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Use of children in politics: A legal and practical analysis in the context of Bangladesh

Mohammad Torique Ullah

Advocate, LLB (honours), LLM, University of Chittagong, Dhaka Judge Court, Bangladesh

Abstract

Children are the future leader and asset of a country. Today's children are the fathers of tomorrow. To build up a nation children's appropriate growth is must. They have right to be loved, cherished, educated, nourished, clothed, pampered and fostered as children when they are children. But, unfortunately children are the most vulnerable group in our society. As a developing country and because of political instability in Bangladesh, Children's are being affected. The article is aimed to reveal the current situation of child use in politics in Bangladesh. The study will try to evaluate about the use of child in politics of our country. This article is tried to find out about current tendency of using children in politics, existing domestic and international laws, the enforcement of laws, identify the main problems regarding issue and suggestions to recover the problem. It also tries to deliver some suggestions to take proper footstep and to prevent use of child in politics. Although recently passed Act provides many provisions on the concern relating the children, direct involvement of children in the politics is not mentioned or defined within any Act. Here I have tried my best in this regard to do find out reality and hope that these will be able to draw attention of the authority. However it is also expected that the finding of study will also be useful for taking needy measure to save the children from being used in politics and future enactment and enforcement of laws of the state will be more concern about this subject.

Keywords: children, politics, participation, reasons, protection

Introduction

Children are considered vulnerable in any society and they need special care and protection^[1]. Use in political purposes is also increasing at an alarming rate. The misuse of children for political purposes is linked mainly to the both century and mass political parties and movements such as communism and fascism. Children and young people are the main tools in the hands of political leaders in both national and religious movements, especially in developing country like Bangladesh^[2]. There are more than 57 million children in Bangladesh^[3]. This figure signifies that the number of children in Bangladesh is greater than the entire population of the United Kingdom. Alarmed at the overwhelming participation of children in recent political demonstrations in the country. Political parties engage children and women at the forefront of its procession, rally, road blockade, attacks on cops and minor communities, picketing during strike and other offences such as human shield at different times^[4]. Although, legal frame work relating to protection is available in domestic and international arena. Fact finding, impact, legal measures to protect, everything is most important on that context. Social concern, political behavior, relations activities, constructive legal framework and enforcements are also relating to control it. From every concern we should be serious to protect it. Not only govt. but NGO's or civil society also should have concern on this matter. Otherwise, it would be most serious phenomena for the nation and which will play as key to dissolve

the backbone of nation. Reorganization of child rights entails responsibility on parents, communities, the state a children themselves^[5].

Who are children?

According to the dictionary meaning, a child is a human between the stages of birth and puberty. The legal definition of child generally refers to a minor, otherwise known as a person younger than the age of majority. But the definition of child or children is not uniform in the laws of Bangladesh. Different laws have defined children in different ways.

The United Nations Convention on the Rights of children (CRC), to which Bangladesh is a party, defines, child as any person under the age of 18 years. The ILO convention on the worst forms of Child Labour, 1999 (No 182) also accepted this definition^[6]. But according to the Children Act 2013, Bangladesh, a Child means a person under the age of 18 years and when used with reference to a child sent to a certified institute or approve home or committed by a Court to the custody of a relative or other fit person means that child during the whole period of his detention not withstanding that he may have attained the age of sixteen years during that period. This definition defines Childs in two contexts. In general contexts, a child is a person under the age of

¹ Abdullah, Faruque Al (2012)-International human Rights Law: Protection mechanisms and contemporary issues, new warsi Book Corporation, page-231

² <http://archive.newagebd.net/4917/children-are-often-being-used-for-political-purposes-causing-serious-harm-to-them-what-steps-should-be-taken-to-keep-children-out-of-politics/>

³ Ibid

⁴ <http://www.thedailystar.net/newspaper?date=2013-05-04>

⁵ Abdullah, Faruque Al (2012) International human Rights Law: Protection mechanisms and contemporary issues, new warsi Book Corporation, page-231

⁶ www.unicef.org/cvc/

eighteen years ^[7]. In another context, if a child (a person under the age of sixteen) is sent to a certified institute or approved home or committed by a Court to the custody of a relative or other fit person, he would be regarded as a child during the whole period of his detention even if he attains the age of eighteen years during the said detention.

However, most surprisingly, there is different explanation about the age limit of a child. For example, according to the Child Marriage Restraint Act, 1929, in case of male, a Child means a person less than 21 years and in case of female a Child refers a person less than 18 years. Again, Women and Child Repression Act, 2000, Persons under the age of 16 years are called child ^[8].

An updated children act was urged by the legal experts and NGOs for long time. Finally final approval for children act-2013 has been given by cabinet. According to the children act 1974 the limit of juvenile is 16. Interestingly, in Bangladesh there are number of laws which defined a child. These laws are conflicting regarding the age of children. Some defined a child as a person below 12 years, other state below 14 years and some defined them as a person below 18 years of age. The United Nations convention on the rights of the child defined child as any person under the age of 18 years. Now the children act 2013 age of 18 would be regarded as children.

It is another matter of wonder that there is no well-established mechanism in our country to determine the age. In the absence of birth registration practice, the judges and magistrates have to depend on mere speculation or medical certificate which cannot give the exact age of children.

What is use of children in politics?

Abuse of children occur when people is misleading or misusing or showing no concern for child's integrity or inner worth as individuals in a manner that degrades their well being. Mainly political parties try to get benefit by using children in their political purpose. In our country, political activities are mostly movement based and the young generation is considered as vital weapons for achieving political gain. Both direct and indirect way of using children are available, whereas, most of amount of children can't understanding their policy and majority part use as a result of eye wash that means brain wash policy of political parties, recently, Jammat-shibir engaged children and women at the forefront of its activities while gunojagoran mancha held rallies at Rayerbazar Martyred intellectual memorial February 23 (2013), and at the capital's out skirts Ashulia on march 15. Many children were seen joining the rallies with different groups and processions under the banners of different Thana and ward units of Awami league, Juba league and Chhatra-league ^[9]. Apart from Islamic organizations, children are used in other program of different other political parties and organization as well. Children are being used in mainly rallies, political gathering, during strike they are used for picketing, breaking cars, setting fire on cars or even for hurling bombs. These illegal activities are totally against the children rights and violation of human rights. This cause serious harm to them, sometimes it becomes the cause of their premature death. Sometimes they fall victim to serious injuries and lose limbs.

Children as subject in politics

Politics relating to children means negative use of children on political purpose. Politics does not mean to give vote rather use as a tools of movement. The UN convection on the right of the child (CRC) describes child rights in its provisions. Article 12-10 of the CRC thus speaks of assuring the child who is capable of forming his or her own view the right to express those views freely in matters officiating the child; in Article 13 freedom of expression; In article 14 freedom of thought, conscience or religion, in Article 15 freedom of association and peaceful assembly, and in Article 16 right to privacy ^[10]. Those Articles giving rights to the child but there are a number of limitations and direct involvement in political activities is behind of imagination but this is occurred in our society and direct violation of CRC of UN. The child is simply politically immature.

Children as a targeted object of politics

There are obvious political initiatives, which directly target children and childhood. Children have always assumed a particular part namely that of being raw material for the production of an adult political activist. This is targeted object why we incessantly talk about them as our future or as the next generation. This way of talking gives an inevitable suspicion that children are not our main target but merely an instrument for various purposes ^[11]. In our country children from educational institutions are main targeted point of political parties. Actually, ideology based political parties does it? A recent survey of nine police stations revealed that approximately 50000 children were liable to arrest every year. Around 3000 of them were likely to end up in jails and 500 per year were admitted to the care of child development centers. Many poor children were exposed to street violence, when they were picked up by police from political demonstrations have been deprived of liberty and devised protective care and development as guaranteed by the law.

Types of use of children

Physical use

Children direct involvement in political activities, where children are considered main tools of political parties and definitely, this form of use increase rapidly more than others. In our country one report shows that 414 children were killed in 2012 in different violent incidents including political violence ^[12]. Recent political profile shows the real image of physical use/involvement of children in politics. Misleading by brainwash is the main factor here every party try to do it by use own political there.

Emotional use

Applying their sentimental theory, the political parties draw the attention of child and encourage them to involve in political activities. Used sentimental issues of politics by sentimental theory child become serious one and his activities for the party also become toots for the party. The issue of emotionally use of children's in politics recently come into light following the overwhelming presence of madrasa students at Hafazat-E-Islam's Dhaka siege programmed on may 5, 2013 and a political rally in Motijheel on the same day ^[13]. All political parties are in country

⁷ The Child Act 2013

⁸ Women and Child Repression Act, 2000(Amendment 2003).

⁹ <http://www.thedailystar.net/newspaper?date=2013-05-04>

¹⁰ The convention on the rights of children, Article 10-16.

¹¹ Lasch, Christopher (1992), Hilary Clinton, child saver, Harpers magazine, October, pp.74-82.

¹² <http://archive.dhakatribune.com/epaper/2013/dec/25>

¹³ www.bdnews24.com, 2013-05-22.

using children for political purposes. Use of children in political demonstrations put them at risk of physical and mental violence and injury.

Negligence

Neglect or negligence in use one of the foremost factor. It means the failure to provide for the children's basic needs. It can be physical, educational or emotional.

Use as an instrumental objects of politics

The direct participation of child in the politics is considered as most dangerous to society. children are used as weapons of political parties there are many reasons for using children as instrumental object of politics:

1. In case of poverty they are used in exchange of money.
2. They don't care about life, earn money is main purpose to survive them.
3. Most of them are unaware about the political situation, they are misguided mostly.
4. Political parties/groups used children as a sentimental issue and children become here sentimental weapons.

Present condition of use of children in politics in Bangladesh Current situation of use of children in politics at national Level

Use of children in Bangladesh, especially by the political parties in political activities, has become most vulnerable one to the nation. In recent statistics, it's become a phenomenon; children can easily be misguided in committing crimes because they are the weakest part of the society. Children are used by every political party of Bangladesh. From the national child labor survey, conducted by the Bangladesh bureau of statistics with assistance from ILO-IPEC, we see that the total child in Bangladesh at 5-17 years is found to be 42.4 million where 54 percent are boys and 46 percent are girls^[14]. Again, of the total population, 32 percent is child. According to statistics, 75 percent of the children are attending school full-time whether part-time attendance is about 3 percent. One of the reasons of not going to school is inability to bear the educational expenses which is true for 18 percent of children who are mostly involved in child labor and other activities. This majority percent is matter of questions^[15]. Another statistics shows that at least 45% of our total population is children and among them, around 400000 children are involved in labour based activities. Another point is that, a huge amount of children who are dropping out from school also involved in many unsocial illegal activities^[16]. Only 60% of children complete primary education in Bangladesh^[17]. Another data shows only 40% somehow cross the primary stage of education^[18]. Majority percent of orphanage children Admitted to madrasa and here they are used by the madnasha's misleading activities. Children face various abuses at madrasas and orphanage house^[19]. A large number of children work or do any activities in exchange of money and this group is the targeted

weapons of political parties. The economists reported Bangladesh spends a little more than most low income countries on helping poor. About 12% of public spending (1.8% of GDP) goes on social safety-nets to protect the poorest, food for work^[20]. So, politics going on route the vote. When people remain unsecured, especially economic security, then any kinds of violation can be done by them and children are also become part of this puzzle.

As many as 37 children killed in political violence last year (2013) in Bangladesh raising concern among the rights activists as the children are being used as tool in political programmed^[21]. The chattrra league (student wing of the ruling party) members often tease school going girls but people remain silent because of their political influence. They are teenagers' activist of the party^[22]. The national children's policy 2011 stipulates children cannot be used in political activities; neither could they be leased non-consulted to be involved in such activities^[23]. Every political party should try to solve problems and young people need to be empowered to become leaders and bring out positive changes in our country.

Reasons behind use of children

There are several reasons of child use in politics which are as follows:

1. **Poverty:** It is said that children are mainly used in political purpose taking the advantage of their poverty. In a survey done by human development research centre, it is found that parent or adult member's income was not enough to meet household basic needs, such as, food, house rent and clothing. Specifically, income of children appeared to be essential in female-headed household. Moreover, a family where father can't earn enough due to illness compels children to engage to work, no matter how tender the age of child is. As a result, money earning become the supreme activity of children for supporting the family. So, they involve in many illegal activities, like political violation.
2. **Ignorance:** One of the most important causes of child use in politics is ignorance. Sometimes one, who uses children, does not even aware of his/her crime.
3. **Religious misinterpretations and obligations:** It is most vulnerable and considerable factor which encourages children involvement in politics. In Bangladesh it is common tendency to every categories people to engage in politics or exercise political ideology among them and they are religiously soft minded but majority percent doesn't hold knowledge on religious matter. On the other hand, deprived group of people in society generally send their children to religious based educational institutions because of low cost or without cost. As a result, authority of the institution try to misuse this weakness and mainly hostel based institution always does it. Many madrasa, private school and college engaged in such heinous political activities and used their children students mostly. Even, many institutions also establish on the basis of that purposes that means their

¹⁴ www.indexmundi.com>home>factbook>countries>Bangladesh/

¹⁵ www.unicef.org/infoboycountry/bd.

¹⁶ http://archive.dhakatribune.com/epaper/2013/oct/11

¹⁷ https://www.economist.com/news/briefing/21565617-bangladesh-has-dysfunctional-politics-and-stunted-private-sector-yet-it-has-been-surprisingly

¹⁸ The daily star, Sunday, June 16, 2013.

¹⁹ www.bdnews24.com,2013-05-22, 13:48:32

²⁰ Bangladesh and development, the path through the fields, the economist, Nov 3rd, 2012

²¹ www.nextnewsbd.com, 19 March 2014, 21.43.

²² www.dhakatribune.com/politics/2013/oct/11/call-stop-use-children-politics Strash. 31IP3ZQG. dpuf

²³ http://archive.newagebd.net/date/2014/04/22/

purposes are not education only but politics through education.

4. **Irresponsible parents:** Sometimes parents cause use of child in politics. Most of the parents are illiterate in our country. They don't have proper knowledge on the political activities or politics. Here most of them irresponsible or careless about their children. Lack of proper take care of children, especially when they sent their children to study in towns but do not take proper take care of their problems created. Most of the time parents have nothing to do on the situation because they are unable to control and protect movement of their children properly.
5. **Lack of socio-economic development:** Socio-economic condition of our country is very poor. Majority percent people have no specific profession. In village area, 60 percent people are unemployment ^[24]. Many have no jobs, most of them depend on seasonal activities but population is increasing at same rate. When they raise 10-15 then they came to town and engaged in many activities like as street children, child labour, helper, garments worker, hotel boy etc, but they gets few money, in many cases the authority paid them only food. That means they worked in exchange of food. It is a fact and targeted point of political parties. They haired such children in the day of strike or day of activities and given them few money. As a result minor gets involved in such risky activities. Therefore, socio-economic condition of the state/society is most essential for solving it.
6. **Lack of shelter and proper guidance:** All children have basic rights to protection, education, health, nutrition and hygiene. But they face different sorts of problems that hamper their survival and development. Due to lack of proper guidance they get involved in crime. They get addicted to various drugs. Some political parties take these opportunities to involve them in political violence. Especially, street children are used in violence, because they are very cheap.
7. **Tendency to get money:** Money is the main tools to control street children. When anyone offer them do something in exchange of 100 taka, certainly, they will try best to do it. For the street child money is the main thing so most of them take it professionally and they enjoy picketing at strike or any kinds of violations.
8. **Loosely tied family relation:** Family relationship or family nursing is the main thing on growth label of children. But they are looser who lost tied with family for many reasons. They have no knowledge about the danger of violence thence, they are being used in political activities such as, political possession, political assembly, meeting etc by different political parties and they become limitless because they have no direct ties to family.
9. **By forced:** By forced means using children in political purposes forcefully by the concern authority/guardian. Here many of then forced by institutional based leaders. It was noticed that children were used as human shield keeping them in front of the procession or different violence strike activities to avert police action. Definitely, they are forced by the political pressure of one group and they also hold political powers.

Impacts of use of children on children

Direct impacts

It directly affects the children. Every political activity harms them seriously. In our society, politics means conformational politics. There is no room of civil politics here. So, when children are using on direct activities of politics then overall life of children become dangerous one which impacts directly in every activities of the children.

Impact on education

Politics destroy the education basically, as the children are used by political party in the violation or political activities. When they once involved in such illegal activities, they have no way to back in normal education life.

Impact on mental/physical growth

Mental and physical growths of children are affected seriously for politics. childhood is growth level of human being. Any kind of negative activity creates serious impact on both mental and physical growth of child. Involvement in politics or use of children at this label not only negative but also vulnerable to whole nation.

Impact on legal rights

Everyone has right to live with peace. It is human rights. All international human rights instrument support and protect it. As a special part of the society children who are consider unfit to take any sound decision for them, are also protected on special category and may international legal documents developed on this regards. So, as a part of the society, they have sufficient right to perform life properly without engagement of politics and definitely, engaged children forcefully to politics is also crime. It is crystal clear violation of CRC. So, to ensure proper right of children we should detach them from nasty political activities.

Impacts of use of children on politics to society or state level

On social behavior context

Activities of the society reflect the social behavior. When activities become hostile the behavior of the society became rude. Politics plays great role on the context of social behavior which also controls the society. When political behaviors of the society use children in its activities, total social chain is dissolved automatically.

On the point of civil state

Peaceful politics and social stability are main conditions for civil state. Children are future leader of the state. They will be leader the society and represent the state. So, when misleading political culture destroys their creativity and throws them to nasty political activities, concept of civil society becomes tough.

On the education/Institutional activities

Institutional activities become questionable by political activities. Children of institution, basically residential institution, are targeted sectors of political parties. A large number of children also misguided by such groups of politics but if children joined on political movement then total education system of state also become vulnerable.

²⁴ www.Scribd.un/doc/99879915/bd.

On the state policy

On the global concept, there is no room for fundamentalism. Use of children in politics is considered as fundamentalism by western society. If any state unable to control it by proper measures; then that country detached from the global family. Which affects the total system of the state, such as political economic inter relations. For softy movement on the present world is most important for every states but one of the fault like children involvement on politics could destroy such images.

On the image of state and society

Another most vital point is that use of children in politics tarnish image of state and society. State image in the world area effected seriously by this way, foreign policy, security issues, trade policy, foreign investment, tourism activities section suffer in long run. Every activity of state policies are relating to image. When state image become dull then others deal with foreigners will lost values.

On the matter of security

Security system of the state lost chain by these children's activity. The incidents of hampering security system in metropolitan areas rose at higher stage due to involvement children in political activities. Law and security forces hesitate by the children. When law enforces agency rude to protect or combat control in field, then to take proper steps also become tough one because, Arrest and detention procedure of children simply different from others.

On the ground of rights

Many rights of both children and common people have been violated by it. It's not impacts on only the group whom one used but the whole society by the way whole state affected by it. Every right related to each other, when one right is violated then automatically others rights also become valueless or ignored. That means it impacts on chain of rights.

Present laws and enforcement of legal framework regarding against use of children in politics

Existing laws regarding Child Abuse

There are many laws which can work as the safeguard against the child abuse. Again, Bangladesh ratified many international covenants which are also working against all kinds of child abuse.

National laws

The constitution of Bangladesh

Bangladesh Constitution guaranties judicially enforceable fundamental right to all citizens including children and ensures affirmation action for children. In addition, it provides for fundamental principles of state policy which act as guiding principles for formulating national policies and laws relating to human rights of citizens ^[25].

²⁵ Article 4-25 of the constitution of Bangladesh.

²⁶ The Children Act 2013 – Brief Commentary by Hon Justice M Imman Ali (Justice at the Appellate Division of the Supreme Court of Bangladesh. I acknowledge taking assistance from an unofficial translation of the Children Act 2013. I would like to thank UNICEF, Bangladesh for making a copy of the translation available for me. I would also like to thank Dr. Ridwanul Hoque for his comments on an earlier draft of this commentary. Usual caveat applies).

The Children Act-2013

Bangladesh has enacted new legislation for the benefit of its estimated 70 million children, repealing the Children Act of 1974. The preamble to the Children Act, 2013, (henceforth referred to as 'the Act'), officially known as "Shishu Ain, 2013", states that it has been enacted for the purpose of implementing the United Nations Convention on the Rights of the Child. The Act received assent of the President was published in the official Gazette on 20 June 2013. By a subsequent Gazette notification dated 18 August 2013 the Act was made effective from 21 August 2013 ^[26]. A very encouraging provision has been inserted in the Children Act, 2013, under the new law Child Court will be set up at every district under the law. Children Welfare Funds will be constituted at the national, district and upazila levels and desk on child affairs will be formed at each police station headed by a police officer. Moreover it includes, cruelty towards the children will be punished by five years in jail and a fine of Tk 100,000, the acts of hitting, neglecting or leaving a child in an insecure condition will be deemed as 'torture'. Again, if someone forces or encourages a child to beg or leads him to do something illegal, the person will get a five-year jail term and slapped a fine of Tk 100,000. If a custodian gets intoxicated while handling a child, it will be considered a crime and that person will be sentenced to one year in jail and fined Tk 50,000. If someone uses or compels a child to carry or transport drugs or illegal contraband, he will be put behind bars for three years and fined Tk 100,000 If anyone encourages a child to gamble, that person will be jailed for up to two years and fined Tk 50,000. The Secretary of law ministry said if anyone assists a child flee his home, he will be sentenced to one year in jail and fined Tk 50,000. In the case of children in contact or in conflict with the law, the Probation Officer is to observe the conditions relating to diversion or alternative care and to carry out any other responsibilities that may be prescribed by Rules ^[27]. The provision for Probation Officers existed in the old law but the new law deals with the appointment, and responsibilities and duties of Probation Officers more elaborately ^[28]. The National Board⁵ has the responsibility to monitor, coordinate, review and evaluate the activities of the Child Development Centres and of certified institutes ^[29]. Any children disobedient towards their parents who are kept in the Child Development Centre or certified institute shall be returned to their parents or guardian immediately after the expiry of the period for which they were detained ^[30].

The Children's Rules 1976:

The children's Rules-1976 was framed for the protection of accused children.

The National child Polices 2011:

It was formulated in 2011. The principle Objectives of this policy was to amalgamate the principles of the convention on the Right of the Child with in the national development activities.

²⁷ Section 95 of the Act provides that the government may make rules for carrying out the purpose of the Act. Many of the newly introduced concepts require framing of Rules for their implementation.

²⁸ See section 5 of the Act.

²⁹ Section 7 of the Act.

³⁰ Section 100(2) of the Act

Other Relevant Laws

There are some other domestic laws which have a bearing upon the juvenile justice system. Those laws generally supplement the procedural provisions laid down in the Children Act. Of those, the most important is the Code of Criminal Procedure, 1898 (CrPC) ^[31].

Activities of the state and its different Organs

Bangladesh has signed and ratified the CRC in 1990. It has also participated in the World Summit for Children in 1990 and signed the Declaration on the Survival, Protection and Development of Children ^[32], and related Plan of Action ^[33]. These show the level of commitment of the State in protecting the rights of the children. Quickly after ratification of the CRC the Government formulated a five years ^[34], National Plan of Action for Children was established the next year for implementation of the policy. The *Suo-Moto* order ^[35], emanating from the High Court Division in 2003 embodying a seven-point direction to the Government provided a huge impetus for the development of the juvenile justice administration in the country ^[36]. In pursuance of this order the government established task forces at national, district and upazilla levels. Again in response to the increase in the number of children in various jails in 2006 and 2007 prompted the High Court Division to deliver another *Suo-Moto* Rule ^[37], on the Government requiring explanation.

Judicial Decisions

Judiciary has also become concern about child abuse recent year. One 4th March 2007, a Division Bench of the High Court Division of the Supreme Court of Bangladesh a *suo-moto* rule on the government to explain within two weeks why appropriate action would not be taken against it for keeping 461 children in Jail violating the High Court verdict delivered on April 9, 2003. Arrest and detention of Children continued in 2008, with a slight reduction in the total number of new admissions compared to higher number of releases from Jails. According to the Save the Children UK, from January to October, 2008 there work 939 new admissions in 57 Jails and some 1098 children were released from the Jails in the same period in April, the High Court issued an important judgment on children's rights in State Vs metropolitan police Commissioner, Khulna and other. In a *suo-moto* only issued following publication of a the Daily Star report on 24 April 2008, the Court directed the concerned to show cause as to why they would not be directed to explain under what authority by a criminal case had been started against a minor girl of 8 year of age and under what provision of law she was arrested and detained in custody in the District Jail, Khulna. The Court also noted the failure of the Chief Metropolitan Magistrate to take action under section 49(2) of the children Ac to place the child in a remand home on a place of safety outside of an adult Jail. Regarding the custody to the child, the court noted that as the mother herself is involved in drug trafficking and the father is

abusive to the chief, the best interest of the child may not be ensured if the child is allowed to return back to her parents.

Activities of non-state actors

The Non-State Actors working in the field chiefly comprise of various International Organizations (inter-governmental and non-governmental, e.g. UNICEF, Save the Children UK, World Vision Bangladesh etc.) and local Non Governmental Organizations (NGOs, e.g. Aparajeyo Bangladesh, BSAF, BLAST, BRPOWA etc.). Their activities consist of Advocacy, Sensitization and awareness among the stakeholders, extensive research and monitoring, providing legal aid to the children in conflict with law etc.

International Laws

International Legal Regime

The concept of juvenile justice emerged formally in Chicago, USA in 1899 with the establishment of separate juvenile court. The first international concern was expressed in 1923, when the council of Save the Children 'International Union' adopted a five point declaration of the rights of the child, known as the Declaration of Geneva, which was endorsed the following year by the fifth Assembly of the League of Nations ^[38]. The global approach underwent a vast transformation under the auspices of the United Nations. In 1948 the General Assembly adopted an instrument named Declaration of the rights of the Child ^[39].

Universal declaration in human rights

It provides safety to the children in its article 25(2), 26(1), 26(3)

Major international instruments on Juvenile Justice

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) 1985: The Beijing Rules were adopted by the United Nations General Assembly on November 29 of 1985 ^[40]. As the title conveys, it provides for certain minimum standards for the treatment of juveniles who come into conflict with law-e.g. separate and specialized system for the juveniles, use of detention as a last resort and for the shortest possible period, adequate care during detention, ensuring participation of children in the legal proceedings, having regard to the best interest of the child etc. The Beijing Rules have spelt out two important principles regarding juvenile justice ^[41]. These are - I) Promotion of the well being of the children and II) Principles of proportionality.

The Convention on the Rights of the Child (CRC) 1989: On November 20, 1989 the United Nations General Assembly unanimously adopted the Convention on the Rights of the Child. This is the first legally binding international instrument incorporating the whole range of human rights of the child ^[42]. Many of the essential principles of the 1985 Beijing Rules finds concrete expression in the Article 40 of the CRC. Moreover, Articles 37 and 40 are qualified by Article 3 of the CRC which states that in all actions, whether undertaken by public or private

³¹ Act V of 1898.

³² Available at: www.un.org/geninfo/bp/child.html

³³ Available at: www.un-documents.net/wsc-dec.htm

³⁴ 1992-1997.

³⁵ *Suo-Moto* Order No. 248 of 2003; 11 BLT (HCD) (2003) 281.

³⁶ For the details of the seven-point directions please see, Annexure G.

³⁷ "HC rules on Govt. to explain keeping juveniles in jail violating verdict". The New Age, March 5, 2007.

³⁸ League of Nations O.J. Spe. C Sepp. 21 at 43 (1924).

³⁹ G.A. Res 1386 (XIV) of 20 November, 1959, 14 UN GAOR Supp. (No.16) at 19, U.N. Doc. A 14354 (1959).

⁴⁰ G.A. Res. 40/33, Annex, 40 UN. GAOR Supp. (No.53) at 207, U.N. Doc. A/40/53 (1985).

⁴¹ See. The Beijing Rules, Rule 5.

⁴² G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No.49) at 167, U.N. Doc. A/44/49 (1989).

social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration^[43].

United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) 1990: The Riyadh Guidelines came into being at the Eight UN Congress on the Prevention of Crime and Treatment of Offenders in 1990 and was later adopted by the General Assembly^[44]. It takes a very comprehensive and proactive approach to prevention and social reintegration, detailing social and economic strategies covering almost every area. According to the Guidelines, prevention has to focus on upgrading the quality of life and overall well-being^[45].

United Nations Rules for the Protection of Juveniles Deprived of their Liberty (JDL Rules) 1990: The JDL Rules were also given birth to in the abovementioned congress of the United Nations and later on adopted by the General Assembly^[46]. The JDL Rules establishes comprehensive and detailed minimum standards accepted by the United Nations for the protection of juveniles deprived of their liberty in all forms, consistent with the human rights and fundamental freedoms, and with a view to counteracting the detrimental effects of all types of detention and to fostering integration in society^[47].

United Nations Convention on the Right of the child 1989:

The objection of this convention is to guarantee civil, political, economic, social and cultural right of children Bangladesh became a signatory of this convention in the early 1990's with reservations that it explains are to articles that contravene Muslim law on which are already in the national statutes.

Other International Instruments

Apart from the abovementioned following are various other international legal instruments that have relevance in the matter of dealing with children in conflict with law:

- Universal Declaration of Human Rights^[48].
- International Covenant on Civil and Political Rights (ICCPR)^[49].
- UN Convention against Torture and Other cruel, Inhuman or Degrading Treatment of Punishment (CAT)^[50].
- UN Guidelines for Action on Children in the Criminal Justice System^[51].
- UN Standard Minimum Rules for Non-custodial Measures (Tokyo Rules)^[52].
- UN Code of Conduct for Law Enforcement Officials^[53].
- UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment^[54]; and
- UN Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters^[55].

Obligation to combat Use of children in politics

International obligations

Bangladesh ratified many international legal instruments relating to protection of child rights. The convention on the rights of the child (CRC) 1989, universal declaration of human rights, and international consonant on civil political rights (ICCPR) are ratified by Bangladesh. So, it's compulsory to Bangladesh to protect children best care and Bangladesh has right to take all opportunities from international community. All kinds of support are given to Bangladesh by international community to ensure child right at national level.

Obligations for Bangladesh

Effective enforcement of laws

Laws are available but enforcement is matter of question. Without effective enforcement of law the protection and prevention of such heinous illegal activities political parties can't be stopped. For that reasons proper enforcement of laws must be ensured first then consider others activities. It is most vital obligations for Bangladesh to ensure proper measurement on the ground of preventing use of children in politics.

Constructive effective legal framework

Nature of crimes also differs time to time. Many laws one available but enforcement of such laws become tough and time costly. Therefore, constructive effective legal framework is essential, by which state would able to ensure right of children and proper judgment will be given against misleading parties within short time. Consequently, such illegal activities will remain under control.

Enchanting protective/Preventive measures

Protection is much important to prevent. Many tactics and plan can be initiated for such protection when nature of crimes is changing then timely procedure of protecting measures should update. Because, most of the children are used in a result of situation or lack of proper guiding political parties try to catch such situation and obliged to children to do such activities. As a result, crime is not presented. Therefore, appropriate timely protective measure can be one of the great weapons against such criminal activity.

Suggestions

To stop misuse of child government along with law enforcing authority, NGOs, people from all walks of life, children parents must come forward together. However, some suggestions we can describe such as follows;

⁴³ Khair, Sumaiya, "Juvenile Justice Administration and Correctional Services in Bangladesh: A Critical Review", Journal of the Faculty of Law, The Dhaka University Studies, Part-F, Vol., XVI (2), pp. 2-3.

⁴⁴ G.A. res. 45/112, annex, 45 U.N. GAOR Supp. (No. 49A) at 201, U.N. Doc. A/45/49 (1990).

⁴⁵ Bangladesh, Save the Children UK, Dhaka, (2008), P.10.

⁴⁶ G.A. res. 45/113, annex, 45 U.N. GAOR Supp. (No. 49A) at 205, U.N. Doc. A/45/49 (1990).

⁴⁷ See, JDL Rules, Rule 3.

⁴⁸ Adopted and proclaimed by General Assembly Resolution 217A (III) of 10 December, 1948.

⁴⁹ Adopted by General Assembly Resolution 2200A (XXI) of 16 December, 1966.

⁵⁰ G.A. Res. 39/46, U.N. GAOR, 39th Sess., Supp. No. 51, At 197, U.N. Doc. A/39/51 (1984).

⁵¹ Recommended by the ECOSOC Resolution 1997/30 of 21 July, 1997.

⁵² Adopted by General Assembly Resolution 45/110 of 14 December, 1990.

⁵³ Adopted by General Assembly Resolution 34/169 of 17 December, 1979.

⁵⁴ Adopted by General Assembly Resolution 43/173 of 9 December, 1988.

⁵⁵ Adopted by ECOSOC Resolution 2000/14 of 27 July, 2000.

Both Governments and NGO's can introduce awareness program among the children because Children should know under the article-2 of the United Nations Convention on the Rights of the Child, 1989, they have the right not to be picked on or treated unfairly just because they are different from other children. They have to be known that as they grow up, those looking after them should respect their ability to understand and encourage them to do things for themselves under CRC. They should know that no one has the right to hurt them. Adults must protect them from violence, always or neglect and if they do get hurt, they must do something about it. They should know that they have the right to eat, adequate clothes and a roof over their head.

Parents must not use their children in politics. Parents must not abuse or beat the children cruelly or abuse them in any way, which affects them physically, psychologically or emotionally. The parents must remember that if they misuse their children they may exclude them from their adult life. Such behavior or misuse by the political party affects their child's psychological development and ability to behave normally outside their home. NGOs should organize community based councils for the protection of children in every city/town/village. They should devise a methodology to analyse the child protection system at local levels and establish a system for complaints that allows for all children to register complaints without fear or to responsible staff, national child rights representatives and/or appropriate national agencies. They should make an opportunity to give all children formal education and NGOs should take more appropriate and realistic time scale to provide the children with the necessary skills required. They should ensure children's participation in Project activities, Research, opportunity of Vocational training; motivate the children giving them right based education. It is imperative to share information, approaches and experiences with the media, different state holders. They should give guarantee of a secure future life to the children and they must ensure it. Their policy aims to develop long term plans to prevent and eliminate child labor and short term, time bound plan to rehabilitate children engaged in hazardous and worse from work and There should be established appropriate monitoring system of NGOs.

Child Protection program will prevent children from entering work by strengthening their families through creating access to income generating opportunities, and linking the children with education and vocational training opportunities. We shall work with the government and development agencies in ensuring gradual removal of children from hazardous/exploitative work. Improvement in working condition of children engaged in non-hazardous work by influencing the employers to implement Code of Conduct will be continued⁵⁶.

Implementation and reformation of laws in Bangladesh needs serious revision in relation to defining the age of children in line with the UNCRC. Children's Act 2013 can be reviewed to allow NGOs to observe the activities of board and safe homes established under this act. The government of Bangladesh should constitute a National Task Force to review progress of the implementation of the National Plan of Action to Combat Child politics. Government should ensure that the laws must be

implemented against the abusers and they will stamp out child abuse in every possible way.

The government should combine their resources with NGOs to conduct social mobilization. The term Child should refer to any person under the age of 18, within the laws and statutes of Bangladesh and there is a need for this to be widely accepted within Bangladesh.

Birth registration mechanisms should be put in place for every single individual within Bangladesh. People must not use the children for political purposes. If people know about any child abuse, he/she must inform it to the concerned authority. People must not look down upon them who are politically abused. People of all walks should raise their voice against all kinds of child abuse. People should prohibit all kinds of discrimination.

Conclusion

Bangladesh Government has already ratified the United Nations Convention on the Rights of the Child 1989, and Universal Declaration of Human Rights which works as the watchdog to protect children's right. So, it is our government's duty to prevent child abuse. For the prevention of children abuse by political parties' for their political purposes, we have many legal instruments which can be used to ensure that no more children will be abused in future. Our constitution also ensures that there will be no child abuse. So, it is high time we stopped abusing the child. Children must raise their voice too. However, use of children in political and other activities through coercion or enticement should be prohibited. In keeping with the UN convention on children's rights, adequate measures will be taken for developing their physical and mental capacity and for their nutrition and entertainment. So, we dream of a digital Bangladesh on the coming decade's free child from political use.

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27. Section 95 of the Act provides that the government may make rules for carrying out the purpose of the Act. Many of the newly introduced concepts require framing of Rules for their implementation.
28. See section 5 of the Act.
29. Section 7 of the Act.
30. Section 100(2) of the Act
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32. Available at: www.un.org/geninfo/bp/child.html
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