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HAZARDOUS CHILD LABOR IN BANGLADESH: A CRITICAL EVALUATION OF THE LEGAL AND POLICY FRAMEWORK VIS A VIS PRACTICAL CHALLENGES

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Abstract: Bangladesh is a signatory of the International Labor Organization's two landmark conventions on child labor – No.138 on Minimum Age and No. 182 on the Worst Forms of Child Labor. The Bangladesh Labor Act, 2006 prohibits the employment of any child in child labor's worst forms, including hazardous ones. To eliminate hazardous child labor (HCL) from the country, the government published a list of 38 activities/processes as hazardous to children. However, emerging data suggest that HCL still exists widely in the country, and the COVID-19 pandemic has worsened the situation. The review of existing evidence and relevant reports evinces that the country's current policies inadequately address the status and remedies of HCL. Based on the author's desk review, observational experience and visual work, this paper evaluates the competence of the hazardous labor list and current legal protections for children. The findings suggest that lack of implementation, reporting and monitoring opens the floodgate for employers to informally employ children in hazardous work and take advantage of the legal lacunae. Destitute families and street children lack citizenship documents and become easy victims of exploitative employment. The analysis informs that the country's existing legislative framework and protection policies are critically inadequate to cease HCL in urban areas.

Keywords: hazardous work, child labor, COVID-19 pandemic, Bangladesh

Introduction

The International Labor Organization (ILO) defines "child labor" as work (performed by children), which by nature or circumstances are likely to harm their health, safety and morale (ILO, 2002). It deprives children of the childhood they deserve. The latest global estimates published by the ILO and UNICEF highlighted several vital snapshots about this pressing global issue (ILO & UNICEF, 2021). First, although the percentage of children in labor has remained the same since 2016, the absolute number has increased by eight million, especially among the younger children aged 5 to 11– making the total number of children in labor 160 million globally. Second, the adverse effects of the Covid-19 pandemic have been causing further erosion of the situation in many contexts. Citing new analyses, the report suggests that an additional 8.9 million will be in child labor by the end of 2022. Third, about 72 percent of child labor occurs within families, often in conditions likely to harm them physically. Fourth, child labor is strongly tied to children being out of formal educational system. Many children had to trade off schooling for labor during the pandemic. Finally, half of the children engaged in labor (i.e., 79 million) work in hazardous conditions that are likely to harm their health, safety, and morals. Many of these children work in difficult situations in many developing countries,

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especially Bangladesh. According to the latest National Child Labor Survey conducted in 2013, about 1.28 million children perform hazardous work across the country. The long closure of schools during COVID-19 has seriously worsened the situation. Altogether emerging evidence paints a dire picture of the global child labor situation in countries like Bangladesh, especially considering the targets set by the Sustainable Development Goal (SDG) 8.7 aiming to eradicate all forms of child labor by 2025 (Greenfield, 2022).

Child labor is an age-old and widely debated concept (Bhukuth, 2008; Hoque, 2021a). The systematic global effort to combat various forms of child labor mainly originated from ILO Conventions time to time. However, the conceptual development of "hazardous child labor" is complicated and controversial. In 1973, ILO Adopted its Minimum Age Convention 138 to set the minimum age for admission to work to 15. Although the Convention did not mention the term "hazardous", Article 3 stated that no individual below 18 shall be admitted to work "by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young persons". The Convention came into force in 1976 with two unresolved issues. First, although a typology of work was formulated, no category of work was clearly defined as hazardous (Parker & Overby, 2005). Second, it did not provide any guideline as to how and who should specify these categories of work while introducing any national legal framework. The phrase "hazardous" was first used in relation to harmful child labor in Article 32 of the UN Convention on the Rights of the Child (UNCRC), adopted in 1990. The Article demanded that states protect children from "work that is likely to be hazardous or to interfere with the child's education". In the 1990s, a common understanding grew that not all work is harmful to children, and some work allows children to survive and support their families and acquire skills (Rogers & Swinnerton, 2002). Therefore, making distinctions among various forms of child labor became essential for international policy design and implementation. Responding to this, ILO adopted the Worst Forms of Child Labor Convention (No 182) and its Recommendation (R190) in 1999 to outline a comprehensive framework to differentiate the worst forms and hazardous child labor from its generic forms. Placing it under a broad category of the "worst forms of child labor", the Convention left the determination of types of work as the "worst forms of child labor" with the competent national authorities and asked such authorities to create their own national list with the consultation of workers' and employers' organization. The Worst Forms of Child Labor Recommendation, 1999 provided a guideline to determine the national hazardous work list. It stated in Article 3 that in identifying where they (hazardous work) exist, consideration should be given, *inter alia*, to (ILO, 2018):

> (a) work which exposes children to physical, psychological or sexual abuse;
>
> (b) work underground, under water, at dangerous heights or in confined spaces;
>
> (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
>
> (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes or to temperatures, noise levels, or vibrations damaging to their health;

(e) work under particularly difficult conditions, such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

Bangladesh as a signatory of all the above-mentioned conventions, has a set of regulatory policies to combat all forms of child labor. After consultation with relevant workers' and employers' organizations, the government published the national list of hazardous work comprising of 38 processes and activities in 2013. In April 2022, the government added five more activities to the list, making the total 43 (Ministry of Labor and Employment, 2022). This paper critically evaluates this national list concerning the existing policy gaps and emerging evidence of hazardous child labor in Bangladesh.

Literature Review

Hazardous Child Labor: Debates of Harm and Acceptability

Several contemporary scholars have pointed out that hazardous child labor (HCL) is a vaguely defined concept (Ensing, 2009; Williams et al., 2016; Cullen, 2019). Yet, theoretical and empirical literature on HCL is surprisingly limited. For the sake of research and discussion, policy perspectives on child labor tend to divide the issue into two broad categories – (i) hazardous and nonhazardous, and (ii) acceptable and unacceptable. Studies focusing on HCL are primarily interested in exploring its prevalence in an area and its "harmful" impact on children's physical and mental health (Masum, 2002; Williams et al., 2016; Uzzaman & Mollah, 2018; Posso, 2019). Policies, scholars, and practitioners are unanimous that a work must be harmful (or potentially harmful) to be considered HCL. Since allowing harm to children is morally wrong, most authors put HCL in the category of unacceptable[i] form of child labor (Fors, 2012). Based on the principles of [un]acceptability and harm, ILO has prioritized banning the worst forms of child labor (wfcl[ii]), including HCL. Responding to ILO's strong advocacy, many developing countries, including Bangladesh, have outlawed the employment of a child in HCL.

Nonetheless, the issue of HCL remains more complicated than it sounds, as some scholars have challenged both of its theoretical principles – unacceptability and harm. ILO specified some forms of children's work as acceptable. These are the so-called "light work" and the works appropriate for children's age, performed under safe conditions, helpful for their positive development, and carried out as part of family enterprises (Bhukuth, 2008; Fontana & Grugel, 2015; HRW, 2016). These vaguely defined exceptions have engendered more criticism. Bhukuth (2008) notes that this tolerance assumes that children are not exploited in their family businesses, which is not always the case. Empirical investigations frequently find HCL in family contexts and settings (Bhukuth, 2005; M. A. Ali et al., 2017). A survey conducted among 120 child domestic workers in Bangladesh revealed that 73.3 percent of these workers do not receive any weekly day off, while 19.2 percent do not have an opportunity to take a break or rest during the daytime (Islam, 2013). Fyfe (2009) argues that children working in agriculture suffer from more significant vulnerabilities and hazards, including mechanical, biological, and chemical risks. These children also work for long hours and in poor conditions in rural environments where working and living conditions can hardly be separated, Fyfe adds. Notably, the latest global child labor survey finds that more than three-quarters of all children aged 5 to 11 serve as laborers in agriculture, and 72 percent of all child labor occurs within family contexts (ILO & UNICEF, 2021). The survey report further illustrates that such family enterprise-based child labor is

often hazardous. A significant number of children (one in four aged 5 to 11 and half of 12 to 14) are engaged in family work that is likely to harm their health, safety, and morals. Hence, the principle of [un]acceptability fails to reflect children's reality.

The concept of harm in relation to child labor is a hot topic for debate. First, ILO, despite being the custodian of global labor standards, has neither formally defined "harm" nor articulated how to do so (Maconachie et al., 2021). It leaves the scope of interpreting harm arbitrarily. Second, relative severity of harmfulness – keeping children in child labor or removing them from it has been debated since the 1990s. In many poor and low-income communities, many families and households have been heavily dependent on the wages earned by minors (Dessy & Pallage, 2001; Islam & Hoque, 2022; Basnet & Hoque, 2022). Citing empirical evidence from various such contexts, Maconachie et al. (2021) argue that work (harmful or not) can be beneficial for children as it provides them with an opportunity to develop social skills and accumulate social capital. Such skills and social networks are especially critical for the survival of working street children (Verma, 1999; Atkinson-Sheppard, 2016; Moon & Azad, 2022). Aufseeser et al. (2017) argue that these socioeconomic benefits often enable marginalized children to finance their schooling, foster self-esteem and develop maturity and collective responsibility. These evidences and arguments rightly question the current modalities of child labor elimination and mitigation (Maya Jariego, 2021). Third, the very definition of HCL uses the phrase "potentially harmful", which is mostly a judgmental call; and often determined by cultural views of children's socialization. Scholars focusing on socio-cultural contexts of child labor emphasize looking at harmful child labor from the viewpoint of children, families and communities (Takyi, 2014; Karikari, 2016; Radfar et al., 2018). Emerging evidence indicates that poor families and communities tend to overlook potential harms and risks that working children may experience while engaging in harmful child labor (Hoque, 2021). Altogether, these views convey that the principle of *Utilitarianism* (i.e., ends justifying the means) often supersedes the principle of harm in many contexts. In short, harmful actions are justified if the benefits accrued from them are considered more significant than the pain (Daniel & Patrick, 2021).

The Bangladesh Context: Data and Interventions

Bangladesh is a relatively young country. More than 165 million people live in a small land (The Daily Star, 2022b). Since its independence in 1971, the country has gone through numerous socioeconomic and political struggles (Alam & Hoque, 2022). Bangladesh is known for its steady economic growth and remarkable progress in several social development indicators. However, the country continues to face several challenges and barriers to further uplifting the quality of people's living standards. Domestic and foreign actors have highlighted the issue of child labor as a serious concern. The country has also initiated a set of legislative and policy measures to reduce the prevalence of child labor.

However, data and evidence on child labor remain limited. Adopting ILO's definition of working children and child labor, Bangladesh conducted its last child labor survey in 2013 (BBS, 2015). The survey revealed 3.4 million working children (aged 5-17), 1.7 million were engaged in child labor, including 1.3 in HCL. In urban areas, 0.54 million child labor was reported. Lately, in 2019, UNICEF's Multiple Indicator Cluster Survey found that 6.8 percent of children (aged 5-17) are engaged in child labor, excluding those in HCL (UNICEF & BBS, 2019). Hence, recent data on the

prevalence of HCL is not available. A draft of the National Plan of Action to Eliminate Child Labor (2021-2025) published in 2020 stated that while Bangladesh had made significant progress from 2003 to 2013 in reducing generic child labor, the situation of HCL had stagnated (Ministry of Labor and Employment, 2020). The document indicated that the incidences of HCL were rising because of a lack of policy priorities in this sector.

Bangladesh has been a signatory of many ILO labor conventions and the UNCRC. Recently, in March 2022, the country ratified ILO's Minimum Age (No 138) convention (ILO, 2022). The Constitution of Bangladesh in Article 15 ensures workers' right to a reasonable wage, rest, and leisure (GoB, 2022). As part of the commitment to eliminating child labor, the country adopted its first national plan of action in 2010 and enacted relevant laws to set age-based national standards. Table 1 illustrates relevant sections and set standards. The Bangladesh Labor Act, 2006 (amended in 2013) sets 14 as the minimum employment age for permissible forms of child labor and 18 for HCL. Regarding the working conditions of adolescents (aged 14-18), section 39, 40 and 42 put restrictions on their employment in certain (potentially) dangerous work that involves machines or is performed underground or underwater. Section 41 sets 42 as the maximum weekly working hours for adolescents, which they can undertake anytime between 7:00 am and 7:00 pm on any day.

Table 1: Relevant laws and regulations regarding HCL (Adapted from BILA (2020))

Standard	Age	Legislation	Meets Global Standards
Minimum Age for Work	14	Section 34 of the Bangladesh Labor Act	No
Minimum Age for Hazardous Work	18	Sections 39–42 of the Bangladesh Labor Act Restriction of employment of adolescents in certain work (Section 39) Employment of adolescents on dangerous machines (Section 40) Working hours for adolescents (Section 41) Prohibition of employment of adolescents in underground and under-water work (Section 42)	Yes
Hazardous Occupations or Activities Prohibited for Children		Sections 39–42 of the Bangladesh Labor Act Statutory Regulatory Order No 65	Yes

The Ministry of Labor and Employment (MoLE) has been responsible for regulating the issue of child labor in Bangladesh. Intending to cater policies to regulate HCL, a government order issued by MoLE identified 38 labor sectors as hazardous for children (Ministry of Labor and Employment, 2020). After creating this national list (see Appendix), the government included a few sections in the Factories Act 1965 – (i) to prohibit some dangerous occupations for children (section 24) and (ii) disallow young children to work on dangerous machines without prior awareness and training (section 25) (ILO, 2016). Following that, section 85 of The Factories Rules identified 18 types of operational works as "hazardous" to monitor and report labor injuries and fatal incidents.

These legal and policy initiatives were also accompanied by a few government interventions targeting children engaged in HCL. Since 2001, MoLE has been running a project entitled "Eradication of Hazardous Child Labor in Bangladesh" to provide children engaged in HCL with an opportunity to receive a small grant for self-employment or small-scale start-up after completing required non-formal education and training. The project offers these benefits to children working in some metropolitan areas. MoLE's 2019 annual report claimed that more than 50,000 children had received these benefits since the project's inception (Ministry of Labor and Employment, 2019). The report also informs that the Ministry formed local-level (i.e., district and sub-district) monitoring committees for reporting HCL practices. Several media outlets were used to create awareness among people regarding HCL and its legal implications. To eliminate wfcl by 2025 (SDG Target 8.7), the government has integrated these policies and project interventions into all relevant national development policy documents, including the 7th Five-year plan and SDG implementation plan (BILA, 2020). In line with the government initiatives, several non-government organizations have been carrying out activities and measures to protect children in wfcl, including HCL (Ford, 2019).

Relevance of this Study

Child labor is a widely discussed issue in Bangladesh. Studies have investigated the factors, determinants and reasons for the high prevalence of child labor in Bangladesh (Tariquzzaman & Hossain, 2009; Mustafa, 2019; Hossain et al., 2019; Ahad et al., 2021; Islam & Hoque, 2022). However, recent reviews point out that very few of these studies have focused on wfcl in the country (Aked, 2021; Ali, 2021). Although HCL remains prominent in grey literature in Bangladesh, its meaningful representation in academic literature is still missing. Twenty years ago, Masum's (2002) paper set out the need for an integrated policy to choke the demand and supply of HCL. Later, a few qualitative research works highlighted the prevalence and situation of HCL in various accessible and visible sectors. For instance, Ensing (2009) investigated HCL in Leather Industry, focusing primarily on working conditions, the environment and its consequences for working children. The literature review for this study indicates that since the national list was first prepared in 2013 (updated in 2022), no mentionable study has explicitly focused on HCL in Bangladesh. Therefore, the discussions regarding HCL's prevalence, relevant policies and interventions are confined to the interactions of donors, local and international NGOs, and the relevant government bodies. This paper aims to intensify the evidence-based policy discussion concerning the elimination of HCL in Bangladesh.

Methods and Materials

Good few challenges make HCL-related in-depth research hard in low-income societies. First, research with working children to capture their views and perspectives through qualitative methods is essential but complex due to the ethical challenges involved (PUNCH, 2002; Einarsdóttir, 2007). Talking to children in HCL requires an additional set of precautionary standards which many independent researchers find challenging to ensure. Second, these working children usually come from marginalized families living in deplorable conditions. They often go through extreme trauma, abuse, and exploitation. Conducting fieldwork in such contexts involves various challenges, including obtaining access, ensuring safety and the possibility of emotional attachment. Finally, many of these working children are parentless living in the streets, making it even more challenging for field researchers (Atkinson-Sheppard, 2016). They often do not have legal documents (e.g., Birth

Registration) that researchers can use as a burden of proof in determining their age. The complexity has even been higher during and after COVID-19 pandemic circumstances. Many qualitative researchers interested in childhood studies have opted for alternative novel ways to generate data and evidence to minimize these challenges and maximize the benefits. One of these alternatives and contemporary research methods is using visuals, especially photographs (Pain, 2012; Poveda et al., 2018; Hoque, 2021b). However, using visuals in child-centered research has its challenges too (Bissell et al., 2000).

As a doctoral research student, I study the issue of child labor. As part of my study, I was provided two fellowships from two academic institutions in 2020 and 2021. I carried out my fieldwork under those fellowships. I also conducted a review of child labor-related academic articles, grey reports, and policy documents. During my one-year fieldwork, I applied walk-through[iii] and observation method in some selected areas of my field to spot and take notes of HCL. I was roaming around and taking photographs[iv] of some places in Dhaka city where child labor is rampant. Access to these places was provided by two local NGOs[v]. I had the opportunity to visit and observe the lives and livelihoods of many children working in Dhaka's streets and roadside workshops. These visits were paid in various urban (informal) industrial places. For the purpose of this paper, I have used several of those photographs. These photographs have already been used by scholars in their publications (with my credit on them). A few have also been reviewed and published in an internationally accredited documentary photography magazine. The photographs used in this paper can be described as both primary and secondary materials. Therefore, the methods of this research include desk review, observations, fieldnotes and creative reflections through visuals. The visuals as research materials complement the quantitative and qualitative data to create a comprehensive picture of HCL in urban Bangladesh.

Nevertheless, the readers must be aware of the challenges and limitations of this research. The images represent a mere part of the whole picture. Any opinion based on these images must be informed by other evidence. The author has captured many other photographs, and the purpose of selecting this set of samples is mainly to – (i) illustrate the issue of HCL; and (ii) shed light on varied academic wisdom, views, and debates. These images can help reflect on finding policy solutions and better interventions, but they may not representational.

Results and Discussions

Emerging Evidence of HCL in Urban Bangladesh

Bangladesh's social and economic success has been a widely discussed miracle (Sawada et al., 2018; Tama et al., 2021). The country achieved steady economic growth in the last few decades and pulled millions out of poverty (Maîtrot et al., 2021). The growth has boosted all kinds of business and economic activities – scaling from small to large (Hoque & Islam, 2022). The boost in exports and foreign investments has resulted in increasing supply chains across urban and semi-urban areas, especially in informal sectors. The number of small and medium businesses, factories and workshops in Dhaka city has risen rapidly. About 93 percent of child labor in Bangladesh occurs in informal settings (in rural and urban areas), comprising hazard-filled manufacturing works and services (The Financial Express, 2018). Recent research on urban child labor has also focused on these informal

settings. Although these studies have hardly differentiated HCL from other forms of child labor, their analyses have offered some emerging evidence on HCL.

Quattri and Watkins's (2019) paper is based on data collected by a representative survey (i.e., CWES – the child work and schooling survey) carried out among 2700 slum households in Dhaka that focused on the relationship between child labor and education. The report highlights that many children were reportedly exposed to health risks and hazards in their workplaces. Sixteen percent of the respondent children (aged 6-14) reported that they had been treated badly (including physically beaten) at their workplaces. Fifty-six percent of girls and 44 percent of boys reported that they operated heavy machinery. A significant percentage of children reported experiencing extreme fatigue, back pain, fever, and injuries. About 37 percent of girls and 19 percent of boys shared that employers forced them to work extra hours.

UNICEF conducted its Multiple Indicator Cluster Survey (MICS) in 2019 to collect data from 64,400 households across urban areas of Bangladesh. The survey reported that 8.6 percent of urban children aged (5-17) were engaged in economic activities or household chores above thresholds[vi] (i.e., beyond 43 hours a week). Their working conditions include performing with dangerous tools, being exposed to dust, fumes, gas and chemicals and working at heights or in noisy, unsafe and extreme weather conditions. Maksud et al. (2022) mapped the prevalence of the wfcl in 2019. Qualitative and Quantitative data were collected from 1719 households across eight slum settlements in Dhaka. Data revealed that 34.6 percent of working children (aged 5-17) in slums are engaged in wfcl, while 91.6 percent work longer than 42 hours a week. Among children engaged in wfcl, 61.4 percent are boys, and 38.6 percent are girls. More than 22 percent of children were reported involved in hazardous work. Abusaleh et al. (2022) found that less experienced working children in Dhaka are more likely to face workplace hazards and economic exploitation. Other studies have also reported a high prevalence of HCL in other major Bangladeshi cities (Ahad et al., 2018; Shahen & Alam, 2020). These working children primarily work with informal oral agreements with daily-based wages. Such arrangements lack provisions of leave and leisure during the job and sanitation and healthcare-related workplace facilities (Ahad et al., 2021).

Figure 1: A 16-year-old boy was seen working in a welding workshop without any safety gear in Dhaka (Photo: Author; also published in IDS (2020))

The findings of this research highlight the plight of children engaged in HCL. As Figure 1 represents the situation of how the lack of safety measures exposed children to health risks and hazards in their workplaces. As we see in the image, a 16-year-old[vii] boy was working in a roadside welding workshop without wearing any safety goggles. However, the researcher also noted that some children used a shield (made of metal and glass) to protect their eyes and skin from fire blazes. Deep observations suggest that children tend to wear or use safety gear when their employers are present.

Limitation of the National List

A few recent surveys and studies have illustrated the limitation of the national list of HCL. The list fails to intervene many urban informal sectors, where visible and hidden HCL is rampant. Maksud et al. (2022) revealed that 10.3 percent of working children (aged 5-17) in Dhaka's slums were involved in hazardous activities which were not included in the list. Some of these identified activities were – restaurant work, electronics (Television/Radio/Mobile Phone) repair services, printing and binding works, street vendors, domestic work and rickshaw pulling. Ali (2021) pointed out several hazardous works performed by children behind closed doors and for unfairly long hours. Paid and unpaid employment in home-based businesses and household work has been the most cited form of such hidden HCL in Bangladesh. Bangladesh Shishu Adhikar Forum's (2016) nationwide study revealed that about 80 percent of urban child domestic workers (CDWs) are girls, and overall, 8 out of 10 CDWs work 14 to 18 hours daily. Besides having low wages, many CDWs experience physical, psychological and sexual abuse (Jensen, 2017; Islam, 2018; BILS, 2021). The list excluded the hazardous waste-picking and recycling businesses that employ many street children across the capital.

Alam et al. (2021) revealed how hazards in waste picking negatively impact their health and well-being. The list of hazardous work also does not cover the ready-made garment (RMG) sector, which is the largest manufacturing sector[viii] mainly based in urban and peri-urban areas in Bangladesh (Mamun & Hoque, 2022). Reports inform that many informal supply-chain manufacturing facilities in this industry employ children in hazardous conditions (Chanani et al., 2022). However, some of these activities have lately (April 2022) been included in the list (See Appendix).

Figure 2: Mamun (pseudonym), a young boy, was carrying water hyacinths, which he collected from Buriganga River in Mirpur. (Photo - Author).

As observed above, poor children participate in a variety of economic activities in Dhaka. Many of those activities are potentially harmful and dangerous. For instance, I capture the photograph[ix] presented in Figure 2 in Mirpur, a peripheral sub-district of Dhaka. Mamun (pseudonym), a 14-year-old boy, was seen carrying water hyacinths. They live in a slum nearby the river Buriganga, which flows by the Southern part of the megacity. The city discharges tons of solid wastes, chemicals and oil into the river making its water severely polluted and risky for human health (Kabir et al., 2022). Mamun along and his family (i.e., parents and siblings) were collecting water hyacinths from Buriganga. The demand for green and dry water hyacinths is reasonable since they can be used for multiple household and business purposes (e.g., fertilizer, cooking fuel, fishing trap straps, and raw materials for the clothing and paper industry). Like many others, Mamun's family heavily rely on this business. However, collecting water hyacinths from hazardous water of Buriganga river regularly is potentially harmful and dangerous to their health.

It is hard to approach such hazardous family businesses by a nominal list. The government declared eight sectors (i.e., tannery, ceramic, glass ship recycling, export-oriented leather and footwear, sericulture, RMG and shrimp) child labor free and has extended the coverage of the HCL list (Dhaka Tribune, 2021; Ministry of Labor and Employment, 2022). Many factors, including the long closure of educational institutions, have forced many children and families to re-engage in HCL during the COVID-19 pandemic (Hoque, 2020; Pandit, 2022). Such hasty and inclusion-exclusion declaration-based listing of HCL is inefficacious. Instead of meeting global standards, addressing HCL requires sophisticated thinking and context-based interventions.

Policy Gaps and Implications

HCL child labor is a long-standing issue in Bangladesh. The current statutory and policy framework has been successful in removing visible HCL practices from many formal sectors. Nonetheless, the framework fails to reach its informal and hidden practices. Several issues and loopholes make the framework ineffective against HCL in informal sectors. First, while The [Bangladesh] Labor Act, 2006 allows adolescents (aged 14-18) to perform light work, section 34(2) places two conditions for such employment – (i) the child must obtain a fitness certificate from a registered medical officer, and (ii) s/he must carry a reference token of the certificate while working. The payable fee of this one-year-valid certificate must be borne by the employer. A few issues make age-based legislative safeguards against informal HCL hard to enforce. First, UNICEF data reveals that about 10 million children below five in Bangladesh remain officially non-existent due to non-registration of their birth records (Jahan, 2022). Over a million urban street children's birth records are unregistered (The Daily Star, 2022a). Such lack of documentation makes any formal employment condition (e.g., determining the age of an adolescent) hard to execute; and forces many children to opt for HCL in invisible and informal arrangements. Second, the Department of Inspection for Factories and Establishments (DIFE) is responsible for conducting routine and unannounced inspections for the compliance of child labor, including HCL. An inadequate number of labor inspectors, fewer unannounced inspections and a lengthy judicial process to execute punitive actions are some of the bottlenecks that make DFIE somewhat a failure (BILA, 2020). Third, the government adopted Domestic Workers Protection and Welfare Policy (DWPWP) in 2015 to regulate country's domestic workplaces. Labor Survey 2013 reported that more than 10 million people are employed as domestic workers in Bangladesh (Dhar, 2018). About 90 percent of them are females. A recent survey discovers that 38.6 percent of urban

live-in workers are below 18, and only four percent of them are aware of DWPWP (BILS, 2021). Due to the lack of awareness, HCL in domestic employment remains widespread and unreported (BILS, 2021; Jensen, 2017). Since domestic work is excluded from the national list, law enforcement agencies cannot intervene without any reporting.

Poor families living in Dhaka's slums often run hazardous family businesses. Figure 3 shows a photograph[x] of Fatima (pseudonym), an 11-year-old girl selling cakes in a roadside kiosk. The kiosk was their family business. It was winter, and a strong freezing wind was blowing through. To protect her ears from the freezing wind, she had to pull her sweater neck up to her head. Standing long hours to sell those cakes in a noisy and cold environment was potentially harmful to Fatima.

Figure 3: Fatima, an 11-year-old girl, was selling cakes in their family kiosk. (Photo – Author)

Many children like Fatima serve in family based and domestic HCL across the city, whom legal institutions could hardly reach. Besides MOLE's HCL eradication project, a few government support programs aim to remove these children from harmful child labor. *Accelerating Protection for Children*, run by UNICEF and the Ministry of Women and Children Affairs, *Child Sensitive Social Protection in Bangladesh*, run by the Department of Social Services; and *School Feeding Program*, run by the Ministry of Mass and Primary Education – are mentionable. These protection programs cover a myriad vulnerabilities experienced by children, and harmful child labor has been one of the many components. BILA (2020) reported that these programs lacked coordination, resources and focus on addressing the cross-cutting issues of child labor. Therefore, protections are limited for children in HCL.

Conclusion

The above evidence, findings and discussions clearly show that national and international interventions (in Bangladesh) to eliminate HCL have serious discrepancies. First, the conceptualization of HCL is still complex. It lacks an easy-to-understand global definition that can be used by national authorities to cater to more specific and valuable policies and interventions. The age-based global standards are too general and do not encourage a specific focus on reducing HCL in poor and developing economies. Second, the review of emerging evidence indicates three critical matters concerning HCL. They are – (i) although there is a growing interest among scholars in understanding wfcl in developing economies, HCL remains largely underrepresented; (ii) studies find it challenging and complicated to differentiate HCL from other wfcl because of its ambiguous and vague definition; and (iii) HCL is enormously widespread in urban Bangladesh, and the situation is seriously worsening due to many factors, notably after the coronavirus pandemic.

Third, the 2013 national list laid the foundation for discussions around HCL in Bangladesh, and the recent upgradation of the list reflects government's continuous engagement with the issue. Yet, findings suggest that the list excludes many hazardous activities performed by children occurring in urban and peri-urban areas. The analysis further portrays that this list-based policy intervention has not delivered its intended outcomes and failed to reach hidden and invisible HCL. Fourth, the absence of official documents (e.g., birth registration) paralyzes the enforcement of an age-based legal framework. In the case of hidden and domesticated HCL, implementing and monitoring bodies do little unless they are officially reported. Fifth, the evidence presented in the form of images depicts that HCL in Bangladesh intersects many other issues, and the existing legal and policy framework does not comprehensively address the issue. Evidence suggests that coverage of protection measures is limited and those do not include hidden, invisible, and informal HCL because of a lack of resource, coordination, capacity, and focus. However, one of the limitations of this piece is that it did not elaborate on the role of NGOs in addressing HCL in urban Bangladesh.

Finally, this evaluation also points out that the development of global and national responses to child labor has followed a controversial path. The delicate balance between legal and social interventions can only be achieved if the views of communities, families and children engaged in HCL adequately inform the policy discussions at all levels. Policymakers must learn from the COVID-19 pandemic experience and put advance protection measures in place for future shocks. We must understand why children and families engage in HCL through the eyes and beliefs of the communities. Further research can focus on these aspects of HCL in both urban and rural areas.

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Declaration of Interest and Data Availability Statement

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Appendix

Hazardous Work List (Bangladesh)

1. Manufacturing of Aluminum products
2. Automobile Workshops
3. Battery Recharging
4. Manufacturing of Bidi and Cigarette
5. Brick or Stone breaking
6. Engineering Machine including lathemachine
7. Manufacturing of glass and glass products
8. Manufacturing of Matches
9. Manufacturing of plastic or rubber products
10. Salt refining
11. Manufacturing of soap or detergent
12. Steel furniture or car or metal furniture painting
13. Tanning and dressing of leather
14. Welding works or gas worker mechanic
15. Dyeing or bleaching of textiles
16. Ship breaking
17. Manufacturing of leather footwear
18. Vulcanizing
19. Metal Works
20. Manufacturing of GI Sheet products or limestone or chalk products
21. Rectifying or blending or spirit with alcohol
22. Manufacturing of Jarda and Quivam
23. Manufacturing of pesticides
24. Iron and steel foundry and casting of iron and steel
25. Fireworks
26. Manufacturing of jewelry and imitation ornaments or bangles factory or goldsmith
27. Truck or Tempo or Bus Helper
28. Stainless steel mill, cutlery
29. Bobbin factory
30. Weaving worker
31. Electric Mechanic
32. Biscuit Factory or bakery
33. Ceramic factory
34. Construction
35. Chemical factory
36. Butcher
37. Blacksmith
38. Handling of goods in the ports and ships
39. Dry fish processing
40. Informal street-based work
41. Production and collection of bricks and stones
42. Informal/local tailoring or garments
43. Waste picking and management

[i] Dessy and Pallage's (2005) theory of the worst forms of child labor opposes banning harmful forms of child labor in emerging economies. They argue that a higher wage premium earned by the families engaged in such forms of child labor provides them with an opportunity to enhance their human capital through formal education.

[ii] Here on to, wfcl refers to the worst forms of child labor.

[iii] Kim et al. (2020) used a similar method to observe harmful child labor in the tobacco industry of Bangladesh.

[iv] I am a trained and recognized photographer. I have been capturing images of the lives and livelihoods of working children in Bangladesh since 2016. My photographic works have been exhibited in numerous international outlets. My photographic skills constitute a significant part of the fellowships.

[v] The two NGOs are – (i) EKMATTRA Society and (ii) Grambangla Unnayan Committee (GUC). These organizations have several projects and interventions to help and protect working children across many slums in Dhaka.

[vi] The survey uses three age-based thresholds for the average number of working hours per week. For more details, visit UNICEF and BBS (2019, p. 289).

[vii] The information regarding the child's age in the image was obtained from his employer later when he was not working in the workshop.

[viii] The ready-made garment sector is Bangladesh's most significant foreign earnings source. In 2019-2020, the sector constituted 84% of the country's total export earnings (Swazan & Das, 2022). A survey conducted in 2020 estimated that about 4.22 million people are employed in this industry (Asian Center for Development, 2021).

[ix] F-stop, a globally renowned photography magazine, previously showcased this photograph as part of a group exhibition entitled "Documentary Exhibition". To see the image online, visit - https://www.fstopmagazine.com/pastissues/103/groupexhibition.html (Accessed on 30 August 2022)

[x] This photograph was previously published on an academic blog written by the author. To read the blog, visit - https://alumni.ids.ac.uk/news/blogs-perspectives-provocations-initiatives/perspectives-provocations-initiatives-covid-19/542/542-Covid-19-and-Child-Labour-in-Dhaka-Call-for-reviewed-policy-actions (Accessed on 30 August 2022)