

**AN ASSESSMENT STUDY FOR CHILDREN AT RISK OF COMING IN CONTACT
WITH CRIMINAL ACTIVITIES**

(In 6 Divisional Cities of Bangladesh)
Bangladesh Police
Ministry of Home Affairs
May 2008

An Assessment Study for Children at Risk of Coming in Contact With Criminal
Activities (In 6 Divisional Cities of Bangladesh)

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Publication: May 2008

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Preface

The issue of children coming into contact with criminal activities is very complex and hinges upon diverse socio-economic, legal, and governance factors. In the wake of the increasing involvement of children coming into contact with criminal activities, the Ministry of Home Affairs of Bangladesh took an initiative to conduct a comprehensive study to assess the situation that makes children vulnerable to such trend. It also aimed at framing actionable recommendations so that such involvement can be prevented. In this context, the Deputy Inspector General of Police (R&MT) as Project Director on behalf of Bangladesh Police took charge of successful completion of this study. This is the report of the findings of the study.

MRC MODE Limited, an independent research organization, was selected through a competitive bidding process to carry out the study. The Ministry worked in close association with MRC MODE Limited, along with other key stakeholders such as Save the Children, UK, Aparajeyo Bangladesh, BNWLA, Bangladesh Police, the Department of Social Welfare, and the Ministry of Women and Children Affairs to ensure comprehensive data collection and timely completion of this study.

In addition to the potential and actual risk of children coming into contact with criminal activities, several other issues have been addressed in this report. Such matters are initially examined vis-à-vis the context in which children link up with criminal acts. The report also makes an assessment of the situation of children in terms of how their rights have been protected by law, the judiciary and the society as a whole.

The report presents the core findings of the study, for which data was collected from children in different localities, and also from informants who know about their whereabouts, such as the police, lawyers, adult criminals and other members of the community. Next, the report observes the features that attract children in getting involved in criminal activities and also those that make them continue such acts.

The report also reveals the gaps where the legal system, the judiciary, the education system and the society have failed to prevent children from coming into contact with criminal activities and preserve their basic rights when arrested.

Reviewing the above loopholes lets various stakeholders and policy makers come up with a set of long-term and short-term recommendations to prevent children from any further involvement in criminal activities and protect them from being treated as hardened criminals.

The Ministry of Home Affairs hopes that this study will be useful to the stakeholders and also to the policy makers and implementers.

Executive Summary

The current study assesses the phenomenon of children coming in contact with criminal activities to find out the factors that compel these children to have increased contact with criminals.

Both national and international laws proclaim child rights to be essential. However, the basic element of determining a suitable age, where 'children' must be treated as children in the eyes of the law, still continues to be sketchy even today. The existing efforts made by various government organizations relevant to the preservation of the rights of children getting involved in criminal activities, have resulted in the extension of 21 permanent posts for Probation Officers, by the Ministry of Establishment. Also notable are the implementation and series of amendments of various legislative acts and the setting up of a National Task Force including a National Plan of Action for the renewal of child rights. The work of the stakeholders includes the training of law enforcement personnel and other segments of society to demonstrate the proper treatment of children, the increase of the number of Juvenile Courts in the country from two to three, adoption of the UNICEF 'PCAR' project, reunification of displaced children with their guardians, and not to mention the laudable role of the media to instill a more human approach towards these

children at risk. According to the Department of Social Services (DSS), it is estimated that there were approximately 679,728 children lurking on the streets of Bangladesh in the year 2000. It is projected that in 2014, this number will rise to 1,144,754 and in 2024 this figure will be 1,615,330. Across the six divisional cities of Bangladesh, in January and February in 2008, a total of 319 children were confined in jails. There are three major types of institutions for children without parental care in Bangladesh, namely Orphanages and Child Development Centers, Shelters, and Safe Homes.

The background profile of the children involved in crime related activities reveals that their average age is 14.9 years. 64 per cent of the children are migrants from villages, living in the city for 5.7 years on average. 71 per cent of all such children claim to have ever attended school, while 40 per cent have received some form of training. Most of such children come from large families. Only 56 per cent have fathers heading their families, while 9 per cent of them head the family themselves. Forty five per cent of the children come from families with daily incomes of Tk.100 or less, and 13 per cent of the children come from families with daily incomes of up to Tk.50. A mere 5 per cent of the families earn above Tk.500 per day.

Influencing factors for initiation to criminal activities have been classified into five groups: familial, individual/self, peers, criminals, and society/employers. The familial factors include poverty, poor value for education, lack of proper guardianship, pressure to earn and presence of criminals in the family. These factors put the children in a vulnerable situation. At one hand they suffer from poor family condition. On the other, they see extreme disparity in the society where employers do not trust them and the society in general marginalizes them for their condition. Most of the times the peers lure the children into criminal activities. Also the criminals take the opportunity to lure the children particularly those living in street situation in exchange of food and shelter.

The top two activities that children get involved in are drug carrying and peddling (44%) and picketing (35%). The other types of crime related activities the children are involved in are theft and burglary (21%), sex trade (18%), weapons/bomb carrying (16%), hijacking/mugging (12%), trafficking (11%), etc. Eighty per cent of such children consider their activities as crimes.

The catalytic factors that retain the children's involvement in criminal activities are examined sequentially. Again similar factors such as poverty, the family, own frustration, influence of friends and lack of alternative employment opportunities overlap with the factors surrounding initial involvement. The law and the state and the judiciary play catalytic factors, once such children come in conflict with the law. The existing gaps that prevail in prevention and protection of children from criminal activities cover a wide spectrum including the family, the society, the police, the law, the judiciary and the state at large. Such gaps include the ill treatment of the law enforcers towards children and their failure to establish their proper age especially when the latter is arrested and brought to court, the lack of attention that children get at school, in coordination with their parents who never actually look into why their children are becoming involved in criminal acts, the role of the entertainment media in glamorizing crime and finally the society members

as a whole whose role should be to respect the rights of children as equals in every way. The flaws in laws and the lack of their awareness and implementation complicate the situation. Keeping children together with adult criminals, lack of adequate number of children's court, lack of probation officers for children, and above all the state's inadequacy in providing guardianship to the children, arranging proper development provision in much more improved condition than that in jails or KUKs are big gaps. Such gaps need attention for prevention of children coming in contact with crime related activities, and if they come, to protect them from being treated like adult offenders and thereby create a caring situation so that they do not hate the system. This would help prevent them from becoming hardened criminals eventually.

Some of the long-term recommendations are: a coordinated effort should be placed between the law enforcement officers, the government, NGOs and civil society members to seek more knowledge about the whereabouts and conditions of children in the target group. The age identification process of every child should be ensured, with the use of a suitable yardstick such as the presentation of valid birth certificates authenticated by shadar and upazila authorities in local hospitals, law offices, etc. Children in custody should be separated from adult criminals. Separate prison vans for children should be provided when they are taken to and from court. Devise a suitable probable census based on floating children in Bangladesh with representatives in each district to ensure this policy. The extent of political victimization that occurs towards children in the target group needs to be investigated further. The society should present adequate facilities to accommodate children ensuring their physical and mental growth with provision for food, treatment, education, skill training, recreation and social reintegration.

A few of the short-term recommendations: a mechanism needs to be devised to ensure that the police are not able to abuse their power and extort children after they are arrested. The Police Department should have a separate 'Child Support Services Department,' administered by a female official, incorporating facilities for rehabilitation of children at risk and also those currently involved in crime related activities. The laws stated in the Children Act of 1974, should be reformed, especially the regions where the action of the police in relation to the children are mentioned. Involve children in recreational activities from NGO. For example, cultural events, providing proper funding to the institutions (preferably in collaboration with the local government) that support the children in potential trouble.

Acronyms and Abbreviations of Relevant Terminologies

AB	Aparajeyo Bangladesh
AIDS	Acquired Immune Deficiency Syndrome
ARISE	Appropriate Resources for Improving Street Children's Environment
BRPOWA	Bangladesh Retired Police Officers Welfare Association
BNWLA	Bangladesh National Women Lawyers' Association
BCC	Behavior Change Communication
CDA	Unitarian Services Committee of Canada
CLJ	Children Living in Jail

CLP	Children Living with Parents
CLS	Children Living in Shelter Homes
CLWP	Children Living Without Parents
CODEC	Community Development Center
CRC	Convention on the Rights of the Child
DSS	Department for Social Services
DTF	District Task Force
FIVDB	Friends in Village Development Bangladesh
FGD	Focused Group Discussion
GO	Government Organizations
GOB	Government of Bangladesh
HIV	Human Immuno Deficiency Virus
IGA	Income Generating Activities
IGO	International Government Organizations
JJS	Jagrata Juba Shangha - Sang. Trust
KUK	Kishore/Kishori Unnayan Kendra (Adolescent Development Center)
MIS	Management Information System
NGO	Non Government Organization
NPA	National Plan of Action
PCAR	Prevention of Children at Risk
TOT	Training of Trainers
US	Union Shangstha
UTF	Upazila Task Force

CHAPTER 1 INTRODUCTION AND METHODOLOGY

1.1 Background

In Bangladesh a great many children are at risk of coming into contact with criminal activities. Children living on the streets, in squat or in low-income settlements may get involved with activities ranging from petty theft to carrying firearms. Adult criminals and organized crime syndicates also use children to carry out such acts. As a consequence of increased contact with criminal activities, children confront the law.

From various sources it has come to the knowledge of the Government that huge numbers of street children, mostly orphans have been derailed or already are at the point of derailment. If proper steps are not taken at this stage, their association with criminal activities would increasingly affect these individuals, bringing adverse consequences upon the society as a whole. Under the above circumstances, the Deputy Inspector General (RM&T) of Bangladesh Police, as Project Director implemented a project in order to identifying the process of involvement and its consequences. MRC MODE Ltd., an independent research agency, was commissioned, through a competitive bidding process, to carry out this study.

1.2 Rationale for the Study

Almost half the population of Bangladesh, one of the most densely populated countries on the global map, constitutes children. Desperate times frequently push a large number of destitute children to come into contact with criminal activities. On the one hand, these children are stigmatized by the society where moral judgments are attached to their activities thus causing further marginalization of these individuals, and leading to chances of them becoming hardened criminals like adults.

On the other hand, they being children, such people require special treatment under law. The children's perceived transgression removes them from childhood protection, exposing them to treatment either in exactly the same way as adult offenders, to having their vulnerability as children snatched away from them. Globally, data on children in detention is scarce, but estimates indicate that more than 1 million children are living in detention as a result of being in conflict with the law¹. Bringing children in the target group onto center stage in this report, should be cause enough to gain support in eradicating their stated potential risk and actual threats with the criminal world, thus promoting the nurturing of the immediate needs of the children (including rectifying their current misrepresentation) by the essential organs of the society. The society and state at large in this effect will be responsible for offering shelter and correctional facilities to children coming into contact with crime related activities. This requires the commitment of hard earned resources by these elements. It is crucial to assess the phenomenon of children coming into contact with crime related activities for the purpose of implementing possible intervention programs needed to prevent them from getting involved in such criminal activities. Of late, various 'clean up' intervention activities have caused the police and other disciplinary authorities such as the Rapid Action Battalion (RAB) to be more active. Paradoxically, there has also been an increase in the trend of the exploitation of children by criminals. This is why it is an apt time to look into the situation of these children to devise ways of preventing their involvement in criminal activities as well as protecting their rights as children rather than treating them as criminals.

1.3 Objectives of the Study

The key purpose of the study is to assess the circumstances and factors that facilitate involvement of children with criminal activities keeping in mind the objective of finding ways of preventing such involvement and protecting these individuals from the associated risk of participating in such acts. The specific objectives of the study are as follows:

- Identifying the manner in which children get involved in crime related activities and the reasons why such undesirable associations occur at all
- Analyzing the factors that encourage children's involvement in crime related activities
- Identifying the people who encourage such children
- Devising achievable recommendations to combat the problem

1.4 Research Methodology

1.4.1 Study Design

The research followed a cross-sectional study design to assess the existing scenario. A combination of both quantitative and qualitative data collection strategies was followed to acquire comprehensive information surrounding children's involvement with criminal activities and its consequences. Both primary and secondary data were collected. The data collection method includes primary data collection using quantitative survey through the use of mostly structured questionnaires administered face to face and filled out by the interviewers using pencil and paper; pseudo-ethnic observation of children and their situation, and FGDs and in-depth interviews of children. Along with this, in-depth interviews of key stakeholders like the police authorities, journalists, the Department of Social Welfare, Bangladesh National Women Lawyers' Association, (BNWLA), Aparajeyo Bangladesh, (AB) and Save the Children, UK was also carried out. Secondary data collection involved the review of newspaper reports, records of police and jail authorities, documents of the government and various publications and reports. The information extracted from the above techniques was triangulated to arrive at a comprehensive picture of the situation of the topic at hand.

1.4.2 Sample Size

The following table shows the sample population used in the study.

Table-1. The number of quantitative and qualitative data sources sought for this study

Research Approach	Sample size
Quantitative Approach	
Interview of children	501
Qualitative Approach	
Focus Group Discussion (FGDs) with children and other stakeholders	64
In-depth interviews with children and stakeholders	109
Pseudo ethnic observation	6 x 2 =12
Workshops with various stakeholders	1

The sample population for this study covers six divisional cities across the country. These are Dhaka, Chittagong, Sylhet, Khulna, Barisal and Rajshahi. The children in the target audience were categorically segmented into six groups. These groups denote the various conditions in which these children were found. The categories are Children Living with

Their Parents (CLP), Children Living Without their Parents (CLWP), Children Living in Jail (CLJ), Children Living in the Kishore Unayan Kendras (KUK) and Children Living in the NGO shelters.

1.4.3 Sampling Techniques

The study followed several steps to select the target children. As the target children are of a rather hidden nature, a purposive sampling method was used. Key informants were chosen first using known information from the authorities at the Bangladesh Police and NGOs. Interviews with key informants led to further identification of new informants through a sampling technique known as the Snow Ball Method. Since target children are a hidden population, the stakeholders' support played a huge role in detecting the whereabouts of these individuals for selection and further enquiry.

1.4.4 Study Implementation

Recruitment and Training

For any study, the quality of the data collected from the field is the key to attaining the study objectives. Thus, the next important task of selecting field team personnel was completed in an utmost stringent manner. Field Supervisors/Quality Controllers were selected taking into consideration the fact that apart from an appropriate educational background, the staff should have notable experiences in (i) field management, (ii) the exercise of quality control, (iii) data/information collection from the field, and (iv) in being well conversant in such field surveys.

The data collectors were recruited from the staff members of the Bangladesh Police, NGO workers and the pool of personnel from MRC MODE Ltd. A total of 28 field researchers were drawn for data collection. With this provision, a great amount of information was attained for the study to be piloted with the intention of gaining access to the localities where the children were believed to be residing and, in turn, involved with criminal activities.

A two-day orientation and training program was organized at the Police Headquarters. The field staff was trained exhaustively on the objectives of the study. The kind of matters discussed involved the sort of problems and hurdles that this group may face during the time of interviewing the respondents. A further detailed discussion of the probe areas and queries using projective techniques were conducted. In addition to this, the staff was also trained and oriented for a warm-up session which was critical to the findings of the study as the respondents may not want to disclose certain facts if they do not feel secure and confident with their surroundings. The training sessions familiarized the field team with local terminologies and various cultural elements so that the communication gap is minimized between the interviewers and the respondents.

Field Testing and Piloting

A pretest session was carried out by sending the team personnel to the field with questionnaires as well as the guidelines for conducting in-depth interviews and FGDs.

Quality Control

All the field investigators were monitored throughout the period of field interviewing by the supervisors. This feature played an important role in ensuring and maintaining the quality of field work and data collection.

Data Entry and Analysis

After the data was collected from the field, MRC-MODE Ltd. retrieved all completed forms, checked them for consistency, coded the responses as well as recorded and entered the resulting data into the system using a standard data quality control procedure. All the data entered was inspected and edited for quality, including range, transcription and the provision of checks for consistency before the analytical process could begin. Simple description and analysis of the data collected was carried out during the study. This included univariate display of the distribution of the responses to each variable, simple cross tabulation of the selected variables and descriptive statistics. For the qualitative data, the transcripts collected were analyzed and papers comprising the content analysis segment of the research findings were also prepared.

CHAPTER 2

ASSESSMENT OF THE SITUATION

2.1 Definition of the term “child”

The definition of the term “child” is not uniform in Bangladesh. Different laws have defined children in different ways. For example, the age for admission to employment under different existing laws varies from 14 to 18 years under the new labor law, enacted in 2006. The extent of the confusion is evident in the objectives of the juvenile justice administration especially since law reform has not taken place and legislation concerning children is antiquated.

The United Nations Convention on the Rights of the Child or CRC defines a child as an individual less than 18 years old, where The Children Act of 1974 defines children as less than 16 years old individuals.

The Anti-women and Children Oppression (Amendment) Act, 2003 regards a person not over sixteen years of age as a “child.”

As per the Court of Wards (Amendment) Act, 2006, any orphaned child who has reached 18 years has now the right to claim the property or sell it which he/she is supposed to be legally inheriting. This act, again, signifies age 18 as the cutoff point where a person gains adulthood i.e. is not considered as a child anymore.

The Convention on the Rights of the Child is the first legally binding international instrument to incorporate the full range of human rights.

2.2.1 Child Rights and International Initiatives

The concept that children possess special rights that cater to their best interests and are entitled to their own unique rights of self-expression has been fortified in the international legal arena. Children already got their voices heard to a certain extent in international law by a number of conventions.

2.2.2 The Convention on the Rights of the Child

The Convention is a universally agreed set of non-negotiable standards and obligations. All governments should respect these basic standards. These standards are both interdependent and indivisible. One cannot ensure some rights without or at the expense of other rights. The four core principles of the Convention are non-discrimination; devotion to the best interests of the child; the right to life, survival and development; and respect for the views of the child.

Those Articles in the CRC that are related to the juvenile justice system needs to be highlighted by respective law enforcement authorities across the world. Bangladesh has accepted all the provisions of the Convention, but has expressed its reservation to Article 21, which deals with adoption of children. For practical reasons Bangladesh has expressed its reservation on two points including inter-country adoption of children.

2.2.3 The Legal System and Law Enforcement at the National Level

The two main pieces of legislation in Bangladesh that deal with children involved in legal proceedings are the Children Act of 1974 and the Children Rules of 1976. The Children Act of 1974 and Children Rules of 1976 are intended to protect the child's best interests during all kinds of legal processes. They require the court to have regard for the age and character of the child and other related factors before passing any order under this Act. Specific sections of both instruments dealing with the maintenance of child rights need to be concentrated upon. In Bangladesh, there exists an adversarial model of legal procedure in dealing with children in cases of divorce, guardianship, maintenance, suffering due to mental and/or physical violence, exploitation and other forms of abuse, including children in conflict with the law.

The administration of children's law and almost all legal and administrative procedures for that matter limits access of the poor children to legal redress. The lack of accountability, abuse of power, desecration and corruption leads to an arbitrary and selective enforcement of the law. There has been very little effort made to amend laws and remedy the loopholes that exist in both the statutes and procedures of the legal system itself. However, it should be recognized that the introduction of major statutory changes in the Juvenile Justice System is a lengthy and intensive process. For example, it is likely to take at least five years before new laws are passed, let alone implemented. This process requires broad measures in terms of national support to be undertaken, involving research, consultation and debate.³

2.3 Steps taken by the Government of Bangladesh to Uphold the Rights of Children Keeping in Mind the Above Laws

The description of the present efforts of several constitutive organs in aiding children at risk to remain stable and secure as they grow in a healthy and peaceful environment is now being addressed. Despite numerous worthy initiatives undertaken by the Government of Bangladesh such as ratifying the United Nations Convention on the Rights of the Child (UNCRC), implementing the National Plan of Action for Children, developing a National Policy on Children and implementing the Prevention of Women and Children Repression Act 2000 (amended in 2003), amongst other steps taken, there is still a long way to go for improving the condition of children who are our future leaders. As part of a landmark intervention policy, on April 9, 2003 following a campaign by the media and NGOs working in Bangladesh for the noble cause of improving the lives of children at risk, the High Court issued a judgment requiring the release/transfer of all children detained in jails. The court stated that the Principal Secretary in the Prime Minister's Office as the Chair of the Inter-Ministerial Committee on Improving the Conditions of Children Confined in Custody in Police Stations and Jails, should take the lead in this process, along with other relevant government departments and NGOs working in the child rights field. More than 12,000 children under 18 were imprisoned in Bangladesh at that time. Some of these children were accused of crimes; some were vagrants, while others were simply reported as lost.

Various steps have been taken since the High Court issued its ruling to upgrade the situation of the above children. These include the formation of Taskforces (the Inter-Ministerial Committee, later renamed as National Taskforce in August 2003) at the National, District and Upazila levels. The District Taskforce (DTF) was formed to assess the complaints of children and facilitate their immediate release. The Upazila Taskforce (UTF) was to assist especially the District Taskforce by searching parents/guardians/NGOs for reintegrating the children back into their normal lives. Since then, the NTF has met monthly to monitor the current nationwide situation of children and observed that the DTF has made remarkable progress. However, the NTF also observed that these efforts are not significantly preventing children from coming into contact with criminal activities.

The number of newspaper reports published during this period also highlights that adult criminals engage huge numbers of children in criminal activities. This was discussed in the 5th NTF Committee meeting held on 19 June 2005 and a decision was made that the Inspector General of Police should conduct a survey on the children to identify reasons why they come into contact with criminal activities.

During the recent years, the government has created some institutional bodies, councils and committees strengthening the justice system in Bangladesh concentrating on child rights. Major initiatives in this regard are as follows:

a In 1994 the Ministry of Women Affairs was renamed as the Ministry of Women and Children Affairs and was assigned to monitor the status of implementation of the CRC in Bangladesh.

a A subcommittee for legislation on children has been formed within the Ministry of Social Welfare where the terms of reference are to review relevant laws and make recommendations for their amendment or for the introduction of new laws. The committee has already commissioned a number of reviews of existing laws relating to children.

a In 1995 the government established the National Council for Children. The Council is responsible for providing guidance in formulation of overall policies and implementing the National Children Policy.

a In 2002, the Inter-Ministerial Committee on Improving the Conditions of Children Confined in Custody was formed under the leadership of the Principal Secretary. The inter-ministerial committee implemented several decisions and issued several directives having far-reaching positive impacts on the situation of the juvenile crimes in the country.

a On 2 August 2003, the Inter Ministerial Committee was renamed as the National Task Force (alternatively referred as 'NTF'). The NTF takes policy decisions and recommends and monitors various steps for the improvement of the situation of the children in conflict with the law and co-ordinates the activities of the concerned authorities. The formation of taskforces have provided institutional focal points and increased momentum at all levels of the administration for improvement of the situation of children in confinement, and created a scope for effective network for collaboration between the government and NGOs.

a In 2006, the Ministry of Social Welfare formed a committee to amend the Children Act, 1974 and the Children Rules, 1976.

a Earlier, there were 22 Probation Officers holding permanent positions in the greater 22 districts of Bangladesh. In 2006 the Ministry of Establishment approved another 21 permanent posts of Probation Officer.

In 2006, the Ministry of Women and Children Affairs has formed a committee comprising of the members of GOs, NGOs, INGOs and donor agencies to monitor the implementation of the CRC and The Children Act. The parliament passed the Birth and Death Registration Act, 2004. This Act replaces outdated laws and rules regulating birth registration in Bangladesh and removes cumbersome processes for such registration. This law is likely to enforce mandatory birth registration, a matter of utmost importance in upholding the rights of a child in conflict with the law. In the same year, the minimum age for penal responsibility was raised from seven to nine years. This mark is still below international standards, though children in this age group are prevented from being at risk in criminal acts. The government has also taken steps to amend the Vagrancy Act, 1943 and the Vagrancy Rules of 1945. Drafts have already been completed to that effect.⁴

2.3.1 National Plan of Action

With regard to vulnerable children and youth, the GOB has also signed the UN Convention on the Rights of the Child and has formulated a National Plan of Action for Children (2005-2010). It is focused on four strategic areas, which are:

- (i) Creating opportunities to help children realize their full potential (access to health, nutrition and education, water and sanitation etc.);

- (ii) Serving the best interests of children in national, social, family and personal situations (empowerment of children);
- (iii) Ensuring safety and security at home and in the public space (protection against abuse, exploitation and violence), and
- (iv) Establishing and protecting children's rights (social inclusion, decent work and livelihood)

The government is aware that implementation of this critical National Plan of Action has been lagging, confirmed by an ongoing institutional assessment (of social care services for vulnerable groups) by the World Bank, which suggests poor implementation of existing policies.⁵

2.3.2 The Work of the Stakeholders

Police, magistrates, lawyers and Probation Officers have also benefited from numerous training workshops, seminars and orientations provided by the Bangladesh Retired Police Welfare Association, ASK, BLAST, CIDA, Save the Children UK, Banchte Shekha, Madaripur Legal Aid Association, Aparajeyo Bangladesh, Bangladesh Bar Council and other organizations. Under the 'Rule of Law and Access to Justice Project' of the British Council, a total of 7,000 police officers in 389 police stations in 54 districts were sensitized on child rights and preferred treatment towards child offenders. In 2002, the Ministry of Women and Children Affairs and UNICEF published a handbook for Police, Magistrates and Judges jointly. Later on, in 2005, the Ministry of Women and Children Affairs, together with UNICEF, held training workshops with magistrate and judges to orient them on international instruments and recent developments in juvenile justice (diversion, restorative justice, etc.) and to identify strategies for improving the existing system.

Presently, there are three Juvenile Courts in the country. These courts are in the three KUKs of the country. The decision of the government to establish four other juvenile courts at four divisional cities is already being approved by the Secretaries' Committee for Administrative Development. Earlier this authorization has ensured that every child in conflict with the law be dealt with by a designated magistrate.

From 1999 to 2001, BRPOWA carried out Health and Education Support programmes for the inmates of Tongi Juvenile Development Centers (now renamed as Tongi KUK). Under this programme about 871 children were directly benefited in regard to their health. In 2002, a new KUK for girls was established in Konabari, Gazipur. This has been clear progress in terms of ensuring equitable and non-discriminatory treatment of girls in conflict with the law since earlier on, girls being in conflict with the law, had to undergo their detention in ordinary jails. Later on in 2006, Children Councils were formed in all three KUKs. Save the Children UK regularly attends and monitors KUK Children Council meetings to facilitate a participatory decision-making process.

The staffs in the KUKs are being trained with alternative methods to maintain discipline in these institutions. Many sources of entertainment have also been set up in the Kishore Unayan Kendras or KUKs. Moreover, due to the efforts of Save the Children, UK, the literary works of the children of the KUKs are regularly being published in "Amader Khobor" and "Jhinukmala".

Support of these organizations for children in conflict with the law is expanding. Throughout the country, many NGOs are also extending legal aid to the children.

Aparjeyo Bangladesh provides funding for Bail Bond if the child's parents cannot be located or if they do not afford to pay. Support of the media for the children in conflict with the law is also encouragingly increasing.

2.3.3 Improving and scaling up of Services for Street and Other Vulnerable Children

These services would be contracted out to NGOs, based on the experience of the UNICEF sponsored "Protection of Children at Risk (PCAR)" project.

This project amongst other things administers the reunion of lost or displaced children with their parents. Parents at times do not want to take their children back for various reasons such as turmoil within the family due to the practice of polygamy, poor socio-economic situations, etc.

PCAR has developed a four-step model for the re-socialization of street children through:

- (1) Outreach activities/Open-air schools
- (2) Drop-in Centers during daytime
- (3) Night shelters/homes and
- (4) Economic and social reintegration activities with families, communities and the private sector.

The service provision would be guided by the underlying principle of enhancing opportunities for combining social work/case management (provided by MOSW staff) as well as care and rehabilitation services (provided by NGOs) with a view to establishing an effective referral system between governmental and non-governmental services.

2.3.4 NGOS and the Media

Networking between child rights, NGOs and the media in Bangladesh has resulted in an increase of media reporting on the plight of children in prisons. Individual persons of the civil society are also taking part in the journey towards a better Juvenile Justice System and extending their support for children in conflict with the law. Many renowned persons have already gotten membership to CJN hence supporting in activities.

Despite the above holistic measures, the situation of children residing in the many government and non-government institutions still remains a major concern.

2.4 Children Living on the Streets

There were approximately 679,728 children lurking on the streets of Bangladesh in the year 2004. It is projected that in 2014, this number will rise to 1,144,754 and in 2024 this figure will be 1,615,330 according to the Department of Social Services (DSS)

2.4.1 Children Living in Jail

There are many striking features to be noted in the manner in which children flow in and out of jail in the areas shown below.

The next set of figures shows children and their link with jail during the year 2008.

Table 2- Number of Children in Jail for January and February 2008

Name of the Month Name of Division	January			February			Change
	Boy	Girl	Total	Boy	Girl	Total	
Dhaka	93	14	107	94	27	121	14
Chittagong	97	11	108	98	10	108	0
Rajshahi	41	3	44	30	3	33	-11
Khulna	10	2	12	11	2	13	1
Barisal	14	0	14	14	0	14	0
Sylhet	24	4	28	25	5	30	2

The table above depicts the monthly comparative status of children in confinement across the six divisional cities for both January and February 2008.

2.4.2 Children Living in Government-run Institutions

In Bangladesh children are placed in different institutions for different reasons. Some children are there because their primary caregivers, in most cases their parents, have died, have relinquished or abandoned them or have had their responsibility for the latter withdrawn. The vast majority of children end up as a part of this institutional framework for other striking reasons ranging from the need for special care to the loss of contact with their parents. Children deprived of liberty by way of arrest, detention or imprisonment is also placed in institutions.

There are three types of institutions for children without parental care in Bangladesh. There are 74 Shishu Paribars (government-run orphanages) across the country with 9,600 children living there. Also in this sector are the Adolescent Development Centers (KUKs) with a total of 3 such institutions currently accommodating 500 children. There exists a total of 1,486 government aided private orphanages with 32,000 children in them. Privately-run orphanages without any government aids are 366 in total with 8,100 children.

A child rights perspective calls for the care and protection of a child in a family environment with close community contact, to ensure complete socialization of these individuals, to deal with the issue of children in institutions such as the ones shown above. Available studies suggest that the various institutions for children without parental care lack the capacity or the motivation to undertake these programmes⁶.

CHAPTER 3
 PROFILE OF THE CHILDREN

This study amalgamates information using both quantitative and qualitative techniques from various sources of information. Hence, children in the target group, police officials, KUK officials, other government authorities, journalists, advocates, NGO officials and the community members in general were all approached and interviewed.

In order to devise a set of recommendations that would aid in dealing with the situation, all collected information has been triangulated, and the key factors that lead to the initiation and continuation of criminal activities among the children have been identified.

Before scrutinizing the above factors, it becomes necessary to provide an overview of the background profile of the children being discussed especially in the kind of atmosphere that they are currently subsiding in.

We begin with assessing the age at which children are in potential danger of coming into contact with criminal acts.

Table 3: Age of the respondents (in %)

Age		Sex		Total	
M	F	M	F	Total	
Up to 13 years	27	27		27	
14 years & above		72	73		73
Total	100	100		100	
N	390	111		501	
Mean age (in years)		14.9	14.9		14.9

The average age of all the children covered in each division is 14.9 years. 73 % of these children come from the age range of 14 years and above.

Table 4 shown below depicts the educational status of the children.

Table-4 Educational status of the children

Educational Status	Sex	
	M	F
School Attendance	%	%
Ever attended school	76	55
		71

Discontinuing school	86	80	85
Current educational status			
Illiterate	21	25	22
Knows how to sign	31	26	30
Can read and write but never attended school	2	3	2
Primary education	36	37	36
Secondary education	11	7	10
Don't know	*	2	1
Base	390	111	501

On average, 71% of all children claim to have ever attended school. Compared to girls in each category, boys fare higher in number when it comes to their attendance at school. 85% of children on average discontinued schooling for various reasons e.g., disinterest in school in general and parents' inability to educate their children any further due to their poor economic statuses. Only in the KUKs and NGO-run shelters are girls found to be greater in proportion to boys in terms of the discontinuation of school.

Only 22% of the children are illiterate. 30% know how to sign their names. 36% of the children have primary education while only 10% have secondary education.

About 50% of primary and 80% of secondary level students drop out of school in Bangladesh, according to a report released on 17th December 2003 by the Campaign for Popular Education (CAMPE), a Bangladeshi NGO.⁷

Besides the educational status of the respondents, the extent of training received by the children i.e., vocational training and awareness building skills was also enquired into. Figure 1: Received Training

40% of the children on average received some form of training. 60% did not receive this benefit. 87% of the females living without their parents did not receive any form of training whatsoever. 80% of the females in the KUKs/NGOs received training - four-fold that of the males. Boys more frequently have the option of receiving some sort of training than girls in general.

The daily incomes of the families of the target group members are discovered next. Figure 2: Daily Family Income

Most children come from big families. 13% of the children on average come from families with daily incomes of up to Tk. 50. These families are the lowest earning groups. A mere 5% of the families earn above Tk. 500. The families of male children living with parents earn Tk. 100-200 on a daily basis. This is the highest among all other groups. The male children living on the streets belong to families that earn the most insignificant amount of money.

The next figure looks into whether the children's families migrated to the cities from other places or not in search for a better life.

Figure 3: Migrated or not

On average, 62% of the children said that they migrated to some other location. 38% said that they did not migrate. 62% of the female respondents in the jails did not migrate from other regions; this is the lowest among the other respondent groups. The highest percentage found among the females i.e., 82% in the Kishore Unnayan Kendras or KUKs, migrated from other areas.

CHAPTER 4 FACTORS SURROUNDING INITIAL INVOLVEMENT

Children, by nature are creatures that need moulding to become adults through learning and life experiences. It is common knowledge that the manner in which children grow up and the kind of things they observe in their surroundings influence the foundation of the principles that they begin to form about life itself. Irrespective of the kind of opinions and decisions a child forms about life, work, and day-to-day living, good or bad, such views are not created out of thin air. Instead, these features are deduced by the child's curious mind through perceived logic and emotion as he/she confronts numerous events at various episodes in their lives. In this study, the above reasoning strongly applies. Thus, it is imperative to look into the type of surroundings a child grows up in that prompts him/her to come into contact with criminal activities.

Several interdependent issues have been evaluated with regard to the initial involvement of the children in the target group. These include poverty, family factors, the children themselves, peers and adult influence towards them and also the society in general. These main issues have been analyzed and summarized in the preceding diagrams and in the sequential analysis that complements it.

Figure 4: Summary of initializing factors

4.1 Family Factors

Poverty

The data collected from the survey shows that most of these children come from extremely low-income families. Poverty in the family is the major exponential factor leading to the initiation process by the children, as seen in the quantitative data. More girls associate themselves with criminal activities than boys due to poverty.

Figure 5: Reasons for coming into contact with criminal activities

There are multiple earners in these families. For example, 55% of the children mentioned their fathers as an earning member, while 32% of the children mentioned their mothers as earning members. In more than 40% cases, the siblings and the children themselves were also mentioned as an earning member of the family.

These earners are mostly workers involved in unskilled manual work like rickshaw-pulling (17%), day labor (18%), transport work (12%), agricultural activities (10%) etc.

Poverty in the family hinders the provision of basic needs for these children. They suffer from hunger and mental agony. Thus, poverty in the family harms a child's development. Children are often encouraged by the family to become an earning source in order to cope with its miserable economic situation. Children, therefore, become desperate to look for a solution to their family's relentless hardships, often ending up in criminal activities. Money, food, shelter, etc. are often easily provided as rewards by adult criminals once the children get involved in activities such as theft, drug peddling, trafficking etc. Interviews and group discussions with various stakeholders such as the police, NGO officials and the target children themselves also primarily bring up the poverty factor as a leading cause of involvement.

"If one goes by record, you'll find 75% of the children have been brought up in poor financial conditions," says an NGO worker.

A police officer says, "Poverty brings them to the roads".

Poverty also complicates relationships and family bonds. The other familial factors that are discussed in this section are in fact initiated or heightened primarily due to the seriousness of poverty.

Here is what a parent of a child involved in criminal activities had to say about the issue of poverty:

"My eldest son and I work as day laborers. My wife works as a domestic aid. I have a family of 6 members. As father I blame our poverty for my son's activities. As parents, we failed to provide our son with food and proper care".

Migration to the larger cities in the hope of improving one's poor socio-economic state is the chief means of evading poverty. This often leads children to end up on their own and again poverty becomes the major factor that directly pushes them to come into contact with criminal activities as a source of income. There were a few cases where parents abandoned their children due to their inability to provide for many a hungry mouth.

"My father is responsible for my situation since he left me at this station" says a child living in the Chittagong rail station.

Parents' Lack of Education

In most cases the parents are reported to be illiterate or having a very low level of schooling. The key stakeholders like NGO workers, police, and journalists hold the view that the lack of education of the parents leads to many problems like the lack of decent livelihood options, low value for children's education, poor moral standards and poor guardianship. Only 34% of the children's fathers and, interestingly, 40% of the children's mothers are literate.

Lack of Parental Care and Proper Guardianship

This factor is common and has many other causes. Primarily due to the lack of education and suffering from poverty, parents cannot afford to pay adequate attention to their children as they spend most of their time for earning their daily bread. In a similar way, both parents often work in affluent families and deprive their children of proper care and the provision of company.

The lack of awareness about care and guardianship or the inability to provide it, gives the child room to look for other sources of company. Falling into bad company and venturing into daring acts, vandalism etc. thus become easier.

A child living at a launch ghat:

“The first time that I left my home in Rangpur was because I had a fight with my mother. I was angry so I ran away. I think I was 10 or 11 years old. I took a train to Ishwardi and lived at the station for 5 months. Everyone who lived at the station was involved in drugs, theft, hijacking etc. So I left Ishwardi and took a train to Rajshahi station. However, the situation was the same there as well. Eventually I could not help but get involved with pick pocketing, theft, etc.”

“My mother insisted that I go out onto the streets every evening. Finally I got into the sex trade”, says a girl living with her parents.

The lack of education and presence of poverty combined, creates another dimension in the parental care factor i.e., lack of value for children’s education. In this study it has been discovered that many children in the target group were introduced to criminal activities by none other than their own parents. With low value for education many poor parents want to see their children earning instead of going to school. Poverty substantially increases the opportunity cost of sending their children to school and the lack of education in parents causes them to fail to understand the future value of education for their children. Living for the day becomes much more important in their abject lives. Parents, who have moved to the city and barely earned their daily bread, quickly engage in finding ways for their children to get food. Hence, very often morals vanish due to such archaic views.

Pressure to Earn and be Productive

Coupled with poverty and few options to acquire a sound education, parents pressurize children to go out and earn for the family. As the children themselves suffer from the lack of fulfillment of basic needs, they are motivated to go out and earn by any manner possible. This often pushes the children to seek earning options that are not based on ethical means of employment.

Low Value for Education

According to Aparajeyo Bangladesh:

A young girl by the name of Rujina Akhtar, went without food or drink for approximately three weeks because she refused to take part in any further sexual acts whatsoever in her

six-year career within this profession despite being pressured into doing so by her superiors at a local garments factory.

The lack of education of the parents and their poverty combined lead to poor value for children's education as well. Children not going to school are not seen as a big problem in such families. On the other hand, many parents do not believe that certain degrees of formal education can help their children get a good job. Such low value for education is also a factor that has children either un-attend or drop out of school. Absence from school opens the door for children to get more actively involved with derailed peers and criminals.

Low Moral Standards

The parents of children in the target group get frustrated, due to the failure to earn a decent living to feed the hungry mouths in their families, especially while living in slums or low-income settlements. A sufficient income would otherwise provide food, hygienic living conditions, clothing or even a proper education for the children. Here parents feel that teaching their children the basic morals and principles of life (e.g., that getting involved in criminal acts is a dangerous thing to do and must be avoided) is distinctly secondary under such circumstances. The essentials mentioned above are on the contrary significant necessities that will immediately benefit their children in their physical development.

Family Disturbances

The scarcity of a sound and peaceful environment at home coinciding with absence of suitable education facilities often creates frustration in the minds of children causing them to look for an escape plan. The qualitative data of this study shows that children in such a dimension are again deprived of parental care due to various reasons such as parents being busy with work all the time, discord between parents also caused by the strain to make ends meet, lack of childcare knowledge in parents, and turmoil caused by lack of food and proper shelter within the household, etc. In a lot of cases the father remarries and the stepmother oppresses the child. When a child loses her mother, she becomes vulnerable as she loses a pivotal guidance of her life. The practice of polygamy or extramarital relationships on the part of the father causes major family disturbances as well as mental trauma to a child's innocent nature. All these factors produce an environment where the child is deprived of care, attention, moral learning, discipline and any type of proper development. Hence, in many such instances children run away from home and look for alternatives that will help them earn some easy money. The preceding characteristic may often put children at further risk of being trafficked or picked up by criminals for carrying out their activities, thus remaining under constant pressure through these acts just to stay alive.

Child living with parent: My father left my mother. It became extremely difficult for her to provide food and clothes for 4 of her children. So I came to this station to earn money as a kuli. But soon I found out that you can earn more by carrying drugs and theft and so I got into this type of work.

Criminal Activities in Family

29% of the children have some member in their family involved with criminal activities. 34% of the times, these members tend to be the fathers while 28% of the time they are the brothers. Common criminal activities include drug addiction (44%), theft (21%), trafficking (14%), etc. For example, the qualitative research shows that if family members are involved in criminal activities such as smuggling in the border region then children from that family start the same profession. The fact of family members' being criminals greatly encourage their own children to follow the same path as criminal acts guarantee material wealth and helps fulfill basic needs. Sometimes the parents push children to get involved in criminal- activities.

4.2 Self Factors

Lack of Fulfillment of Basic Need

The above consequences make children fall into vulnerable situations where fulfillment of basic needs become a far cry and survival becomes the core issue in their lives. They start looking for ways of earning by themselves. When asked about the reasons for getting into contact with crime related activities, most (54%) children mentioned monetary need as a primary cause.

Figure 6: Factors leading to involvement

Lack of Sellable Skills

Being at the crossroads of their lives with no education and low proficiency skills (as witnessed in the children's background profile), the chances of finding suitable work for survival become nearly impossible. When seeking a job, the negative perceptions of the recruiters also pose an obstacle. Hence, children are prejudiced on the grounds that they possess no experience (especially since skill-based training is not very common among them), are potential thieves and have no real identity or permanent address, particularly those living on the streets. This leaves the children with very few options putting them in a precarious situation. For children living in the small cities and villages, migration becomes an immediate option for seeking alternative sources of income for their families and a better life in general. Often the association of the children with their peers, child traffickers or even their own decision to get involved brings them to the big cities. The quantitative data shows that 64% of the children said they migrated from somewhere else to the city. Again, 70% of them migrated from the village. Once in the new cities children again face the same problems of seeking employment, as they are unskilled.

Escape from Reality

The abject hardship of the children in their families pushes them to look for work. But the neglect they find from the society and the employers due to their lack of skill and identity puts them into further precarious situation. At this age, the children get emotionally and psychologically disturbed and many of them even try to escape from reality by running away from home, hence gradually getting themselves involved in criminal activities such as drugs, vandalism, theft, mugging etc.

Ending up on the Streets

Children become highly vulnerable when they end up on the streets. On the one hand, they get harsh treatment from the society in addition to their already prevailing predicament of lacking proper food, lodging and parental guidance. Their condition provokes them to earn a living by any necessary means. On the other hand, criminals who try to allure them into committing criminal activities in exchange for food, shelter, and money exploit their susceptible status.

4.3 Social Factors

Disparity and Material Pursuit

Children learn from their experiences. In the big cities, they see how people run after material gain. They also often see that such material pursuit leads people to cross the line and engage in illegal/immoral ways of gathering wealth. Children painfully see the huge gap that exists between the rich and the poor. Such disparity and rampant violation of crossing legal paths by others also provoke them to take to criminal activities.

The Media

Watching movies is a commonplace way for children to escape from their current pains and pangs. The movies exploit the 'poor/oppressed' people's sentiments strongly. These movies promote violence and often portray the poor as victims of specific circumstances particularly due to the injustices of the rich. The protagonists in these movies are mastans who indulge in crime to balance these social injustices, which otherwise have no remedy. Illegal activities such as drug use, violent murders, etc are glorified and indemnified in many such movies. To add to the element of entertainment, vulgarity even pornographic materials and obscene language is incorporated into these movies. The children, in the absence of proper parental care and guidance, often idolize the protagonist's roles and picture themselves in their shoes. They also tend to believe that the morale portrayed by these movies that they see are the right ones. Many stakeholders in the study have said that the spread of vulgarity, access to pornography through the internet or cheap movie disks including the promotion and portrayal of violence in movies greatly encourage children to experiment and thus fall victim to criminality and criminals.

Prejudice

The manner in which our culture views the poor, and for that matter poor children, is often questionable. It is common in our culture to look upon a child as someone weak, incapable of taking responsibility and being independent. Given these prevalent attitudes, it is hard for a child to find a decent job. Paradoxically, since most of these children come from destitute families, people often view them as potential thieves, capable of doing anything for money, therefore marginalizing them altogether. Adolescents lie in an even more rigid situation. In general, the topic of adolescence is to an extent taboo in our society. No formal method exists to teach a child how to deal with the physical or mental changes that occur in their lives. A child's family tries to explain things to him/her in a very 'hush hush' manner, making children extremely confused and seldom reluctant to share their queries in such situations with adults. As has been already stated, in this time

of physical and emotional change, the child faces confusion from all sides. On the one hand, these children are growing up, see the need for money in their homes and hence look for a means of earning. On the other, they are too young to work and won't be accepted by the society if they divert from the conventional methods of growing up to become a successful person e.g., attending school, being serious in their studies, helping with the household chores, taking care of others etc.

Employers

Employers are reluctant to employ children in need of a job. Before children are hired, the social prejudice of their employers' clangs its chains. Hence, the employers do feel that the children in the target group are too young to work, lack any previous training, are not reliable and could for this reason steal from the former at any time. The recruiters may also treat their workers in an ill manner. At their work places, children are often employed for tasks that violate child labor codes, thereby putting them into further hazard. Apart from this, many children face abuse by employers in the form of prolonged working hours, irregular/poor salary, verbal and physical assault related to the former's mistakes or poor productivity, etc. Girl children, particularly those employed as domestic workers, often face sexual abuse, such girls frequently end up as sex workers drifting from one work place such as from respectable households to the streets. All these factors easily push children to run away from such workplaces and find an alternative means of employment from where they will not be abused or prejudiced against, but instead will be cared for, trained and given money for performing criminal acts. As an apt solution to improving their statuses, the children view such desperate measures a priority over all other things.

Poor Social Institutions

School is a place where children are supposed to learn and enjoy their time. Often children face harsh treatment by teachers including humiliation in front of fellow classmates. This is a major cause for their running away from school. In the meantime, the more these children remain out of school and also from the home, the more time they are likely to spend loitering on the streets. This is where criminal networks including a child's peers get the time to influence them into becoming involved in criminal activities. The former deems such activities as a respite from all those tensions that the target group may have previously faced, for instance, their disinterest in school, heightening dispute at home due to their parents' inability to provide for their children the basic needs.

4.4 Peer Pressure

The children live in a situation where there are other similar children who come into contact with criminal activities e.g., in their neighborhoods, etc. For this reason, the children often face peer pressure to engage in these activities. In order to maintain a respected position among their peers and also to overcome the miserable conditions that they currently face at home, children often engage in petty theft like stealing food and oftentimes resorting to drugs. Once initiated, the children find the pleasure of doing these

forbidden things and as there is an urge to earn a living to survive, they engage in such acts more vigorously.

Drug use is another consequence of the environment surrounding the children at risk. Whether they are looking for an escape from reality or merely due to peer pressure or simply because it is very accessible, the world of drugs becomes a common shelter for these children, which only works as a gateway to bringing them into contact with criminal activities. On one hand drugs may be available in exchange of carrying/peddling. Otherwise monetary need to serve their addiction needs often works as a motivating factor, especially among middle and upper middle class families to engage into criminal activities.

Peers, already in contact with criminal activities, set examples for children in the target group of the short-term benefits of such activities. In the words of a respondent from a Kishore Unnayan Kendra: "Less work but fast money".

Child living at shelter home:

"My father owns a cigarette store. After my mother died he remarried which I did not like. I used to go to school, studied up to class 4. We have a garage for cycles that I used to visit often. There, I met a few people from my age group. We started playing cricket and became friends. They had a habit of smoking and introduced me to cigarettes. At a point I got introduced to Heroin and Pathedrin. This costs money. At first I used to ask for money from my father. Then, when he started refusing, I sold off valuable things from our home. My friends and I were also engaged in playing cards and gambling. One day my father beat me up really badly and I left home. Since then I started living with my friends and at a point became a street child. Now I live in a Shelter Home called VOSD."

4.5 Adult Criminals

Peers and adults involved with criminal activities start playing a role in the children's lives. Often adult criminals take advantage of the children's helpless situations. It is beneficial for adult criminals to involve children in many ways as in this manner the former will not be confronted by the law, directly. First of all, children will do a job for very low payment. They also do not pose as competition for the adult criminals. Criminals such as drug sellers and arms carriers consider children to be reliable and safe as errand runners. The adult criminals lure the children by offering food, shelter and money in exchange for small tasks such as petty theft, transporting drugs, picketing etc. A lot of the time children are not even aware of their activities being illegal. One of the target group members commented about this phenomenon.

"I had gone to drop the bag, not knowing that it had Heroin in it and got arrested", says a respondent from the Kishore Unnayan Kendra.

In the same way, a journalist in an in-depth interview says,

“When young children are arrested, the criminals that they are associated with hide out and so the children are taken in by the police and slammed by a legal case. The adult criminals thus get the upper hand exploiting children in this way”.

Female children are often influenced by the promise of possible employment and therefore deceived into entering the sex-trade. This process is enhanced, particularly since women in general are much more vulnerable than men and like it when they get attention especially from strangers in this way. Peers, already in contact with criminal activities, on the contrary again set examples for these individuals of the short-term benefits of such acts. This feature is further described in the following quote from the target children who have been convinced by other criminals to join the sex trade in turn being a beneficiary of such activities.

This is an instance of how children get exploited by adult criminals as they are forced to carry out specific illegal acts by such miscreants.

Child living on the street

"I used to work in a garments factory. A man took me to Sylhet with the promise of a better job. He took me to a hotel and asked me to have sex with him. As I refused to do so, he raped me. Since then, I have gotten involved in this profession. Now I do this work everyday."

Data from the quantitative survey shows that 77% of the children in the target group are encouraged by others to come into contact with criminal activities and 79% of the times, these influencers come from friends, relatives or even neighbors, while 39% of the time, it is the mastans, gangs or terrorists who influence the children.

CHAPTER 5

CRIMINAL ACTIVITIES THAT THE CHILDREN GET INVOLVED IN

The study findings reveal that there is huge variation in the involvement of different types of criminal activities by the target audience. The current situation of the children in such regards explains this phenomenon in detail.

Children are exposed to a host of many social, economic, political and cultural factors unfavorable to human growth and development. They are as such subjected to violence, sexual abuse, hazardous child labor, illicit trafficking and so on. Along with socio-genic crimes at the national level, transnational organized crime is also intricately linked with such victimization.

5.1 Types of Criminal Activities

The following table depicts the major types of crime related activities the children get in contact with.

Table 5: Types of criminal activities that children get involved in

Common Types of Crimes the Children are involved in (%)

Drug carrying/peddling	44
Picketing	35
Theft and Burglary	21
Sex trade	18
Weapons/Bomb carrying	16
Hijacking	12
Trafficking	11
Gambling	5

Drug carrying and peddling is by far the most frequent form of work the children get involved in. This activity takes the lead as compared to all other activities listed above by 44%. Picketing (39%) follows drug peddling and carrying. Theft and burglary is the third highest form of crime that the children come in contact with (21%). 18% children reported to be involved in sex trade. Weapons/bomb carrying is a major source of involvement consisting 16% children. 12% children are involved in hijacking and 11% in trafficking. A small proportion of children (5%) are involved in gambling and related crimes.

5.2 Status of Involvement

Children reported to be involved in criminal activities for about 3 years on average. 80% considered their activities to be crimes, while others did not. 77% of the children work individually rather than in groups. On average 10 such peers are involved in criminal activities. The majority of the times (66%), the activities take place at night. 45% of these crimes take place during the day. 31% take place in the morning. 69% of the children reported to have faced problems while conducting criminal activities. In the majority of cases, these problems involved being arrested (75%). Another 38% children reported physical abuse. Almost all children are aware that they are involved in criminal activities. As far as the consequences of such involvement are concerned, 45% of children think that they will die eventually; 99% think they will face disability; another 39% of them think that they will sustain injury. 19% however, believe that they will become terrorists.

66% of the children are addicted to drugs, but mostly to Tobacco or Hashish, 19% to Heroin, 28% to tablets and 8% to injection.

CHAPTER 6

CATALYTIC FACTORS SUSTAINING INVOLVEMENT

Once we start looking at the types of factors that compel the continuation among children of criminal activities, several aspects come into play. These are factors reported by children about themselves, and other factors reported by other stakeholders like police, NGOs, journalists, etc.

6.1 Factors Reported by Children

The quantitative data show that poverty (67%) and frustration (52%) are the leading motivating factors of children continuing such work. Many of these factors also overlap with those related to the target group's initial involvement in criminal activities.

Table 6: Motivating factors for continuation

	Issues		Boy	Girl	Total	
	%	%	%			
Poverty	65		74	67		
Frustration	53		50	52		
No alternative option to earn			25	23	24	
Influence of friends	24		11	21		
Base	390	111	501			

As has been witnessed earlier, the predominant factors that sustain children's involvement in criminal acts, are mostly poverty and the child's own internal frustrations frequently caused by external forces such as an ignorant family and society members, the influence and compulsion of peers, adult criminals, friends etc. The result is a vicious circle comprising of the criminal world and the law that tightens its grip upon these children, as their involvement in criminal activities results in further adverse consequences

6.2 Factors Reported by Other Stakeholders

Law and the State

Quantitative data shows that 69% of children in contact with criminal activities faced some form of problem with the law. 75% of the children interviewed, got caught by the police and 35% got sent to jail while 21% got sent to the court. On average, a child was found to be caught by the police 2.7 times. In 74% cases the captured children faced beating, ill behavior or incidents of extortion. 27% were put into remand.

The study shows that police and the law fail to a large extent to give protection to children in the target group, once they come into conflict with the former. Various rights and rules are in place for dealing with children, keeping their best interests intact.

However, huge loopholes remain predominant in the implementation of these rights and regulations. An inadequacy in implementation exists in different stages of the legal system starting from stated laws and policies to the judiciary and the police.

The qualitative findings show that the local government authorities and sometimes police and even judicial personnel are unaware of the convenience of the 1974 Children Act. These authorities lack an adequate idea of UNCRC and other GOB obligations. There is no proper network between local government and national government organizations. Their accountability is also questionable.

Monitoring and supervision of law enforcement is generally absent. So is the motivation among government officials who work with child related issues. A Ward Commissioner even fails to send a lost child back to his/her parents.

The ways in which the law and the state treat children are often reported to be catalytic factors in transforming the children into hardened criminals.

Police

One major problem lies in having no proper procedure for determining the age of children once children come into conflict with law. If needed, the age of a child is unlawfully enhanced according to the wishes of the law enforcement organs that are often ignorant of child rights laws or formed to be rebuffing such items. Thus, no assurance exists for the children to be treated or

Police on the issue of age determination:

"There is no appropriate method for finding out a child's age in the police administrative system. Most of the time we rely on a hunch to take a decision about the child's age by looking at him and often use his behavior as an indicator of his age", says a Police Inspector in Chittagong.

"There exists no proper procedure to determine a child's age during F.I.R. A lot of the time these children become victims of misuse by the law. Sometimes, we change the age of a child as needed to avoid our responsibilities, because of the hassle we have to face. If a person is below 18, then the NGOs, human rights organizations, lawyers associations etc. get involved and create a mess", says a Second Officer of police in Dhaka. tried fairly as a child. During the in-depth interview sessions, many of the police officials mentioned this deficiency in the judicial and law enforcement system in this regard.

A child has the right to a Probation Officer, once arrested. However, the quantitative survey shows that 55% of the time no such initiative is taken. The respective authorities contact parents often allegedly to get money from them in exchange for the release of their children only 52% of the times. Often, criminals or the child's employer, are contacted instead of the child's parents for their release.

NGOs claimed that in most cases children are rounded up based on suspicion rather than on any specific allegation and the majority of the time, they end up being linked to cases such as mugging, pick-pocketing etc.

Once caught by the police, much criticism exists regarding the behavior and ill treatment of the authorities towards the children, as the regulations and laws of our country are often ignored. The NGO workers think that the police often record their age as 18 or higher to avoid the hassle of recording separate case details for a child. This also helps them to show these children as 'arrested' on other unsolved cases. It has in addition been reported by many that to avoid the hassle of finding out their parents, children are recorded by the authorities as floating/street children, which deprive them of the right to see their guardians within 24-hours of arrest. Once under police custody, the children face grave situations and are treated harshly very often. Tying the children with ropes and

placing handcuffs on them is common even though the latter is against police regulations. In order to find clues for crimes and to trace criminals, the police often verbally and physically abuse the children. Many girls have to have sex with police personnel in order to secure their release from custody.

Children are kept in the same place as adults as well as transported in the same vehicles to and from the court. If a child falls sick while in custody, denial of medical treatment is also very common, half of the time treatment is not provided as per the findings of the survey on children.

The treatment dished out to children and the destitute situations that they face while interacting with police, helps develop hatred in their minds as well as a sense of vengeance toward legal bodies. This only helps them to strengthen their view of adult criminals as a source of help and thus a savior.

Judiciary

Many of the children are often not produced to the court to defend themselves. Once a court case surface, the police often do not mention the actual age of the child. In fact, there is no appropriate measure to determine the age of a child given the multiple definitions of such a term. Due to this, judges are unable to render clemency or arrange for a separate bench for these individuals, as there is a lack of evidence regarding the age of children in the first place. On top of that, the research findings show that the police and even lawyers are often not fully aware of the scope of the 1974 Children Act. As children are shown not to have a valid address or guardians, the court has no other choice but to put the children in police custody/jail. Many a time, children have to wait for 15 days before she/he is produced to the court. Often they are sent to the court in the morning and wait there the whole day in difficult conditions before the case is put up.

Jail

36% of the children interviewed have been to jail while 64% of them have grievances towards the jail authorities. The living conditions in jail are not any place for children to be. Children are often kept with adult criminals in cramped spaces. Those adult criminals often abuse the latter and make them carry out their orders. Adult criminals are not the only people who exploit these children. Abusive behavior from jail staff is also common. Contact with adult criminals, abusive behaviour, and harsh living conditions often only aid in the perpetuation of children's association with criminal activities.

KUK

45% of the children have gone to the Kishore/Kishori Unnayan Kendras. Opinions regarding the grave situation in the KUKs are even worse than the ones prevailing in the jails. Children said that the KUKs lacked any form of recreation and other facilities. In jail, the children are apparently much more mobile than in the KUKs. Abuse and ill treatment by staff members was much higher in the KUKs. Sexual abuse of girls was found to be very common.

"To carry out the Focus Group Discussion, chairs were laid out in a room. Once I entered the room I found the children sitting on the floor instead of on the chairs. When I asked why they are sitting on the floor, the children said that the chairs were not for them and instantly one of the children broke into tears", says a focus group discussion moderator at Kishori Unnayan Kendra.

CHAPTER 7

THE GAPS THAT BRING CHILDREN INTO CONTACT WITH CRIME RELATED ACTIVITIES AND HELP SUSTAIN THEIR INVOLVEMENT

Issues regarding children coming into contact with criminal activities or in conflict with the law can be dealt with by prevention of such involvement and protection of all those coming into such contact. However, the evidence in the study proves that structures in our society have failed to give the children a natural opportunity for growth. Such gaps as analyzed by the study are presented hereinafter.

7.1 Family

The family as a unit fails in its primary responsibility towards children to provide food, shelter, guidance, a learning ground and especially the creation of a loving atmosphere within the home. Instead, a lot of the time the family becomes responsible for pushing these children to a morally degrading path. The failure of the family to keep tabs on their children, are putting millions of these individuals at risk of coming into contact with criminal activities.

7.2 Society

Society as a whole has failed to give proper support for children. They have prejudiced and marginalized their existence. By doing so, the society poses obstacles for their already difficult lives. There is hardly any community action to keep a vigil on the children for their proper nurturing. Society has also failed to help these children integrate back into their normal lives.

Many schools fail to offer a caring atmosphere for children and keep track of their whereabouts in the community.

7.3 Law

The laws of our country have greatly failed due to the massive lack of implementation of the 1974 Children Act. The articles have some vaguely defined aspects that might lead to false penal prosecution or inability to prove actual misdeeds. Article 34 to 46 have these vagueness. For example:

q Article 34 mentions 'assault,' 'ill-treatment,' and 'neglect' to an extent mentioned in the article as cruelty to child and thereby deems punishable. However, these acts are socially acceptable, when associated with child rearing, especially when the child is unruly.

q Article 37 mentions about penalty for giving intoxicating liquor or dangerous drug to child. However, this act does not define what an intoxicating liquor or dangerous drug is, making prosecution under this section as an extremely doubtful issue.

q Article 42 describes penalty for causing or encouraging seduction, which does not mention 'threat' or any other compelling act that forces the girl to be seduced. It speaks only of 'causing and encouraging,' which are difficult issues to prove.

At every level from the police to the judiciary, administrative failure is prevalent. Actions of police, the judiciary and all other authoritative bodies, show large inadequacies in creating awareness regarding the laws and the rights that apply to children. Also, there is no proper monitoring of the bodies that work with these issues. For example many flaws lie in the Vagrancy Act, as reported by the NGOs.

7.4 Police

In their duty of protecting the children, the police seriously falter in implementing child rights policies and establishing a sense of nearness between them and the children at risk. There exists a lack of awareness within the police department regarding child rights and laws. The lack of provision for an adequate number of Probation Officers, the insufficiency of resources, motivation and initiatives to identify a 'child' as a child and treat him/her