



EAST WEST UNIVERSITY

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**An Analysis of the Legal Framework for Protecting the Right to
Life of Street Children in Bangladesh**

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Consent Form

The dissertation titled: An Analysis of the Legal Framework for Protecting the Rights to Life of Street Children in Bangladesh prepared by Md. Mashrukh Araf, ID 2018-1-66-014 submitted to Farzana Rifat Siddique, Lecturer, Department of Law, East West University for the fulfilment of the requirements of Course LAW406 (Supervised Dissertation) for LL.B. (Hons.) degree offered by the Department of Law, East West University is approved for submission.

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DECLARATION

I, Md. Mashrukh Araf, hereby declare and authenticate that the thesis paper that I have presented here is original, that I have worked on it by myself, and that it does not include any instances of plagiarism from any source or from the perspective of any other person. My undergraduate studies will be brought to a successful conclusion with the completion of this thesis research project.

LIST OF ABBREVIATIONS

UNICEF	United Nations International Children's Emergency Fund
UNCRC	United Nations Convention on the Rights of the Child
UNDP	United Nations Development Programme
BIDS	Bangladesh Institute of Development Studies
CRC	Convention on the Rights of the Child
NGO	Non-governmental organization
ACHR	American Convention on Human Rights
IACHR	Inter-American Commission on Human Rights
UDHR	Universal Declaration of Human Rights

ABSTRACT

This thesis analyses Bangladesh's street children's legal rights. Street children at risk violence, exploitation, and lack of food, housing, and healthcare. The thesis studies Bangladesh Children's Act and National Children Policy, which protect street children. The thesis claims that although Bangladesh has made progress in protecting street children's rights, legal loopholes remain. For instance, laws and regulations require better enforcement mechanisms. The thesis also emphasizes worldwide street kid rights protection. Bangladesh may utilize the UN Convention on the Rights of the Child to enhance its legal framework to safeguard children, particularly street children. This thesis states that although street children's rights in Bangladesh have improved, the legislative framework and its execution require reform. The thesis advises that Bangladesh develop its legislative framework and defend street children's rights in accordance with international norms.

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Chapter 1: Introduction

1.1 Introduction: Street children in Bangladesh are one of the most vulnerable groups in society, facing numerous challenges and violations of their fundamental human rights. Among these rights, the right to life is one of the most basic and yet one of the most frequently violated. Children living on the streets are exposed to a range of hazards, including violence, abuse, exploitation, and neglect, which threaten their lives and well-being. The protection of the right to life of street children is, therefore, a critical issue for Bangladesh, requiring a comprehensive legal framework that is effective in practice.

This thesis paper aims to answer the question of how street children might benefit from current children's right to life facility in Bangladesh. Following this question, the paper continues looking into what is right to life of street children? What are the international development policies related to children's rights? What is the current state of children's right to life and other rights in Bangladesh? Who exactly are street children? What is the state of street children in Bangladesh? What is the UNICEF, UNCRC, and UNDP works for street children, as well as government works for street children, to determine what sorts of works have been done for street children in Bangladesh? In reference to worldwide child rights policies, what child rights development policies exist in Bangladesh? What is the current child-welfare facilities in Bangladesh? The legal framework for protecting the right to life of street children in Bangladesh. Through a critical examination of relevant laws, policies, and judicial decisions, this study aims to identify the strengths and weaknesses of the current legal framework, highlight gaps in the protection of the right to life of street children, and provide recommendations for the improvement of the legal framework. The legal framework for the protection of the right to life of street children in Bangladesh is, therefore, of foremost importance. This framework shall be designed to ensure that street children are protected from all forms of harm and that their right to life is protected.

Considering these issues, this thesis seeks to contribute to the literature on the legal framework for protecting the right to life of street children in Bangladesh. By providing a critical analysis of the current legal framework, identifying gaps and challenges, and proposing recommendations for improvement, this thesis aims to contribute to the protection and promotion of the right to life of street children in Bangladesh.

1.2 Research Question

I would analyse the following research question and continue my dissertation on the following topic:

- How effective is the current legal framework in Bangladesh in protecting the right to life of street children?

1.3 Research Methodology: This thesis will get help from books, newspapers, journals, and other articles. These sources are called "secondary sources." The thesis will use these secondary sources to find information about laws and other important things. The information found will be used to write the thesis paper. The paper will be about the legal framework in Bangladesh for protecting street children's right to life. Secondary sources will be the main way to find and use information for the paper. The footnotes and bibliography have been referred to in the OSCOLA referencing system.

1.4 Aim of the Thesis: The aim of this thesis is to establish a thorough study of the legal system in Bangladesh that protects the right to life of street children. The aim is to look at and examine the laws, policies, and systems that are already in place to protect the lives of these vulnerable street children. This thesis aims to figure out how effectively the legal framework works by taking an in-depth look at the Constitution of Bangladesh, children protection laws, and conventions on child rights, as well as other important national and international legislation. Also, the aim of the thesis is to find any gaps or flaws in the law and to look into the social and economic factors that lead to the unbearable situation of street children. By analysing and criticizing the legal framework, this research hopes to find ways to improve the legal protection of street children in Bangladesh and make sure their right to life.

1.5 Structure of Thesis: In this thesis there contains 5 chapters including the first chapter where it is written about the Introduction, thesis question, methodology, aim of the thesis, limitation of the thesis, structure of the thesis and literature review. In the second chapter I have discussed about the definition and legal framework and policies of street children and their right to life in Bangladesh. In the third chapter I have discussed about the street children rights according to international context and the policies they make among the individual countries. In chapter four I have compared the policies and legal framework for the street children between Bangladesh and International perspective and the current situation of street children

in Bangladesh. I have concluded my thesis with chapter five where I have mentioned the findings and recommendations.

1.6 Literature Review: To continue my dissertation I have gone through some journals and articles and I have found two related articles from two different journals regarding my thesis paper. The first one is “Legal Protection of Street children in Bangladesh: with References to International and National Laws”¹ by Md. Tuhin Mia and Monirul Islam and the second one is “Protection of Basic Human Rights of Street Children: Bangladesh Perspective”² by Kazi Murad Hossain. The discussion in the first article based on my dissertation on legal framework for protecting the right to life of street children in Bangladesh is limited. But in this article Md. Tuhin Mia and Monirul Islam researched Bangladesh's street children's legal protection under international and national laws of Bangladeshi street children which is sort of relevant to my thesis work. The research highlights the relevance of international legal systems like the UNCRC in protecting street children in Bangladesh. Bangladesh is a signatory to the Convention, which grants children safety, education, healthcare, and social engagement. The article suggests that Bangladesh should do more to protect street children's rights. The study explores the Children's Act, 2013 and the National Children Policy for street children's rights. The Children's Act and the National Children Policy protect all children in Bangladesh, including street children. The report suggests that more needs to be done to enforce these rules and protect street children. The study proposes many ways to improve Bangladesh's street children's legal framework. In the second article by Kazi Murad Hossain has given a thorough look at the problems that street children in Bangladesh face and discusses the laws that are in place to protect their basic human rights. It has also discussed about the right to life of street children. These include improving enforcement mechanisms for current laws and regulations, raising law enforcement understanding of street children's rights.

In both two articles I have found some gaps there where in the first article there is no discussion about the right to life of street children and in the second article, I have found the discussion about right to life of street children but the writer described only about the Bangladesh

¹ Md Tuhin Mia, Monirul Islam, 'Legal Protection of Street children in Bangladesh: with References to International and National Laws' [2021] 7(2) Journal of Asian and African Social Science and Humanities <<http://aarcentre.com/ojs3/index.php/jaash/article/view/231/516>> accessed 08 April 2023

² Kazi Murad Hossain, 'Protection of Basic Human Rights of Street Children: Bangladesh Perspective' [2020] Commonwealth Law Review Journal <<https://thelawbrigade.com/criminal-law/protection-of-basic-human-rights-of-street-children-bangladesh-perspective/>> accessed 09 April 2023

perspective also the discussion about right to life is narrow. He moreover focused on the human rights violation of street children.

From these two articles I would like to include the right to life violation of street children in comparison with the Bangladesh and International perspective in my dissertation.

1.7 Limitations of the Thesis: Throughout the journey of this thesis, the available sources of data and documentation related to the protection of the right to life for street children have been limited. Despite the existence of numerous publications on the violation of human rights of street children, there remains a lack of research and literature related to the protecting of their right to life. Lacking of literature exists related to the right to life of street children. The thesis may be limited in its research scope and depth due to a limited number of sources available for guidance.

Chapter 2: Definition and Legal Framework to Protect Right of Street Children in Bangladesh

2.1 Introduction: Legislative obligations that aim to fulfil human rights are expressed in framework legislation. By clearly dividing up duties among the various branches of government, setting precise time-bound benchmarks, and encouraging ongoing evaluation and subsequent improvement of the steps taken to achieve the benchmarks, this not only enhances these policies at the operational level. Framework laws are approved by democratic processes or after discussion in parliamentary bodies. In this chapter I will discuss about the legal framework of street children in Bangladesh and I will define the right to life of street children.

2.2 Definition of Street Children: Almost everywhere in the world, you can find street kids. Because street children are always changing and moving around, it's hard to know exactly how many there are. To find out, you need more than just a general count.³ In recent years, researchers, policymakers, and non-governmental groups have placed a great deal of emphasis on the vulnerable and neglected community known as "street children.". If we want to define street children, that is the children who live and survive on the street are called street children. They are commonly found in public places, streets, footpath, train stations, foot overbridge and under the buildings of the world's largest cities. Due to parental conflicts, these children do not wish to or are unable to return home.⁴ Although there is not a single description that applies to all street children, it's widely agreed upon that they are kids who live and work on the streets, either by themselves or in groups, without any kind of adult supervision or care. But with all the views and perspective of the writers, researchers and social workers I would like to describe Street Children as view like the children who leads their life in street, they sleep there, the earn money from the street and they spend the whole day on street. Most nations have street children. They are numerous in Bangladesh. the number of street children in Bangladesh is currently 9,79,728. By 2024, the number is expected to reach 16,15,330, according to the study.⁵

³ 'The Facts about Street Children | CSC' <<https://www.streetchildren.org/about-street-children/>> accessed 10 April 2023.

⁴ 'Street Children' (Humanium, 2011) <<https://www.humanium.org/en/street-children/>> accessed 11 April 2023

⁵ Nilima Jahan, 'Nobody's Children' (*The Daily Star*, 28th Jan) <<https://www.thedailystar.net/news/bangladesh/news/nobodys-children-3232366#:~:text=According%20to%20a%20Unicef%20study,15%2C330%2C%20according%20to%20the%20study.>> accessed 11 April 2023

Due to the distinct features, backgrounds, and appearances of street children, defining the concept of "street children" is extraordinarily challenging. For this reason, they have established their own subculture as well as their own standards, qualities, and enduring approaches. Due to their lack of access to needs like healthcare, education, and others, these children are in danger of abuse, exploitation, and violence. So as a result, we can define that Children who make their living on the streets of a city and who reside on the streets for most of the day or the entire day are "street children" in Bangladesh. They might not have biological parents or adults who can legally care for them. Street children are classified in a variety of ways by various authors, however after considering the perspectives of a number of authors, we have determined that the following categorization best serves the objectives of our research. Children who are homeless can be broken down into three categories: (a) those who sleep in public places away from their families; (b) those who work on the streets during the day and go home at night; and (c) those who live on the streets with their families.⁶

2.3 Right to Life: Every single person has the right to live. The law will protect this right. No one's life shall be taken for no reason.⁷ According to Article 32 of the Constitution of Bangladesh "No person shall be deprived of life or personal liberty save in accordance with law."⁸ This statement says that everyone has a basic right to life and personal freedom. But this right can be restricted or taken away, but only if it's done legally. In other words, any action that takes away a person's life or freedom must be valid and have a reason behind it. So, the government is bound to protect the right to life of every single citizen of this country. On the other hand, Article 2 of the Human Rights Act protects the right to life. This Article defines that no one can try to kill you, not even the government. It also means that the government should protect life by establishing rules to protect you and, in some cases, by taking steps to save your life if it is in danger.⁹ Adding the Article 6 of the International Covenant on Civil and Political Rights stated that the right to life is the most important right, and it cannot be taken away, even in times of war or other events that threaten the life of the country. The right to life is very important for both each person and society as a whole. It is most important because it is a right that belongs to every person. It is also a basic right, which means that its

⁶ Kazi Murad Hossain, 'Protection of Basic Human Rights of Street Children: Bangladesh Perspective' [2020] Commonwealth Law Review Journal <<https://thelawbrigade.com/criminal-law/protection-of-basic-human-rights-of-street-children-bangladesh-perspective/>> accessed 13 April 2023

⁷ 'Definition of the Right to Life' (Claiming Human Rights, 2011) <http://www.claiminghumanrights.org/right_to_life_definition.html> accessed 13 April 2023

⁸ Article 32, The Constitution of the People's Republic of Bangladesh (1972)

⁹ Article 2, Human Rights Act, 1998

effective protection is a requirement for enjoying any other human right and that it can be shaped by other human rights.¹⁰

2.4 How Right to Life Relates to other Rights: The connection between the right to life and the rights to food, shelter, health, and nutrition has been widely recognized in international human rights treaties, academic study, and national views. Here are some sources that talk about this connection;

One of the most important human rights that all children, even street children, is the right to life. The Convention on the Rights of the Child says that children who live or work on the streets or in public places have the right to have all of their rights to be protected.¹¹

Article 3 of the UDHR says that every individual is entitled to the fundamental right to life, liberty, and security of person¹² and article 25 says that every individual is entitled to a level of living that is sufficient for their own health and that of their family, which includes access to food, clothing, housing, and medical assistance.¹³

2.4.1 Right to Food: The right to food means that everyone has the right to eat enough food that is good and gives them energy. Children who live on the streets often have trouble getting enough to eat because they don't have safe homes or easy access to healthy foods. The lack of food can put them into the danger of life threat because they are incapable to lead a good healthy life.

2.4.2 Right to Health: The right to health states that everyone has the right to the best possible physical and mental health that can be achieved. Street children do not always have easy access to medical care, which means that they cannot be treated for sickness or accidents and do not get enough medical help.

2.4.3 Right to Shelter: The right to shelter provides that everyone has a safe, secure, and satisfactory place to live. Street children often do not have a constant place to live, which leaves them vulnerable to unfavourable weather, violence.

According to Article 15 of the Constitution of People's Republic of Bangladesh says that food, shelter, health care are the basic necessities for all the people of Bangladesh and this Article

¹⁰ Article 6, International Covenant on Civil and Political Rights (1966)

¹¹ 'Children in Street Situation' (United Nations, 2000) <<https://www.ohchr.org/en/children/children-street-situations>> accessed 13 April 2023

¹² Article 3, Universal Declaration of Human Rights, 1948

¹³ Article 25, Universal Declaration of Human Rights, 1948

includes to the fundamental principles of state policy.¹⁴ But the right to life in Article 32 of the Constitution of Bangladesh is included to the fundamental rights.¹⁵ Though the right to food, health and shelter is interconnected to right to life because without those rights the life will be in a threat to death.

2.5 Characteristics of Street Children in Bangladesh: There are different things about children on the streets in Bangladesh that show how hard their lives are. Most of these children come from poor families where they do not have access to basic needs like food, shelter, health care and education.¹⁶ For example, numerous children who live on the streets are forced to work in dangerous places like roadside workshops or as street vendors so they can feed themselves and their families. They might also have to go out and beg on the streets. These children face many health risks because they live in overcrowded slums or temporary homes with poor sanitation and few medical services. Their chances of having a better future are also hurt by their lack of education and proper guidance. Even though they have to deal with these problems every day, street children in Bangladesh are strong and creative. They make their own support networks and come up with new ways to stay alive. To help these children deal with the problems they face, both government and non-government groups need to work together to make sure they are safe and protected by their legal rights.

2.6 The rights of Street Children in Bangladesh: The rights of street children a critique of the academic and welfare literature on street children in developing nations, with evidence from studies of homelessness in industrialized nations. At the turn of the twenty-first century, research on street children experienced an important conceptual transformation.¹⁷ The term "street child" and research that concentrates on the defining characteristics of a street lifestyle rather than the children themselves and the range or diversity of their actual experiences.¹⁸ Second, it relates the transformation in approach to a strong human rights discourse: the legal and conceptual framework provided by the United Nations Convention on the Rights of the

¹⁴ Article 15, The Constitution of People's Republic of Bangladesh

¹⁵ Article 32, The Constitution of People's Republic of Bangladesh

¹⁶ Abdelfatah Ibrahim, 'Critically Discuss the Specific Nature of Street Children' (Characteristics of Street Children, 11 Dec, 2012) <<https://www.e-ir.info/2012/12/11/characteristics-of-street-children/>> accessed 14 April 2023

¹⁷ Makofane, M d, 'A Conceptual Analysis of the Label "Street Children": Challenges for the helping Professions' (Social Work, 2014) <<https://socialwork.journals.ac.za/pub/article/view/20>> accessed 15 April 2023

¹⁸ Catherine Panter-brick, 'Street Children, Human Rights, and Public Health: A Critique and Future Directions' [2002] 31 Annual Reviews 147-71 <https://www.researchgate.net/publication/276594298_Street_Children_Human_Rights_and_Public_Health_A_Critique_and_Future_Directions> accessed 16 April 2023

Child, which emphasizes children's rights as citizens and acknowledges their capacity to effect change in their own lives.

Before jump to the rights of street children we shall discuss about the lifestyle of street children. The lifestyle of street children is immeasurable and firstly I would like to discuss about the migration of street children in terms like how they are being street children of Dhaka city in Bangladesh. My research revealed that most street children arrived in Dhaka with family members such as their father, mother, or both, an uncle, or local neighbours. Many others came alone. Secondly, I would like to discuss about the shelter or how they sleep at night. The street children living on the streets gather wherever they can obtain money and food. Most of them lack a stable and permanent place to reside and sleep.

A restricted number of street children's beneficiaries are permitted to sleep-in day-care centres. They choose to fall asleep close to their sources of income, taking precautions to avoid being caught by police and other government officials. During the day, they would travel from place to place and pause at markets, roadside, and other locations. During the night, boys sleep primarily on sidewalks (footpaths, public parks, etc.), alongside and top of over bridge. Most of the female street children reside with their parents and relatives in slum. They frequently change or relocate their residence. There are some obstacles for what they must do to alter their address. They alter both their locality and their residence. Some of them stated that they do not always reside in the neighbourhoods. Therefore, most of them have lived and slept in various locations as floating people.

The violation of rights of street children can be violated in many ways, firstly right to protection children who live on the streets have the right to be safe from any kind of abuse, violence, exploitation, or neglect. They should be protected from dangerous job, trafficking, and anything else that could hurt their mental or physical health. Secondly Right to Health and Nutrition, children who live on the streets have the right to get good health care, including preventive, curative, and therapeutic care. They should have access to food, clean water, and places to go to the toilet. But in Bangladesh the street children are unable to access to these rights. Without the proper protection of these right, they might fall in danger of health issue and that can harm them and, they will face fatal diseases and these diseases can cause them to die earlier in the age. Though the protection and shelter and food and nutrition are not a part of right to life according to the Constitution of Bangladesh but not ensuring these rights will face the street children to death and it is a violation of their right to life.

2.7 Legal Framework and Policies: The protection and care of street children is a complex issue that requires a comprehensive and multi-sectoral approach. In order to address the challenges faced by street children, many countries have developed legal frameworks and policies that aim to promote their rights and well-being. In Bangladesh, several legal frameworks and policies have been developed to protect the rights of street children. But still there are a lot of street children being around the whole country specially in the capital Dhaka city. Dhaka city is densely populated city and there are millions of people who is living in slum in Dhaka city. As we got know earlier that street children can be various type of like the children who is living in slum but stay all day to night on street for begging money or selling something to earn money. They have parents and other family members on the other hand there are a lot of street children who sleep on the street footpath in night, they do not have any destination to go and among them some of the children have parents and others have not. The legal framework and policies for street children in Bangladesh is based on book and laws but it is not properly applied in real life. In real life the number of street children is increasing day by and there is no such step has taken to ensure the rights of the children and give them the right to life.

The Government of Bangladesh developed several legal frameworks and policies to safeguard the rights of street children and address their difficulties. Among the most important policies and initiatives are:

The Children's Act of 2013 is one of the main legislative frameworks in Bangladesh that related to street children. This Act provides measures for the protection and care of children who are at danger of abuse, neglect, or exploitation and defines a child as anybody under the age of 18. The Act also creates a National Council for Child Welfare and Development, whose duty it is to provide guidelines and plans for the upbringing and safety of children.¹⁹

The National Children Policy 2011 states that the Bangladeshi government will work to promote and protect the rights of children. It has rules and standards for making sure that all children, including street kids, are safe, healthy, and able to grow.²⁰

The government has established several rehabilitation centres for street children where they can receive shelter, education, and vocational training (Bangladesh Shishu Academy).

¹⁹ The Children's Act, 2013

²⁰ The National Children Policy, 2011

Adopted in 2011, the National Children Policy highlights the significance of protecting the rights of all children, including street children. The policy outlines strategies to promote child welfare and combat child poverty.²¹

2.8 Conclusion: We obtain a better knowledge of the treatment of street children in Bangladesh as well as the legislative steps taken by the government to preserve the rights of these children as a result of reading this chapter. Because of the country's high population density, Bangladesh's cities and towns are home to a sizeable number of youngsters who live on the streets. On the other hand, these children frequently do not receive an appropriate level of legal protection. The number of children who are able to benefit from these programs is still rather low, despite the efforts that have been made by the government to address this problem and implement preventive measures. It brings to light the continuous difficulties associated with protecting the rights of children living on the streets, as well as the requirement for more attention and action in order to give these children with the essential assistance and legal protections to which they are entitled to.

²¹ ibid

Chapter 3: Street Children Rights in International Context

3.1 Introduction: The most vulnerable members of society are street kids, who deal with a variety of issues like deprivation, abuse, neglect, and prejudice. Street children represent a serious problem in many nations, and their rights are frequently abused or badly protected. As a result, ongoing efforts to protect and advance the rights of street children are required, including the provision of essential services and support, advocacy for their rights, and the adoption of legislation and policies that try to address the problem's underlying causes. In this chapter I will be discussing that how the international organization and individual countries are protecting the rights to life of street children.

3.2 International Framework for protecting Rights of Street Children: The rights of children living on the streets are protected by several international agreements, one of which being the Convention on the Rights of the Child (CRC), which is the human rights treaty that has the highest number of countries who have signed it. The Convention on the Rights of the Child defines a child as any human being who has not yet reached the age of 18, and it specifies several rights that are applicable to all children, including those living on the street. According to Article 6 of the CRC, every child has a fundamental right to life, and governments are responsible to guarantee that children survive and grow to their full potential in accordance with this provision.²² Children have the right to be protected from all types of violence, abuse, and neglect, as recognized in Article 19 of the CRC.²³ Children also have the right to be protected from economic exploitation and harmful labor, as recognized in Article 32 of the Convention.²⁴ The United Nation Convention in the Rights of the Child deals with the rights of child and it has four principles to protect the right of the child and those are Non-Discrimination, Best interest of the children, the right to survival and development, the views of the child. The CRC consists of 54 articles that detail various kinds of children's rights as well as the actions that governments should take to ensure that children have access to these rights.²⁵ But this Convention is not about the Street Children where the street children is the

²² Article 6, Convention on the Rights of the Child, 1989

²³ Article 19, Convention on the Rights of the Child, 1989

²⁴ Article 32, Convention on the Rights of the Child, 1989

²⁵ 'Save the Children – UNCRC' < <https://www.savethechildren.org.uk/> > accessed 20 April, 2023

majority part of population where their rights have been violated in every moment. "Why the Convention is not about street children" in the book "Revisiting Children Rights: 10 years of the UN Convention on the Rights of the Child," Judith Ennew highlights that the CRC does not explicitly mention street children. Therefore, it is the responsibility of governments and service providers to ensure that street children are provided for, protected, and given opportunities to participate.²⁶ So, from this we get to know that CRC is not considering carefully for the street children.

An update on international and regional legal frameworks relevant to street children is available in Global Child Protection Service by UNICEF and which includes international standards on alternative care and justice as well as instrument concerned with child labour and trafficking.²⁷ And this protection committee has recommended that on the CRC develops as a general comment on the principle of the of UNCRC that is "Non-discrimination and Street Children" in order to provide more protection for the street children.

The prominent case of *Villagran-Morales v. Guatemala*²⁸ is the first case in the history of the Inter American Court in which the victims of human rights violations were children. Before this case, there had been no other cases related to street children that were filed before international adjudicatory body. This case is also the first case in which street children were the victims of human rights violations and also the violation of right to life. In this case The IACHR submitted the case to the Inter-American Court of Human Rights, which found that the State Guatemala was responsible for the children's deaths and highlighted how important it is to have the right to life, as stated in the American Convention on Human Rights (ACHR). The Court said that the right to life includes not only the right to not have your life taken away for no reason, but also the right to have the things you need to live a decent life. The Court found that the rights to personal freedom and dignity, as well as the Inter-American Convention to Prevent and Punish Torture, had been broken. The Court also said that the State had not done what it was supposed to do to protect children whose rights were being threatened or abused.

3.3 Rights Protection by Several Countries: Though following and signed the UNCRC every nation has their own steps and order to insure the rights of the street children. Some of the

²⁶ Sarah Thomas De benitez, 'State of the World's Street Children: Research' (2011) 54 <<https://www.streetchildren.org/resources/state-of-the-worlds-street-children-research/>> accessed 20 April, 2023

²⁷ 'Child Protection-UNICEF' <<https://www.unicef.org/child-protection>> accessed 20 April, 2023

²⁸ *Villagran-Morales v. Guatemala*, 1999

nations are still unable to ensure the right protection of the street children but many of the rest are doing well in protecting the rights of street children. The protection of rights of street children and the way of regulation to protect the right varies country to country. But their motto is same that is the protection the right of street children. As an example, I am discussing about the procedures of some of the countries that how they protect the rights of street children below.

Since the beginning of the 1990s, for example the authorities in Russia have signed more than 140 laws and acts that are important to the subject at issue. The law of Russia with the prevention of children living on the streets has been brought into agreement with the European Convention on Human Rights and has provided the foundation for a legal framework for the protection of children.²⁹

In the United States, the rights of children living on the streets are protected by a number of laws and regulations at the federal and state levels. However, the protections and support provided to children living on the street might differ from one state or municipality to another. In addition to this there are lots of organization who work as non-governmental groups, like Covenant House and Standup for Kids, fight to protect the rights of street children in the United States in addition to legal protections. In addition to offering homeless kids assistance like food, shelter, clothes, and healthcare, these groups also seek to promote laws that uphold and defend their legal rights. So, in conclusion, we can say although the particular protection for street children in the US may differ by state or location, there are federal and state laws and regulations in place to protect their rights, as well as non-governmental groups that provide support and promotion.

There are an extensive number of children living on the streets in India, and the country's laws and policies acknowledge the need of providing for their rights and protecting them. The Constitution of India provides all children, even those living on the streets, with certain rights, including the right to an education, the right to health care, and protection from exploitation and abuse. The Right to Education Act of 2009 specifies that all children between the ages of 6 and 14 must get an education that is both free and publicly funded. The purpose of the Juvenile Justice (Care and Protection of Children) Act, which was passed in 2015, is to protect children who are in need of care and protection, including children who are living on the streets,

²⁹ Balachova T., B. Bonner, and S. Levy (2009) 'Street Children in Russia: steps to prevention', International Journal of Social Welfare, 18: 27-44 <<https://onlinelibrary.wiley.com/doi/full/10.1111/j.1468-2397.2008.00573.x>> accessed 21 April, 2023

by establishing a comprehensive legal framework for their rehabilitation and their reintegration into society.³⁰

In addition, there are a number of non-governmental groups in India that are working towards the safety and well-being of children who live on the streets. Children who are living on the streets may get a safe place to live, medical treatment, an education, the opportunity to learn a trade, as well as legal help from organizations such as the Salaam Baalak Trust and Butterflies.

3.4 Conclusion: The protection of rights to life of street children is not an easy-going step that we have discussed earlier. From this chapter we can see the UNCRC are taking some initiative steps to protect the legal right also the different countries are taking different type of steps to protect the right of street children. Some of the nations are not taking steps through governmental process but the NGOs in those nation are trying to take necessary steps to prevent the violation of street children right to life.

³⁰ 'Right to Education Act 2009' (*Care India*, 2009) <<https://www.careindia.org/blog/right-to-education-act-2009/#:~:text=The%20Parliament%20of%20India%20enacted,6%20years%20to%2014%20years.>> accessed 22 April 2023

Chapter 4: Analysis of Bangladesh and International framework to protect Rights to Life of Street Children

4.1 Introduction: One of the most vulnerable groups in Bangladeshi society, street children struggle with a variety of issues include poverty, a lack of access to social services, healthcare, and education, as well as experiencing abuse and violence. The Bangladeshi government has made a number of actions to protect the rights of street children, such as passing laws and policies for their welfare. However, a comparison with foreign initiatives to safeguard street children's rights to life indicates areas where Bangladesh could improve its efforts to defend the rights of this vulnerable population. In order to identify areas for improvement and possible solutions to the problems encountered by street children in Bangladesh, this chapter will examine the measures taken by Bangladesh to safeguard the rights of street children and compare them to worldwide initiatives.

4.2 Current Condition of Street Children in Bangladesh: Poverty and hunger are the main factors that have led 38% of the street children of the country to leave their families and live on the streets, according to the Survey of Street Children 2022 by the Bangladesh Bureau of Statistics.³¹

According to the survey of Bangladesh Bureau of Statistics, 22.7% of street children live in the Dhaka South City Corporation.³² In the Dhaka North City Corporation, 18.3% of street children live. With 17.5%, the area around the Chattogram City Corporation had the third biggest number of street children.³³ About 82% of street children are boys, while only 18% are girls. 54% of them are between the ages of 10 and 14.³⁴

The survey found that about 20% of street children collect trash, and 18% beg or help others to beg³⁵. Also, more than 15% of them work in shops, restaurants, and tea stalls. More than half 53% of street children said they got sick during the time of survey which ensures that they

³¹ 'Poverty behind 38% street children in the country: BBS survey' (*The Business Standards*, 10 April 2023) <<https://www.tbsnews.net/bangladesh/poverty-behind-38-street-children-country-bbs-survey-614494>> accessed 24 April 2023

³² *ibid*

³³ *ibid*

³⁴ *ibid*

³⁵ *ibid*

are having vulnerable health conditions. Most of the street children got fever 17%, a cough 41%, a headache 23%, or a disease spread by water 19%.³⁶

It also confirmed that kids who live on the street children choose dangerous and addicting habits at a young age. About 24% of the people who answered said that they smoke, and 12% said that they use drugs.³⁷

4.3 Legal Framework: Bangladesh has passed two significant pieces of legislation to protect the rights of children, including those children who are forced to live on the streets, including the Children Act and the National Children Policy. The Children Act was initially passed into law in 2013³⁸, and it has been subject to a number of different amendments since then. Children receive legal protection against a number of forms of mistreatment, including abuse, neglect, and exploitation. The National Children Policy of Bangladesh, which went into effect in 2011, is a comprehensive policy that was created with the intention of ensuring the safety, well-being, and growth of every child in the country.

In part of international Bangladesh is a member to the United Nations Convention on the Rights of the Child (UNCRC), which gives children a wide range of rights. The convention says that everyone has the right to life, safety from abuse and exploitation, access to health care, education, and a decent standard of living. The Convention places a particular emphasis on the right of children to receive healthcare, including access to quality healthcare services without being subjected to discrimination of any kind. It is of the utmost importance to ensure that children living on the streets have access to medical care because they are frequently put in situations that put their health at risk, including being deprived of food, suffering from respiratory illnesses, and abusing substances. As a result, it is essential for Bangladesh to make it a priority to provide medical assistance to children living on the streets and to remove the obstacles that stand in the way of these children receiving medical attention.

We concluded that Bangladesh's street children received no particular care after analysing all national and international instruments. The environment on children's streets is harmful and dangerous. Street children subsequently experienced a variety of issues including human rights violations. Although Bangladesh has passed laws and policies to protect the rights of children, including children living on the streets, it is essential that these laws and policies be effectively

³⁶ *ibid*

³⁷ *ibid*

³⁸ The Children's Act, 2013

implemented in order to guarantee that children's rights are effectively protected. The implementation of laws and policies in Bangladesh that are intended to protect the rights of street children could be improved with the assistance of international efforts such as the United Nations Convention on the Rights of the Child. These efforts could provide Bangladesh with guidance and support.

4.4 Types of violation of Rights of Street Children: The Children living on the streets in Bangladesh come across a number of obstacles when attempting to get essential services such as education, medical treatment, and a safe place to live. The Integrated Child Protection Scheme is one of the initiatives that the government has put into place to help offer fundamental services to children living on the streets. However, these organizations often fall short of their goal of reaching every kid living on the street. It is the goal of international initiatives such as the Sustainable Development Goals (SDGs) to guarantee that all people, including children living on the streets, have access to essential services.

4.5 Protection from Violence: The problem of protecting children living on the streets from assault is not unique to Bangladesh; rather, it is widespread in a great number of countries across the globe. Children living on the streets are particularly vulnerable to being abused and exposed to acts of violence, with many of them experiencing both physical and sexual assault. The government of Bangladesh has taken a number of steps to safeguard children living on the streets from being subjected to violent acts.

However, more has to be done to guarantee that children living on the streets are effectively protected from the threat of physical assault. When it comes to resolving this problem, nations like Bangladesh may benefit from the direction and assistance provided by international initiatives. One such attempt is the United Nations Guidelines for the Alternative Care of Children, which was created with the intention of protecting all children, including those living on the streets, from being subjected to acts of violence and abuse.

According to the Guidelines, children who are unable to remain with their families should be given consideration for placement in alternative care settings wherever possible. These settings include care provided by relatives or the community. The Guidelines place a strong emphasis on the need of ensuring that children who are placed in alternative care settings are safe from acts of violence and abuse and have access to healthcare and education that is suitable for them.

There is a pressing need in Bangladesh to enhance the protections that are already in place to protect children living on the streets from physical and emotional abuse. This may be achieved

by the effective implementation of regulations and laws that protect the rights of children, particularly the rights of children living on the street, and through the provision of appropriate services, such as education and medical care. It is also necessary for children who are living on the streets to participate in the decision-making processes that influence their life. This will guarantee that the children's views are heard and that their rights are protected.

In conclusion, the protection of children living on the streets from acts of violence and abuse is an important problem that calls for joint efforts from a variety of groups on both the national and international levels. The United Nations Guidelines for the Alternative Care of Children provide a framework that may be used to ensure the safety of all children, including those living on the streets, from acts of violence and abuse. Countries such as Bangladesh stand to gain from the direction and assistance offered by international initiatives aimed at resolving this problem and ensuring that children living on the streets are effectively protected from physical and sexual abuse.

4.6 Conclusion: In conclusion, the study of the legal framework for protecting the rights to life of street children in Bangladesh shows the progress achievement by the government in implementing laws and policies to protect these vulnerable children. These children are the focus of the analysis because they are the most vulnerable. Nevertheless, in spite of all of these efforts, it will be difficult to effectively apply and enforce these regulations in the future. A comparison with international standards, particularly the United Nations Convention on the Rights of the Child and the United Nations Guidelines for the Alternative Care of Children, reveals that there is still a significant amount of work to be done in order to guarantee that the rights of children living on the streets are successfully protected.

Chapter 5: Conclusion

As my research question for this thesis is “How effective is the current legal framework in Bangladesh in protecting the rights to life of street children?” In conclusion, this analysis of the legal framework for protecting the rights to life of street children in Bangladesh has identified several important findings, made recommendations for improvement, and drawn conclusions about the current situation.

5.1 Findings: From this research I have founded some points to show after the finishing of the research:

1. Laws including the Children Act of 2013 and the National Child Policy of 2011 offer a strong foundation for the protection of children's rights in Bangladesh, particularly those of street children.
2. The street children are being increased day by day in the cities which is a threat for the society as they are not able to lead a good life.
3. The necessities food, health, shelter is also related to the right to life street in a manner on sense.
4. Despite the presence of broad laws, there is a gap between the law and its efficient application, which makes it difficult to protect the rights to life of street children.
5. The efficient implementation of legal laws is hampered by the lack of knowledge and comprehension among law enforcement authorities, judicial bodies about the particular requirements and vulnerabilities of street children.
6. The inability of social welfare programs and child protection organizations to adequately help street children by offering them food, housing, and medical treatment is a result of a lack of funding.
7. Street children are denied access to fundamental rights including education, healthcare, and safety from abuse and exploitation due to social stigma and discrimination.
8. It is challenging to adequately gauge the scope of the issue and develop focused responses since there is no comprehensive national database or register system for street children.

9. In order to establish an all-encompassing and comprehensive strategy to preserving the rights of street children, coordination and collaboration between various government ministries, NGOs, and civil society groups must be improved.
10. The prevention of abuse, exploitation, and violence against street children is not effectively addressed.

These findings show the strengths and weaknesses of the legal system for protecting the right to life of street children in Bangladesh.

5.2 Recommendations: Several recommendations have been made in order to enhance the legal framework already in place in Bangladesh to defend the rights of children living on the streets to their lives.

1. **Strengthen Implementation and Enforcement:** Make sure that current laws and policies are implemented and enforced well by making it easier for government offices, law enforcement agencies, and judiciary bodies to work together.
2. **Increase Awareness and Training:** Run full training programs for law enforcement and social workers to help them learn more about the needs and risks of street children and their right to life.
3. **Define and Recognize Street Children:** Create a clear and inclusive description of street children within the legal framework, taking into account their different backgrounds and situations, so that specific remedies and help can be given.
4. **Give Street Children Enough Resources:** Give more money to child safety agencies and social welfare programs so that street children can get the services they need, such as health care, food, and a place to live.
5. **Strengthen data collection and monitoring:** Set up a national database or registration system to correctly count the number of street children and figure out what they need. This will allow policymakers to make decisions based on facts and help children in specific ways.
6. **Access to Legal Aid:** Make it easier for street children to get legal aid, so they can seek justice and safety from violence, exploitation, and abuse.
7. **International cooperation and learning:** Work with international organizations, funding agencies, and development partners to learn from successful methods and best practices for protecting the rights of street children around the world and adapt them to the situation in Bangladesh.

These recommendations are meant to fix the problems and gaps in Bangladesh's law system that make it hard to protect the right to life of street children. Implementing these steps will help build a stronger and more effective law system that protects and promotes the rights and well-being of street children.

5.3 Conclusion: In conclusion, it is evident that more work has to be done to make sure Bangladesh's street children get proper protection. A foundation for ensuring the protection of street children's rights is provided by international norms like the United Nations Convention on the Rights of the Child and the UN Guidelines for the Alternative Care of Children. However, the Bangladeshi government will need to show more political commitment and determination in order to execute these criteria effectively. We can work toward developing a stronger legal framework that effectively protects the rights of street children in Bangladesh by addressing these issues and putting the suggestions indicated in this research into practice.

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