

Protection of Child Rights in Tea Gardens of Bangladesh: Social Work Perspective

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ABSTRACT

The situation of rights of children of tea garden workers in Bangladesh is bad, giving the children relatively vulnerable and disadvantageous social position compared to their counterparts in the mainstream community. Children in the tea gardens are found to be deprived of their rights as human being due to multifarious reasons underlying the socio-economic conditions of the family, limited human right facilities in terms of available education, health, hygiene and nutrition, work, and social services provided for the promotion of their lives. Moreover, some structural factors associated to the management system of the tea companies are largely considered responsible for the deprivation of basic rights of children in the garden. Social work is a professional practice that particularly works for ensuring human rights and social justice in the society. Therefore, this paper comes up with some policy recommendations for protection of child rights from social work perspective.

Keywords: Child Rights, Health, Tea, Education, Poverty

BACKGROUND OF THE STUDY

Bangladesh is one of the developing countries in South Asian region which accommodates a large number of people. As a developing state, it encounters variety of social, economic, and political issues including

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the most crucial aspects of human rights, particularly child rights, and therefore, tries to face many of these challenges within the capacity of the state. Many of the issues are still beyond the preview of the focus of the state due to the lack of capacity to manage all challenges with its limited resources and capacities. Despite this, Bangladesh has been playing a remarkable role for the protection of human rights including child rights, considering them the vulnerable group in society compared to adult citizens, though some crucial sectors of the state are still out of public attention. Tea garden is one such sector in which children of the workers are often deprived of enjoying minimum basic human rights compared to their counterparts in the mainstream community.

Every state is responsible for the protection of rights of children. It is important mainly for two reasons; children build the foundation of a state and possess the rights as a human being and citizen of the country. Besides, the philosophy is that who are children today would be the builder of nation of tomorrow. Therefore, protecting the rights of children is an indispensable duty for the state enterprise so that every citizen could be the active and spontaneous contributor and partner in development of a country like Bangladesh. Considering the inevitability of special care, protection and assistance for harmonious development of body, mind and soul of a child and recognising the importance of international cooperation for improving the living conditions of children in every country, in particular the developing countries, state representatives agreed upon to follow some guiding principles for the protection of children in the respective countries, in general assembly of United Nations in 1989. These principles are recognised as United Nations Convention on the Rights of the Child (UNCRC, 1990). Bangladesh has made the commitment at an international level for the protection and promotion of child rights by the ratification of UNCRC and its optional protocols. Bangladesh is held accountable for its obligations under the UNCRC through the treaty monitoring mechanism (Child Rights Committee), as well as the Universal Periodic Review (UPR) and other international laws and mechanisms of the UN. However, the current situation of child rights in Bangladesh is questioning the implementation of CRC in Bangladesh. The incidents of brutal killing, kidnap, trafficking, rape, and violence against children have increased alarmingly in the recent years. Based on newspaper reports, Bangladesh Shishu Adhikar Forum (BSAF) said that at least 191 children were killed till July 2015 while this figure was 350 in 2014, 218 in 2013 and 209 in 2012 (Daily Star, 2015). The scenarios of

child rights among marginalised ethnic communities are more exploitative than the children of mainstream communities. Tea garden children are one of the vulnerable groups among these communities. Therefore, this study addresses the issue of the rights of the children of tea garden workers in Bangladesh.

CONSTITUTIONAL AND LEGAL RIGHTS OF CHILDREN IN BANGLADESH

Universal Declaration of Convention on the Rights of the Child (CRC) was initiated on 20 November 1989 to ensure the rights of children across the world. The CRC preserves rights for children through 49 articles which particularly emphasize on socio-economic and cultural rights including non-discrimination against children (Article 2); protection of children from all sort of harms (Article 3); right to have a national identification (Article 7); protection from all sort of physical and mental violence (Article 19); right to express themselves and their opinions (Article 13); free from hazardous child labour (article 32) and so on. The CRC makes the state responsible for all sorts of protection of the children. As a state and being a signatory of CRC, Bangladesh is ethically responsible and legally committed to ensure a safe and peaceful environment for harmonious growth and development of the body, mind, and soul of children which is reflected in the constitution and other legal documents of Bangladesh.

The constitution of Bangladesh ensures basic rights for all irrespective of race, colour, religion, age, place of birth, and sex. According to the constitution of Bangladesh, every citizen is entitled to get equal treatment in respect of opportunity in public employment, rights of protection of life and personal liberty, prohibition from forced labour, equal freedom for assembly and association, freedom of thought and expression and freedom of choosing religion. Article 28(4) of the Constitution of Bangladesh commits to make special provision in favour of children. Accordingly, Bangladesh has been initiating many development programmes, policies and legal provisions to ensure the rights of the children. The Children Act, 1974 was working as a milestone for establishing child rights in Bangladesh over three decades. Very recently, the Ministry of Women and Children Affairs has adopted 'National Children Policy 2011' to protect the child rights in Bangladesh. Along with 'National Children Policy' a number of initiatives are taken by the government of Bangladesh for the protection of the rights such as, 'National Child Labour Elimination

Policy, 2010' to eliminate all forms of child labour by 2015 across the country; the 'Pornography Control Act, 2012' to control children abuse in sex, exploitation of children including trafficking and forcing for prostitution; 'the Prevention of Domestic Violence Act, 2010' and 'the Children Act, 2012'.

REVIEW OF LITERATURES

Bangladesh is one of the most densely populated countries in the world that houses 160 million people. Around half of the total population of Bangladesh is under 18 years and 20 million are under 5 years of age. About one-third of the total children lives in rural and slum areas and is attached with the households that are mostly below the poverty line. This huge number of children is deprived of education, health, recreation, nutrition, protection, participation, safe water, sanitation, balance diet, and hygiene. Out of total children living in Bangladesh, 22% are totally illiterate, 30% children can sign their name only, 36% children complete their primary level of education, and only 10% children go to high school for secondary education. Among these, 50% students drop out from primary education and 80% students drop out from secondary education (Mohajan, 2014). Around 13% of children are involved in child labour mostly to support their families and themselves. Child labourers are frequently denied the right of education and are vulnerable to violence and abuse (ILO, 2015) due to multifarious reasons. Children working with extreme risks are 1.3 million of which 0.4 million are domestic workers, mostly constituted by girls. Among the child workers, 19.1% are from slums and 17.6% are from ethnic minority (ILO, 2006).

In the indigenous community and rural area, generally children do housework, caring for younger children, running household errands, collecting water and fuel wood, looking after livestock, and contributing to household crop production (UNICEF, 2009). About 95% of ethnic people in Bangladesh are not educated. They are not aware of the future of their children. The source of earning for indigenous people is cultivating land and working in tea gardens. As the indigenous people cannot cope with their daily expenditure, they send their under-aged children to work for having economic support for the family. A considerable number of male and female children aged 6-12 years do not go to school. Das and Islam's study (2001) shows that the rates of school going children for male and female in tea gardens are 27.31% and 23.7% respectively. Dropout rate

is very high among ethnic and tea garden community, that is near about 30%. The three major causes of dropout are scarcity of money (41.9%), reluctance of going to school (34.7%), and involvement in work at home or outside (16.2%) (Nath, 2013). The poor socio-economic condition and lack of motivation among the guardians, non-availability of schools in the premises of tea gardens, reluctance of the garden authorities, etc. are the major obstacles towards education for children in tea gardens (Hossain, 2007). However, there has been gradual change in attitude and perception among the tea workers about future of their children. Various NGOs working in tea gardens are playing important role towards this end. Islam, Nath, Cojocar, and Islam's (2015) study has shown that that 55% of parents are conscious and responsive for developing children's capacity, and accordingly taking measures for the betterment of their lives. Only 25% are not aware about this and 12% have not the ability to guide and develop their children in order to make the active and capable member of society.

The above description clearly indicates that the situation of child rights among different marginalised ethnic communities is more vulnerable than other mainstream communities. Though some studies have been conducted focusing on workers' rights in tea gardens, the issue of child rights is not well addressed. Experiences of the tea garden communities can make substantial contributions to explore the situation of child rights in tea garden. Moreover, the issue of child rights in the tea garden still seems to be unexplored both from academic and practice perspectives. Therefore, this paper attempts to explore the child right issues from social work perspective.

RESEARCH METHODOLOGY

The study follows qualitative research design for data collection and analysis. The aim of following qualitative approach is to get live experiences of the research participants. All children living and working in the tea gardens were the population of the study. Ten tea gardens were selected purposively taking one from each type of management, such as, Duncan, Finlay, Bangladesh Tea Company, Sylhet Tea Company, and other private tea companies in Bangladesh. The researcher arranged five FGDs including one with children, two FGDs involving parents, and two FGDs included NGO activists, school teachers of a tea garden, and one FGD involving local leaders, panchayat members and guardians. The

study also conducted 10 key informant interviews (KII) from a range of stakeholders including employers, managers of the garden, tea garden workers' leaders, NGO activists, and representatives of local government. Standardised interview protocols were developed to collect data from target population and other stakeholders. The protocol emphasised on open-ended questions covering all aspects of the research objectives. Similarly, a checklist was prepared for conducting FGDs. Field notes collected through observation and open discussion were recorded instantly in order to avoid the loss of information. The collected data has been organised, analysed, and interpreted following generally accepted principles and practices associated with qualitative research. The study has applied triangulation in order to check the validity threat by cross checking the data coming from different techniques of data collection.

FINDINGS OF THE STUDY

The study has come up with different opinions of the research participants which have been explained in the following sections according to the research objectives and needs of analysis.

Right to Education

The constitution of Bangladesh ensures free and compulsory primary education for all the children. National child policy of Bangladesh (2011) also notes that state will take necessary steps to ensure free primary education, bring children under secondary education, and stop dropout from both primary and secondary schools (section 6). However, the educational scenarios of tea garden children present a dismal picture. Since most of the tea gardens are located in remote areas, children living in tea gardens have little access to enrolment in government primary schools which are far away from the garden. Having no existence of school inside the garden, a primary school run by the garden authority is the only place where they can enroll for primary education. Limited teaching staff, inefficiency for lack of training, unavailability of educational materials are the common characteristics of these schools. Some primary schools run by NGOs have very limited seats, which can accommodate only 30 students in one intake for a course of four-year duration.

Though the NGO led primary school reduces the insufficiency of schools in tea gardens, teachers working in the school are not competent

enough; the schools also lack resources. The rate of dropout students among tea garden children is higher than those in mainstream locations. Language difficulty is one of the major causes for early school dropout. The tea garden children do not understand the language that is usually being used in school. Unawareness of the parents is also responsible for school dropout. They do not take proper care for sending their children to school, rather involve them in various familial activities, such as, taking care of younger siblings, bringing lunch for parents, and plucking leaves for fulfilling target. One of the school teachers in the tea garden has reported that:

“The children of tea garden workers do not understand the formal language which is being used in the school for teaching communication. Being incapable of understanding the school reading texts and following their teachers, they fear to come to school. If they miss one day to attend the class, they feel discomfort to come in the following days which may lead to drop out from school.”

Tea garden children face adjustment problem in the school environment as they belong to ethnic community which is marginalised and disadvantaged as compared to mainstream communities. Sometimes, they are mistreated by other children in the school environment as they belong to a small ethnic minority. Shocked and disappointed due to maltreatment by the classmates and teachers, they do not feel comfortable in school environment and are not encouraged to attend the school. A school going student has stated with regard to the issue as follows:

“Students from mainstream communities don’t make friendship with us. They underestimate us asking question regarding origin and culture. We feel embarrassed and humiliated by their stigmatised words about our ancestral practices. Some of us feel neglected by the teachers and cannot tolerate this humiliation.”

Unavailability of high schools and colleges within the territory lead them to drop out from the schools. The educational cost, in addition to long distance of schools and colleges often discourages their parents to send them to school and they cannot even bear the expense of education due to chronic poverty. Therefore, tea garden children do not dare to go to schools and colleges that are located far away from the garden. They get involved in other activities rather going to schools due to fear of the travel and other costs. During FGDs one of the college going students said:

“Regular attendance in classes is required for doing good results but we cannot be regular in our classes for financial reasons. My parents are

not able to provide me with Tk. 50 every day. They earn around Tk. 3000 in each month. If they spend Tk. 1000 on my transport to and from my schools only, what would be remaining for daily subsistence? I have no way to be irregular in school. It may increase my risk of doing good result and if it is really happened, I would have no way but to stop education.”

The study finds that garden authorities are not much concerned about the education of the tea garden children. They have established primary schools within tea estate but reluctant to set up high schools and colleges. They are also reluctant to take measures for educational improvement of tea garden children speculating the future threat of losing efficient workers and unionised force of the latter as it is reported by one of the managers who said:

“If tea garden children become highly educated, they will not work in the garden and the authority would face scarcity of workers. Employing other people in the tea garden will hamper tea production since people from tea communities are more efficient and experienced in tea cultivation. On the other hand, educated children will demand higher positions in the factory which are very few. Educated workers may strengthen the collective forces on the management and place undue demands which are not possible to meet up.”

This is one of the mentionable candid opinions of the tea garden manager which indicates that very intentionally the garden authorities do not take step for establishing school and college in the garden areas, therefore, indirectly discourage education for the children of the workers so as to protect their factory interests by keeping large section of children absorbed in the occupation of working in tea garden. The cultural practices of tea communities are making barriers towards their education. Tea garden workers particularly males are addicted to drug. They spend all their income on drinking and get involved in family feud. During FGDs, one guardian has said about his experiences in the following way:

“Drug addiction is one of the main obstacles in the tea communities. After hardworking of whole day, both husband and wife become exhausted. If a man comes home in the evening with abnormal behaviour losing all income, how is it possible for a woman to tolerate it? Quarrels between husband and wife may cause uneasy situation in the family. The conflict between father and mother negatively affects children. They cannot be attentive in their study due to family feud. Children bear high risk of becoming addicted which adversely affects their education.”

Protection from Hazardous Child Labour

According to national law, children under eighteen are not allowed to work in the tea garden. However, presence of working children in tea gardens is a common scenario. It is confirmed by the respondent:

“Poverty forces children to work in garden, we (both husband and wife) earn Tk. 3200 per month and we have to spend all together Tk. 2100 for our three school going children. We are sending our children to school but if any of us do not have work we will not be able to send them to school.”

Children do not work as permanent worker but as a substitute or complement of the other family member. During pick season, the presence of child labour is more visible. Garden authority welcomes children along with their parents to finish the plucking timely. On the other hand, workers bring their children to fill the target and securing more income. Usually, a worker is supposed to pluck 20 kgs (23 kgs in private garden) to fill the quota (*Nirikh*) for Taka 69 and receive taka two/three for each of additional kilogram of plucked tea. Since they cannot maintain household expenditures with their income they try to increase their income by engaging their under-aged children in tea plucking. In some cases, tea garden children work during vacation days after or before of school hour. Some children are involved in working as a replacement of their parents when they are unable to work. There seems to have an invisible chain that confines children to work in the garden. If no one is engaged in the tea garden, housing facility will not be provided to that family. It forces many children to start their work in the garden in absence of any adult member in the family to substitute this role. During FGD one worker has said:

“Though I am not interested to employ my children in tea garden, I have to do it for at least one of my children to keep my residence. If no one works from my family in this tea garden, we have to leave the house where we are living for over fifty years. I have not much money to build a house outside the garden.”

Generally male children dig channel across the garden, repair the broken road, and take care of the tea plant and female children pluck tea leaf. Sometime female child workers are appointed in the tea industry to keep prepared tea in the sacks. In some cases under-aged children are appointed to spray pesticides over tea leaves. Under-aged children are employed for preparing drugs made for the tea garden workers and visitors coming from the outside. Parents' involvement very often encourages children to be engaged in preparing and providing addicting materials. They are also

involved in working in garage, driving auto rickshaw, working as helper in restaurants and shops.

Right to Nutrition, Health and Hygiene

As most of the workers live below poverty threshold, they cannot manage even the cost for their daily maintenance. Most of the families in the garden live from hand to mouth. Many children seen in the tea garden are suffering from malnutrition. Because of insufficient nutritional intake, life expectancy among the garden people is very low. The main reason for not having sufficient meal is the poverty level income. During interview a guardian stated that:

“We earn tk. 2600 on an average in each month. We can’t manage meal thrice a day with this amount. How we can think about nutrition?”

Unconsciousness about health and nutrition also hampers the infant and child health. Malnutrient pregnant women are supposed to give birth to unhealthy babies. Early marriage is a common phenomenon in the garden. As parents can’t bear the living expenses they tend to marry their girls off as early as they can.¹ Due to unawareness about health and well-being, couples are reluctant to use contraceptive. Therefore, the fertility rate is also high, that is three or four children for each couple. In most gardens there is no place to keep the new born babies of working mothers. Though there is a home for baby in some gardens, it often remains unused. Babies do not get proper care in crèche. As a result working women keep their infant on the surface of the garden when they work which is very risky for children’s health. Tea garden people are not used to using sanitary latrines which has very detrimental effects on their health.² Medical facilities provided in the garden are insufficient. During FGDs a member of Bangladesh tea workers union has said:

“There is a central hospital of Finlay Tea Company for 100,000 people including the dependents of the workers. Workers prefer to die rather than to go there for poor service quality. Sometimes, workers get some treatment but dependents are completely ignored by them. Only one small

¹ It is worth noting here that a “KISHORI CLUB” is working in the *Malnichara* to raise awareness about reproductive health of young girls. It is motivating the girls not to agree for marriage early in life which is very harmful both for mother and the infant. Reduction of child marriage is one of the concerns of this club.

² Due to cultural practice, ethnic communities do not use sanitary latrines as a respect to parent or older member of the family. They prefer to use open air latrine which is hazardous to their health. However, a gradual change is being observed in their practices as a result of NGO interventions. Some of the NGOs, like IDEA, BRAC are providing safe drinking water and sanitary latrines under WASH programme in some gardens.

clinic is located in each tea garden where no doctor but a paramedic is found.”

Unawareness about health and wellness is largely responsible for ill health of tea workers and their children. During key informant interview (KII) a doctor said:

“Workers face various health problems (e.g.; skin diseases, typhoid, tuberculosis, urinary truck infection, diarrhea, and goiter). These diseases are transmitted to their children. They are frequently affected by these diseases because they do not wash their hands properly before taking meal; health amenities provided by tea garden very often remain unused; they drink unsafe water collected from ponds and other open sources and do not use sanitary latrines. Discontinuity of treatment is also responsible for their ill health. They come to the clinic once when they face trouble but do not continue the treatment. Sometimes, they are referred to Camelia (a central hospital managed by Duncun) but do not visit there. They will die here rather than go there.”

Right to Leisure, Play and Participation in Recreational Activities

According to UNCRC, all state parties are committed to ensure the right of the child to rest and leisure, recreational facilities appropriate to the age of the child, and to participate freely in cultural life and arts. Describing the importance of play for development of children’s physical and mental growth, Konrad (2013) says that artful play provides boundless opportunities for children of all ages. It nurtures the creative spirit and cultivates imaginations (p. 144). Evidence suggests that playing occupies a pivotal role in advancing the overall cognitive, emotional, and physical development of children of all ages and social environments (Schaefer, 2011). In reality, children do not get time for playing and recreation as they are involved in supporting family activities, such as, taking care of younger child, collection of firewood and drinking water. During the visits in the tea gardens, the researcher could nowhere find a playground and instruments for children’s recreation. The main sources of recreational activity for them are religious festivals. Very recently, the young children are arranging some recreational programmes aiming to aware people about the importance of education, negative impact of early marriage, child labour, drug addiction with the help of local NGOs in few tea gardens.

Right to Live in Peace, Security and Happiness

Physical and emotional development of a child depends on the interpersonal relationship among the family members. Spousal or familial conflict is found in almost every family in the tea garden. The direct impact of spousal conflict resulting from addiction of male members very often falls on children which hamper their emotional growth and development. Children feel insecure due to the conflict of their parents. A child of an addicted worker said:

“My father spends all his income on drinking. He comes home drunk and behaves roughly with us. Very often my mother is beaten mercilessly for protesting against him. We get scared to go in front of him. Once I saved my life by running away from him when he became furious and chased me with a knife when I protested. From then, I never dare to protest against him.”

Protection of Child Rights of Tea Communities: Social Work Perspective

Social work is a professional service which seeks to work for marginalised and deprived communities. Social work professionals pursue social change particularly with and on behalf of vulnerable and oppressed individuals and groups (Figueira-McDonough, 2007). Social workers strive to ensure access to needed services and resources, equality of opportunity, and meaningful participation for all people (NASW, 2003, pp. 381-395). Social worker seeks to promote sensitivity to and knowledge about oppression that mostly concentrate on issues of poverty, unemployment, discrimination, and other forms of social injustice (Figueira-McDonough, 2007). Social work has a long tradition of working with children and families (Payne, 2005). It addresses many life circumstances and events such as violence, neglect, maltreatment, poverty that prevents children's physical, emotional, social and intellectual development (Noble & Ausbrooks, 2008).

Tea garden communities live and work at an isolated place. They are excluded, marginalised and deprived from access to civic services. The most crucial impacts of marginalisation and deprivation of a community are directed to the children because social exclusion refrains them from access to the services required for their development. Child abuse and neglect is commonly seen in the tea garden for untrained parents. Having no crèche, women workers join in their work keeping their child in the

open area near their workplace which has detrimental effect on physical health of the child. They, mostly male earners, spend all their income on alcohol. Children suffer from malnutrition and maltreatment because of unawareness of parents. They also are excluded from educational services. Parents are unable to bear the cost needed for educating their children. Children are kept at home for taking care of their young siblings instead of going to school. Alcoholism leads to spousal conflict which adversely affects the psychological development of children. Children who witness abuse are more likely to be abused themselves and abuse their own children and spouses in the future (Glicken & Sechrest, 2003). Similarly, children living with maltreatment or dangerous living condition are more likely to have intellectual difficulties (Noble & Jones, 2006). For dealing with child right issues of tea garden workers, social workers may adopt three strategies to bring a change in the community: individualistic, collectivist, and state level. Using individualistic strategies, social workers may help parents to learn about child rearing and caring. Psycho-educational family counseling is applicable to help family members to modify their cultural beliefs associated with child rearing, caring, and education (Hook, 2014). It also facilitates the knowledge and understanding the importance of child education (DiNitto & McNeece, 2008). Health education is needed to change their health seeking behaviour based on traditional healing system. Health education is also required for motivating them of using pure drinking water and sanitation system that are necessary for good health. Social work counseling can reduce the stress of parents and family members of children when they get sick. It is also applicable to make behavioural change of addicted parents. Following collectivist strategies, social worker can organise people of tea community to meet their needs and gain control over resources and issues faced by them. This is basis for community work and community development through which a number of links between individuals are increased and opportunities for coming together around issues of concerned are created. Social worker can mobilise the resources within the community, can negotiate with the owner of the garden, and connect the community people with other governmental and nongovernmental services. Above all, child protection is a state function and procedure. Workers' collective voices can be strengthened through raising awareness. Movements for equity, social justice and countering oppression can be done through legislative change that may rely on voices of individual and groups (Payne, 2005).

Concluding Remarks

The children of tea garden workers in Bangladesh are deprived of their basic human rights. Based on the findings of the study, it can be concluded that the major violations of child rights happen in terms of education, health, recreation, and child labour. The wages of tea garden workers are insufficient to meet their daily needs. As a result, the workers are not able to give minimum protection to their children for health and education. Due to violation of the rights of the children, tea garden people are not able to increase their skills and capacities. Consequently, they have no alternative ways but to work in the tea garden. Tea garden authority is reluctant to increase the capacity building of tea garden workers' children. State's responsibility for protection of child rights in tea garden is also at stake. In absence of inspection and monitoring by the state, garden authorities do not pay attention to protect child rights in tea gardens. The ultimate result is poor and unhealthy workforce in tea garden which recurs in cyclic order. Implementation of CRC in tea garden is far away from expectation. No remarkable changes would be achieved through continuing the violation of child rights. Collective efforts by all stakeholders including state, garden authorities, NGO, and other international organisations are needed to protect the rights of the children in tea estate.

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