



**Child Rights in Bangladesh: Gaps between Policy and Practice  
A Study on Child Development Centre (Boys), Tongi, Gazipur.**

**By**

**Md. Anayet Ullah  
MPPG 10<sup>th</sup> Batch**

December 2021



**South Asian Institute of Policy and Governance  
North South University**



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December 2021



**South Asian Institute of Policy and Governance  
North South University**

## **Dedicated to**

To Anisa Akter (Lubana) who left us on 01/08/2021, the very day of her coming in the world.

## **Declaration**

I declare that the dissertation entitled **Child Rights in Bangladesh: Gaps between Policy and Practice: A Study on Child Development Centre (Boys), Tongi, Gazipur** submitted to the South Asian Institute of Policy and Governance (SIPG) of North South University, Bangladesh for the Degree of Master in Public Policy and Governance (MPPG) is an original work of mine. No part of it, in any form, has been copied from other sources without acknowledgement or submitted to any other university or institute for any degree or diploma. Views and expressions of the thesis bear the responsibility of mine with the exclusion of SIPG for any errors and omissions to it.

Signature with Date

Full Name: Md. Anayet Ullah

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## Abstract

Child rights are inherent, universal and inalienable. The United Nations Convention on the Rights of the Child, 1989 (CRC) is the latest comprehensive international instrument for the member states of UN. Since far earlier to CRC, Bangladesh was very much cautious about child rights including Children Act and Child Development Centre (CDC). Moreover, Bangladesh signed CRC in 1990 and updated the Children Act in 2013 to ensure the mandate of CRC. Though Bangladesh is apparently strong enough in child rights policy, it frequently encounters unexpected incidences like torturing, killing, health crises in CDC.

The thesis objective is to find out the gaps between existing policy and practice in respect of CDC. In line with the objective and the collected qualitative data, the preliminary research question is set ‘How do the gaps between policy and practice affect child rights in the CDC in Bangladesh?’ followed by three secondary questions relating to meeting CRC standards by CDC, barriers faced by CDC, and effect of collective efforts of the concerned stakeholders at CDC. The sample size comprises of 15 respondents. The collected data is analysed under 5 major themes to examine the relation between dependent and independent variables. Analytical framework is developed based on the Normalization Process Theory by May et al..

The findings of this thesis assert that due to lack of proactive attitude people still treats CDC as imprisonment. Theoretically, a good number of departments including ministries involve in CDC but there is a lack of togetherness in policy implementation. Slow moving administrative culture and dogmatic socio-religious cultures affect child rights significantly. There is a huge gap between policy and practice reflected ominously in implementation of child rights in CDC.

*Keywords:* child rights, child development centre, socio-administrative culture, policy implementation gaps.

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## Acronyms

ADP	Annual Development Programme
BSS	Bangladesh Sangbad Songstha
CAD	Child Affairs Desk
CAPO	Child Assistant Police Officer
CDC	Child Development Centre
CEDAW	Convention on the Elimination of Discrimination against Women
CPRD	Center for Participatory Research and Development
CRC/UNCRC	United Nations Convention on the Rights of the Child, 1989
CrPC	Code of Criminal Procedure, 1898
CS	Civil Society
DCAO	District Child Affairs Officer
DPO	District Probation Officer
FYP	Five Year Plan
FYPB	Five Year Plan of Bangladesh
GoB	Government of Bangladesh
HC	High Court Division of the Supreme Court of Bangladesh
IMED	Implementation, Monitoring and Evaluation Division
MDGs	Millennium Development Goals
MoE	Ministry of Education
MoH&FW	Ministry of Health and Family Welfare
MoHA	Ministry of Home Affairs
MoI	Ministry of Information
MoL	Ministry of Labour
MoLGRD&C	the Ministry of Local Government, Rural Development and Cooperatives
MoLJPA	Ministry of Law, Justice and Parliamentary Affairs
MoPME	Ministry of Primary and Mass Education
MoSW	Ministry of Social Welfare
MoWCA	Ministry of Women and Children Affairs
NAP	National Action Plan

NBB	National Budget of Bangladesh
NGO	Non-Government Organization
PRB	Periodic Report of Bangladesh
PSW	Psychiatric Social Worker
SAARC	South Asian Association for Regional Cooperation
SCB	Supreme Court of Bangladesh
SDGs	Sustainable Development Goals
SRDS	Society for Research and Development Studies
TCDC	Child Development Centre (Boys), Tongi, Gazipur
UDHR	Universal Declaration of Human Rights, 1948
UHC	Upazila Health Complex
UNDP	United Nations Development Programme
UNICEF	United Nations International Children's Emergency Fund
USA/US	United States of America
USSO	Upazila Social Services Officer

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# Chapter One

## Introduction

### 1.1 Background

Human beings accrue some rights simply by born irrespective of caste, colour, sex and place of birth and those rights are treated as human rights. Human rights are inalienable & inherent (Sieghart 1983, p.1), indispensable (S. Mondol & R. Mondol 2006, p.31), universal (Henkin 1999, p.122), indivisible & self-evident (Ullah 2019, p.16). The normative presumption on universality enshrined in the Universal Declaration of Human Rights, 1948 (UDHR) that ‘All human beings are born free and equal in dignity and rights’ (Article 1 to UDHR) is treated as a binding law in the international human rights treaties of the UN (Ullah 2019, p.16). The fundamental base of this general presumption is that the human beings are not criminal by born. Accordingly, all the international instruments from Magna Carta, 1215 to the Convention on the Rights of the Child, 1989 (CRC) of the United Nations (vide the General Assembly resolution 44/25 of 20 November, 1989) including national instruments are very much concerned about human rights particularly rights to children.

Childhood is an important part of life for all human beings. According to Gal (2011), ‘one child equals to a whole world’ (p.viii). A significant portion of the people of the whole world belongs to children. Almost half of the total population of the People’s Republic of Bangladesh is children and, unfortunately, each year around 35000-45000 children of the country involve in criminal activities relating to arms and drugs (Mohajan 2014, p.231).

From the very beginning Bangladesh has been respectful towards child rights, which is reflected in its constitution adopted in 4<sup>th</sup> November, 1972. Article 28(4) to the constitution says, ‘Nothing in this article shall prevent the State from making special provision in favour of women

or children or for the advancement of any backward section of citizens'. Bangladesh had also enacted the Children Act, 1974 much earlier than many countries in the world did. This Act was repealed and a new Act was enacted, which is known as the Children Act, 2013. In addition, Bangladesh is a signatory to CRC since August, 1990. Several National Action Plans for Children including the Children Policy, 2011 have also been formulated by this time. However, despite having legal frameworks, the way the children delinquents receive treatment raises questions. Children have been abused and victimized from arrest to detention in Bangladesh (Mohajan 2012, p.222). Apparently as there are sufficient policies in respect to child rights in the country, root cause lies in the implementation of existing policy. This research aims to examine it.

Legal professionals may easily find out a lot of discrepancies in the Children Act, 2013. Article 33(2) to the Constitution of Bangladesh (hereinafter the constitution) reads 'Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty four hours of such arrest' whereas Section 52(4) of the Children Act, 2013 asserts that the concerned child, if bail is not given from police station, shall be forwarded to the concerned Children's Court within twenty four hours. Any domestic law inconsistent with the constitution is *void ab initio*. In addition, the Children's Court is presided over by a District Judge level officer who is not in session twenty four hours even of weekdays. What will happen during holiday and/or after court hours of the judge of the Children's Court? No answer is available in the law. People come into touch with children delinquency are also found frustrated in most of the cases as the laws give as more emphasize on child rights as less on child victims.

Legal professionals may also have experience of negligible condition of policy implementation in respect of child rights. The best example may be here that till today (i.e.

March 7, 2021) not a single Children's Court has been established under the Children Act, 2013 in the country rather the responsibility goes to the Nari O Shishu Nirjaton Daman Tribunal (i.e. Women and Children Oppression Suppression Tribunal) as an extra duty but handling the issues of children must not be a matter of extra duty. What will happen in weekends/holidays when legally no Children's Court is in session where constitution binds 24 hours?

It is found in practice that if the Children's Court rejects a petition relating to a child, the guardian has no option save to go to the High Court Division of the Supreme Court of Bangladesh (HC) irrespective of the weight of the petition or ground and thus a child in conflict with the law may remain in a Child Development Centre (CDC) for a long time. As for example, if the law enforcing agency arrests a child with 10 gram Marijuana and the Children's Court rejects the bail petition, the family of the concerned child will have no alternative to go to HC.

As per law, child delinquents shall be dealt with in a separate court room having a child-friendly atmosphere and they cannot be kept with adult criminals; but there is no court or vehicle in this regard in the country till today (i.e. April 19, 2021). Policy implementation issue right this time regarding child rights in CDC has become a debatable fact in the legal arena.

Legal professionals and child rights activists are substantially aware with the existing policy as well as function of courts relating to child delinquents. But what happens in practice as shown in different times through media is brutal and inhumane. From the above point of view, it is necessary to conduct a study on child rights at a CDC from policy implementation perspective.

## **1.2 Problem Statement**

According to Ali (2010), 'Over one million children are in prison across the world' (p.xiii). To keep the children free from criminal activities, some steps are necessary such as identifying the manner and reasons of criminal involvement, analyzing factors encouraging



children's involvement, and identification of individuals who persuade children to offensive activities.<sup>1</sup> The law requires separate detention facilities for children and adults, but many under-trial children languish in jail with adult prisoners. Arrest, detention, and sentencing of children are often arbitrary and sometimes illegal (Mohajan, 2014). Moreover, physical abuse and torture have been applied during arrest and interrogation (Mohajan, 2014).

Bangladesh is traditionally very much aware about child rights and further Bangladesh is one of the earliest signatories to the CRC, but the condition of CDC in the country is yet to achieve the expected standard. From that point of view, the key problem to explore through this study is 'In what ways the policies affect the overall situation of the child rights in CDC'?

Media present that the CDC is a torture cell (Mamun & Zaman 2020), deprivation cave (Ferdousi 2015) where beating the children to death by inmates (AFP 2020); the HC needs to come forward to resolving the issue of damage for the killing the inmates at CDC (UNB Dhaka 2020), and a group of young-girls breaking the grill of the window fled away crossing a 25 feet high wall of a development center (Prothom Alo 2021). Here it is argued that there are some systematic problems which force children to escape and the HC to intervene.

There may be a lot of factors for the deteriorating situation of child rights at the CDC, but for this thesis, it would look at the effects of the gaps between policy and practice in the area of child rights in the CDC in Bangladesh. In connection with this, it will also sketch out the existing standards of policy of the country in compliance with the provisions of CRC, barriers in implementing child rights, and influence of the collective efforts of the concerned stakeholders on the child rights at CDC.

The basic law relating to rights belonging to child delinquents is the Children Act, 2013. This act is ultimately a direct manifestation of the constitutional Article 28(4) under

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<sup>1</sup> An Assessment Study for Children at Risk of Coming in Contact With Criminal Activities 2008.

Fundamental Rights Chapter as the view expressed by HC in *The State vs. Md. Roushan Mondal @ Hashem* (mentioned in Ara, 2012). The Penal Code, 1860, the Code of Criminal Procedure, 1898, and the Nari-o-Shishu Nirjatan Daman Ain, 2000 (i.e. Women and Children Oppression Suppression Act, 2000) also contain some provisions regarding children in conflict with the law.

The positive directives derived from the aforesaid laws include:

- Separate court including infrastructure for child delinquents;
- Child delinquents trial by the Judge of the Children's Court;
- Institution based rehabilitation;
- No intermingle with adult accused;
- Child interest is the prime and detention is the last resort.

Based on the above discussions, it is argued that though positive directives are available in the policies relating to child rights in the CDC, pitfalls are embedded in the policy implementation level. It affects child rights significantly. In addition, social action affects implementation of child rights in CDC. Social action refers involving people for working together (May et al. 2009).

### **1.3 Research Objective**

The main objective of this thesis is to find out the gaps between existing policy and practice of Bangladesh in the CDC. In order to conduct this thesis, the Child Development Centre (Boys), Tongi, Gazipur (TCDC) has been chosen for study place. TCDC established in 1978 is the oldest and largest CDC in Bangladesh. The study will concentrate on the issue what is available in the policy relating to the child rights and what actually is done at CDC. Based on the empirical findings, the study will attempt to sketch some guidelines to reduce gaps between existing policy and practice in CDC.

## **1.4 Research Questions**

The thesis aims to answer a set of questions regarding gaps between existing policy and practice relating to child rights in CDC. The thesis will help to reveal the reality that how gaps between policy and practice in CDC affect child rights. The questions are:

- Preliminary Question
  - How do the gaps between policy and practice affect child rights in the CDC in Bangladesh?
- Secondary Questions
  - How far does the existing policies implementation at CDC meet the United Nations Convention on the Rights of the Child, 1989 (CRC) standards?
  - What are the barriers in implementing child rights at CDC?
  - How do collective efforts of the concerned stakeholders affect child rights at CDC?

## **1.5 Scope of the Research**

The thesis will focus on the effects on child rights in CDC due to the gaps between policy and practice, as well as the effects of collective efforts of the concerned stakeholders on the child rights in CDC. The thesis is based on policy implementation perspective.

## **1.6 Research Design**

Research design is the layout of collecting data and processing the collected data in a systematic way. Research designs are the plans and procedures for research that span the decision from broad to detailed methods of data collection and analysis (Creswell, 2009, p.3). Research design is a plan, structure and strategy of investigation so conceived to obtain the

answer of the research questions (Kumar, 2011). In fact, it is the arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance to the research purpose with economy in procedure (Selltiz, Deutsch & Cook 1962; as cited in Kumar 2011). While Kothari describes research design is the blue print for the collecting data, measuring them and analysing the collected data (2004).

Every scientific research is conducted using three approaches i.e. qualitative, quantitative and mixed approach. This thesis adopts the qualitative approach to unveil the gaps between policy and practice affecting child rights in the CDC in Bangladesh. In respect of qualitative research, the view of Creswell (2009, as cited in Pokhrel 2020) is as follows:

Qualitative means for exploring and understanding the meaning individuals or groups ascribe to a social or human problem while quantitative research means for testing objective theories by examining the relationship among variables, typically on instruments, so that numbered data can be analyzed using statistical procedures. Mixed method research is a combination of both qualitative and quantitative forms. (p.7)

### **1.6.1 Research Methodology**

As a qualitative study, it has focused on , exploring, examining, and interpreting the situation, attitude, beliefs, and experience of the employees of CDC, District Child Affairs Officer (DCAO), District Probation Officer (DPO), NGO's official, Child Assistant Police Officer (CAPO), Official of United Nations International Children's Emergency Fund (UNICEF), Dhaka office. In-depth interviews, emails, and content analysis have been used in this study. Interview is the technique where the researcher can collect idea face to face or through the phone from the respondents. Interview is the best way to collect data when participants can be directly observed, can provide historical information, also researcher can control over the line of the questions (Creswell 2009, p.179). I have conducted interviews using in-depth interview methods in this thesis. The questions were unstructured (open-ended). They

have helped me to collect the in-depth knowledge and experience of the respondents. Open-ended questions have made the scope of conversation wider between respondents and researcher through which the inner perspective could be collected. All the interviews might be conducted physically and face to face if the pandemic situation of Covid-19 supported. As face to face interview was not fully possible, open-ended questions were sent to 3 respondents through email. Data has been collected, if not specified otherwise, between June and August of 2021.

### 1.6.2 Source of Data and Data Collection Technique

I have collected data from both primary and secondary sources through interviews, emails and different webpages, websites, journals, articles, acts and policies. The following table presents the source of data and data collection methods.

Table 1. Data Collection Method and Source

<b>Sources of Data</b>	<b>Data Collection Methods</b>
Individual Interviews	Interviews with the employees of CDC, DPO, DCAO, NGO's official, CAPO, UNICEF Official of Dhaka office.
Emails	Answers of the open-ended questions from employees, officers and others concerned with Child Development Centre.
Secondary Data	Annual reports of different stakeholders, books, websites, journals, articles, law and policy.

### 1.6.3 Sample Size

Total fifteen respondents have been selected during the data collection of the research. Ten interviews were taken face to face. Two were taken through zoom link and other data was taken from the rest three respondents through emails. Open-ended questions were sent to three respondents through email and accordingly answers were received there-against. Due global pandemic Covid-19, it was difficult to reach every office and thus possible resorts were taken to collect data. The following table presents the sample size.

Table 2: Sample Size

S. N.	Method	Sample Size
1.	Interview	10
2.	Zoom Meeting	02
3.	Email	03
	<b>Total</b>	<b>15</b>

### 1.6.4 Sampling Method

Purposive sampling method has been used in this thesis for data collection. It was necessary to select this sampling method for this thesis because the employees directly involved in child rights at the field level can provide the information regarding child rights implementation in field level. Therefore, employees from child related government office, Non-Government Organization (NGO), UNICEF and Police have been selected as sample. Persons having more than 5-year-service experience in child rights have been considered in this thesis. The following table shows the data about the respondents with their level of service.

Table 3. Profile of the Respondents

Category	Designation	Service Length	Posting Address	Number
CDC	Super and other Officers (Non-Gazetted 1 <sup>st</sup> Class) <sup>2</sup>	15-20	TCDC	06
CDC	Employees (2 <sup>nd</sup> Class)	6-10	TCDC	02
CDC	Super (Non-Gazetted 1 <sup>st</sup> Class)	15	CDC(Girls ), Gazipur	01
DCAO	District Child Affairs Officer	26	Barishal	01
DPO	District Probation Officer	20	Barishal	01
UNICEF	Program Specialist	25	Field Services Section, Dhaka	01
NGO	Executive Director, SRDS	25	Mohammadpur, Dhaka	01
Police	OC and CAPO	6-20	Tongi Police Station	02
			<b>Total</b>	<b>15</b>

<sup>2</sup> From the National Pay Scale, 2015, there is no classification as of first/second/third class rather mere difference in basic of the public servants.

### **1.6.5 Selection of Study Area**

There are three CDCs in Bangladesh (two for boys and one for girls) and those centres' responsibility primarily includes development support activities for the inmates of the CDC. Among those three, Child Development Centre, Tongi, Gazipur (TCDC) has been only selected for this thesis due to global pandemic Covid-19, time and fund constraints.

### **1.6.6 Measuring Validity and Reliability**

In general term reliability refers when reliable processes are used in different thesis in different time with the same sample size and the result turn out the same. Reliability means when someone applies the same procedure in the same sample size, the result will be the same (King, Keohane & Verba 1995). Validity is an important strength of a qualitative research that weighs the trustworthiness of the data. It is a process through which the readers can measure the accuracy of the findings (Creswell 2014). Joppe (2000, as cited in Golfashani 2003) explains 'Validity as which determines whether the research truly measures that which it was intended to measure or how truthful the research results are'. Thus validity is the measurement of accuracy of the intended findings and reliability is the surety of same findings substantially by else researcher based on the same data.

This study has collected data from different respondents directly involved in child rights. To have a better understanding on policy implementation for child rights, respondents from different offices of Government, NGO, UNICEF, and Police have been selected. Thus, in most of the cases same questions have been asked to check the reliability of the data from multiple levels. As well as to enhance the trustworthiness of the data, different secondary documents have been used to cross-check the data collected from the interviews.

### **1.6.7 Data Analysis Tools and Techniques**

The similar data found in the volume of the collected data have been categorized into five major themes (vide Chapter 4). Under those five themes, the collected data have been processed and analyzed in this thesis.

### **1.7 Rationale of Study**

Efforts have been made tremendously to ensure child rights in home and abroad over the entire second part of the twentieth century, but there is no significant change particularly in developing countries. Even Bangladesh since its independence in 1971 has been taking tremendous efforts to ensure child rights including giving importance on CDC but the outcome fall in question when world news broad cast inmate killing in CDC with torture. As barriers, infrastructure shortage, unawareness, corruption, time consuming administration, as well as dogmatic socio and religious cultures have been shown in different researches for child rights in Bangladesh. However, there is scarcely study on gaps between policy and practice (i.e. policy implementation) in respect of child rights incumbent to CDC. Accordingly, this thesis, using Normalization Process Theory of May et al.(2009), has made an effort to explain how coherence, cognitive participation, collective action, and reflexive monitoring (i.e. all are ultimately ingredients of collective efforts in view of Mugambwa (2018, p.221), slow moving administrative, and socio cultural value affect the child rights at CDC. This thesis will also be helpful for stakeholders to think of one step ahead for child rights policy implementation in Bangladesh.



## 1.8 Organization of the Thesis

This thesis has comprised of six chapters. A very brief view on the contents against each chapter of those six has been mentioned herein:

**Chapter One:** The introductory chapter has contained the background, problem statement, research objective, research questions, scope of the thesis, research design, research methodology, and rationale of the thesis followed by the outline of the entire thesis.

**Chapter Two:** This chapter has provided literature review on child rights giving emphasize on juvenile justice system along with the factors that affect child rights for the inmates of CDC. After reviewing the different literature and mapping different socio and administrative cultural factors as the barriers for child rights, this chapter has developed a theoretical frame work on the basis of Normalization Process Theory of May et al.(2009).

**Chapter Three:** It has presented a brief account about the historical development of child rights related policy in Bangladesh, legislative and institutional arrangements for child rights as well as gaps between policy and practice in CDC.

**Chapter Four:** This chapter has contained data analysis by categorizing them under five major themes. It has presented the collected data for the systematic result of the whole thesis.

**Chapter Five:** It has briefed the major limitations and challenges that have been faced during conducting the thesis.

**Chapter Six:** It has dealt with the major findings of the thesis, the relation between the findings, and the theory, as well as policy implications followed by the conclusion of the thesis.

Based on the above outlines, the following chapters are presented below.

## Chapter Two

### Conceptual and Literature Review

#### 2.1 Introduction

This chapter has presented the factors that affect child rights giving emphasize on the inmates of CDC and has also presented a theoretical framework. At first, it adds an overview on age ceiling for child, child rights, restorative justice, CDC, and child rights policy implementation. This chapter has also mapped different administrative and socio-cultural factors as the barriers for implementation of child rights. It has further dealt with a theoretical frame work of this thesis which has also identified the variables and their indicators with their operational definitions. Before going to literature review, I would like to enunciate here the following relevant concepts of this thesis.

#### 2.2 Child

There is no uniform law in Bangladesh relating to the age ceiling for a child. As per the Children Act, 2013 the age in this respect is not above 18 years whereas as per the Majority Act, 1875, the age to be competent for marriage is 18 and 21 for girls and boys respectively. As per CRC, children are those ones who are usually below 18 years old.<sup>3</sup> In respect of criminal liability, the minimum age is 9 years (below 9 is immune, in between 9-12 subject to capacity of understanding and above 12 is liable) in Bangladesh;<sup>4</sup> whereas as per CRC, the ceiling is 12 years and in no case death penalty to children can be awarded until they reach 16 years old. For maintaining coherence, the age range between 9 and 18 (both figures inclusive) years for child

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<sup>3</sup> Article 1 to the United Nations Convention on the Rights of the Child, 1989; Section 4 read with proviso to the end of S.33 and S.34(2), 34(3), & 34(5) of the Children Act, 2013, Criminal Miscellaneous Case 37799/2017 of High Court Division of Supreme Court of Bangladesh .

<sup>4</sup> Ss.82-83 to the Penal Code, 1860.

delinquents has been taken into consideration in this thesis. Juvenile delinquents and child delinquents are frequently used interchangeably in the field of legal arena. Thus, juvenile delinquents would also mean child delinquents and *vice-a-versa* in this thesis. However, the latest legal view in respect of child delinquents in Bangladesh is that a child alleged in any offence shall not be termed as convict or accused. Even any derogatory word like delinquent cannot be used rather such type of child should be termed as ‘the child in conflict with the law’. Child in this thesis, if not otherwise specified, would refer at large ‘the child in conflict with the law’ who is accused of any offence under any existing law of the country or found guilty upon trial<sup>5</sup>.

### **2.3 Child Rights**

Today’s child is our future and thus every child should be nurtured with all supports including love and affection for development of a child. Rights are the just claims those are to be desired by the concerned and human rights are those just claims - accrued simply by born as a human being - indispensable with the human life (Ullah, 2019, p.16). Thus, child rights refer those rights simply accrued by born and required for development of a child. In this respect, CRC has provided a relevant example in its preamble like ‘child should be grown up in a family environment with an atmosphere of happiness, love and understanding’. Even, a child in conflict with the law is entitled to enjoy the child rights required to the development of a child based on the assumption that child is not a criminal by born rather circumstances push a child to be deviant and thus a child should be given the opportunity of his development.

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<sup>5</sup> S.2(3) of the Children Act, 2013.

## **2.4 Restorative Justice**

Restorative justice implies a system through which an alleged may be rectified and then rehabilitated in society. It encompasses values and principles by theory as well as implementation those values and principles by process (Braithwaite & Strang, 2001). The definition of restorative justice given by Tony Marshall (1999, p.5) in context of process as ‘a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future’ is widely accepted.

## **2.5 Child Development Centre**

The term ‘Child Development Centre’ is preceded by the term ‘Kishor Songshodonagar (i.e. Juvenile Correction Centre). However, there are three CDCs in Bangladesh right now: one for girls at Konabari of Gazipur District and rest two for boys at Tongi of Gazipur District and Pulerhat of Jessore District. The main objectives of a CDC are to provide care, protection, rehabilitation and reintegration of juvenile delinquents through a process involving social work, motivation, counseling, education and trade training for skill development and self-employment (Hoque 2009, as cited in Ferdousi 2013, p.28).

## **2.6 Policy**

Policy is a planning decision of government agency whereas law is a set of rules, principles and standards for compliance of the public at large. Most of the cases, policy is necessary for implementation of law. In this thesis, the term policy will also mean and include the existing laws of Bangladesh. Policy implementation is the ultimate target of policy making and the outcome relies on basically on the scale of policy implementation. However, policy itself is blind until or unless it is executed by the concerned stakeholders; whereas collective efforts

(core theme of Normalization Process Theory) always play a significant role in implementing any policy. Williams (1971) has rightly said in this regard as follows:

In its most general form, an inquiry about implementation ... seeks to determine whether an organization can bring together men and material in a cohesive organizational unit and motivate them in such a way as to carry out the organization's stated objectives. (p.144)

Implementation refers to the practice of converting financial resources, materials and other activities in a formally coordinated way to produce goods and services for the benefit of the intended recipients. Collective efforts of the concerned stakeholders are the foundation for any policy implementation. Accordingly collective efforts of all the concerned stakeholders will have significant effect on policy implementation to reduce the gaps between policy and practice in context of CDC.

## **2.7 Literature Review**

Juvenile justice issue was not a concern widely till twentieth century but now most of the countries of the world are very much cautious about the juvenile justice. The USA used this concept first in 1899 (Marilyn D & Frank P 2003, p.119). International community put attention on juvenile justice since 1923 through Geneva Declaration.

If we look at Indonesia, fourth most populous nation in the world, it is transparent that Indonesia has substantially failed to address juvenile issue due to corruption, poverty, etc. though it is one of the earlier signatories to CRC. Same number of CDC between 1990 and 2014 (Davies & Robson, 2016), one-third is children incarcerated in the adult prisons (BBC, 22 May, 2012) are the scenery of CDC in Indonesia. The barriers are also common in Bangladesh.

Juvenile matter had been traditionally handed by local elites but the practice is changing in Nepal who is trying to exercise restorative justice now. The problems of Nepal in respect of

CDC are almost akin to Indonesia, and Bangladesh. The common barriers in Nepal are power abuse, food shortage and child with adult under same shade (Sing, 2016).

*Parens partiae* (i.e. parental behaviour, caring tenderly for the young) had a great influence in Chinese culture. However, it is changing and now the Chinese is going to follow ‘positive punishment and forgiveness like probation’ (Wong 1999; Khan & Tang 2018). Probation is a system wherein an offender or delinquent is freed on conditions like performing some social work, tree plantation in school compound, reading a number of books and report thereof to the concerned probation/assigned officer. Bangladesh is also following positive punishment and probation is being practiced here.

The situation of CDC in Pakistan is severely neglected. Though Pakistan is a signatory to CRC, it is far from implementing the commitments enshrined in CRC. There was no CDC in the country by 2009 (Sajid 2009).

Several researchers like Hoque, Ferdousi, Siddique, Hossain, Kashemi, Islam and Mridha have worked on juvenile justice of Bangladesh.

There are several factors including policy implementation, coordination, budget, training etc. have significant role in respect of child rights in CDC. Collective efforts of the concerned stakeholders have been found as one of the prime factors in respect of child rights in CDC. Non-integration has also been admitted by Hoque (2009) as a bar in policy implementation in CDC.

Insufficient budget is considered one of the main problems in CDC. Ferdousi (2012) though emphasized on the legal development of Bangladesh in respect of juvenile justice, she pointed out some problems as common in CDC like insufficient budget, lack of sufficient vocational training and questionable role of concerned stakeholders for development. Collective role of the stakeholders has been seen there as a vital issue. Further work of Ferdousi (2013) has

pointed out succinctly “gaps in coordination” as a major bar in child rights policy implementation. It is apparent that it does not matter how far the policy is strong, rather the consideration is that how far the policy is being implemented from the respective corners.

It is apparent from the literature review that there are several problems in the CDC relating to fundamental demands like food, treatment, rehabilitation etc. and from that point of view since 2003 HC giving special attention to juvenile case directed the Government to improve the system in compliance with CRC (cited in Khan & Rahman 2008).<sup>6</sup> Rule 31 to the UN Rules for the Protection of Juveniles Deprived of their Liberty, 1990 ensures ‘the right to facilities and services of children that meet all requirements of health and human dignity’. Rule 32 requires that these facilities take into account the need of the juvenile for privacy, sensory stimuli, opportunities for association with peers and participation in sports, physical exercise and leisure-time activities. Further, Rule 81 requires that the personnel of juvenile detention facilities ‘should be qualified and include a sufficient number of specialists such as educators, vocational instructors, counselors, social case workers, psychiatrists and psychologists’.

The essence of Articles 37 and 40 to CRC as well as Beijing Rules, 1985 is that try to level best for alternative to institutional detention of child and hence detention shall be the last resort to juvenile delinquents (APCJJ, 2013, p.35). Social sentencing such as probation prevails in the Asia pacific region. But child’s constructive role in society must be recognized by states as enshrined in A.40(1) to the CRC.

Most of the thesis and studies have focused on the development of laws and what the laws say about the rights of the child but there are scare documents and studies paying attention

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<sup>6</sup> The first major case on a juvenile delinquent was *State vs. Deputy Commissioner, Satkhira* (1993), 45 DLR 643.

on the gaps between child rights policy and practice particularly in CDC. Policy implementation perspective study on CDC is a time befitting exertion.

## **2.8 Theoretical Framework**

### **2.8.1 Normalization Process Theory**

Theoretical framework is a scope to conduct thesis relying on an established theory. A theory generally covers a defined scope of analysis, a shared concept, explicit assumptions, and identified relationships among key concepts (Weible, 2014).

The literature review of this thesis clearly indicates that one of the core problems in CDC is the lack in collective efforts of the concerned stakeholders. Social action involves people in “working together”. Policy can never be implemented successfully without support of all the stakeholders that is why the role of social action in policy implementation is inevitable. The Normalization Process Theory focuses on the contribution of social action to policy implementation (Mugambwa et. el. 2018). Therefore, my research proposal has employed the Normalization Process Theory of May et al. (2009).



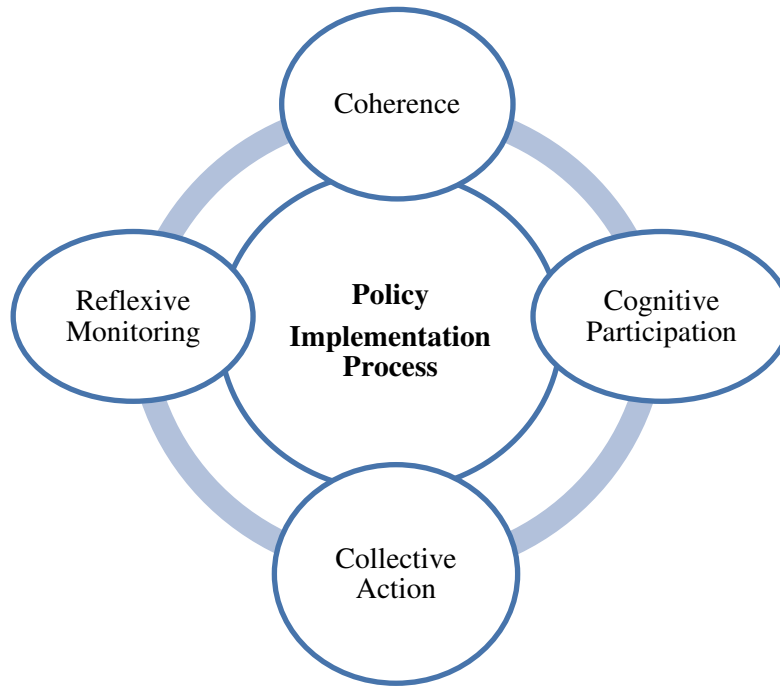


Figure 1: Main Theme of Normalization Process Theory

*Source: May et al. 2009.*

We are apparently strong enough in policy. Thus, where are the gaps between policy and practice in respect of CDC in Bangladesh? How do collective efforts of the concerned stakeholders affect the child rights at CDC? The thesis has also explored these areas.

### **2.8.2 Dimensions of Normalization Process Theory:**

In view of May et al. 2009, policy implementation is possible through four types of mechanisms named (i) coherence, (ii) cognitive participation, (iii) collective action, and (iv) reflexive monitoring. A short definition of these four dimensions can be mapped through the works of May et al. 2009as follows:

**Coherence** is a distinguishing process of better practice from other practices. In lieu of mere confinement within CDC, giving trainings of handcrafts to an inmate alleged in theft will help him financially after expiry of confinement.

**Cognitive Participation** pays attention to define and organize the people involved in any complex interaction. All the stakeholders of CDC irrespective of government or non-government should be organized to implement child rights.

**Collective Action** refers individual and collective undertaking and efforts in practice to achieve a policy goal. Dimensions of participation and action apparently refer working together. It also hints on the issue that mere direction from top toward bottom cannot ensure policy implementation.

**Reflexive monitoring** indicates continuous policy implementation evaluation, both formally and informally, by the participants (Murray et al., 2011). Lack in reflexive monitoring is reflected from the scenario that not a single Children Court (one of the core mandates of the Children Act, 2013) is established in Bangladesh till today.

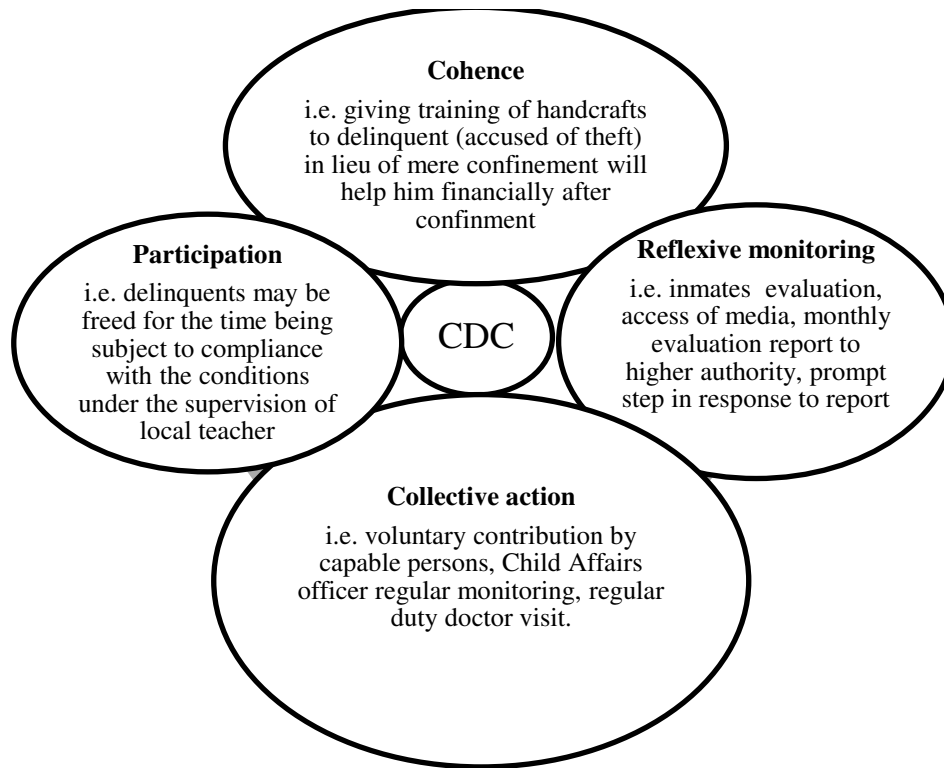
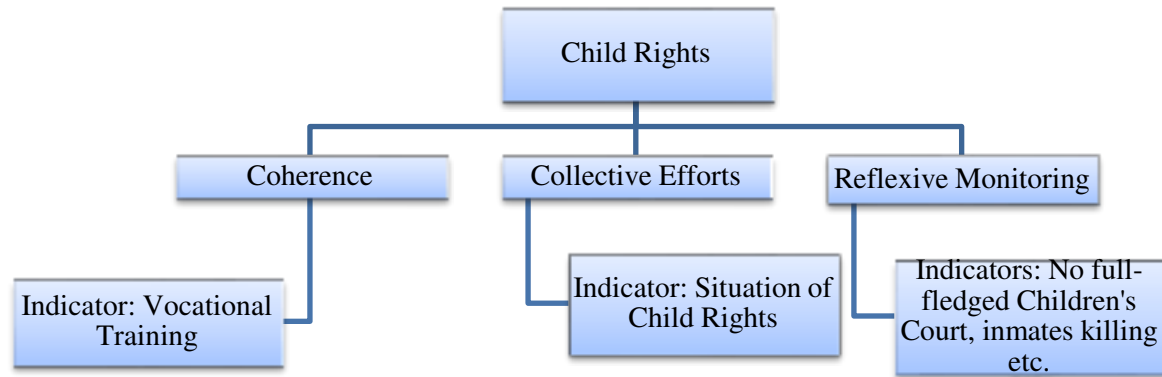


Figure 2: Relevance of the Dimensions of Normalization Process Theory for CDC.

It is apparent that there are sufficient policies in the country but the child rights in CDC is not satisfactory from which it can be easily presumed that there are gaps between policy and practice and lack of collective efforts of all the concerned stakeholders is also responsible for deteriorating situation of child rights in CDC.

Effect of gaps between policy and practice as well as effect of collective efforts of the concerned stakeholders for overall situation of child rights in CDC in Bangladesh may be presumed from the following figure.



**Figure 3: Theoretical Framework (based on Normalization Process Theory)**

Table 4. List of Variables

**Independent Variables**

**Dependent Variable**

Coherence

Implementation of child rights in CDC

Collective efforts of the concerned stakeholders

Reflexive monitoring

Socio-administrative cultural values

Table 5. Operationalization of Variables

<b>Independent Variables</b>	<b>Operational definitions</b>	<b>Indicators of variables</b>	<b>Source of data</b>	<b>Collection method</b>
Coherence	<ul style="list-style-type: none"> <li>Alternative practice</li> <li>Proactive attitude</li> </ul>	Vocational training	People working with child rights	Interview
Collective efforts	Practical involvement of all the concerned	Situation of Child rights	People working with child rights	Interview
Reflexive monitoring	Continual evaluation by stakeholders	News as torture cell	People working with child rights	Interview
Cultural value	How does the culture see?	7 years for Policy draft	People working with child rights	Interview-Email

<b>Dependent Variables</b>	<b>Operational definitions</b>	<b>Indicators of variables</b>	<b>Source of data</b>	<b>Collection method</b>
Implementation of child rights in CDC	Situation of child rights in CDC	<ul style="list-style-type: none"> <li>• Training</li> <li>• Food crises</li> <li>• Health crises</li> <li>• Killing</li> </ul>	Employees of CDC stakeholders	Interview, and Email etc.

Someone criticizes Normalization Process Theory that though this theory is usable in the policy implementation, it has been significantly used in medical sector (Alverbratt 2015; Cresswell 2011; Hooker, Small, Humphreys, Hegarty & Taft 2015). However, the Normalization Process Theory clearly describes about the contribution of collective efforts and how the components of working together put impact on policy implementation. It can be said that this theory is very much pertinent to address the gaps between child rights policy and practice in Bangladesh in context of CDC.

## **2.9 Conclusion**

Normalization Process Theory talks about implementation process comprising of coherence, cognitive participation, collective action, and reflexive monitoring and how this process impact on policy implementation. In real life, it seems difficult to ensure working together but the concerned stakeholders need to come forward and prove that collective efforts is possible in addressing child rights. Pragmatic sharing responsibility, knowledge, and working from policy making to policy implementation should be ensured to do betterment of child rights in CDC. This thesis using the Normalization Process Theory aims to examine whether, and if any, to what extent, collective efforts of the concerned stakeholders impact on the gaps between policy and practice relating to child rights in CDC.

## **Chapter Three**

### **Child Rights Policy in Bangladesh: A Brief Account**

#### **3.1 Introduction**

Bangladesh since its independence has been giving importance on child rights among other and accordingly the matter takes place in the constitution of Bangladesh. Further, Bangladesh had enacted the Children Act, 1974 followed by the National Child Policy, 1994. Moreover, Bangladesh has also ratified different regional and international instruments like CRC relating to child rights. In addition, to cope up with the demand of the changing world as well as the mandates of CRC, Bangladesh has enacted the updated Children Act, 2013, taken development programs and set strategies on child rights. Though the children policy is yet to finalize in accordance with the said latest children act, Government of Bangladesh has been dealing the matter of the child rights with importance and caution.

#### **3.2 Historical Overview of Child Rights Policy**

Code of Ur-Nammu, the first law code in the world written in Sumerian language during 2100-2050BCE (Kramer 1954) and the second oldest code that is the Code of Hammurabi have told nothing about child rights though the latter one comprised of a significant portion of family matter including child bearing and women (i.e. ‘The position of Women is free and dignified’) (Scheil 1902). Even Magna Carta (1215) did not emphasize on child rights. But the child rights being universal and inherent exist since the starting of human civilization. Protection of law as of right also belongs to children. It may be presumed from legal history that juvenile justice system – distinct from formal court – prevailed in USA in 1899 (Chowdhury & Fahim 2019).

The matter of child rights took formal attention since 1924 through five-point document adopted by the International Save the Children Union and endorsed by the League of Nations General Assembly on 26 November 1924 as the World Child Welfare Charter. The terrors of WWII (1939-45) geared the matter of human rights including child rights and thus the UN Charter reaffirmed the faith in fundamental human rights without distinction. However the relevant document UDHR does not substantially cover the matter of child rights. Only the reference can be found in Article 25.2 that tells that ‘Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection’.

But with the passage of time and necessity from different corners of the world, child right issue has become a global challenge. Thus, UN has formulated CRC that has a binding force on the member states. It deals with civil, political, economic, social and cultural rights of the every child irrespective of caste, colour, sex, origin etc. Out of total 54 Articles, 1-42 paves the way of child rights and rest ones are relating to review the outcome. CRC has brought a standard to shape national law and policy on child rights.

Bangladesh being a signatory to CRC (signed on August, 1990) has been taking different steps to implement those guidelines like ratifying Convention on the Elimination of Discrimination against Women (CEDAW), the Millennium Development Goals (MDGs), and the Millennium Declaration. The CRC yet has not been directly incorporated into domestic legislation of Bangladesh though some provisions of CRC have been incorporated in response to directions of the Supreme Court of Bangladesh (SCB). For example, following the recommendations of the Court in the cases of *The State v The secretary, Ministry of law, Justice and Parliamentary Affairs and others* (2007)59 DLR 72 as well as *The State v The secretary,*

*Ministry of Law, Justice and Parliamentary Affairs and others* (2016) BLD 3, the Children Act, 1974 was repealed and replaced with the Children Act, 2013. The preamble to the Children Act, 2013 states that it has been enacted for the purpose of implementing the CRC. The new provisions of the Children Act, 2013 reflect the provisions of the CRC though the Government of Bangladesh has yet to formulate any National Children Policy for full implementation of the Children Act, 2013.

### **3.3 Structural Arrangements**

Children constitute around 45% of the total population of Bangladesh (GoB, 2007). Around 5,50,000 children of Bangladesh are involved in drug, picketing, smuggling, and even human trafficking (Noman 2018). ‘Children in conflict with the law’ are landed in CDC. Number of children in conflict with the law is increasing in an alarming way. But for the huge figure of the children (boys) in conflict with the law, there are two CDCs in Bangladesh. The overcrowding may be easily seen from the following table.

Table 6. CDCs in Bangladesh in context of overcrowding

<b>S.N.</b>	<b>Name of CDC</b>	<b>Capacity</b>	<b>Inmates</b>	<b>As of</b>
1.	CDC, Tongi, Gazipur	300 (for boys)	763	14/08/2021
2.	CDC, Pulerhat, Jessore	150 (for boys)	306	31/10/2021
3.	CDC, Konabari, Gazipur <sup>7</sup>	150 (for girls)	109	09/11/2021

### **3.4 Existing Legal and Policy Arrangements for Child Rights in Bangladesh**

#### **3.4.1 Constitutional Provisions**

The right to protection of law for every citizen (A.31 to the constitution) is a constitutionally guaranteed fundamental right that is judicially enforceable and all citizens are

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<sup>7</sup> CDC for girls is for both child in conflict with the law and victims whereas CDC for boys is only for the children in conflict with the law.



equal before law (A.27). Moreover, the state shall have the right to make necessary special provisions for the advancement of the children [A.28.(4)]. Child right issue is no more a national issue rather it has become a global issue and thus UN has formulated CRC. Bangladesh is constitutionally obliged to respect the laws and principles enunciated in the UN charter. Though the CRC like other international documents or treaties is not automatically enforceable in Bangladesh (A.145A to the constitution) but it is the moral obligation to ratify and accordingly Bangladesh at the very beginning ratified CRC.

### **3.4.2 Legal Arrangement**

As right to protection of law is a constitutionally guaranteed right, all the stakeholders including the Government of Bangladesh (GoB) are very much cautious about the children particularly about those who are in conflict with the law. Even, the law inhibits any use of defamatory/derogatory words like accused, offender, convict etc in case of an alleged child. The Children Act, 2013 mandates key positions (i.e. Probation Officer in every upuzila and CAPO in every police station) and requires to set up distinct Children's Court comprises of a District Judge level judicial officer in every district.

After bringing the children to Child Affairs Desk of the Police Station, the first option is that the CAPO may grant bail for minor allegations even without sureties, in default the second option is to call in the probation officer who may conditionally free the child come in conflict with the law. The third option in case of grievous allegation is to forward the child in conflict with the law to the nearest Children's Court who will exercise the options of diversion like warning, apology, family conference, community service (i.e. alternative to send to child development center at first instance) for minor allegations and the last resort is to send to CDC for grievous allegation.

The Children’s Court is supposed to conduct trial in a child-friendly room - must not like a formal court - in presence of only the necessary parties to the case considering the best interest of the child. Without order of the Children’s Court, there is no chance legally to forward any child in conflict with the law to CDC. The Probation Officer must monitor the best interest of the child in CDC, formal and vocational education and submit regular reports to the court (UNDP, 2015). A bird’s eye view on the child rights related law and policy in Bangladesh may be found in the following table.

Table 7. Salient Features of Child Rights related Law and Policy in Bangladesh

<b>Act/Policy</b>	<b>Salient Feature</b>
Penal Code, 1860	Elevated from 7 to 9 years for a child to exempt from punishment
Guardian and Wards Act, 1890	Appointment of necessary guardian/custodian
Probation of Offenders Ordinance, 1960	Probation to first time offender/children
Constitution of Bangladesh, 1972	Government may adopt special provision for advancement of children in addition to existing children rights
Women and Children Oppression Suppression Act, 2000	Maximum capital punishment. Child birth in rape will be accommodated by state.
National Human Rights Act, 2009	Mandates the provision for human rights, including child rights
National Education Policy, 2010	Focuses on high standard education for all children
National Child Labour Elimination Policy, 2010	Withdrawal children from all sorts of child labour
Domestic Violence (Prevention and Protection) Act, 2010	Protection children from family violence
National Children Policy, 2011	Recognizes the age below 18 for children
National Health Policy, 2011	Child malnutrition concern
The Vagrancy Act, 2011	Hope for street children
Bangladesh Population Policy, 2012	Ensuring safe motherhood
The Prevention and Suppression of Human Trafficking Act, 2012	To prevent child trafficking
The Pornography Control Act, 2012	Prevents child deprecation
Prime Minister’s Education Assistance Trust Fund Act, 2012	Ensuring study of poor students from 6 to graduate
The Children Act, 2013	To implement CRC commitment as a state party

Breast Milk Substitutes, Baby Foods, Commercially Manufactured Supplementary Baby Foods and Its Equipment (Regulation of Marketing) Act, 2013	Complete restriction on advertisement of breast-milk substitutes as well as discouraging breast-milk substitutes.
Birth and Death Registration (Amendment) Act, 2013	Birth and death registration with 17-digit PIN.
The Neuro- Developmental Disabled Protection Trust Act, 2013	Assistance to autistic children

### 3.4.3 Institutional Arrangement

Bangladesh strongly believes that the child is the main constituent for nation building [5<sup>th</sup> Periodic Report of Bangladesh (PRB) to CRC, p.7]. It is also one of the first tier countries ratified CRC. It has also endorsed the relevant regional instruments like South Asian Association for Regional Cooperation (SAARC) Convention on Prevention and Combating Trafficking in Women and Children for Prostitution in 2002, the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia, and South Asian Initiative to End Violence Against Children. The Children Act, 2013 (repealing the earlier Act 1974) has been enacted in fulfillment the commitment of CRC and other instruments and the updated National Children Policy's draft in place of the National Children Policy 2011 is waiting for finalization.

It is neither possible nor desirable to address the child rights by a single institution; it requires collective efforts of all the concerned stakeholders. As such, different ministries like Ministry of Primary and Mass Education (MoPME), Ministry of Education (MoE), Ministry of Health and Family Welfare (MoH&FW), Ministry of Women and Children Affairs (MoWCA), Ministry of Social Welfare (MoSW), Ministry of Local Government, Rural Development and Cooperatives (MoLGRD&C), Ministry of Home Affairs (MoHA), Ministry of Labour and Ministry of Law, Justice and Parliamentary Affairs (MoLJPA) are supposed to work from their

respective corner in collaboration with aid agencies like UNICEF, NGOs, CSs and other stakeholders for addressing the issue of child rights.

Right to protection of law is one of the fundamental and constitutionally guaranteed right belongs to children. To ensure this right, the government of Bangladesh has been accommodating the children in conflict with the law in the CDC. CDC is supposed to retain the children ensuring best interest of the children. CDC is under the Department of Social Services that works under the Ministry of Social Welfare of the Government of Bangladesh.

#### **3.4.4 Development Plan**

Five Year Plan (FYP) prepared under the Planning Commission of Ministry of Planning is the core planning document for the GoB and its implementation is monitored by IMED. The vision of FYP in respect of child rights envisages the hope of ‘A World Fit for Children’ (5<sup>th</sup> PRB to CRC, para 52). The FYP recognizes that children belong to a heterogeneous social group with different needs that must be met (7<sup>th</sup> FYPB, p.636). 6<sup>th</sup> FYPB so far relates to vulnerable people extends to the 7<sup>th</sup> FYPB. A vulnerable person is defined in the 7<sup>th</sup> FYPB (p.611) that includes children also. The 7<sup>th</sup> FYPB has referred to different programs and strategic plans for child rights (p.613, 636, 642). However, the clue of CDC can be found (p.644) in the 7<sup>th</sup> FYPB that tells about an alternative to custodial sentence.

Though, Bangladesh has already achieved MDG in context of child mortality nonetheless children make up 46% of the poor in Bangladesh and are more susceptible to exploitation (7<sup>th</sup> FYPB, p.636). The plan also hints for commensurate legal and regulatory environment (7<sup>th</sup> FYPB, p.661) from which we may presume about child friendly room instead of formal court room and child friendly CDC.

### **3.5 International Commitment**

Several international instruments address the issue of child rights. Among that UDHR substantially addresses the human rights including child rights in Article 25.2 that asserts the protection of child rights irrespective of their legitimacy of birth. The core international document for child rights is the CRC. Article 40 to CRC clearly addresses the issue of the children in conflict with the law. As per Article 2.2 to Charter of the UN, state parties to UN are bound to fulfill in good faith the obligations assumed by them under the charter. Moreover, the state parties under A.44 to CRC are to report to the CRC assigned committee on the measures every five year (the first report was within two years of ratification) for the progress of the child rights enshrined in the CRC.

### **3.6 Bangladesh Commitment**

Bangladesh has demonstrated its commitment to promote a sound legislative and policy environment for the realization of the rights of every child. Bangladesh became a State Party to the CRC in 1990<sup>8</sup> and ratified CEDAW in 1984 and CPRD in 2007. Further, Bangladesh endorsed the Sustainable Development Goals in September 2015, the Millennium Declaration in 2000 and the World Fit for Children document, an outcome of the 2002 United Nations General Assembly Special Session on Children. Bangladesh has been trying its level best to implement child rights in compliance with CRC. It can be viewed from the periodic report of Bangladesh to CRC.

Bangladesh is fostering a numerous development programs, framing different policies and time befitting law to ensure the child rights with the assistance of UNICEF, development

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<sup>8</sup> Bangladesh still holds reservations to CRC Article 14 (with regard to freedom of thought conscience and religion) and Article 21 (with regard to adoption, including inter-country adoption); the Government has not made a final decision about withdrawal of these reservations, and considers that the Constitution has recognised the right to freedom of thought, conscience and religion to every citizen of the country.

partners, NGOs, CSs, etc. The different policies and law have been referred earlier. The notable development programs of GoB for child rights at large are as follows:

- a) Early Learning for Child Development under MoWCA;
- b) Advocacy and Communication for Children and Women under the MoI;
- c) Policy, Advocacy and Legislative Reform under the MoLJPA;
- d) Basic Education for Hard-to-Reach Urban Working Children under MoPME;
- e) Control of Iodine Deficiency Disorders through Universal Salt Iodization;
- f) Fortification of Edible Oils in Bangladesh under the Ministry of Industries;
- g) Child Sensitive Social Protection in Bangladesh under MoSW;
- h) Sanitation, Hygiene and Water Supply under MoLGRD&C; and
- i) Empowerment and Protection of Children under MoWCA.

Bangladesh has been trying to foster such an environment where diversion (alternative to imprisonment) is encouraged for the children from being arrested to be fully released. However, Bangladesh has not ratified CRC fully rather opted for the reservation in respect of A.14 (relating to right to freedom of thought, conscience and religion of the child) and A.21 (relating to child adoption). Whether Bangladesh has deviated partially from complying CRC? In point of this query, the position of GoB is that articles 39 (1) and 41 (1) to the Constitution of Bangladesh recognizing the right to freedom of thought, conscience and religion to every citizen of the country covers A.14 to CRC and Section 7 and 24 of Guardian and Wards Act, 1890 covers A.21 to CRC (5<sup>th</sup> PRB to CRC, p.10).

Moreover, Bangladesh is different from western countries in social context but same in context of humanity that is universal. As for example, a 10-year child assisting the mother in light home-work is usually appreciated in our culture but not in western society. Further, the

most difficult challenge in Bangladesh for the children in conflict with the law is that marginalization from the communities wherein the children are commonly seen as dangerous mischief-makers and thieves (UNICEF Bangladesh, January 2015). In this regard, Community Based Child Protection Committees and community volunteers have been playing a significant role in social reintegration (UNICEF Bangladesh 2015, p.168).

### **3.7 Gaps in Government Initiatives**

#### **3.7.1 Absence of Child Rights Viable Administrative Reforms**

The Children Act, 2013 also addresses a framework for comprehensive reforms for the children in conflict with the law. However, arbitrary attitude and behavior still prevail in dealing with children in conflict with the law (UNICEF Bangladesh, January 2015). But expediting child case disposal is also asserted (5<sup>th</sup> PRB to CRC, para.26) but not a single Children's Court has been established until today in Bangladesh. The establishment of distinct Children's Court is one of the core mandates of the Children Act, 2013. There are only three CDCs in the country as it was before 2013. In context of child rights, while the policy formulation is much faster, the administrative reforms and infra-structure development are much slower.

#### **3.7.2 Gaps in Data and Analysis**

Available data along with proper data analysis is necessary for implementation of child rights in Bangladesh as the current adolescent population of Bangladesh is over 36 million aged from 9-19 (UNICEF Bangladesh 2015, p.3). A significant portion of the figure involves in delinquency. Data issue is centrally dealt by Bangladesh Bureau of Statistics (BBS). However, there is lack of coordination and collaboration among Government agencies in data collection

and inadequate technical capabilities for data collection, analysis and reporting (UNICEF Bangladesh, 2014). It will be necessary to continue and expand capacity development partnerships to track report and use knowledge of bottlenecks to promote effective implementation of policy (UNICEF Bangladesh 2015, p.80).

IMED is the apex body of the GoB for monitoring and evaluation of the public sector development projects including child rights related project under Annual Development Programme (ADP). However, it is also admitted by the GoB that inadequacy in financial and skilled human resources as well as proper data storage is a big concern for effective monitoring and evaluation of policy implementation (5<sup>th</sup> PRB to CRC, para 55).

### **3.8 Conclusion**

Historically, people of Bangladesh were deprived much particularly till the independence of Bangladesh due to colonial system. However, Bangladesh since the very beginning of independence has started various policies, laws and programs for child rights including upgrading juvenile justice system. Though the pragmatic outcome for children is not geared up to the expected level in respect of measure alternative to imprisonment, whole hearted true and voluntary efforts under the leading of the GoB can bring significant practical change in this respect.

## **Chapter Four**

### **Data Analysis**

#### **4.1 Introduction**

The aim of this chapter is to analyze data to show the gaps between policy and practice affect the child rights in Bangladesh. It is already mentioned that the child rights in Bangladesh is not geared up to the expected level due to poor implementation of child rights policy though



there are numerous domestic policies available. The study found that there are numerous external barriers those require to explore coherent and positive approach for implementation of child rights policy to ensure CRC standard in this regard. For analysis of the factors that affect the implementation of child rights, this chapter focuses on five broad categories: (a) motivation to emphasize on child rights, (b) barriers towards child rights, (c) impacts of collective efforts of the concerned stakeholders on child rights, (d) comparing gaps between CRC standard and child rights in CDC, and (e) policy and programs of the GoB.

## **4.2 Data Analysis**

### **1. Motivation to emphasize on child rights**

Motivation is a steering factor to accomplish any task. Based on the data collected from the field, this section addresses the questions such as how much people are concerned in the present day about child rights? What are motivational factors behind child rights? How the people involved in child development related programs are inspired to work for child rights?

Most of the respondents in this thesis have opined that children rights belong to children as of rights not as of benevolence. They have also asserted that human resource development is never possible without ensuring safety childhood. Few of them have also mentioned that there is no option for peaceful society other than ensuring child friendly atmosphere. The inherent motivational factor is that every child is innocent by born but society deviates them.

In this respect, one of the respondents said:

The children are so innocent that an unknown child will jump to your lap without any hesitation if you extend your hands to him. An unknown person can be easily motivated by a child. However, the system is changing. Once, the children went to the grandma if parents scolded somehow. But now in response of scolding, even for betterment of the children, they usually throw the cellphone from their hands. As nobody to give shelter like grandma is available in a single family.

From the above statement, it is apparent that motivational factors behind child development are steadily changing due to changing of family structure and development technology.

Few development targeting activities like monthly stipend program for poor students under the slogan “It’s your own responsibility to send your child to school, the responsibility of financial aid goes to Government” motivate people to enhance child rights. Some are also interested in child rights work for the nature of the job. One of the respondents directly said that he becomes overwhelmed when, after being released from the CDC, a child makes phone call and informs him that he (the child) is living a normal life now. One of the respondents closely related to the psychological development of the inmates of CDC stated that the inmates of CDC after a certain period believe that one day this life (life of CDC) will help them to return their normal lives correcting their delinquent habits. The child along with the mother frequently comes to the Probation Officer to report that the child is no more addicted but once that child was sent to CDC through court by the law enforcing agency with the request and assistance of parents.

## **2. Barriers towards child rights**

The core point under this theme is to unearth why implementation of child rights in Bangladesh is questionable? Why the implementation of child rights is still not much visible? What are the impacts of collective efforts of the concerned stakeholders on child rights? The data procured from the respondents is analyzed dividing into the following subsections, such as (a) insufficient budget, (b) attitude and belief of society, and (c) lack of coherence.

### *(a) Insufficient budget*

There was no specific budget for child rights in National Budget of Bangladesh (NBB) earlier but very recently a lump sum amount is kept in NBB for child rights. But still the budget

for child rights is very deficit admitted by one of the high rank official-respondents. One of the respondent asserted that the children require playing badminton with a gap of three to five days as the budget does not cover even the cost of feather in winter season. How much the budget is nominal can be imagined from the following table relating to existing monthly budget for a child of TCDC.

Table 8: Monthly Per-Head Budget for a Child of TCDC

<b>S.N.</b>	<b>Item</b>	<b>BDT</b>
1.	Food, Milk and Fuel-wood	2500
2.	Education and Sports Instruments	200
3.	Training Instruments	250
4.	General Dress and Cloths	300
5.	Treatment Instrument/Medicine	100
6.	Oil, Soap and Lotion	150
	Grand Total	3500/- (Three Thousand Five Hundred Taka)

It can be compared easily that the monthly budget for a child of TCDC against BDT 3500/- only (equivalent to +/- \$40) whereas the per capita income in Bangladesh has been shown around \$2227 (Two Thousand Two Hundred and Twenty Seven US dollar) (The Daily Star, August 5, 2021).

*(b) Attitude and beliefs of the society*

Social attitude and belief play a vital role in implementation of child rights. It has been found that society is still not sensible about the child rights regardless of education and social classes. For instance, many parents in Bangladesh reprimand their child publicly and in front of the child's peers for not doing well in the exam as pointed out by a respondent. He also added that it is found that the mother of a child holding the ear snatching her child in front of other friends from his school compound in default of securing first. He has concluded mentioning that 'The mother thinks that first is lost, everything is lost; but she never thinks of impact of such

type of inhuman activities and gestures on the child development, both physical and psychological’.

The situation is worse for the children who somehow come in conflict with the law. It has found through data analysis that though most of the cases parents take their children on bond, society treats those children as are heinous criminals.

Pathetic scenery has been found from the statement of a respondent who has stated as follows:

A mother came to his office for advice of next course of action in the situation that recently her child was arrested unluckily by police for the allegation of possessing one puria Ganja (around 5gram) and she took the child on bond that she would report time to time for the next one year that the son would comply with the terms and conditions based on which the child was released. The son of the lady is a meritorious student of a district level renowned school and now the son is fine. But other parents of the residential quarters would not allow their children to play with the boy of the lady.

A group of people uses the children of broken family for smuggling and if any child is caught by police as smuggler and forwarded to the CDC, none comes forward to release that child. It is also found that CDC is still known to most of the people as child-prison and thus people look frown at the child who once went to CDC.

*(c) Lack of coherence*

Apparently we are living in a male dominated society. The findings of data have also shown significant impacts of socio cultural value on child rights. As for example given by a respondent in this regard is that some couple in our society take four to five children with the hope of a boy. Thereafter, the girls are sent to road for hawking nuts, flowers, and sometimes also for begging. Hundreds of children are found in the road who have sometimes neither guardian nor abode. Section 85 of the Children Act, 2013 mandates the establishment of shelter for street children. There are thirteen Sheikh Russel Shishu Proshikshan O Punarbasan Kendra

(Sheikh Russel Children’s Training and Rehabilitation Centre)<sup>9</sup> in Bangladesh right now with the slogan “Not a single child sleeps on street; Not a single child will live such inhuman life”. Each of the centre can abode 100 boys and 100 girls in separate buildings. Such capacity is quite insufficient compared the number of children in need of accommodation support. For instance, there are around 5000 street children in Gazipur but the centre in this regard has the capacity to provide abode only 200 street boys and girls as reiterated by one of the respondents. Further, only the children conflict in conflict with the law through court’s order can be landed to CDC. There is no solution practically for ‘the child who comes in contact with the law’ that refers ‘the child who is the victim or witness of a case’.

One of the respondents, 26 year-experienced in child rights, commented that there are 100 billion cells in the brain of a child and out of that 95% flourishes within five years, so special care and awareness should be grown in newly married couple, pregnant women and even in college level girls. All the children should be given importance to ensure their rights. There found coherence (i.e. alternative to formal sentence) in the child rights policy but lack in proactive attitude in practice. The best example has been seen during data collection that the child on the allegation of rape is languishing in CDC, at least it is an abode, but what is the fate of the victim and the new born baby whom the society, even the parents of the victim, is reluctant to accept. Practically, we are far behind to think out of the box. Though the domestic policy of Bangladesh includes the theme of coherence, alternative better option (like diversion instead of formal sentence) is rarely entertained practically.

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<sup>9</sup> To fulfill the purpose of the project “Services for Children at Risk” (SCAR) under the Department of Social Services of GoB, implementation of the project started from 2012 by setting up 07 “Integrated Child Protection Service Centers” in 07 divisional cities of the country including Gazipur and the name of the centres changed to Sheikh Russel Shishu Proshikshan O Punarbasan Kendra during the 2<sup>nd</sup> revision of the Development Project Proposal in 2016.

### **3. Impact of collective efforts of the concerned stakeholders on child rights**

The theme is useful to identify how the concerned stakeholders work in together for child rights. It is also concerned with whether socio cultural factors and administrative culture ensure collective efforts and reflexive monitoring for child rights. Analysis of this aspect also helps us to understand the situation of the implementation of child rights in CDC. For analysis of the socio cultural and administrative cultural factors that affect the implementation of child rights, this theme focuses on three sub-categories: (a) socio-cultural factors and administrative culture, (b) situation of child rights in CDC, and (c) child rights and collective efforts of the concerned stakeholders in Bangladesh.

#### *(a) Socio and administrative cultural factors*

Socio-cultural factors are vital issues for implementation any rights or policy. Neither the state alone nor an individual corner solely can ensure child rights. It requires collective efforts of the concerned stakeholders. One of the respondents asked that how it is possible to ensure child rights by the government when a poor couple give birth three to four daughters just in hope of a boy child and the only earning member of that family is a van paddler. Our society - even in educated family – sees CDC as an imprisonment, and thus society cannot accept easily the boy freed from CDC that ultimately hinders social reintegration. Children’s potential contribution to society is also not simply admitted by our common people.

One of the respondents having long term experience in working with UNICEF has asserted with grief ‘Parents never try to accept the proposal of the child even that may be subject of the child like his choice for school, teacher or even dress. Authoritative notion is predominant in our culture’. In line with that one of the influential respondents further commented that it is

high time for the development of parents' appreciation on the importance of the child rights and their development.

Culturally administrative system of Bangladesh is slow moving. Para 52 of 5<sup>th</sup> PRB to CRC referring 6<sup>th</sup> FYPB tells about the commitment of government of Bangladesh to ensure child rights through implementation of law and policy but actually the extension of the issue, as it was, to 7<sup>th</sup> FYPB transpires that the commitment just in paper not in implementation.

Several programs and policies relating to child rights are taken in Bangladesh several years ago but yet to start implementation. Important posts remain vacant from year to year. During data collection of this thesis, one of the respondents required to reschedule his interview date on the ground that the concerned respondent in addition to his own office needs to do office in different districts as additional charge.

It has also been found through data analysis that around eight years have gone after the Children Act, 2013 but formulating Children Policy in compliance of that act is still pending. One of the respondents concerned with this work told that the final draft is moving from table to table of different concerned ministries for approval for the last seven years. It is the hindrance of bureaucratic system where collective attempt within a short time is shown in paper but collective efforts and reflexive monitoring there-against is negligible.

Through data analysis twenty two posts out of total sixty three sanctioned posts for TCDC have been found vacant for a long time. There found no permanent post for security. However, one of the respondents has confirmed that the security is ensured through hiring fifty five ansar (i.e. guard) who perform roster duty and the Ministry of Social Welfare bears the cost.

An interesting case study regarding socio and administrative cultural effect is found during talk with a respondent in this regard as follows:

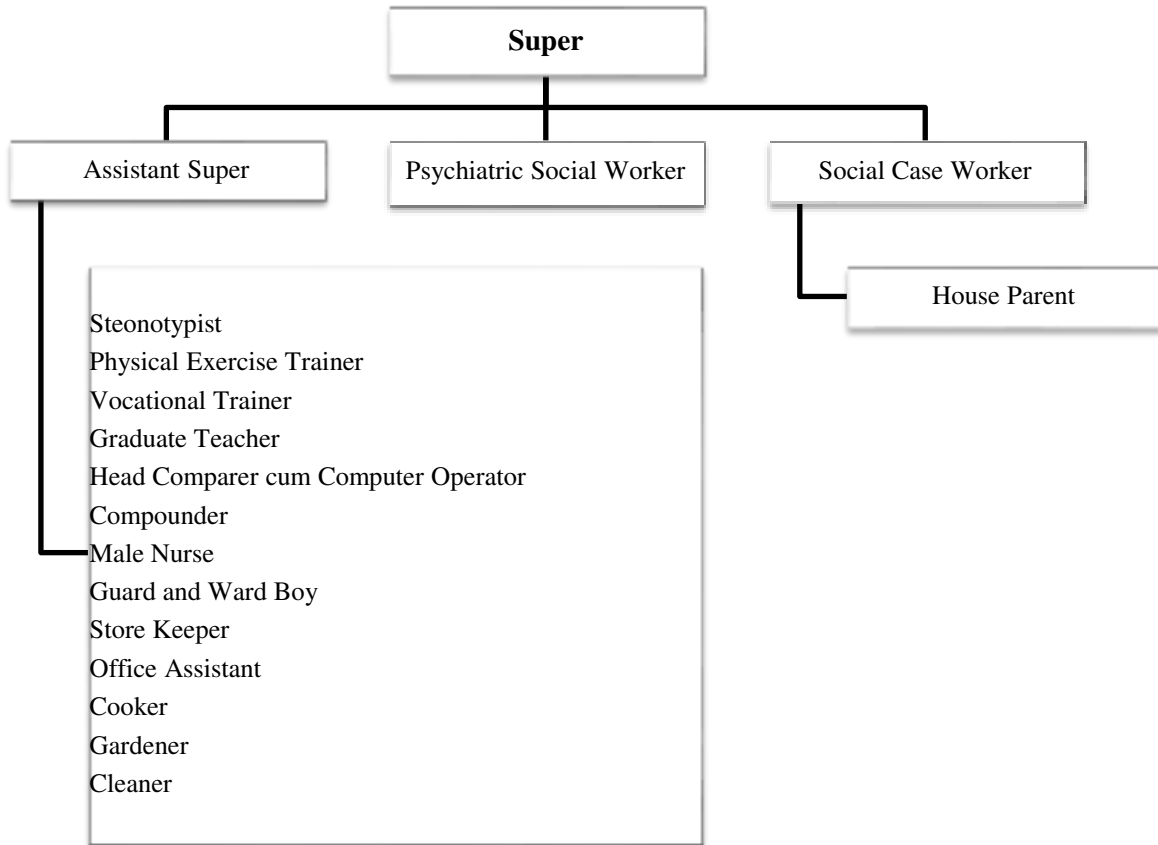
Prince (pseudonym) is a Hindu and Elisa (pseudonym) is a converted Hindu from Christian. Prince fell in love with his class mates during H.S.C. second year and fled away with his girl-friend in May, 2021 during lock down for pandemic. They lead the life as couple. In the meantime the father of Elisa, a Christian, lodged a case with Women and Children Oppression Suppression Tribunal against Prince and other family members. Police arrested Prince and handed over to TCDC through court. Police also recovered the victim Elisa from the house of Prince and confirmed through medical examination that the victim is pregnant for three months. By this time Prince and Elisa cross eighteen, age of majority. Victim is reluctant to go under the custody of her natural/Christian father but she is adamant to go to the house of Prince or elsewhere claiming that now she being major is legally competent to take decision. Prince though crosses eighteen is in CDC still as at the time of alleged offence he was child. Prince's parents - accused of the case – by this time left the residential house to evade the arrest for the time being.

It is seen that the natural father of the Elisa could not legally compel his daughter Elisa to back as she became major by the time, in laws side also could not legally able to bring Elisha as during the alleged offence she was minor and for the same reason the Prince is in CDC. Thus, it is transparent that socio and administrative cultural factors have significance for implementation of child rights.

*(b) Situation of child rights in TCDC*

Total manpower in TCDC is sixty three including eight first class officers (non-gazetted) and two second class officers but now twenty two posts are vacant.





**Figure 4: Organogram of Child Development Centre (Boys), Tongi, Gazipur**

However, from the data analysis it has been found that the above organogram hanging in the office board does not represent all the sanctioned posts like Probation Officer, Head Assistant cum Accountant, Bench Assistant, Record Keeper and driver. The following table based on the collected data represents the total manpower of TCDC.

Table 9: Manpower of the Child Development Centre (Boys), Tongi, Gazipur.

Officer/Staff	Job Class <sup>10</sup>	Sanctioned Post	Vacant Post
Super	1 <sup>st</sup> Class	01	
Assistant Super	1 <sup>st</sup> Class	01	
Social Case Worker	1 <sup>st</sup> Class	04	
Probation Officer	1 <sup>st</sup> Class	01	

<sup>10</sup> (see Footnote 2).

Psychiatric Social Worker	1 <sup>st</sup> Class	01	
House Parents	2 <sup>nd</sup> Class	02	
Teacher	3 <sup>rd</sup> Class	06	01
Instructors/Employees/Staffs	3 <sup>rd</sup> Class and below	47	21
		<b>63</b>	<b>22</b>

Note: As per field visit on 12/08/2021.

Development support activities are done in TCDC. The purpose of these activities is to establish friendly relation and creation of working friendly environment through individual/personal social work. It also found during field visit that the programs comprise of rapport building, motivation, counseling, socialization, behavioral development, family observation and counseling, home visit, group work (first and third Thursday of each month), general education, vocational learning, religious and moral education (5 times prayer and/or prayer/worship as applicable is mandatory), recreation and physical work (mandatory for all inmates), and cultural function. The following snapshots represent a view about the works of TCDC. The faces of inmates of the TCDC have been covered for confidentiality taking into consideration ethical side of a thesis.



1. *The inmates are in computer lab*



2. *The boys are playing in the afternoon*



3. *Football tournaments*



4. *Celebration of the Great Victory Day*

For briefness of discussion, it has been confined to discuss some core points like food and nutrition, health, education, and recreation.

*Food and nutrition*

It is admitted that nutritious food is the basic need for any human being. TCDC has been trying its level best to provide nutritious food for all the children of the CDC. However, the budge (i.e. Tk.2500/- monthly budget per-child for food and fuel wood) is not sufficient and thus it is difficult to provide sufficient nutritious food for the inmates of CDC. One of the respondents has even posed a question how is it possible to ensure nutrition of a child of the CDC with Tk.2500/- per month in context of ever increasing price hike where per KG beef/mutton requires more than 600 (six hundred) taka. It is also transparent from the following chart.

Table 10: Food Chart in TCDC for the Children

<b>Day</b>	<b>Morning Breakfast</b>	<b>Lunch</b>	<b>Afternoon Breakfast</b>	<b>Supper</b>
Saturday	Rice and mashed potato	Rice, fish, vegetable and dal	Muri chanachur	Rice, vegetable and dal
Sunday	Khichuri	Rice, chicken with potato and dal	Banana	Rice, chicken with vegetable and dal

Monday	Rice and mashed potato	Rice, vegetable, egg and dal	Singara	Rice, vegetable and dal
Tuesday	Rice and dal	Rice+beef/chicken/fish+ potato (3/1/1/days respectively)	Bakery Bread	Rice, chicken with vegetable and dal
Wednesday	Khicuri	Rice, fish, vegetable and dal	Muri chanachur	Rice, chicken with vegetable and dal
Thursday	Rice and smashed potato	Rice, vegetable, egg and dal	Banana	Rice, vegetable, milk and sugar
Friday	Rice and dal	Rice, chicken with potato and dal	Singara	Rice, chicken with vegetable and dal

The chart merely shows the name of the items. Few respondents have asserted that some children frequently fall in sick for weakness. The seniors in context of staying at CDC try to grab the food of the juniors/new comers and thus anarchy is also being created randomly in CDC. Upon analyzing the data meticulously, some inhumane incidences have also come to the light. For instance, sometimes killing incidence also occurs out of anger of shortage of food and abode. Sometimes the situation could not be tackled by two house parents against more than seven hundred inmates. Though nutrition is a crying need, there is no post of nutritionist in the TCDC.

### *Health*

Both physical and mental health development are necessary for a child. There is only one physical-exercise instructor in TCDC. Health crises exist also in the TCDC. The employees of CDC are helpless in addressing sudden sickness of any inmate as there is no resident doctor. The authority of TCDC requires calling for the nearest Upazila Health Complex (UHC) Doctor for assistance in emergency case. There is no sanctioned post of child specialist doctor in the nearest UHC. Only two male nurses without any doctor in TCDC become baffled in addressing hundreds of children. There is no ambulance in TCDC for emergency transport of a sick child.

There are only two cleaners in the whole institution comprising of near about one thousand people including officers, staffs, visitors and security force. The inmates though assigned for keeping own room and corridor neat and clean as a part of light physical works; they often keep neat and clean. Thus the two cleaners most of the cases are unable to keep the compound neat and clean and hence skin disease among the inmates of TCDC is common.

In context of psychological development of the children, there is a sanctioned position 'Psychiatric Social Worker' (PSW) for providing psychiatric services which is occupied by a first class (non-cadre) officer. The importance of the psychological development for the children is admitted. Few respondents affirmed that the outcome of psychological development through psychiatric social working is laudable though regular psychological motivation is not possible by a solo officer against more than seven hundred inmates. Many of the children frequently come to the psychiatric and repent for their errors as commented by the concerned respondent.

### *Education*

If we look at the CRC and other child rights related instruments, it is evident that emphasize is given on both general education and vocational education. TCDC is well aware of this issue. There are six teachers including one religious teacher who give formal teaching to the children of TCDC from class one to five including respective religious values. A lot of children after coming to TCDC learn how to read and write along with elementary learning. Sometimes few children get learning out of their own interest and they need not force to come learning centre and further in free time they read the books kept in the library.

At TCDC, besides general education, there is also provision for offering vocational training to the children. There are four sanctioned posts for vocational trainers against five training/trade named automobile, electric, tailoring, wood crafts/furniture, and computer training.

Electric and automobile posts are vacant for a long time. Vocational training especially in computer training and wood crafts is satisfactory. But, the development in electric and automobile training is not satisfactory due to frequent vacancy of these two posts. One of the respondents has stated as follows:

Recently a young man around twenty, once learnt computer while staying in TCDC, came to TCDC office and providing a visiting card of a computer shop requested the officer to have a cup of tea at his computer shop at Tongi Town.

The above statement transpires that TCDC generated new thought in the mind of the child, the trainer gave elementary computer training, and subsequently family keep the young man under watch, and society accepts him encouraging the business. Here, collective efforts of the concerned stakeholders have played a vital role in molding the life of a child in conflict with the law. Accordingly, the dimension of collective efforts derived from Normalization Process Theory is also reflected here.

### *Recreation*

The main purpose of CDC is not mere confinement of the children. The name itself resonates the core work of CDC that is child development that requires both physical and psychological development. Mere food, treatment, training and advice are not enough for child development. Recreation is fundamental element in this regard. Considering from this point of view the daily routine designed for the children by CDC authority contains a significant portion of the day (i.e. afternoon) and night for recreation of the children through outdoor games, indoor games, TV watching as found through collected data. Data also shows that cultural function is arranged in every second and fourth Thursday of each month and further in national days. Physical light work by inmates like nurturing garden, keeping own bed and dress neat and clean is also assigned. Participation in recreational and physical work is mandatory for all inmates.

There is also an arrangement for wall magazine writing particularly in different national days. Different tournaments arranged for the inmates under the supervision of the personnel of TCDC and those tournaments end with prize giving ceremony and the cost for the small but lucrative prize like a ceramic mug with TCDC logo along with event name is borne with the contingency fund of the head of the CDC.

### **(c) Child rights and collective efforts in Bangladesh**

People can be rectified through alternative practice like free on condition of good behavior and reporting to probation officer time to time for a certain period. Environment and time can also change the offensive mind of the delinquents. However, it is found difficult for us to believe as of one of the respondents has affirmed as follows:

A released child along with his parents once came to TCDC and requested to provide him a certificate that the child during his staying in TCDC never showed any delinquent behavior. The parents would like further to assert that child is no more involved in addition. Upon inquiry for the necessity of the asked certificate, the respondent was replied that the police of the nearest police station frequently used to go to their house on suspicion and harass the family of the child.

It is cogent that in order to implement any policy or program or commitment, there should be conjoint activation of coherence (proactive attitude), whole hearted participation, collective efforts of all the concerned stakeholders, as well as reflexive monitoring. The narrative of my findings show that the implementation of the child rights policy of CDC in Bangladesh is not satisfactory due to gap in collective efforts and reflexive monitoring.

## **4. Comparing gaps between CRC standard and child rights in CDC**

CRC is the international standard for measuring child rights and the Children Act, 2013 has been enacted to address that standard so far relate to our context. There is no specific law for CDC till today and thus it is run with the existing child rights related policy including the

Children Act, 2013 that also specifically addresses the CDC. From the available data, the following table in this regard is sketched out.

Table 11: Gaps between CRC Standard and Child Rights in CDC

<b>Relevant Article</b>	<b>Theme/standard</b>	<b>How far compliance in CDC</b>
Preamble	Equal and inalienable inherent dignity and rights for all human members	<ul style="list-style-type: none"> <li>• None but the children in conflict with the law landed to CDC through court's order.</li> <li>• What about child-victims (boys) in contact with the law? No institution in Bangladesh in this regard.</li> </ul>
Article 14	Freedom of thought	<ul style="list-style-type: none"> <li>• Reason of inmates killing incidence still substantially unrevealed.</li> <li>• No statement of inmates officially taken.</li> </ul>
Article 21	Encouraging adoption even beyond border arrangement	<ul style="list-style-type: none"> <li>• No law (particularly for Muslims) to take adoption the parents-less child of CDC.</li> </ul>
Article 40	treatment consistent with the child's sense of dignity and worth	<ul style="list-style-type: none"> <li>• CDC recognizes and appreciates.</li> </ul>
	Fostering the child's reintegration	<ul style="list-style-type: none"> <li>• No scope to get released even at the age of 18 without court order</li> </ul>
	child's assuming a constructive role in society	<ul style="list-style-type: none"> <li>• CDC admits and provides training</li> </ul>
	Presumption of innocence till proved	<ul style="list-style-type: none"> <li>• CDC admits</li> </ul>
	Without delay hearing by competent authority	<ul style="list-style-type: none"> <li>• Seven hundred and fifty one out of seven hundred and fifty five is under trial at TCDC as of August 12, 2021.</li> </ul>
	Not to be compelled to confess	<ul style="list-style-type: none"> <li>• Several detainees are by order of mobile court wherein no advocate of the children could present</li> </ul>
	Review by higher authority	<ul style="list-style-type: none"> <li>• Recently around twenty inmates freed by HC order</li> </ul>
	Respect privacy at all stage of proceedings	<ul style="list-style-type: none"> <li>• Not possible in present infra-structure</li> <li>• Children need to attend court through public bus</li> </ul>
	Care, guidance and supervision orders; counseling; probation; foster care etc.	<ul style="list-style-type: none"> <li>• Deficient manpower and logistic support</li> </ul>
Considering best interest and wellbeing	<ul style="list-style-type: none"> <li>• Seven hundred and fifty five against the capacity of three hundred at TCDC on August 12, 2021.</li> </ul>	
Article 44	Five year PRB to CRC	<ul style="list-style-type: none"> <li>• CDC is not highlighted</li> </ul>



## **5. Policy and programs of the GoB for child rights**

The law and policy of Bangladesh relating to child rights is very much strong and up to date. Bangladesh has obtained great achievement in some contexts of child rights like EPI (best in the South Asia), sanitization (better than neighboring country like India), preventing polio (no polio patient detected in Bangladesh for the last five years though polio still exists in neighboring country India). One of the respondents asserted that the GoB is very much concerned about child rights and he further added that he, during his 26-year long term service, visited officially several countries for enhancement child rights related project. However, most of the respondents opined that the implementation of child rights policy is not satisfactory. The law and policy are scattered and a dozen of ministries involved in implementation of child rights policy where collective efforts of the stakeholders for implementation requires several years. There is a shortage of reflexive monitoring by the stakeholders in implementation of child rights in CDC.

Most of the mandates of the Children Act, 2013 is still far away of even starting for implementation like establishment of separate Children's Court commensurate to the wellbeing of the child (i.e. till today not a single child court established in Bangladesh), appointment of probation officers (USSO is in additional charge for his Upazila), child affairs separate desk in police station, separate transport for under trial children of CDC, female doctor every hospital for examination of rape victim.

One of the respondents expressed his grief that he needs to present a child from TCDC to Rangamati District Court (approximately 232km distance from TCDC) but there is no logistic support for this task, and it is quite difficult to maintain privacy of the child guarded by staff who travel by a public bus. The policy and program of Bangladesh for child rights are strong but the implementation of those policies and program is not up to the mark.

Upon scrutinizing the available data, the following table is framed for clear understanding about the gaps between policy and practice in respect of child rights in Bangladesh.

Table 12: Gaps between Policy and Practice Relating to Child Rights in Bangladesh

<b>Existing Legislation</b>	<b>Relevant Salient Feature</b>	<b>In practice/comment</b>
Penal Code, 1860	Elevated from seven to nine years for a child exempting from any offence	Practice started and no child below nine is being arrested
Guardian and Wards Act, 1890	Appointment of necessary guardian/custodian	Adoption is crying need to fulfill the demand of time
Probation of Offenders Ordinance, 1960	Probation to first time offender/children	<ul style="list-style-type: none"> <li>• One District Probation Officer and one staff in District Probation Office;</li> <li>• Not a single probation officer appointed in compliance of child Act, 2013.</li> </ul>
Constitution of Bangladesh, 1972	Government may adopt special provision for advancement of children in addition to existing children rights	Several significant programs exist
Women and Children Oppression Suppression Act, 2000	Maximum capital punishment. Child birth in rape will be accommodated by state.	CDC, Konabari, Tongi looks after the girl-victims also
National Human Rights Act, 2009	Mandates the provision for human rights, including child rights	<ul style="list-style-type: none"> <li>• Advisory power</li> <li>• No enforcing power</li> </ul>
National Education Policy, 2010	Focuses on high standard education for all children	Increasing child education rate significantly
National Child Labour Elimination Policy, 2010	Withdrawal children from all sorts of child labour	Still child labour prevails in most of the cases
Domestic Violence (Prevention and Protection) Act, 2010	Protection children from family violence	Domestic violence increasing steadily
National Children Policy, 2011	Recognizes the age below eighteen for children	Obsolete due to new Child Act, 2013
National Health Policy, 2011	Child malnutrition concern	Nutritious food/biscuits provided to children
The Vagrancy Act, 2011	Hope for street children	<ul style="list-style-type: none"> <li>• For sixty four districts, thirteen Sheikh Russel</li> </ul>

		Rehabilitation Centres having total capacity for two thousand six hundred boys and girls. <ul style="list-style-type: none"> <li>• Minimum one thousand street children in each district</li> </ul>
Bangladesh Population Policy, 2012	Ensuring safe motherhood	Success significantly
The Prevention and Suppression of Human Trafficking Act, 2012	To prevent child trafficking	Child trafficking still continue
The Pornography Control Act, 2012	Prevents child deprecation	Struggling to control
Prime Minister's Education Assistance Trust Fund Act, 2012	Ensuring study of poor students from grade six to graduate	Increase education rate
The Children Act, 2013	To implement CRC commitment as a state party	Most in paper not in practice
Breast Milk Substitutes, Baby Foods, Commercially Manufactured Supplementary Baby Foods and Its Equipment (Regulation of Marketing) Act, 2013	Complete restriction on advertisement of breast-milk substitutes as well as discouraging breast-milk substitutes.	Substitute foods grasp the whole market
Birth and Death Registration (Amendment) Act, 2013	Birth and death registration with seventeen digit PIN.	<ul style="list-style-type: none"> <li>• Each Union Council has started Digital Centre by this time</li> <li>• Maximum certificates contains errors</li> </ul>
The Neuro- Developmental Disabled Protection Trust Act, 2013	Assistance to autistic children	Activities rapidly expanding

### 4.3 Conclusion

Issues related to the factors affecting child rights in Bangladesh particularly in CDC have been discussed, analyzed and explained in the chapter based on the data collected from the research respondents. The variables with their indicatives issues have been analyzed here. The account of the findings shows that the policy of Bangladesh for child rights is strong enough to cope up with the international standard in paper but there is a huge gap in practice for

implementation of child rights in Bangladesh, even in TCDC. The narrative of findings also demonstrates that the proactive attitude, collective efforts of the stakeholders, socio and administrative cultural factors and reflexive monitoring have significant impacts on implementation of child rights in Bangladesh. Accordingly, the findings support that the Normalization Process Theory is an important tool to analyze policy implementation including child rights policy of CDC.

## **Chapter Five**

### **Limitations and Challenges**

#### **5.1 Introduction**

Nothing can be predicted perfect in social science because everyone possesses here distinct view and argument. Thus every social science thesis has some limitations. Each step of a thesis is full of challenges where the researcher should be focused to accomplish his thesis. The limitations and major challenges faced during the research have been explained in this chapter.

#### **5.2 Limitation**

Every thesis has some limitations those confine the study and make it narrower. In simple language, they are the hindrances on generalizability, applications to practice, the way of finding of results (Libraries, 2000). Limitation may be relating to methodology, research process, and accessibility of the researcher. It is necessary to identify and acknowledge the limitations of the study because it paves the way of opportunity to make suggestions for further research, to demonstrate that the researcher has taught critically about the research problems and done literature review confidently, as well as for the assessment of the method chosen for the study.

Accordingly limitations basically discuss the unanswered questions of the thesis. Could the researcher have used another means of data collection method? Could the research design have been better? Was the sample size not representative to the targeted population? Admission such limitations transpires what is not covered by the study (Editage, 2020).

### **5.2.1 Limitations of the thesis**

The main objective of the thesis is to find out the gaps between existing policy and practice in respect of CDC in Bangladesh. To find out the answers of the research question, the research was affected by different factors. It is well known that any research depends on the methodology used, the sample size, behaviour of the respondents during data collection (e.g. nature, prejudice, like, dislike, attitude, gesture etc.), time limit, and accessibility of the researcher (i.e. visiting CDC during pandemic/lockdown). Accordingly the limitations have been categorized under three sub-heads: (a) methodological limitations, (b) limited accessibility, and (c) time constraint.

#### **(a) Methodological limitations**

- *Sample size:* Due to the nature of this thesis which is qualitative, the sample size consists of only 15 respondents who are basically the employees of CDC and others officers responsible for child rights. So the findings cannot be generalized on the large population.
- *Low access to the reliable data:* Due to the covid-19 pandemic situation, most of the cases it was relied on online library and online materials. There was limited access to different sources of the related field though it was possible to enter different required

websites with the auspice of North South University IT section. But, in some cases, relevant source was not freely available in different websites.

- *Lack of prior research studies on the topic:* There are a good number of researches on child rights but very few are on gaps between policy and practice relating to child rights in CDC of Bangladesh. Despite it is a limitation, it is believed that this thesis is also an opportunity to add something new in this field.
- *Measure used to collect data:* All the primary data were collected through face to face interview (with 10 respondents), Zoom meeting (with 2 respondents) and email (from 3 respondents) and open-ended questions were also used in relevant cases. No quantitative method is used here for data collection. It is substantially a qualitative thesis.

(b) Accessibility of the researcher

Due to Covid-19 pandemic situation, there was limited access to visit the study area. In addition to, due to online office dealt by the concerned officers for a long time, it has required to wait for a long time for an appointment to take the face to face interview.

(c) Time constraint

As Bangladesh experienced whole country lock-down like other countries of the world for several months, within a few months all the relevant information was to collect and the thesis was to complete. Thus the thesis is done within a very short tenure.

### **5.3 Challenges**

Every researcher goes through tremendous challenges during conducting the research. Research requires in depth knowledge about the subject matter as well as hard work. During the

research study different obstacles may hinder to find the answer of the research questions. It depends on the technique of the researcher - how to cope up with these challenges - so that the impact cannot make difference in the result. Sometimes researchers face challenges in their study due to not having clear understanding of the research methodology or of complex nature of research management. Some researchers think the biggest challenge is about data collection and understanding case studies. Someone also face challenge to pick an appropriate topic for the research (Lubbe et al. 2005, p.244). In addition to, though sometimes researchers are confident about their research methodology and field of study, they face some external challenges. These external challenges may occasion during finding materials, data collection and data processing for the study.

### **5.3.1 Challenges of the thesis**

During conducting the thesis, different challenges have been faced. Despite having the challenges, it has been possible to collect data and information ultimately through the ardent desire and efforts in line with the frequent befitting advice of the respected supervisor. The major challenge during this thesis was the global pandemic Covid-19. During lock down, it was very much difficult to collect data and information. Covid-19 impacts on the whole time of the thesis and further accelerate the challenges like (a) travel constraints, (b) availability of the respondents, and (c) online data collection.

#### *(a) Travel constraints:*

Covid-19 has been spreading all over the world. To reinforce the havoc, public transport was closed for a long time. Public gathering was also restricted. Due to closure of public transport, it was not possible to visit the study area and respondents' office on time. Thus, though

most of the interviews have been taken face to face, most often it was necessary to rely on online to have the supervisor's feedback.

*(b) Availability of the respondents:*

For a couple of months public offices remained closed and also limited. Around one fourth of the total manpower was to run the office to reduce the gravity of pandemic. It required to search website to collect cell phone number and accordingly pursued for appointment. Thus it was difficult to have appointment of the respondents at first chance. Sometimes, interview could not be completed in one session due to want of required documents locked in file cabinet under the custody of respective section whose assigned staffs did office by roster for Covid.

*(c) Online data collection:*

Though most of the primary data has been taken through face to face, online was also essential to collect secondary data as most of the libraries including public library (the central library of the country) remained closed for an indefinite period. People of Bangladesh are not culturally accustomed to give interview over telephone for a long time like 30/40-minute conversation. In addition, to reduce the length of interview it was also not desirable to ask the phone receiver (obviously respondent) interview question at first instance without introductory and well-wishing conversation. Moreover, internet fluctuation, electricity disruption, expenses on the phone/internet, and above all to manage time in family atmosphere were very challenging.

In spite of these challenges, it was possible to collect the necessary data and materials to complete this thesis within the stipulated time. The possible highest effort has been given to utilize the available resources to evade any shortcoming. Data from 10 respondents was taken through face to face interview whereby it was possible to observe their feelings, dedication, and



their understanding for enhancement of child rights in CDC. During online data collection, sometimes recording was necessary (obviously with prior permission from the respective corner/respondents) to use later on at preparing the full thesis.

## **5.4 Conclusion**

Research work is a big challenge with its various limitations. Limitations help the researcher to be more focused and challenges help the researcher to be more confident about the thesis. Before starting any thesis, the researcher in order to cope up with various challenges must have clear idea about the chosen field of study, research design to be used and contribution of the thesis for future reference in the relevant field. Disclosing limitation is a gentleman art of admission on what is not covered in the thesis.

# **Chapter Six**

## **Findings and Conclusion**

### **6.1 Introduction**

This chapter portrays the major findings of the thesis followed by the conclusion of the thesis. The assumption for the thesis is that gaps between policy and practice affect child rights in CDC of Bangladesh. Because there is a good number of programs and policies relating to child rights but implementation of child rights in CDC is yet to reach the expected level. Whereas collective efforts of the concerned stakeholders are vital for the implementation of child rights; lack in togetherness in practice is reflected in the implementation of child rights policy. A good number of programs and policies cannot ensure child rights. The argument here is that child rights will be ensured only when relevant policy will be implemented practically in field.

Hence, all the way through this thesis, I have wanted to find out the answer of these questions: How do the gaps between policy and practice affect child rights in the CDC in Bangladesh? How far does the existing policy implementation at CDC meet the United Nations Convention on the Rights of the Child, 1989 ('CRC') standards? What are the barriers in implementing child rights at CDC? How do collective efforts of all the concerned stakeholders affect child rights at CDC? After analyzing the collected data under different themes (vide in Chapter 4), it has drawn the following findings of those questions.

## **6.2 Major findings**

The dependent variable of the thesis is the implementation of child rights at CDC which is significantly dependent on the policy implementation.

The preliminary question of the thesis is:

### **How do the gaps between policy and practice affect child rights in the CDC in Bangladesh?**

The following section discusses the major findings of the thesis in this regard.

The thesis has revealed that there is a good number of standard law and policy in Bangladesh relating to child rights. Bangladesh had enacted its first Children Act, 1974 and established CDC in 1978 when a very few countries of the world thought about children act or CDC. Even the CRC came into force 1989 that is far later than that of our children act. Moreover, GoB has enacted the updated act 'the Children Act, 2013' to keep pace with demand of changing world.

The collected data has also shown that the GoB has taken a good number of tremendous child friendly programs including foreign training for the concerned officers. One of the respondents applauded that he has officially visited around 7 countries during his 26-year service

tenure. He also said that Bangladesh has also obtained significant achievement in child rights relating to EPI, sanitization, preventing polio etc in compare to neighboring countries.

However, most of the law and policy are in paper not in practice. The relevant example may be here as it is the legal obligation of the state to maintain the children born out of rape but apparently there is no institutional structure or step so far to confirm this obligation.

The Children Act, 2013 includes mandates for separate Children's Court for primarily ensuring child-friendly court but till today not a single Children's Court has been established in line with the mandate of this act. One probation officer against each Upazila is supposed to monitor the children in conflict with the law, but there is no probation officer against Upazila rather Upazila Social Services Officer (USSO) is to handle the matter as an additional charge since 1988 (GoB, 1988). An USSO requires performing the work randomly for twenty to thirty programs in field. Though presence of probation officer in court is mandatory during hearing of the child in conflict with the law but it is quite impossible under the scenario.

It is also a legal mandate that there must be a Child Affairs Desk in every police station. It is found during sudden visit that there is no CAD in the concerned police station save a roster in file. The roster is used just for preparing periodic report to forward towards controlling authority. It is also a fundamental prerequisite that the children in conflict with the law shall not be moved with adult accused. But there is no separate arrangement for such type of child to move.

Maintaining privacy of the children is a fashion term as the thesis has found that the inmates of the CDC are frequently taken to different courts of the country with public bus guarded by law enforcing agency. How privacy can be maintained when an inmate of CDC

needs to present before a court of Bandarban district from CDC of Gazipur District (more than 200 km distance) through public transport?

The thesis has exposed meticulously the impact of gaps between policy and practice on child rights in CDC. It is found that development support activities as per roster are done in CDC. But how does it far? The data in respect of existing manpower of CDC shows that there are ten against ten posts of first class and second class officers, five teachers against six posts but only twenty six against forty seven sanctioned posts who are the marginal class including instructors. The marginal category employee is the heart to ensure service in marginal level but a lion part of their posts remains frequently vacant.

Best interest of the child is the pivotal issue for child rights as a clear mandate of CRC. Necessary accommodation is prerequisite for the development of children. What is the accommodation situation in this regard? The finding is very pathetic as there found seven hundred fifty five inmates in the TCDC against the capacity of only three hundred.

There is a specific provision in the National Health Policy, 2011 to address child malnutrition. It has been found that there is a Food Chart hanging in the office of CDC referring different items like rice, beef, chicken, fish, vegetables, dal, egg, sugar, milk, bana, and bread for morning, lunch, afternoon and supper. Interestingly the chart has also shown the monthly per-head budget against food and fuel wood for an inmate of the CDC amounting to Tk.2500/- (equivalent to +/- \$40) only. As of that very day (Star, August 5, 2021), per capita income of Bangladesh has been reported as \$2227 (Two Thousand Two Hundred and Twenty Seven). It is very difficult to assess the nutritious food for an inmate with the said Tk.2500/- (Two Thousand Five Hundred Taka) only in the existing price hiking market where per KG beef requires more than Tk.600/-. Let alone nutritionist post in CDC.

Hunger turns people to crime as per the criminologist. The senior brothers (who stay for more time in CDC) frequently try to grab the food of the juniors (new comers to CDC) and unexpected incidence often occurs in CDC. In some cases the matter goes to a serious condition like the incidence of killing inmates by inmates and the sudden situation is difficult to tackle.

The thesis has also exposed the vulnerable condition of health service in the CDC. There is no doctor in CDC whose authority needs to request the doctor of the nearest medical centre, Tongi UHC, in urgency but the data shows that there is no child specialist post in the UHC. Only two male nurses are responsible to look after more than seven hundred inmates of TCDC. TCDC needs to hire ambulance in emergency cases.

Health crises is also transparent from the findings that skin diseases is common in TCDC as there is no doctor and further only two cleaners cannot keep the whole compound net and clean regularly though the inmates are instructed to keep their rooms and corridors net and clean as possible.

Psychological development for a child is also necessary. It is also admitted by the respective respondent. It is quite difficult to give enough time for motivation by a solo PSW of TCDC against hundreds of children. It has been found that a couple of inmates being motivated by PSW spend their leisure time in library and sometimes also express the repentance.

It is transparent from the findings of the data that mere confinement is not the principle motto of CDC. In addition to physical development, TCDC found committed to psychological development of its inmates. Regular outdoor games, indoor games, TV watching, and periodic cultural functions have been systemic to ensure psychological development. Different tournaments followed by token gifts are also arranged within the campus in different occasions.

The collected data has affirmed that the child related policy emphasized both on general and vocational education. The thesis has revealed that there are six posts of teachers who are responsible for teaching the children of TCDC up to grade five including respective religious values. Teachers have been keeping significant role in elementary learning for the children.

However, there is lack in vocational training. There are only four sanctioned posts against five trade named automobile, electric, tailoring, wood crafts/furniture, and computer training. The account of findings has asserted that vacancy in the post of electric and automobile for a long time deters the substantive progress of the children in vocational sector though output against other vocational trade including computer has been applauded by the concerned.

The thesis in line with the available data has acknowledged that a great portion of the existing good number of policies do not apply in field and thus the gaps between policy and practice are substantially responsible for not satisfactory implementation of child rights even in CDC. Even there is no institutional arrangement of reflexive monitoring for implementation of child rights policy in CDC.

There are secondary questions to support the preliminary question.

The findings of these questions make us clearer about how gaps between policy and practice affect child rights in CDC. Based on the respondent arguments and findings, socio and administrative cultural factors are identified as the obstacles for implementation of child rights in CDC.

**How far does the existing policies implementation at CDC meet the United Nations Convention on the Rights of the Child, 1989 ('CRC') standards?**

CRC is the international standard for measuring child rights. It is admitted that the standard is culturally and contextually variable. However, there are some common standards like

equal treatment irrespective of sex, freedom of thought, promotion of child's sense of dignity, desirability of children's reintegration, hearing by competent authority without delay, privacy, probation, above all considering best interest and wellbeing of the child.

The Children Act, 2013 (vide its preamble) has been enacted abolishing the earlier child act as a commitment to comply with the standard set forth in CRC and accordingly being the latest and core document the Children Act, 2013 comprehensively deals with the said common standards among others. There found no specific law or policy in Bangladesh for CDC and thus it relies on the existing child rights related policy including the Children Act, 2013.

Findings assert that equal treatment irrespective of sex is not ensuring in context of child rights. There is no development center for boy-child victims. Only the children in conflict with the law can be landed to CDC through court order.

Freedom of thought is another standard in respect of child rights. Once family visit was possible by the inmates of CDC for a certain time on specified terms and condition but now it is obsolete. It is found from the collected data that some inmates sometimes cry and request the authority of CDC to allow family visit. Parents' visiting is possible after a certain period but it is like talking to parents from the iron cell as it is arranged within a specific room for a limited time. More ironical situation is for the under-trial children who turn to majority in CDC but remain in CDC as children. However, CDC appreciates manner consistent with the promotion of the child's sense of dignity and worth.

Social reintegration is fundamental for molding the life of inmates of CDC. One of the core targets of CDC is that how the children can be reintegrated smoothly into society after releasing from CDC. To make the target effective, the vocational trainings are provided with special attention to the skills required for daily earnings.

Hearing the matter of the children by competent authority without delay is another standard. The vulnerable situation in this point is transparent from the data that 751 out of total 755 inmates of TCDC are under trial as of 12/08/2021.

Right to privacy is a common standard. It is found that the privacy of the inmates of CDC is frequently infringed due to lack of infrastructure and logistic support particularly during movement to appear before the concerned trial court now and then.

Probation is possible through probation officer, parents, teacher, and any competent person. Some children often want to release on probation under the care of parents, or probation officer. But in practice there is no option for CDC to honour the desire of those children for probation, as policy does not allow CDC to consider probation without court order. Court in this case mostly considers the merit of the case and also considers the scarcity of probation officers.

Considering best interest and wellbeing of the children is theoretically recognized beyond border. It is normal that food, shelter, and medicine are basic for survival of any human being. Nonetheless, the condition of food, shelter and treatment allotted for the inmates of TCDC is not up to the mark. Around Tk.83/- (Eighty Three Taka) per day budget for each child against food and fuel wood, more than two times inmates against TCDC's accommodation capacity, no doctor or ambulance in TCDC for hundreds of inmates are clear indicators in this regard.

### **What are the barriers in implementing child rights at CDC?**

It is found from the bundle of data that the main obstacles in implementation of child rights at CDC in Bangladesh are insufficient budget, social attitude, and lack of coherence in practice. There was no specific budget earlier for child rights in the NBB but very recently (from 2015-2016 fiscal year) a lump sum amount is allocated in NBB. It is found that Tk.3500/- (Taka



Three Thousand and Five Hundred) only is budgeted per inmate of TCDC against all the requirements like food, instruments, dress, treatment, soap and cosmetics.

Admittedly social attitude is a vital issue for ensuring child rights. Though parents sometimes take the child in conflict with the law on bond with prior permission of court, society treats that child as a heinous criminal far from assuming child's constructive role in society.

A section of so called elite society engages children in different heinous crimes like picketing, smuggling, and human trafficking. As and when the child is caught red handed by law enforcing agency and forwarded to the CDC via court, nobody comes forward to release those children from the CDC.

People still cannot think of that a child or delinquent may be rectified beyond the four walls of prison under the guidance of parents, teachers, and senior citizen. CDC is still deemed as prison, even to educated society. Alternative panacea or practice for children in conflict with the law is found in paper not in practice.

### **How do collective efforts of the concerned stakeholders affect child rights at CDC?**

The thesis has affirmed only the policy cannot ensure any right, let alone child rights in CDC. The main obstacles for child rights in Bangladesh are socio and administrative cultural factors as visualized in the collected data of this thesis.

It is found that a rickshaw puller family has taken five to six children with the hope of a son and the first four/five are daughters. They religiously believe 'He will feed Who has given mouth'. How GoB having a country of approximate 170 million people against approximate 147000 square feet area can ensure rights for those children if the issue of child rights is not collectively addressed?

It is evident that the final draft of Children Policy as mandated by Children Act, 2013 has already taken more than seven years for final approval from the concerned ministries and departments.

Frequent vacancy in office and additional charge make burden to ensure child rights. Several marginal posts are vacant for a long time that hinder desirable service in field level for ensuring child rights at CDC.

In order to implement any policy, there should be conjoint activity of coherence (proactive thought in practice), cognitive participation (define and organize the concerned stakeholders), collective action (collective efforts of stakeholders in practice), and reflexive monitoring (these four are core dimensions of Normalization Process Theory) and thus implementation of child rights policy is not satisfactory due to lack in collective efforts of the concerned stakeholders in practice and practical reflexive monitoring.

Table 13: Findings of the Study in a Tabular Form

<b>Independent Variables</b>	<b>Findings</b>
1. Coherence	<ul style="list-style-type: none"> <li>• Lack in proactive attitude practically</li> <li>• CDC still seems prison</li> </ul>
2. Collective efforts of the concerned stakeholders	<ul style="list-style-type: none"> <li>• Collective efforts of different ministries in paper</li> <li>• Lack in togetherness in practice</li> <li>• Final draft of MoSW's Children Policy is pending for seven years</li> </ul>
3. Reflexive monitoring	<ul style="list-style-type: none"> <li>• Nothing in practice</li> <li>• No institution established as per the Children Act, 2013</li> </ul>
4. Socio-administrative cultural values	<ul style="list-style-type: none"> <li>• Reflected in Child Rights</li> <li>• Making family bigger with the expectation of a son</li> <li>• Time consuming administrative culture</li> </ul>
<b>Dependent Variable</b>	<b>Findings</b>
Implementation of Child Rights in CDC	<ul style="list-style-type: none"> <li>• Strong policies</li> <li>• A good number of programs of GoB</li> <li>• Insufficient budget</li> <li>• Numerous vacant posts</li> </ul>

	<ul style="list-style-type: none"> <li>• Huge gap between CRC standard and child rights implementation in Bangladesh</li> <li>• Weak implementation of policies</li> <li>• No separate Children’s Court</li> <li>• Monthly budget for each child in CDC (+/- \$40) where PCI shown above \$2227</li> <li>• Insufficient food for inmates</li> <li>• Health crises</li> </ul>
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**6.3 To what extent the theory supports the findings**

All the identified factors can be explained using the Normalization Process Theory (more fully described in Chapter 2). The central point of this thesis is the gap between policy and practice of child rights. Around one dozen of ministries and departments including other stakeholders have been paying attention to identify and organize the people involved in child rights related complex issue. However, it is found that there is a lack in collective efforts to implement child rights policy. Further, there is no meaningful monitoring system in practice for implementation of child rights policy in CDC. Therefore, the Normalization Process Theory of May et al. (2009) is one of the most influential theories to examine the impact of gaps between policy and practice relating to child rights in the CDC of Bangladesh.

**6.4 Policy Implications**

The researcher asked the respondents, key informants as well as the concerned officials regarding the recommendations to improve the current situation of the implementation of child rights in CDC. As per their views along with the experience of the researcher being a judge of criminal court for more than six years preceded by the qualitative data, the following recommendations are proposed which have some policy implications. The implications will help the policy makers to address the gaps between policy and practice to upgrade the child rights situation at CDC.

*a. Micro Level*

To resolve the issue of gaps between policy and practice affecting the child rights at CDC, the policy focus should be given on:

- To increase the budget at a standard level through which each of the child of the CDC may lead their day to day life as least as of a child of a middle class family of Bangladesh.
- To provide sufficient logistic support like separate van for carrying the children from court to CDC.
- To minimize the field level vacant posts within the shortest possible time.

*b. Medium Level*

To ensure steady upward trend development, the policy should emphasize on:

- Establishment of a monitoring cell that will monitor the child rights connected with CDC round the clock.
- To establish and develop the required infrastructure like child friendly court at every district as mandated in the existing policy.
- Establishment of a 10-bed (minimum) medical centre at each CDC.

*c. Macro Level*

To provide a long term safeguard for ensuring expected development of child rights at CDC, the policy concern should affirm:

- Establishment of National Child Rights Commission giving authoritative jurisdiction as mere advisory jurisdiction is scarcely effective.

- Sufficient budget must be allotted in the National Budget under a sub-head specified for CDC.

## **6.5 Future research**

The empirical findings of the thesis present that there are huge gaps between policy and practice in respect of child rights in CDC but the socio culture and the administrative culture obstruct to reduce those gaps and to implement child rights policy of CDC in true sense. Moreover, this policy analysis research only covers the socio cultural and administrative cultural factors as barriers for implementation of child rights. Research can be done to analyze other factors like political, economic factors as the barriers for implementation of child rights policy in context of CDC.

## **6.6 Conclusion**

This thesis has examined how do the gaps between policy and practice affect child rights in the CDC of Bangladesh. To find the answer against the core question, the thesis has depended on some ancillary queries like CDC's implementation policy strength in compare to CRC standard, barriers for child rights in CDC, and impact of collective efforts of the concerned stakeholders on child rights in CDC.

The above analysis on findings gives us a broad idea of policy gaps effect on child rights. There a good number of standard law and policy for child rights in Bangladesh. However, there is a huge gap in practice. CDC, though fully committed to address the common standards set forth in CRC, is far away to implement child rights up to the mark. Masculinity social attitude and time consuming administrative culture have significant impact on implementation of child rights at CDC.

Lack in proactive attitude in practice, gaps in collective efforts of the concerned stakeholders, insufficient budget, insufficient logistic support, frequent vacancy in the post, absence of time to time monitoring, additional charge to a single officer, and slow moving administrative culture among others have been found as the core barriers in ensuring child rights.

We cannot change the culture suddenly. We will also not be able to uproot the problems at once. We may reduce the constraints and enhance the degree of policy implementation. If we own child rights from individual to state and exercise accordingly, one day child rights of CDC must be elevated in true sense. Maximum output with available resource should be motto of all the concerned stakeholders to enhance the implementation of child rights policy.

Child rights are universally protectable by both national and international instruments. But, child rights are being violated randomly over the world through genocide, war crime, torture, arbitrary arrest etc. Each state has also dual responsibility to secure its citizens, to protect the child rights and to prevent the violation of child rights, but most of the cases the state is significantly failure to ensure this. As the United States is failed to protect black child when lynching frequently occurred. Bangladesh is failed to prevent child labour. Thus, violation of child rights is a common phenomenon in the world including Bangladesh.

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## Appendix

### Set of Questionnaire

Date:

Please be noted that this questionnaire is a part of the thesis paper named “**Child Rights in Bangladesh: Gaps between Policy and Practice**, A study on Child Development Centre (Boys), Tongi, Gazipur” of Master in Public Policy and Governance (MPPG) program at the North South University, Dhaka, Bangladesh. The objective of the study is to find the gaps between policy and practice at CDC in respect of child rights. In this regard, your honest and practical response is highly expected. Furthermore, the shared information will be used only for academic purpose, and your identity will remain anonymous.

Respondent’s Name:

Work place/ Office Name:

Designation:

#### **Part A:** (for the officers/employees of CDC)

1. Tell me about your experience with this job (i.e. implementation of policy, amount of budget, logistic supports etc.).
2. What kind of services you provide in relation to child rights?
3. What gaps have you realized between policy and practice in your working place?
4. What factors of service are attractive and encouraging to you?
5. What are the discouraging factors you experienced during your service?

6. What is your assessment about implementing policies to ensure child rights in your center/workplace?
7. How do you see impacts of policy, budget, collective efforts and professional experts in child rights in Child Development Centre?
8. What is your satisfaction level in this position and the service system (i.e. how far child development centre is capable to ensure child interest)? High/medium/low.

**Part B:** (for the District Child Affairs Officer/District Probation Officer)

1. Tell me about your experience with your job (i.e. how far you are well equipped to function so far relate to CDC).
2. What gaps have you realized between written policy and practice in field in this regard?
3. In your view, what are the challenges for not implementing the policies at your workplace?
4. What factors of service are attractive and encouraging to you?
5. What are the discouraging factors you experienced during your service in dealing juvenile delinquents?
6. What is your satisfaction level about the service system (i.e. how far a DSWO/DWCAO is capable to handle children come in touch with CDC)? High/medium/low.

**Part C:** (for NGO/INGO officer involved with child rights particularly CDC)

1. Tell me about your experience on CDC.
2. What contribution does your institution have in the implementation of child rights in Bangladesh?

3. What gaps have you realized between policy and practice predominant?
4. What factors of CDC are found attractive and encouraging to you?
5. What are the discouraging factors you experienced during your work in touch with CDC?
6. What is your satisfaction level about the service system (i.e. how far the TCDC is capable to do its functions in compliance with CRC, core element for child rights)? High/medium/low.

**Part D:** (for Officer in Charge/Child Affairs Police Officer of the Police Station)

1. Tell me about your experience with this job (i.e. handling juvenile delinquents).
2. What is your evaluation about the implantation of child rights in your workplace?
3. What gaps have you realized between policy and practice particularly in dealing with juvenile delinquent and TCDC?
4. What factors of TCDC are found attractive and encouraging to you?
5. What are the discouraging factors you experienced during your work in touch with TCDC?
6. What is your satisfaction level about the service system (i.e. how far the TCDC is capable to ensure highest interest of the children)? High/medium/low.