Memorandum

TO: [Redacted]
FROM: Matthew Farrell, Cornell Law School, J.D. 2011
DATE: January 17, 2010
RE: Public policy considerations of child domestic labor and exploitation of child domestic workers

This Memorandum responds to your request for information regarding the public policy considerations of child domestic labor, as well as your request for information regarding the exploitation of child domestic workers. The purpose of the Memorandum is thus to provide information on the causes of child domestic labor, the harms and exploitation associated with child domestic labor, and policies that would promote school attendance rather than entering the work force.

I. INTRODUCTION

This Memorandum analyzes the issue of child domestic labor, the harms of child domestic labor, and methods for addressing child domestic labor (primarily through education). Although, as discussed below, child domestic labor and child labor are distinct concepts, much of the social science literature focuses on child labor, and many of the findings that relate to child labor appear to also apply to child domestic labor. This Memorandum begins by articulating a definition of child domestic labor. It then proceeds to discuss the harms of child domestic labor, which include exploitation, physical harm, psychological harm, sexual abuse, and the costs to society of having children working rather than going to school. After discussing the harms of child domestic labor, the Memorandum addresses the situation in Bangladesh, particularly statistics relevant to child domestic labor and related statutes and government programs. Finally, this Memorandum concludes by discussing various approaches to the problem of child domestic labor and how the government of Bangladesh and Non-Government Organizations (NGOs) can combat this problem.
II. WHAT IS CHILD DOMESTIC LABOR?

There is no universal definition of “child labor” or “child domestic labor”.

Thus, these terms may refer to any type of work that a “child” (another term that has a variable definition) performs, or the terms may refer to full-time work that a child performs, or they may refer to harmful work that a child performs. For purposes of this Memorandum, “child domestic labor” refers to domestic work performed by a child under the age of fourteen. As discussed below, child domestic labor refers to work outside the home, and this work frequently interferes with the child’s ability to pursue an education.

a. International Standards

Although many international treaties and agreements seek to regulate child labor and child domestic labor, international disagreement regarding how to define these ideas exists. The most difficult issue is often what age a child must be to legitimately work. UNICEF defines child labor according to the age of the child: for children between five and eleven years, one hour of economic work or twenty-eight hours of domestic work per week constitutes child labor. For children between the ages of twelve and fourteen, fourteen hours of economic work or twenty-eight hours of domestic work per week constitutes child labor, and for children between the ages of fifteen and seventeen, forty-three hours of economic labor or domestic work per week amounts to child labor. The International Labour Organization (ILO), on the other hand, begins by defining “child labor” as all economic activity performed by those under the age of fifteen, and then excludes children between the ages of twelve and fourteen if they work fewer than fourteen hours per week (unless the work is hazardous), and then adds children between the ages of fifteen and seventeen who engage in one of the enumerated “worst forms” of child labor. In addition to being vague, complicated, and difficult to apply, this definition does not include domestic work, making it an inappropriate definition to use for analyzing child domestic labor.

Drawing on both international and Bangladeshi sources to define the term “child” is useful. The 1989 United Nations Convention on the Rights of the Child is a central feature of the modern movement to protect the rights of children. One researcher notes, however, that many of the international terms and ideas relating to the protection of children are “drawn from

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2 Id.
5 Id.
7 Ray, supra note 6, at *3.
the modern west,” and one must be careful to avoid a “tendency towards cultural imperialism.” Nevertheless, international agreements have recognized this, and the Convention on the Worst Forms of Child Labor states that individual governments may define “child” based on different criteria and ages. Scholars have noted that many NGOs in Bangladesh use the word *shishu* to refer to a child, but *shishu* generally means an infant or young child, and distinctions post-infancy in Bangladesh usually revolve around a person’s gender, size, and level of understanding. In some situations, children performing the work of adults may not be considered children. For example, one study found that children of 14 or 15 years engaged in pulling rickshaws were no longer considered “children,” but merely adults aged 14 or 15 years. Another complicating factor is that the births of many individuals in Bangladesh are not registered, which makes determining a child’s calendar age difficult. Still, the Bangladesh Bureau of Statistics itself defines a “child” as a person between the ages of five and fourteen, as do many other laws in Bangladesh. For example, Bangladesh prohibits factories from employing children below the age of fourteen. Additionally, the Bangladesh National Children Policy defines all boys and girls under the age of fourteen as children. The 2006 Labour Law also defines a child as a person under the age of 14. Thus, defining a child as a person under the age of fourteen is consistent with Bangladeshi law and government practice.

**b. Defining Child Domestic Labor by Focusing on Work Outside the Home**

This memorandum defines child domestic labor as including only work that is performed outside of a child’s home. This is consistent with the ILO’s definition of child domestic labor, which refers to “situations where children perform domestic tasks in the home of a third party . .

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10 See Kalam, supra note 3, at 20–21.


13 Ruwanpura & Roncolato, supra note 11, at 364.


15 Kalam, supra note 3, at 22.

16 Id.

This includes children who live in the home of their employers, those who live separately from their employers, those who receive monetary compensation, and those who receive in-kind benefits (such as food and shelter). Although focusing only on children who work outside of the home potentially ignores children working within the household, nearly all cultures accept children’s performing domestic chores and household duties within the home. Additionally, this approach is justified, as children “behind closed doors in a private home are extremely vulnerable to exploitation and abuse.”

c. Distinguishing Between “Child Domestic Labor” and “Child Labor”

The terms “child domestic labor” and “child labor” are similar, but they differ in the type of activity that each includes. The most significant difference between these terms is that child labor refers to “economic” activities, meaning that they occur outside of a home. Child domestic labor involves children working outside of their home but still within a third party’s home. In Bangladesh, families have sent girls as young as six to work as “domestic servants,” but these children would be unlikely to engage in “child labor,” which is more frequently associated with working in factories. This difference often leads to ignoring child domestic labor, as many studies of child labor do not consider the “not-for-market-work,” and this misrepresents the number of girls engaged in activities that displace schooling and can be as grueling as any type of “economic” activity.

d. Child Domestic Labor and Focusing on Education

As children generally either work or pursue an education, analyzing child domestic labor and focusing on whether the child primarily engages in domestic economic activity or educational activity is useful. One approach to defining child domestic labor focuses on creating mutually exclusive categories (“study only,” “work only,” “work and study,” and “neither work nor study”), and defines child laborers as those in the “work only” and “work and study”

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18 INTERNATIONAL LABOUR ORGANIZATION, HELPING HANDS OR SHACKLED LIVES?: UNDERSTANDING CHILD DOMESTIC LABOUR & RESPONSES TO IT 1 (2004).
21 INTERNATIONAL LABOUR ORGANIZATION, supra note 18, at 1.
24 See Basu & Tzannatos, supra note 22, at*15; Cohen, supra note 19, at 43.
25 Basu & Tzannatos, supra note 22, at *13–14. The fact that about 80% of child domestic workers are girls and 20% are boys amplifies this misrepresentation of the number of girls engaged in activities that displace schooling. SCSD REPORT ON CHILD DOMESTIC WORKERS, supra note 12, at 89.
According to a study in Dhaka, over time, children tend to move toward either the “work only” or “study only” categories, as approximately thirty percent of children working never received any education, approximately sixty-one percent of working children abandoned their education, and only approximately eight percent of children working also attended school.²⁷

III. WHAT ARE THE HARMS OF CHILD DOMESTIC LABOR?²⁸

Despite some possible benefits, child domestic labor is, overall, a harmful activity for children. Between January 2006 and November 2009, one study of violence against child domestic workers found numerous cases involving physical torture, rape, murder, sexual abuse, and mysterious deaths (see appendix). As discussed below, social scientists and activists have identified numerous problems associated with child domestic labor. Although not all of the listed harms may be present in a specific instance of child domestic labor, at least one (and very likely more than one) is highly likely to be present, and the potential for all harms to be present exists, as “child domestic workers are a uniquely vulnerable and violated group of child workers.”²⁹ The listed harms are: (a) general exploitation; (b) physical and psychological harm; (c) stunted emotional development; (d) sexual abuse; (e) the inability to seek proper medical treatment; and (f) “investment loss”—the inability to achieve the return on investment that an education would bring.

a. Exploitation

Child laborers of all types (including child domestic laborers) typically earn less than adults, even if the child performs the same work and works beyond usual working hours.³⁰ Additionally, the income that the children do earn frequently goes to their family, which prevents children who do work from saving for their future needs.³¹ This exploitation, however, goes beyond limiting compensation. Many child domestic laborers have undefined hours, meaning that a child often “is on call 24 hours a day, with no free time or holidays.”³² A study of child domestic workers in Bangladesh found that of the surveyed child domestic workers, 36% worked

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²⁷ Kalam, supra note 3, at 23–24.
²⁸ Please note that the other memo prepared for you also discusses numerous social ills related to child domestic labor.
³¹ Id.
³² Michael Bourdillon, Children as Domestic Employees: Problems and Promises, 15 J. CHILD. & POVERTY 1, 3 (2009).
an average of 9-12 hours a day, 30% worked an average of 13-15 hours a day and 16% worked an average of 16-18 hours a day.\textsuperscript{33}

Some children involved in child domestic labor do view working in the home of the wealthy as “a relief from a home situation of constant scarcity” or an opportunity “to learn new things and be exposed to more variety and interest than was available in the village.”\textsuperscript{34} Nevertheless, these same children speak of the “terror of being poor in the home of the rich,” as they are frequently “accused if anything should get broken, spoiled or lost.”\textsuperscript{35} Some of these children are “[l]ive-in child workers” who typically do not receive any wages but, instead, receive food, shelter, and clothes.\textsuperscript{36} These findings indicate that child domestic laborers generally do not receive compensation for all the work they provide and must toil under difficult conditions.

\textbf{b. Physical and Psychological Harm}

One social scientist notes that “[c]hild domestic workers are vulnerable to physical and psychological abuse, especially when they live in the home of the employer.”\textsuperscript{37} According to one study, employers of child domestic laborers frequently insult and scold their child domestic laborers, and some employers physically beat child domestic laborers or deprive them of food.\textsuperscript{38} Other children in the home (that is, children who are not child domestic laborers) often look down upon and abuse the child domestic laborers, which contributes to both the psychological and physical harm that child domestic laborers must endure.\textsuperscript{39} Child domestic workers may also not receive adequate time for sleep, which is essential to a child’s mental and physical development.\textsuperscript{40} Additionally, over time, “denigration and neglect . . . wears away the children’s defenses and self-respect.”\textsuperscript{41} Research by other social scientists supports these findings about the psychological harm to child domestic laborers, as one study concludes that child domestic laborers have “notoriously low self-esteem.”\textsuperscript{42} A study of child domestic laborers in Kenya found that child domestic laborers often show “symptoms of psychological problems such as bedwetting, insomnia, nightmares, frequent headaches, withdrawal, regressive behavior, premature aging, depression, and phobic reactions to their employers.”\textsuperscript{43}

\textsuperscript{33} SCSD REPORT ON CHILD DOMESTIC WORKERS, \textit{supra} note 12, at 8-9.
\textsuperscript{34} White, \textit{supra} note 8, at 732.
\textsuperscript{35} \textit{Id}.
\textsuperscript{36} \textit{See Id}.
\textsuperscript{38} Bourdillon, \textit{supra} note 32, at 4; see appendix.
\textsuperscript{39} Bourdillon, \textit{supra} note 32, at 4.
\textsuperscript{40} SCSD REPORT ON CHILD DOMESTIC WORKERS, \textit{supra} note 12, at 36. Although the World Health Organization recommends at least 8 hours of sleep a day for adults and more for children, 66% of the surveyed child domestic workers only received 5-6 hours of sleep each day. \textit{Id}.
\textsuperscript{41} Bourdillon, \textit{supra} note 32, at 4.
\textsuperscript{42} \textit{Id} at 2–3 (quoting Blagbrough, forthcoming).
\textsuperscript{43} \textit{Id} (quoting Bwibo and Onyango, 1987).
c. Stunted Emotional Development

Stunted emotional development is frequently related to the physical and psychological harm that child domestic laborers experience. According to one study, many child domestic laborers, unlike other child workers, are unable to consider what they will do for the rest of their lives or what they could do other than their current occupation. Distance from home and the inability to maintain contact with parents can exacerbate the emotional problems that child domestic laborers face, which is especially common for “live-in domestic workers.”

d. Sexual Abuse

Sexual abuse of child domestic laborers is also common. Although few studies of child domestic laborers in Bangladesh have investigated the frequency of sexual abuse of child domestic laborers, studies in India and Latin America indicate that such abuse is common. For example, a study of families in Lima, Peru indicated that sixty percent of men in these households had their first sexual experience with a domestic worker. In India, one study indicated that more than twenty percent of female child domestic laborers were “forced or tricked into sexual intercourse, and many others reported having been sexually abused in other ways.” As noted in the appendix, there have been several recent reports of the sexual abuse of child domestic laborers in Bangladesh as well.

e. Inability to Seek Proper Medical Treatment

The isolation of child domestic laborers exacerbates the physical, psychological, emotional, and sexual harm of child domestic laborers, as these children are generally unable to access high-quality medical care. Many child domestic laborers receive medical care from healthcare providers who do not have appropriate qualifications. This contributes to child domestic laborers having impeded physical, intellectual, and psychological growth and development. Additionally, health problems, especially untreated health problems, harm the ability of a child to participate in school.

f. Investment Loss – Return on Education Versus Return on Work

One complex harm from child domestic labor—the inability to achieve the returns associated with “investing” in the education of children—affects both child domestic laborers and society. At the most basic level, a parent deciding whether to send a child to work or school

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44 See id. at 2–3.
45 See id. at 3.
46 See id. at 4.
47 See id. (citing Ray and Iyer, 2006).
48 See Uddin et al., supra note 30, at iii.
49 See id.
50 Shafiq, supra note 37, at 946–47.
must weigh the benefit (often short-term) of the child’s earnings, against the (often long-term) benefits of education. Thus, “the opportunity cost of school attendance is expected to be substantial to the parents,” while the benefits of education would accrue to the child. In some situations, sending a child to work rather than to school could be economically rational—if the earnings (or potential earnings after learning a skill) from working as a child domestic laborer are greater than the future benefits of education, the economically rational parents would send the child to work.

According to one analysis, however, the economic returns from education (at least boys’ education), including the foregone earnings by a child, are 13.5% for primary education, 7.8% for junior-secondary education, 12.9% for higher-secondary education, and 9.7% for higher education, with an “option value” (referring to the ability to obtain even higher levels of education) of 5.3%, which makes investing in education incredibly rational. Quite simply, those who obtain a primary education, whether male or female, “enjoy comparatively greater earnings than workers” who lack a primary education. Parents should also consider the potential costs of exposing their children to child domestic labor, as doing so exposes children to the significant risk of physical, emotional, and other health problems.

Society, meaning the combined interests of all members of a national community, receives numerous benefits from having an educated populace, which requires that children attend schools rather than work. Low levels of school enrollment correlate with low levels of political participation, high crime rates, and numerous other social problems. Also, as individuals with an education are more productive than those without an education, a family’s failing to invest in education for its children deprives society of its children’s enhanced productivity.

g. Child Labor and Child Domestic Labor are Not Necessarily Synonymous With Child Abuse

Despite the numerous identified harms, child labor and child domestic labor are not synonymous with child abuse. Many opponents of statutes banning the importation of goods created with child labor argue that such actions would penalize the alleged victims (the children). One researcher notes that many industries in Bangladesh anticipated that developed nations might enact such a statute and preemptively fired child laborers, leading to an increase in

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53 M. Najeeb Shafiq, Household Rates of Return to Education in Rural Bangladesh: Accounting for Direct Costs, Child Labour, and Option Value, 15 EDUC. ECON. 343, 343, 355 (2007). The total return on education is 18.8% and, accordingly, households should only fail to make this investment if they are able to achieve a return on investment of at least this rate, which is extremely unlikely. Id. at 355.
54 Id. at 351.
55 Shafiq, supra note 37, at 946–47.
56 Id.
57 Id.
more dangerous economic activities by children, such as prostitution and welding.\(^\text{59}\) These fears are somewhat different in the context of child domestic labor, especially as developed countries have much less leverage to prohibit such activities, but the risk of forcing those in an unpleasant situation into engaging in more dangerous activity still exists.

One example of unanticipated negative effects from actions attempting to improve the lives of children by eliminating child labor is the effect of the Memorandum of Understanding (MOU) that the Bangladesh Garment Manufacturers and Exporters Association signed with various NGOs.\(^\text{60}\) After signing the MOU, the garment manufacturers dismissed approximately 50,000 children.\(^\text{61}\) Many of these children then turned to more hazardous and exploitive situations.\(^\text{62}\)

Research on child domestic labor in Bangladesh also demonstrates that at least some children and families view the opportunity to engage in child domestic labor positively. One case study involved a thirteen-year-old girl. As a result of extreme poverty, the girl’s parents sent her to be a domestic worker. The family was able to save enough money (and worked with NGOs) to purchase a cow and the girl was then able to leave her job to care for the livestock and attend school.\(^\text{63}\) This demonstrates that child domestic labor can, in some situations, serve as a bridge to a better life. Another case study involved a girl who began working with her mother as a domestic employee; as in the first case, the family was able to earn enough money to permit the child to engage in less risky economic activities and attend school.\(^\text{64}\) Nevertheless, while these stories have “happy endings,” nothing indicates that all children engaging in child domestic labor are as fortunate, and nothing indicates that alternative programs, such as programs subsidizing school attendance, would not have created the same result.

### IV. CHILD DOMESTIC LABOR DISPROPORTIONATELY HARMS GIRLS

Finally, noting that the harms of child domestic labor disproportionately fall on girls is important. As one researcher notes, “[a]n overwhelming majority of [child domestic laborers] are girls, and many face physical, emotional and sexual abuses . . . [and] are less likely than boys to receive an education.”\(^\text{65}\) A recent study of child domestic workers in Bangladesh found that 80% of child domestic workers were girls and 20% were boys.\(^\text{66}\)

\(^{59}\) Id.

\(^{60}\) See Rasheda Khanam, *Child Labour in Bangladesh: Trends, Patterns and Policy Options*, 34 ASIAN PROFILE 593, *8 (2006), available at http://mpra.ub.uni-muenchen.de/8008/1/MPRA_paper_8008.pdf. The parties signed this MOU in the shadow of the “Harkin Bill” in the United States, which would have restricted the importation of certain goods into the United States. Id.

\(^{61}\) Id.

\(^{62}\) Id.


\(^{64}\) Id. at 20.


\(^{66}\) SCSD REPORT ON CHILD DOMESTIC WORKERS, *supra* note 12, at 89.
As previously stated, many forms of child domestic labor are difficult to detect and, as a result, the number of girls working as child domestic laborers likely appears smaller than it is in reality. Child domestic labor also reinforces gender roles, as girls engage in tasks associated with stereotypical views of a woman’s role. Also, the amount of work that girls are performing is troubling. According to numerous social scientists, if one includes domestic work as a form of “work,” then girls are more than fourteen percent more likely than boys to be forced to combine work and education, and thus are more likely to have their education limited.

Additionally, the households that provide female domestic laborers differ from those that provide male child labor. Most households providing female child laborers are smaller (in terms of the number of people) than households providing male child labor, and the households providing female child labor are more likely to have a mother who works and are more likely to be a single-parent household. A study of Dhaka supports these findings that indicate that the households supplying child domestic laborers (generally girls) are more likely to have fewer economic assets and are more likely to be vulnerable.

V. EXAMINING THE SITUATION IN BANGLADESH

Examining the extent of child domestic labor and other forms of child labor in Bangladesh is difficult because of conceptual and methodological limitations in the ability to collect data. As a result, both official and unofficial estimates of child labor and child domestic labor tend to underestimate the number of children working and, at the same time, exaggerate the number of children in school, as most studies fail to consider “drop-outs, absenteeism, [and] failure to complete [various levels of education].” Still, although estimates of child workers in Bangladesh have numerous conceptual and definitional problems, the information does provide a useful starting point for understanding child domestic labor.

a. Bangladesh Geopolitical Statistics

Bangladesh is a parliamentary democracy of approximately 155 million people (with an annual growth rate of 1.7%). Bangladesh is (relatively) geographically small, and it is thus

67 See Basu & Tzannatos, supra note 22, at *13–14.
68 Kelly, supra note 29, at 317–19.
69 Khanam, supra note 26, at 77.
70 Salmon, supra note 14, at 42.
71 Id.
72 Id.
74 Id.
75 Id. at 3.
densely populated. A 2003 study by UNICEF found that the population of Bangladesh is predominantly rural, with nearly eighty percent of its population living in 86,000 villages. Nevertheless, Bangladesh is urbanizing at an annual rate of approximately 4.6 percent, primarily as a result of rural unemployment. In the late 1990s and early 2000s, the rate of increase in per capita income was 5.0%. 

Still, more than thirty percent of the population of Bangladesh lives in “extreme poverty,” and “many families are unable to fulfill [their] basic needs.” The level of per capital income in Bangladesh is US$360, which is lower than the South Asian average of US$460. A significant cause of child labor and child domestic labor is that the poverty of many households, which limits their ability to satisfy their present needs and encourages families to send their children to work, and this often happens when children are at a very young age.

b. Child Labor and Child Domestic Labor Statistics

One study finds that “[c]hild labor is pervasive in Bangladesh.” According to a Labour Force Survey in 1990–91, nearly six million children (approximately eighteen percent of the child population) in Bangladesh were involved in work of some type, and this survey excluded domestic work. As this study makes apparent, girls are likely to be underrepresented in labor surveys, as they are frequently involved in work that those conducting the survey ignore. A 1999 study found that approximately nineteen percent of children between the ages of five and fourteen are active in the labor force, which generally does not include domestic activities. A 1996-1997 survey by the Bangladesh Bureau of Statistics found that 14% out of approximately 6 million working children were domestic workers.

According to a 2006 ILO Survey, 421,000 children work as child domestic laborers in Bangladesh. A study carried out by Save the Children Sweden Denmark also noted that a 2006 Baseline survey (conducted by Bangladesh Bureau of Statistics and UNICEF) found approximate 400,000 child domestic workers between the ages of 6-17 years in Bangladesh in 2006. The SCSD study also found from its own survey of child domestic workers that 80% of children employed as domestic workers were girls, and 20% were boys. About 95% of the children surveyed

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77 Shafiq, supra note 53, at 345.
78 Khanam, supra note 60, at *3.
79 Id.
80 Shafiq, supra note 53, at 345.
81 Uddin et al., supra note 30, at 1.
82 Khanam, supra note 60, at *3.
83 Uddin et al., supra note 30, at 1.
85 Kabeer, supra note 73, at 3.
86 Id.
87 Amin et al., supra note 84, at 877.
88 SCSD REPORT ON CHILD DOMESTIC WORKERS, supra note 12, at 16.
89 INTERNATIONAL LABOUR ORGANIZATION, SURVEY ON CHILD DOMESTIC LABOR (2006).
90 SCSD REPORT ON CHILD DOMESTIC WORKERS, supra note 12, at 7.
91 Id. at 34.
were engaged as full time domestic workers, and only 5% of the children surveyed were engaged as part-time domestic workers. Furthermore, about 93% of these child domestic workers were between the ages of 6-16 years.

Research also indicates that, as of 2000, the average wage for a child worker was 464 Taka per month for boys and 291 Taka per month for girls. The average household income per capita in households where children do not work is 943 Taka; the average household income per capita in households with working children is 871 Taka.

c. Trend in Child Labor

Child Labor appears to be increasing in Bangladesh. This “striking finding” indicates that the increase in Bangladesh comes even as other South Asian countries, such as India and Pakistan, as well as the world, have seen a declining trend in child labor. One researcher cites this trend as an indication that the current methods and child labor laws in Bangladesh are inadequate to address the issue of child labor. Although child labor and child domestic labor are not synonymous, nothing indicates that these findings would not apply to child domestic labor. Additionally, as previously discussed, child domestic labor is difficult to detect, which means that the current methods and laws of Bangladesh most likely are inadequate to address child domestic labor as well.

d. Bangladesh Educational Difficulties

Although this memorandum provides additional information on the Bangladesh education system below, remembering the relationship between child domestic labor and education is important for understanding nearly every facet of the issue of child domestic labor. Numerous publications, studies, and reports have linked child labor issues and education. Although poverty is not necessarily an insurmountable barrier to education, poverty does make pursuing an education more difficult. In Bangladesh, some social scientists see child labor as a reason for poor education outcomes. Additionally, Bangladesh has “a severe deficiency in proper school facilities, particularly in rural areas.” Despite primary education being compulsory in Bangladesh and several subsidy programs (discussed below) to help the poor send their children...
to school, millions of Bangladeshi children below the age of seventeen are working and not going to school. These findings are discussed in greater detail below.

VI. CAUSES OF CHILD DOMESTIC LABOR

Numerous factors play a role in causing child domestic labor. Factors, including poverty, lack of educational opportunities, economic development issues, and cultural values, increase levels of child domestic labor. Although these factors are related to each other, certain factors appear to have a greater effect on levels of child domestic labor. For instance, poverty and economics play a much larger causal role in child domestic labor than cultural values. Many of the sources cited in this section address child labor, but the research indicates that the causes of child labor and child domestic labor are very similar.

a. Poverty

Many scholars and social scientists note that “parents who send their children to work do not do so out of sloth and meanness, but to escape extreme poverty and hunger for the household, which includes the child.” Child laborers (including child domestic laborers) tend to come from poorer families. A study by Save the Children Sweden Denmark (SCSD) found that poverty was the primary reason that 92% of the surveyed child domestic workers were employed as domestic workers. Poverty-stricken parents of child domestic workers could not support their children for various reasons, such as lack of funds, lack of land to cultivate, large family size or loss of an earning members’ earnings due to illness. The SCSD study found that “92% children are engaged in work as a domestic worker due to poverty…37% children came to cities to work as domestic worker as their parents were unable to bear their education costs. 26% came due to food crisis and 17% children willingly engaged in domestic work when observing the family crisis.”

In addition to poverty causing an increase in levels of child labor, poverty is also a major reason why children do not go to school. Although rural Bangladesh has achieved a relatively high enrolment rate (over 80% for both boys and girls) for children between the ages of six and ten, the enrollment numbers drop substantially after the age of ten, as sending a child to school frequently becomes prohibitively expensive.
The link between poverty, child domestic labor (as with other types of child labor), and education is relatively clear and intuitive: enrolling a child in school forces a family to bear both the direct costs of education and the foregone earnings of the working child.\textsuperscript{112} A 2003 National Child Labour Survey by the Bangladesh Bureau of Statistics asked families why they did not send their child (or children) to school.\textsuperscript{113} More than seventeen percent of the surveyed families reported that the direct costs of education were the reason for not sending children to school, and more than thirty-nine percent of families reported the main reason for not sending their child or children to school is the foregone labor activities of the child or children (including both domestic and wage work).\textsuperscript{114}

\textbf{b. Economics: Supply and Demand}

Although economics and the market for child domestic labor are related to poverty, this factor is also separate. As several researchers note, anyone crafting a policy to address issues related to child domestic labor must recognize “the powerful market forces that give rise to child labor in the first place.”\textsuperscript{115} These social scientists add that failing to understand the significance of economics, as well as failing to notice the “broader problem of poverty and survival techniques,” can lead to attempts at intervention becoming ultimately self-defeating and even make the situation worse.\textsuperscript{116} Other social scientists also state that considering “market forces,” particularly the interaction of market structures and household economies, is important if one wishes to address issues involving working children.\textsuperscript{117}

Adult labor and child labor are usually substitutes, as an employer can generally use children to perform the work that adults usually perform.\textsuperscript{118} Studies from India generally indicate that adults can do any work that children can do, but adults cost more and, as discussed above, are less exploitable, than children.\textsuperscript{119} The SCSD study indicated that employers favor hiring children between the ages of 6-16 as children in this age group are least aware of their rights, capable of performing jobs that an adult could perform within a household and least likely to demand proper treatment, wages and living conditions.\textsuperscript{120}

In addition to the demand for low-cost child domestic laborers, the supply of child laborers also plays a role. In Bangladesh, a prescribed sexual division of labor limits opportunities for females to engage in productive employment, but they frequently work in the domestic sphere.\textsuperscript{121} The concept of \textit{purdah} (the limitations on a female’s physical mobility

\textsuperscript{112} Id.
\textsuperscript{113} Id.
\textsuperscript{114} Id.
\textsuperscript{115} Uddin et al., \textit{supra} note 30, at 12.
\textsuperscript{116} \textit{Id.} Uddin, Hamiduzzaman, and Gunter state that “alternative modes of income for those dependent on child labor” are necessary to successfully address issues related to child labor. \textit{Id.}
\textsuperscript{117} Basu & Tzannatos, \textit{supra} note 22, at *28.
\textsuperscript{118} \textit{Id.} at *3.
\textsuperscript{119} \textit{Id.}
\textsuperscript{120} SCSD \textit{REPORT ON CHILD DOMESTIC WORKERS}, \textit{supra} note 12, at 34.
\textsuperscript{121} Mead Cain, \textit{The Household Life Cycle and Economic Mobility in Rural Bangladesh}, 4(3) POPULATION & DEV. REV. 421, 426 (1978).
outside of the immediate area of the household) reinforces these limited options for many girls. Thus, many families need their children to be productive to compensate the family for the children’s consumption; for example, a boy’s production begins to exceed his consumption around the age of twelve, and this excess production compensates the family for his cumulative consumption by the age of fifteen. Although the economic options for girls are more limited, a girl could also follow a similar path by working as a domestic laborer and earning enough money to eventually become a productive asset for the family rather than a drain on resources.

A final economic issue that is a cause of child domestic labor is the lack of a developed “social safety net” or insurance markets to protect against risk and times of scarcity. For example, adults who “fall into bad times” are likely to have great difficulty providing for themselves and their children. A parent with children in school is very likely to need to remove the child from school and send the child to work if the parent becomes ill, injured, or is otherwise unable to work. A system of insurance and borrowing would permit parents to avoid having to remove their children from school and would allow households to “ride over the rough patch.”

c. Lack of Access to Education

Although the importance of the availability of education as an alternative to work is discussed at greater length below, education itself plays a significant role in determining the level of child labor and child domestic labor. According to one analysis, compulsory schooling laws, school enrolment subsidies, flexibility in school schedules, improving school infrastructure and the quality of education are important components of a system that can contribute to economic prosperity and, accordingly, contribute to decreases in child labor and child domestic labor.

One factor that is extremely important for a family deciding whether to send a child to school or work is the availability (which is a good proxy for the cost) of schooling. For example, having a primary school in a village increases the attendance of boys and girls substantially. The presence of a secondary girls’ school lowers the likelihood of girls falling behind in grade attainment by forty percent. The presence of a secondary school does decrease the likelihood of boys’ falling behind, but not by such a significant amount. Thus, one way to increase the number of children, particularly girls, in school, which is likely to decrease the number of children working, is to build schools in the villages where the children live. A 2005 study of child labor in Bangladesh found a “severe deficiency in proper schooling facilities,

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122 Id.
123 Id.
124 See Basu & Tzannatos, supra note 22, at *29.
125 Id.
126 Id.
127 See Khanam, supra note 60, at *1.
128 Khanam & Ross, supra note 52, at 13–14.
129 Id.
130 Id. at 16–17.
131 Id. at 13–14.
particularly in the rural areas,” and posited that, although many people see child labor and child domestic labor as a cause of poor schooling, the lack of schooling facilities is likely a cause of child labor and child domestic labor.\textsuperscript{132}

\subsection*{d. Cultural Values}

Many scholars and social scientists find that cultural values play a significant role in determining whether children go to school or work. One scholar reviewed a survey of families in the Dhaka slums and found that the economic explanations were inadequate to explain why children were working rather than going to school.\textsuperscript{133} This scholar concluded that cultural factors, such as a fear that idle children would turn to crime, best explain child labor practices.\textsuperscript{134} A different study found that, in Bangladesh, children, as well as their parents, often have little or no interest in education, as they “think that education is not a real life necessity.”\textsuperscript{135} Research from India supports the hypothesis that cultural values can play an important role in the education–work decision: in Kerala, India, the local culture places a significant value on education and less value on economic activity by children and, even though Kerala has high poverty levels, “the incidence of child labor in Kerala is far below that of the rest of India.”\textsuperscript{136} Although this certainly does not prove that cultural values in Bangladesh are a significant cause of child domestic labor, it does indicate that cultural values likely play some role.

Some have cited “culture” as an explanation for the failure of Bangladesh to move children from work and into schools, despite compulsory primary-education laws and subsidies to support poor families who send their children to school.\textsuperscript{137} The programs, however, appear to be affecting attitudes toward children’s working—one study on beliefs (a proxy for “cultural values”) found a common expectation that children should attend school and that only “extreme poverty” would justify not sending a child to school.\textsuperscript{138} Thus, cultural values do not appear to be an insurmountable impediment to improving education and eliminating child domestic labor, and programs aiming to eliminate child domestic labor and encourage education appear to be shaping beliefs about the proper activities for children.

\subsection*{e. Correlation of Home Features and Child Domestic Labor}

Although many factors appear to be causes of child labor and child domestic labor, social scientists have found that other factors correlate with child domestic labor specifically. For example, “poverty . . . has a strong positive marginal effect (of about .23 for those in the poorest income quintile) on older urban girls’ probability of working.”\textsuperscript{139} The research also indicates

\begin{footnotesize}
\begin{enumerate}
\item[(132)] See \textit{id.} (citing Sumaiya Khair, \textit{Child Labour in Bangladesh: A Forward Looking Policy Study} (2005)).
\item[(133)] Amin et al., \textit{supra} note 84, at 877 (2004) (citing Emily Delap, \textit{Economic and Cultural Forces in the Child Labour Debate: Evidence from Urban Bangladesh, 37 J. DEVELOPMENT STUD. 1} 2001).
\item[(134)] Id.
\item[(135)] Uddin et al., \textit{supra} note 30, at 1.
\item[(136)] Kelly, \textit{supra} note 29, at 317.
\item[(137)] See Tariquzzaman & Kaiser, \textit{supra} note 63, at 2.
\item[(138)] See \textit{id.}
\item[(139)] Amin et al., \textit{supra} note 84, at 888.
\end{enumerate}
\end{footnotesize}
that other factors, such as a girl being more educated, having a female head of household who is educated, and being older, do not increase the likelihood that urban girls will work. In addition to poverty, numerous factors do have a noticeable correlation with child labor and child domestic labor. The factors that appear to have strong correlations with child labor and child domestic labor include the level of parents’ education, the birth order and gender of siblings, and other household characteristics.

Parents’ level of education appears to play a significant role in parents’ choosing whether to send their children to school rather than work. Perhaps not surprisingly, educated parents are more likely to send their children to school and less likely to send them to work. This indicates that as a society becomes more educated, levels of child labor and child domestic labor will decrease, as parents will be more likely to send their children to schools.

Research outside of Bangladesh indicates that the gender and birth order of children play a role in determining whether a child, particularly a female child, will work or go to school. For an individual child, work and education are essentially substitutes for one another in terms of the child’s use of time; however, if a family has more than one child, sending one child to work may enable another child to attend school. A study in Brazil found that the last born-male child is less likely to work than other siblings, while a first-born female child is less likely to go to school. This study indicates that being female and being older than other siblings make a child’s working more likely.

Additionally, the households that supply girls’ labor, the primary source of individuals engaging in child domestic work, differ from other households. For instance, households that supply girls’ labor tend to be smaller than other households, and the mother is much more likely to be working in wage employment. Households supplying girls’ labor are also “more likely to be single-parent households or households where the entire potential of adult work is already exhausted.” These findings are also supported by the conclusions of a 2001 study of urban child workers in Dhaka.

f. A “Vicious Cycle”

One interesting feature of studies investigating child labor is that a “vicious cycle” of children who engaged in child labor or child domestic labor growing up and having children who also engage in child labor or child domestic labor appears. Parents who worked as children have

\[\text{Id.}\]
\[\text{See Khanam & Ross, supra note 52, at 16.}\]
\[\text{See id. at 15–17.}\]
\[\text{Basu & Tzannatos, supra note 22, at *23.}\]
\[\text{Id.}\]
\[\text{Id.}\]
\[\text{Id.}\]
\[\text{Salmon, supra note 14, at 42.}\]
\[\text{Id.}\]
\[\text{Id.}\]
\[\text{Id.}\]
\[\text{(citing Emily Delap, Economic and Cultural Forces in the Child Labour Debate: Evidence from Urban Bangladesh, 37 J. DEVELOPMENT STUD. 1 2001).}\]
a higher probability of having children who work, and the probability increases more significantly if the mother worked as a child than if the father worked as a child. One possible explanation is that children who work do not receive an education and thus limit their ability to provide for themselves, continuing a cycle of poverty and requiring these parents to then rely on the labor of their children. This cycle is not limited to Bangladesh, as research from Latin America indicates that the children of child laborers are more likely to work than children of parents who did not work as children. Overall, there does appear to be an “intergenerational transmission of disadvantage.”

VII. RELEVANT LAWS & CURRENT APPROACH

Some argue that laws enforcing compulsory education “are perhaps the most effective laws against child labor.” Although Bangladesh does have a compulsory education law, numerous other laws, international agreements, and government programs attempt to ensure that children attend school and do not engage in child labor or child domestic labor. Both laws against children working and improvements to the Bangladesh education system are tools to eliminate child domestic labor.

a. International Agreements

Bangladesh is a party to numerous international agreements involving the rights of children and prohibitions on child labor. For instance, Bangladesh is a signatory of the United Nations Convention on the Rights of the Child, which the General Assembly of the United Nations (UN) adopted on November 20, 1989. This Convention recognizes that children have numerous rights, including the right to an education (Articles 28 and 29) and the right to not engage in dangerous or harmful work (Article 32). Bangladesh has also ratified the Worst Forms of Child Labor Convention of 2001 (Convention 182), but this convention does not...
prohibit or address child domestic labor.\textsuperscript{161} Although Bangladesh had ratified these international agreements, the agreements are, essentially, an expression of general principles, and national laws are necessary to carry these principles into effect.

Notably, Bangladesh has not ratified all international agreements related to child labor. For example, Bangladesh has not ratified the Minimum Age Convention of 1973 (Convention 138), which specifies minimum ages for children engaging in child labor.\textsuperscript{162} Although Convention 138 does not directly establish minimum ages for child domestic labor (Convention 138 focus on what the ILO considers “economic” activity, as discussed above), one could use the principles in Convention 138 to argue that child domestic labor does violate this convention, as child domestic labor leads to the numerous harms previously identified. Although ratifying Convention 138 would certainly not eliminate the problems of child domestic labor, this action could serve as a starting point for passing additional laws to address child domestic labor.

\textbf{b. Bangladeshi Laws}

A study by SCSD indicates that there exist thirty-five laws in Bangladesh which relate to children, but that most of these laws apply only to children who come into contact with the law or to children working in the formal sector.\textsuperscript{163} The study notes that there is no comprehensive law that applies specifically to the children engaged in domestic work.\textsuperscript{164}

However, there do exist individual laws that relate to child domestic labor in some capacity and that could be used to protect the rights of child domestic workers. According to one researcher, twenty-five laws and ordinances in Bangladesh aim to “protect and improve the status of children.”\textsuperscript{165}

Perhaps most significantly, the Constitution of Bangladesh ensures the privileges and rights of children, and the government has committed itself to protecting children and improving children’s education.\textsuperscript{166} Under Bangladeshi law, children under the age of fourteen may not work in factories,\textsuperscript{167} but a “lack of harmony” among other laws establishing minimum ages for workers has created uncertainty about legal minimum ages for engaging in certain types of work,\textsuperscript{168} and, perhaps as a result, children between the ages of five and fourteen are frequently employed in households as paid or unpaid labor.\textsuperscript{169} Nevertheless, even if the laws of Bangladesh are ambiguous, the compulsory education statute discussed above would indicate that such

\textsuperscript{161} Id.
\textsuperscript{162} Id.
\textsuperscript{163} Id.
\textsuperscript{164} Id.
\textsuperscript{165} Khanam, supra note 60, at *20–21; see Nath & Hadi, supra note 162, at 301.
\textsuperscript{166} Id.
\textsuperscript{167} See Bangl. Const. art. XXIII, XXXIV; Nath & Hadi, supra note 162, at 301.
\textsuperscript{168} Id.
\textsuperscript{169} Khanam, supra note 60, at *20–2; Nath & Hadi, supra note 162, at 301.
employment is not legal, as it interferes with children’s attending school. Families that do not send their children to school face a fine of 200 Taka.\textsuperscript{170} Currently, child domestic workers are not covered under the Labour Law of 2006.\textsuperscript{172} However, the recently proposed National Child Labour Policy (2009) indicates some government and legal movement in favor of a comprehensive law to address issues relating to the rights of child domestic workers.\textsuperscript{173} This proposed law recognizes domestic work as informal sector jobs, and extends labor law protections to children employed in domestic labor.\textsuperscript{174}

c. Educational System in Bangladesh

The formal educational system of Bangladesh consists of five years of “primary education,” five years of “secondary education,” and, in some circumstances, two years of “higher secondary education” and several years of “higher education.”\textsuperscript{175} Primary education is mandatory and a child that is six years or older must go to school.\textsuperscript{176} Tuition fees and textbooks are supplied to all children through primary school, and tuition fees and textbooks for girls are provided “up to Grade 8.”\textsuperscript{177} The Female Secondary School Assistance Project, which the World Bank initiated in 1993, also aims at reducing gender disparity in education, and it provides stipends and tuition to girl students between the ages of eleven and fifteen (that is, grades six through ten).\textsuperscript{178}

d. Education Subsidies

In an attempt to make school attendance easier and more enticing for families, particularly poor families, Bangladesh has instituted a number of subsidy programs. As noted, Bangladesh provides tuition fees and textbooks to children in primary education (and to girls for several years beyond that).\textsuperscript{179} Bangladesh, working in cooperation with NGOs, has also adopted additional subsidy programs, including a program providing food to families who send their children to school and, more recently, a program providing cash payments to poor families who send their children to school. Although these programs are imperfect and many have criticized them, they do appear to have increased school enrollment (and decreased the need for children to work) to some degree.

\textsuperscript{170} See Bangladesh Primary Education Act of 1991; Kabeer, \textit{supra} note 73, at 19.
\textsuperscript{171} \textit{INTERNATIONAL LABOUR ORGANIZATION, 1 MANUAL FOR CHILD LABOUR MONITORING AND VERIFICATION: A BGMEA/ILO/UNICEF MOU PROJECT 5} (2004).
\textsuperscript{172} \textit{SCSD REPORT ON CHILD DOMESTIC WORKERS, supra} note 12, at 53.
\textsuperscript{173} Id. at 92.
\textsuperscript{174} Id. at 92.
\textsuperscript{175} Khanam, \textit{supra} note 60, at \textsuperscript{*15–16}.
\textsuperscript{176} Id.
\textsuperscript{177} Id.
\textsuperscript{178} Id. at \textsuperscript{*23–24}.
\textsuperscript{179} Id. at \textsuperscript{*15–16}.
In 1993, the Bangladesh government, along with the World Food Programme, started the Food-For-Education (FFE) program. The FFE program provides “monthly food rations” (wheat or rice) to impoverished, rural families in economically depressed areas if the families send their children to school. To receive the rations, a family must send its children to “at least 85 per cent of all classes each month.” To ensure that the children attend the requisite number of classes, the headmasters of schools monitor attendance and submit information, including the amount of grain the school expects to need, and the government’s local district headquarters then transports and distributes the food. In 2001, more than two million children and more than 18,000 schools benefited from the FFE program.

According to one report, the “typical FFE family has two children of primary-school age.” The FFE program subsidy did increase the probability of children attending school, which was the primary goal of the FFE program, but the reduction in children’s working was not equivalent to the increase in school attendance, which indicates that “many children continued to work while attending school.” One study found that, for a family with one school-age boy and one school-age girl, participating in the FFE program provided a value that was equal to eighty-one percent of the forgone income of the children (the estimated value of the FFE subsidy was 119 Taka per month). A different study, although conducted by the same researchers, found that the FFE subsidy only provided thirteen percent of the average boy’s monthly earnings and only twenty percent of the average girls’ earnings. One possible explanation for the number of children continuing to work despite enrolling in the FFE program is that the value of the subsidy that the government provided did not fully compensate the family for foregone earnings of the children. One study found that anecdotal evidence indicated that many families sold the FFE rations to purchase “cheaper grain,” which suggests that the families participating in the FFE program are acting to maximize their income. Also, even if the program did fully compensate the families for their children’s forgone earnings, families may still see the program as a means of achieving an even higher level of income and might continue to send their children to work as well as to school.

Bangladesh has also used cashed subsidies to encourage families to send their children to school, which would decrease the amount of child labor and child domestic labor. In 2000, the Bangladesh government began a program that provided 25 Taka per month to the mothers of poor children if the mothers sent their children to school; in the 2001–02 financial years, the

180 Id. at *23–24.
181 See Kabeer, supra note 73, at 13–14; Khanam, supra note 60, at *23–24.
182 Kabeer, supra note 73, at 13–14.
184 Khanam, supra note 60, at *23–24.
185 Ravallion & Wodon, supra note 183, at 172.
187 Ravallion & Wodon, supra note 183, at 172.
188 Id. at 162.
189 Id. at 162.
government provided subsidies under this program for more than three million children.\textsuperscript{190} Perhaps more significantly, in the mid-2000s, the Bangladesh government launched a program involving cash payments to replace the FFE program.\textsuperscript{191} Under this program, poor rural families with children receive 100 Taka if the family has one child and 125 Taka if the family has more than one child.\textsuperscript{192} This program appears to be more efficient, as the anecdotal evidence of families selling their FFE rations to purchase cheaper grain indicates that some (if not many) families receiving government subsidies prefer cash to high-quality food. As noted above, the average monthly wage in 2000 was 464 Taka for boys and 291 Taka for girls.\textsuperscript{193} Thus, even this new cash program does not appear to fully compensate families for their children’s forgone earnings (assuming the children go to school and do not work). If the FFE program is an accurate indicator, a possibility that families would send their children to school and still send them work exists. As this cash subsidy program is relatively recent no major studies have analyzed the effectiveness of this program.

VIII. BEST PRACTICES & MONITORING

Numerous scholars have been careful in recommending changes that would, in theory, decrease child labor and child domestic labor, and increase schooling. One social scientist notes that assessing the best interests of a child requires a careful analysis of the situation in which children live.\textsuperscript{194} Overall, most people who study the problem of child domestic labor or issues similar to child domestic labor conclude that a “holistic approach” is necessary, and recommend combining economic incentives, monitoring, and technical assistance to those implementing these programs.\textsuperscript{195} Several possible approaches are discussed below, and these are generally based on existing programs, including those aimed at addressing child labor (rather than child domestic labor), and programs that other countries have implemented. One constraint limiting the Bangladesh government’s use of subsidies to support education is the limited resources of the government. The FFE and cash subsidy programs discussed above require a significant commitment of resources. Still, the harms of child domestic labor and benefits of education indicate that this investment is worthwhile.

a. Employer Code of Conduct

A recent report on the situation of child domestic workers in Bangladesh suggests that an employer Code of Conduct could provide some immediate relief to child domestic workers in

\textsuperscript{190} Khanam, supra note 60, at *23–24.
\textsuperscript{191} Id.
\textsuperscript{192} Id.
\textsuperscript{193} Id.
\textsuperscript{194} Salmon, supra note 14, at 41.
\textsuperscript{195} Michael F. C. Bourdillon, \textit{Translating Standards into Practice: Confronting Local Barriers, in CHILD LABOR & HUMAN RIGHTS: MAKING CHILDREN MATTER} 143, 143 (Burns H. Weston ed., 2005) (“Broad changes that may seem sensible to outsiders do not always work in the best interests of children when applied to the particular situations in which children must live their lives.”).
\textsuperscript{195} See, e.g., id.
Bangladesh. Such a code of conduct would function as a soft law remedy in an interim period during which formal legal reforms could be put in place to ensure the rights of children engaged in domestic labor. The code of conduct proposed in the report would make employers responsible for assuring a minimum standard of living, including three full meals a day, proper wages and health care facilities. Furthermore, such a code of conduct would require employers to provide educational opportunities, opportunities to visit and spend time with parents, and economic support for the education of the child domestic workers they employ. Employers would also be subject to a requirement of treating child domestic workers with respect and without discrimination.

b. Focus on “Worst Forms” of Child Domestic Labor

As noted, Bangladesh ratified the Worst Forms of Child Labor Convention (Convention 182), which does not prohibit or address child domestic labor. Nevertheless, the ideas in Convention 182 present a possible approach to child domestic labor—rather than attempting to address the entire problem of child domestic labor at once (which would be extremely difficult given the frequency of this practice and the difficulty of detecting it), the government could focus on the worst types of domestic labor, such as those where the children are completely isolated from the outside world. This would have the advantage of requiring fewer resources, but detecting the “worst forms” of child domestic labor, which occur inside a home, may be more difficult than addressing the worst forms of child labor, which generally occur in factories and industrial operations.

c. ILO’s International Program for the Elimination of Child Labor (IPEC)

An additional approach that the government of Bangladesh or NGOs could use to address child domestic labor is partnering with ILO to implement programs through ILO’s International Programme on the Elimination of Child Labour (IPEC), which Bangladesh became a member of in 1994. Since Bangladesh began participating with IPEC, ILO has instituted approximately seventy-five projects, including projects for raising awareness, starting non-formal education programs, and generating alternative income for families. Under IPEC, Bangladesh and NGOs often establish their projects as “Time Bound Programs,” which generally last between five and ten years and seek to address problems related to child labor and then monitor the implementation of the program. Using this model, Bangladesh could attempt to work with

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196 SCSD REPORT ON CHILD DOMESTIC WORKERS, supra note 12, at 55-56.
197 Id.
198 Id.
199 Id.
201 See Kelly, supra note 29, at 333–35.
202 Khanam, supra note 60, at *22.
203 Id.
204 Kelly, supra note 29, at 337–40.
ILO and other NGOs to establish targeted, short-term programs to address child labor in specific geographic areas. As the FFE and cash subsidy programs demonstrate, Bangladesh has focused on the rural areas of the country. As the Time Bound Programs indicate, small-scale programs are also an available tool for addressing problems, and these programs would allow greater experimentation and accommodation of local characteristics and interests.\(^{205}\)

### d. Indonesia’s Education Incentives Approach

As previously noted, one factor that is extremely significant in terms of encouraging families to send their children to school rather than work, especially for girls, is whether a village has a school (or a school is nearby).\(^{206}\) Additionally, as also previously noted, Bangladesh has severely deficient schooling facilities, especially in rural areas.\(^{207}\) One relatively successful program, which Bangladesh could emulate, is Indonesia’s “back to school” strategy that aimed to simultaneously increase (and sustain) school enrolments while preventing an increase in child labor.\(^{208}\) The Indonesian approach involved improving local school facilities and making schools more attractive to parents and children.\(^{209}\) For example, one study found that girls’ school attendance was fifteen percent higher if a local school provided a mid-day meal.\(^{210}\) The study also found that girls’ schooling responds to incentives within schools more than boys’ schooling does.\(^{211}\) Thus, one option would be for Bangladesh to work on building schools and making them more appealing to families and children. Providing meals at schools could cause a significant increase in the number of girls attending school, which would be likely to reduce instances of child domestic labor.

### e. Nicaragua RPS Cash Program

Nicaragua’s *Red de Proteccion Social* (RPS) program indicates that a cash program can have a substantial effect on school attendance.\(^{212}\) Although Bangladesh has recently introduced a program consisting of cash subsidies for poor families who send their children to school, Bangladesh and other NGOs can compare the successes and failures of their program to those of the RPS program. RPS focuses on the areas with the poorest people and worst educational outcomes, and it has also focused on targeting resources on the youngest children, which appears to be more likely to increase school enrollment than a program focusing on older children or distributing resources among age groups.\(^{213}\) Although nothing indicates that Bangladesh’s cash subsidy program will be less effective than Nicaragua’s, this program does provide a point of comparison for policymakers in Bangladesh to assess their program. Nevertheless, any

\(^{205}\) See *id.*  
\(^{207}\) *Id.* at 13–14.  
\(^{208}\) Basu & Tzannatos, *supra* note 22, at *30*.  
\(^{209}\) *Id.*  
\(^{210}\) *Id.*  
\(^{211}\) See *id.*  
\(^{212}\) *Id.* at *31.*  
\(^{213}\) See *id.*
comparison of the programs would have to consider the role of differences in culture, economics, and the legal framework of the programs in each country.

f. Monitoring

An existing ILO Manual for Child Labour Monitoring and Verification (the “Manual”) provides additional methods for addressing child domestic labor.\(^{214}\) Although this manual primarily addresses child labor, its ideas and recommendations can inform monitoring of child domestic labor. Still, remembering that the recommendations below are primarily used for monitoring child labor in factories is important. The Manual primarily concerns (1) monitoring, (2) workplace inspections, (3) form completion and record maintenance, and (4) informing employers of the law.

i. Adapting the Child Labour Monitoring System Manual

1. Monitoring Teams

To find and address instances of child labor, the ILO and other NGOs working with ILO use monitoring teams (each with at least one woman and one man).\(^{215}\) These teams travel around various areas and attempt to develop relations with communities to help the team in its monitoring and investigating.\(^{216}\) The ILO requires these teams to be “friendly,” as developing a rapport with employers, children, and potential informants is important.\(^{217}\) This team-monitoring approach might be useful in addressing child domestic labor. Instead of focusing on industrial and commercial workplaces, the teams would have to focus on domestic workplaces and employers, which could prove more difficult.

2. Workplace Inspections

The Manual also instructs the monitoring teams on how to inspect factories.\(^{218}\) The monitors are to locate factories that may be employing child workers, enter the factories (the government and other NGOs could certainly help the monitors obtain access), and then investigate whether the workers are legally permitted to be working rather than attending school, which requires physical observations and discussions with the children and factory managers.\(^{219}\)

This too can be adapted to address child domestic labor. Instead of investigating factories, the monitors would have to access the workplace of child domestic laborers—which is generally the home. This may be more difficult due to the personal nature of the home, but, as


\(^{215}\) Id. at 22.

\(^{216}\) See id. at 22–25.

\(^{217}\) See id. at 22.

\(^{218}\) Id. at 28.

\(^{219}\) See id. at 26–40.
noted below, individuals investigating child domestic labor have been able to gain access to homes, and monitors may be able to build a relationship with community members and those living in the home as a means of gaining access. For example, the monitors could inform members of the household of the relevant laws. If able to enter the home, the investigative process could proceed as investigations to uncover child labor in factories proceed—the monitors would visually inspect the workers, talk to any children and the employers, and attempt to uncover whether child domestic labor is occurring and interfering with a the requirement that a child attend school. A 2001 “Rapid Assessment Survey” in Kathmandu, Nepal was able to collect data on underage workers by conducting a door-to-door survey, communicating with informants, having focus group discussions, and simply observing households in the city. This indicates that obtaining information and even gaining access to the home is not impossible.

3. Maintaining Records

The manual also requires that the monitors keep records of their findings. Thus, monitors should record any children they find and, ideally, obtain information from the child and the employer. Although this may be more difficult in a home than in factories, the findings from Nepal (discussed above) demonstrate that gaining access and obtaining information is not impossible.

One action that the government could take to facilitate the uncovering of child domestic labor is ensuring that the births of all children in Bangladesh are registered. The Births and Deaths Registration Act of 2004 requires that all births be registered with the government, but this law did not enter into force until 2006, and the government plan for achieving universal birth registration only covered twenty-three percent of the population. In 2007, less than ten percent of children in Bangladesh had their births registered and the under-recording of births is a problem in Bangladesh and other Southeast Asian countries. Having birth-registration papers makes determining a child’s age much easier for families, employers, authorities, monitors and other stakeholders, and this registration would provide a source of verification for any information that a child or employer provides. As one social scientist notes, “[t]hese papers can also facilitate in monitoring their working conditions; and in countries where children

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220 Id. at 58.
221 Id. at 39–41.
222 Id.
225 See INTERNATIONAL LABOUR ORGANIZATION, supra note 214, at 26–58.
226 AMPARITA STA. MARIA, STUDY ON THE LEGAL PROTECTION OF CHILD DOMESTIC WORKERS IN THE ASIA–PACIFIC: ILO/JAPAN/KOREA ASIAN MEETING ON ACTION TO COMBAT CHILD DOMESTIC LABOUR: CHIAN MAI, THAILAND 97 (Oct. 2–4, 2002).
are compulsorily required to attend school, they can greatly assist in identifying who [is] supposed to be attending school, and if indeed, these children are in school."^{227}

4. Informing Employers of Laws and Possible Repercussions

The Manual also stresses that monitors should inform employers and, if possible, parents of all legal obligations regarding the child and possible consequences for violating the law.^{228} Monitors seeking to find and address situations of illegal child domestic labor could certainly do this, and the monitors could inform employers of the possible consequences even if the employers do not grant the monitors access to the home. Additionally, the monitors could also provide employers with information about schools and ways to address the interests of all parties. For example, some programs involve NGOs’ and schools’ sending people to homes asking if children can attend school briefly (sometimes merely for an hour or two).^{229} Spreading this information to employers, parents and children could significantly help people understand what the laws (particularly the compulsory education law) are and follow them.

5. Additional Steps

Monitors should serve as “a bridge between [the] workplace and school.”^{230} The Manual recommends that monitors follow children home to meet the parents and gather information,^{231} and this might work in many instances of child domestic labor. One complication would be the situations, where a child lives with her or his employers. Although monitors would not be able to meet the child’s parents, the monitors could still attempt to gather information from the employers. Also, the approach might be successful in situations where a child domestic laborer does not live with his or her employer. In these situations, and even though the children are living in the home, the monitors could attempt to build the bridge between the workplace and school at the home of the employer.

g. ENGAGEMENT OF LOCAL GOVERNMENT

Local governments should take steps to reduce the unsafe migration of children from rural areas to urban areas for the purpose of employment as domestic workers. These steps can include efforts to raise awareness at a grassroots level of the unsafe conditions faced by child domestic workers, efforts to create local jobs for parents who would otherwise send their children away to work as domestic laborers and efforts to improve the quality and availability of education for local children.^{232} Furthermore, local governments should develop registration

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^{227} Id.
^{228} See INTERNATIONAL LABOUR ORGANIZATION, supra note 214, at 36–50.
^{230} INTERNATIONAL LABOUR ORGANIZATION, supra note 214, at 50.
^{231} Id. at 50–52.
^{232} SCSD REPORT ON CHILD DOMESTIC WORKERS, supra note 12, at 66.
systems to collect detailed information about employers to keep track of where child domestic workers are employed. Such registration systems would increase the accountability of employers and would increase the efficiency and ease of monitoring processes described above. These steps can be taken through functioning Women and Children Welfare Standing Committees. These committees are required but are often not funded, underfunded or not functional. Functioning Women and Children Welfare Standing Committees could implement the local government efforts to reduce unsafe rural-to-urban migration of children and to increase protection of the rights of child domestic workers.

IX. CONCLUSION

As this Memorandum indicates, child domestic labor exists in Bangladesh, and, because it is difficult to detect, it is very likely more prevalent than the statistics indicate. The research also indicates that child domestic labor is harmful to the children performing this work and to Bangladesh collectively. Although Bangladesh has introduced numerous laws to combat the problems of child domestic labor and issues related to child labor, reports suggest that the programs have not succeeded in eliminating or significantly reducing this problem. Focusing on education is a good strategy for addressing child domestic labor and, by improving the system of education and education subsidies, as well as applying monitoring and reporting programs that NGOs have previously used to combat child labor, the government and NGO programs will likely be able to address the issue of child domestic labor.

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233 Id.
234 Id. at 68-69.
235 Id. at 68-69.
**Appendix**

**Statistics on Violence against Domestic Worker**

*January '06 - November '09*

<table>
<thead>
<tr>
<th>Type of Violence</th>
<th>Age: 0-6</th>
<th>Age: 7-12</th>
<th>Age: 13-18</th>
<th>Not mentioned the age</th>
<th>Total</th>
<th>Case filed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical torture</td>
<td>2</td>
<td>86</td>
<td>53</td>
<td>16</td>
<td>157</td>
<td>114</td>
</tr>
<tr>
<td>Rape</td>
<td>-</td>
<td>5</td>
<td>13</td>
<td>13</td>
<td>31</td>
<td>17</td>
</tr>
<tr>
<td>Murder</td>
<td>-</td>
<td>5</td>
<td>25</td>
<td>10</td>
<td>40</td>
<td>27</td>
</tr>
<tr>
<td>(not mentioned the type of torture)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Killing after physical torture</td>
<td>1</td>
<td>10</td>
<td>21</td>
<td>6</td>
<td>38</td>
<td>32</td>
</tr>
<tr>
<td>Missing</td>
<td>-</td>
<td>7</td>
<td>8</td>
<td>5</td>
<td>18</td>
<td>11</td>
</tr>
<tr>
<td>Trafficking</td>
<td>-</td>
<td>1</td>
<td>3</td>
<td>-</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Death after abortion</td>
<td>-</td>
<td>-</td>
<td>5</td>
<td>-</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Mysterious death</td>
<td>-</td>
<td>4</td>
<td>35</td>
<td>5</td>
<td>44</td>
<td>27</td>
</tr>
<tr>
<td>Pregnant after rape</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Suicide</td>
<td>-</td>
<td>7</td>
<td>25</td>
<td>5</td>
<td>37</td>
<td>18</td>
</tr>
<tr>
<td>Killing after rape</td>
<td>-</td>
<td>1</td>
<td>4</td>
<td>1</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Sex abuse</td>
<td>-</td>
<td>-</td>
<td>3</td>
<td>1</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Pregnant after rape and died</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Unnatural death</td>
<td>1</td>
<td>3</td>
<td>8</td>
<td>-</td>
<td>12</td>
<td>8</td>
</tr>
<tr>
<td>Acid burn</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4</strong></td>
<td><strong>130</strong></td>
<td><strong>204</strong></td>
<td><strong>61</strong></td>
<td><strong>399</strong></td>
<td><strong>273</strong></td>
</tr>
</tbody>
</table>

**Source:** Frothom Alo, Bhoror Kagoj, Sangbad, Ittefaq, Janakantha, Jugantor, Inqilab, Dirkal, Banglabazar, Daily Star, New Age, Sangram and Samakal.