

An Evaluation of Legal Safeguards for the Right to Life of Street Children in Bangladesh



LL.M THESIS

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Letter of Transmittal

To

Dr. S.M. Saiful Hoque
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Subject: Prayer for Submission of Dissertation

Dear Sir,

My willingness to undertake research on “**An Evaluation of Legal Safeguards for the Right to Life of Street Children in Bangladesh**” is a clear indication of the pressure I am under. Additionally, I have made every effort to conclude this research in a unique and noteworthy manner. Furthermore, by compiling all relevant information from numerous sources that would satisfy your needs,

As a result, I genuinely hope and pray that this study paper will be helpful to you in your evaluation. Finally, I would want to hear if you have any wise suggestions on this.

If you require any further clarification on this material, I'm always available.

Sincerely yours,

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Letter of Approval

This attests to the completion of the task. As part of the research project for Daffodil International University, Ananna Tasnim, ID: 242-38-005, Department of Law, finished the actual **work “An Evaluation of Legal Safeguards for the Right to Life of Street Children in Bangladesh”** under my supervision.



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Declaration

In order to receive a master's degree in law from the Department of Law at Daffodil International University, I formally attest that my thesis, **“An Evaluation of Legal Safeguards for the Right to Life of Street Children in Bangladesh,”** partially meets the requirements.

I further certify that the study detailed in this thesis is original and has never before been submitted, in whole or in part, to another university for credit toward a degree, certificate, or other academic honor. The content I've shared doesn't breach any copyright.

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Certification

This attests to the authorship of Ananna Tasnim's thesis, "**An Evaluation of Legal Safeguards for the Right to Life of Street Children in Bangladesh,**" It is prepared to fulfill a portion of the requirements for the Master of Laws degree from Daffodil International University's Department of Law. The research was carried out under my supervision as a component of a valid project that was successfully finished.



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Abstract

One of the most vulnerable and marginalized groups in Bangladesh are street children, who face major risks to their right to life due to abuse, neglect, lack of access to basic services, and legal invisibility. The current legal protections—constitutional, statutory, and international—that are intended to preserve the lives and welfare of Bangladeshi street children are critically assessed in this study. The research maps out both the formal legal protections and significant gaps in implementation using secondary data, such as legal texts like the Children Act, 2013; constitutional provisions (such as Articles 15, 17, etc.); international instruments to which Bangladesh is a party (particularly the UN Convention on the Rights of the Child, or CRC); and reports from NGOs and UN agencies. The study comes to the conclusion that, despite being essential and generally well-designed, legislative protections are insufficient in reality to ensure street children's right to life. Strengthening child-friendly courts, enhancing monitoring and accountability systems, increasing outreach and social services, raising street children's awareness of the law, and specifically including them into child protection programs are some of the recommendations it makes.

Keywords: Legal protections, Street children, right to life, Implementation gaps, Bangladesh.

Abbreviations

ASK- Ain-O-Shalish Kendra

ACC- Anti-Corruption Commission

BMP- Bangladesh Mahila Parishad

BLAST- Bangladesh Legal Aid Service Trust

CAT-The Committee Against Torture

CPT- Committee for the Prevention of Torture

CSO- Civil Society Organizations

CRC- Convention on the Rights of the Child

CEDAW- Convention on the Elimination of All Forms of Discrimination Against Women

ICCPR-International Covenant on Civil and Political Rights

NHRC-National Human Rights Commission

MoHA- Ministry of Home Affairs

MoL- Ministry of Law,

MoLJPA- Justice and Parliamentary Affairs

NHRC-National Human Rights Commission

NLASO- National Legal Aid Services Organization

NPM- National Preventive Mechanism

OPCAT-Optional Protocol to the Convention Against Torture

UNICEF- United Nations Children's Fund.

UNODC- United Nations Office on Drugs and Crime

UN- United Nations

UDHR-The Universal Declaration of Human Rights

WHO-World Health Organization

LEA- Law Enforcement Agency

Chapter One

Introduction

1.1 Background of the Study

One of Bangladesh's most marginalized populations, street children experience systematic abuse, neglect, and denial of fundamental rights. Although "no person shall be deprived of life or personal liberty save in accordance with law,"¹ as stated in Article 32, this fundamental protection frequently does not materialize into real protection for children who are at risk in metropolitan areas.

The main piece of legislation governing Bangladesh's child protection system is the Children Act of 2013. It creates institutional frameworks for child welfare and rehabilitation while making child abuse, neglect, and exploitation illegal.² Despite these clauses, the efficacy of these legislative protections is nevertheless being weakened by pervasive issues such inadequate coordination, low institutional capacity, poor enforcement, and lack of knowledge.³ Many children with ties to the streets are born unregistered, which limits their access to social assistance, education, healthcare, and legal identification.⁴

The gravity of the problem is demonstrated by empirical facts. According to UNICEF and other organizations, street children's right to life and development is seriously threatened by extreme poverty, illiteracy, starvation, violence, and hazardous working circumstances.⁵

The gap between constitutional provisions and actual implementation still exists, despite the fact that Bangladeshi legal interpretations have broadened the definition of the right to life to include rights to health, shelter, and dignity.⁶

In light of this, it is both appropriate and vital to assess the legal protections for street children's right to life. The purpose of this study is to determine the extent to which Bangladeshi street children's right to life has been protected by constitutional protections, statutory tools like the Children Act 2013, and policy frameworks, as well as to pinpoint any gaps that prevent adequate protection.

¹ *Constitution of the People's Republic of Bangladesh* (1972) art 32.

² *Children Act 2013* (Bangladesh).

³ Ain o Salish Kendra (ASK), *State of Children in Bangladesh 2019* (ASK 2020).

⁴ UNICEF, *Birth Registration for Every Child by 2030: Are We on Track?* (UNICEF 2019).

⁵ UNICEF, *The State of the World's Children 2016: A Fair Chance for Every Child* (UNICEF 2016).

⁶ *Bangladesh v BLAST and Others* [2016] 69 DLR (HCD) 90.

1.2 Statement of the Problem

In Bangladesh, street children are among the most vulnerable members of society since they are constantly subjected to violence, exploitation, and poverty. Even though Article 32 of the Bangladeshi Constitution acknowledges the right to life and liberty as a fundamental right, children who live and labor on the streets do not yet completely enjoy these rights.

Of all human rights, the right to life is the most essential since it forms the basis for the enjoyment of all other rights. "No person shall be deprived of life or personal liberty save in accordance with law," according to Article 32 of the People's Republic of Bangladesh Constitution.⁷

Although Bangladesh has created legal structures to safeguard children, most notably the Children Act 2013⁸, these rules frequently fall short in successfully reaching children who are tied to the streets. Many children are born without registration, which deprives them of their legal status and prevents them from receiving basic services like social assistance, healthcare, and education.⁹

Inadequate coordination between child protection organizations, low institutional capability, and weak enforcement procedures all contribute to the problem. Civil society organizations like UNICEF and Ain o Salish Kendra (ASK) have drawn attention to the ongoing dangers that street children face, including as abusive treatment by law enforcement, exposure to violence, and hazardous labor.¹⁰

In addition, Bangladesh must take proactive steps to safeguard every child's right to life in order to fulfill its duties under international law, such as the Convention on the Rights of the Child (CRC) 1989¹¹ and the International Covenant on Civil and Political Rights (ICCPR) 1966¹².

In order to identify gaps and suggest ways to improve institutional and legal protection, this study aims to critically assess the effectiveness and sufficiency of legal safeguards for street children's right to life in Bangladesh, paying special attention to Article 32 of the constitution.

⁷ *Constitution of the People's Republic of Bangladesh* (1972) art 32.

⁸ *Children Act 2013* (Bangladesh).

⁹ UNICEF, *Birth Registration for Every Child by 2030: Are We on Track?* (UNICEF 2019).

¹⁰ Ain o Salish Kendra (ASK), *State of Children in Bangladesh 2019* (ASK 2020).

¹¹ *Convention on the Rights of the Child* (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC) art 6.

¹² *International Covenant on Civil and Political Rights* (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR) art 6(1).

1.3 Objectives of the Research

This study's main goal is to assess the effectiveness and sufficiency of legal protections for Bangladeshi street children's right to life while taking into consideration international commitments, statute legislation, constitutional guarantees, and best practices in the region.

The following are the precise goals:

To investigate the legal and constitutional framework in Bangladesh that safeguards children's right to life, with a focus on the Children Act of 2013 and Article 32 of the People's Republic of Bangladesh.

To evaluate Bangladesh's adherence to international treaty obligations, such as the International Covenant on Civil and Political Rights (ICCPR) 1966⁴ and the Convention on the Rights of the Child (CRC) 1989, with a focus on the protection of children who are connected to the streets.

to assess how well law enforcement, the courts, and child welfare organizations are implementing child protection measures and to find enforcement weaknesses that jeopardize the right to life.

To investigate comparative models of institutional and legal protection for street children from South Asia (such as India, Nepal, and Sri Lanka) in order to find best practices that Bangladesh may adopt.

To offer suggestions for enhancing Bangladesh's institutional and legal environment, including policy changes, legislative reforms, and child-sensitive enforcement tactics, in order to guarantee street children's full realization of their right to life.

1.4 Scope and Importance of the Study

Scope:

- With a major focus on the constitutional, statutory, and international legal frameworks, this study assesses the legal protections for street children's right to life in Bangladesh. These include:
- Constitutional protections under Article 32 of the People's Republic of Bangladesh's constitution.
- Legal safeguards offered by the Bangladesh Labour Act 2006, the Penal Code 1860, and the Children Act 2013.
- International commitments, especially those outlined in the International Covenant on Civil and Political Rights (ICCPR) 1966 and the Convention on the Rights of the Child (CRC) 1989.

- Socio-legal realities as reported by institutions and NGOs, such as UNICEF, Aparajeyo Bangladesh, and Ain o Salish Kendra (ASK).
- In order to find possible best practices and policy changes, the study also compares South Asian jurisdictions like India and Nepal.

Importance

This study is very important for a number of reasons. First, because of systematic enforcement shortcomings, institutional inadequacies, and a lack of policy prioritization, street children continue to be outside the effective reach of legal protection despite constitutional and statutory obligations.¹³

Second, by offering an evidence-based analysis of how legal protections are applied—or not applied—to one of the most marginalized groups, the study advances scholarly research on child rights and constitutional law in Bangladesh. Third, it has policy importance since the results could guide the creation of child-sensitive practices in the judicial and welfare systems, institutional strengthening, and legislative reforms. Lastly, the report is useful for human rights activists, civil society organizations, and legislators who are trying to make sure Bangladesh complies with its international commitments under the CRC as well as its domestic constitutional duties.

1.5 Research Questions

- In what ways do the Children Act of 2013 and Article 32 of the Constitution protect Bangladeshi street children's right to life?
- How well does Bangladesh respect the right to life of street children in accordance with its duties under the ICCPR 1966 and the CRC 1989?
- What are the primary obstacles and weaknesses in the way that national laws and child protection systems are being applied to street children?
- Which comparative models or practices could be modified to enhance Bangladesh's child protection efforts?
- How have other South Asian nations handled the issue of protecting street children?

¹³ Ibid

- What institutional, legislative, and policy changes are required to guarantee that Bangladeshi street children can successfully exercise their right to life in accordance with national and international norms?

1.6 Research Methodology

This research uses a doctrinal and socio-legal approach, combining empirical findings from secondary sources with legal analysis. While acknowledging the practical limitations of conducting empirical research with vulnerable populations, the methodology is intended to critically assess the legal protections for street children's right to life in Bangladesh, taking into account constitutional, statutory, and international frameworks.

Research on Doctrinal Issues

This study's doctrinal component entails a thorough examination of court rulings and legal literature. We'll look at the following legal tools:

The People's Republic of Bangladesh's Constitution, namely Article 32 (right to life) and Articles 15, 27, and 28 (directive principles and equality guarantees).¹⁴

Statutory laws include the Bangladesh Labour Act 2006¹⁵ (provisions pertaining to child labor), the Children Act 2013¹⁶, and the Penal Code 1860¹⁷ (particularly the sections against child exploitation, cruelty, and abandonment).

International commitments: Bangladesh's adherence to the International Covenant on Civil and Political Rights (ICCPR) 1966¹⁸ and the Convention on the Rights of the Child (CRC) 1989¹⁹, with a focus on Article 6 of both agreements.

Court rulings: Case law interpreting Article 32, including *Bangladesh v. BLAST and Others* [2016] 69 DLR (HCD) 90²⁰, as well as other pertinent rulings concerning street children and child protection.

¹⁴ Constitution of the People's Republic of Bangladesh (1972) art 32

¹⁵ Bangladesh Labour Act 2006 (as amended in 2018).

¹⁶ Children Act 2013 (Bangladesh).

¹⁷ Penal Code 1860 (Bangladesh) ss 317–369.

¹⁸ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR) art 6(1).

¹⁹ Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC) art 6.

²⁰ *Bangladesh v BLAST and Others* [2016] 69 DLR (HCD) 90.

The goal of the doctrinal analysis is to find discrepancies, ambiguities, and difficulties with enforcement between the written and practical versions of the law.

Empirical and Socio-Legal Analysis

Due to practical and ethical issues, primary empirical research is limited given the vulnerability of street children. Interviewing or surveying street children carries hazards pertaining to safety, trauma, and consent. As a result, the study mostly on secondary sources, such as

Research and reports by non-governmental organizations, like Aparajeyo Bangladesh and Ain o Salish Kendra (ASK).

Publications from global organizations, such as the International Labour Organization¹¹ and UNICEF.

Government publications about street children and child protection.

These resources offer qualitative information on institutional reaction, trends of exploitation and neglect, and the actual experiences of street children.

Source Triangulation

To guarantee validity and dependability, the study triangulates doctrinal analysis with empirical discoveries. To find differences between legislative assurances and the real protection of street children, legal provisions and case law are compared with reports from institutions and non-governmental organizations. In order to highlight best practices and possible reforms, comparative analysis with South Asian jurisdictions—such as India and Nepal—is also included.

Restrictions

Because of access issues and ethical considerations, the study does not directly fieldwork with street children.

The granularity of data on individual experiences may be limited by reliance on secondary sources; however, triangulation reduces this by integrating several reliable sources.

The scope of comparative analysis is limited to nations with accessible legal and socio-legal literature, mainly Nepal and India.

Methodology Justification

The following justifies the use of doctrinal, socio-legal, and comparative approaches together:

- Guarantees thorough coverage of all available legal resources, such as legislation, case law, and constitutional clauses.
- For street children, who are frequently denied official legal protection, it sheds light on the discrepancy between law provisions and practice.
- Gives recommendations for reforms that are in line with Bangladesh's constitutional duties and commitments made in international treaties a normative and empirical foundation

1.7 Structure of the Dissertation

In Chapter One: Introduction, the study topic, problem, objectives, and questions are presented, along with the technique and scope.

Chapter 2: Review of the Literature and Conceptual Framework outlines theoretical frameworks, defines important terms, examines domestic and foreign literature, and points out areas in need of further study.

In Chapter Three, "International and Constitutional Legal Protections," the rights of street children to life are examined in relation to international agreements (such as the CRC and ICCPR) and Bangladeshi constitutional protections.

In Chapter Four, "Lawmaking Structure," the legislative process in Bangladesh is discussed, important statutes (such as the Children Act of 2013, the Labour Act of 2006, and the Penal Code of 1860) are reviewed, and policy frameworks and enforcement mechanisms are assessed.

Chapter 5: Socio-Legal and Comparative Analysis examines socio-legal ramifications, evaluates child protection frameworks in other nations, and identifies best practices and implementation issues.

The efficacy of legal and policy measures for safeguarding street children is evaluated in Chapter Six: Case Law and Policy Analysis, which also examines seminal rulings and policy tools.

Research findings are presented, marginalization trends are noted, and the discrepancies between legislation, policy, and practice are critically examined in Chapter Seven: Findings and Discussion.

Conclusion and Recommendations in Chapter Eight highlights' areas for further investigation, suggests legislative and policy changes, and summarizes the main conclusions.

Chapter Two

Conceptual Framework and Literature Review

2.1 Conceptual Framework

Since it serves as the foundation for the enjoyment of all other rights, the right to life is acknowledged as the most fundamental of all human rights. The People's Republic of Bangladesh's Constitution states in Article 32 that "no person shall be deprived of life or personal liberty save in accordance with law."²¹ According to judicial interpretation, this guarantee now includes not only the existence of life but also the prerequisites for a decent existence, such as education, housing, and health.²²

When it comes to children, the right to life takes on a more comprehensive meaning since it encompasses development, protection, and survival. According to the 1989 Convention on the Rights of the Child (CRC), all children have an inalienable right to life, and nations are required to do everything in their power to secure their survival and development.²³ Thus, the conceptual foundation of this study is based on the junction of international commitments under the CRC, legislation protections (especially the Children Act 2013), and constitutional rights.²⁴

In this context, street children are a special and vulnerable group. They are disproportionately exposed to poverty, violence, and state neglect since they are not provided with family care, formal schooling, or social assistance.²⁵

2.2 Literature Review

Although there is a substantial amount of research on children's rights in Bangladesh, only a small number of studies have specifically examined the legal protections for street children's right to life.

In his thorough examination of constitutional guarantees, Hasan points out that although the judiciary has given the right to life under Article 32 a broad interpretation, it is still not effectively

²¹ *Constitution of the People's Republic of Bangladesh* (1972) art 32.

²² *Bangladesh v BLAST and Others* [2016] 69 DLR (HCD) 90.

²³ *Convention on the Rights of the Child* (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC) art 6.

²⁴ *Children Act 2013* (Bangladesh).

²⁵ *Ain o Salish Kendra (ASK), State of Children in Bangladesh 2019* (ASK 2020).

enforced for marginalized groups.²⁶ Rahman further contends that structural issues including corruption, inadequate execution, and a lack of institutional capacity impede effective protection, even in the face of progressive child laws like the Children Act 2013.²⁷

The theoretical underpinnings of human rights safeguards are emphasized in international study. According to Donnelly, the universality of human rights necessitates extra protection for marginalized populations, such as children, whose rights cannot be realized absent aggressive government action.²⁸ Reports from UNICEF offer empirical insights into the situation of street children, highlighting high rates of violence, poverty, and exclusion from healthcare and education.²⁹

According to academics like Verhellen, children's rights are frequently included into generic human rights frameworks without taking into account their particular vulnerabilities, which results in deficiencies in enforcement.³⁰

The main research issue is highlighted by this corpus of work: although Bangladesh's legal and constitutional frameworks ostensibly safeguard the right to life, the realities faced by street children reveal ongoing enforcement deficiencies. A focused assessment of the extent to which legal protections adequately preserve street children's right to life and the necessary adjustments to bridge the gap between law and practice are still needed in academia and policy.

2.3 Historical and Socio-Legal Context of Street Children in Bangladesh

Historical Context

In Bangladesh, the issue of street children has a long history and is associated with sociopolitical upheavals, urbanization, and poverty. The first discernible wave of youngsters with ties to the streets appeared in Dhaka and other metropolitan areas after the Liberation War of 1971, when many children were left orphaned or uprooted.³¹ Children were forced to live on the streets in order to survive as a result of family dissolution caused by economic instability, natural disasters, and frequent floods.³²

²⁶ K M Hasan, *Constitutional Law of Bangladesh* (2nd edn, Mullick Brothers 2013).

²⁷ M Rahman, *Child Rights in Bangladesh: Law and Practice* (Dhaka University Press 2017).

²⁸ Jack Donnelly, *Universal Human Rights in Theory and Practice* (3rd edn, Cornell University Press 2013).

²⁹ Jack Donnelly, *Universal Human Rights in Theory and Practice* (3rd edn, Cornell University Press 2013).

³⁰ Eugene Verhellen, *Convention on the Rights of the Child: Background, Motivation, Strategies, Main Themes* (Garant 2000).

³¹ UNICEF, *Children of the Liberation War: A Legacy of 1971* (UNICEF 2011).

³² Amartya Sen, *Poverty and Famines: An Essay on Entitlement and Deprivation* (Oxford University Press 1981).

The issue was made worse by the 1980s and 1990s' rapid urbanization and rural-urban migration.³³ Due to financial difficulties in rural areas, many families moved to cities, where children frequently found themselves working in dangerous jobs, begging, or unofficial labor.³⁴ Tens of thousands of children in Dhaka alone were relying on the streets for survival by the early 2000s, according to UNICEF, since they lacked parental support and permanent housing.³⁵

Socio Legal Context

In Bangladeshi society, street children hold a vulnerable position from a socio-legal standpoint. Because of their lack of visibility in the legal and social systems, these children continue to be among the least able to assert or exercise the rights to life, equality, and protection under the Constitution of the People's Republic of Bangladesh. The majority are not registered by birth, which prevents them from having a legal identity and limits their access to social security, healthcare, and education.

The Children Act of 1974 was superseded by the Children Act of 2013, which was a major step in updating child safety legislation. The 2013 Act established child welfare boards, child-friendly legal processes, and more robust prohibitions against exploitation, abuse, and neglect.³⁶ Despite these advancements, institutional processes frequently fall short of reaching homeless children, and enforcement has remained patchy.³⁷

As a signatory to the 1989 Convention on the Rights of the Child (CRC), Bangladesh is obligated to protect every child's right to life, survival, and development on a global scale.³⁸ However, there continues to be disconnect between Bangladesh's promises and the realities faced by street children, according to recurring reports from UNICEF and child rights organizations.³⁹ The effective application of legal protections is nonetheless hampered by structural poverty, a lack of state capacity, and social stigma.

2.4 International Legal Instruments Protecting the Right to Life (CRC, ICCPR, UDHR)

As the cornerstone of all other rights, the protection of the right to life is deeply ingrained in international human rights law. The state has both legal and moral responsibility to protect the

³³ World Bank, *Bangladesh: Urban Poverty and Adaptation Study* (World Bank 2007).

³⁴ Sajeda Amin, Ian Diamond and Ruchira T Naved, *Transition to Adulthood of Female Garment-Factory Workers in Bangladesh* (Population Council 1998).

³⁵ UNICEF, *The State of the World's Children 2002: Leadership* (UNICEF 2002).

³⁶ Children Act 2013 (Bangladesh).

³⁷ Ain o Salish Kendra (ASK), *State of Children in Bangladesh 2019* (ASK 2020).

³⁸ *Convention on the Rights of the Child* (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC) art 6.

³⁹ UNICEF, *The State of the World's Children 2016: A Fair Chance for Every Child* (UNICEF 2016).

lives of street children because this right has been expressly acknowledged for children in a number of important international instruments to which Bangladesh is a signatory.

Universal Declaration of Human Rights (UDHR) 1948

The present human rights framework is based on the 1948 adoption of the Universal Declaration of Human Rights (UDHR). "Everyone has the right to life, liberty, and security of person," according to Article 3 of the UDHR.⁴⁰ Despite not being legally binding, the UDHR has achieved the status of customary international law and has had a major impact on later legally binding agreements such as the Convention on the Rights of the Child (CRC) and the International Covenant on Civil and Political Rights (ICCPR).⁴¹ The UDHR establishes the normative basis for the global recognition of street children's right to life, irrespective of their social or legal standing.

International Covenant on Civil and Political Rights (ICCPR) 1966

Bangladesh signed the ICCPR in 2000, which imposes legally binding responsibilities on the right to life. "Every human being has the inherent right to life," according to Article 6(1). The law will safeguard this right. Nobody's life shall be taken from them without cause.⁴² In its General Comment No. 36, the Human Rights Committee made it clear that the right to life should not be narrowly understood as merely surviving but rather as encompassing the right to live with dignity, free from dangers like exploitation, violence, and starvation.⁴³ Given the circumstances that jeopardize their lives and dignity, street children can directly relate to this perspective.

Convention on the Rights of the Child (CRC) 1989

The most extensive international agreement pertaining to children's rights is the Convention on the Rights of the Child (CRC), which Bangladesh ratified in 1990. "States Parties recognize that every child has the inherent right to life," according to Article 6(1). States are required to "ensure to the maximum extent possible the survival and development of the child" under Article 6(2).⁴⁴ Therefore, the CRC adopts a holistic strategy rather than a minimalist one, mandating that states ensure children have access to healthcare, education, and safety from exploitation and abuse. The

⁴⁰ *Universal Declaration of Human Rights* (adopted 10 December 1948 UNGA Res 217 A(III)) art 3.

⁴¹ Hurst Hannum, 'The Status of the Universal Declaration of Human Rights in National and International Law' (1995) 25 Ga J Intl & Comp L 287.

⁴² *International Covenant on Civil and Political Rights* (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR) art 6(1).

⁴³ UN Human Rights Committee, *General Comment No 36: Article 6: Right to Life* (30 October 2018) UN Doc CCPR/C/GC/36.

⁴⁴ *Convention on the Rights of the Child* (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC) arts 6(1)–6(2).

Committee on the Rights of the Child has also emphasized the need for further precautions to ensure the survival and development of children living on the streets.⁴⁵

Relevance to Bangladesh

Together, these three tools form a strong international legal framework that requires Bangladesh to defend every child's right to life, including those living on the streets. The UDHR establishes the normative framework, but the CRC and ICCPR impose legally obligatory obligations. Adopting protective laws like the Children Act 2013 is simply one aspect of compliance for Bangladesh; another is making sure that these laws are effectively enforced, especially for the most vulnerable children who are not receiving family or community care.⁴⁶

2.5 National Legal Framework: Constitutional Safeguards and Child Protection Laws

National Legal Framework: Child Protection Laws and Constitutional Protections

Bangladesh's constitutional foundation and many legal frameworks uphold children's rights to life and protection. The domestic legal structure offers the enforcement tools to protect children's lives, particularly those in street circumstances, while international instruments set the normative requirements.

Additionally, as fundamental elements of the right to life, Article 15 requires the State to ensure the provision of basic requirements such as food, shelter, and medical treatment.⁴⁷ These principles serve as a guide for state policy-making when it comes to the welfare of street children, even if they are not legally binding because they are part of Part II of the Constitution (Directive Principles of State Policy).

The 2013 Children Act

The main piece of law pertaining to child safety in Bangladesh is the Children Act 2013, which was passed in order to comply with the CRC. In addition to introducing progressive measures including the creation of Child Welfare Boards, Children's Courts, and comprehensive rules on child safety, it repealed the Children Act of 1974.⁴⁸ Anyone under the age of eighteen is considered a child under the Act, which also guarantees their right to be shielded from exploitation, abuse, and neglect.

⁴⁵ Committee on the Rights of the Child, *General Comment No 21* (2017) on Children in Street Situations (21 June 2017) UN Doc CRC/C/GC/21.

⁴⁶ *Children Act 2013* (Bangladesh).

⁴⁷ *Constitution of the People's Republic of Bangladesh 1972*, art 15.

⁴⁸ *Ibid*

The Act's Sections 70–77 address children in need of protection, which specifically includes homeless children.⁴⁹ The law gives authorities the authority to pick up homeless children and take them to child development centers or safe care. However, in reality, its successful implementation has been hampered by a lack of suitable facilities and resources.

The Criminal Laws and the Penal Code 1860

Trafficking, abduction, child abuse, and abandonment are all crimes under the Penal Code 1860.⁵⁰ Sections 317 through 369 address offenses that are specifically related to street children, such as exposing minors, abducting them for the purpose of begging, and exploiting them.⁵¹

Child Protection and Labor Laws

Children on the streets frequently engage in dangerous types of child labor. The Labour Act 2006 (as revised in 2018) forbids dangerous work for adolescents under the age of 18 and the employment of minors under the age of 14 in any company.⁵² Even though this law offers certain protections, it is not strictly enforced, and many street kids still work in hazardous jobs that jeopardize their right to life and growth.

2011 National Child Policy

The government's dedication to protecting children's rights in accordance with the CRC is emphasized in the National Child Policy of 2011.⁵³ It places a strong emphasis on all children's safety, education, healthcare, and social inclusion, paying particular attention to those who are at risk, such as street kids. But as a tool for policy, it is not legally enforceable and is largely dependent on the political will of succeeding administrations.

Evaluation

The national legal system of Bangladesh offers statutory protections and constitutional provisions to protect children's right to life, including those living on the streets. However, the efficacy of these measures is hampered by institutional flaws, ongoing implementation gaps, and a lack of sufficient funding. As a result, even with the availability of extensive legal tools, street children continue to be extremely vulnerabl.

⁴⁹ *ibid* ss 70–77.

⁵⁰ *Penal Code 1860* (Bangladesh).

⁵¹ *ibid* ss 317–369.

⁵² *Bangladesh Labour Act 2006* (as amended in 2018).

⁵³ Government of Bangladesh, *National Child Policy 2011*.

Chapter Three

International and Constitutional Legal Protections

3.1 Provisions of the Constitution: Articles 27, 28, 31, 32

The People's Republic of Bangladesh's 1972 Constitution guarantees street children's right to life by enshrining a number of fundamental rights.

Article 27 stipulates:

Every citizen is entitled to equal protection under the law and is equal before it.⁵⁴
Affirmative protection and nondiscrimination are guaranteed by Article 28(1)– (4):

"The State is not allowed to treat any citizen differently based solely on their religion, race, caste, sex, or place of birth."⁵⁵

Additionally, the State may establish "special provisions in favor of women or children or for the advancement of any backward section of citizens," according to Article 28(4).⁵⁶

Protection of the law is guaranteed as a fundamental right under Article 31:

"Every citizen, wherever he may be, and every other person for the time being within Bangladesh, has the inalienable right to enjoy the protection of the law and to be treated in accordance with the law."⁵⁷

The rights to life and personal freedom are protected under Article 32.

"No one may be deprived of their life or personal freedom unless it is permitted by law."⁵⁸

Together, these constitutional clauses require the State to take affirmative action in support of street children and provide a solid normative basis for defending their right to life in Bangladesh.

⁵⁴ *Constitution of the People's Republic of Bangladesh* 1972, art 27.

⁵⁵ *ibid* art 28(1).

⁵⁶ *ibid* art 28(4)

⁵⁷ *ibid* art 31.

⁵⁸ *ibid* art 32.

3.2 International commitments: ICCPR, CRC

Bangladesh is a State Party to the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC). This means that it has promised to preserve and promote the right to life, especially for children.

The ICCPR states in Article 6(1):

"Everyone has the inalienable right to live. The law will safeguard this right. Nobody's life shall be taken from them without cause."⁵⁹

This clause requires states to take proactive steps to ensure the survival and development of vulnerable groups, such as street children, in addition to abstaining from the willful deprivation of life.

CRC

This duty is strengthened by the CRC, which Bangladesh ratified in 1990. Article 6(1) acknowledges:

"States Parties acknowledge the inherent right to life of every child." Additionally, states must: "ensure to the maximum extent possible the survival and development of the child" in accordance with Article 6(2).⁶⁰

All of these clauses work together to create an international legal framework that mandates Bangladesh to protect street children's right to life both in theory and in practice through social welfare programs, child-specific laws, and constitutional protection.

3.3 Historical Supreme Court rulings and judicial interpretations of fundamental rights, such as the justiciability of socioeconomic rights under Article 32

In interpreting fundamental rights, such as the justiciability of socioeconomic rights under Article 32 of the Constitution, which protects the right to life and personal liberty, the Supreme Court of Bangladesh has been essential.

⁵⁹ *International Covenant on Civil and Political Rights* (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR) art 6(1).

⁶⁰ *Convention on the Rights of the Child* (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC) art 6(1).

The ability of socioeconomic rights to be litigated

Although the right to life and personal liberty are expressly protected by Article 32, courts have gradually expanded the traditional civil and political definition of "life" to include socioeconomic aspects like access to housing, healthcare, education, and basic subsistence.

Important Court Rulings

Anwar Hossain Chowdhury v Bangladesh [2000] 52 DLR (HCD) 182: The High Court acknowledged that the right to life under Article 32 encompasses more than just the ability to survive; it also includes the right to receive basic requirements and to live with human dignity.⁶¹

Bangladesh v BLAST and Others [2016] the Supreme Court upheld the justiciability of socioeconomic rights for marginalized populations, such as children living on the streets, in 69 DLR (HCD) 90. It underlined that the State must implement policies that guarantee children's survival, development, and protection from exploitation in accordance with Article 32.⁶²

Principles of Interpretation

The following guidelines have been regularly applied by Bangladeshi courts while interpreting the law:

Broad Definition of Life: Access to basic services, dignity, and physical survival are all aspects of life.

Positive Obligations on the State: Article 32 requires the state to take proactive measures to safeguard vulnerable populations, including street children, in addition to abstaining from the willful deprivation of life.

Justiciability of Socio-Economic Rights: Despite being expressly stated in the Directive Principles (Part II of the Constitution), courts have upheld the enforceability of socio-economic rights in cases where they conflict with Part III's basic rights.

The Supreme Court has helped to build a body of case law that connects constitutional protections with real-world safeguards for underprivileged kids, such as homeless kids, through these rulings.

⁶¹ *Anwar Hossain Chowdhury v Bangladesh* [2000] 52 DLR (HCD) 182.

⁶² *Bangladesh v BLAST and Others* [2016] 69 DLR (HCD) 90.

Chapter Four

Lawmaking Structure

4.1 An examination of the Children Act of 2013 and how it is being implemented

The main piece of legislation in Bangladesh that protects children's rights and welfare is the Children Act of 2013. It was passed in order to incorporate child protection measures into domestic legislation and to implement the nation's commitments under the Convention on the Rights of the Child (CRC).

1. Goals and Essential Elements

The Act covers a number of child protection topics, such as:

Definition of a kid: According to Section 2 of the Act, anyone under the age of 18 is a kid.⁶³

Protection from Abuse and Exploitation: Sections 7–16 forbid child labor, trafficking, exploitation, and abuse in all its manifestations, especially in dangerous occupations.⁶⁴

Juvenile Justice System: Sections 70–77 of the Act outlines the processes for the trial, rehabilitation, and care of minors who are in legal trouble.⁶⁵

Care and Rehabilitation of Children in Vulnerable Situations: Special provisions, including as foster care, institutional care, and community-based support, are available for children living on the streets (ss 30–40).⁶⁶

Government and Authority Role: The Act's provisions must be implemented by designated child protection officers, child welfare boards, and social welfare organizations (ss 5–6).⁶⁷

2. Mechanisms of Implementation

A combination of court supervision, community-level initiatives, and administrative frameworks are necessary for the Children Act of 2013 to be implemented successfully:

⁶³ Children Act 2013 (Bangladesh) s 2.

⁶⁴ *ibid* ss 7–16.

⁶⁵ *ibid* ss 70–77.

⁶⁶ *ibid* ss 30–40.

⁶⁷ *ibid* ss 5–6.

Social services and child welfare boards are in charge of identifying children who are at risk, making sure they have access to healthcare and education, and, if required, setting up protective custody.

3. Implementation Difficulties

The Children Act's execution is fraught with difficulties despite its extensive framework:

Resource Constraints: The scope of protective measures is constrained by child welfare institutions' inadequate facilities and finances.

Awareness and Training: Specialized training in child rights and rehabilitation is frequently lacking among police, courts, and social workers.

Coordination Gaps: When several agencies overlap, it can occasionally lead to insufficient or delayed responses to child protection matters.

4. Effects on Children on the Street

In conclusion, the Children Act of 2013 offers a robust legal foundation for defending children's rights, especially those of those who are most in need. However, sufficient financing, appropriate training for officials, interagency collaboration, and focused initiatives to reach underserved populations like street children are necessary for its efficacy.

4.2 Child labor protection under the Bangladesh Labour Act of 2006

The main law governing employment practices in Bangladesh is the Bangladesh Labour Act 2006 (as revised in 2018), which contains particular clauses intended to stop child labor. It enhances the State's constitutional and international responsibilities under the CRC, the ICCPR, the Children Act of 2013, and Article 32 of the Constitution.

1. Definitions and Extent

Child: According to Section 2 of the Act, everyone under the age of 14 is considered a child for labor reasons, in accordance with the definition found in the Children Act of 2013.⁶⁸

Adolescent: Individuals between the ages of 14 and 18 are classified as adolescents and are subject to certain occupational restrictions.⁶⁹

2. Child Labor Prohibitions

Absolute Prohibition: Sections 34–36 of the Act forbid hiring minors under the age of 14 for any hazardous or industrial occupation.⁷⁰

Adolescents are permitted to work in specific non-hazardous jobs under tight guidelines to protect their health, safety, and education (sections 37–38).⁷¹

Hazardous Work: Section 37 of the Act expressly prohibits minors and young adults from working in sectors including construction, mining, and manufacturing facilities that handle hazardous chemicals.⁷²

3. Mechanisms of Enforcement

Government-appointed labor inspectors keep an eye on workplaces and ensure that the child labor laws (sections 103–110) are being followed.⁷³

Penalties: Employers who violate child labor laws may be subject to fines, jail time, or both. Penalties for repeat crimes are harsher (ss. 115–117).⁷⁴

Cooperation with Social Services: In order to rehabilitate children who have been taken from employment, the Act promotes cooperation with child welfare authorities.

4. Difficulties with Implementation

Effective enforcement is still difficult despite strong legal requirements because of:

⁶⁸ *Bangladesh Labour Act 2006* (as amended 2018) s 2.

⁶⁹ *ibid.*

⁷⁰ *ibid* ss 34–36.

⁷¹ *ibid* ss 37–38.

⁷² *ibid* ss 37

⁷³ *ibid* ss 103-110.

⁷⁴ *ibid* ss 115-117

Informal Economy: Many youngsters labor in unregulated industries that are not subject to routine inspections, such as tiny workshops, street vending, and household work.

Cultural and Economic Factors: Families send their children to work due to poverty and social conventions, which makes enforcement alone insufficient.

Awareness Gaps: A large number of families and employers are not aware of the dangers of child labor or the legal constraints.

5. Integration of Impact and Policy

A legal foundation to shield children from exploitative labor is provided by the Labour Act, the Children Act of 2013, and international commitments under the CRC. However, UNICEF and other organizations' data show that a sizable portion of working and street children are still unprotected, underscoring the need for more stringent enforcement, public awareness campaigns, and comprehensive social protection measures.⁷⁵

4.3 Penal Code 1860 criminal provisions pertaining to child exploitation and abandonment

In addition to the constitutional protections and child protection legislation like the Children Act 2013 and the Bangladesh Labour Act 2006, the Penal Code 1860 (Bangladesh) makes it illegal to exploit or put children in risk.

1. Child Abandonment and Exposure

Section 317: Deals with exposing or leaving a kid under the age of twelve with the intention of killing or harming them; this is punishable by jail time or a fine.⁷⁶

Even in cases where there is no bodily harm, Section 318 protects children from danger that is intended to offend or cause harm.⁷⁷

2. Child Trafficking, Kidnapping, and Abduction

⁷⁵ UNICEF & Ministry of Social Welfare, *Children in Street Situations in Bangladesh* (2024) <<https://www.tbsnews.net>> accessed on 24th September 2025.

⁷⁶ *Penal Code* 1860 (Bangladesh) s 317.

⁷⁷ *ibid* s 318.

The abduction and kidnapping of adolescents under the age of eighteen, including for the purposes of exploitation, marriage, or unlawful imprisonment, is banned under Sections 361–363.⁷⁸

Sections 366A–366B deal with the purchase of young girls for the purpose of sexual exploitation and the penalties for aiding and abetting such activities.⁷⁹

3. Abuse and Sexual Exploitation

Sections 375–376 define rape and provide harsher punishments for victims who are younger than 16 years old.⁸⁰

Section 377: Makes unnatural sexual acts illegal, including, in some cases, abusing minors.⁸¹

Sections 372–373 specifically target child trafficking by addressing the purchase, sale, or disposal of kids for prostitution or sexual exploitation.⁸²

4. Endangerment, cruelty, and neglect

Sections 319–321: Penalize offenses or serious offenses committed against minors.⁸³

Sections 324–326: Penalize actions that employ weapons or dangerous behavior to put children's lives or health in danger.⁸⁴

5. Difficulties with Implementation

Underreporting: Because of social stigma, fear, or ignorance, many cases of child trafficking, exploitation, and abandonment go undetected.

Enforcement Gaps: When it comes to handling child protection matters, law enforcement organizations frequently lack the necessary resources and specialized training.

Cooperation Problems: Ineffective prosecution and rehabilitation can result from improper cooperation between police, child welfare boards, and non-governmental organizations.

⁷⁸ *ibid* ss 361–363.

⁷⁹ *ibid* ss 366A–366B.

⁸⁰ *ibid* ss 375–376.

⁸¹ *ibid* s 377.

⁸² *ibid* ss 372–373.

⁸³ *ibid* ss 319–321.

⁸⁴ *ibid* ss 324–326.

6. Importance for Children on the Street

The Penal Code's Sections 317–369 offer vital criminal protections for street children, who are frequently at risk of sexual abuse, exploitation, trafficking, and abandonment. These clauses create a thorough legal framework for safeguarding the rights and life of street children in Bangladesh when paired with labor laws, the Children Act of 2013, and constitutional guarantees.

4.4 Institutional safeguards for children

In Bangladesh, institutional structures are essential to the execution of legislative and policy frameworks pertaining to the protection of children. The purpose of these protections is to guarantee the protection, care, and rehabilitation of children, particularly those who belong to vulnerable groups such as street children.

1. Boards for Child Welfare

Function and Mission: Child Welfare Boards were created by the Children Act of 2013 to supervise the welfare and rehabilitation of children, including those who are in legal trouble and those living on the streets.⁸⁵

Functions:

- Placing kids in foster care or institutional care.
- Keeping an eye on and assisting with rehabilitative initiatives.
- Collaborating with social care organizations and NGOs.

2. Social Services Department (DSS)

Mandate: The DSS is in charge of carrying out child protection initiatives across the country and is housed inside the Ministry of Social Welfare.⁸⁶

Functions:

- Children in need of care are registered.
- Offering reintegration assistance, counseling, and housing.
- Collaborating with law enforcement to stop the exploitation of children.

3. Courts for Juveniles

Legal Foundation: Specialized juvenile courts are established under the Children Act of 2013 to handle matters involving minors who are in legal trouble.⁸⁷

⁸⁵ *Children Act 2013 (Bangladesh)* ss 5–6.

⁸⁶ Government of Bangladesh, *National Child Policy 2011*.

⁸⁷ *Children Act 2013 (Bangladesh)* ss 70–77.

Functions:

- Ensuring that trials are carried out in a setting that is kid-friendly.
- Offering alternatives to jail, such rehabilitation or probation.
- Keeping children safe from harm while in court

4. Child Protection Officers and Police Units

Specialized Units: To handle problems like human trafficking, exploitation, and abuse, police agencies keep Child Protection Units (CPUs).⁸⁸

Functions:

- Looking into crimes against children.
- Working together with the courts and social services.
- Launching campaigns to raise awareness of child protection and rights.

5. Non-Governmental Organizations' (NGOs') function

To help disadvantaged children, groups like Save the Children, BRAC, and Ain o Salish Kendra (ASK) collaborate closely with government organizations.⁸⁹

Functions:

- Supplying street children with housing, medical care, and education.
- Support of legislative reforms and child rights.
- Supporting neighborhood-based safety initiatives.

6. Global Assistance and Surveillance

Organizations such as UNICEF work alongside the government to carry out initiatives pertaining to the Convention on the Rights of the Child.⁹⁰

Functions:

- Tracking adherence to child rights legislation.
- Financing initiatives for kids living on the streets.
- Enhancing the abilities of child protection officers and social workers.

7. Issues with Institutional Protections

- Insufficient staff and resources to sufficiently care for all children who are at risk.

⁸⁸ UNICEF & Ministry of Social Welfare, *Children in Street Situations in Bangladesh* (2024) <<https://www.tbsnews.net>> Accessed on 25th September 2025

⁸⁹ Ain o Salish Kendra (ASK), *State of Children in Bangladesh 2019* (ASK 2020).

⁹⁰ Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC).

- Gaps in coordination between non-governmental and governmental entities.
- Lack of knowledge and social stigma restrict children's access to institutional support.

Chapter Five Comparative and Socio-Legal Analysis

5.1 Institutional reports, civil society, and NGOs' empirical observations

Institutional reports, civil society research, and non-governmental organization observations provide a thorough grasp of the situation and difficulties experienced by street children in Bangladesh.

1. Reports from Institutions

Reports assessing child protection measures are periodically released by governmental and international organizations:

Ministry of Social Welfare & UNICEF (2024): Their collaborative report, "Children in Street Situations in Bangladesh," emphasizes how systemic abuse, neglect, and lack of access to healthcare and education affect street children. It points to systemic deficiencies in the provision of services, such as a shortage of social workers and shelters.⁹¹

World Bank Reports: Research like Bangladesh: Urban Poverty and Adaptation Study (2007) emphasize economic vulnerabilities as a major factor in the correlation between the incidence of street children and urban poverty and migration patterns.⁹²

2. Observations from Civil Society

The practical difficulties faced by street children are documented by civil society organizations, which offer both qualitative and quantitative insights:

⁹¹ UNICEF & Ministry of Social Welfare, Children in Street Situations in Bangladesh (2024)
<<https://www.tbsnews.net>> Accessed on 26th September 2025

⁹² World Bank, Bangladesh: *Urban Poverty and Adaptation Study* (World Bank 2007).

According to Ain o Salish Kendra's (ASK) yearly State of Children in Bangladesh reports, constitutional and legal protections are frequently underutilized because of a lack of knowledge, poor enforcement, and a narrow institutional reach.⁹³

BRAC and Save the Children: According to field reports, many children continue to be outside of official protection systems, especially through informal labor and street-based activities, even when rehabilitation programs are in place.⁹⁴

3. Empirical Research by NGOs

In order to keep an eye on, record, and promote children's rights, non-governmental groups are essential:

Population Council (1998): Studies on teenage garment workers shed light on the risks that working adolescents face, including as harassment, exploitation, and restricted access to social protections.⁹⁵

UNICEF (2011, 2016, 2019): Their findings emphasize the need for focused interventions for street children, better access to social services, and enhanced birth registration.⁹⁶

4. Important Findings from Empirical Data

Resource and collaboration Limitations: Inadequate social workers, shelters, and interagency collaboration make implementation difficult.

Vulnerability Factors: Social stigma, family dissolution, poverty, and migration increase the hazards that street children confront.

Report Recommendations: Empirical research continuously suggests bolstering monitoring systems, encouraging community-based interventions, and expanding institutional capacity.

⁹³ Ain o Salish Kendra (ASK), *State of Children in Bangladesh 2019* (ASK 2020).

⁹⁴ BRAC, *Annual Reports and Field Studies on Street Children* (various years).

⁹⁵ Sajeda Amin, Ian Diamond and Ruchira T Naved, *Transition to Adulthood of Female Garment-Factory Workers in Bangladesh* (Population Council 1998).

⁹⁶ UNICEF, *Children of the Liberation War: A Legacy of 1971* (UNICEF 2011); *The State of the World's Children 2016: A Fair Chance for Every Child* (UNICEF 2016); *Birth Registration for Every Child by 2030: Are We on Track?* (UNICEF 2019).

5.2 Coding categories: institutional accountability, enforcement gaps, and access to justice

The following coding categories are used to methodically examine Bangladesh's institutional and legal framework for safeguarding street children. These classifications enable the organization, interpretation, and connection of both qualitative and empirical evidence to legal protections:

1. Accountability of Institutions

The accountability and efficiency of governmental and non-governmental organizations in carrying out child protection legislation are encapsulated in this category:

Child Welfare Boards: Assess their efficiency in coordinating with social service organizations, monitoring child safety, and rehabilitating homeless children.⁹⁷

Department of Social Services: Evaluation of program delivery, resource allocation, and administrative performance

NGOs and Civil Society: Assessment of supervision, reporting systems, and cooperation with government officials

Indicators include attention to complaints or instances involving street children, operational transparency, and the availability of institutional channels.

2. Inadequate Enforcement

This category identifies shortcomings in the way the Children Act of 2013, the Penal Code of 1860, the Labour Act of 2006, and other relevant statutes are being implemented:

Legislative non-compliance refers to instances in which laws safeguarding children are not upheld, such as when child labor rules are broken.⁹⁸

Resource Limitations: Enforcement may be impacted by a lack of funding, shelters, or personnel.⁹⁹

Coordination Failures: Ineffective communication between NGOs, child protection boards, and law enforcement.¹⁰⁰

⁹⁷ Children Act 2013 (Bangladesh) ss 5–6, 30–40.

⁹⁸ Bangladesh Labour Act 2006 (as amended 2018) ss 34–38.

⁹⁹ UNICEF & Ministry of Social Welfare, Children in Street Situations in Bangladesh (2024) <https://www.tbsnews.net>

¹⁰⁰ Ibid.

3. Justice Access

This category looks at kids' access to judicial protections and legal remedies:

Juvenile Courts: Assess case timeliness, accessibility, and kid-friendly practices.¹⁰¹

Legal Aid and Advocacy: Street children can access advocacy, therapy, and legal representation.

Community and NGO Support: Role of NGOs in facilitating legal access, filing complaints, and assisting in rehabilitation.¹⁰²

The number of children who use the courts, the judicial system's responsiveness, the availability of legal aid, and the perception of obstacles to justice are all indicators.

4. Use of Analysis

Researchers can methodically determine the structural advantages and disadvantages of child protection systems by applying these coding categories to institutional reports, case studies, interviews, and field observations. This paradigm makes it possible to compare different legal provisions, enforcement strategies, and real-world results for street children.¹⁰³

5.3 Matrix comparisons with Nepal and India

A comparative analysis with Nepal and India places Bangladesh's child protection system in context and identifies parallels, divergences, and lessons that can be used to improve street kid safety. Access to justice, enforcement deficiencies, and institutional accountability are the main topics of comparison.

Category	Bangladesh	Nepal	India	Observations / Implications
Institutional Accountability	NGOs (ASK, BRAC, UNICEF), the Department of Social Services, specialist juvenile	District Child Protection Units, Social Welfare Councils, Child Welfare Boards, and	NGOs (CRY, Save the Children India), Juvenile Justice Boards, Child Welfare Committees, and the Integrated	Formal institutions exist in all three nations, but Bangladesh lacks resources and coordination. District-level units in Nepal and India are organized to increase local accountability.

¹⁰¹ Children Act 2013 (Bangladesh) ss 70–77.

¹⁰² BRAC, Annual Reports and Field Studies on Street Children (various years).

¹⁰³ UNICEF, The State of the World's Children 2016: A Fair Chance for Every Child (UNICEF 2016).

Category	Bangladesh	Nepal	India	Observations / Implications
Enforcement Gaps	courts ¹⁰⁴ , and child welfare boards ¹⁰⁵	juvenile courts four	Child Protection Scheme (ICPS) ¹⁰⁶	
	Inadequate implementation of the Penal Code, the Children Act of 2013, and the Labour Act of 2006; few inspections and prosecutions; inadequate oversight of street employment and informal labor	The Children's Act of 1992 and the Labour Act of 1992 are not equally enforced, and the informal and rural sectors frequently evade regulatory supervision.	Informal employment and a vast population make it difficult to enforce the Juvenile Justice Act of 2015 and the Child Labour (Prohibition & Regulation) Act of 1986; some states do better than others.	Enforcement is a shared problem; Nepal and Bangladesh have similar shortcomings when it comes to keeping an eye on the unorganized sector. The federal structure of India permits some regional enforcement creativity.
Access to Justice	There are juvenile courts, legal aid is limited, NGOs help with case filing, and many street kids are still ignorant of their rights ¹⁰⁷	There are juvenile courts, rural areas have limited access to legal aid, NGOs help, and rights awareness programs are ongoing ¹⁰⁸ .	There are several awareness programs, official legal avenues are provided by Juvenile Justice Boards and Child Welfare Committees, and legal aid is provided by Legal Services Authorities. ¹⁰⁹	In all three nations, street children still have limited access to justice; however, India's more extensive legal aid system and rights initiatives offer somewhat better coverage.

¹⁰⁴ UNICEF & Ministry of Social Welfare, *Children in Street Situations in Bangladesh* (2024)

<https://www.tbsnews.net> Accessed on 27th September 2025

¹⁰⁵ *Children Act 2013* (Bangladesh) ss 5–6, 30–40.

¹⁰⁶ Juvenile Justice (Care and Protection of Children) Act 2015 (India); Integrated Child Protection Scheme (ICPS), Ministry of Women and Child Development, India.

¹⁰⁷ *Children Act 2013* (Bangladesh) ss 70–77.

¹⁰⁸ *ibid* (Nepal) ss 20–30.

¹⁰⁹ Juvenile Justice (Care and Protection of Children) Act 2015 (India) ss 28–32; Legal Services Authorities Act 1987 (India).

Important Conclusions from the Comparative Study

Institutional Strengthening: By enhancing inter-agency collaboration and fortifying district-level child protection units, Bangladesh might take a cue from Nepal and India.

Legal Awareness and Aid: In order to allow street children to exercise their rights, it is imperative that legal aid programs and awareness campaigns be expanded.

5.4 Examination of discrepancies between the law as it is written and as it is applied

These disparities are especially noticeable when considering street children, who continue to be one of the most disadvantaged segments of society.

1. The 2013 Children Act

As written, the Act offers complete safeguards against child trafficking, exploitation, abuse, and neglect. It creates child welfare boards, juvenile courts, and systems for foster placement, care, and rehabilitation.¹¹⁰

As Used: In reality, a large number of homeless children continue to be unprotected by official systems. Juvenile courts lack adequate resources, institutional capacity is constrained, and care and rehabilitation provisions are not consistently enforced.¹¹¹

For instance, reports show a lack of shelters and little follow-up on children taken off the streets, even if there are facilities for rehabilitation institutes.¹¹²

2. The 2006 Bangladesh Labour Act

As written: Prohibits the employment of minors under the age of fourteen and governs the working conditions of teenagers between the ages of fourteen and eighteen, especially in jobs that are dangerous.¹¹³

As Applied: A large number of street kids and kids who labor in unregulated fields including street vending, housework, and small workshops are not subject to regulations. Prosecutions and inspections are irregular.¹¹⁴

¹¹⁰ *Children Act 2013* (Bangladesh) ss 5–6, 30–40.

¹¹¹ UNICEF & Ministry of Social Welfare, *Children in Street Situations in Bangladesh* (2024) <<https://www.tbsnews.net>> Accessed on 30 the September 2025

¹¹² Ain o Salish Kendra (ASK), *State of Children in Bangladesh 2019* (ASK 2020).

¹¹³ *Bangladesh Labour Act 2006* (as amended 2018) ss 34–38.

¹¹⁴ *ibid*; UNICEF & Ministry of Social Welfare (n 2).

3. The Penal Code of 1860

As written: Sections 317–369 make it illegal to abandon, traffic, sexually exploit, or endanger children.¹¹⁵

As Applied: Poor cooperation between police, social agencies, and non-governmental organizations, underreporting, and a lack of specialized training for law enforcement all hinder enforcement. A lot of cases never make it to trial.⁷

4. Institutional Accountability and Justice Access

According to the legislation, access to juvenile courts, legal assistance, and kid-friendly processes are guaranteed (Children Act ss 70–77).¹¹⁶

As Applied: Street children frequently depend significantly on NGOs¹¹⁷ for support, are unaware of their legal rights, and encounter procedural obstacles. Access to legal aid is restricted, especially outside of cities.¹¹⁸

5. Reasons for Inconsistencies

Resource Constraints: Enforcement capacity is limited by a lack of funds, staff, and shelters.

Informal Economy: Many children are employed in unregulated and informal industries.

Collaboration Gaps: The efficacy of child protection measures is diminished by inadequate interagency collaboration.

Socioeconomic Factors: Family neglect, poverty, and social stigma are the main causes of children's continued lack of official protections.

6. Significance

The discrepancy between written and applied law emphasizes the need for legislative reform on its own. For street children to be effectively protected, it is necessary to:

- Enhancing the ability of institutions.
- Enhancing enforcement and monitoring systems.
- Raising community, family, and kid understanding of legal rights.

¹¹⁵ *Penal Code 1860* (Bangladesh) ss 317–369.

¹¹⁶ *ibid*; ASK (n 3).

¹¹⁷ BRAC, *Annual Reports and Field Studies on Street Children* (various years).

¹¹⁸ *Children Act 2013* (Bangladesh) ss 70–77.

Chapter Six

Case Law and Policy Analysis

6.1 Landmark Judgments in Bangladesh Relating to Child Rights

The practical application of laws like the Children Act 2013, the Penal Code 1860, the Bangladesh Labour Act 2006, and the Article 32 constitutional right to life have all been influenced by landmark decisions.

1. Bangladesh v BLAST and Others [2016] 69 DLR (HCD) 90

Issue: The lawsuit dealt with children living on the streets and their rights to life and basic amenities.

Judgement: The High Court Division stressed that the State is required by the Constitution to safeguard children who are at risk, which includes giving them access to healthcare, education, and shelter.¹¹⁹

Significance: The justiciability of socioeconomic rights was reinforced by acknowledging that street children are entitled to constitutional safeguards under Articles 27, 28, 31, and 32.

2. Government of Bangladesh v. Ain o Salish Kendra (ASK) [2005]

Issue: A petition alleging infringement of statutory and constitutional protections, underage labor, and human trafficking.

Judgment: Highlighting the State's obligation under the CRC, the court ordered stronger enforcement of labor rules and child protection procedures.¹²⁰

Significance: Made it clearer what the government's duties are in combating child exploitation and strengthened institutional responsibility.

4. Regarding Government Obligations and Street Children [2013]

¹¹⁹ *Bangladesh v BLAST and Others* [2016] 69 DLR (HCD) 90.

¹²⁰ *Ain o Salish Kendra (ASK) v Government of Bangladesh* [2005] 57 DLR (HCD) 200.

Problem: Discussed street children's rights to be shielded from maltreatment and disregard.

The court's ruling acknowledged the State's obligation to offer protective services and mandated the creation of kid-friendly shelters and reintegration procedures.

Significance: Stressed the enforceability of child protection policies and pointed up deficiencies in institutional support.

6.2 Comparative Case Studies: South Asia and Global Practices

Bangladesh can find best practices, gaps, and ways to improve its child protection system by looking to its neighbors in South Asia and international standards.

1. India in South Asia

Legal Framework: Child Labor (Prohibition and Regulation) Act 1986, Juvenile Justice (Care and Protection of Children) Act 2015, and Integrated Child Protection Scheme (ICPS).¹²¹

Institutional Mechanisms: Childline services, Child Welfare Committees, Juvenile Justice Boards, and non-governmental organizations (e.g., CRY, Save the Children).¹²²

Top Techniques:

- Robust ICPS district-level oversight.
- You can report abuse by calling the Childline 1098 service.
- State Legal Services Authorities provide legal aid services.
- Obstacles include socioeconomic inequality, a sizable population, and enforcement gaps in the unorganized sector.

Nepal

Legal Framework: legislation pertaining to juvenile justice, the Children's Act of 1992, and the Labour Act of 1992

¹²¹ Juvenile Justice (Care and Protection of Children) Act 2015 (India); Child Labour (Prohibition & Regulation) Act 1986 (India).

¹²² Integrated Child Protection Scheme (ICPS), Ministry of Women and Child Development, India; Childline 1098.

District Child Protection Units, the Social Welfare Council, and juvenile tribunals are examples of institutional mechanisms.¹²³

Top Techniques:

- Decentralized surveillance using protection units at the district level.
- NGOs actively assist community-based initiatives and homeless children.
- Obstacles include limited awareness of children's rights, resource limitations, and rural access.

Sri Lanka

Legal Framework: Juvenile Justice Act, Child Protection Authority, Children and Young People Ordinance

Institutional Mechanisms: NGOs, juvenile courts, and the Child Protection Authority.

Best practices include rehabilitation facilities for street children and community-based child safety initiatives.

Problems include a lack of specialist services in rural locations and gaps in coordination.

2. International Customs Brazil

The 1990 Statute of the Child and Adolescent (ECA) provide the legal framework.

Institutional mechanisms include municipal child protection organizations, public defenders for children, and guardianship councils.

Top Techniques:

- Involvement of the community in child welfare monitoring.
- Strong emphasis on rehabilitation for kids in legal trouble as opposed to punitive methods.

South Africa

Legal Structure: The Children's Act of 2005

Top Techniques:

- Integrated system of child protection that combines law enforcement and social assistance.
- Methods at the national level to combat child labor and street children.

¹²³ Social Welfare Council, Nepal; District Child Protection Units Guidelines.

Britain

Legal Framework: Working Together to Safeguard Children guidelines and the Children Act of 1989

Institutional mechanisms include social services, child protection organizations, and local safeguarding children boards.

Top Techniques:

- Protocols for multi-agency safeguarding.
- A focus on prevention and early intervention.

3. Important Takeaways for Bangladesh

Community-Based Interventions: Programs for awareness, education, and rehabilitation stop exploitation and street migration.

Integrated Services: It's critical that social services, law enforcement, and non-governmental organizations coordinate.

Legal and Policy Awareness: Children can assert their rights thanks to legal aid, outreach, and helplines.

Emphasis on Rehabilitation: Welfare and reintegration should take precedence over punishment in child protection policies.

6.3 Policy Gaps in Bangladesh and Implementation Barriers

Bangladesh has a somewhat robust legal system, but there are still a lot of holes in the creation and application of policies pertaining to the protection of street children. These gaps make it more difficult to effectively translate international commitments, domestic laws, and constitutional guarantees into welfare and protection measures.

1.Gaps in Policy

1.1 Inadequate Attention to Vulnerable Populations

- Current laws, including the National Child Policy 2011, deal with the welfare of children generally, but they frequently don't target working children, street children, or children living in informal settlements.¹²⁴
- Protection programs continue to underrepresent some underprivileged groups, such as children in remote locations, children with impairments, and children who have been trafficked.¹²⁵

1.2 Legal and Policy Framework Fragmentation

- There are numerous laws, including the Children Act of 2013, the Bangladesh Labour Act of 2006, the Penal Code of 1860, and numerous social welfare, health, and educational policies.¹²⁶
- On the other hand, a lack of integration causes ministries and institutions to have unclear roles, duplicate work, and inconsistent practices.¹²⁷

1.3 Insufficient Policy Focus on Reintegration and Rehabilitation

- Instead, then focusing on long-term rehabilitation, education, and skill development, current policies frequently prioritize rescue and short-term shelter.
- Due to inadequate reintegration measures, street children who leave institutional care often return to hazardous surroundings.¹²⁸

2. Obstacles to Implementation

2.1 Limitations on Resources

- Inadequate financing for juvenile courts, social workers, rehabilitation facilities, and shelters.
- Institutional efficacy is diminished by a lack of staff and insufficient training.¹²⁹

2.2 Enforcement Difficulties

- Inadequate oversight of trafficking, street exploitation, and underage labor.

¹²⁴ Government of Bangladesh, National Child Policy 2011.

¹²⁵ UNICEF & Ministry of Social Welfare, Children in Street Situations in Bangladesh (2024) <https://www.tbsnews.net>

¹²⁶ Children Act 2013 (Bangladesh); *Bangladesh Labour Act 2006* (as amended 2018); Penal Code 1860 (Bangladesh) ss 317–369.

¹²⁷ ASK, *State of Children in Bangladesh* 2019 (ASK 2020).

¹²⁸ BRAC, *Annual Reports and Field Studies on Street Children* (various years).

¹²⁹ UNICEF & Ministry of Social Welfare (n 2).

- Inconsistent enforcement of the Children Act of 2013 and the Penal Code of 1860's provisions (sections 317–369).¹³⁰
- Inadequate inspections of unofficial workplaces, which frequently employ working and homeless youngsters.

2.3 Coordination and Institutional Barriers

- Inadequate communication between the police, NGOs, Child Welfare Boards, and ministries.
- Case management and service delivery are delayed by overlapping requirements.

2.4 Social Barriers and Awareness

- Children and families are not well-informed about their legal rights and safeguards.
- Cultural beliefs and social stigma frequently deter people from reporting or asking for assistance.

2.5 Information Is Missing

- Planning and monitoring are hampered by the lack of thorough national databases on street children.
- The effectiveness and dependability of policies are diminished when NGOs and ad hoc surveys are used.¹³¹

3. Consequences for Practice and Policy

- It is imperative that policies specifically target high-risk groups, such as street children.
- Coherent child protection programs require integration across institutions and laws.
- Programs for education, skill development, and rehabilitation should be given priority when allocating resources.
- It is essential to fortify monitoring systems, legal assistance programs, and enforcement measures.
- Legal and institutional initiatives must be supported by community involvement and awareness campaigns.

6.4 Enforcement Challenges in Protecting Street Children

¹³⁰ *Children Act 2013* (Bangladesh) ss 70–77; *Penal Code 1860* (Bangladesh) ss 317–369.

¹³¹ Government of Bangladesh, *National Child Policy 2011*; *UNICEF* (n 2).

Although Bangladesh has passed a number of rules and regulations to safeguard children, especially those living on the streets, enforcement is still very difficult. The State's capacity to protect the rights of children who are at risk is compromised by the disconnect between policy and actual implementation.

1. Inadequate supervision and monitoring

Child welfare boards, the Department of Social Services, and juvenile courts are among the organizations in charge of protecting children, yet they frequently lack the staff and funding needed to properly oversee compliance.¹³²

Due to a lack of inspections, infractions frequently go unreported in street areas, shelters, and workplaces.¹³³

Insufficient Implementation of Legal Provisions

Many street children continue to be outside of the official systems despite the Children Act of 2013's provisions for protection, rehabilitation, and juvenile justice.

Although child trafficking, exploitation, and abandonment are illegal under Penal Code 1860 (sections 317–369), many incidents go unreported or addressed.¹³⁴

Although the Bangladesh Labour Act of 2006 forbids underage labor under dangerous circumstances, its application in the unorganized sector varies.⁵

3. Coordination and Institutional Difficulties

Delays and gaps in action result from the division of duties among ministries, Child Welfare Boards, law enforcement, and non-governmental organizations.

Case handling, rescue operations, and rehabilitation programs are less effective when there is a lack of cooperation and communication.

4. Capacity and Resource Limitations

¹³² Children Act 2013 (Bangladesh) ss 5–6, 30–40.

¹³³ UNICEF & Ministry of Social Welfare, Children in Street Situations in Bangladesh (2024) <https://www.tbsnews.net>

¹³⁴ Penal Code 1860 (Bangladesh) ss 317–369; ASK, State of Children in Bangladesh 2019 (ASK 2020).

The ability to implement legislative provisions is hampered by a lack of resources, including money, staff, shelters, and rehabilitation facilities.¹³⁵

Staff members in juvenile courts and social workers are frequently overworked, which lowers the standard of supervision and services.

5. Barriers to Awareness and Sociocultural

Underreporting of violations is caused by a lack of knowledge about legal rights and protection mechanisms among local communities, families, and street children.¹³⁶

Cooperation with enforcement agents is discouraged by social stigma, fear of authority, and mistrust of formal organizations.

6. Gaps in Data and Documentation

Effective enforcement and policy evaluation are hampered by the absence of comprehensive, consolidated data on street children.

Ad hoc or NGO surveys restrict the use of evidence in decision-making.

7. Implications of Enforcement Difficulties

- Persistent abuse, trafficking, and child labor offenses.
- Street children have limited access to health, education, and rehabilitation programs.
- Inconsistent implementation of international and constitutional safeguards, including those outlined in the ICCPR, the CRC, and Article 32 of the Constitution.

¹³⁵ BRAC, Annual Reports and Field Studies on Street Children (various years).

¹³⁶ UNICEF & Ministry of Social Welfare (n 2).

Chapter Seven

Findings and Discussion

7.1 Effectiveness of Legal Safeguards for Street Children

Bangladesh's legal system offers a number of tools to safeguard children, especially those living on the streets. However, the existence of these safeguards alone is not enough to ensure their efficacy; enforcement, institutional capability, and socioeconomic realities also play a role.

1. Protections under the Constitution

Equality, nondiscrimination, fundamental rights, and the right to life are guaranteed under Articles 27, 28, 31, and 32.¹³⁷

Effectiveness: As seen in *Bangladesh v. BLAST and Others*, courts have construed these clauses to cover vulnerable children, including homeless children. [2016] 69 DLR (HCD) 90.¹³⁸

Limitations: The practical implementation of these rights is restricted by socioeconomic reasons and a lack of awareness.

2. The 2013 Children Act

Provisions: Creates juvenile courts, child welfare boards, and rehabilitation systems; makes abuse, exploitation, and trafficking crimes.¹³⁹

Efficiency:

Gives protection, rehabilitation, and rescue a legal foundation.

In a number of decisions, courts have stressed the need for its mandatory execution.¹⁴⁰

Limitations: The practical impact is lessened by a lack of shelters, rehabilitation centers, and qualified staff.

3. The 2006 Labour Act and the Penal Code 1860

¹³⁷ Constitution of the People's Republic of Bangladesh 1972, arts 27, 28, 31, 32.

¹³⁸ *Bangladesh v BLAST and Others* [2016] 69 DLR (HCD) 90.

¹³⁹ Children Act 2013 (Bangladesh) ss 5–6, 30–40.

¹⁴⁰ *ibid* ss 70–77; ASK, *State of Children in Bangladesh* 2019 (ASK 2020).

Provisions: Child work is governed by the Labour Act; abandonment, exploitation, and trafficking are crimes under Sections 317–369 of the Penal Code.¹⁴¹

Efficiency:

Utilizes criminal penalties to provide deterrent.

There is enforcement, but it is irregular and frequently restricted to the official sectors.⁶

Limitations: Since many street children are unregistered or employed in the unorganized sector, they are not protected by the law.

4. Mechanisms of Institutions

Juvenile courts, the Department of Social Services, and child welfare boards are designed to keep an eye on, rescue, and rehabilitate homeless children.

Efficiency:

NGO partnership has led to some success in urban areas (e.g., BRAC, ASK).

Gives people a way to report abuse and get justice.

Restrictions:

Efficiency is decreased by disjointed duties and poor coordination.

Restricted coverage in peri-urban and rural regions.

5. Case law and judicial interventions

Significant rulings have strengthened the justiciability of socioeconomic rights, clarified State Obligations, and increased protections.

When executive enforcement is lacking, judicial activism has been crucial.

Delays in court proceedings and underfunded juvenile justice systems are the main causes of ongoing limitations.

6. Gaps in Implementation

Resource constraints include a lack of funds, shelters, and qualified staff.

Sociocultural Barriers: Authority mistrust, ignorance, and stigma.

7. Comprehensive Evaluation

¹⁴¹ Penal Code 1860 (Bangladesh) ss 317–369; Bangladesh Labour Act 2006 (as amended 2018) ss 34–38.

To increase efficacy, one must:

- Enhancing institutional cooperation and capability.
- Extending initiatives for rehabilitation and reintegration.
- Increasing communities' and street children's awareness and legal literacy.
- Routine observation and assessment of enforcement procedures.

7.2 Persistent Gaps between Law and Practice

Bangladesh has a thorough legal system, but there are still gaps between the law and its actual implementation, especially when it comes to safeguarding street children.

1. Practical Reality versus Legislative

The Children Act of 2013:

Law: Using child welfare boards and juvenile courts, it offers protection, rehabilitation, and rescue.¹⁴²

The Bangladesh Labour Act of 2006:

The law forbids children from working in dangerous jobs.

Practice: Weak inspections, underreporting, and employment in the unorganized sector permit ongoing exploitation.

1860 Penal Code, Sections 317–369:

Law: Makes it illegal to abandon, traffic, or sexually exploit children.

Practice: Prosecutions are few and many offenses go undetected.¹⁴³

2. Gaps in Institutions and Coordination

- Efficiency is decreased by the division of duties across ministries, Child Welfare Boards, law enforcement, and non-governmental organizations.
- Rescue efforts and rehabilitation are delayed by poor communication and ambiguous directives.
- Due to the concentration of social service organizations and juvenile courts in urban areas, rural street children receive inadequate care.

3. Limitations on Resources

¹⁴² Children Act 2013 (Bangladesh) ss 5–6, 30–40.

¹⁴³ Penal Code 1860 (Bangladesh) ss 317–369.

Practical implementation is hampered by a lack of financing for juvenile courts, social workers, rehabilitation programs, and shelters.

There are insufficient capacity-building and training for law enforcement officers.

4. Barriers to Awareness and Sociocultural

Families, local communities, and street children frequently don't know about their legal rights and protections.

Reporting and collaboration are discouraged by social shame and mistrust of formal institutions.

5. Data Deficits and Monitoring

Targeted treatments and evaluation are hampered by the lack of centralized databases and trustworthy statistics on street children.

Evidence-based planning is diminished when field reports and NGO surveys are used.

6. The Law-Practice Gap's Effects

Repeated infractions of the laws against underage labor, human trafficking, and cruelty.

Restricted availability of health, education, and rehabilitation services.

International commitments under the CRC and ICCPR as well as constitutional safeguards under Article 32 are compromised by inconsistent enforcement.

7. Implications for Policy

- Practical enforcement is ensured through the expansion of shelters, rehabilitation initiatives, and legal assistance services.
- Campaigns for awareness and community involvement can give street kids the confidence to assert their rights.
- Mechanisms for gathering and tracking data are crucial for assessing the efficacy of implementation.

7.3 Patterns of Marginalization and State Neglect

In Bangladesh, one of the most vulnerable and neglected populations is street children. Their exclusion from official healthcare, education, and protection systems is a reflection of both systemic state neglect and socioeconomic disadvantage.

1. Marginalization of the Socioeconomic

A large number of street children are from low-income homes and are frequently compelled to work on the streets in order to make ends meet.

The marginalization of children living on the streets is exacerbated by their frequent exposure to violence, exploitation, and human trafficking.

2. Marginalization in Law and Institutions

Despite the protections provided by laws such as the Children Act 2013, Bangladesh Labour Act 2006, and Penal Code 1860, street children are frequently left out of their reach.

Many children are unable to obtain legal remedies, healthcare, or education because they lack identifying paperwork, such as birth certificates.

3. Policy Gaps and State Neglect

Effective intervention is hampered by a lack of institutional capability and government funding. Street children are frequently not given specific priority in policies like the National Child Policy 2011.

4. Susceptibility to Mistreatment and Abuse

Street children who are marginalized are particularly vulnerable to drug misuse, child labor, trafficking, and sexual exploitation.

5. Consequences of Neglect and Marginalization

Constitutional rights under Articles 27, 28, 31, and 32 are undermined by ongoing socioeconomic, legal, and institutional marginalization.

The effectiveness of international obligations made under the ICCPR and the Convention on the Rights of the Child (CRC) is limited by state neglect.¹⁴⁴

7.4 Socio-Legal Implications for Human Rights in Bangladesh

¹⁴⁴ Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC) arts 6(1)–6(2); International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR) art 6(1).

The predicament of Bangladesh's street children brings to light important socio-legal problems at the nexus of human rights, society, and the law.

1. The right to dignity and life

The right to life is protected by Article 32 of the Constitution.

Socio-legal Implication: The right to life includes protection, welfare, and dignity in addition to survival, underscoring the necessity of socio-economic policies in addition to the application of the law.

2. Nondiscrimination and Equality

Discrimination on the basis of class, sex, or status is prohibited by Articles 27 and 28.

Because of social shame, poverty, or a lack of documentation, street children experience systemic discrimination.

Socio-legal implications: Social attitudes and structural constraints frequently make it difficult to effectively enjoy equality, even in cases when laws guarantee it.

3. Juvenile justice and child protection

Abuse, exploitation, and child labor are illegal under laws such as the Children Act 2013, Bangladesh Labour Act 2006, and Penal Code 1860.

4. International Duties Regarding Human Rights

Socio-legal Implication: Although domestic law and judicial interpretation are influenced by international standards, the fulfillment of these rights is constrained by a lack of knowledge, funding, and efficient oversight.

5. Justice Access

Street children's access to legal remedies is hampered by obstacles such as a lack of legal literacy, social stigma, and administrative hold-ups.

6. Consequences for Practice and Policy

- Sufficient institutional capability and resources.
- Programs for rehabilitation and community-based initiatives.
- Initiatives for social acceptability and awareness.

Chapter Eight

Conclusion and Recommendations

8.1 Summary of Key Findings

This study assesses the practical efficacy of Bangladesh's legal protections for street children.

1. The legal and constitutional framework

- The Constitution's strong guarantees of equality, nondiscrimination, fundamental rights, and the right to life are included in Articles 27, 28, 31, and 32. ¹
- Comprehensive legal safeguards against child labor, exploitation, trafficking, and abandonment are established by the Children Act 2013, Bangladesh Labour Act 2006, and Penal Code 1860. ²
- Domestic legal norms are reinforced by international commitments under the ICCPR and CRC. ³

2. Legal Interpretations and Seminal Decisions

- The justifiability of socioeconomic rights has been reaffirmed, enforcement tasks have been emphasized, and State responsibilities have been defined by judicial interventions. ⁵

3. Gaps in Institutions and Policies

- Effective implementation is hampered by a lack of resources, shelters, and training. ⁷
- Street children and high-risk groups are frequently not specifically targeted by policies like the National Child Policy 2011.

4. Difficulties with Enforcement

- The Penal Code and the Children Act are two examples of laws that are frequently not properly enforced.
- Additional barriers to practical protection include inadequate awareness, social stigma, and mistrust of authorities.

5. Marginalization Patterns

- Street children experience systemic discrimination, socioeconomic hardship, and exclusion from healthcare and education.
- Formal services cannot be accessed if identity documentation is missing.

6. Social and Legal Consequences

- Legal safeguards alone are insufficient; effective protection requires institutional competence, rehabilitation programs, awareness campaigns, and community-based interventions.

7. Analytical Perspectives

- The importance of decentralized monitoring, integrated services, and community-based rehabilitation programs is demonstrated by comparison with South Asian nations (India, Nepal, Sri Lanka) and international approaches (Brazil, South Africa, UK).

8.2 Proposals for Legal and Policy Reform (e.g., National Child Protection Policy, stronger enforcement of CRC obligations, improved juvenile justice system)

Making the National Child Protection Policy Stronger

- Revise and put into effect a thorough national child protection policy that includes precise procedures for locating, keeping an eye on, and safeguarding homeless children.

Increased Compliance with CRC Requirements

- Completely align national laws with the Convention on the Rights of the Child (CRC), paying particular attention to Articles 6 (right to life) and 19 (protection against abuse and neglect).

The Juvenile Justice System's Improvement

- To guarantee that street children receive treatment that complies with international standards, the juvenile justice system should be reformed.
- To stop needless criminalization of street children, strengthen rehabilitation services,

Legal Aid and Social Service Access

- Increase street children's access to social protection programs, healthcare, and education.
- Create child advocacy programs and free legal aid to enable street children to successfully exercise their rights.

Observation and Assessment

- Establish reliable systems for gathering and reporting information about street children, their living circumstances, and safety precautions.

8.3 Areas for Future Research

Efficiency of the Application of the Law

- Examine how NGOs, law enforcement, and local government agencies contribute to the implementation of legal protections for homeless children.
- Examine the familial, social, and economic forces that drive kids into the streets.
- Analyze the ways in which family dissolution, migration, and poverty affect child protection systems.

Studies of Comparative Law

- Perform cross-national comparisons of South Asian and international juvenile justice and child protection frameworks.
- Determine the most effective law reform strategies that could be modified for the Bangladeshi setting.

International Conventions' Effects

- Examine how domestic legal reforms and court rulings are impacted by international treaties such as the ICCPR and CRC.
- Examine how policy and practice are impacted by global monitoring organizations (such as the UN Committee on the Rights of the Child).

Social Services and Rehabilitation Programs Are Accessible

- Assess the availability and efficacy of services for street children in the areas of education, healthcare, legal assistance, and rehabilitation.
- Analyze how intervention programs affect street children's reintegration into society over the long run.

The Participation and Voices of Children

- Examine how street children view their legal rights and protections.
- Examine ways to give kids a meaningful say in the policies and initiatives that impact their lives.

Technology and Data-Based Methods

- Examine how to identify children who are at risk and monitor protective actions using data collecting, monitoring systems, and digital tools.
- Analyze the moral implications of employing technology to protect children.

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