entry.html/2021/03/22/sense\\_of\\_community-wyUE.html](https://collaboration.worldbank.org/content/sites/collaboration-for-development/en/groups/communities4Dev/blogs.entry.html/2021/03/22/sense_of_community-wyUE.html)> accessed 19 February 2023.

Integration and fulfillment of needs is one of the components of the definition of sense of community. It can be translated into ordinary terms, as reinforcement. A strong community is able to fit people together on the basis of reinforcement. The interactions between members of a community by sharing any events or particular attributes may inhibit the strength of the community.<sup>138</sup> People belong to a community to satisfy one or more needs. It is vital for existence as a member of a community.

While observing the elements of communities, we can say that Street children can fall under multiple communities, such as geographical, social, and communal living communities.

### 3.5.2 Identifying ‘Street Children’ as ‘Community’

Recognizing street children as a community is an important step in addressing their needs and promoting their rights. In order to term ‘street children’ as a ‘community’, the research team examined whether the definition and elements of community can be applied to them.

During field visits, it has been found that the norm, culture, characteristics and punishment-controlling system of a street child in one research area is the same as another street child in another area. In other words, the street children of the research areas shared some common characteristics and experiences, especially in their way of life. They live and work on the streets often without any adult supervision or support. Some of them are homeless, though some of them have a home they spend most of their time on the streets. Their age and gender are also common factors in identifying them as a community as most of the interviewed street children were teenagers (as shown in earlier data and figures). Moreover, almost all the groups of street children only had male children. The number of female street children in a group was either very less or they remained under a different gender or adult group. They face many challenges including lack of access to education, healthcare and basic necessities like food and shelter. Most of them are vulnerable to abuse, exploitation and violence while many lack legal identity as human beings and their lives cannot be deemed to be a dignified one. 80% of the interviewed children do not have a birth certificate. Among these 80%, most of them

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<sup>138</sup> David W McMillan and David M Chavis (n 98).

(nearly 90%) did not know what a birth certificate was. Due to their lack of birth certificates, they are not recognised by the State machinery when it comes to receiving services and benefits from the State. 20% of the interviewed children either have a birth certificate or are in the process of getting one. These 20% are either in touch with a safe home or an NGO or they are living with their family at night. Very few people truly encourage them to get out of this life and this is implied exploitation or state recognition of their invisibility in terms of keeping them absent from the growth elements of human lives. Typically, a group of street children consisting of five to six children stay together. They share their day-to-day life experiences, problems, and sufferings with each other and get the familial support they need.

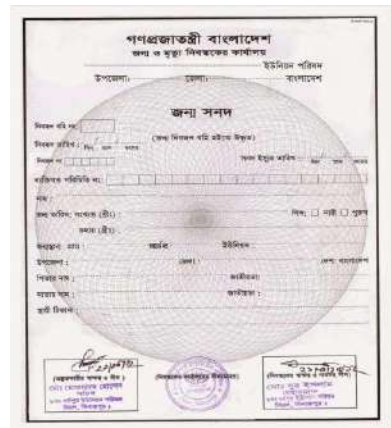
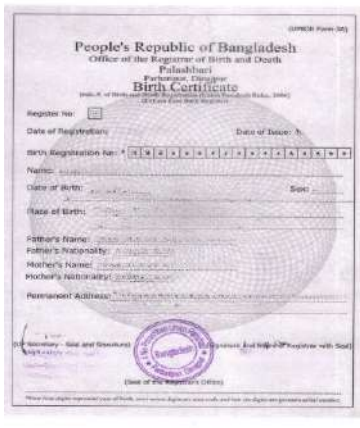


Image: Official Birth Certificate Sample Format

The food habits of the children of all three research areas are the same which consists mostly of rice and sometimes bread loaf, banana or a cup of tea. Their cultural life is not that significant. During different festivities, they mostly enjoy themselves by going out together and having fun with each other. Sometimes they travel together to different places when they get bored. Most of the children travel by getting into local trains or cargo trains. This is one of the reasons for which most of the street children were found to be living in

and around the railway stations or port areas. Their recreational activities include chatting among themselves, playing games like card or ludo or playing with balls made of plastic bags. These children don't get the opportunity to play outdoor sports like cricket or football as they require expensive equipment and access to the playing field which they lack. However, some of them possess smartphones at a very early age like- a few 12- or 13-years old children and they use it as a means of entertainment. It was not possible for the team to know whether those phones were stolen or not. Later in chapter 6, it is discussed that the street children, who are involved with drug trafficking, robbing, sexual crimes, etc., were in possession of smartphones. They are highly active on different social media such as Facebook, Likee, TikTok, and even make friends through these applications. Sometimes they even fight with each other just to have fun.

Another common feature found among most of the children is that their way of life can be described more as nocturnal. They sleep during most of the day and remain active after sunset. The children interviewed were mostly available at night times and most of them could not be found when the research teams went looking for them during the day. Another interesting point about them is that all of them don't always go to work. Usually, when they are out of money or need money for buying food, they go out to work or simply beg from other people or request them to buy food. Those who earn for their family go to work on a daily or regular basis and give a substantial portion of their income to their family. The working street children mostly sell different types of food and toy items, flowers, balloons or other objects in the streets, parks or open areas where people gather the most.

Many of the street children get addicted to some kind of drug substance, the most common one being *dandi* (a type of shoe glue). They often take this substance as it makes them less hungry or suppress the hunger completely. Such substances often make them act violent if they get addicted to it. Those who are street connected or street family children, sleep with their family at night either. Their sleeping places can vary from a slum to a mere shed and often include the footpath, foot overbridge, bus or rail stations etc.

Street children often form close relationships with each other and become a small group. One group of street children usually gets attached to each other

and forms a familial and fraternal bond among themselves. They act like a family and provide love, affection and support to each other. When one of them gets into any trouble, the others try to protect him. Sometimes they warn each other through different methods or signals when they are approached by any police, rival group or any suspicious person. Their way of communication with each other is quite unique.

During the interviews, they were often looking at each other and giving signals about something to share or not to share. They share resources and information, and work together to navigate the challenges of life on the streets. These children also enjoy storytelling. In fact, many times they were exaggerating any particular event that happened with them or mixing up lies with the actual incident. Their reasons for ending up in the streets were almost the same as the others. Familial disputes between parents, a step-parent at home, poverty, disinterest for study are some of the most common reasons while some ran away from home as they enjoyed having freedom and doing whatever they liked.

Though street children can vary widely depending on factors such as geography, culture, language, family background, they all share more or less the same features. Especially, their experience of life makes it sound like one whole story. Nonetheless, their shared experiences, shared challenges, shared way of life, their habits and habitats, and shared familial bond - make them qualify as one distinct community. In this sense, street children could be considered a community, albeit one that is often invisible and marginalized by mainstream society.

### **3.6 Conclusion**

Street children are among the most marginalized and invisible group of people in the society. Although they are everywhere around us, their existence is not yet completely legally and socially recognized. As a result, this group of people are easily exploited by some people and are often used for illicit purposes by immoral people. Consequently, these children are deprived of all the rights that should be legally ensured to them under international instruments like the United Nations Convention on the Rights of Child. In this

context, it was important to identify the street children as a distinct community for establishing the rights of these children and ensuring their rehabilitation into society. Moreover, on the basis of the above presented factors, common characteristics, shared experiences, formation of social bonds and support system, it is evident that, indeed the street children form a community and are eligible for being protected as such.

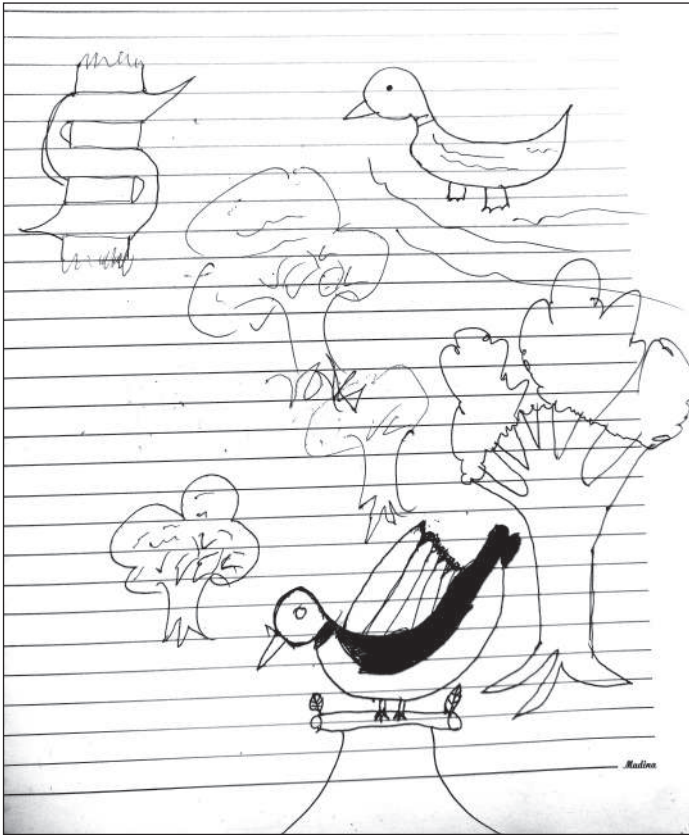
## Chapter 4

### Adequate Standard of Living

Mohammad Abul Hasanat

Noshin Nawal

Saima Karim Shanon



This picture is drawn by Hossain, a Street child, who was living at Kamalapur Railway Station during the field visit.

## 4.1 Introduction

The right to an adequate standard of living requires, at a minimum, that everyone shall enjoy the necessary subsistence rights: adequate food and nutrition, clothing, housing, and the necessary conditions of care when required.<sup>139</sup> Ensuring an adequate standard of living is pivotal in realizing the Sustainable Development Goals (SDGs). SDGs address the issues of poverty, hunger, health, education, clean water, sanitation, energy, economic growth, reduced inequality, and sustainable communities. These goals are interconnected and mutually reinforcing. The Universal Declaration on Human Rights (UDHR) states that, “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, and medical care and necessary social services...”.<sup>140</sup> Subsequent international human rights treaties<sup>141</sup> also emphasize the right to adequate standard of living. The CRC recognizes the significance of the right to standard of living as a prerequisite<sup>142</sup> of every child’s holistic and optimal development in physical, mental, spiritual, moral and social development.<sup>143</sup> The Constitution also speaks of the fundamental responsibility of Bangladesh concerning the basic necessities of life. Utilizing the combined framework of international human rights law and the Constitution of Bangladesh and based on the primary data collected from the research area, this chapter endeavors to assess the right to food, right to shelter, right to education and right to sanitation and healthcare of the street children as the adequate standard of living. The chapter further measures the effectiveness of the government’s initiative, legislation, policy framework and social security schemes in reaching the aim of fulfilling the right to adequate standard of living for the street children.

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<sup>139</sup> Universal Declaration of Human Rights, Article 25(1).

<sup>140</sup> *ibid.*

<sup>141</sup> International Covenant on Social, Economic and Cultural Rights, Article 11; Convention on the Elimination of All Forms of Racial Discrimination (CERD) Report, Article 5; The Convention on the Rights of Persons with Disabilities, Article 28.

<sup>142</sup> Catherine S. Taylor, ‘Children’s Right to an Adequate Standard of Living’, Brill, 237-250 <[https://brill.com/display/book/9789047431213/Bej.9781571053633.i-376\\_021.xml](https://brill.com/display/book/9789047431213/Bej.9781571053633.i-376_021.xml)> accessed 24 December, 2023

<sup>143</sup> Ziba Vaghri and others, ‘Monitoring State Compliance with the UN Convention on the Rights of the Child’ <<https://library.oapen.org/bitstream/id/9aa2c0e4-3509-4da2-abb1-5b7570cb8f85/978-3-030-84647-3.pdf>> accessed 24 December, 2023.

## 4.2. Adequate Standard of Living under International Human Rights Instrument

<b>The Right to Food</b>		
<b>Laws</b>	<b>Articles/ Sections</b>	<b>Provisions</b>
ICESCR	Article 11	In accordance with Article 11 of the ICESCR, the provision on the right to an adequate standard of living underscores...
ICESCR	Article 2.1	As per the obligations outlined in Article 2.1, States Parties are required to take steps, individually and through international assistance, to...
ICESCR	Article 2.3	Article 2.3, the emphasis on non-discrimination compels states to take measures to ensure that economic, social, and cultural rights are...
UDHR	Article 25	Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including...
ICESCR	General Comment 12	General Comment 12 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) emphasizes the right to adequate food as an essential element of the right to adequate standard of living...

<b>The Right to Shelter</b>		
<b>Laws</b>	<b>Articles/ Sections</b>	<b>Provisions</b>
ICESCR	Article 11.1, General Comment 4	In accordance with Article 11.1 of the ICESCR, the recognition of the right to an adequate standard of living emphasizes the fundamental entitlement of every individual to enjoy a decent standard encompassing food, clothing, and housing....
<b>The Right to Education</b>		

<b>Laws</b>	<b>Articles/ Sections</b>	<b>Provisions</b>
ICESCR	Article 13	The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality....
ICESCR	Article 14	Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years....
UDHR	Article 26	1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education.... 2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.... 3. Parents have a prior right to choose the kind of education that shall be given to their children.
CRC	Article 28	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...

<b>The Right to Water and Sanitation</b>		
<b>Laws</b>	<b>Articles/ Sections</b>	<b>Provisions</b>
CRC	Article 24	In CRC Article 24, the provision specifically addresses the right to health for children, emphasizing their entitlement to the highest attainable standard of health....
ICESCR	General Comment 15	States parties have a special obligation to provide those who do not have sufficient means with the necessary water and water facilities and to prevent any discrimination...
CRPD	Article 28	States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including...

### 4.2.1 The Right to Food

The right to food is recognized by international human rights law. The Universal Declaration of Human Rights recognizes, in the context of an adequate standard of living, that: “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food,” The International Covenant on Economic, Social and Cultural Rights recognizes the right to adequate food as an essential part of the right to an adequate standard of living. It also explicitly recognizes the fundamental right of everyone to be free from hunger as a core obligation of the State. The Convention on the Rights of the Child protects the child’s right to food. It recognizes the interconnectedness of the right to food with the right to life, survival and development, health, nutrition and adequate standard of living.<sup>144</sup>

### 4.2.2 The Right to Shelter

The right to adequate housing derives from the right to an adequate standard of living and is of central importance for the enjoyment of all economic, social, and cultural rights. The right to adequate housing is enshrined in most major human rights instruments adopted by the United Nations like Article 25 of UDHR; Article 11 of ICESCR; and Article 27 of CRC. The right to housing is an important component of Article 27 of CRC that is particularly relevant for children in street situations.

### 4.2.3 The Right to Education

Article 25(1) of the Universal Declaration of Human Rights (UDHR) recognizes the right to a standard of living adequate for health and well-being, implying access to necessary medical care. In Article 12, the International Covenant on Economic, Social, and Cultural Rights (ICESCR) explicitly acknowledges the right to the highest attainable standard of physical and mental health, encompassing medical care. Article 28 of the UNCRC enshrines the right to education for children, emphasizing the importance of making primary education compulsory and free, promoting different forms of secondary education, and ensuring accessibility to higher education. It also encourages measures to reduce drop-out rates and maintain discipline that

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<sup>144</sup> Convention on the Rights of the Child, Article 24.

respects a child's dignity. Article 29 outlines the aims of education, emphasizing the development of a child's full potential, respect for human rights and fundamental freedoms, cultural identity, and values. It promotes preparation for a responsible, peaceful, and tolerant life in a free society while respecting the natural environment. These articles underscore the importance of education that nurtures children's well-being, identity, and active participation in society. Goal 4 of the Sustainable Development Goals (SDGs) is set to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all. The SDGs call for the provision of education to all children, including those living in vulnerable situations, such as street children.<sup>145</sup> The ILO Convention No. 182 also recognizes that education is the key to prevent child labor and promote the well-being of children.<sup>146</sup>

#### 4.2.4 The Right to Water and Sanitation

The human right to water and sanitation is a right stating that clean drinking water and sanitation are universal human rights because of their high importance in sustaining every person's life.<sup>147</sup> It was recognized as a human right by the United Nations General Assembly on 28 July 2010. The clearest definition of the human right to water was issued by the United Nations Committee on Economic, Social and Cultural Rights in General Comment 15 drafted in 2002<sup>148</sup>It was a non-binding interpretation that access to water was a condition for the enjoyment of the right to an adequate standard of living, inextricably related to the right to the highest attainable standard of health, and therefore a human right.<sup>149</sup> It stated, "The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses."

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<sup>145</sup> UNESCO, Unpacking Sustainable Development Goal 4 Education 2030, <[https://campaignforeducation.org/en/key-frameworks/sdg-4-and-targets?gclid=Cj0KCQjwwtWgBhDhARIsAEMcxeAz929lozLWSJvGAcnKXCbdi9IVgKzX3KUUEGuAw87NSZS33WSLooaAjRXEALw\\_wcB](https://campaignforeducation.org/en/key-frameworks/sdg-4-and-targets?gclid=Cj0KCQjwwtWgBhDhARIsAEMcxeAz929lozLWSJvGAcnKXCbdi9IVgKzX3KUUEGuAw87NSZS33WSLooaAjRXEALw_wcB)> accessed 15 February, 2023.

<sup>146</sup> International Labor Organization (ILO) Convention No. 182 on the Worst Forms of Child Labor, 19 Nov 2000

<sup>147</sup> UN Water, 'Human Rights to Water and Sanitation' (United Nations) <<https://www.unwater.org/water-facts/human-rights-water-and-sanitation.>> accessed 15 February, 2023.

<sup>148</sup> *ibid.*

<sup>149</sup> *ibid.*

## 4.3 Assessing the Status of Adequate Shelter

### 4.3.1. Normative Framework

The right to adequate shelter is an important component of Article 27 of UNCRC and is particularly relevant for children in street situations. The Committee on Economic, Social and Cultural Rights interpreted the term ‘adequacy’ in relation to the shelter as living somewhere in security, peace and dignity and with necessary services and facilities like clean water, sanitation facilities, electricity, and necessary amenities.<sup>150</sup> In the Committee’s view, the right to housing should not be interpreted in a narrow or restrictive sense as the right to housing is integrally linked to other human rights and to the fundamental principles upon which the Covenant is premised. General Comment 4 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) offers an authoritative interpretation of the right to adequate shelter. The normative standards set by General Comment 4 can be summarized as follows:

**Availability:** Adequate housing must be available in sufficient quantity, ensuring there are a range of housing options accessible to all segments of the population.

**Accessibility:** Housing must be accessible to everyone without discrimination. This includes physical accessibility, economic accessibility (affordability), and legal accessibility (non-discrimination in accessing housing).

**Acceptability:** Housing must meet certain physical standards, ensuring it is habitable and provides a dignified standard of living. This includes factors such as structural integrity, sanitation, and access to essential services.

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<sup>150</sup> UN Committee on the Rights of the Child (CRC), General comment No. 4 (2003): Adolescent Health and Development in the Context of the Convention on the Rights of the Child, 1 July 2003, CRC/GC/2003/4; UN Committee on the Rights of the Child (CRC), General comment No. 7 (2005): *Implementing Child Rights in Early Childhood*, 20 September 2006, CRC/C/GC/7/Rev.1, <<https://www.refworld.org/docid/460bc5a62.html>> accessed 24 December, 2023.

- a) **Adaptability:** Housing policies and practices should be flexible and adaptable to the changing needs of individuals and communities over time.
- b) **Security of Tenure:** Individuals should enjoy legal security of tenure, protecting them from arbitrary eviction and ensuring they have the right to reside in their homes without the threat of forced removal.
- c) **Participation:** People should have the right to participate in the decision-making processes related to housing policies and projects that may affect them.
- d) **Non-Discrimination:** Housing policies and practices should not discriminate against any individual or group based on race, color, sex, religion, national or social origin, disability, or other status.

The children we met either live on the street or in the slums. During the field visits and KII, it was found that a significant number of street children's shelters in Bangladesh do not meet the parameters set by international human rights standards. They are homeless and most of them live on the streets in precarious and unsafe conditions. They are found to sleep in public places, such as streets, parks, and railway stations, launch and bus terminals. Even children from street families do not have access to a basic shelter. The complex and challenging issue of shelter conditions for street children is depicted in the preceding paragraphs:

#### 4.3.2. Habitation of Street Children

All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services. Housing should not be built on polluted sites nor in immediate proximity to pollution sources that threaten the right to health of the inhabitants. Experience in field visits shows that street children have to sleep in various places due to the lack of shelter. The various places where street children sleep, including railway stations, platforms, and open areas, do not meet the standard of habitability. In railway stations like Kamalapur, Airport, and Tejgaon, they can be found sleeping both inside and outside of the platforms, on the stairs of the platform, and under the vehicle shed. Similarly, in Sadarghat terminal, children sleep in the Launch deck, terminal passenger shed, and stairs. In contrast, in Victoria Park, they sleep under the open sky, literally, some even taking shelter under

the tomb and in the walkway. In Gulistan, they usually sleep behind the gallery of the stadium, in the open field, balcony of the stadium market, and in Gulistan Park. Additionally, at Karwan Bazar, they sleep in the market, on benches of the shops, and beside the streets. The shelters where they inhabit are excessively crowded, unsanitary, and devoid of essential amenities such as clean water and proper sanitation. Street children are found to reside in a place known as “*Jhupri*” which can be compared to a dustbin due to its unclean and unsanitary conditions. Our research has also discovered that in *Kolabagan Colony*, Sylhet, a family of 9 individuals resides in a living space that consists of two rooms, each of which is approximately 66.26 square feet in size. Moreover, there are around 35-40 housing facilities in the colony, with the accommodation of only 4 toilets which are not even separated for the male and females. The inhabitants of *Kolabagan Colony* also suffer from flood every year, due to being lower ground and geographically flood-prone area. The whole colony generally completely go under-water during floods.<sup>151</sup> In severe cases (like in 2022), the inhabitants had to leave the colony and take shelter at the Railway Station and local schools.<sup>152</sup>



*Image: Places where Street Children Live*

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<sup>151</sup> Rana, Interviewed on 28 November 2022.

<sup>152</sup> Local Railway Inspector, Interviewed on 28 November 2022.

#### 4.3.2.1 Sleeping Environment of the Street Children

The street children face challenges in securing a safe place to sleep, as they often encounter disruptions from the police and the risk of theft or violence. They cannot sleep in any station after 4:00 am because the police begin blowing whistles and sometimes even beat the children with sticks. A few street children have witnessed police catching children while sleeping. They also face the risk of being robbed, their few possessions are also at risk of being stolen by thieves or other criminals. This situation directly contradicts the principle of security of tenure, a crucial element of adequate housing. According to the standard of legal security of tenure, individuals should be protected from forced eviction, harassment, and other threats to the stability of their living arrangements.

Children in street situations in Rajshahi have an even more difficult time finding a place to sleep. They often resort to sleeping on the floor of Rajshahi Railway Station or on footpaths and other open areas. Some children even sleep in nearby Mazar. Even though children have a designated area outside the platform to sleep, these places are dirty, uninhabitable, and unsafe. They also face the risk of being robbed, their few possessions are also at risk of being stolen by thieves or other criminals. And they do not have access to pillows, beds, or anti-mosquito measures. During the cold weather, a large number of them do not have warm clothes and often shiver at night.

#### **Sleeping with a Price**

In the heart of Tejgaon Railway Station, a 14-year-old boy named Abu Bakkar has been calling the platform his home for the past couple of months. Abu Bakkar takes comfort on the station platform, considering it safer than any other option close by. But it is not free of costs, the safety of his sanctuary comes at a price – 50 taka per night to someone they don't want to reveal the name of. Abu Bakkar remains tight-lipped about the mysterious recipient of this nightly fee. Even the Railway staff claims to be unaware of the details surrounding the payment process.

#### 4.3.2.2 Living Conditions in the Shelter Homes

As a part of the research, interviews were conducted with children and officials from various shelter homes and children development centers both sponsored by Governmental and Non-Governmental Organizations. The

results of the interview indicate that most of these facilities suffer from a lack of adequate space, with children being forced to sleep together in cramped, unclean, and unsanitary conditions. According to one interviewer, the Vagabond Rehabilitation Center is overcrowded with people of all ages including children. According to their description, around 100-120 people live in a common room.

#### **4.4. Assessing the Status of Right to Education**

##### **4.4.1 Normative Framework**

General Comment NO. 13 of ICESCR sets the parameters for the right to education; these are availability, accessibility, non-discrimination, physical accessibility, economic accessibility, acceptability, and adaptability. Availability requires sufficient educational institutions and programs, accounting for various factors like infrastructure, sanitation, qualified teachers, and materials. Accessibility mandates non-discrimination, safe physical reach, and affordability, with free primary education. Acceptability entails relevant and culturally appropriate content that meets educational objectives and approved standards. Adaptability emphasizes flexibility to suit changing societal needs. Throughout, the best interests of the student are prioritized. These features collectively aim to ensure inclusive and quality education for all, tailored to diverse social and cultural contexts. In General Comment NO. 13, the Committee affirmed that state parties possess a fundamental duty to guarantee the fulfillment of, at a minimum, essential levels for each right outlined in the Covenant, encompassing even the most basic forms of education.

##### **4.4.2. The Status of Right to Education**

Education is something every child should have as a fundamental human right, but for street children this is often denied in Bangladesh. However, for street children in Bangladesh, this right is often denied. These children face many barriers to access education, including lack of financial resources, discrimination, and social stigma. Despite the government's efforts to promote education for all, street children in Bangladesh still face numerous challenges

in pursuing their right to education. Many of these children are forced to work to support themselves and their families, leaving them with little time or energy for school. Moreover, their admission in school may be denied due to their lack of identification documents or their status as street children.

### **When Responsibility Outpace Yearning**

Shoriful, a 9-year-old street child from the Kalighat Road area of Sreemangal, has curious mind and yearning to learn like any other children. But the harsh reality force him to earn for a family of 7 members. Being the oldest among the siblings, he is carrying on the heavy burden at his age. He sells lemon from dusk till dawn every day. He earns about Taka 140 on average per day. Due to the fact that his day-long working hours, he does not have the opportunity to go to school.

In Sreemangal, the education rate among girls is high, where boys generally do not continue education after primary level.

According to Ms. Ratna Moye Paul<sup>153</sup>, street connected children have economic accessibility to primary education at government primary schools. She added that there are no fees to be paid in the government primary schools and instead, all the boys and girls are provided with a stipend of Taka 150 every 6 months. The money is received by the parents of the children and used to buy pens and exercise books. She further added that the government has started a new scheme, in which it started to provide Taka 1000 to all the students to buy their school uniforms. However, the parents of the street connected children do not feel that they can afford the fees and other expenditures pertaining to the secondary education as there is only one government secondary school and that is for the girls only. In order to ensure that all children in Bangladesh have access to education, it is crucial to address the underlying causes of child poverty and homelessness. This includes providing support to families and communities in need, as well as implementing policies and programs that promote the rights of street children to education and protection.

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<sup>153</sup> Ms. Ratna Moye Paul, is an assistant teacher at the Sreemangal Pouroushava Government Primary School who teaches Bangla along with other subjects, interviewed on November 28 2022.

However, the researchers revealed significant gaps in meeting these criteria. Access to regular schooling is limited, with NGOs filling some gaps but falling short. A major barrier is the lack of birth certificates among street children, impeding their school access. Although education is physically accessible, economic constraints force street kids to prioritize earning over schooling, hindering their ability to sustain their educational journey.

#### 4.4.3. Learning Approaches

Street children have two ways of education, formal and informal. Those who have birth certificates may have the chance to get a formal education. But those who do not have any birth certificates don't have a chance at least to get admission to the school. Article 7 of the Convention on the Rights of the Children requires immediate birth registration after birth. But in the case of street children, birth registration is very difficult.

#### **Lost Identity: Nupur's Education Struggle**

Following the death of her parents, 15-year-old Muslim Nupur moved from a nearby Rajshahi hamlet, but she had no identification. Nupur, facing many obstacles and difficulties, took comfort in Sheikh Russell Center, a makeshift sanctuary in the wake of her family's untimely death. Unfortunately, Nupur faces a major obstacle in her quest for education: since she lacks the required documentation, she cannot attend school. This is because her birth certificate is not accessible.

Formal education provides schools, madrasas, and other similar institutions. But informal education has no specific structure. Different NGOs and some people, on their own initiative, arrange classes and sessions for street children. But these arrangements are limited, and most children would rather work and earn money than spend time in school.

Denial of the street children in issuing birth registration is a violation of Article 27 which says, 'All citizens are equal before the law and are entitled to equal protection of the law, and Article 28(1) says, 'The State shall not discriminate against any citizen on the grounds of religion, race, caste, sex or place of birth.'

Different NGOs and people took the initiative to provide basic education to street children. Most of the children escaped from school and came to the street. So, they don't have the intention to go back to school. The reason behind this is fear, which makes them think of not attending school anymore.

#### 4.4.3.1 Fostering Futures: NGO-led Education for Street Children

Mainstream educational facilities are either not available for street children or they cannot afford them. Therefore, many NGOs are trying to reach them and work for their education. These NGOs set up schools near the habitat of street children to give them access to education. They have programs like 'School under the Sky' and 'Mobile School', mainly providing education on the streets. 'School under the Sky' offers basic education, and 'Mobile School' uses games to teach safety and life goals to street children. These programs not only provide education but also aim to create a safe and inclusive environment for street children.

Prior to beginning the educational process, these NGOs try to communicate with the children in different ways. 'Ekmatra Society' made an effort to build relationships with the kids. Sports serve as a shared platform for building relationships. This institution offers instruction to children up to class two while adhering to the national curriculum with the goal of preparing children for regular school, 'SONGKOLPO Foundation' mostly assists kids who are connected to the streets. They began locating the kids who were interested in continuing the study after the introduction. Children are educated according to the national curriculum until class four, at which point they are sent to regular schools and assisted in passing the Primary School Certificate Test.

Some schools arrange classes for the children with food facilities. The concept is that whoever has joined the class will get free meals. Like *Pother Ishkul*, it divides children into three categories on the basis of competency and age: Shisu Sreni, Class One, and Class Two. They arrange classes until Maghrib to Esha, or, in other words, evening to dinner time. The intention is to provide education and to provide food so that no child goes to sleep on an empty stomach. This initiative not only ensures that children receive an education but also addresses the issue of food insecurity among them. By offering free meals to those attending the classes, Pother Ishkul aims to alleviate hunger and promote a conducive learning environment. They also provide mental

counseling to the children because almost all of them experienced horrible incidents in their past lives. Technical education is apparently provided by some NGOs to people who don't want to continue their schooling or who are too old to do so in order to make them competent. In the case of an overage student, *Pother Ishkul* provides them with a basic education along with arrangements for their self-employment. The education system is guided by the national curriculum. Their aim is to encourage children to continue their studies. After the completion of basic education, they sent the children to regular schools and residential schools under different organizations.

### **From a Street Child to a University Graduate: An inspiring Transformation**

Moin left his home when he was just 7 years old. He came to Dhaka for a better life and started working as a 'tokai'. Besides his daily work, he joined the classes of 'Ekmatra Society'. He continued classes and completed his primary education and later on high school. The motivation from 'Ekmatra Society' changed his thought and he completed his college and graduation also. He is one of the few street children who achieved a University Degree. Later, he joined Ekmatra Society as a teacher.

## **4.5 Water and Sanitation**

### 4.5.1 Normative Standard

Access to safe and clean water and sanitation facilities is a basic human right that is essential for the full enjoyment of life and all other human rights.<sup>154</sup> Convention on the Rights of the Child (CRC) explicitly recognizes the right of every child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health, including access to safe drinking water and adequate sanitation facilities.<sup>155</sup> International human rights law obliges States to work towards achieving

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<sup>154</sup> United Nations, "The Human Right to Water and Sanitation: Media Brief" <[https://www.un.org/waterforlifedecade/pdf/human\\_right\\_to\\_water\\_and\\_sanitation\\_media\\_brief.pdf](https://www.un.org/waterforlifedecade/pdf/human_right_to_water_and_sanitation_media_brief.pdf)> accessed 20 November, 2023

<sup>155</sup> Convention on the Rights of the Child, Article 24.

universal access to water and sanitation for all, without any discrimination, while prioritizing those most in need. In guiding the implementation by States, key elements of the rights to water and sanitation are elaborated by the Committee on Economic, Social and Cultural Rights in its General Comment No. 5. The key element can be summarized as follows:

**Accessibility:** Water and sanitation facilities must be universally accessible, ensuring physical reach for all population segments. Consideration of the specific needs of persons with disabilities, women, children, and older individuals is imperative.

**Affordability:** Water services should be economically feasible for everyone, without exclusion based on financial constraints. Denying access to safe drinking water due to an inability to pay is unacceptable.

**Quality and Safety:** Water for personal use must be devoid of microorganisms, chemical substances, and radiological hazards. Sanitation facilities must maintain hygienic safety, preventing contact with human excreta by humans, animals, or insects, thereby ensuring overall health protection.

**Acceptability:** Water and sanitation facilities must conform to cultural norms, demonstrating cultural acceptance. Additionally, facilities should be gender-sensitive, addressing life-cycle stages and privacy requirements.

#### 4.5.2 Scarcity of Safe Water

In the research areas, the scenario of scarcity of water was very common. For example, Kalabagan Colony where most of the street children of Sylhet Railway Station and Zindabazar area reside is surrounded by water, yet there is a lack of safe water. In Kalabagan Colony, there are only two tubewells for 20-22 homes. All the tube-wells are Arsenic affected. The inhabitants do not drink the water from their tube-wells but use it for other purposes e.g. cooking, cleaning utensils and clothes, sanitation, and bath. For drinking

water, they rely the water taps of the railway station, which is not always available and accessible for them.<sup>156</sup>

In Kalighat Road area, Sreemangal, the houses of street connected children are extremely dense. The drinking water comes from the water line of the Pouroshova for which, depending on the size of the pipe, they have to pay 500 to 800 Taka. During an interview with one of the residents of Kalighat Road, Jasmin, a woman in her early 30s and a mother to two daughters, confirmed to the researcher that 2-3 houses share the same water pipeline. All the tubewells in that area contain arsenic.

Similarly, Street Children who live at Dhaka Airport Railway station also face difficulties in accessing clean water as the nearest water source is located far away from the station. As a result, they have resorted to stealing water from nearby shops. These children are experiencing dehydration due to a lack of adequate water supply. Similarly, street children in the Rajshahi area drink water from any nearby open tap, mosque or railway station or any available sources.

### **Juli's Struggle: Hygiene Challenges on the Streets**

Juli (11) lived in the streets of Gulistan along with her mother. They used to use the washroom behind the bush and dustbin during the nighttime. Juli said that public toilets are expensive for regular use, so they had to use unhygienic places. Juli got UTI and she didn't even realize it. Her mother took her to the hospital when her situation was much worse.

#### 4.5.3 Lack of Sanitation

In our research areas, there were neither sufficient toilets nor adequate sanitation for street children. In Sylhet *Kalabagan Colony* area, there are 35-40 families living but the number of toilets are only 4. The toilets were found extremely unhygienic. The colony was surrounded by a *Doba* which is used as a primary source of water for cooking and bathing by the families.

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<sup>156</sup> Kalon and his family, interviewed on 28 November 2022.



*Image: Unhygienic Toilet for the Street Children*

## 4.6 The Right to Food

### 4.6.1 Normative Standard

The right to food is a fundamental human right that recognizes every individual's entitlement to access adequate and nutritious food to meet their dietary needs for a healthy and active life. It is not just about having enough to eat, but also about having the means to acquire and consume food in a dignified way. This right is often inaccessible for street children in Bangladesh. Street children lack access to nutritious meals due to their marginalized status and limited resources. The absence of formal education and employment opportunities further compounds their struggle for sustenance. Discrimination and social stigma aggravate their difficulties and hinder their ability to access food resources and community support.

The right to food encompasses four key elements:<sup>157</sup>

**Availability:** Access to food is integral to the right to food. It should be sourced from natural resources, whether through agricultural production, land cultivation, animal husbandry, fishing, hunting, or gathering. The availability

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<sup>157</sup> United Nations, 'OHCHR and the right to food' <<https://www.ohchr.org/en/food>> accessed 4 October, 2023

of food in markets and shops is essential to ensure its accessibility to people. Individuals should have both physical and economic access to an ample supply of food, necessitating its presence in the marketplace and ensuring that individuals possess the means to buy or obtain it through various channels.

**Accessibility:** The right to food necessitates that food should not only be affordable but also ensures that individuals can maintain a sufficient diet without compromising other essential needs, such as education, healthcare, or housing expenses. Accessibility extends to vulnerable groups, encompassing children, the sick, individuals with disabilities, and the elderly. It also reaches those in remote areas, victims of armed conflicts or natural disasters, as well as prisoners. This right emphasizes non-discrimination, requiring both physical access to food markets and distribution centers and economic access to ensure that everyone has the financial means to secure an adequate diet.

**Adequacy:** Adequacy is another significant aspect of the right to food, requiring that food meets an individual's dietary requirements considering various factors such as age, living conditions, health, occupation, and gender. It is imperative that food is not only nutritionally sufficient but also safe for human consumption, free from any harmful substances. The availability and accessibility of food should align with the nutritional needs of individuals, considering their age, sex, health status, and cultural preferences.

**Sustainability:** Food should be accessible for both present and future generations.<sup>158</sup> Securing access to adequate and nutritious food for individuals, communities, and societies holds immense importance. This involves addressing issues of affordability, availability, and cultural appropriateness of food. Simultaneously, sustainability advocates for responsible resource management, sustainable agriculture, and environmental stewardship to guarantee that the capacity to produce and access food is preserved for future generations. It encapsulates the notion that our actions today should not compromise the ability of future generations to meet their food needs, reflecting a broader ethical and intergenerational perspective on the right to food.

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<sup>158</sup> *ibid.*

#### 4.6.2 Struggle and Desperation for food

In the research areas the street children face challenges in obtaining sufficient food due to financial constraints. The collected data revealed that they seek various methods to secure each and every meal. Begging is one of the strategies. They frequently beg for food or money by approaching passersby, restaurants, and shops for assistance. Another approach involves street children offering services in exchange for food for tasks such as cleaning, portering, or running errands. In Rajshahi, for instance, some children sustain themselves by selling balloons.<sup>159</sup> When we asked a number of kids why they take ‘*Dandi*’- a local drug, they said it helps them to forget hunger. A good number of these kids are also involved in different types of crimes, e.g., drug trafficking stealing, etc. to earn their bread and butter.

#### 4.6.3 Dietary in Need

Our study into the dietary habits of street children revealed complex nutritional challenges. In Dhaka, Rajshahi, and Sylhet, street children typically have just one or two meals a day, lacking essential proteins. This dietary pattern results in their underdeveloped physical growth. Even in the shelter homes, the food quality is low, making it harder for these vulnerable children to get the nutrition they need. During the field visits in Sylhet, researchers found that most street children only have two meals per day. They usually have breakfast outside the house at a nearby hotel, where roti costs them 5 takas and a plate of daal costs them 10 takas. They collect the money for breakfast by begging from passersby or passengers of trains. A mother of street children testified that they live together with 3-4 families in one house with only one cooking space which stays occupied in the morning. As she has to leave early for work, she fails to cook meals for her children.

#### 4.6.4 Hunger Mitigation by Drugs

During study, a concerning finding was made in Dhaka: many street children appear to be struggling with drug addiction to a narcotic called *dandi*. This substance has the ability to induce a numbing sensation which reduces their hunger and also increases their tendency to sleep for the majority of the day.

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<sup>159</sup> Data collected from field visit in Rajshahi on 24 November 2022.

## 4.7 Right to Health

### 4.7.1 Normative Standard

Every human being is entitled to the enjoyment of the highest attainable standard of health conducive to living a life in dignity.<sup>160</sup> General Comment 14 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) gives interpretation and implementation of the right to health. The right to health in all its forms and at all levels contains the following interrelated and essential elements:<sup>161</sup>

**Availability:** States are required to ensure the availability of essential healthcare facilities, goods, services, and programs in sufficient quantity. This involves the development of a functioning healthcare infrastructure and the provision of necessary medical resources.

**Accessibility:** The normative content emphasizes that healthcare services, facilities, and goods must be accessible to everyone without discrimination. Accessibility includes factors such as non-discrimination, physical accessibility, economic accessibility, and information accessibility.

**Acceptability:** States are obligated to ensure that healthcare services and facilities are culturally appropriate, respectful of medical ethics, and responsive to the needs of diverse populations. The acceptability criterion underscores the importance of tailoring healthcare to the cultural context and preferences of individuals and communities.

**Quality:** The right to health entails a commitment to providing healthcare services that are scientifically and medically appropriate, of good quality, and respectful of medical ethics. Quality healthcare ensures that interventions are effective, safe, and patient-centered.

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<sup>160</sup> CESCR General Comment No. 14: The Right to the Highest Attainable Standard of Health (Article 12) E/C.12/2000/4 <<https://www.refworld.org/pdfid/4538838d0.pdf>> accessed 4 October 2023.

<sup>161</sup> *ibid.*

#### 4.7.2 Skin Diseases Among Street Children

The streets and the children's belongings are dirty, contributing to various skin diseases. Most of the children have different untreated skin disorders, demonstrating a lack of attention to their health and well-being. These skin disorders can range from rashes and infections to more severe conditions. The absence of proper hygiene practices and limited access to healthcare exacerbate the situation, leaving these children vulnerable to long-term health complications.

#### 4.7.3 Unaddressed Sexual Health Issues

Street children frequently engage in unprotected intercourse, leading to the occurrence of sexual diseases among both male and female children. During our discussions with them, they revealed encountering problems with urination, with some reporting cases of gonorrhoea. Despite these health issues, they do not seek medical help. NGO workers from *Pother Ishkul* corroborated that children in Gulistan are indeed grappling with such diseases. Some girls expressed facing urinary problems and admitted being unsure of how to address them. The lack of access to healthcare and information about sexual health exacerbates the situation for street children. Without proper guidance, they are left vulnerable to the spread of sexually transmitted infections and are unsure of how to seek treatment or prevent further complications.

#### 4.7.4 Health Impact of Dandi Dependency on Street Children

Children relying on '*Dandi*' seem weak and vulnerable, experiencing ongoing hunger without access to nourishing meals. When asked, some could not remember their last proper meal, stating that these drugs serve as a means to curb their hunger. Unfortunately, this daily reliance raises significant health issues, posing a threat to the overall well-being of these children. Malnutrition and stunted growth are common consequences of such a diet, hindering their physical and cognitive development. Moreover, the lack of essential nutrients weakens their immune system, making them more susceptible to illnesses and infections.

## 4.8 State's Position Regarding Adequate Standard of Living

### 4.8.1 Right to Education under National Legislative Framework

*The Constitution of Bangladesh:* It recognizes the right to education as a fundamental principle for all citizens, including street children. The Constitution states that the State should establish a universal, free, and compulsory education system, align education with societal needs, and eradicate illiteracy within a defined timeframe as specified by law.<sup>162</sup>

*The Children Act 2013:* It provides for the protection and welfare of children in Bangladesh. The Act recognizes the right to education as a fundamental right for all children and requires the government to take measures to ensure that all children have access to education, including unprivileged children.<sup>163</sup>

*Primary Education (Compulsory) Act, 1990:* It requires the government to provide free and compulsory primary education to all children in Bangladesh. The Act applies to street children as well and requires the government to take measures to ensure that they have access to education.

*The National Education Policy, 2010:* It recognizes the importance of education for street children and emphasizes the need to provide them with access to education. The Policy calls for the development of special programs and initiatives to address the educational needs of street children and encourages the involvement of non-governmental organizations.

These laws recognize the importance of education for all children, including those living on the streets, and require the government to take measures to ensure that they have access to education. In 'National Children Policy 2011', provisions for disabled and autistic children have been included but nothing about street and street connecting children. If they are not addressed in national policy, their situation will never get better.

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<sup>162</sup> The Constitution of the People's Republic of Bangladesh 1972, Article 17.

<sup>163</sup> The Children Act 2013, s 4.

#### 4.8.2 National Laws and Policies Regarding the Right to Food

In Bangladesh, the constitutional framework and various laws and policies unequivocally acknowledge and safeguard the right to food for children. The Constitution of People's Republic Bangladesh explicitly recognizes the right to adequate food and nutrition as a fundamental entitlement for every citizen, considering it a basic necessity. This right is integral to the broader right to life, as enshrined in the Constitution. Furthermore, the 'Bangladesh National Food Policy of 2006' emphasizes the significance of ensuring food security specifically for children. The policy underscores the imperative to furnish children with sufficient and nourishing food to support their physical and mental growth and development. Additionally, the Bangladesh 'National Children Policy of 2011' outlines the rights of children by highlighting their entitlement to adequate nutrition and food security. The policy articulates the necessity for children to have access to sufficient and nutritious food in order to promote their overall growth and development.

The 'Bangladesh National Nutrition Policy, 2015' also recognizes the importance of ensuring food security for children. This policy is geared towards enhancing the nutritional well-being of children through the provision of sufficient and nourishing food. Complementing these policy measures, Bangladesh has enacted several laws aimed at safeguarding the right to food for children. One such example is the 'Food Safety Act of 2013', which is designed to ensure the safety and quality of food for all citizens, with specific consideration for children. This legislation establishes a Food Safety Authority responsible for overseeing and regulating the safety standards of food.

#### 4.8.3 State Position regarding Social Security

Social Security for street children refers to measures and programs providing support, protection, and assistance to vulnerable children living or working on the streets. Interventions include shelter, education, healthcare, counseling, legal protection, reintegration, livelihood support, advocacy, and child rights. The constitution of the People's Republic of Bangladesh recognizes social security as a fundamental principle of state policy in Article 15 (d). But the street children of Bangladesh are far away from social security protection.

Bangladesh's government has taken several steps to ensure social security for street children in the country. Here are some of the notable initiatives:

The Department of Social Services (DSS) has established 13 Child Protection Centers (CPCs) across the country to provide protection, education, healthcare, and vocational training to street children. The government has launched the "One Stop Crisis Centre" to provide immediate support and assistance to children who have been subjected to violence, abuse or exploitation. The Ministry of Women and Children Affairs has set up Child Development Centers (CDCs) to provide basic education, nutrition, and health care to street children. The government has also launched several programs to provide vocational training and employment opportunities to street children, including the "Skills for Employment Investment Program" and the "National Strategy for Youth Development". The Ministry of Social Welfare has established a "National Helpline Service" to provide counseling and support to street children who are in distress. The government has launched several awareness campaigns to raise public awareness about the rights of street children and the need to protect them from exploitation and abuse. These initiatives demonstrate the government's commitment to ensuring social security for street children and protecting their rights. However, there is still a long way to go to provide adequate support and protection for all street children in the country.<sup>164</sup>

However, during our field visit, it was observed that street children are not benefiting from these facilities. They don't know that they have some protections from the state to ensure their social security, and they don't believe that they can get those facilities. This lack of awareness and trust in the system can be attributed to a lack of outreach and communication efforts specifically targeted towards street children. There appears to be a disconnection between street children and the government, as they were unaware of any benefits or support provided by government initiatives. This revelation points to a significant gap in outreach and communication. It is crucial for the government to prioritize educating and engaging with this

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<sup>164</sup> General Economics Division, 'National Social Security Strategy (NSSS) of Bangladesh' (July 2015) <<https://shorturl.at/nHRX5>> accessed 7 July 2023.

vulnerable population to ensure that they are aware of their rights and have access to the necessary resources for their social security.

#### 4.8.4 Child Welfare

The 2011 National Child Policy strongly focuses on reducing child poverty. It gives top priority to improve nutrition, health, education, and social security. The policy also highlights the need to increase social safety nets to rehabilitate poor and street children. In 2023-24, under Social Security Programs, 12.20 crore taka was allocated for Street Children Rehabilitation Program and CDC. However, during the field visit, we hardly found any reflection of this policy in the lives of street children.

### **4.9 Conclusion**

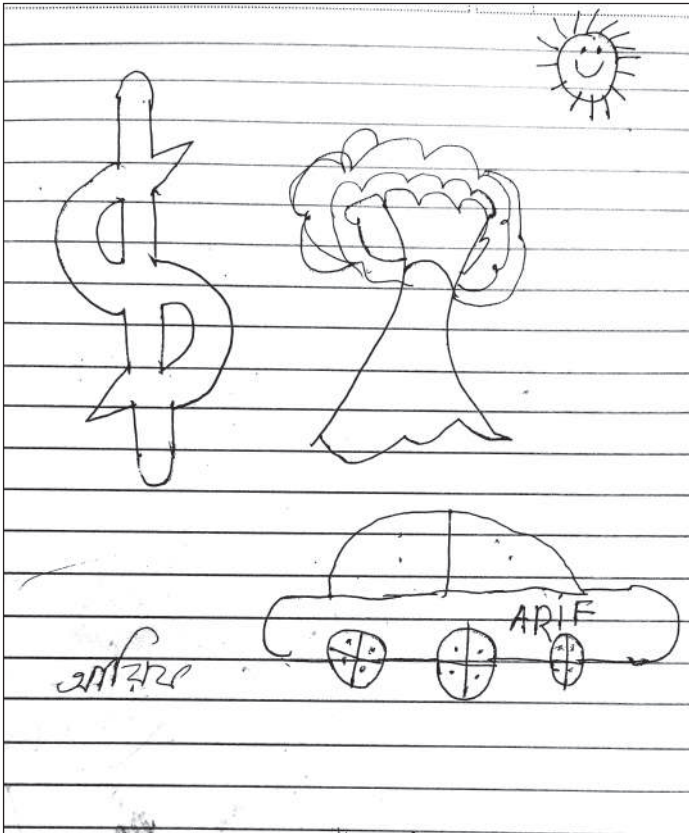
Even though Bangladesh has established legal frameworks and policies to safeguard the rights of children, numerous challenges persist for street children in accessing their economic, social, and cultural (ESC) rights. Factors, such as poverty, discrimination, limited educational opportunities, and inadequate access to healthcare services contribute to the continuous violation of these rights. Lack of funding and corruption as well as negligence while using the available funds are other reasons behind the present situation of these kids. Inaction on the part of public officials in fulfilling the State promises is crucial. The state needs to apply accountability mechanism quite strongly to identify the actors whose inactions are hurting the most. It is high time all these problems are addressed without further ado. It has become imperative to formulate and execute targeted policies and programs that specifically address the distinct needs and obstacles faced by street children. These initiatives are crucial for ensuring the effective realization of ensuring their adequate standard of living, thereby fostering an environment where every child, irrespective of their circumstances, can access education, healthcare, and other essential services as outlined in international agreements and national laws.

## Chapter 5

### Civil and Political Rights

Adhora Ema Barua

Md. Rashid Annan



This picture is drawn by Arif, a Street child, who was living at Kamalapur Railway Station during the field visit.

## 5.1 Introduction

Civil and political rights are crucial human rights that ensure an individual's right to participate in their political, economic, and social lives. These rights include the right to life, freedom from torture, freedom of expression, and the right to participate in government. Civil and political rights of children in comparison to adults, are specialized rights that recognize and protect the unique needs and vulnerabilities of children in the realms of civic engagement and political participation. These rights are tailored to ensure that children, as a distinct group, are respected, protected, and fulfilled in a manner appropriate to their developmental stage and evolving capacities. An authoritative definition of children's civil and political right is found in the United Nations Convention on the Rights of the Child (UNCRC), adopted in 1989. Article 12 of the UNCRC states, "States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child." This definition emphasizes the right of children to be heard and to have their opinions considered in decisions affecting them. It acknowledges the evolving capacities of children, indicating that as children grow and mature, their ability to form and express their views should increasingly be recognized and taken into account.

Street children, as a marginalized community, face numerous challenges and obstacles that limit their ability to enjoy their civil and political rights. The international and national legal instruments have recognized the importance of protecting children's rights and have developed a number of legal instruments to ensure that their rights are respected, protected, and upheld.

In this context, this chapter presents an in-depth analysis of the current status of the civil and political rights of Street Children in Bangladesh, in the context of social exclusion and living an undignified life. At first, the international standards as described in ICCPR, CRC, and ILO together with General comments are discussed briefly. Then we have narrated the national standards, which are followed by our research findings with a reference to different case studies and data collected during three research field works in Dhaka Division, Sylhet Division and Rajshahi Division.

## 5.2 International Legal Instruments on Civil and Political Rights of Street Children

The preamble to the 1959 Declaration of the Rights of the Child draws attention to the statement “that the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth.” In its General Comment No.5 on General measures of implementation for the Convention on the Rights of the Child, the Committee notes to Article 2 that the state must identify individuals and groups of children and recognize and realize whose rights require special measures.<sup>165</sup> The state shall address the discrimination on the part of the children. It shall amend legislation and administration and allocate resources to ensure access to equal rights.<sup>166</sup>

Laws	Articles/ Sections	Provisions
International Covenant on Civil and Political Rights (ICCPR)	Article 24	<ol style="list-style-type: none"> <li>1. Every child shall have, without any discrimination as to race, color, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.</li> <li>2. Every child shall be registered immediately after birth and shall have a name.</li> <li>3. Every child has the right to acquire a nationality.</li> </ol>
Convention on the Rights of the Child	Article 4	States Parties must enact measures for implementing recognized rights, particularly focusing on economic, social, and cultural rights, utilizing available resources to the maximum extent.
Convention on the Rights of the Child	Article 6	<ol style="list-style-type: none"> <li>1. States Parties recognize that every child has the inherent right to life.</li> <li>2. States Parties shall ensure to the maximum extent possible the survival and development of the child.</li> </ol>

<sup>165</sup> Convention on the Rights of the Child, 1989, Articles 4, 42 and 44, para. 6.

<sup>166</sup> Committee on the Rights of the Child, General Comment No. 5, 2003, CRC/GC/2003/5, para. 12.

Convention on the Rights of the Child	Article 7	<p><b>1.</b> Children have the right to immediate registration after birth, a name, acquire nationality, and, wherever feasible, knowledge and care by their parents.</p> <p><b>2.</b> States Parties must uphold and enforce these rights as per their national laws and international obligations, especially to prevent statelessness in children.</p>
Convention on the Rights of the Child	Article 34	States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse.....
Convention on the Rights of the Child	Article 42	States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.
ILO	Convention No. 182	Requires states to take immediate and effective measures to eliminate the worst forms of child labor, including child exploitation and illicit activities such as drug trafficking and child trafficking.
ILO	Convention No. 138	Requires states to ensure that children are not subjected to child labor and can access education and other essential services.

In General Comment No. 21 (2017) on children in street situations, the Committee on the Rights of the Child provided authoritative guidance to States to develop comprehensive, long-term national strategies for children in street situations in accordance with the Convention on the Rights of the Child. Even though the convention makes no explicit reference to them, all of the provisions of the convention are applicable to children in street situations.

### 5.2.1 International Covenant on Civil and Political Rights (ICCPR)

The ICCPR is another important international legal instrument that protects civil and political rights. The ICCPR requires States to ensure that everyone can enjoy their civil and political rights without discrimination. Article 24(1) of the ICCPR<sup>167</sup> also requires that every child irrespective of their race, color, sex, language, religion, national or social origin, property or birth will enjoy

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<sup>167</sup> International Covenant on Civil and Political Rights, 1966, Article 24(1)

equal rights. This includes the right to life, freedom from torture, and freedom of expression. The ICCPR also requires States to take steps to prevent and respond to human rights violations, including those that may be experienced by street children.

### 5.2.2 United Nations Convention on the Rights of the Child

The CRC is the most widely ratified human rights treaty<sup>168</sup> in the world that provides a comprehensive framework for the protection of the rights of children. The CRC requires states to take all appropriate measures to protect children from violence, abuse, and exploitation. The CRC also recognizes the importance of children's participation in all aspects of life and requires states to ensure that children's views are considered in matters that affect them.<sup>169</sup> This includes the inherent right to life,<sup>170</sup> to be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality, the right to know and be cared for by their parents,<sup>171</sup> to be protected from all forms of sexual exploitation and sexual abuse.<sup>172</sup> The child rights mentioned by UNCRC provide a structure for understanding child abuse, characteristic of cruelty, mischief, and abuse of children on the personal, institutional, and cultural levels. The most significant advantage of relying on the UNCRC approach is that it provides a legal means to achieve policy, accountability, and social justice, improving children's overall well-being.

### 5.2.3 International Labor Organization

In addition to the CRC and the ICCPR, other international legal instruments provide specific protections for the rights of street children. For example, the International Labor Organization (ILO) Convention No. 182 on the Worst

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<sup>168</sup> UNICEF Ethiopia, 'Promoting a culture of rights' (*Annual report 2018*)

<<https://www.unicef.org/ethiopia/promoting-culture-rights>> accessed 17 February, 2023.

<sup>169</sup> Tuhin Mia, Monirul Islam, 'Legal Protection of Street children in Bangladesh: with References to International and National Laws' (*Journal of Asian and African Social Science and Humanities* 7:2 2021) 34-49.

<sup>170</sup> Convention on the Rights of the Child, 1989, Article 6.

<sup>171</sup> *ibid*, Article 7.

<sup>172</sup> *ibid*, Article 34.

Forms of Child Labor<sup>173</sup> requires States to take immediate and effective measures to eliminate the worst forms of child labor, including child exploitation and illicit activities such as drug trafficking and child trafficking. The ILO Convention No. 138 on Minimum Age for Admission to Employment requires states to ensure that children are not subjected to child labor and can access education and other essential services.<sup>174</sup> Bangladesh has ratified both these ILO conventions.

### **5.3 Civil and Political Rights under National Legal Framework**

There are numerous national legal provisions that guarantee civil and political rights, to ensure the progress and development of its people including the Street children in Bangladesh, who encounter several obstacles that prevent them from fully exercising their civil and political rights. In this part, we will discuss the constitutional rights together with the provisions of certain enactments which are enacted to ensure all the constitutional rights to the children as well.

#### 5.3.1 The Constitution of Bangladesh

The Constitution of the People's Republic of Bangladesh entrusted the state with the responsibility of safeguarding the fundamental human rights and freedom, equality, and justice, political, economic, and social, for all citizens irrespective of their age, sex, religion, ethnicity, etc. Articles 27, 32, 33, and 35 of the constitution ensure various fundamental rights for the people of Bangladesh. The constitution must perform its obligation if any of these provisions of part III of the constitution is violated against the person in place of exercising it. The street children, as citizens, are entitled to the enjoyment of all these rights, as well.

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<sup>173</sup> ILO, 'Bangladesh Ratifies Fundamental ILO Convention on Child Labour' (22 March 2022) <[https://www.ilo.org/dhaka/Informationresources/Publicinformation/features/WCMS\\_840177/lang--en/index.htm#:~:text=In%202001%2C%20Bangladesh%20signed%20the,in%20law%20and%20in%20practice](https://www.ilo.org/dhaka/Informationresources/Publicinformation/features/WCMS_840177/lang--en/index.htm#:~:text=In%202001%2C%20Bangladesh%20signed%20the,in%20law%20and%20in%20practice)> accessed 27 June 2023

<sup>174</sup> ILO, 'International Labour Standards Country Profile: Bangladesh' (*Information System on International Labour Standards*, 2022) <[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB%3A11110%3A0%3A%3ANO%3A%3AP11110\\_COUNTRY\\_ID%3A103500](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB%3A11110%3A0%3A%3ANO%3A%3AP11110_COUNTRY_ID%3A103500)> accessed 27 June 2023

### 5.3.2 The Children Act, 2013

One of the key legal instruments in Bangladesh that provides a comprehensive framework for the protection of children's rights is the Children Act 2013. The existing Children Act was reenacted for the purpose of implementing the provisions of the UNCRC. According to this act, any person up to the age of 18 shall be regarded as children. Moreover, this act has given special focus on children in conflict with the law, children in contact with the law and disadvantaged children, yet there is hardly any mention of 'Street Children'. In order to protect and provide the welfare of the children, the act has incorporated a number of provisions; Chapter 4 addresses the child help desk, and child affairs police officer; Chapter 5 discusses about setting up children's courts, Chapter 6 prohibits the arrest of children below the age of nine (9), Chapter 8 and 10 specifically focus on the child development centers and alternative care for the children. And the duties and responsibilities have been distributed to government and non-government officials.

### 5.3.3 Juvenile Justice Act, 2000

The Juvenile Justice Act 2000 is another crucial legal instrument in Bangladesh that protects children's rights. This act provides a framework for protecting the rights of children in contact with crime. The Juvenile Justice Act also provides for the rehabilitation and reintegration of juveniles into society.

### 5.3.4 National Children Policy 2011

Bangladesh has developed the National Children Policy in 2011, which provides a framework for the protection and promotion of children's rights. The Fundamental Principles of the policy are: Ensuring child rights in the light of the Constitution of Bangladesh, Children Act and International Charters and Conventions; Poverty alleviation of the children; Elimination of all forms of child abuse and discrimination; elimination of all forms of abuse of and discrimination to the female child; participation of the children and accepting their views into consideration in overall protection and, in the best interest of the children. According to the National Children Policy 2011, all individuals under 18 are considered children in this sense. This policy has

talked about taking initiatives for children in different categories, e.g., “Disabled children, Autistic Children, Children with Special Needs, Orphan and Helpless Children and Children from small ethnic groups”, but there is no special mention of Street Children under this policy specifically developed for the development of children in Bangladesh.

### 5.3.5 Vagrant and Shelterless Persons (Rehabilitation) Act 2011

The Vagrant and Shelterless Persons (rehabilitation) Act was passed in 2011. The law was enacted to provide “*Shelter Homes*” for shelterless beggars and vagrants declared unable to pay for their housing.<sup>175</sup> This statute gives a significantly different approach than any other law in Bangladesh. By making arrests and using force, this statute offers “*Shelter Homes*” to the shelterless, beggars, and vagrants. If someone attempts to escape from the shelter home, they will face jail time and penalties as appropriate punishment. This Act of 2011 was initially designed to help rehabilitate homeless individuals; nevertheless, it has since evolved into a tool used to imprison shelterless people. It also allows law enforcement agencies to pick up any vagrant at any time, regardless of the circumstances, and to detain them in jail for up to seven days without any justification whatsoever.<sup>176</sup> Even though the Act did not specifically address street children, this puts them in more danger. Since their other civil and political rights are already scarcely protected, and they are on the point of exploitation, this law puts street children at a grave risk.

In addition to the Acts mentioned above the following also deals with the betterment of children in Bangladesh,

- (a) The Prevention and Suppression of Human Trafficking Act 2012 protects children from trafficking and exploitation. It requires the government to take steps to prevent and respond to such abuses.
- (b) The Bangladesh Labor Act 2006 also provides for the protection of children from child labor.

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<sup>175</sup> Faustina Pereira, ‘Vagrants Law 2011: Why We Are Calling for a Protest’ (*the good feed*, 11 October 2011) <<https://blog.brac.net/vagrants-law-2011-why-we-are-calling-for-a-protest/>> accessed 9 April, 2023.

<sup>176</sup> The Daily Star, Vagrant act a ‘tool’ to put Shelterless behind bars, (Sep 18, 2011) <<https://www.thedailystar.net/news-detail-202904>> accessed 20 March 2023.

## 5.4 Current Status of the Civil and Political Rights of Street Children

### 5.4.1 Right to Life, Liberty and Security

Article 3<sup>177</sup> of the Universal Declaration of Human Rights, Article 6<sup>178</sup> of the UNCRC, as well as Article 6<sup>179</sup> and Article 9<sup>180</sup> of the ICCPR recognize the fundamental right to life, while also acknowledging the rights to liberty and security. General Comment no.36 pledges that “this right to life concerns the entitlement of individuals to be free from acts and omissions that are intended or may be expected to cause their unnatural or premature death, as well as to enjoy a life with dignity.” The right to life shall not be interpreted narrowly of its normative standard.<sup>181</sup> General Comment no. 35 on Liberty and security of persons states that liberty and security of persons are important for their own sake, and their enjoyment of other rights, and the responsibility of protecting the liberty of persons against deprivation by third parties is enshrined upon the states party. Article 32 of the Constitution of Bangladesh also guarantees the Protection of the right to life and personal liberty in accordance with law.

#### 5.4.1.1 Lack of Supervision and Security is Leading to Violation of Right to Life

The Constitution of Bangladesh has ensured the right to life for everyone in all spheres of state and public life, but these are not applicable to street children since they face extreme levels of hardships in most spheres of life and some of those hardships exist because of the irresponsible and partial attitude of the State and Government. Article 3 of the ‘United Nations

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<sup>177</sup> Universal Declaration of Human Rights, Article 3 states that, “Everyone has the right to life, liberty and security of person”.

<sup>178</sup> United Nations Convention on the Rights of Child, Article 6 pledges, “States Parties recognize that every child has the inherent right to life and States Parties shall ensure to the maximum extent possible the survival and development of the child”.

<sup>179</sup> Article 6 of the International Covenant on Civil and Political Rights states that, “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life”.

<sup>180</sup> Article 9 of International Covenant on Civil and Political Rights “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law”.

<sup>181</sup> Human Rights Committee on International Covenant on Civil and Political Rights, ‘General Comment no.36 on article 6: right to life’ 2019 para 3 UN Doc, CCPR/C/GC/36.

Convention on the Rights of the Child (UNCRC)' has specifically conferred a duty upon the states to ensure the care or protection of children as well as competent supervision.<sup>182</sup>

Yunus,<sup>183</sup> aged about 12, shared his story of losing his only family member. He said that he and other street children frequently assemble close to the *Shonar Bangla Pukur Ghat* in Sylhet. He had a 7-year-old brother left in his family. His mother died, and their father remarried and abandoned them. His younger brother was discovered dead in the Pukur Ghat about midday while playing near the *Shonar Bangla Pukur Ghat*.<sup>184</sup> After the death of his only little brother, he has been living and dwelling on the streets. A Rickshaw Puller added to his statement stating that these types of accidents are common scenarios, especially with street children. Mainly because they have no supervision and no security and people do not usually bother them hanging here. Street children face life-threatening situations, which increase the risk to their lives. They continue to operate unsupervised and the general public is typically reluctant to get involved in their daily affairs. Street Children travel alone and rely on their friends for support as they struggle to make ends meet.

### **The Boy from Shonar Bangla**

Ramjan, only eleven years old, navigates the harsh landscape of survival on Shonar Bangla Road of Sylhet Metropolitan City. The road is adjacent to the Sylhet Railway Station. Amidst the collision of dreams and despair, he scours through discarded remnants, turning city refuse like bottles and utensils into his means of sustenance. Ramjan's world extends beyond the road to the beckoning train, yet he is barred from its coveted compartments. Instead, he clings to the exterior, wind whipping through his hair, finding solace in the tracks connecting distant horizons. Four years ago, fate cruelly stole his left foot to the relentless train wheels. Sylhet Osmani Hospital became his sanctuary, healing his wounds with the collective compassion of fellow street warriors who managed the money for the treatment by begging. Emerging with crutches, the road held new challenges, yet Ramjan's spirit persisted, unbroken. The engine compartment, once forbidden, became a metaphor. He clung to life, propelled by resilience. The road, Sonar Bangla's heartbeat, bore witness to his journey, a symphony of survival.

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<sup>182</sup> Article 3 (3) States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

<sup>183</sup> Yunus aged 12, interviewed on 26 November, 2022

<sup>184</sup> *ibid*

### 5.4.2 Right to Birth Registration

The ICCPR, Article 24 (2) states, “Every child shall be registered immediately after birth and shall have a name.” The committee has interpreted this specific provision to promote a child’s legal identity in the ICCPR General Comment No.17: Article 24 (Rights of the Child). Furthermore, this provision also serves the primary goal of lowering the risk that a child may be subjected to kidnapping, the sale or trafficking of minors, or other forms of treatment incompatible with the enjoyment of the rights guaranteed by the Covenant. Additionally, this provision requires governments to indicate the measures in their national reports or provisions to ensure the registration of all children born on their territories.<sup>185</sup>

According to the Birth and Death Registration Act, 2004, and Birth and Death Registration Rules 2017, the birth of an orphaned child can be registered, meaning the concerned registrar cannot refuse registration of birth or death due to lack of information.<sup>186</sup> Without legal identification like a birth certificate, children are essentially invisible. They are at a higher risk of being excluded from basic things like education, health care, and social services, and this makes them more vulnerable to trafficking and exploitation. In other words, a child without a legal identity is denied the fundamental right to be recognized as an individual before the law, and to be treated as such by their government.<sup>187</sup> A report by UNICEF in Bangladesh and the Bangladesh Bureau of Statistics in 2019 states that 44 percent of children have not had their birth registered (children under five years of age).<sup>188</sup> The Bangladesh Bureau of Statistics in 2014 said that there were more than 11 lakh street

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<sup>185</sup> Human Rights Committee, General Comment 17, Article 24 (Thirty-fifth session, 1989), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 23 (1994)

<sup>186</sup> Bangladesh Post, ‘HC issues rule on giving birth certificate to street children’, (30 Jun 2022) <<https://bangladeshpost.net/posts/hc-issues-rule-on-giving-birth-certificate-to-street-children-89117>> accessed 7 March 2023.

<sup>187</sup> The Economist, ‘Give Every Child a Legal Identity’ (19 November 2019) <<https://www.economist.com/open-future/2019/11/19/give-every-child-a-legal-identity>> accessed 7 March 2023.

<sup>188</sup> Bangladesh Bureau of Statistics (BBS) and UNICEF Bangladesh, ‘Progotir Pathay Bangladesh’ (*Multiple Indicator Cluster Survey 2019, Survey Findings Report*), <[https://www.unicef.org/bangladesh/media/3281/file/Bangladesh%202019%20MICS%20Report\\_English.pdf](https://www.unicef.org/bangladesh/media/3281/file/Bangladesh%202019%20MICS%20Report_English.pdf)> accessed 7 March 2023.

children in the country, who had no birth registration certificates although law made it mandatory for all citizens to have birth registration. The BBS expected that the number might increase to 16 lakhs by 2024.<sup>189</sup>

#### 5.4.2.1 Absence of Birth Certificate Leads to Exclusion

To protect the rights of all citizens, the law made it mandatory to register a child after their birth. But many children, specifically the street children for not having a birth certificate face exclusion in everyday life. One of the crucial findings in this research area is that street children suffer due to not having a legal identification, i.e., Birth registration. Lack of birth certificates makes them distinct from the ones who have been registered. Currently, a person needs a birth certificate to enjoy the following services:

- a) Enrolling in school or educational programs
- b) Accessing health insurance and receiving certain medical services
- c) Applying for government benefits or social assistance programs.
- d) Claiming inheritance or legal rights.
- e) Applying for a passport or visa.
- f) Securing employment or applying for work permits. etc.

In Sylhet, Dhaka and Rajshahi divisions, we have experienced that street children who have legal guardians and birth registration certificates are able to receive education in the nearest schools or through the different non-profit organizations that provide primary education to the street children. They attend this school with children who live with them in their locality or the same children who are identified as street children. But among them, there are still many street children who fail to get admitted to schools due to not having birth registration certificates. In the research area of Namo Bhadra, Rajshahi Division, the researchers found that the slum dwellers in this area are mostly Internally Displaced People (IDPs) who moved there due to river erosion, cyclones and other natural calamities from the neighboring districts and areas and they have been residing there for over 30-40 years. After interviewing them, researchers learned that the majority of them do not have any legal identifications like Birth Certificates or NIDs. The adults neither find proper

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<sup>189</sup> New Age Bangladesh, 'Call to Ease Street Children's Birth Registration' (14 September 2022) <<https://www.newagebd.net/article/181020/call-to-ease-street-childrens-birth-registration#:~:text=The%20Bangladesh%20Bureau%20of%20Statistics>> accessed 7 March 2023.

jobs nor the children can get admitted to the schools due to not having birth certificates. Similarly, it was identified from the interviews that there are more unregistered children in Dhaka City than in the other two research areas surveyed, and the number remains higher, and as a result, many street children cannot attend school.

A writ petition (Writ Petition No. 5876) filed in the High Court Division by a Social Service Organization named ‘Sports for Hope and Independence (SHI)’, expressed how the street children failed to participate in an upcoming event of ‘Street Child World Cup Doha-2022’, which was scheduled to be held in October 2022. The young players were denied passports since they did not have the birth certificate which is a necessary means to issue the passports of the street children. The founder CEO of Sports for Hope and Independence (SHI), Sharmeen Farhana informed the research team that they have been working with street children since 2016 and ensuring their right to sports and recreation through the organization’s activities. The organization was empowering the children nationally through different types of sports and when they wanted to take these underprivileged children to participate in a global stage, they found a major loophole in our system which is the absence of the birth certificate of the majority of the children. With the help of Barrister Tapas Kanti Baul and Nazneen Akhtar, Reporter of Prothom Alo, SHI filed this writ petition on behalf of all the street children. The High Court Division in reference to this writ petition issued a rule nisi upon the concerned bodies of the government to explain as to why the respondents should not be directed to take necessary steps as per the existing law and rules to issue birth certificates to all street children of the country. The concerned children after this rule finally got their birth certificates for which they ultimately got the chance to participate in the World Cup. Besides, citing a report prepared by the Bangladesh Bureau of Statistics (BBS) in 2014, Tapas Kanti Baul showed that there were around 11 lakhs street children in the country with no birth registration certificates.<sup>190</sup>

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<sup>190</sup> The Daily Star, ‘Birth certificates for street children: High Court issues rule’, (June 30, 2022) <<https://www.thedailystar.net/news/bangladesh/rights/news/birth-certificates-street-children-high-court-issues-rule-3060566>> accessed 7 March 2023.

#### 5.4.2.2 Non-Applicability of the Policies, Increases Discrimination

General Comment No. 21 (2017) on children in street situations, Article 2 of the convention, required the States to not only prohibit all forms of discrimination to guarantee the right to non-discrimination but also to take appropriate proactive measures to ensure effective equal opportunities for all children to enjoy the rights under the Convention. Meaning, that children in street situations face indirect discrimination due to the policies of requiring payment and the provision of identity documents in many places, which excludes them from basic services.

#### **Dreams Drowned in River Erosion**

Robiul, an eighteen-year-old, stands at life's crossroads, torn between survival and dashed dreams. His tale unfolds against a harsh reality that stripped education from his grasp. Each step he takes through narrow alleys speaks of sacrifice, once dedicated to a school that now sits abandoned. Poverty, an unyielding force, dragged him away, replacing the classroom's laughter with the harsh noise of street life. His birth certificate, a simple document, became his adversary. The river, once life-giving, swallowed his proof of existence, erasing his educational prospects as he was kicked out of the school for not having a birth certificate. Robiul's voice trembled, tears teetering on the brink. Education, once his lifeline, now eluded him, leaving his hopeful eyes clouded with loss. Burdened by adolescence, he carried the weight of his family's sustenance. Streets turned into his classroom, surviving his curriculum. His dreams, like fragile paper boats, drifted away on a river now symbolizing loss. He wondered if the same waters that stole his certificate would also erase his aspirations.

Additionally, since they were born in Bangladesh territory, they are denied the legal protection they are entitled to because they were not registered. Moreover, as they are not often documented or listed in censuses, the number of children remains unknown. Even though many organizations in Bangladesh publish their local estimates, the total number of street children cannot be determined. It is clear from the findings that those who lack a birth certificate and are not registered incur the most significant risk to society, making them easy targets for violence, abuse, exploitation, and their health and development are put at greater risk.

### 5.4.3 Right to Human Dignity

Human dignity is an inherent right possessed by all individuals from birth. It demands respect solely by virtue of being human, serving as the foundation for human rights. No one can bestow or take away one's human dignity, or those who take another's human dignity violate their own humanity. Upholding the dignity of every person is not just a basic right but forms the core of all fundamental rights. Children, including street children, must be treated with human dignity and they should learn how to provide human dignity to others as well. Major treaties discussing human dignity are UDHR, CRC, and ICCPR. The Universal Declaration of Human Rights, established in 1948, explicitly recognized human dignity in its preamble, emphasizing that acknowledging the innate dignity and equal rights of every human being is pivotal for global freedom, justice, and peace. Furthermore, in a 2001 judgment in the case of *Kingdom of the Netherlands v European Parliament and Council of the European Union*, the Court of Justice affirmed that the right to human dignity is fundamental in Union law.<sup>191</sup> This underscores that no right within the Charter should undermine another person's dignity, emphasizing that human dignity is intrinsic to the rights delineated in the Charter and must be honored even when rights are restricted.

Likewise, the Convention on the Rights of the Child (CRC) in its preamble starts with an affirmation recognizing the inherent dignity and equal rights of all individuals, emphasizing its role in fostering global freedom, justice, and peace. Throughout its text, the CRC emphasizes the importance of nurturing human dignity in children and preventing any violations against it.<sup>192</sup> The International Covenant on Civil and Political Rights, adopted in 1966, also echoes this understanding, stating that these rights stem from the inherent dignity of every person. Acknowledging human dignity becomes especially crucial for those who do not belong to privileged groups, ensuring they are not abandoned or oppressed.

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<sup>191</sup> *Kingdom of the Netherlands v European Parliament and Council of the European Union* [2001] C-377/98, ECR I-07079 grounds 70 — 77.

<sup>192</sup> KA Polonko and LX Lombardo, 'Human Dignity and Children: Operationalizing a Human Rights Concept' (2005) 18 *Global Bioethics* 17 <<https://www.tandfonline.com/doi/abs/10.1080/11287462.2005.10800863>> accessed 25 December 2023.

### 5.4.3.1 Exclusion through Societal Behavior

Children in street situations often face direct discrimination or indirect discrimination on the basis of their connections with the street, that is, on the grounds of their social origin, property, birth or other status, resulting in lifelong negative consequences. In para 26 of General comment No. 21 (2017)<sup>193</sup> of the committee on the rights of the child, Direct discrimination includes, disproportionate policy approaches to “tackle homelessness” that apply repressive efforts to prevent begging, loitering, vagrancy, running away or survival behaviors, for example, the criminalization of status offenses, street sweeps or “round-ups”, and targeted violence, harassment and extortion by police. The refusal by police to take into consideration the reports by children in street situations of theft or violence; discriminatory treatment within juvenile justice systems; the refusal of social workers, teachers or health care professionals to work with children in street situations; and harassment, humiliation and bullying by peers and teachers in schools. In the aforesaid general comment, the committee has put much significance on Article 2 on non-discrimination on the grounds of social origin, property, birth or other status.<sup>194</sup> It was also noted in the comment that, “even if children in street situations are not isolated from basic services, they might be isolated within such systems.” It has suggested that this type of systematic discrimination can be addressed by incorporating legal and policy changes. In the research area it has been found that the objectives of the CRC to ensure the responsibilities of society to nurture human dignity in children, specifically in street children, is not fulfilled at all. The street children are often referred as ‘*bostir meye*’(slum girl) or ‘*bostir chele*’ (slum boy) or ‘*tokai*’<sup>195</sup>(symbolizes the poor street children who usually live on picking objects from the street garbage.)

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<sup>193</sup> UNICEF, ‘General Comment No. 21 (2017) on Children in Street Situations’ (2017) <[https://www.unicef.org/bulgaria/sites/unicef.org.bulgaria/files/2018-09/Convention\\_commentar\\_21\\_Children\\_in\\_street\\_situations\\_ENG.pdf](https://www.unicef.org/bulgaria/sites/unicef.org.bulgaria/files/2018-09/Convention_commentar_21_Children_in_street_situations_ENG.pdf)> accessed 7 March 2023.

<sup>194</sup> Committee on the Rights of the Child, General comment No. 21 (2017) on children in street situations, the Committee interprets “other status” under article 2 of the Convention to include the street situation of a child or his or her parents and other family members.

<sup>195</sup> “Tokai” in Bangla refers to young street children who often roam around in public places, especially on the streets. They generally earn a living for themselves by picking up plastics and garbage from the street in exchange for money. Other than this they can be often seen engaging in various informal activities on the streets, such as begging, shining shoes, selling small items

### A Child's Dignity in Question

Jalal, a 10-year-old boy, lives in Kalabagan Colony, near Sylhet railway station. His family is large, with nine members, including his parents and siblings. Unfortunately, his father is unemployed, and his mother has been unwell for a long time. To help his family, Jalal spends his days selling balloons on the streets of Zindabazar and Sylhet Railway Station. Before, he used to attend Ananda School, where most kids from his colony and nearby areas go. However, one day, a teacher from Ananda School saw him selling balloons at the station and asked him to come to school the next day. That encounter changed everything. Jalal felt exposed and uncomfortable. He feared being singled out and questioned about his balloon-selling job in front of the other kids. The shame he felt was overwhelming, and it haunted him so much that he could not bring himself to return to school. The incident left him feeling vulnerable and embarrassed. The fear of being judged and humiliated made him withdraw from the place that was once his source of learning and joy. The emotional weight of that experience lingered, making school a place of anxiety instead of safety for Jalal.

In the research area of Rajshahi city, while interviewing a resident (Mofajjal) of Namo Bhadra, he told us that he got her daughter admitted to a private school nearby where a teacher in her daughter's class referred her as "*Bostir meye*" (slum girl) in the presence of other students. After that incident, he decided not to send her daughter to that school again.

There are a number of challenges and constraints that affect the basic human rights of street children for which they are deprived of equal opportunities to their rights. As we have found in our fieldwork, they face immense hardships to have human dignity and to protect it. Their poverty, societal status, and societal attitudes towards them exclude them from participation which in a way comes in between enjoying their basic human rights.

#### 5.4.3.2 Violation of Dignity of Street Children through Abuse and Exploitation

CRC in Art 28 incorporated the following words,

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like flowers or trinkets, performing small tasks for people. This term was made famous by a renowned cartoonist of Bangladesh Rafiqun Nabi alias Ronobi. To know more about Rafiqun Nabi please see here: <[https://dhakaartcenter.org/artist\\_directory/rafiqun\\_nabi.html](https://dhakaartcenter.org/artist_directory/rafiqun_nabi.html)>  
To know more about Tokai please see here:  
<<https://thefinancialexpress.com.bd/views/opinions/tokai-caught-in-a-vicious-cycle-1507389922>>

“prevent violations of children’s human dignity” meant “to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse”; and to ensure that “no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.”<sup>196</sup>

The street children of Bangladesh face various problems, including physical and sexual abuse and torture in the hands of adults or their employers. Their fundamental human rights are always at stake and violated in one way or another. Public torture, beatings by police and security personnel, mental torture, maltreatment and harassment by the employers make them more vulnerable and exposed to torture even at their workplace.<sup>197</sup> The police and general public beat them for any inconvenience on the streets.

### **A Survivor amidst Desolation at Kamalapur Railway Station**

Jibon, a fragile soul of eleven, lives in Kamalapur Railway Station in Dhaka, Bangladesh. His existence is a tapestry of hardship, resilience, and unspeakable trauma. Born into obscurity, Jibon’s lineage remains a mystery. The bustling station, both his cradle and crucible, shelters countless street children. Their stories intertwine—a symphony of survival against the odds. Jibon’s days blur into a haze of uncertainty. He scavenges for scraps, his hollow eyes scanning the platform for morsels. The cacophony of trains drowns his silent cries. His nights are restless, seeking refuge on cold benches or hidden corners. One moonless night, as Jibon huddled near the tracks, a shadow emerged—a man with malevolence etched into his features. The blade glinted, cold and merciless. Jibon’s throat bore the weight of fear as the man violated his innocence. The station walls absorbed his silent screams. Jibon’s torment remains unspoken. Shame and vulnerability shroud him like a tattered cloak. He fears the darkness, the echo of footsteps, and the scent of danger. His dreams, once filled with hope, now harbor nightmares. Amidst the chaos, Jibon finds solace in the camaraderie of other street children. They share secrets, stolen laughter, and meager meals. Their eyes hold stories—of hunger, abuse, and resilience. Together, they navigate the harsh terrain of survival.

Children living on the streets are abused in many settings, including families and extended families, public institutions, and the workplace. According to the children interviewed, they routinely experience verbal and physical abuse, and sexual assault at the hands of law enforcement, and the general public.

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<sup>196</sup> KA Polonko and LX Lombardo (n 191).

<sup>197</sup> Tuhin Mia, Monirul Islam (n 168).

Children living on the streets are vulnerable to a wide range of abuses. Still, estimates of sexual abuse are especially difficult due to the stigma associated with such crimes and the dangers children face if they come forward. We asked them if they approached anyone for help. Most of them replied that when law enforcement personnel abuse them, they do not approach anyone out of fear. They understand that if they go against these perpetrators they might be subjected to further harassment or violence. Some of them remained silent. Their silence said many words including fear and trauma.

### **Symphony of Despair and Desperate Hope: Story of a Teenage Mother**

Asha, a sixteen years old teenager, carries the weight of a lifetime within her fragile frame. Her journey began at thirteen when necessity forced her into the unforgiving world of labor. Asha's employment as a maid led her to a house where darkness reigned. The owner and his son, predators masked as masters, shattered her innocence. Their cruelty knew no bounds as they repeatedly raped her, leaving her soul bruised and broken. The walls absorbed her silent screams, and the nights were full of nightmares. Life took a cruel turn when Asha found out that she was pregnant and the house owners forced her into the streets, where desperation and hunger became her companions. She ultimately miscarried her first child. A slum near the Kamlapur Railway Station became Asha's refuge. Here, amidst the chaos of survival, she sought solace. Alone, she clung to the hope of a better tomorrow. But tragedy, relentless as a shadow, followed her footsteps. Another predator emerged—a commoner, faceless yet familiar. Asha's body, already scarred, became a battleground once more. She bore the weight of a new life, a fragile heartbeat within her. This time, the child survived, but fate was not kind to her—the newborn was stolen from the hospital, leaving Asha bereft. Asha's eyes, once filled with dreams, now held only one—the reunion with her stolen child. In the dim corners of the railway station, she clung to hope. The child, her last beacon, embodied resilience. Asha's heart whispered, "Perhaps love can mend what life has shattered."

A good number of child interviewees shared that most of the children on the street fall victim to the hands of organized crime groups and adult criminals who exploit them to commit heinous crimes. Criminals and Sexual offenders prey on these children because they are desperate for food, shelter, and money and because most have no legal guardians and live on the streets alone. Violence and harassment of a sexual nature are more common against girls, but boys on the street are also not spared by the sexual offenders. We have learned from the experiences shared by the children interviewed how they are

being degraded in various other ways in their everyday life. If we can begin to understand the dynamics and meaning of human dignity in childhood, perhaps we adults can be more attentive to the world of pain and suffering we too often create for children.<sup>198</sup>

## **5.5.4 Are the Street Children Invisible?**

### 5.5.4.1 In the Eyes of Government Officials and Public Representatives:

During the research, it was found that the majority of the administration was uninterested in the activities of the street children in the research areas. The research teams experienced that some of the child respondents are engaged in crimes under open daylight. However, neither the police officers nor the officials entrusted with their well-being are taking any action to rectify them. It is common to see that street children are engaged in immoral activities at Dhaka's Victoria Park and Motijheel area. They undertake such activities under the open sky. One of the prominent illegal acts is substance abuse. They take *dandi* as a drug, purchase it, and then sell it to both children and adults. The police observe this frequently, but they do not appear to care. They do nothing but observe the unfolding events. A teenage boy said, "Police do not bother us for drugs, but sometimes when they notice us, they put us in prison, generally with false drug accusations, theft, murder."

In both the research areas of Dhaka and Sreemangal, researchers noted the apparent invisibility of street children in the eyes of the government. At locations such as the Airport Railway Station, Kamalapur Railway Station, and Sadarghat in Dhaka, drug consumption within the station premises is strictly prohibited, with potential consequences of physical punishment by Railway Police officers or Ansar personnel for those caught. However, law enforcement seems indifferent to the activities or substance abuse of children occurring outside the railway station premises. Similarly at Sylhet Railway Station, the Sub-Inspector of Sylhet railway police indicated a tendency to overlook street children's illegal activities of drug consumption outside the station premises, but they are prepared to take any action if such events occur within the station premises.

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<sup>198</sup> KA Polonko and LX Lombardo (n 191).

The administrative bodies in the study area of Sreemangal show little concern for street children. The street children usually congregate and take *dandi* at the Daakbanglo Pukur Ghat. The local police in the area typically do not bother with their presence, but they occasionally detain residents who use *ganja* in public. The police do not care about the welfare of these juvenile addicts living on the streets, but they will arrest them if they cause any disruption; however, the police will not intervene to defend the street children if they are injured. It has been found from the survey in the research areas that police are indifferent in dealing with the street children of the areas. They say that even if they arrest them for their activities on the street, they must be accountable to the human rights agencies currently working in Bangladesh; they fear getting involved in cases where the street children are connected.

In an interview with the Joint District and Sessions Judge of Sylhet,<sup>199</sup> he told us that it becomes difficult due to the overwhelming number of litigators to spare some special attention to the street children during any judicial proceedings. Most of the judicial officers are not even able to provide a remedy to the regular litigators; how they would be able to spare special attention to the street children, which they require. He reckoned that even if the judicial officers were to provide special attention to the street children, the lack of actual infrastructure required to carry out a reformatory process for a child is absent in Bangladesh. He also told us that the mindset of some of the judges, which prioritize punitive measures instead of reformatory measures, is also responsible to a certain extent.

The aforesaid statement we got from this respondent do not match with the international standards regarding fair trial and equal treatment before any judicial body. General Comment No.32 of the UN Human Rights Committee provided remarks on the applicability of the ‘right to equality before courts and tribunals and to a fair trial’ (Article 14 of ICCPR).<sup>200</sup> It encompasses the

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<sup>199</sup> Joint District and Sessions Judge of Sylhet, Mr. Asad Md. Mahmudul Islam, interviewed on 26 November, 2022.

<sup>200</sup> UN Human Rights Committee, ‘General Comment No.32 on Article 14: Right to equality before courts and tribunals and to a fair trial’ U.N. Doc. CCPR/C/GC/32 (2007) <<http://hrlibrary.umn.edu/gencomm/hrcom32.html#:~:text=The%20right%20to%20equality%20before%20courts%20and%20tribunals%2C%20in%20general,are%20treated%20without%20any%20discrimination>> accessed 8 March 2023.

right of access to the courts in cases of determination of criminal charges and rights and obligations in a suit at law. Access to the administration of justice must effectively be guaranteed in all such cases to ensure that no individual is deprived, in procedural terms, of his/her right to claim justice. The right of access to courts and tribunals and equality before them is not limited to citizens of States parties, but must also be available to all individuals, regardless of nationality or statelessness, or whatever is their status. States are encouraged and sometimes obliged to provide free legal aid to those who do not have sufficient means to support themselves.<sup>201</sup>

We found the opposite scenario as well. According to the respondents interviewed at Sylhet Railway Station premises, the railway police officers occasionally come forward to help the street children and their families; specially in times of need, they provide support and assistance in many instances. For example, during the time of the flood in August 2022, the police officers facilitated them by providing shelter in the railway platform, as their homes in the Kalabagan Colony were damaged due to the flood. The officer distributed food and other supplies to the residents of Kalabagan Colony. This information has been confirmed both by the street children, their family members and the officers of the Sylhet Railway Police Station.

### **Shadows of Resilience at the Railway Station**

Hasan, a twelve years old boy, carries the weight of survival on his young shoulders. His journey began in the twilight of childhood, where necessity eclipsed innocence. Hasan's days unfold against the backdrop of the bustling railway station. Here, amidst the cacophony of trains and hurried footsteps, he stakes his claim. The station, both refuge and battleground, becomes his world. The coins he earns are lifelines, weaving together survival and hope. Other children tread the same path. Their eyes mirror his struggle. During the floods, when despair threatened to drown them, the police officers became their lifelines. Food and water flowed from their compassion. But when VIPs descend upon the station, the rules shift. The children, invisible in their poverty, become unwelcome. The same officers who once offered solace now bar their entry. Hasan, eyes wide with confusion, wonders why privilege trumps need. In this parched existence, the station's water taps become sacred fountains as there is no facility to get safe drinking water in the Kalabagan colony where he lives. Hasan drinks deeply, grateful for each drop. Here, the station quenches their thirst, a benevolent oasis but at times even the benevolence of this station gets lost in the midst of the VIP movement.

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<sup>201</sup> *ibid*

To clarify the statement made by one of the Street children from the Kalabagan Colony, the researchers further interviewed a police officer,<sup>202</sup> He said, “It is true that they remove the street children from railway stations upon the arrival of the VIPs as there are often orders to do the same from superiors.” According to him, the VIPs, instead of being sympathetic, would instead find the presence of such street children a nuisance.<sup>203</sup> Similarly, the Upazila Chairman of the Sreemangal area commented on the issues of the street children, according to the Upazila Chairman of Sreemangal, the number of street children in comparison to the total population of the country is not that significant and thus, they might not be up in the priority list of the policies of the government. However, he iterated that the government is taking certain initiatives which might not be directly linked to the street children though they have to prevent effect on increasing the number of street children, e.g., Ashrayan Project.

In our research area of Sreemangal, we talked with a *Union Somaj Kormi Officer* when he said “how come they become street children if they haven't parents living with them, there is no written guideline for us from government to work for the development of street children and street children becomes street children because of their habits. They can earn money when they roam around in the streets. Their parents also encourage them.”

#### 5.5.4.2 In the Eyes of Local Community:

During the field visit, the researchers found some incidents which indicate the reason behind the vulnerable position of street children in the *Sreemangal* area. A respondent informed the researchers that<sup>204</sup>, “they told us that they never actually thought of street children separately and what could be done to make their lives better. It never crossed their mind before. They do not bar any street child from having prasad during any program in the Jagannat's Akhra regardless of the religion of the child. However, they do not take any active steps to inquire about the street children as well.”<sup>205</sup> Another participant of

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<sup>202</sup> S.I. Majedul of Sylhet Railway Police station, interviewed on 26 November, 2022

<sup>203</sup> *ibid.*

<sup>204</sup> In a Focus group discussion (FGD) at the Puja Udjapan Committee of Sreemangal, interviewed on 27 November, 2022.

<sup>205</sup> *ibid.*

the interview further added that,<sup>206</sup> “The street children are mostly thieves and addicts. Even the police use them as Confidential Informants<sup>207</sup> whenever any crime takes place in the area as the street children are aware of the shady occurrences in the area”.<sup>208</sup>

A local and influential businessman of the *Sreemangal* area told us that,<sup>209</sup> He is aware that the street children are deprived and poverty-stricken. Despite that as a parent, in all honesty, he would not want his children to mix up with the street children whether in school or otherwise. He further added that all parents think the same due to their fear of their children going astray by getting into contact with the street children e.g. getting any kind of addiction. According to him, street children are cunning and mostly convincing liars. It is evident from the research area that there is a negative attitude toward street children in the community. In an interview with the Upazila Chairman of Sreemangal,<sup>210</sup> he also opined that “the street children do not remain street children for long and they become powerful miscreants when they get older.”<sup>211</sup>

## 5.5 Violation of Civil and Political Rights by Street Children

In Bangladesh, before the codification of the Labour Act, 2006, there were 25 laws and ordinances designed to protect different kinds of interests of children.<sup>212</sup> Right Now there are 21 laws protecting the rights and interests of the children.<sup>213</sup> The main goal of these laws is to protect and safeguard the rights and strengthen children. Even though many laws and policies have been introduced and incorporated, the condition of street children in Bangladesh still hasn't improved much. And where individual families are unable or

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<sup>206</sup> Sushil Shil, Member of Sreemangal Puja Udjapan Committee, interviewed on 27 November 2022

<sup>207</sup> A confidential informant is a secret source who, through a contact officer, supplies information on criminal activity to the police or law enforcement agent. To know more about CIs please see <<https://www.ojp.gov/ncjrs/virtual-library/abstracts/confidential-informant#:~:text=A%20CONFIDENTIAL%20INFORMANT%20IS%20A,POLICE%20OR%20LAW%20ENFORCEMENT%20AGENT>> .

<sup>208</sup> *ibid.*

<sup>209</sup> Mr. Jhinuk Baidya, Sreemangal, interviewed on 27 November 2022

<sup>210</sup> Upazila Chairman of Sreemangal, interviewed on 25 November 2022.

<sup>211</sup> *ibid.*

<sup>212</sup> Haradhan Kumar Mohajan, ‘Child Rights in Bangladesh’ (Journal of Social Welfare and Human Rights March) 2014 2:1 207-238.

<sup>213</sup> For the list of the 21 laws, please see Chapter 1 of this book.

unwilling to protect the child, the State must provide a “safety net,” ensuring the child’s well-being in all circumstances.<sup>214</sup> The Committee on the Rights of the Child<sup>215</sup> has frequently referred to circumstances in which the State fails to provide for particular groups of vulnerable children adequately. The most common category is children living and/or working on the streets, identified as existing in significant numbers in most states.<sup>216</sup> Article 3(2) of the UNCRC makes it clear that, notwithstanding the rights and duties of parents and any other legally responsible persons, the State has an active obligation to ensure such children’s well-being.<sup>217</sup>

### 5.5.1 Wrongful Arrest and Detention

Article 9 of OHCHR<sup>218</sup> imposes two requirements for the benefit of persons who are deprived of liberty. First, they shall be informed, at the time of arrest, of the reasons for the arrest; Second, they shall be promptly informed of the charges alleged against them. The first requirement applies broadly to the reasons for any deprivation of liberty. Since “arrest” means the commencement of a deprivation of liberty, that requirement applies regardless of the formality or informality with which the arrest is conducted and regardless of the legitimate or improper reason on which it is based.<sup>219</sup>

General comment No. 21 (2017) on children in street situations explicitly mentioned about elimination of discrimination against children that,

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<sup>214</sup> UNICEF, ‘Implementation Handbook for the Convention on the Rights of the Child’ <<https://www.unicef.org/lac/media/22071/file/Implementation%20Handbook%20for%20the%20CRC.pdf>> accessed 6 March 2023.

<sup>215</sup> The Committee on the Rights of the Child is a group of experts that monitors implementation of the Convention on the Rights of the Child by its States parties. It is a Treaty Body for the UN Convention on the Rights of the Child and its Optional Protocols. For details on this Committee, please see: <<https://www.ohchr.org/en/treaty-bodies/crc>> accessed 02 June 2023.

<sup>216</sup> Convention on the Rights of Children Article 2, page 30 and article 20, page 286.

<sup>217</sup> UNICEF (n 213).

<sup>218</sup> International Covenant on Civil and Political Rights, Article 9, “Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him”.

<sup>219</sup> UN Human Rights Committee, ‘General Comment no.35 (16 December 2014) on Article 9 (Liberty and security of person)’, (OHCHR, III, Para- 24) <<https://www.ohchr.org/en/calls-for-input/general-comment-no-35-article-9-liberty-and-security-person>> accessed 29 July 2022.

“states should eliminate any laws that directly or indirectly discriminate against children, or their families based on their living situation in the street. That states should abolish or remove any laws that permit or support the arbitrary removal of children and their families from the streets or public spaces, and abolish laws that criminalize or disproportionately target children in street situations, such as begging, loitering, vagrancy, running away from home.”<sup>220</sup>

Another important general comment, i.e., General Comment No. 35, was introduced on 16 December 2014 in which arrest and detention of children were discussed broadly. General Comment No. 35 states that,

“An arrest or detention may be authorized by domestic law and nonetheless be arbitrary. The notion of “arbitrariness” is not to be equated with “against the law”, but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability, and due process of law, as well as elements of reasonableness, necessity, and proportionality”.<sup>221</sup>

One respondent from Dhaka told the researchers that,<sup>222</sup> during the time of the pandemic, one afternoon the respondent and five other homeless children gathered in the Gulistan area. A middle-aged man approached them and offered them food if they followed him. As they began to approach the man, they noticed some men in uniform a few hundred yards away. They deduced that these men were police and that they would arrest them without a doubt. What they feared happened and the police, after detaining the children, transferred them to a shelter home called *Sharkari Ashroy Kendra, Mirpur, Dhaka* (Government rehabilitation center).

Later, the respondent and three other street children were sent to another shelter home in Brahmanbaria, where they stayed for almost a month before finally escaping and returning to Dhaka.<sup>223</sup> In our field visits in Sylhet division and Rajshahi division, we did not find any similar situation where the police forcefully detained the street children and transferred them to a shelter home. During the field visits, we have found that there are laws which are not enacted for children, but still they are getting used against street children. This

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<sup>220</sup> UN Human Rights Committee, ‘General Comment No. 21 (2017) on Children in Street Situations’ (OHCHR) <<https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-21-2017-children-street>> accessed 27 July 2023.

<sup>221</sup> UN Human Rights Committee (n 218) II, Para-12.

<sup>222</sup> Butto, aged 12-13 years, interviewed on 29 November 2022.

<sup>223</sup> *ibid.*

is the case of the Vagrant and Shelterless Persons (Rehabilitation) Act, 2011. In this Act there is no specific mention of child or street child in the definition of vagabond and shelterless; in spite of that this enactment is misused by the Juvenile Justice System.

### 5.5.2 Freedom from Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

It is stated in the UNCRC that “No child shall be deprived of his or her liberty unlawfully or arbitrarily”.<sup>224</sup> The arrest, detention, or imprisonment shall be used only as a measure of last resort and for the shortest appropriate period. Children must not be subjected to torture or cruel, inhuman, or degrading treatment or punishment. Every child deprived of liberty must be treated with humanity and in a manner that considers the needs of persons of his or her age. Children deprived of liberty must be separated from adults.<sup>225</sup> Even though it has been mentioned in the UNCRC, the human rights violations of street children are always on the rise. The issue has been addressed and recognized but still is not prioritized greatly. This is a matter of great concern, but the states continuously fail to ensure and protect their rights.

Many children who depend on street labor to survive fall prey to the tricks of drug traffickers who give them more money than they can make from daily labor. As a result of these actions, children living on the streets are more likely to be physically abused during interrogation and arrest, and they are more likely to be housed with adult criminals. This issue is elaborately discussed in Chapter 6, which deals with juvenile delinquency and their treatment under the law.

### 5.5.3 Underlying Reasons of Violation

There are laws for the protection of children in Bangladesh. However, these laws are not enough to protect the street children. Either these laws do not define street children or do not incorporate special provisions to address their

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<sup>224</sup> United Nations Convention on the Rights of Children, Article 37.

<sup>225</sup> Tamara Aggie Muyobela and Marianne Strydom, ‘The Rehabilitation of Incarcerated of Incarcerated Child Offenders: Challenges Faced by Social Welfare Officers in Zambia’ (2017) 53 Social Work 540.

specific situation. For example, the Children Act, 2013 safeguards children's rights but does not provide necessary provisions considering the special situation of the street children. Similarly, the government has formulated essential rules in the "National Children Policy 2011" to improve the fate of different types of children. In this policy, there is no specific mention of street children as well.

Street children are widely perceived as inadequately protected or unsupervised children for whom the streets become a habitual abode and/or source of livelihood. Many slum-dwelling children spend a considerable amount of their daytime in streets and other public places like bazaars and terminals, roaming around or working as cheap labor. Though there is no guarantee of access to necessary facilities and services available in these spaces, street-connected children somehow manage and use various urban niches, e.g., sources of income and skill, shelter, social bondage, and various sources of entertainment to survive in the street.<sup>226</sup> Children who undergo inadequate or no supervision sometimes lose their valuable lives or their one and only family members. It was found in the research area of Sylhet, when a street child was interviewed, he shared the loss of his 7-year-old brother who drowned while playing near the pond without any adult supervision. Similarly, Ramjan, a boy aged 11,<sup>227</sup> who regularly dwells in the street, lost his left foot in an accident. It is needless to say that street children are always at greater risk due to inadequate supervision in their daily life.

## 5.6 Conclusion

From the preceding discussion, we understand that the street children community has historically faced exploitation and discrimination due to their societal position. They become victims of inhuman treatment and fall prey to the hands of organized criminals because of their vulnerability and coming from marginalized populations in Bangladesh. Notwithstanding legislative protections, street children in Bangladesh face continuous civil and political

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<sup>226</sup> Rehnuma Rahman and others, 'Involvement of Street Children in the Political Violence of Bangladesh' (2018) 16 *Children's Geographies* 292  
<<https://www.tandfonline.com/doi/full/10.1080/14733285.2018.1434131>> accessed 8 March 2023.

<sup>227</sup> The detailed story is shared in Case Study 5.1 above.

rights issues. Violence, exploitation, prejudice, and marginalization prevent street children of Bangladesh from exercising their civil and political rights. Street children of Bangladesh often face physical and sexual abuse, trafficking, and forced labor and have little legal safeguards and assistance. They also face arrest and imprisonment, which increases their vulnerability and limits their civil and political rights. Civil society groups and other stakeholders must also arrange awareness-building campaigns on preventing violence and exploitation of the street children and allow street children to engage in political and social life to solve these issues and secure their rights.

## Chapter 6

### Juvenile Delinquency

Md Sohanur Rahman  
Mahasina Akter Banna



This picture is drawn by Robiul, a Street child, who was living at Kamalapur Railway Station during the field visit.

## 6.1 Introduction

Over 40 million children between the ages of 5 and 17 are estimated to exist in Bangladesh.<sup>228</sup> Among 1.3 million of them work in dangerous jobs, and 70% of them participate in criminal activity as a result of their poverty.<sup>229</sup> Poverty has been a substantial factor influencing delinquency for a century.<sup>230</sup> Most of these juvenile offenders, according to the experts, are street children who become involved in crime through drug abuse. It has already been discussed in the earlier chapters<sup>231</sup> that living on the streets makes the street children vulnerable and this vulnerability enhances their probability to come in contact with crimes, even though they might not have committed any crime.

This present chapter focuses on some conceptual aspects of juvenile delinquency, the actual scenario of juvenile delinquency in the research areas and the contributing factors which are responsible for their involvement in delinquency, the juvenile justice system for street children in Bangladesh and analyzing the existing mechanisms whether they are effective or not.

## 6.2 Juvenile Delinquency and Juvenile Justice

Study of the existing legislation of the children reveals the intriguing phenomenon that, in international conventions, the single English word “child” is denoted by a variety of various words which is also elucidated in *Chapter 3 (Definition of Street Children)*<sup>232</sup> and in addition to this, according to the section 4 of Bangladesh Children’s Act 2013, any person under the age of eighteen (18) years old shall be considered as a child.<sup>233</sup> So, when a child commits any offense, there raises a question whether they get any punishment in the eye of law or will be exempted from the punishment for committing the offense. According to section 82 and section 83 of the Penal Code 1860, there shall be no offense and shall not be arrested for any offense which is done by

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<sup>228</sup> Bangladesh Bureau of Statistics, Bangladesh Multiple Indicator Cluster Survey 2009 (2010).  
<sup>229</sup> *ibid.*

<sup>230</sup> *ibid.*

<sup>231</sup> See Chapters 4 and 5 of this book.

<sup>232</sup> See 3.2.1 of Chapter 3 of this book.

<sup>233</sup> The Children Act 2013, s 4.

a child below nine years old or above nine years old and under twelve of immature understanding.<sup>234</sup> It is also to be noted that The Children Act 2013 stipulates that a child who is above 12 years old but has not exceeded the age of eighteen, will be tried before the court according to Section 16 of the said Act.<sup>235</sup> A juvenile is defined as someone who has not reached the age of majority and is consequently accorded a special status which is different from an adult.<sup>236</sup> A juvenile offender is a child or young person who is alleged to have committed or who has been found to have committed an offense.<sup>237</sup> Every child under the age of 18 is referred to as a “Juvenile” under the Majority Act of 1875.<sup>238</sup> Juvenile offenders will be those aged 12 to 16 according to sections 82 and 83 of the Criminal Code and the Children Act.

### Number of children involvement in crimes

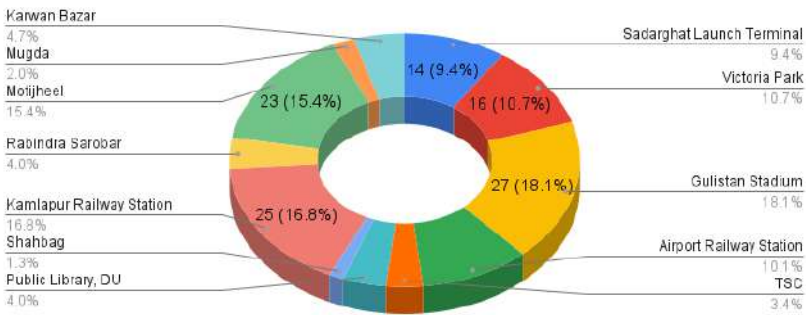


Figure 6.1 Number of children involvement in crimes (in DHAKA area out of 124 respondents)<sup>239</sup>

On the basis of the respondents from Dhaka area, out of 124 street children (primary respondents), about 18.1% of street children (primary respondents) have been found engaging themselves in different types of crimes in the Gulistan area as well as 16.8% in Kamalapur station whereas in minimal,

<sup>234</sup> Penal Code 1860, s 82 and 83.

<sup>235</sup> The Children Act 2013, s 16.

<sup>236</sup> United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”), adopted by General Assembly resolution 40/33 of 29 November 1985, page 02.

<sup>237</sup> United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”), adopted by General Assembly resolution 40/33 of 29 November 1985, page 02

<sup>238</sup> The Majority Act, 1875, s 4.

<sup>239</sup> Data Collected from field visit.

about 2% street children (primary respondents) have been found to be engaged in crime. Among the research areas of Rajshahi and Sylhet divisions, out of 166 street children, there is hardly seen any street children involved in crime. 150 out of 166 street children from Rajshahi and Sylhet divisions were engaged in different types of work such as begging, selling flowers or tea, working in hotels or shops for their livelihood and 16 out of 166 were rested on family's oars.

Juvenile crimes range in severity from minor infractions to grave offenses. Vandalism, the purchase and possession of cigarettes and alcohol by minors, harassment, and disorderly behavior are examples of very minor offenses.<sup>240</sup> On the other hand, grave offenses include theft, burglary, bullying-related assaults, marijuana possession, speeding, illegal driving, fraud, possession of stolen property or illegal weapon, child trafficking, pickpocketing, robbery homicide and sexual assault.

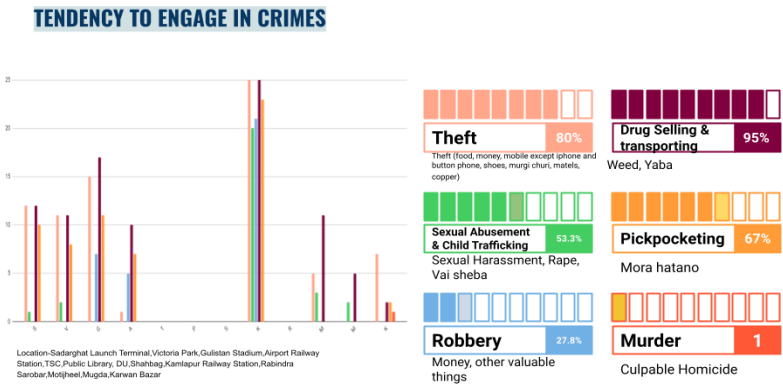


Figure 6.2 Tendency to engage in various crimes (in Dhaka area out of 124 respondents)<sup>241</sup>

<sup>240</sup> Among the respondents, about 116 of 290 (including three areas) respondents are involved in vandalism, 123 out of 290 involved in the purchase and possession of cigarettes and alcohol, 117 out of 290 are victims of harassment, and disorderly behavior by themselves.

<sup>241</sup> Data collected from the field visit.

### 6.2.1 Juvenile Justice for Street Children

Juvenile justice is generally perceived to include not only the care of kids who have violated the law but also the requirement to address the underlying causes of criminal behavior and put policies in place to stop it. According to Roy and Wong<sup>242</sup>, there are two main areas of research that fall within this general definition:

- (a) **Prevention** – Prevention in order to ensure that children do not come into conflict with the law in the first place and therefore do not come into contact with the formal criminal justice system.<sup>243</sup>
- (b) **Protection** – Protection of children who are already in conflict with the law from human right violations, focusing on their development in order to deter them from re-offending and to promote their rehabilitation and smooth their reintegration back into society.<sup>244</sup>

It is important to acknowledge straightaway that not all street children who enter into criminal justice systems are offenders but belong to one of three distinct groups instead<sup>245</sup>:

- (a) Street Children who in *actual* conflict with law:

Some street children do participate in criminal behavior that can range from minor infractions to major felonies. These homeless kids are violating the law. Their aptitude in crime can be observed psychologically or spiritually, some children have physical irritability, a soul that is fragile and incapable of withstanding external forces and a feeble spirit. There are also some children who were born with spiritual defects. Additionally, the term ‘kleptomania’<sup>246</sup> refers to individuals who, due to their extreme urge, see what they desire and steal it.<sup>247</sup> This is their favorite type of nature of stealing even if he does not

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<sup>242</sup> N. Roy and M. Wong, “Juvenile Justice, Review and Training Documents” (Save the Children UK, 2002-3).

<sup>243</sup> *ibid.*

<sup>244</sup> *ibid.*

<sup>245</sup> Marie L., *Wernham, An Outside Chance: Street Children and Juvenile Justice - An International Perspective* (2004).

<sup>246</sup> Supriyanti, O., Tarigan, E. A., Mudiyantri, R., & Wahyuni, R. T. (2020). *Crime and Street Children (Study on Emas Indonesia Foundation)*. *Law Research Review Quarterly*, 6(4), 399-420.

<sup>247</sup> *ibid.*

require it. These individuals are driven by an insatiable desire for material possessions, disregarding any moral or ethical boundaries.

In this research study, 157 out of 290 (including three divisions) primary respondents are found in *actual* conflict with law.

### **“I MURDERED MY FRIEND”**

In the hustle and bustle of Gulistan stadium, Kishan (*pseudonym*), a street child of 12 years old with a turbulent past, found himself caught in a tragic tale of a short moment that changed everything in his life. His shifting from Airport Railway Station to Gulistan Stadium took a dark turn when he and his friend named Milon (*pseudonym*) jumped into a heated dispute over stolen money. Fueled by desperation and simmering anger, Kishan’s emotions reached a breaking point near the rail line. The argument, derived from the struggle for survival, tragically got out of hand. A forceful push, intended to reclaim what was taken, resulted in an unintended consequence—his friend’s life slipping away as he fell on the line. Kishan stood frozen, his heart pounding in his chest as he realized the irreversible consequences of his actions. The weight of guilt settled heavily upon him, intertwining with the already overwhelming emotions, leaving him shattered and forever haunted by the tragic outcome.

#### (b) Street Children who in perceived conflict with law:

Street children fall under this category are those who commit such behaviors that are formally illegal under the national law but are demanded to be decriminalized under progressive interpretation of human rights law. For instance, street children are punished for ‘status offenses’<sup>248</sup> for instance begging<sup>249</sup>, vagrancy<sup>250</sup>. Street children in this category are actually the victims of legislation. In this research study, 163 out of 290 primary respondents are found in *perceived* conflict with law.

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<sup>248</sup> David J. Steinhar, ‘Status Offenses’ (1996) 6:3 The Future of Children 86.

<sup>249</sup> The Children Act, 2013 s 2(16); The Penal code, 1860, sec 83.

<sup>250</sup> The Vagrants and Shelterless Persons (Rehabilitation) Act, 2011, s 2(14).

(c) Street Children who are in contact with the law:

Not all street children engage in criminal activity. It is important to understand that criminal behavior is not solely determined by one's inherent character, but can also be influenced by external factors such as poverty, lack of opportunities or circumstantial pressure. Many of them may have become victims of or witnesses to offenses under the law.<sup>251</sup> This includes situations where they are subjected to exploitation, violence, or other criminal acts, making them involuntarily employed in illicit activities.

However, a significant concern arises when street children, whether innocent victims or not, run the risk of being arbitrarily and unlawfully detained or arrested. This occurs based on biased assumptions that they are involved in criminal behavior solely due to their living conditions. This unfair association can lead to the victimization of these children, perpetuating an unjust cycle of legal entanglements.

It is crucial to highlight that these young individuals i.e street children, who are already vulnerable, may become victims once again when unlawfully detained. They are subjected to a breach of their rights, facing detention without proper legal procedures. Such actions not only compromise the well-being of these children but also undermine the principles of justice and fairness.

### **6.3 Situation of Delinquency among the Street Children**

From the field visit, it has been observed that street children engage themselves in an enormous number of transgressions. These offenses range from petty theft and begging to vandalism and drug abuse (drug selling). Additionally, it has also been observed that some of them are involved in gang activities and sexual activities. Street children's higher participation in crime is derived from such factors such as socio-economic or socio-cultural factors etc. From the field visit, theft has been found in all of the research areas, but the techniques of operation of stealing vary. They stole all kinds of things

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<sup>251</sup> The Children Act, 2013, s 2(4).

such as money, food, shoes, and so on.<sup>252</sup> The most unusual kind of stealing in that area is called “*Murgi churi*” which refers to stealing chickens at night.<sup>253</sup> When a truck full of chickens gets unloaded, they generally cut the rope through the blade and take the chickens. In addition, they steal mobile phones other than iPhones due to the iPhone’s security feature. Some of them also steal copper and metal and sell them at *Bhangari Shop*.<sup>254</sup> Along with taking drugs, selling and transporting drugs are the other most common types of juvenile crime. They frequently transport *cannabis* and *yaba*. One of the main reasons to sell drugs is because it’s a good way to make more money and live a better life. Abuse, neglect, and exploitation are everyday realities for street children. The majority of street girls experience multiple rape attempts and sexual abuse. Several of them became pregnant multiple times. Not only street girls but also street boys are sexually abused by older street children. They used a term *vaisheba*, which signifies receiving sexual pleasure from younger street boys.<sup>255</sup> *Mora Hatano* (pickpocketing) is the most unique type of street crime. Those who sleep on the street or in a train station at night are pickpocketed by these kids at that time.

### **The Trauma of Child Rape in the name of *Vaisheba***

This is Arif (*pseudonym*), an eleven-year-old boy. I came to Dhaka from Thakurgaon having so many dreams as vibrant as flowers, but a few months later I found myself entangled in the shadows of a nightmarish secret. I used to live with other boys in the Gulistan area, and faced a distressing situation one dark night. In our boys-only living space, the air was thick with an unspoken code of companionship. But the tranquility shattered when a *boro bhai*, an older peer, woke me up nearly at midnight. Subsequently, he coerced me into engaging in unethical behavior, using intimidation tactics, including holding a knife to my throat. This terrifying experience occurred multiple times to me. A bond of shared fear and vulnerability grew when I confided in only my closest companion. However, many others had faced similar situations, yet none spoke out, possibly influenced by the absence of girls in their living space.

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<sup>252</sup> The information is collected from FGD interviewed on 28th November 2022 in the Gulistan area, Dhaka.

<sup>253</sup> *ibid*.

<sup>254</sup> This information is collected from the field visits of Karwan Bazaar, Kamalapur Railway Station, and Airport Railway Station areas.

<sup>255</sup> The term has been used by the respondents in the Gulistan area.

Street children are also both voluntarily and forcefully employed in gang and drug related activities.<sup>256</sup> These children conducted their activities as a part of territory-based group with strong bonding among them. One of these children showed his tiktok account, which had videos of him and his group beating up other children.

#### **6.4 Contributing Factors Behind Juvenile Delinquency for Street Children**

The root causes of juvenile delinquency are complex and multifaceted, including factors such as poverty, family dysfunction, substance abuse, mental health problems and exposure to violence. Furthermore, lack of education e.g., moral and ethical, and societal neglectful outlooks are also contributing to the rise in juvenile delinquency. Besides, the lack of access to basic needs such as food, shelter and healthcare can also lead to juvenile delinquency as children may turn to illegal activities in order to survive. Delinquency is explained at the macro-social level by societal traits like social class, social cohesion, and neighborhood social disorganization.<sup>257</sup>

There are many reasons for the higher participation of the street children in crime. Some of these reasons include poverty, lack of education, and exposure to violence and substance abuse. Additionally, many street children lack stable family structures and social support systems, which can contribute to their involvement in criminal activities. For these reasons, they are often at a higher risk of experiencing physical and emotional abuse, as well as being exposed to drugs and other harmful substances. Their involvement in crime may also increase due to the lack of opportunities and support systems, leading to a cycle of poverty and criminal behavior. From the field visit in Dhaka,<sup>258</sup> most of the street children are embroiled in all kinds of criminal activities.

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<sup>256</sup> Data collected from research area of Rajshahi.

<sup>257</sup> Kabita Sahmey, 'A Study on Factors Underlying Juvenile Delinquency and Positive Youth Development Program' (2013).

<sup>258</sup> See Figure 6.2 Tendency to engage in various crimes (in Dhaka).

### 6.4.1 Socio-economic Factor

According to Martin (2005)<sup>259</sup>, compared to middle class and upper-class people, poor and lower class people have a higher likelihood of producing delinquents. This group of juvenile delinquents often come from broken families and have limited access to education and job opportunities, which can lead to a cycle of poverty and crime. The connections between poverty and crime are well-known<sup>260</sup>, as are the ways that poverty can impede access to services like education and justice as well as how it can constrict one's options and opportunities in life<sup>261</sup>. It is crucial to emphasize that not all poor children end up on the streets. Instead, poverty must be viewed in the larger context of a child's supportive or unsupportive relationships in order to be understood as a driving force behind crimes by street children.

#### **Tragedy and Exploitation - The Ordeal of Rajon in Gulistan Market**

My name is Rajon (*pseudonym*), 14 years old, residing in Kamlapur Railway Station, navigating the challenging reality of being an orphan due to the accidental demise of both my parents. Following this tragedy, I took a train from Mymensingh to Kamlapur. Faced with the absence of alternative means for survival, I started begging for sustenance. On a day when hunger consumes me, I appeal for food, and a man approaches, enticing me to a secluded part of Gulistan Market with the promise of meals. Struggling with intense hunger and lacking energy, I found myself coerced into engaging in illicit sexual activities, with no ability to resist. Since that unfortunate encounter, the man and some fellow individuals occasionally involve themselves in misbehavior with me, swayed by the prospect of securing food.

There have also been cases where adults with access to more money than the kids bribed officials to prosecute street children with false charges or to impose harsher penalties. Even in terms of maintaining contact with their children over the phone and paying for travel expenses to see them or to

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<sup>259</sup> Paul Mugerwa, 'Challenges of Rehabilitating Juvenile Delinquents in Uganda: A Case Study of Kampiringisa National Rehabilitation Center and Naguru Remand Home' (2010).

<sup>260</sup> Prof. Dr. Veeraraghavan, V., "Juvenile Violence, in Butterflies, My Name is Today, Vol. X, No. 2, Special Issue: Children in Conflict with the Law" 8 (2003).

<sup>261</sup> Centre for Youth and Children Affairs (CEYCA), "A Survey Study Report on the Juvenile Offenders in Malawi Prisons and Approved Reform Centres" 10 (Malawi, January 1999).

attend court proceedings. Poor families are less likely to have the financial means to step in on their behalf, let alone paying bail and bribes.

#### 6.4.2 Socio-cultural Factors

Cultural factors play detrimental role in shaping the behavior of street children, including their involvement in delinquent activities. The research finds that the street children in Victoria Park, Gulistan, Karwan Bazar and Sadar Ghat grew up in a culture of crime. Several respondents from Karwan Bazar shared that the area is one of the major drug selling hubs in Dhaka. Most of the *boro bhai* (Adult Group Leader) of the street children of that area are affiliated in drug trafficking and selling. Engaging in drug abuse and selling has become a part of their life and society. This cultural acceptance of criminal activities has normalized delinquent behavior among street children, leading to their active involvement in drug abuse and selling. The lack of positive role models and limited access to education further exacerbate the issue, perpetuating a cycle of crime and poverty in these areas. The hierarchical structure perpetuates a cycle of crime, jeopardizing the well-being of these marginalized individuals. The involvement of street children in drug selling and drug dealing is not only a consequence of their dire circumstances but also a result of the hierarchical structure within these communities. Among the secondary respondents, 23 adults have told about the influence of older individuals in a gang who exploit and manipulate street children into drug selling. These gang leaders take advantage of the vulnerability and desperation of these children, further entrenching them in a life of crime and perpetuating the cycle of poverty. Older street children then learn to exploit younger ones, forcing them into drug selling as a means of survival. This exploitative system further perpetuates the cycle of crime and poses a significant threat to the well-being and future prospects of these marginalized individuals.

#### 6.4.3 Dysfunctional Family:

The term ‘dysfunctional family’ is often used to describe the environment in which these juveniles grow up, where they may experience neglect, abuse or other forms of mistreatment from their broken or dysfunctional families. These issues prevent children from reaching their full potential mentally, which makes their behavior deviant. This type of families can have a

significant impact on the behavior and the choices of their young members, leading to a higher likelihood of engaging in such activities. When their parents do not properly guide them, children between the ages of 8 and 14 turn to commit crime.

### **From Begging to Drug Trafficking**

Yasin, a 16-year-old, ended up on the streets of Gulistan due to his parents' divorce. Despite his efforts, finding employment was a challenge. Struggling with hunger, he resorted to begging in Gulistan Park. One day, a woman who sold flowers noticed him and offered a meal. Afterward, she suggested that if he followed her instructions, he could eat well. She handed him a package, asking him to deliver it to a specific location. He had no idea what was inside the packet until one day, when he realized it was cannabis. Since then, he has been tasked with delivering it and is paid 1000 tk per day by the woman. With newfound freedom, he questions why he should continue begging or working. Occasionally, the police apprehend him, but the woman or her associates intervene to secure his release.

#### 6.4.4 Migration:

Migration from one place to another can also contribute to their involvement in criminal activities as they may lack a stable support system and may turn to illegal means to survive. This migration can further exacerbate the situation as they become disconnected from their support system they had in the previous location, leaving them more vulnerable to resorting to crime.<sup>262</sup> Street children's transient existence can aid in the prostitution and drug trafficking. They are forced into a constrained and blocked situation to navigate the current legal system, where they eventually find their comfort zone that fits with their own surroundings and cultures.

#### 6.4.5 Urbanization:

Compared to Dhaka and Rajshahi, the juvenile delinquency rate in Sylhet is relatively lower, according to the field data. In the Sylhet Division, data is collected primarily from Sremangal and the Sylhet city corporation area.

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<sup>262</sup> About 164/180 street children have migrated from one place to another. Among them, 132/180 respondents involve themselves in criminal offenses in order to survive.

Again, compared to Sylhet, Srimangal has a relatively low crime rate. This is primarily because Sremangal is less industrialized than Sylhet. The phenomenon of urbanization has given rise to the proliferation of slums and informal settlements, wherein families endure impoverished living conditions, struggling to meet fundamental needs like food, clothing, and shelter. The economic hardships drive children to work on the streets, exposing them to the risks of exploitation and abuse.

Besides in urban areas, particularly within slums and informal settlements, a significant number of children lack access to quality education. This educational deficit renders them susceptible to exploitation and abuse, often culminating in their presence on the streets.

#### 6.4.6 Media Influence:

Media can influence the behavior of young people and shape their perception of what is acceptable or not, especially for the street children who have the failings of getting proper guidance from their parents or access to education (e.g., moral and ethical values). Nowadays, these street children are getting smarter and more mature than non street children, they are few steps ahead in this field. They tend to snatch electronic devices such as mobiles, laptops, parts of devices etc, for the purpose of their use or for selling, they learn all the functions by themselves.

Three ways exist for the media to influence a street child's involvement in violence. According to the respondents, watching violent movies excites them, and the resulting aggressive energy can then be carried over into daily life and encourage a child to engage in physical activity on the street. This kind of influence is transient and lasts anywhere from a few hours to a few days. However, prolonged exposure to violent action movies can lead to desensitization, making it difficult for children to distinguish between fantasy and reality, and causing them to become more accepting of violence as a means of problem-solving. Second, regular daily violence committed by parents or peers may be depicted on television. Consequently, children get exposed constantly to the use of violence in various contexts, and it seems like there are more violent acts on television than ever. Third, violence portrayed in the media is unrealistic and surrealistic; wounds bleed less, and the actual suffering brought on by violent acts is hardly ever shown. Therefore, the

effects of violent behavior frequently seem insignificant.<sup>263</sup> However, the long-term effects of violence can be devastating, both for the victim and the perpetrator. Studies have shown that individuals who engage in violent behavior are more likely to experience mental health issues and have difficulty forming healthy relationships.

## **6.5 Legal Frameworks of Juvenile Justice for Street Children in Bangladesh**

States parties are required, upon ratification of the UNCRC and its Optional Protocols, to bring their domestic legislation into compliance with the principles and standards established by the UNCRC and the Protocols.<sup>264</sup> Bangladesh has not signed and ratified Optional Protocol 3 (Complaint mechanism) of the UNCRC as of today. As far as legislative reforms are concerned, Bangladesh has played a significant function; nevertheless, the enforcement of the laws is still limited due to an ineffective governance system, which eventually results in the violation of children's rights.

### 6.5.1 The Constitution of Bangladesh, 1972

The Constitution of the People's Republic of Bangladesh mandates that the government can make special rules for women and children.<sup>265</sup> Moreover, Article 15 states the essential obligation of the state to protect the entitlement to social security. The fundamental rights of safeguard against arbitrary detention, the right to life, equal legal protection, and a quick and equitable trial for both adults and children are also guaranteed.<sup>266</sup>

### 6.5.2 The Children Act, 2013

The Children Act of 2013 is the primary domestic law pertaining to children,

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<sup>263</sup>Department of Economic and Social Affairs, 'World Youth Report (2003): Chapter 7 Juvenile Delinquency' <<https://www.un.org/esa/socdev/unyin/documents/ch07.pdf>> accessed 22 September 2023.

<sup>264</sup>Educo, 'Child Rights Situation Analysis (CRSA) in Bangladesh' (2016) <[https://educowebmedia.blob.core.windows.net/educowebmedia/educospain/media/documentos/Paises/Child-Rights-Situation\\_Bangladesh\\_2016.pdf](https://educowebmedia.blob.core.windows.net/educowebmedia/educospain/media/documentos/Paises/Child-Rights-Situation_Bangladesh_2016.pdf)> accessed 20 September 2023..

<sup>265</sup> The Constitution of the People's Republic of Bangladesh, Article 28.

<sup>266</sup> *ibid*, Article 31, 32 & 35(3).

yet it says nothing explicitly regarding street children. As stated previously, the new act is harmonized with the United Nations Convention on the Rights of the Child, and the act identifies a person who is aged 18 or younger as a child.<sup>267</sup> The act emphasizes the significance of diversion i.e. alternative procedure and care in the juvenile justice system for children in conflict with the law. There is specific mention for distinct Juvenile Courts. In addition, it includes provisions for Child Help Desks in police stations and a professional child-friendly officer. It is a terrific move to prohibit the arrest of children younger than nine. Similarly, law enforcement officers are barred from using handcuffs and waist rope when arresting a minor over the age of nine. The act mandates specifically the submission of a charge sheet against a child. After all, this act protects people who have been wrongly accused of a small crime, especially street children.

### 6.5.3 The Code of Criminal Procedure (CrPC), 1898

The Code of Criminal Procedure (CrPC), 1898, says that juvenile offenders in Bangladesh must go through a separate trial system. Section 392 says that a juvenile offender under the age of sixteen can be whipped as a punishment, but that the punishment can't be more than thirty strips. If a person under the age of fifteen is given a prison sentence, the court may decide to put them in a reformatory center instead of sending them to jail.<sup>268</sup> A minor accused of a non bailable offense may be discharged on bail, unless the allegation against him is punishable by death or life imprisonment.<sup>269</sup>

### 6.5.4 The Vagrants and Shelterless Persons (Rehabilitation) Act, 2011<sup>270</sup>

This law authorizes police and judicial personnel to apprehend suspicious vagabonds and keep them for a maximum of two years in rehabilitation institutions, and any attempt to flee from such institutions is punishable by a maximum of three months in prison. It gives the power to pick up any wanderer at any time without a reason.

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<sup>267</sup> Briefly discussed in Chapter 3 of this book.

<sup>268</sup> The Code of Criminal Procedure, 1898, s 399.

<sup>269</sup> *ibid*, s 497(1).

<sup>270</sup> See chapter 5 for details.

## 6.6 Scrutinizing Existing Legal Mechanisms

The age of criminal responsibility is one of the most significant criteria in determining whether a minor is a juvenile offender.<sup>271</sup> It is quite unfortunate that there is no explicit mechanism in the Children Act, 2013 or any other law for determining the age of impoverished children, such as street children, destitute and orphan children who do not attend school, and those who lack a birth certificate. It is almost hard to figure out how old these children are. As a result, most of the time these street children are caught by local police, and it is frequently stated that they are imprisoned with adults because their age is unknown. Adult criminals often torture and harass these minors, which teaches them a bad lesson. Despite the fact that the law stipulates that individuals under the age of 18 will be treated as juveniles and will be subject to alternative procedures and care systems, in the implementation the children are victims of abuse in most cases due to not having a birth certificate or not being able to determine their age. Besides, absence of a distinct prison for juvenile offenders, a flawed reporting system, the absence of a comprehensive monitoring and management, police department corruption, and the absence of a juvenile aid desk in police stations have intensified the suffering in the juvenile justice system. Because of this, juvenile offenders do not get care, and their chances of changing are not getting better.

From field visit, it is found that accommodation and food facilities in the child development centers<sup>272</sup> are not up to the mark. In addition, there is a paucity of healthcare and recreational facilities. The lack of minimum standards of basic materials for living makes Vagabond Rehabilitation Centres appear just as uninhabitable as child development centers. The brutality of torture is much worse than that of Child Development Centres. Between 100 and 120 individuals reside in a common room. The accommodation was filthy and they did not receive enough food. The sanitation facilities were likewise inadequate. They are frequently beaten by authority for no apparent cause. At whatever cost, they desired to leave the place.

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<sup>271</sup> L. Steinberg, Should the science of adolescent brain development inform public policy? *American Psychologist*, 64(8), 739-750 (2009).

<sup>272</sup> Child Development Centers are facilities designed to provide comprehensive care, support, and development opportunities for children.

### **Lost In the System: A Traumatic Journey with Neglect and Abuse**

Jibon (*pseudonym*), a 15-year-old in Gulistan, faced food shortages during the pandemic. The police promised to provide food, but it turned into deception. After queuing up, they were lured and taken in a van. Along with three friends, they endured three days in a detention center where an elderly man tragically died due to insufficient food. Later, they were transported to Thikana, a temporary shelter home, with specific release conditions. If the parents want to come and take someone out within a month in the shelter home, he is given with the parents. But if someone other than the parents wants to take him, then he is not allowed to go with him without showing the birth certificate. As his mother was not alive, father was also not in touch so he was not exempted even if someone else, the known one of him Mati Bhai from Pother Ishkul wanted to get him out as the man was unable to show his birth registration certificate. After a month, he was moved to Shishu Kishore Kendra, where anyone who misbehaves or commits any misdemeanor is punished with pepper powder through eye drops. Since he was very irritable and did not want to eat properly, he was also given pepper powder several times in his eyes. After enduring torture for about a year and a half, he managed to escape. Since then, he and his friends avoid going with the police for assistance or food.

### **6.7 Conclusion**

Street children are a growing concern that requires urgent attention.<sup>273</sup> It is not enough to simply address the symptoms of the problem, such as providing shelter and food. Instead, we must tackle the root causes of why children end up on the streets in the first place. The vulnerability of street children is exacerbated by their living conditions, increasing the likelihood of their exposure to criminal activities, even if they have not committed any crimes themselves. The analysis of existing mechanisms raises questions about their effectiveness in addressing the multifaceted challenges faced by these vulnerable children. In essence, a holistic and collaborative approach is imperative. By enacting legal reforms, providing robust social support, and fostering community engagement, we can strive toward a society where such unsung voices, regardless of their circumstances, are shielded from the perils of street life and the trap of juvenile delinquency.<sup>274</sup>

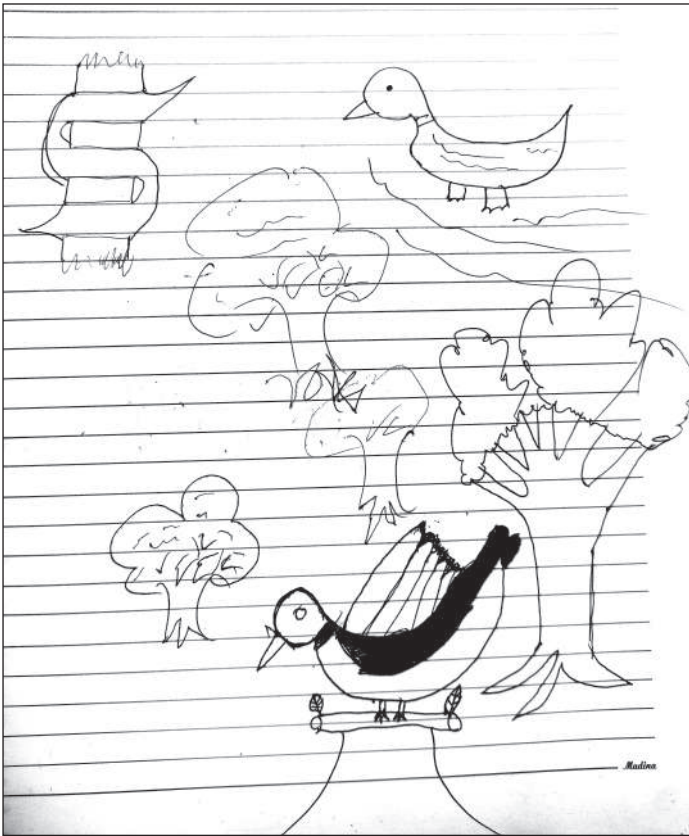
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<sup>274</sup> J. M. Reyneke and Roelof Petrus Reyneke, 'Process and best practices at the Mangaung One-Stop Child Justice Centre.' (2011) 24 SACJ 137-163.

## Chapter 7

### Right to Recreation

Noshin Nawal  
Mohammad Abul Hasanat  
Rabeya Dewan



This picture is drawn by Hossain, a Street child, who was living at Kamalapur Railway Station during the field visit.

*“The right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.”<sup>275</sup>*

**-Article 31, UNCRC**

## **7.1 Introduction**

The right to recreation is a fundamental right for all children. For street children, the right to recreation is especially important, as they often face significant challenges and obstacles in accessing safe and healthy recreational activities. Street children may not have access to safe spaces to play or participate in recreational activities, or they may face discrimination or harassment while trying to access these spaces. Additionally, many street children are forced to work to survive, leaving little time or energy for leisure activities. Providing street children with access to recreational activities not only fulfills their right to leisure but can also have significant positive impacts on their well-being and development. Recreation can help street children to develop social skills, build self-esteem, and cope with stress and trauma. It can also provide a sense of belonging and community, which can help to reduce the isolation and marginalization that street children often face.

## **7.2 The Concept of Recreation**

The definition of “Recreation” as provided by Cambridge Dictionary is that recreation is (a way of) enjoying oneself when he is not working,<sup>276</sup> while according to the Merriam-Webster Dictionary, recreation is a means of refreshment or diversion.<sup>277</sup> One legal definition provided by North Carolina General Statutes Chapter 160A in its Article 18 is that, “Recreation means activities that are diversionary in character and aid in promoting entertainment, pleasure, relaxation, instruction, and other physical, mental, and cultural development and leisure time experiences”.<sup>278</sup>

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<sup>275</sup> UN Convention on the Rights of the Child (adopted 20 November 1989 UNGA Res 44/25) Article 31.

<sup>276</sup> Cambridge Dictionary Website,

<<https://dictionary.cambridge.org/dictionary/english/recreation>> accessed 16 February 2023.

<sup>277</sup> Merriam-Webster Dictionary Website,

<<https://www.merriamwebster.com/dictionary/recreation>> accessed 16 February 2023.

<sup>278</sup> North Carolina General Statutes Chapter 160A, <<https://codes.findlaw.com/nc/chapter-160a-cities-and-towns/>> accessed 16 February 2023.

To put it in simple words, recreation means anything and everything someone does for fun. If a person does an act to relax or to just amuse himself, it is recreation.<sup>279</sup> Hence, recreation refers to all the voluntary activities people choose to do in order to refresh their bodies and minds or to make their leisure time more interesting and enjoyable.<sup>280</sup> Some common examples of recreational activities are walking, swimming, meditation, reading, playing games, singing, dancing etc. Any kind of sport is regarded as a good and enjoyable recreational activity. These activities are done not just for enjoyment but also for improvement of general health, well-being and the development of skills of an individual.<sup>281</sup>

### 7.2.1 Types of Recreational Activities

Recreation or recreational activities can be of various types and there is no formally recognized or accepted category. The most common and known recreational activities are of two types: indoor recreational activities, and outdoor recreational activities.<sup>282</sup>

**a) *Indoor recreational activities:*** This includes the activities and games that are done or played at home or in a similar indoor setting. There are many different types of these activities such as board games, cards, puzzles, indoor sports (e.g. table tennis, carom, chess etc.), knitting, crocheting, reading, watching movies and many more. Again, there are activities that are more vigorous or require more physical involvement like exercise or yoga. Arts and crafts are an excellent way of passing time and can help in expressing oneself. These have many health benefits as well like improved memory, heightened senses, hand-eye coordination etc.<sup>283</sup>

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<sup>279</sup> Vocabulary.com, Online Dictionary, <<https://www.vocabulary.com/dictionary/recreation>> accessed 16 February 2023.

<sup>280</sup> Recreation, leisure and sports, NCBI Online Bookshelf, <<https://www.ncbi.nlm.nih.gov/books/NBK310922/>> accessed 16 February 2023.

<sup>281</sup> Law Insider Dictionary, <<https://www.lawinsider.com/dictionary/recreation>> accessed 16 February 2023.

<sup>282</sup> Types of Recreational Activities, Ingilizce Sinavlar Essays, <<https://www.ingilizcesinavlar.com/recreational-activities/>> accessed 16 February 2023.

<sup>283</sup> John Dockendorf Blog posts, <<https://johnrdockendorf.com/4-types-of-recreational-activities/>> accessed on 16 February 2023.

**b) Outdoor recreational activities:** These activities take place in natural outdoor settings and vary in form or physical setting. To name some of these activities would include walking or jogging, running, cycling, hiking, camping, mountaineering, kayaking, rock climbing, sailing, skiing, skydiving, surfing, outdoor exercises, outdoor sports e.g. football, cricket, hockey etc. Even just watching the sunrise or sunset can be a great outdoor activity. These activities have many physical and mental benefits.

Apart from these, there may also be social recreational activities involving some sort of social interactions, and sporting recreational activities<sup>284</sup> whether indoor or outdoor.

### **7.3 Why Should Recreation be a Right?**

Article 15(c) of the Constitution of Bangladesh recognizes the right to reasonable rest, recreation, and leisure. Nonetheless, recreation as a right is far from being recognized and established. It is an article that survived any amendment. The very existence of the Article shows that the framers of the Constitution along with Father of the Nation Bangabandhu Sheikh Mujibur Rahman put emphasis on the inclusion of the right to recreation. Such inclusion is quite significant, considering the fact that UNCRC was not adopted till 1989, while Bangladesh did it in 1972.

Three words, i.e., recreation, leisure and play, are used interchangeably in legal documents.<sup>285</sup> However, they are different. Leisure is the wider term. The Oxford Dictionary defines it as ‘the time when you are not working or doing other duties’ and ‘the time when you are free from work and other duties and can relax’. The same dictionary defines ‘recreation’ as ‘a way of enjoying yourself when you are not working’.<sup>286</sup> The word ‘play’ seems to be appropriate. This is the term which is generally used to describe children’s recreational activities. During the research, it was found that in a number of literatures, ‘recreation’ and ‘play’ are used interchangeably, which is also followed in this work.

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<sup>284</sup> *ibid.*

<sup>285</sup> For example, UDHR used the term ‘leisure’ in Article 24 and ICCPR also used the same term in Article 7, while UNCRC specifically used the term ‘recreation’.

<sup>286</sup> The Oxford Dictionary also defines it as ‘the act of making something exist or happen again’.

One of the main motivations for engaging in recreational activities is to socialize with others, which has a significant positive impact on general well-being.<sup>287</sup> People discover their identities as both individuals and members of a group through recreation. They pick up on the reciprocity of relationships, acceptable demeanor and etiquette, and how to build and maintain friendships. People also learn what gives their lives significance, passion, and joy. People can experience new things, live more completely, and adopt healthy lifestyles through recreation.

Recreation for children's development has been recognized as a right in the UNCRC. Article 31 of the UNCRC recognizes "the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts."<sup>288</sup> The UNCRC emphasizes that recreation is not just a form of entertainment but a vital aspect of a child's physical, social, emotional, and cognitive development. Play and recreation help children to develop their imagination, creativity, problem-solving skills, social skills, and physical abilities. Play and recreation should serve the same purposes as education to "promote the child's general culture and to enable him to develop his abilities, individual judgment and his sense of moral and social responsibility, and to become a useful member of society. Moreover, the right to recreation is closely linked to other rights, such as the right to education, health, and an adequate standard of living. Without access to recreation, children's development and well-being will be compromised. Recreation is even more important for the street children, including those who are in the process of rehabilitation in different rehab or child development centers. Bangladesh Bureau of Statistics conducted a survey in April 2022 among 7200 street children. 72% of them

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<sup>287</sup> Ann Hoffer, 'Using Recreation to Support the Social Well-Being of Children and Youth', <<https://publications.ici.umn.edu/impact/24-1/using-recreation-to-support-the-social-well-being-of-children-and-youth#:~:text=Recreation%20is%20important%20for%20all,requires%20intentional%20instruction%20and%20support.>> accessed 16 February 2023.

<sup>288</sup> Summary of United Nations General Comment No. 17 on UNCRC article 31, <[http://ipaworld.org/wp-content/uploads/2013/11/IPA-Summary-of-UN-GC-article-31\\_FINAL1.pdf](http://ipaworld.org/wp-content/uploads/2013/11/IPA-Summary-of-UN-GC-article-31_FINAL1.pdf)> accessed 16 February 2023.

did not wish to go to rehab centers.<sup>289</sup> The major reason for such reluctance was found to be the absence of enough freedom, disliking following rules and regulations, not having the child's needs met, and no freedom to move freely with friends.<sup>290</sup> However, these reasons can be solved by recreation and sports. Recreational activities and different sports will allow these children some freedom within the institutional arrangement and make friends among themselves and spend quality time with them. They will learn to be independent and disciplined through the rules and regulations of the sports and will not find it too difficult to follow the institution's rules. Moreover, a child's physical and psychological needs will be met and will help in their overall development. Hence, it is high time recreation was given the due significance and established as a right.

#### **7.4 Importance of Recreational Activities for Street Children**

Street children in Bangladesh face a myriad of challenges that threaten their physical, mental, and emotional well-being. Poverty, lack of access to basic needs, limited educational opportunities, trauma, and social discrimination are just some of the obstacles they have to overcome. In such circumstances, recreational activities can offer a beacon of hope for these children, providing them with a chance to experience joy, develop skills, and aspire to a better future. All ages benefit from recreation but children's formative years are when it matters most. To assist their social-emotional development into healthy adulthood, socialization opportunities through recreation are required.<sup>291</sup> Like any other life skill, recreation needs deliberate education and encouragement. Recreational activities provide a safe and engaging environment for children to learn new skills, develop their physical and emotional health, and build social connections<sup>292</sup>.

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<sup>289</sup> The Financial Express, 'Making a Space for Street Children' (12 April 2023) <<https://thefinancialexpress.com.bd/editorial/making-a-space-for-street-children>> accessed 12 April 2023.

<sup>290</sup> *ibid.*

<sup>291</sup> Summary of United Nations General Comment No. 17 on UNCRC article 31, <<https://digitallibrary.un.org/record/778539?ln=en>> accessed 16 November 2023.

<sup>292</sup> Sheikh Farid and Mamata Mostari, 'Lives and Livelihoods of Children Living in Street Situation in Dhaka City of Bangladesh', Research Publications Journal, Volume: 11, Issue: 1, March - April, 2015.

One of the crucial aspects of the SDG 3<sup>293</sup> is mental healthcare as it clearly states the promotion of mental health and wellbeing as a target<sup>294</sup>. There is an important nexus between mental health and recreational activities. Making time for recreation is an important part of boosting an individual's positive well-being as it improves both physical and mental health.<sup>295</sup> Recreational activities bring enjoyment, amusement and pleasure to our daily life, and have further benefits including elevating mood, enhancing memory, and improving problem solving skills.<sup>296</sup> Hence, the importance of recreational activities for children is beyond description. Another most significant benefit of recreational activities for street children is the potential to keep them away from drug abuse. Street children are often exposed to drug use and drug trafficking, which can have devastating consequences for their health and safety. By engaging in positive and structured recreational activities, such as sports, games, and creative arts, these children can find an alternative outlet for their energy and emotions, which reduces the likelihood of turning to drugs.

Recreational activities also offer street children hope and an opportunity to become 'someone' in their lives. Football legend Diego Maradona was once a street child himself <sup>297</sup> Football greats like Pele and Neymar played street football in their childhood. Through their love of sports and determination to succeed, they were able to overcome their difficult circumstances and become role models for millions of people around the world. These success stories show that street children can achieve their dreams and reach their full potential if they are given the right support and opportunities. Moreover, recreational activities can provide street children with a range of other benefits. They promote physical health by encouraging exercise, improving

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<sup>293</sup> SDG Goal 3: Ensure healthy lives and promote well-being for all at all ages.

<sup>294</sup> SDG Goal 3, Target 3.4 By 2030, reduce by one third premature mortality from non-communicable diseases through prevention and treatment and promote mental health and well-being.

<sup>295</sup> Recreation For Mental Health August 1, 2022,

<<https://restorehlc.com/recreation-for-mental-health/#:~:text=Aside%20from%20enjoyment%2C%20amusement%2C%20and,Improves%20quality%20of%20sleep>> accessed 16 November 2023.

<sup>296</sup> *ibid.*

<sup>297</sup> Charlie Carmichael, 'Diego Maradona: Child of the streets, Son of Naples, God of Argentina', Givemesport, PUBLISHED NOV 26, 2020.

motor skills, and preventing obesity. They also enhance cognitive development by promoting problem-solving, critical thinking, and creativity. By participating in recreational activities, street children can also build social connections, make friends, and develop a sense of community. This is especially important for children who may feel isolated or marginalized in their daily lives. Recreational activities can also promote emotional well-being by helping street children develop self-confidence, resilience, and emotional regulation skills. These activities provide an outlet for self-expression and help children cope with stress and trauma. By fostering positive emotions and behaviors, recreational activities can reduce the risk of depression, anxiety, and other mental health problems that are prevalent among street children.

The World Cup for street children is a shining example of how recreational activities can transform the lives of street children. This international event brings together teams of street children from around the world to compete in a tournament that celebrates their talents and achievements. The World Cup offers a platform for these children to showcase their skills and inspire others to pursue their dreams. It also raises awareness of the challenges faced by street children and the importance of supporting their well-being.<sup>298</sup>

Recreational activities are essential for the growth and development of street children in Bangladesh. By offering these children a chance to experience joy, develop skills, and aspire to a better future, recreational activities can help keep them away from drug abuse, promote physical and cognitive development, build social connections, foster emotional well-being, and inspire them to achieve their dreams. By investing in recreational activities for street children, we can create a brighter and more equitable future for all.

#### 7.4.1 Significance of Recreation as a Right for Children

One of the four core principles of the UNCRC is devotion to the best interests of the child.<sup>299</sup> Article 31 is an important provision of the UNCRC that is devoted to such best interest and ensures the right of the children to engage in play and recreational activities that are appropriate to their age. This provision

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<sup>298</sup> Street Child United <<https://streetchildunited.org/football-worldcup>> accessed 13 April 2023

<sup>299</sup> Children & Young People's Commissioner Scotland Website, UNCRC Simplified Articles, <<https://cypcs.org.uk/rights/uncrc/articles/article-2/>> accessed 16 February 2023.

falls under the category of development rights.<sup>300</sup> This category of rights is aimed at ensuring access to basic services and to equality of opportunity for children to achieve their full development. Article 31 also indicates free participation of the children in cultural life and arts. Article 31 is in fact designed to ensure the right to recreation of the children that is suited to their developmental and age-appropriate needs and obligates the government to respect, protect and fulfill this right.<sup>301</sup>

The right to recreation in children's life provides adequate respite from exertion of any kind & ensures their optimum health.<sup>302</sup> Recreational activities lead to the physical and psychological growth of children and thus help in ensuring the overall development of children. Recreational activities develop pliancy & flexibility in children and help these youngsters develop their emotional stability, emotional intelligence, and creative abilities. Children are also able to discover and interact with their surroundings because of such activities. Playing and other leisure activities are essential to children's natural need to develop because they help them become more capable of resolving conflicts, making decisions, and establishing themselves in society. Children will therefore be unable to actively participate in their education without the right to play and leisure.

### **Recovery through Recreation**

Ayesha (12) had a horrible past of sexual abuse and torture. She was rescued by 'Shishutori' which is an organization working for abused girls. This organization runs a safe home with facilities of education, food and recreation. Along with indoor activities like cultural programmes they often took children to the field for sports. She feels much better now and these recreational activities have changed her mind to a positive energy.

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<sup>300</sup> Ayush Patria, 'Right to Play and Leisure - Importance of Art 31 of UNCRC' (Article published in Leagle Samiksha Website on 5 April 2021) <[https://leaglesamiksha.com/2021/04/05/right-to-play-and-leisure-importance-of-art-31-of-uncrc/#\\_ftn4](https://leaglesamiksha.com/2021/04/05/right-to-play-and-leisure-importance-of-art-31-of-uncrc/#_ftn4)> accessed 16 February 2023.

<sup>301</sup> UN Convention on the Rights of the Child (adopted 20 November 1989 UNGA Res 44/25) <https://www.unicef.org/child-rights-convention/convention-text> accessed 16 February 2023.

<sup>302</sup> Ayush Patria (n 304).

Thus, the right to play, rest, and leisure i.e. the right to recreation is just as crucial in a child's life as are other physiological necessities such as nutrition, housing, health, and education. Without the implementation of the rights protected by Article 31, there would be an irreversible psychological and physical impact on the development and health of the children. Children therefore require leisure time that is devoid of work or obligations.

## 7.5 Legal Instruments Recognizing Right to Recreation

### 7.5.1 International Instruments-

Legal instruments, such as the Convention on the Rights of the Child and the International Covenant on Economic, Social, and Cultural Rights, recognize the importance of providing all children, including street children, with access to opportunities for play, leisure, and cultural activities. The United Nations Guidelines for the Alternative Care of Children and the Beijing Rules also emphasize this right for children in alternative care or detention.

<b>International Instruments</b>	<b>Article/ Rule no</b>	<b>Adopted on</b>	<b>Adopted by</b>	<b>Emphasized on</b>
Convention on the Rights of the Child	Article 31	1989	United Nation General Assembly	The right of every child to participate in cultural, artistic, recreational, and leisure activities appropriate to their age and development.
International Covenant on Economic, Social and Cultural Rights	Article 12	1966	United Nation General Assembly	The right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
United Nations Guidelines for the Alternative Care of Children	Guideline 6.1	2009	United Nation General Assembly	The right of all children in alternative care to participate in cultural, artistic, recreational, and leisure activities appropriate to their age and development.

Beijing Rules	Rule 22.4	1985	United Nation General Assembly	Importance of providing opportunities for recreation, sports, and cultural activities to children who are deprived of their liberty.
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### 7.5.2 National Instruments

The Constitution of Bangladesh, The Children Act of 2013, The National Children Policy of 2011, and The National Child Labour Elimination Policy of 2010 all recognize and protect the right to recreation for street children in Bangladesh. These legal instruments emphasize the importance of providing safe and inclusive spaces for children to engage in cultural, artistic, recreational, and leisure activities. The policies seek to eliminate child labor and provide education and vocational training to ensure that all children, including street children, have access to opportunities for recreation and leisure.

<b>National Instruments</b>	<b>Article\ Section</b>	<b>Year</b>	<b>Emphasized on</b>
Constitution of Bangladesh	Article 15(c)	1972	Recreational and leisure activities
The Children Act	Section 11	2013	The best interest of the child is defined as a holistic approach that takes into account the physical, emotional, cultural, social, and educational needs of the child
The National Children Policy	Section 4.5	2011	The importance of recreational activities for the holistic development of children.
The National Child Labour Elimination Policy	-	2010	The policy emphasizes a supportive environment where they can grow and develop.

## 7.6 Reality of the Situation

During the field visit in the three cities of Bangladesh, the research teams found different scenarios as to how the street children enjoy recreational activities. During our field visit in Dhaka, it was noticed that many street children were not playing football or cricket. This was mainly because they lacked the space and equipment needed for these sports. The absence of open areas and proper gear hindered their participation. This highlights the importance of initiatives that can overcome these challenges, ensuring that street children have access to suitable spaces and equipment. Such efforts could enhance their physical well-being and provide them with positive outlets for recreation and teamwork. It is observed in our research that street children tend to engage in games that require little or no equipment. This is due to their lack of access to sports equipment. For example, street children from Sylhet area often play football, where a ball is made from polyethylene bags call “*khich*”, or games like “*Baraf paani*”, “*Kanamachhi*”, “*Gollachhut*”, and “*Mangsho Chor*”, which can be played in a small place without any equipment at all. Nevertheless, these kinds of games provide an opportunity for street children to engage in physical activity and social interaction, despite their limited resources.



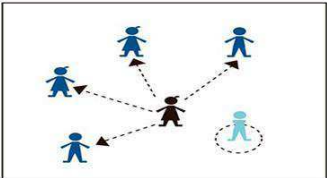
**PLAYERS: 4 OR MORE  
CAN BE PLAYED AS A TEAM OR INDIVIDUALLY**













**PROPS: none**

There are two teams, one that chases and the other that runs for cover.

If the chasers are able to catch a person of the other team, they declare him Baraf (Frozen) and he freezes, unable to move until someone comes and melts him down by touching and chanting Paani (Water).

The game continues until all the opposite members are frozen and then it's the other team's turn to chase and thereafter the game goes on and on until the children get weary of being frozen and melted!



Chaser	Baraf	Paani
		
		
		
		

**Baraf paani** is a very common and popular game among the children of Bangladesh. It is the Bengali version of freeze tag.



**Kanamachhi** (literally, blind bee) is played by both boys and girls. One player has a scarf tied round his or her eyes. The others move like ‘bees’ around the ‘blind’ player. The bees lightly strike the blind player, reciting the rhyme: kanamachhi bhon bhon, jake pabi take chon (Oh buzzing blind bee! Touch us if you can!). The blind player tries to catch or tag one of the bees, responding with the verse: Andha gondha bhai, amar dos nai (I’m blind, do not blame me if I bump against you). The player tagged by the

‘blind’ player plays the blind bee in the next round. This game is also popular in Europe as ‘blind-man’s bluff’.

In **Gollachhut** (touch and run), a stick is planted in a small hole called a golla (circle). A tree or a stone twenty-five to thirty feet from the center is fixed as the goal. The main objective of the



game is for each player to take turns to run and touch the goal. In Bangla, chhut means ‘to run’, and hence the name gollachhut. The game is played between two teams of equal members, either five or seven. The team leader (chief) circles round the stick in the center holding it with one hand and holding a player with the other. The other players hold hands and also circle the stick with the chief. At some point, the last player in the chain frees himself and runs towards the goal and touches it. Players from the opposing team lie in wait at different points to touch the running player. If they succeed in touching him, he is considered out. The last to run is the chief himself. The teams play the game by turns.



In *Mangsho chor*, the game is played between two teams. One object is taken as the mangsho (meat) which is imagined as a valuable object. One team tries to safeguard it by forming a circle or simply any straight line while the other tries to take it from them while in the meantime both teams also try to eliminate the opposite team member by touching him. The game is played in several rounds until the mangsho is taken or the opposite team members are all eliminated. In each round only one member of the opposite team goes out to snatch the mangsho. He can either try to take it or eliminate the opposite team members or simply go back to his team.

In the case of Rajshahi, comparatively less number of street children were found during the field visits and a great number of children were receiving institutional facilities at different Safe Homes (many of whom are former street children or are at risk of becoming street children). A distinction has to be drawn between the recreational activities available or enjoyed by these two types of children.

The Safe Homes have some basic arrangements for the recreation of the children there. In particular, many cultural activities or festivities are arranged during different occasions in which the children are allowed and encouraged to participate. For example, Baisakhi Festival (Bengali New Year Festival), Pitha Festival (Pithas are sweets similar to cakes, pancakes, fritters etc.),

Christmas and New Year Festival etc. are arranged by the Safe Home authorities. Every child is allowed to participate in their respective religious festivals or practice religion though they are not allowed to visit religious establishments like mosques or temples. Besides, different sports competitions and events (mostly indoor) are also held in which the children participate. Nevertheless, the opportunity and availability of outdoor recreational activities is very little for these children as they are not allowed outside the boundaries of their Safe Homes.

In contrast, the “street children” of Rajshahi are deprived of their right to recreational activities as there is no arrangement for them to enjoy any sort of recreational or cultural activities. As a result, these children move from one place to another in groups looking for recreation in the Mazar Fairs.<sup>303</sup> However, some of the street children (specially the ones living in the Rajshahi Railway Station area) had smartphones which they use as a means of entertainment and they were familiar with using social media despite not having much education. They have accounts on Facebook, and make and post funny or other videos of them on platforms like Likee and TikTok<sup>304</sup> which actually has been deemed as an unhealthy trend among children. Sometimes the local NGOs arrange some recreational activities or games and sports for these children. Apart from that, these children do not get any proper opportunity of indoor recreational activities let alone any outdoor recreational activity. Children are habituated to recreational activities; every child in the world likes recreation such as playing, singing, and dancing, and street children are no exception. Children living on the streets do not have access to proper equipment or safe spaces to engage in recreational activities, which hinders their development and growth. Providing them with adequate resources and opportunities can not only improve their quality of life but also help them learn important life skills. But the medium of recreational activities and opportunities makes a difference.

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<sup>303</sup> Mazars are shrines or tombs of religious preachers and fairs are held in different “mazar” premises during different occasions or times of the year, these are known as “mazar fairs”.

<sup>304</sup> Likee and TikTok are two popular video making and sharing apps which are considered to be having bad impacts on children's physical and mental health and so they have banned in many parts of Bangladesh

In Dhaka city, we see children playing football and cricket; they also go to the cinema; they sing songs; and gossip is another form of recreational activity amongst them. Ashraful is a street child, currently working for the Bangladesh Handball Federation, who has changed the way of some children's recreational activities in Gulistan. They have a football team, and they used to play football regularly. They spent the afternoon playing football while other kids were doing drugs. Members of that football team are far from drugs, and they lead much happier lives than other children. In Sadarghat, Kamalapur Rail Station, and Kawran Bazar, children are mostly addicted and do not have any recreational activities.

### **Ashraful's Transformation through Football and Mentorship**

Born into the hardships of Gulistan as a street child, Ashraful (16) initially grappled with drug addiction and precarious work. However, his life took a positive turn when he discovered a passion for football, forming a team with fellow street kids. Ashraful got employment with the Bangladesh Basketball Federation, allowing him to balance work, football, and studies at Pother Ishkul. Despite the challenges, his determination reflects a remarkable journey from street life to empowerment, highlighting the transformative impact of sports and mentorship in creating a brighter future.

Sometimes NGO's like LEEDO and JAAGO Foundation arrange some gaming contests among them, but that is not adequate for them. Their lifestyle says that drug use is the recreational element for them. It is unfortunate that some areas in Sadarghat, Kamalapur Rail Station, and Kawran Bazar are plagued with rampant drug addiction among children. It is important for more organizations and interventions to provide proper support and outlets for these children, so they can experience true joy and fulfillment without resorting to harmful substances.

#### 7.6.1 Lack of Access to Fields

Having already substantiated the importance of recreational activities for the street children, it is important to note that street children have very limited or no access to playing fields. Most of the playing fields are adjacent to a school, college or other educational institution or sports academy and are reserved for

the affiliated children. The local children can also access the fields adjacent to their homes or localities. However, street children are rarely welcome there. In other words, such fields are not open to street children.



*Image: AI generated Photo based on real life sample*

### **Playground Dreams**

Robiul, a 7-year-old boy, resides outside Kamalapur Railway Station with his friends. Despite his love for football, they lack both a ball and a proper playing field. Initially playing outside Kamalapur Stadium, they were eventually asked to leave by security guards. Occasionally, they are fortunate to engage in football through the assistance of NGOs, but these opportunities are not consistent.

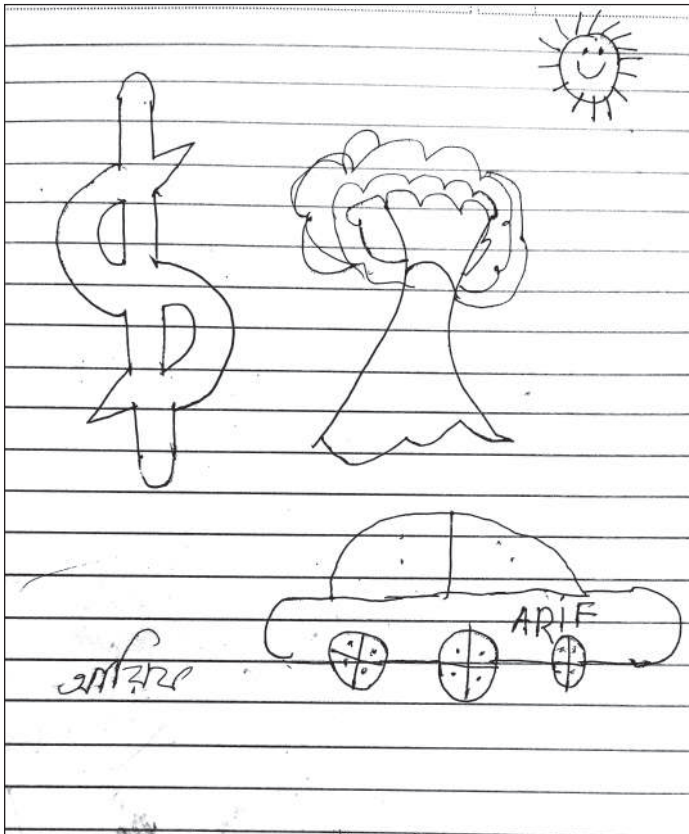
## **7.7 Conclusion**

Engaging in recreational activities is crucial for the holistic growth and development of children, and this fact is widely acknowledged by international and national legal instruments. However, the unfortunate reality is that there are still significant inequities in access to recreational opportunities for street children in Bangladesh. Due to lack of access to recreational opportunities, street children often resort to creating their own forms of leisure and entertainment. While this can be a manifestation of their imagination and resourcefulness, it can also expose them to negative influences such as drug abuse.

## Chapter 8

### Conclusion by way of Recommendations

Md. Rashid Annan  
Samiul Aziz  
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This picture is drawn by Arif, a Street child, who was living at Kamalapur Railway Station during the field visit.

India's First Prime Minister, Jawaharlal Nehru, once said 'Children are like buds in a garden and should be carefully and lovingly nurtured, as they are the future of the nation and the citizens of tomorrow.'<sup>305</sup> Nehru's poignant words resonate profoundly, emphasizing the foundational significance of nurturing all children, irrespective of their circumstances. They indeed represent the future architects of a nation, embodying the promise of tomorrow. Whether sheltered in secure homes or navigating the harsh realities of the streets, each child embodies potential, creativity, and aspirations. The responsibility to provide care and protection to every child lies on everyone. According to Article 15 of the Constitution, the government must play a vital role in securing the needs of the people, specially the needs of street children, keeping in mind the pivotal role these young minds play in shaping the future of a nation. Their education, well-being, and empowerment lay the groundwork for a prosperous and harmonious society.

Street children in Bangladesh are a marginalized and vulnerable community, grappling with numerous socio-economic obstacles that contribute to their status as an underprivileged community. The presence of children dwelling on the streets is intricately interwoven with widespread poverty, urbanization, and social disparities. It is quite evident from the discussions of the previous chapter that winding up on their own in the unforgiving streets, the street children find themselves devoid of access to the basic necessities of life mentioned in Article 15(a) of the Constitution, i.e., food, clothing, shelter, education, and medical care. It is a mandatory responsibility of the State to safeguard the right to work, the right to reasonable rest, recreation and leisure and the right to social security of the street children. The state cannot merely deny these rights as socio-economic and cultural rights.

The absence of a stable secure home and environment exposes them to exploitation, abuse, and hazardous labor practices and drives them further into the perils of society. Their struggles are exacerbated by discrimination and neglect which feeds the cycle of poverty and misery of an undignified life.

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<sup>305</sup> CPS Global School Blog, 'Children Are like Buds....' (22 November 2021) <<https://www.cpsglobalschool.com/blogs/children-are-like-buds-in-a-garden-and-should-be-carefully-and-lovingly-nurtured-as-they-are-the-future-of-the-nation-and-the-citizens-of-tomorrow-jawaharlal-nehru/>> accessed 15 September 2023.

Additionally, the limited involvement of the government and inadequate social support systems contribute to the prolonged vulnerability of these children. In order to break the cycle of disadvantage and give these children a shot at a better future, effectively addressing the needs of street children in Bangladesh necessitates comprehensive measures and efforts that include social welfare initiatives, educational programs, and policies targeted at the advancement of this impoverished section of the society.

In light of our findings and analysis, we put forth the following recommendations aimed at enhancing the well-being of street children. These recommendations are directed towards the Government, stakeholders, rights and advocacy groups, non-governmental organizations (NGOs), civil society organizations, and the people at large.

### **8.1. Recommendation to Include Proper and Inclusive Definition of Street Children**

Earlier, Chapter 2 discussed that there is not a single definition to define street children properly. This puts a barrier to ascertaining the number of children connected to the streets that exist in reality. Without the correct numbers and a proper - inclusive definition, the policymakers, in the absence of the proper picture, will not be able to ensure that these children will enjoy their inalienable rights and the proper nurturing, which is required to have a dignified life. For example, the Deputy Program Director of the Sheikh Russel Shishu Proshikkhon O Punorbashon Kendro told the Rajshahi team that admission in the rehabilitation center was done for only children at risk, which not only covered street children but also for others. This institution was one of the few institutions where street children could go to, for help. There needs to be a proper way of defining who can fall under the definition of a street child so that any at-risk child can get assistance. According to him, if street connected children were properly defined in the policy, then these rehabilitation centers would have been more useful for this community. It is imperative to include a comprehensive and inclusive definition of 'street children' which will be friendly for them and will ensure maximum welfare. A proper delineation of this term serves as the foundation for understanding, identifying, and addressing the needs of this vulnerable demographic. The

definition, according to this research, should encompass various dimensions to capture the diverse situations and contexts in which children find themselves living and working on the streets. We recommend a proper, inclusive and friendly definition should embrace the following factors:

***Socio-economic Context:*** Acknowledging the economic, social, and familial circumstances that lead children to live or work on the streets. This could involve issues related to poverty, homelessness, abuse, or abandonment.

***Age Range:*** Recognizing that the term ‘street children’ encapsulates a wide age spectrum, from young children to adolescents, and accounting for the different vulnerabilities and needs within these age groups.

***Activities and Circumstances:*** Encompassing the various activities and circumstances these children are engaged in, whether it involves working for survival, seeking shelter, engaging in informal education, or facing exploitation.

***Geographical and Cultural Specificities:*** Considering the diversity across regions and cultures, ensuring that the definition remains adaptable and applicable within different societal contexts.

There may be more factors, which will be revealed in future research. However, inclusivity is key in crafting this definition. It should encompass the complexities and nuances inherent in the lives of street-connected children without stigmatizing or excluding certain groups. Collaboration with stakeholders, including children themselves, local communities, NGOs, and experts in the field, is crucial to formulating a definition that is both accurate and sensitive.

## **8.2 Recommendation to Recognize the Right to Recreation for Children in National Policy**

Chapter 7 pointed out that introducing the right to recreation for children in the national policy is a crucial step toward ensuring that all children, irrespective of their condition, will have access to a healthy and balanced

lifestyle. The national policy is an important step towards the realization of the mandatory responsibility to secure the right to reasonable rest, recreation and leisure narrated in Article 15 (c) of the Constitution. It is important to recognize that children have the right to rest, play, and engage in recreational activities appropriate to their age.<sup>306</sup> The government also recognized the need to keep a space for such recreation and leisure and in 1953 the Town Improvement Act<sup>307</sup> was enacted with such provisions. Unfortunately, rather than creating spaces, it got narrower. On more than one occasion the Supreme Court, in recognition of the right to reasonable rest, recreation and leisure, had to exercise its writ jurisdiction to restore these spaces.<sup>308</sup> In order to implement this policy, it is recommended that the government should take the following steps:

***Develop a comprehensive policy:*** *Rajdhani Unnayan Kartipakkha* (RAJUK) or Capital Development Authority has a detailed area plan (DAP) for the 2022-2035 period. In the DAP, RAJUK has earmarked recreational spaces. However, there is no such DAP for other metropolitan cities, cities and towns of Bangladesh. The government should develop a comprehensive policy for the whole country that outlines the right to recreation for children. This policy should include guidelines for the provision of recreational facilities, equipment, and programs that are appropriate for children of different ages and abilities.

***Allocate resources:*** The government should allocate resources to ensure that street children have access to recreational facilities, both indoor and outdoor, equipment and programs. This includes funding for the construction and maintenance of playgrounds, parks, sport equipment and other recreational facilities.

***Collaborate with stakeholders:*** The government should collaborate with stakeholders such as parents, educators, and community organizations, NGOs, and CSOs to ensure that recreational programs, sports equipment and facilities

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<sup>306</sup> Gerison Lansdown, 'Article 31: The Rights to Rest, Play, Recreation, and Cultural and Artistic Activities' (2022) Monitoring State Compliance with the UN Convention on the Rights of the Child 281 <[https://link.springer.com/chapter/10.1007/978-3-030-84647-3\\_29](https://link.springer.com/chapter/10.1007/978-3-030-84647-3_29)> accessed 21 September 2023.

<sup>307</sup> For the full text of the Act, see: <<http://bdlaws.minlaw.gov.bd/act-257.html>>, accessed 12 December 2023.

<sup>308</sup> Mr. M. Saleem Ullah, Advocate and others vs. Bangladesh, [2003] 23 BLD [HCD] 58.

are accessible and appropriate for children. If necessary, the government, through the Ministry of Social Welfare, the Ministry of Women and Children affairs and ministry of Youth and Sports will provide funding to those NGOs and CSOs who are working on the recreational rights of street children.

**Raise awareness:** The government should raise awareness about the importance of recreation for street children and the benefits it provides. Sports is the only thing which can delete the barrier of discrimination for these kids and can give them a dignified life. This can be done through public campaigns, school programs, and community events.

By introducing the right to recreation for children in the national policy, the government can help ensure that children have access to the resources they need to lead healthy and active lives.

### **8.3 Recommendation to Deploy Mobile Units to Provide Basic Necessities**

Street children are among the most vulnerable groups in the world, facing multiple risks and challenges, such as poverty, violence, exploitation, abuse, and lack of access to education, health care, and social protection.<sup>309</sup> Mobile units are vehicles that can deliver essential services and goods to street children in a flexible and responsive way, reaching out to them where they are and building trust and rapport with them. The organs of governments like the Ministry of Women and Child Affairs, Ministry of Health, Ministry of Social Welfare, and Ministry of Finance jointly can come forward to take this initiative with the help of other relevant ministries. Mobile units can also serve as a bridge between street children and other social services that can help them improve their situation and well-being.<sup>310</sup> It can provide a range of benefits, such as:

- a) Improving access to health care,

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<sup>309</sup> The Financial Express, 'The Plight of Street Children in Bangladesh' (2 December 2023) <<https://today.thefinancialexpress.com.bd/views-opinion/the-plight-of-street-children-in-bangladesh-1701434525>> accessed 3 December 2023.

<sup>310</sup> UNODC, 'Mobile Training Unit Makes a Difference to Street Children in Thailand' (United Nations) <<https://www.unodc.org/unodc/en/frontpage/2014/October/mobile-training-unit-makes-a-difference-to-street-children-in-thailand.html>> accessed 3 December 2023.

- b) Enhancing dignity and well-being, by offering showers, haircuts, clothing, and hygiene kits.
- c) Providing education and skill development, such as basic literacy, numeracy, digital literacy etc.
- d) Building trust and relationships, by connecting street children with case managers, social workers, and other resources.
- e) Mobile units can offer a flexible and effective way to reach out to street children and meet their immediate needs. They can also build trust and rapport with the children and encourage them to participate in other programs that can enhance their skills and opportunities. For example, a mobile training unit donated by UNODC to the NGO Child Protection and Development Centre provides support and basic school lessons that include sex education to street children living in slum areas of Pattaya, Thailand. The mobile training unit is also being used to educate parents and raise awareness of the dangers of families living on the streets.<sup>311</sup>
- f) Mobile units can also contribute to the prevention and reduction of street children by addressing the root causes of their situation, such as poverty, family breakdown, migration, and lack of education. Mobile units can link street children and their families to other social services that can provide them with alternative livelihoods, income generation, counseling, and family reunification.

Mobile units equipped with essential supplies such as food, clean water, clothing, hygiene kits, and basic medical assistance can serve as lifelines for street-connected children who often lack consistent access to these essentials. Furthermore, these units can act as conduits for establishing initial contact, building trust, and eventually linking these children with comprehensive support services.

The effectiveness of these mobile units hinges on several key considerations:

***Strategic Deployment:*** The government should have a strategic plan to identify high-traffic areas where street children congregate and strategically schedule these mobile units' routes and timings to ensure maximum reach and impact.

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<sup>311</sup> *ibid.*

***Collaborative Approach:*** The government should collaborate with local authorities, non-governmental organizations, healthcare professionals, and social workers to ensure a holistic approach and seamless integration with existing support systems. The NGOs and INGOs who are working to ensure free education for street children have almost a clear idea about the lives of these street children. They know when and where these children can be found and how to build rapport to gain their trust.

***Cultural Sensitivity:*** The Ministry of Women and Child Affairs should arrange a proper training mechanism to make them capable of understanding the approach in which the cultural diversity in the street children can be upheld. Again the collaborative approach with NGOs working with the street children can play a vital role in assisting in the training.

***Holistic Support:*** In collaboration with the Department of Social Services, these mobile units should not only address immediate needs but can also act as starting points for providing guidance, directing individuals to shelters or rehab centers, offering education, and delivering counseling services. This is crucial as the Department of Social Services manages shelter homes for the country's underprivileged children.

***Long-term Sustainability:*** The Ministry of Planning must create a strong, enduring plan for mobile units aimed at assisting street children. This strategy should remain in place until homelessness, poverty, and the underdevelopment of these children cease to be significant issues for both the nation and their communities. Establishing a sustainable framework involves gaining support from the community, securing funding, and continuously assessing and adjusting to meet evolving needs, ensuring the consistent operation of these mobile units.

By deploying mobile units to provide basic necessities, this recommendation underscores the commitment to meeting the immediate needs of street children while laying the groundwork for long-term interventions aimed at improving their overall well-being and transitioning them away from life on the streets.

## 8.4 Recommendation to Establish Temporary Refuge for the Street Children

Providing accessible drop-in centers or night shelters stands as a crucial step towards offering temporary refuge and basic necessities to street children. These centers serve as safe havens where children can seek respite from the challenges of street life and access essential support. Drop-in centers or night shelters can provide street children with a sense of belonging, security, and dignity. They can also help them develop life skills, self-esteem, and resilience. They also can serve as a bridge between the street and the society, by creating opportunities for street children to access more permanent and sustainable solutions, such as family reunification, foster care, or independent living. These shelters could also maintain some sort of database, which would allow the government to have a closer ballpark figure. The children could be issued some sort of identity card, which they can use to access the shelters. Since these children move around from place to place, if the same card gets flagged in different areas, it can be identifiable that it is the same child. The reason behind the child's continuous moving around to different shelters then needed to be identified and resolved by the responsible persons. This can be the start of the child's first step to having a structured future. Chapter 4 discussed that there are some drops in centers maintained by the NGOs and INGOs but there are no initiatives in this regard from the government.

However, the establishment of drop-in centers or night shelters can also face some challenges, such as:

- a) Lack of funding and resources
- b) Lack of coordination and collaboration among stakeholders
- c) Lack of trust and participation from street children
- d) Lack of standards and regulations
- e) Lack of monitoring and evaluation

Therefore, it is recommended that the following actions are taken to ensure the effectiveness and sustainability of drop-in centers or night shelters:

**Accessibility and Inclusivity:** The government with the help of the Department of Social Services, Department of Women and Child Affairs, and

Department of Social Welfare, should create an accessible and inclusive shelter for these children with capable staff to take care of them. These shelters should stand as open arms, easily reachable, and strategically positioned within the communities where street children reside. Their design should cater to the diverse needs of these children, ensuring accessibility for those with disabilities or specific vulnerabilities.

***Safe and Supportive Environment:*** Picture a haven painted with warmth and safety—a space where children find solace. The environment must represent a welcoming aura, assuring the children that they are in a place where they are respected and cared for. Trained staff or volunteers, akin to guardians, should be present, offering not only guidance but also counseling and attentive supervision. The duty of training the staff could be pursued by the Ministry of Social Welfare, and Ministry of Women and Children Affairs. The role of the Ministry of Women and Children Affairs, could take the duty of training the staff, and the Ministry of Social Welfare could look into the fact that these staff are deployed.

***Basic Needs Provision:*** Beyond shelter, these centers must serve as pillars of sustenance, providing essential elements for survival. Article 15(a) of the Constitution of the People’s Republic of Bangladesh also declares the same to provide basic necessities to all. Access to nourishing food, clean water, proper clothing, hygiene facilities, and basic healthcare services within the premises is imperative. It is about meeting fundamental needs to nurture both body and mind. The fulfillment of this would come down to a number of state players. The Ministry of Food, the Ministry of Health and Family Welfare, the Ministry of Social Welfare.

***Collaboration and Referral Networks:*** Building collaborative relationships with government bodies such as the Ministry of Social Welfare, Ministry of Women and Child Affairs etc, non-governmental organizations (NGOs), healthcare providers, and educational institutions is crucial. Establishing referral networks ensures that street children have access to long-term support, including rehabilitation, education, and family reintegration programs. This collaborative effort enhances the effectiveness and sustainability of the services provided.

***Cultural Sensitivity and Community Engagement:*** Tailoring services and approaches to respect the cultural diversity of street children is fundamental. Engaging with the local community is equally important to foster acceptance and support for these centers. This involves cultural awareness training for staff and volunteers and initiatives that involve the community in the support system. The Ministry of Social Welfare could take steps to make sure that these practices begin in a regulated space, for example under the government based rehabilitation centers, where they could start implementing sessions educating the children about diversity. The issue would arise at scaling this practice on a major scale.

***Establish a Monitoring System:*** Implementing a robust monitoring and evaluation system is necessary to gauge the impact and outcomes of these facilities on the well-being and development of street children. Regular assessments help identify areas for improvement, ensuring that the centers continuously evolve to meet the evolving needs of the children they serve.

Establishing accessible drop-in centers or night shelters serves not only as a temporary refuge but also as a gateway to a more stable and fulfilling life for street children. It offers a foundational step towards reintegrating them into society and providing the necessary support for their physical, emotional, and social well-being.

## **8.5 Recommendation to Create a Child Identification and Registration System**

Creating a centralized database dedicated to tracking vulnerable street children and facilitating family tracing procedures is paramount in ensuring their safety, well-being, and eventual reintegration into supportive environments. To fulfill this initiative the following can play a vital role:

***Effective Birth Registration Process:*** The birth registration process should have a clear method to register all the children of Bangladesh within a specific time period from their birth. The children who are still not yet given a birth registration certificate should be provided with one by the responsible authority as soon as possible. The High Court Division's rule nisi which was

issued in reference to the writ petition (Writ Petition No. 5876) filed by SHI<sup>312</sup> back in 2022 to provide all the street children with a birth registration must be fulfilled by the responsible authorities which will ensure they enjoy certain rights as the children under the national laws of our country.

***Comprehensive Data Collection:*** Develop a unified system for capturing crucial information about identified street children. This data should encompass personal details, family backgrounds, medical history, and any available information vital for family tracing efforts. The Local Government Division in Bangladesh oversees the registration process. It is vital for the government, in collaboration with the Ministry of Home Affairs, to ensure a hassle-free process for children to fulfill the requirements and obtain their birth registration certificates.

***Secure and Accessible Platform:*** The Local Government Division with the help of the Bangladesh Telecommunication Regulatory Commission (BTRC) and Digital Security Agency should establish a secure central database accessible to authorized stakeholders, including relevant government agencies, NGOs, and social workers. Also they should implement stringent privacy measures to safeguard sensitive information.

***Standardized Protocols:*** Formulate standardized protocols and procedures for data entry, ensuring consistency and accuracy across various entry points, including drop-in centers, shelters, and outreach programs. The government has to ensure proper training for the responsible persons who will be assigned to collect these data.

***Family Tracing and Reconnection:*** Utilize the database as a primary tool for family tracing and reconnection efforts. The government has to ensure relevant trained professionals use the database to locate and reunite street children with their families whenever feasible and in the child's best interest.

***Collaborative Approach:*** Encourage collaboration among relevant stakeholders, including government bodies, NGOs, social workers, and

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<sup>312</sup> See chapter 5 for details of the writ petition.

community leaders. Foster cooperation to ensure the database's effectiveness and continuity.

***Monitoring and Evaluation:*** Regularly monitor and evaluate the database's performance to identify areas for improvement. Implement feedback mechanisms to incorporate insights from frontline workers and affected street children.

Establishing a centralized database for tracking street children is pivotal in not only aiding immediate identification but also in facilitating the critical process of family tracing. This initiative serves as a cornerstone for reuniting children with their families, providing a sense of belonging and stability essential for their overall well-being and long-term development.

## **8.6 Recommendation to Introduce Flexible Education System for Street Children**

In ensuring the holistic development and future prospects of street children, the implementation of flexible education programs emerges as a fundamental necessity. These programs need to adapt to the unique circumstances and challenges these children face, offering educational opportunities that accommodate their transient lifestyles and diverse backgrounds. Various factors contribute to children becoming homeless, such as financial insufficiency, domestic issues, or being forced to leave their residences. Due to these factors, it is imperative to implement educational programs that deviate from the conventional ones. Flexibility becomes paramount, allowing these children access to education despite irregular attendance, mobility, or limited resources. In our research areas, the researchers found that the children work all day to earn a living for them. They cannot cope with the regular educational scheduling practice of our country. Flexible education might help them recover the huge education gap between them and regular children as education can be the backbone of these children's evolution into a better future for the country. Though there are NGOs and INGOs currently working with street children to ensure free and flexible education for these children, sadly there are no initiatives from the government to recognize the dire need for a flexible scheduling of education to ensure the right to education of these vulnerable children.

The recommendation for flexible education programs encompasses several key facets:

***Adaptive Curriculum:*** Tailoring educational content to be relevant, engaging, and adaptable to the varying learning paces and styles of street children. This involves incorporating life skills, vocational training, and basic literacy and numeracy suited to their needs.

***Alternative Learning Spaces:*** Establishing informal or mobile learning centers that cater to the ever-changing locations and schedules of street children. These spaces should provide a safe, welcoming environment conducive to learning.

***Accessible Resources:*** Ensuring easy access to educational materials and resources, potentially leveraging technology to provide digital learning tools that are portable and versatile.

***Trained Facilitators:*** Equipping educators or facilitators with the skills to engage and support street children effectively. This includes understanding their backgrounds, employing inclusive teaching methods, and providing psychosocial support.

***Collaborative Partnerships:*** Engaging with local communities, NGOs, and government bodies to build a network of support for these education programs. Collaboration strengthens resources, advocacy efforts, and sustainability.

***Flexible Scheduling and Supportive Policies:*** Advocating for policies that accommodate flexible attendance and offer support mechanisms for children to transition into formal education when feasible.

***Continuous Evaluation and Adaptation:*** Regularly assessing the effectiveness of these programs and adapting them based on the evolving needs and feedback from the children themselves.

Flexible education programs stand as a cornerstone in empowering street children, offering them pathways to break the cycle of poverty, gain skills for self-sufficiency, and contribute positively to society. These programs serve not only as educational platforms but also as vehicles for empowerment, resilience, and hope for a brighter future for these children.

## **8.7 Recommendation to Ensure Adequate Training for the Law Enforcement Agencies**

Children embody innocence in its purest form and deserve to be treated with utmost innocence themselves. This treatment becomes even more crucial when dealing with street children, who are among the most vulnerable members of society. They thrive in environments that nurture their natural curiosity, kindness, and wonder about the world around them. Providing them with care, guidance, and support while preserving their innocence is vital for their healthy development. It involves creating spaces where they can explore, learn, and grow without unnecessary exposure to adult complexities or harsh realities, allowing them to retain their joyful, unspoiled view of life. When addressing street children, law enforcement agencies should approach them with an understanding of their vulnerability and unique circumstances. This involves specialized training that emphasizes de-escalation techniques<sup>313</sup>, communication skills, and an awareness of trauma-informed practices. Treating these children with the utmost care and sensitivity is paramount to prevent further distress or harm. Adults are generally held to legal standards and protocols, with law enforcement expecting a certain level of compliance with the law. However, street children may face different challenges, such as homelessness, lack of familial support, or exposure to exploitation. Therefore, interactions with law enforcement should prioritize a nurturing and supportive approach rather than purely punitive measures. This can only be possible if law enforcement gets adequate training in handling situations with street children. The training should include a wide range of topics and skills, such as:

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<sup>313</sup> De-escalation technique means, “transferring your sense of calms and genuine interest in what the client wants to tell you by using respectful, clear, limit setting”. To know more about it please see <<https://paetc.org/wp-content/uploads/2014/10/De-escalation-PACE.pdf>>

***Understanding the Context:*** Educate law enforcement personnel about the diverse reasons that force children onto the streets, including poverty, abuse, family conflicts, and displacement. Enhance their awareness to approach situations with empathy and understanding.

***Rights-Based Approach:*** Instill a thorough understanding of the rights of children, emphasizing their protection and well-being. Train officers to apply a child-rights perspective in their interactions, ensuring that the best interests of the child are a priority.

***De-escalation Techniques:*** Provide specialized training in de-escalation methods tailored for dealing with street children. Equip officers with communication skills and strategies that prioritize peaceful resolution without resorting to force.

***Trauma-Informed Practices:*** Train law enforcement on recognizing signs of trauma in street children and how to handle situations with sensitivity. Provide guidance on referral pathways to appropriate support services.

***Collaboration with Social Services:*** Foster collaboration between law enforcement and social service agencies. Train officers on the importance of referrals to support organizations that can provide assistance to street children beyond immediate law enforcement involvement.

***Regular Review and Update:*** Implement a system for regular review and updating of training modules to ensure they remain relevant and effective in addressing the evolving nature of street children.

## **8.8 Recommendation to Ensure Reformation of the Juvenile Justice System and Establish Separate Children’s Courts in all Districts**

In Bangladesh, reforming the Juvenile Justice System is critical to ensure fair and equitable treatment of street children who come into contact with the law. The following measures are recommended:

***Specialized Courts for Children:*** Create specialized children’s courts within each district’s judicial system. These courts should exclusively handle cases involving children, including street children, with a focus on rehabilitation, reintegration, and child-specific approaches to justice. Currently, there are only three special children courts in Bangladesh.<sup>314</sup> The Children Act, 2013 empowers the ‘Nari o Shishu Nirjaton Doman Tribunal’ to act as the children court in each district. The cases related to children merely got the attention it needed because of the number of cases filed for violence against women. Almost 1,78,231 cases are pending in these courts related to violence against women in the last 5 years according to a report published in 2022.<sup>315</sup> The importance and the time a child-related case don’t get the proper importance in this pile of cases filed relating to violence against women. Thus, a separate child court dedicated to only hearing cases of child-related matters is a dire need for the betterment of the children in general.

***Trained Personnel and Legal Support:*** Provide specialized training for judges, lawyers, and court personnel in child rights, child psychology, and trauma-informed approaches. Ensure access to legal aid and support services specifically tailored for street children.

***Age-Appropriate Procedures:*** Develop and implement age-appropriate legal procedures and measures within these courts, ensuring that the process is understandable, sensitive, and adapted to the needs and developmental stages of street children.

***Alternatives to Detention:*** Emphasize alternatives to detention, such as diversion programs, community service, or restorative justice approaches, prioritizing rehabilitation and addressing the root causes of offending behavior.

***Community Integration and Rehabilitation:*** Collaborate with community-based organizations and social workers to facilitate the reintegration of street

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<sup>314</sup> Meem Afza Simee, ‘Juvenile Delinquency and Child Protection in Bangladesh: How to Improve?’ (*NILS Bangladesh*, 12 June 2020) <<https://nilsbangladesh.org/juvenile-delinquency-and-child-protection-in-bangladesh-how-to-improve/>> accessed 27 April 2023.

<sup>315</sup> Tasneem Tayeb, ‘Bangladesh’s Persistent Child Abuse Woes’ (*The Daily Star*, 27 April 2023) <<https://www.thedailystar.net/opinion/views/closer-look/news/bangladeshs-persistent-child-abuse-woes-3304891>> accessed 20 December 2023.

children into supportive environments. Focus on rehabilitation programs that offer education, skills training, and psychosocial support.

***Advocacy and Awareness:*** Conduct advocacy campaigns to raise awareness among the public, law enforcement, and judicial authorities about the unique challenges faced by street children in the justice system. Promote a compassionate and rights-based approach towards these children.

***Regular Monitoring and Evaluation:*** Implement a system for continuous monitoring and evaluation of the children's courts to ensure adherence to child-centric principles, effectiveness, and consistency in delivering justice for street children.

Establishing separate children's courts and reforming the juvenile justice system in Bangladesh is essential to ensure that street children receive fair and appropriate treatment within the legal framework. These specialized courts will serve as safe spaces for addressing their needs, ensuring their rights are protected, and offering them opportunities for rehabilitation and a brighter future.

## **8.9 Recommendation to Strengthen Reporting Mechanisms for the Street Children**

Strengthening reporting mechanisms for street children involves creating accessible channels specifically designed for them to report instances of abuse or exploitation. Establishing these channels is crucial to ensure that children facing such situations can easily seek help and report incidents without facing barriers. These reporting avenues should be diverse, including helplines, mobile applications, drop-in centers, and trusted community figures, providing multiple options for children to reach out and report any form of abuse or exploitation they encounter. Additionally, alongside creating these channels, it's essential to conduct extensive awareness campaigns among communities, schools, and stakeholders. These campaigns play a pivotal role in educating children about these reporting mechanisms and emphasizing the urgency of promptly reporting any abuse or exploitation. Furthermore, ensuring confidentiality and protection for children reporting such incidents is

paramount. Guaranteeing anonymity and safeguarding them from potential repercussions encourages children to come forward and report without fear. Ultimately, by establishing these accessible channels and supporting them with awareness campaigns and confidentiality measures, we can create a safer environment where street children can report abuse or exploitation without hesitation, fostering their protection and well-being.

### **8.10 Recommendation to Ensure Family Reunification and Support**

Addressing the needs of street children should prioritize family reunification efforts alongside comprehensive support mechanisms. The key aspects to fulfill the recommendation are:

***Family Tracing and Reconnection:*** Implement systematic family tracing programs aimed at locating and reconnecting street children with their families whenever feasible and in the child's best interest. Utilize databases, community networks, and trained personnel to facilitate this process.

***Assessment of Family Circumstances:*** Conduct thorough assessments of the family circumstances before reunification to ensure a safe and supportive environment for the child's return. This involves evaluating the reasons for separation and addressing underlying issues to prevent further instances of street-connectedness.

***Family Support Services:*** Provide targeted support services to reunified families. Offer counseling, livelihood support, and access to social services to address the root causes that initially led to the child leaving home. Strengthening family resilience contributes to the sustainability of reunification.

***Reintegration Programs:*** Develop reintegration programs tailored to the needs of both the child and the family. These programs should focus on educational support, skills training, and psychosocial assistance for the child, alongside family-based interventions to enhance stability and support.

***Community Engagement and Sensitization:*** Engage communities in the process of family reunification and support. Conduct sensitization programs to

dispel stigmas and misconceptions surrounding street children, fostering a more supportive environment for their reintegration.

***Monitoring and Follow-up:*** Implement monitoring and follow-up mechanisms post-reunification to ensure the well-being of the child within the family setting. Continuous support and intervention, if necessary, contribute to the success and sustainability of the reunification process.

By prioritizing family reunification and support for street children, we not only offer them a chance for stability and a nurturing environment but also address the underlying causes of their street connectedness. This holistic approach aims to reintegrate these children back into loving and supportive family environments, providing them with the foundation for a brighter future.

## **8.11 Recommendation to Establish Livelihood and Economic Empowerment Programs**

To break the cycle of street-connectedness and prevent children from returning to the streets, it is imperative to implement robust livelihood and economic empowerment programs. These programs should concentrate on supporting families and communities to create sustainable livelihoods. Here's a comprehensive approach:

***Family-Centric Support:*** Design programs that prioritize family support, aiming to strengthen economic stability and opportunities. Offer vocational training, microfinance initiatives, and business development support tailored to the specific needs of families with street-connected children.

***Skills Development for Children:*** Provide Street children with skills development programs and educational opportunities that enhance their employability. These programs should equip them with skills relevant to local job markets, paving the way for sustainable employment options.

***Psychosocial and Financial Counseling:*** Offer psychosocial support and financial counseling to families and children transitioning from street life.

Empower them with financial literacy and resilience-building skills to manage resources effectively.

***Collaborative Partnerships:*** Foster partnerships between governmental agencies, NGOs, private sectors, and community-based organizations to ensure the sustainability and scalability of these livelihood programs. Pooling resources and expertise strengthen the impact of these initiatives.

***Monitoring and Evaluation:*** Implement a robust monitoring and evaluation framework to assess the effectiveness and impact of livelihood programs. Regular assessments help in identifying areas for improvement and ensuring the programs meet their objectives.

***Advocacy and Awareness:*** Conduct advocacy campaigns to raise awareness about the importance of sustainable livelihoods in preventing children from returning to the streets. Engage policymakers and stakeholders to prioritize funding and support for these initiatives.

By focusing on livelihood and economic empowerment programs that support families and communities, we can create sustainable opportunities that reduce the likelihood of children returning to street life. These initiatives offer a path toward economic stability, resilience, and a brighter future for street-connected children and their families.

## **8.12 Recommendation to Expand Investment in Social Safety Nets**

Investing in robust social safety nets is pivotal in providing essential support to vulnerable families and, consequently, preventing street-connectedness among children. Expanding access to social protection programs, such as food security and healthcare, plays a crucial role in this regard. Here's a comprehensive strategy:

***Accessible Social Protection Programs:*** Expand and improve access to social protection programs aimed at vulnerable families. This includes initiatives ensuring food security, healthcare services, and access to basic necessities. Ensure these programs are easily accessible and cater to the specific needs of families with street-connected children.

***Targeted Assistance for Vulnerable Groups:*** Implement targeted assistance programs that prioritize vulnerable groups, including families at risk of street-connectedness. Tailor these programs to address their immediate needs and create pathways to long-term stability.

***Healthcare Services:*** Enhance access to quality healthcare services for vulnerable families, including street children. This involves providing affordable healthcare, vaccinations, and essential medical care to ensure the well-being of children and their families.

***Nutritional Support:*** Implement programs focused on ensuring adequate nutrition for vulnerable families. Offer nutritional support, including food assistance, supplementary feeding programs, and education on balanced diets to improve the health of children.

***Community Outreach and Education:*** Conduct community outreach programs to raise awareness about available social protection programs. Educate families about their rights, eligibility criteria, and how to access these services to ensure maximum participation.

***Integration and Coordination:*** Integrate efforts among various stakeholders, including government agencies, NGOs, and community-based organizations, to ensure a coordinated approach in delivering social protection services. Collaboration strengthens resources and enhances the effectiveness of these programs.

***Continuous Evaluation and Adaptation:*** Establish a system for continuous evaluation and adaptation of social protection programs. Regular assessments help identify gaps, assess the impact, and adapt programs to better meet the evolving needs of vulnerable families.

### **8.13 Recommendation to Review and Revise Existing Laws**

Reviewing and revising existing laws related to children in Bangladesh is essential to better protect and support street-connected children. The current

laws relating to child and their well-being have such loopholes that are making them invisible and ultimately leading to exclusion from enjoying various rights. The recommendation includes the following aspects:

***Comprehensive Review:*** Initiate a comprehensive review of existing laws and policies pertaining to children in Bangladesh. This includes laws related to child protection, welfare, education, and juvenile justice, i.e., The Children Act 2013, The Children Policy 2011, and The Prevention of Women & Children Repression Act, 2000 etc.

***Alignment with International Standards:*** Ensure that revised laws align with international standards and conventions concerning child rights and protection, such as the UN Convention on the Rights of the Child (CRC).

***Addressing Gaps and Ambiguities:*** Identify gaps, ambiguities, or inconsistencies within current laws that hinder the protection and support of street children. Revise these laws to explicitly address the specific needs and vulnerabilities of street-connected children. Such as the Vagrants and ‘Shelterless Persons (Rehabilitation) Act, 2011’ doesn’t have any provisions for methods relating to handling street children. According to the Act, the police can arrest any person if they are considered homeless. The Act also does not mention any different rehabilitation centers if the homeless is a child. These kinds of gaps and ambiguities must be excluded from the existing laws.

***Juvenile Justice Reform:*** Review and reform laws concerning juvenile justice to ensure that they prioritize rehabilitation, reintegration, and diversion over punitive measures for street-involved children in conflict with the law.

***Protection of Vulnerable Groups:*** Strengthen laws that protect vulnerable groups, including children living in poverty, those exposed to exploitation, and those at risk of street-connectedness. Introduce measures to prevent these children from ending up on the streets.

***Education and Welfare Provisions:*** Incorporate provisions in the law that guarantee access to education, healthcare, shelter, and social services specifically tailored to the needs of street children.

***Collaboration and Stakeholder Engagement:*** Engage relevant stakeholders, including government bodies, legal experts, child rights organizations, NGOs, and INGOs working for the betterment of children and community representatives, in the revision process. Ensure their input and expertise contribute to creating more effective and inclusive laws.

***Periodic Review and Evaluation:*** Establish mechanisms for periodic review and evaluation of the revised laws to assess their effectiveness and relevance. Incorporate feedback from stakeholders and make necessary adjustments to address evolving challenges.

By reviewing and revising existing laws in Bangladesh concerning children, with a specific focus on street-connected children, the legal framework can better protect their rights, provide essential services, and create a supportive environment conducive to their well-being and development.

#### **8.14 Recommendation to Develop a National Action Plan**

Developing a comprehensive national action plan is crucial to address the multifaceted challenges faced by street children in Bangladesh. This plan should serve as a roadmap, outlining clear objectives, timelines, and delineating responsibilities among various agencies. The approach should incorporate the following:

***Needs Assessment and Consultation:*** Conduct a thorough needs assessment involving key stakeholders, including government entities, NGOs, community representatives, and street children themselves. Gather insights to understand the diverse needs and challenges faced by street children.

***Clear Objectives and Timelines:*** Define clear and achievable objectives aimed at addressing the root causes of street-connectedness. Set specific, measurable, achievable, relevant, and time-bound goals with defined timelines for implementation.

***Interagency Collaboration:*** Foster collaboration among relevant government ministries, departments, and agencies, ensuring coordination and synergy in

efforts. Assign specific responsibilities and roles to each agency involved in the action plan.

***Comprehensive Interventions:*** Develop a multi-dimensional approach encompassing interventions related to education, healthcare, social services, family support, legal protection, and livelihood opportunities tailored to the needs of street children.

***Community Engagement:*** Engage communities and local leaders in the development and implementation of the action plan. Encourage community involvement and ownership to ensure sustainability and cultural sensitivity in interventions.

***Allocation of Resources:*** Ensure adequate allocation of resources, including funding, human resources, and infrastructure, to effectively implement the action plan. Advocate for budgetary provisions and seek support from international donors if required.

***Monitoring and Evaluation Mechanisms:*** Establish robust monitoring and evaluation mechanisms to track progress, assess the impact of interventions, and make necessary adjustments. Regularly review the action plan's effectiveness and adapt strategies as needed.

***Awareness and Advocacy:*** Conduct advocacy campaigns to raise awareness among the public, policymakers, and stakeholders about the action plan's goals and the importance of addressing the issues faced by street children.

***Legislation and Policy Alignment:*** Ensure alignment of the action plan with existing legislation and policies concerning child rights and protection. Advocate for necessary legislative changes to support the action plan's objectives.

## **8.15 Concluding Remarks**

In shedding light on the plight of street children in Bangladesh through this research, it is evident that their challenges are multifaceted and require comprehensive solutions. The exploration of defining street children, their

standard of living, civil and political rights, issues of juvenile delinquency, and the right to recreation underscores the need for dire attention and action. These chapters collectively emphasize the need to recognize street children as a vulnerable demographic, deserving of fundamental rights, care, and opportunities. Addressing their diverse needs, including access to basic necessities, education, legal protection, and recreational activities, is pivotal in fostering their well-being and integration into society. It's imperative to view street children not as an invisible segment but as individuals with rights, potential, and the capacity to thrive when provided with adequate support and opportunities. This research calls for concerted efforts from policymakers, communities, and stakeholders to implement inclusive policies, interventions, and support systems that enable these children to escape the vicious cycle of marginalization and build a brighter future. Making street children visible in the eyes of policymakers isn't just a moral imperative but a necessary step towards a more equitable and compassionate society for all.

## Recommendations at a Glance

Recommendations	Actions/Strategy/Policy	Actors/Enforcing Institution
<p style="text-align: center;"><b>Proper and inclusionary Definition of Street Children needs to be included</b></p>	<p style="text-align: center;">Give a proper umbrella definition, to ensure all sorts of children who are connected to the streets are covered.</p>	<p style="text-align: center;">Ministry of Law, Justice and Parliamentary Affairs</p>
<p style="text-align: center;"><b>Introduce the right to recreation for children in the national policy</b></p>	<p style="text-align: center;">Properly introduce the right to recreation for the children in the national policy.</p>	<p style="text-align: center;">Ministry of Law, Justice and Parliamentary Affairs</p>
<p style="text-align: center;"><b>Deploy Mobile Outreach Units</b></p>	<p style="text-align: center;">Deploy social workers and medical personnel to provide basic necessities, counseling, and healthcare.</p>	<p style="text-align: center;">Ministry of Social Welfare, Ministry of Health, and Ministry of Finance</p>
<p style="text-align: center;"><b>Temporary Refuge</b></p>	<p style="text-align: center;">Establish accessible drop-in centers or night shelters for temporary refuge and food.</p>	<p style="text-align: center;">Ministry of Social Welfare</p>
<p style="text-align: center;"><b>Child Identification and Registration</b></p>	<p style="text-align: center;">Create a central database to track vulnerable children and facilitate family tracing</p>	<p style="text-align: center;">Ministry of Social Welfare</p>
<p style="text-align: center;"><b>Flexible education programs</b></p>	<p style="text-align: center;">Introduce non-formal, age-appropriate programs focused on literacy, numeracy, and life skills of the street children.</p>	<p style="text-align: center;">Ministry of Education</p>
<p style="text-align: center;"><b>Vocational training</b></p>	<p style="text-align: center;">Offer short-term skills training in marketable trades like tailoring, handicrafts, or repair work in collaboration with successful NGOs that are running programs as such.</p>	<p style="text-align: center;">Ministry of Education, National Skills Development Authority</p>

<b>Adequate Training for law enforcement agencies</b>	Train law enforcement agencies with child-sensitive approaches and best practices for interacting with street children	Ministry of Home Affairs
<b>Reformation of the juvenile justice system and Establish Separate Children’s Court in all Districts</b>	Prioritize rehabilitation and reintegration instead of punishment for children in conflict with the law	Ministry of Law, Justice and Parliamentary Affairs
<b>Strengthen reporting mechanisms</b>	Create accessible channels for children to report abuse or exploitation	Ministry of Home Affairs
<b>Family reunification and support</b>	Prioritize reuniting children with families while providing ongoing support and social services	Ministry of Social Welfare, Home Affairs and Ministry of Women and Children Affairs
<b>Livelihood and economic empowerment programs</b>	Support families and communities to create sustainable livelihoods and prevent children from returning to the streets	Ministry of Social Welfare, Directorate General of Family Planning
<b>Investing in social safety nets</b>	Expand access to social protection programs like food security and healthcare for vulnerable families	Ministry of Finance
<b>Review and revise existing laws</b>	Ensure legal frameworks to effectively protect street children’s rights and address specific vulnerabilities.	Ministry of Law, Justice and Parliamentary Affairs

<p><b>Develop a national action plan</b></p>	<p>Create a comprehensive roadmap with clear goals, timelines, and responsible agencies to solve the problems regarding street children.</p>	<p>Ministry of Planning</p>
<p><b>Monitor and evaluate progress</b></p>	<p>Regularly assess the effectiveness of interventions and adapt strategies based on data</p>	<p>Ministry of Planning, Ministry of Social Welfare, Ministry of Women and Children Affairs</p>

## BIBLIOGRAPHY

### National Legislations and Policies

Constitution of the People's Republic of Bangladesh  
The Children Act, 2013  
The Prevention of Women & Children Repression Act, 2000  
National Children Policy, 2011  
Bangladesh Labour Act, 2006  
Code of Criminal Procedure, 1898  
Prevention and Suppression of Human Trafficking Act, 2012  
Vagrant and Shelterless Persons (Rehabilitation) Act, 2011  
The Majority Act, 1875

### International Treaties

Universal Declaration of Human Rights (adopted on 10 December 1948)  
The United Nations Convention on the Rights of the Child (adopted on 20 November 1989)  
The International Covenant on Economic, Social and Cultural Rights (adopted on 16 December 1966)  
International Covenant on Civil and Political Rights (adopted on 16 December 1966)  
United Nations Guidelines for the Alternative Care of Children (20 November 2009)  
Beijing Rules of 1985  
ILO Convention No 138 concerning the Minimum age for the Admission to Employment (26 June 1973)  
ILO Convention No 182 concerning Elimination of the Worst forms of Child Labour (17 June 1999)

### Case Laws

Mr. M. Saleem Ullah, Advocate and others vs. Bangladesh, [2003] 23 BLD [HCD] 58.  
*Kingdom of the Netherlands v European Parliament and Council of the European Union* [2001] C-377/98, ECR I-07079 grounds 70 — 77.

## UN Docs

CESCR, General Comment No. 14: The Right to the Highest Attainable Standard of Health (Article 12) (11 August 2000)

Committee on the Rights of the Child, General Comment No. 21 on Children in Street Situations (2017)

UN Human Rights Committee, 'General Comment No.32: Right to equality before courts and tribunals and to a fair trial'(Article 14) U.N. Doc. CCPR/C/GC/32 (2007)

UN Human Rights Committee, 'General Comment no.35: Liberty and security of person (16 December 2014) (Article 9 ) (OHCHR, III, Para- 24)

## Books and Journal Articles

Theresa Blanchet, *Lost Innocence, Stolen Childhood* (1st edn, UPL 2008)

Aonticini, Alessandro, & Hulme, David. "Escaping Violence, Seeking Freedom: Why Children in Bangladesh Migrate to the Street." *International Institute of Social Studies, Journal of International Development*. Volume 38, Issue 2. DOI: 10.1002/jid.1852.

Atkinson-Sheppard, Sally. (2018). "Street Children and Dhaka's Gangs: Using a Case Study to Explore Bangladeshi Organized Crime." DOI: 10.4135/9781526427625.

Dabir, Neela. "Street-Connected Children." *Encyclopedia of Social Work*. DOI: 10.1093/acrefore/9780199975839.013.1044. Published online: September 1, 2014.

Embleton, L., Shah, P., Gayapersad, A. and others., "Recommendations for improving access to healthcare for street-connected children and youth in Kenya: A qualitative study." *Children and Youth Service Review*. Volume 131, December 2021, 106302.

Grugel, Jean, & Ferreira, Frederico Poley Martins. "STREET WORKING CHILDREN, CHILDREN'S AGENCY AND THE CHALLENGE OF CHILDREN'S RIGHTS: EVIDENCE FROM MINAS GERAIS, BRAZIL." *Journal of International Development*. DOI: 10.1002/jid.1852.

Haque, Md Atiqul, Moniruzzaman, Syed, Janson and others "Children's exposure to psychological abuse and neglect: A population-based study in rural Bangladesh." *Acta Pædiatrica Nurturing the Child*. Volume 110, Issue 1, January 2021, Pages 257-264.

Reza MH, & Bromfield, Nicole F. "Poverty, Vulnerability and Everyday Resilience: How Bangladeshi Street Children Manage Economic Challenges through Financial Transactions on the Streets." *The British Journal of Social Work*. Volume 49, Issue 5, July 2019, Pages 1105–1123.

David M & Chavis, David (1986). "Sense of Community: A Definition and Theory." *Journal of Community Psychology*. 14. 6-23. DOI: 10.1002/1520-6629(198601)14:13.0.CO;2-I.

Mia, Md & Islam, Monirul. (2021). "Legal Protection of Street children in Bangladesh: with References to International and National Laws." *Journal of Asian and African Social Science and Humanities*. Vol. 7, No. 2, 2021, Pages 34-49.

Nada, Khaled H., & Suliman, El Daw A. "Violence, abuse, alcohol and drug use, and sexual behaviors in street children of Greater Cairo and Alexandria, Egypt." *National Library of Medicine*. DOI: 10.1097/01.aids.0000386732.02425.d1.

Patwary, Md. Zonaid. "Rights and liabilities of street children in Bangladesh Perspective." *Lawyers Club*.

Sayem, Mohammad A, "Violence, Negligence and Suicidal Tendency among Physically Disabled Street Children." *Asian Social Work and Policy Review*. Volume 5, Issue 1, February 2011, Pages 44-59.

Tadele, G. "'Unrecognized victims': Sexual abuse against male street children in Merkato area, Addis Ababa." *Ethiopian Journal of Health Development*. Vol. 23 No. 3 (2009).

Rahman R and Samadder ZR, 'Lives of Street-connected Children in Bangladesh' (2015) Research Report No. 45, Research and Evaluation Division, BRAC.

Conticini A and Hulme D (2007). *Escaping Violence, Seeking Freedom: Why children in Bangladesh migrate to the street*. *Development and change*, 38(2), 201-227.

Reza MH & Bromfield NF, 'Human Rights Violations Against Street Children Working in the Informal Economy in Bangladesh: Findings from a Qualitative Study' (2019) *Journal of Human Rights and Social Work*.

MS Ali, MT Islam, MA Momin, 'Street Children and Their Socio-Economic Background in Bangladesh' (2012) 7:2 *Development Compilation*.

Mohajan HK, 'Child Rights in Bangladesh' (2014) 2:1 *Journal of Social Welfare and Human Rights* 207.

Farid S and Mostari M, 'Lives and Livelihoods of Children Living in Street Situation in Dhaka City of Bangladesh' (2015) 11:1 *BANGLADESH RESEARCH PUBLICATIONS JOURNAL* 40.

J CB (2010). "The role of solvents in the lives of Kenyan street children: an ethnographic perspective". *African Journal of Drug & Alcohol Studies*, 9(2): 93.

Sastry DTS, 'The Significance of Research Methodology in Human Rights: A Bird's Eye View' [2013] 32(1) *Delhi Law Review* 105-114.

Rahman M, 'CLR, 'Rebellious Lawyering, and Justice Education: A Few Lessons from Bangladesh' (2020) 11(2) *Jindal Global Law Review* 289.

Boro B, "Legally entitled to a full stomach", D+C Ministry of Women and Children Affairs. Annual Report 2022-23.

Ministry of Women and Children Affairs. *Social Security Programs: Fiscal Year 2022-23*.

The Bangladesh Bureau of Statistics National Child-Labour Survey, Foundation for Research on Educational Planning and Development (FREPD). A BASELINE SURVEY OF STREET CHILDREN IN BANGLADESH.

UNICEF, "Street children are some of the most vulnerable children on the planet." Consortium for Street Children. "Ensuring decision-makers have the right information to make plans benefiting street children."

UN Human Rights Council. "Report of the United Nations High Commissioner for Human Rights on the protection and promotion of the rights of children working and/or living on the street."

UN Human Rights of the High Commission. "Protection and promotion of the rights of children working and/or living on the street."

UNICEF, "Street Children: Promising Practices and Approaches" by Elena Volpi, World Bank Working Papers.

Pathak, Puneet (2020). "STREET CHILDREN: INTERNATIONAL & NATIONAL PROTECTIVE MEASURES." Pages 480-488.

Consortium for the Street Children. "Ensuring decision-makers have the right information to make plans benefiting street children."

The Bangladesh Bureau of Statistics National Child-Labour Survey, Foundation for Research on Educational Planning and Development (FREPD). A BASELINE SURVEY OF STREET CHILDREN IN BANGLADESH.

## **Encyclopedias and Dictionaries**

Banglapedia (2nd edn 2012)

Oxford English Dictionary (3rd edn 2000)

## **Online Journals and Articles**

Sheppard SA, 'A rough life: exploring the involvement of street children in organized crime in Dhaka' (*LSE Blog*, 4 April 2018) <

<https://blogs.lse.ac.uk/southasia/2018/04/04/a-rough-life-exploring-the-involvement-of-street-children-in-organised-crime-in-dhaka/>>

Bhat PI, (2020). Qualitative Legal Research: *A Methodological Discourse* <10.1093/oso/9780199493098.003.0012>

Zainal Z, 'Case Study As a Research Method' *Jurnal Kemanusiaan*, 5(1) 1 (2017) <<https://jurnalkemanusiaan.utm.my/index.php/kemanusiaan/article/view/165>>

Islam MS, Proshad R, Ahmed S, 'Ecological risk of heavy metals in sediment of an urban river in Bangladesh' (*Human and Ecological Risk Assessment* [24(2):1-22], November 2017), DOI:10.1080/10807039.2017.1397499

<[https://www.researchgate.net/figure/Map-of-the-study-area-of-Buriganga-River-Dhaka-City-Bangladesh\\_fig1\\_321351722](https://www.researchgate.net/figure/Map-of-the-study-area-of-Buriganga-River-Dhaka-City-Bangladesh_fig1_321351722)>

Butler, John S (2008), Bangladesh (6th ed.). Lonely Planet. p. 68. ISBN 978-1741045475

Lowe T, “What is 'community' and why is it important?” (*Centre for Public Impact*, 26 February) <<https://www.centreforpublicimpact.org/insights/what-is-community-and-why-is-it-important>> accessed 27 February 2023

Mcmillan DW and Chavis D, ‘Sense of Community: A Definition and Theory’ [1986] 14(1) *Journal of Community Psychology*, available at <10.1002/1520-6629(198601)14:13.0.CO;2-I> accessed 27 February 2023

Fight Slavery Now, ‘Street Children’ (31 May 2010) <<https://fightslaverynow.org/why-fight-there-are-27-million-reasons/street-children/>> accessed 16 February 2023

Cobigo et al., ‘Understanding Community’ [2016] 5.4 CJDS <[https://www.researchgate.net/publication/312186833\\_Understanding\\_Community#:~:text=community%20is%20a%20group%20of,be%20established%20by%20a%20so](https://www.researchgate.net/publication/312186833_Understanding_Community#:~:text=community%20is%20a%20group%20of,be%20established%20by%20a%20so)le> accessed 6 December 2023

Consortium for Street Children, ‘The Facts about Street Children | CSC’ (2019) <<https://www.streetchildren.org/about-street-children/>> accessed 16 February 2023

Lusk MW, ‘Street Children of Rio de Janeiro’ (1992) 35 *International Social Work* 293, <<https://journals.sagepub.com/doi/10.1177/002087289203500302>> accessed 16 February 2023

Ibrahim A, ‘Characteristics of Street Children’ (11 December 2012), <<https://www.eir.info/2012/12/11/characteristics-of-street-children/>> accessed 16 February 2023

Parveen S, Conceptual Meaning and Definition of Street Children: Worldwide, An International, Registered & Referred Monthly Journal: *Sociology, Research Link* - 118, Vol - XII (11), January - 2014, page 79, available at <[https://www.academia.edu/5741720/Conceptual\\_Meaning\\_and\\_Definition\\_of\\_Street\\_Children](https://www.academia.edu/5741720/Conceptual_Meaning_and_Definition_of_Street_Children)> accessed 16 February

Wargan K and Dershem L, ‘Don’t Call Me a Street Child Estimation and Characteristics of Urban Street Children in Georgia’ (*USAID* 2009) <[https://pdf.usaid.gov/pdf\\_docs/Pnado657.pdf](https://pdf.usaid.gov/pdf_docs/Pnado657.pdf)> accessed 16 February 2023

Pereira F, ‘Vagrants Law 2011: Why We Are Calling for a Protest’ (*the good feed*, 11 October 2011) <<https://blog.brac.net/vagrants-law-2011-why-we-are-calling-for-a-protest/>> accessed 9 April, 2023

UNODC, ‘Mobile Training Unit Makes a Difference to Street Children in Thailand’ (United Nations) <<https://www.unodc.org/unodc/en/frontpage/2014/October/mobile-training-unit-makes-a-difference-to-street-children-in-thailand.html>> accessed 3 December 2023

## Reports

BBS (Bangladesh Bureau of Statistics), 'Report on National Child Labour Survey 2002-2003' (2003)

Bangladesh Bureau of Statistics, 'Population & Housing Census 2022' (2022)

<[https://sid.portal.gov.bd/sites/default/files/files/sid.portal.gov.bd/publications/01ad1ffe\\_cfef\\_4811\\_af97\\_594b6c64d7c3/PHC\\_Preliminary\\_Report\\_\(English\)\\_August\\_2022.pdf](https://sid.portal.gov.bd/sites/default/files/files/sid.portal.gov.bd/publications/01ad1ffe_cfef_4811_af97_594b6c64d7c3/PHC_Preliminary_Report_(English)_August_2022.pdf)>

UNHRC, 'Report of the United Nations High Commissioner for Human Rights on the protection and promotion of the rights of children working and/or living on the street' (11 January 2012) UN Doc A/HRC/19/35, para 3

Ministry of Women and Children Affairs. Annual Report 2022-23

## Newspapers

Staff Reporter, 'Antaghar, a historical heritage is now Bahadur Shah Park' *Channel 24* (Dhaka, 20 May 2022)

Voice of America, 'Kamalapur railway station is one of the shelters of floating people in the capital Dhaka', (in Bengali) (7 February 2022)

Biswas, Rezwana, 'Gang of vagrants at Kamalapur railway station' (*Kaler Kantho*, 18 May 2022)

The Financial Express 'The plight of Railways', (11 June 2019)

The Daily Star, Vagrant act a 'tool' to put Shelterless behind bars, (Sep 18, 2011)

<<https://www.thedailystar.net/news-detail-202904> > accessed 20 March 2023

Tayeb T, 'Bangladesh's Persistent Child Abuse Woes' (*The Daily Star*, 27 April 2023) <<https://www.thedailystar.net/opinion/views/closer-look/news/bangladeshs-persistent-child-abuse-woes-3304891>> accessed 20 December 2023