

Bangladesh's Alternative UNCRC Report 2014



Submitted by
Manusher Jonno Foundation
in collaboration with its partner NGOs

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Acknowledgement

Manusher Jonno Foundation (MJF) has committed to prepare the Alternative Report to the State party periodic report under the UNCRC since 2007. MJF strongly feels that a meaningful collaboration between government and civil society organizations is crucial to realize the rights of children. Civil society organizations in Bangladesh play an important role in ensuring good governance and human rights for all, including children. It is beyond debate that problems faced by a large number of vulnerable children cannot be solved only by the government in a country like Bangladesh. There is lack of capacity of institutions responsible for ensuring the rights of the children. Keeping this spirit in mind, MJF continues its efforts to collaborate with the government in developing and implementing child rights related laws and policies, demonstrating replicable models and continuous monitoring the situation of children and implementations of policies at local and national level. This alternative report is an integral part of the on-going collaboration with the government in order to help to identify the gaps and recommend priorities.

The Alternative Report to the 5th State Party periodic report would not have been possible without the support and encouragement of the larger NGO community, especially the partner NGOs of MJF. We would like to thank them and other institutions who have helped in collecting data and information for this report. We would also like to express our gratitude towards the local communities working with our partner NGOs who are truly the change agents at the grassroots level.

We also want to thank the children who shared their views and opinions on issues that affect them directly and indirectly through different discussions. The MJF team particularly the Child Protection theme deserves special mention for taking the initiative of CRC monitoring and their ongoing endeavors on child protection and development.

Finally, we would like to thank our consultant for his commitment in preparing the Alternative UNCRC Report under time pressure.

We hope this report will be a useful reference document by stakeholders at various levels involved in making a better future for the children of Bangladesh in the light of UNCRC.

Shaheen Anam
Executive Director

Abbreviations and acronyms

ADP	Annual Development Plan
BSA	Bangladesh Shishu Academy
CDC	Child Development Center
DSS	Department of Social Services
GoB	Government of Bangladesh
MDG	Millennium Development Goal
MJF	Manusher Jonno Foundation
MoLE	Ministry of Labour and Employment
MoLGRD	Ministry of Local Government and Rural development
MoSW	Ministry of Social Welfare
MoWCA	Ministry of Women and Children Affairs
NCWCD	National Council for Women and Children Development
NHRC	National Human Rights Commission
NCLEP	National Child Labour Elimination Policy
NGO	Non-government Organization
NPA	National Plan of Action
UNCRC	United Nations Convention on the Rights of the Child
WFFC	World Fit For Children

1. Background

The Government of Bangladesh (GoB) ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1990 as a commitment to fulfill the rights of Bangladeshi children. Since the ratification of the UNCRC the GoB made attempt to implement and apply the principles and provisions of the UNCRC in addressing the issues of child rights in the country. However, despite numerous efforts made by the GoB over the years a large section of children are still deprived of their basic rights. Children in Bangladesh continue to be victims of acute poverty, physical and psychological torture, economic exploitation, physical and sexual violence, trafficking and prostitution, early marriage, harassment by the law enforcement agencies, political violence and so on. Especially children from the minority community such as children of Chittagong Hill Tracts, Dalit community and children of sex workers are exposed to all forms of abuse and exploitations. The GoB made progress in addressing many areas of child rights, however, there are areas that require strong level of commitment on the part of the GoB.

In accordance with the Article 44 of the Convention on the Rights of the Child (CRC) the GoB submitted its first periodic report in 1995 and the fifth periodic report was submitted in October 2012. The provision for periodic report offers the State Party an opportunity to conduct a comprehensive review of the measures it has taken to harmonize national laws and policies with the provisions of the CRC; monitor progress made in promoting child rights; identify problems and shortcomings in its approach and challenges to the implementation of the CRC; and to plan and develop appropriate policies and programs to achieve these goals. However, often the State party periodic report does not reflect the real situation of the children of the country and measures taken by the State to fulfill its commitment made through ratifying the UNCRC.

Therefore, under article 45(a) of the UNCRC, the Committee on the Rights of the Child encourages specialized agencies and other competent bodies that include non-government organizations to provide opinions and information on the implementation of the Convention in order to provide it with a comprehensive picture of how the Convention is being implemented in a particular country.

The periodic reporting system is to function as a monitoring mechanism on the implementation of the guiding principles of the CRC and the observations and recommendations made by the UN Committee on the Rights of the Child. Though the fifth periodic report has been submitted timely by the GoB concerns have been raised by civil society organizations and child rights experts on the effectiveness and comprehensiveness of the State Party report. In order to provide further information and analysis to the State Party report, Manusher Jonno Foundation (MJF) has come forward to prepare alternative reports since 2007.

MJF as a lead NGO in Bangladesh working on good governance and human rights issues felt the necessity to engage itself in the exercise of preparing a comprehensive alternative UNCRC report. MJF is currently providing financial and technical support to 123 NGOs, among them more than 50 NGOs have intervention on issues of child rights.

The main objectives of this report are to identify gaps and provide analysis on the State Party report and to provide possible recommendations on way forward. Comprehensive alternative reports are meant to help GoB to identify the policy gaps so as to create points of entry for government and civil society to work together effectively to appropriately address the issues of children in the country.

This report has been prepared mainly based on both primary and secondary information along with opinions and views of the MJF partners, community members and disadvantaged children.

A huge information and conclusion have been drawn in this report from the MJF Bangladesh Annual Child Situation Report of 2011, 2012 and 2013 which are unique track record of child rights situation in Bangladesh regularly collected and analyzed by Manusher Jonno Foundation from published news on national dailies.

2. General Measures of Implementation

2.1 Reservations

(Concluding observation: The Committee encourages the State party to accelerate its review process regarding the removal of the reservations to articles 14, paragraph 1, and 21 of the Convention, in accordance with the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993.)

Measures taken on the concluding observation

Despite observations and recommendations made by the CRC Committee on the two consecutive State party reports to accelerate the process regarding the removal of the reservations to articles 14, paragraph 1 and article 21, the Government of Bangladesh is yet to withdraw its reservations. In the previous report (3rd and 4th State party report) it was reported that the GoB was reviewing and seriously considering this issue. They also collected information from other countries. However, in the 5th periodic report the GoB took a completely different stand arguing that articles 39 (1) and 41 (1) of the Constitution of Bangladesh has recognized the right to freedom of thought, conscience and religion to every citizen of the country and the section 7 and Section 24 of the Guardian and Wards Act 1890 can be an alternative to article 21 of the UNCRC.

The legal and child rights experts of the country do not find this argument a valid one. It is true that the Constitution of Bangladesh have the provision to ensure the right to freedom of thought, conscience and religion to every citizen of the country. However, making a provision in the Constitution does not automatically come into enforcement unless that provision is supported by the legislation. Moreover, in a country like Bangladesh the constitutional obligations are not even fulfilled for the adults while children being one of the weakest groups in the society are not in a position to uphold their rights until and unless the caregivers and duty bearers come forward to uphold the rights of the children. On the other hand the Guardians and Ward Act 1890 says “Where the Court is satisfied that it is for the welfare of a minor, an order should be made to appoint a guardian of his/her personal protection or property or both or declaring a person to be such guardian, the Court may give an order accordingly.” Therefore, it is up to the willingness and satisfaction of the Honorable Court to appoint a guardian for a child, which may vary case to case. Under this circumstance, the State Party may be asked to come up with more valid argument to hold its stated position.

2.2 Legislation

(Concluding observation: The Committee recommends that the State party continue to harmonize its legislation with the principles and provisions of the Convention and incorporate the Convention into domestic legislation, ensuring that the Convention can be invoked as a legal basis by individuals and judges at all levels of administrative and judicial proceedings. The Committee also recommends that the 1974 Children’s Act be revised to cover comprehensively the rights of the child. Finally, the Committee encourages the State party to carry out an impact assessment of how new laws affect children.)

Measures taken on the concluding observation

The GoB made laudable progress during this reporting period in connection with harmonizing the national legislation with the principles and provisions of the CRC. The GoB reviewed major child rights related laws and policies and amended/enacted couple of new laws and policies to protect the rights of the children. These include Children Act 2013, The Pornography Control Act, 2012, The Human Trafficking Deterrence and Suppression Act, 2012, The Human Trafficking Deterrence and Suppression Act, 2012, The Prevention of Domestic Violence Act, 2010, National Education Policy, 2010, National Child Labour Elimination Policy, 2010, National Children Policy, 2011, Labour Act 2013 etc. However, we get a bleak picture looking at the level of implementation of these laws and policies. Moreover, the relevant public and private stakeholders are mostly unaware about these laws and provisions made for the betterment of children. These are all still in papers. One practical example would be the National Child Labour Elimination Policy (NCLEP) which was adopted in 2010 followed by a National Plan of Action (NPA) to implement the NCLEP. Since its formulation nothing has been achieved to implement the NCLEP and NPA to prevent and eliminate child labour in the country.

The State Party report mentioned that the GoB has taken vigorous efforts to make the national legislation fully compatible with the observations made by the CRC Committee with the hope that implementation of these legislations would lead to a better future for the children of Bangladesh. The question is for the State Party is that when the country can experience the actual implementation of these legislations.

2.3 Coordination

(Concluding observation: The Committee recommends that the State party consider enhancing capacities of MoWCA through the provision of adequate human and financial resources to strengthen its coordinating role at the multi-sectoral, national, divisional, and district levels. The Committee also recommends that the State party further clarify the roles and mandates of the NCWCD, MoWCA and Department for Children to reduce duplication of efforts and increase effective use of limited resources.)

Measures taken on the concluding observation:

There are number of Ministries and Departments, including the Ministry of Women and Children Affairs (MoWCA) responsible for the wellbeing of children in Bangladesh. However, often there is no meaningful coordination among these entities. Being a lead ministry, MoWCA looks after most of child rights related issues but the capacity of MoWCA is very weak in terms of both human resources and financial. As a result, it is very difficult for this ministry to exclusively focus on the matters related with child rights. Keeping this practicality in mind, the child rights advocates in Bangladesh have been advocating for a separate Directorate to be responsible for all child rights related issues. The CRC Committee also recommended for the same. Although the high level authority expressed their willingness several times but still this commitment has not been fulfilled.

The State Party report explained that “Although a separate directorate has not yet been established, initiative has been taken to enhance the human and financial capacity of MoWCA. A separate branch regarding children’s affairs has been established headed by a Deputy Secretary under the jurisdiction of

a Joint Secretary". The question for the State Party is what prevented them to establish a separate directorate for looking after children's issues?

The State Party report did not clarify the roles and mandates of the National Council for Women and Children Development (NCWCD), MoWCA and Department for Children to reduce duplication of efforts and increase effective use of limited resources. It has been observed that there is no effective coordination mechanism in place between these entities. At the same time the role and functions of the high level NCWCD is also invisible. Only the Terms of Reference of the new committee which includes (i) coordinating the policy making and development activities among various ministries, departments and organizations; (ii) formulating policy regarding legal rights, development and violence against women and children; and (iii) making appropriate decisions for implementing the initiatives that deal with the rights of the women and children. Therefore, the question for the State party is that they should clearly report on the achievement of the NCWCD so far.

2.4 National Plan of Action

(Concluding observation: The Committee recommends that the State party take steps to clarify how best the NPA can be implemented by all stakeholders and to ensure the allocation of adequate budgetary resources to accelerate its implementation. Further, the Committee recommends that it may be implemented with the necessary monitoring and evaluation mechanisms to regularly assess progress achieved and identify possible deficiencies for corrective action. The Committee urges the State party to take necessary steps to ensure effective participation of children in the implementation, monitoring and evaluation of the NPA.)

Measures taken on the concluding observation:

The State Party reported that the National Plan of Action (NPA) for Children (2005 – 2010) was implemented to ensure GoB's commitment for the survival, development, protection and participation of children in Bangladesh within the context of the Millennium Development Goals (MDGs) and the National Poverty Reduction Strategy Paper (PRSP). However, the State Party did not mention about the achievements out of the implementation of the NPA and the findings of the progress review done by MoWCA with technical assistance from UNICEF during April-May 2010.

Some of the key findings of the NPA progress review were:

- Although the NPA was a fairly comprehensive document jointly developed by the GoB, civil society organizations and UNICEF, it has not been used much as a policy document. The feedback confirms the concluding observations of the CRC Committee to 3rd and 4th periodic report that the awareness of the NPA at all levels of the administration was limited.
- Bangladesh has taken significant strides towards achieving MDGs 2 ,3, and 4 with notable reduction in child mortality and increase in enrollment in primary school and attainment of gender parity and lower secondary levels. Although progress is being made towards other MDGs and targets, reduction in the incidence of hunger, primary school completion and universal access to reproductive health continue to pose challenges.

- The demand for setting up the office of a Children’s Commissioner (Ombudsman) has been made by child rights organizations for long time and the CRC Committee has also raised the issue time and again. Although the law was drafted in 2006, reviewed and agreed by the Cabinet, it has not been achieved.
- Efforts have been made to raise social awareness about the CRC by disseminating bangle version to a wide range of audience including the Parliament, Government, Educational Institutions, NGOs and the Media. Yet the CRC is still not well known, especially at the district level.
- Children’s participation in decision making processes led by the government remains ad hoc, and mostly prompted by NGOs.
- The NPA for Children contained a long list of partners but assessment of their capacities are not available. Information on how government functionaries in different sectoral and thematic areas and at different levels are being oriented to children’s rights issues is also not available.
- A number of structures have been created at different points of time to promote horizontal and vertical coordination for the implementation and monitoring of the CRC. But lack of clarity about their roles and responsibilities, weak institutional capacities, limited resources and local factors hamper their functioning and sooner than later they became defunct.
- The perceived weakness of MoWCA, the coordinating body, vis-à-vis other ministries, sectors and levels of administration arguably affected its ability of coordination and collaboration, especially when the functions of various ministries and departments overlapped. Insufficient technical and institutional capacities further prevented the development of a framework for assessment and evaluation.
- The NPA for Children had proposed that the goals and targets articulated by the CRC, MDGs and the World Fit For Children (WFFC) as well as its expected outcomes should be reviewed to rationalize and minimize the number of indicators, which should be measurable and quantifiable to the extent possible. The absence of the framework affected data generation, analysis and reporting adversely and the proposed annual assessment reports and formative evaluation in 2008 was not undertaken.

The above-mentioned findings confirm that the implementation of the NPA not very satisfactory and therefore the progress review recommended MoWCA to develop an internal road map to assist with this process of mainstreaming as the context within which an NPA for Children was advocated has changed although the implementation of children’s rights remains a critical issue in Bangladesh.

2.5 Allocation of resources

(Concluding observation: The Committee reiterates its recommendation that the State party allocate adequate resources for children in accordance with the requirements planned in the NPA, the National Strategy of Accelerated Poverty Reduction (or PRSP) 2008-2011, and subsequent national development strategies or plans. The Committee recommends that the State party: (a) Increase the government share of available resources for the implementation of the rights of the child, taking into account its recommendations following the 2007 day of general discussion on “Resources for the Rights of the Child – Responsibility of States”; (b) Ensure that the development of the national budget uses a child rights approach, including the use of indicators, and a tracking system that make spending on children visible throughout the budget.)

Measures taken on the concluding observation:

Lack of adequate budget allocation for implementing child rights related programs and projects remains a challenge in Bangladesh. Besides, how much funds are allocated for children’s rights is still a mystery as there is no segregation in the national budget allocated for implementation of the Annual Development Plan (ADP) of the GoB. The GoB is yet to introduce a “pro-child budgeting” framework in formulating the national budget and did not report the reasons behind this except mentioning that there is a lack of disaggregated data without mentioning its reasons and how long it would take to get such data.

The State Party reported that most programs fall under four major sectors (out of 17 sectors) while child related programs are scattered throughout the ADP. These include (i) education and religion; (ii) health, population and family welfare; (iii) social welfare, women and youth development; and (iv) labour and employment which do not give us a clear picture on how much amount are kept for children’s rights.

Alarming information is that there is a decreasing trend of ADP allocation in the total budget. According to a child-focused analysis of budget allocation and expenditure with focus on children, commissioned by Save the Children Sweden-Denmark a decreasing trend in the total budget from around 40% at the beginning of this decade to about 25.6% in the year 2008-09 that hampered development activities as well as the failure in implementation of the proposed ADP. Moreover, a significant part of the child related investments are channelled through the ADP from foreign aid.

The Center for Policy Dialogue (CPD) and UNICEF report, titled, “National Budget: Are the Commitments to the Children of Bangladesh Being Kept?” highlights that the share of allocations for child-focused programmes has not been changed significantly since FY 2005-06. The number of social safety net programmes and amount of money allocated in the budgets increased, but the amount and proportion of these resources are insufficient compared to the number of poor and most vulnerable children.

Information given in the State party report also shows that the total budgetary allocation for children decreased over the years. In 2005-06 the allocation was 4.6 percent while in 2008-09 it stood for 3.8 percent, although in 2010-11 it was 4.1 percent of the national budget.

In addition, the national budget preparation does not follow the system of expenditure indicators and disaggregated data for impact assessment on how to improve investments to serve the best interest of children, which has been recognized by the State Party report.

It is encouraging to see that the State party report admits the limitation of the GoB that given the high proportion of poverty stricken children and the resource constraints of the government, a large number of poor children still remain outside the welfare enhancement programs targeted for their development. However, it is important to learn from the GoB that what measures have been taken so far to address such budget constraints within a shortest possible timeframe.

2.6 Independent monitoring

(Concluding observation: (a) Ensure the independence of the National Human Rights Commission in accordance with the Paris Principles; (b) Provide it with adequate human and financial resources and the capacity to address issues of the rights of the child; (c) Take the necessary measures to establish the Children's Ombudsman to specifically deal with complaints of violations of the rights of the child and to provide remedies for such violations.)

Measures taken on the concluding observation

The GoB has failed to set up the office of a Children's Commissioner (Ombudsman) despite the demand made by child rights organizations for long time and the CRC Committee has also raised the issue time and again. Although the law was drafted in 2006, reviewed and agreed by the Cabinet, it has not been achieved. The State party report stated that Section 10.3 of the National Children Policy 2011 has created the legal provision to appoint an Ombudsman for children to contribute to the welfare and rights of the children. The question for the State Party is that they should be able to give clear answer why it is taking too long to implement the provision kept in National Children Policy 2011.

The State Party also mentioned that Bangladesh has already established the National Human Rights Commission (NHRC) under the National Human Rights Act 2009 with adequate mandate and human and financial resources for promoting and monitoring human rights, including child rights and redressing complaints of rights violation. Can the State Party provide substantial information on what activities on child rights issues the NHRC has carried out so far and what are the achievements?

2.7. Dissemination of the Convention

(Concluding observation: The Committee recommends that the State party ensure that all of the provisions of the Convention are made widely known and understood by adults and children and inter alia: (a) Translate and disseminate the Convention in non-Bengali languages; (b) Carry out evaluations of its dissemination activities as well as training of relevant professionals to assess outcomes and impact)

Measures taken on concluding observation:

According to the progress review of the NPA findings (conducted by MoWCA), the GoB has taken efforts to raise social awareness about the CRC by disseminating bangle version to a wide range of audience including the Parliament, Government, Educational Institutions, NGOs and the Media. Yet the CRC is still not well known, especially at the district levels and among children in and out of school. The progress review findings also indicated that the few efforts to assess the impact of dissemination activities points to limited outreach and restricted focus on Bangla speaking population. Therefore, there is a strong need to find out an effective dissemination mechanism to make people aware regarding the principles and provisions of the CRC.

3. Definition of the Child

(Concluding observation: The Committee strongly recommends that the State party: (a) Take necessary measures to define the child as any person below 18 years old in accordance with article 1 of the Convention; (b) Empower the newly established Committee to expedite its review of the various legislations and policies on the definition of the child, including for marriage, in the 1974 Children’s Act, the Penal Code, the Children’s Policy and NPA to ensure that the State party can take a clear position to define the child in compliance with the Convention.)

Measures taken on the concluding observation:

The initiative taken by the GoB to set a uniform definition of the child in the laws and policies of the country in accordance with the article 1 of the CRC was appreciable. After a long struggle The Children Act 2013 (it was a draft during the State Party reporting period) finally defined as any person below the age of 18 years, which is a big achievement for the country despite some delay. Some other important laws and policies set the same provision.

However, some of the previous laws and policies need to be revised in terms of setting the definition of a child. For example, the National Child Labour Elimination Policy 2010 defined children as a person not attaining the age of 14 years and adolescents those who has attained the age of 14 but below the age of 18 years. These two definitions often create confusions among the public and private stakeholders.

Another important concern is about the age of marriage. According to the existing marriage Act, the minimum age of marriage is set at 18 for girls and 21 for boys. However, very recently the GoB under the leadership of the MoWCA has taken an initiative to amend the Marriage Act in order to make it much stronger to meet the challenge of recent time. Unfortunately the Cabinet proposed to reduce the age of marriage for girls to 16 years. The draft law which proposed a provision for 16 years in the case of girls has been sent to the Law division for review. This has created serious concerns among the child rights and women rights organizations.

The age of criminal responsibility is still 9 years. There should be a clarifications from the State party why they are reluctant to increase the age of criminal responsibility as recommended by the CRC Committee.

4. General Principles

4.1 Non-discrimination

(Concluding observation: The Committee recommends that the State party take the necessary measures to ensure that efforts to address persistent discrimination and reduce disparities are adequate and effective in the family, schools and other settings, and in particular among marginalized and excluded children, including girls, children of ethnic minorities and refugee children.)

Measures taken on the concluding observation

In the State party report it was mentioned that the GoB proposed specific strategies including reforming the policy and legal framework, creating an enabling environment for girls, eliminating health and education disparities, priority to girls and women in social protection programs, empowerment and participation of women and girls, addressing violence against girls and women, mainstreaming gender issues, developing institutional capacity, giving special training to service providers, creating women friendly physical facilities at all public health complexes and improving access to health services for women and girls. It has also been reported that massive social awareness programs were planned and implemented by various ministries, departments and NGOs to create awareness among the parents/guardians, teachers, media and children regarding the negative consequences of the gender-based discrimination.

However, the gender based discrimination is still high in all settings of the society simply because the proposed legal and policy framework are still in paper except initiating some small projects here and there. Can the State party further clarify to what extent these policies and legal frameworks have been implemented to address gender based violence?

With regard to the rights of children with disabilities the country has taken a number of legislative and policy actions towards national adoption of the global commitments including the Children Policy 2011 and the Rights of Persons with Disabilities Act 2012. However, the act, a key factor for taking further actions, is pending enactment. Knowing the exact number of children with disabilities and the types of problems they are facing is another issue for further actions. Till date the government is in the dark in this regard, as no nationwide survey on children with disabilities was held so far. The government has started a disability identification survey in 2012 to count the number but the results of the survey yet to be released.

Bangladesh is among the first countries to ratify and bring into force the two most significant global documents that protect the rights of children with disabilities– the UN Convention on the Rights of the Child (CRC) and the UN Convention on the Rights of Persons with Disabilities (CRPD). However, discrimination in the family, the community and the workplace is at the core of most violations of the rights of children with disabilities in Bangladesh. Beliefs are that disability is a curse and these social beliefs are deeply rooted at all levels.

Unicef's report "The State of the World's Children 2013", which was unveiled in Bangladesh recently and especially dedicated to children with disabilities, strongly recommends building more inclusive societies for them.

The State Party report did not elaborate regarding the situation of children from different minority groups such as children of Dalit community, indigenous children. The Dalit children are considered as one of the most marginalized groups in the society and they are deprived of having access to education, social activities, leisure and cultural activities, proper health and sanitation facilities etc. There are incidences where the Dalit children were forced to leave the school playground by other children. It has been found that some school authorities asked Dalit children to clean up toilets of the school because of their identity as Dalit. Majority of the girl children of the Dalit community are subject to early and force marriage as they belong to ultra poor families and do not have access to education. In many occasions, the boy children of the Dalit community are being forced to hazardous child labour by their parents.

The government has recently introduce education stipend program for Dalit children, however all Dalit children cannot enjoy this opportunity due to inadequate allocation compare to the number of Dalit children. Organizations working for the betterment of Dalit children recommend that there is a strong need to initiate social campaign on the rights of the Dalit children, educational institutions should be friendly with Dalit children, special budget allocation for ensuring the rights of the children from minority communities, including Dalit would help them to grow as normal citizen.

The children from indigenous community in Bangladesh suffer from acute economic poverty, lack of access to education. Language barrier in educational institutions is one of the key concerns for these children. Despite commitments made by the GoB, the indigenous children yet to have an opportunity to get education in their own languages. This means these children are growing up with an education which cannot equip them with requisite level of knowledge and skills to face the competitive world. The Education Policy 2010 made provisions to prepare text books in their own languages so that the ethnic children learn their own languages, which is one of the fundamental rights. The Education Policy also recognize the importance of recruiting teachers from ethnic groups, setting up schools in ethnic inhabited areas and residential facilities for teachers and students in order to expand education opportunity for ethnic children. However, most of these provisions are yet to be fulfilled.

4.2 Best interests of the child

(Concluding observation: The Committee recommends that the State party: (a) Define and explicitly incorporate the principle of best interests of the child into national legislation and other actions taken by the judicial and executive branches of the Government that affect children such as in cases of divorce, child protection and juvenile justice; (b) Strengthen awareness-raising campaigns and training that target policy makers, judges, law enforcement officials, social workers and parents on the principle and applications of the best interests of the child; (c) Assess the impact of government actions and decisions, as well as actions and decisions by civil society partners, based on the best interests of the child.)

Measures taken to ensure the best interest of children

Whether a country truly believes in act for the best interest of the children would largely depend on how and through what process the policies and laws related with children have been formulated, how far the child rights issues are incorporated in those laws and policies, how much budget has been allocated to implement policies and programs and to what extent the ultimate beneficiaries ie. Children were consulted at the time of formulating policies.

The State party report stated that they have taken serious efforts to ensure the best interest of the children by incorporating the principles of the best interest in the new laws and policies, providing training to the government officials and organizing awareness raising campaigns. It seems that the underlying meaning of the best interest of the children is misunderstood to a large extent. Moreover, no formal assessment was carried out to evaluate the impact of various trainings and awareness raising campaign to understand whether the relevant stakeholders and duty bearers are fully sensitized to the best interest of the children in delivering their responsibilities. As if inserting some words and sentences in a document would automatically ensure the best interest of the children. Given the present situation of the majority of the children in Bangladesh and level of implementation of the adopted policies and laws we cannot conclude that the country is moving forward with the spirit of the best interest of the children.

4.3 Death penalty

(Concluding observation: The Committee recommends that the State party take immediate steps to halt the imposition of death penalty for crimes committed by persons under 18 and abolish the death penalty.)

Measures taken on the concluding observation:

This is encouraging that the revised Children Act, 2013 prohibited capital punishment of children up to 16 years of age under any circumstance. The Act also specifies that if any child commits a criminal offence for which the child has become eligible for capital punishment, the Children Court will give punishment for maximum ten years and minimum three years imprisonment and will make an order to send the child to Children Development Center. However, the age of criminal responsibility is still 9 years.

4.4 Corporal punishment

(Concluding observation: The Committee recommends that the State party take the necessary actions to stop corporal punishment and other cruel or degrading forms of punishment currently widely accepted and practiced and inter alia: (a) Enforce existing laws to explicitly prohibit corporal punishment; (b) Raise public awareness of this prohibition in order to transform societal attitudes towards the disciplining of children and to prevent corporal punishment at home, in schools, institutions and workplaces; (c) Provide training and advocacy to promote alternative,

non-violent forms of discipline in the family, schools, institutions and communities; (d) Ensure that all cases of corporal punishment are investigated and perpetrators are brought to justice.)

Measures taken on the concluding observation:

In 2011, Bangladesh High Court declared all types of corporal punishment in schools illegal and unconstitutional following a writ petition to stop cruel punishment for children. Ministry of Education also banned corporal punishments in schools. Despite all these laws and regulations a big number of incidents relating to inhuman punishment in various educational institutions occurred on a regular basis. According to a feature published in the Daily Star on May 13 2014, more than 150 students were beaten by an assistant teacher of Gulta Government Primary School in Tarash Upazila of Sirajgong district. Thirty students were unable to attend their class rooms due to their injury received from the teacher's beating. In June 2013 a child was tortured by teachers at a madrasa at Jamalpur and hand of a child was broken by teacher at Joypurhat.

As a signatory to the UNCRC Bangladesh obliges to protect children from being subjected to torture, punishment and any cruel or inhuman treatment and physical violence as children are human beings with the right to dignity and physical integrity. Therefore the government must take a proactive role in protecting children from corporal punishment in all settings. Supervision of the Ministry of Education to inspect the schools and to take immediate disciplinary actions against teachers who have been shown to abuse a child is highly expected. In addition, teachers must receive training on non-violent and effective means to manage a classroom and inspire students.

4.5 Respect for the views of the child

(Concluding observation: The Committee recommends that the State party continue to facilitate and ensure the implementation of the right of the child to be heard in accordance with article 12 of the Convention and promote children's participation at all levels of government and within the family, schools, and the community. The Committee also recommends that the State party guarantee the right of children to be heard in judicial and administrative proceedings that concern them.)

Measures taken on concluding observation:

It has been observed that the GoB has taken some initiatives to involve children in the process of formulating national laws and policies related to children. However, it still remains as one of the key concerns that how many children actually had the opportunity to take part in those consultation processes. More important issue is how effectively the consultations were carried out with the children and how far the opinions and concerns of the participated children were reflected in the policy documents. There is a tendency within the government system to invite some children in the policy making process for the sake of children's participation. The way these meetings/workshops are facilitated where one or two children cannot open up their mind. Rather they become the victim of child participation. Moreover, children from different sections, especially children of the hard to reach areas and children from the minority communities did not have the opportunity to express their views and opinions which has been acknowledged by the State Party report. Therefore the State party should clarify about their limitations to include children from all sections of the society.

5. Civil Rights and Freedoms

5.1 Birth registration

(Concluding observation: The Committee recommends that the State party take all necessary measures to accelerate free of charge birth registration for all children born within the national territory, including children whose father- or both father and mother- are unknown, children born to single mothers, children born out of wedlock and refugee children.)

Measures taken on the concluding observation

According to the State Party report the Ministry of Local Government, Rural Development and Cooperatives (MoLGRD&C) has been implementing the Birth and Death Registration Project with support from UNICEF since 2001. The report claimed that 98.91 percent birth registration has been completed so far and special focus has been given to register birth and death of children whose fathers or parents are not known, which contradicts with the ground level reality. Still there are many children living in hard to reach areas like hilly areas and char land areas where the birth registration rate is remains very low. There are hundreds of thousands of street and slum children and children from other vulnerable groups did not come under birth registration till date. Therefore the GoB should provide category wise detailed list of children in favor of their statement.

5.2 Access to information

(Concluding observation: The Committee recommends that the State party strengthen its efforts to fully guarantee equitable access to appropriate information for all children, especially for those who live in poverty and in remote and rural areas, and in conformity with their age and maturity).

Measures taken on concluding observation

The GoB with support from MJF and other civil society has enacted Right to Information Act in 2009 with an objective to ensure free flow of information for all citizens of the country. However, this Act is yet to be fully functional in a sense that still people having difficulties to get access to required information easily, especially from the public institutions. This is much more difficult for children.

The State Party report claimed that the GoB government and private run Televisions, Radio and Newspapers continue to provide information to children through producing and broadcasting various programs. However, the real situation is that most of the private TV channels are not motivated to produce and telecast program related to child rights with an argument that these types of programs do not attract commercial advertisements. Sometimes they say yes with condition that the sponsoring organizations have to pay the full cost and the on-air time will not be given during the prime time. Therefore, in one hand the number of programs on child rights issues is very limited and programs those are being sponsored by the child rights organization are broadcasted at a time which is not suitable for the children, even for the adult viewers. The state run media entities produce relatively more programs (although not adequate compare to other programs) on child rights issues, but follow the similar on air policy. The quality of programs on child rights is also a serious concern, mostly inappropriate to the needs of the children. Therefore, a large portion of the children, especially living in remote areas are still deprived of accessing appropriate information, which has been endorsed by the State party report.

5.3 The right not to be subjected to torture

The State party reported that the Constitution of Bangladesh, the Penal Code 1860, the Women and Children Repression Prevention Act, 2000 (Amended in 2003) and other relevant laws and policies have prohibited torture and other forms of inhuman treatment. Moreover, as a follow up to the UN study on violence against children, the GoB has taken initiatives to ensure proper implementation of the existing laws. In addition to the existing law, a good number of child friendly guidelines have been issued by the High Court Division focusing on safe homes with comprehensive child friendly services, protection of children from violence, abuse and neglect etc. In addition, various ministries adopted policies and issued circulars to protect children from violence. Unfortunately, the State party did not mention that how far these policies were implemented and to what extent the violence against children has been reduced.

In reality, children are subject to torture and other inhuman treatment in all settings on a regular basis. According to the findings of Bangladesh Child Rights Situation – 2013, a compilation of newspapers' reports initiated by MJF, only in 2013 267 children were raped among which 12 died and 239 severely injured, 335 children have been murdered, 264 children were physically abused, 166 children committed suicide due to love, family sued, sexual harassment, rape, spreading pornographic video etc., 167 children were lost of which 2 dead bodies were found, 42 children were reported trafficked and 156 children were the victims of political violence of which 41 died and 107 severely injured. These information were available based on news published in the newspapers only. There are hundreds of other incidences which did not receive media attention.

In 2013 the country has seen unprecedented violence against children caused by political unrest. Amid political violence, especially in later part, children of Bangladesh were brought up in a very hazardous environment. According to different hospital sources, as many as 30 children were either injured or succumbed to their injuries that they sustained during political agitations like hartals (strike) and blockades. Several children lost their body parts when they mistakenly grabbed abandoned crude bombs from the street or dustbins. Children also fell victim to political clashes and chasing counter-chasing between miscreants and law enforcers.

Alongside adults, children were seen picketing on the streets in hartals and blockades, hurling crude bombs and vandalizing vehicles. They had been forced to participate or paid in cash or kind by political activists to take part in party programmes that often turn violent. Despite constant campaign of rights activists, rampant use of children in violent political activities had been going on unabated across the country.

Although rampant use of children in violent political activities has become a common phenomenon in Bangladesh, there is no particular provision in the recently passed Child Act-2013 prohibiting use of children in politics. The section 79 of the Act prohibits use of children in carrying firearms or illegal materials or using them in violence or criminal activities. The perpetrator, who will use children in these activities, will be punished with maximum three years of imprisonment or maximum Tk 1 lakh fine or both. But no provision can be found regarding prohibition of children in political activities like using them in processions, rallies or any other activity that may put children in hazardous situations.

6. Family Environment and Alternative Care

6.1 Parental guidance, responsibilities and assistance

(Concluding observation: The Committee recommends that the State party expand the ongoing community- care mechanisms and allocate sufficient human and financial resources for family support and proactive social work.)

Measures taken on the concluding observation

The State Party reported that the Ministry of Social Welfare (MoSWA) has taken the initiative to revise the Children Act, 1974 (already been revised and came into force in March 2014) to accommodate appropriate provisions with regard to alternative care for children outside family environment. Children Act 2013 proposes several provisions that include institutionalization as last resort for children in need of care and protection, preference on the appropriate persons in case of alternative care arrangements.

In addition the MoSW has taken an initiative to increase community based alternative care facilities. A Policy Committee has already been formed and been acting as the platform to reform institutional care systems to promote family/community-based alternative care mechanisms in Bangladesh and to develop and enforce minimum care standards.

Again the State Party report did not provide any substantial information on what exactly the GoB did to address the recommendation of the CRC Committee in this regard. Therefore, the State Party may be asked to provide specific information on this issue.

6.2 Children deprived of family environment

(Concluding observation: The Committee further recommends that the State party: (a) Undertake a study to assess the situation of different categories of children placed in institutions and adopt measures to improve their living conditions and the services provided; (b) Provide training for staff in alternative care settings and access for children to complaints mechanisms; (c) Take all necessary measures to allow children placed in institutions to return to their families whenever possible.)

The State part report mentioned that the Ministry of Social Welfare (MoSW) undertook a study in 2008-2009 to assess the situation of different categories of children placed in institutions. Based on the findings of the study, the MoSW adopted measures to improve their living conditions. However, detailed information was not provided on the findings of the study and what exact measures were taken to improve the living conditions. State party may be asked to provide further information regarding the situation of institutions children are placed. Because, very often children living in Child Development Center (previously known as correctional home) express their dissatisfactions through a very cruel way (15-20 Children bruise different parts of their bodies using blade and knife). This type of incident happened twice in 2014 reported by national newspapers. But no major changes occurred in terms of improving conditions of the centers after such incidents.

6.3 Early and forced marriages

Bangladesh has one of the highest rates of child marriage in the world. According to the national survey on child marriage jointly conducted by Plan International Bangladesh and ICDDR,B, 64% of women

currently aged 20-24 were married before the age of 18 despite the fact that the minimum legal age of marriage for females in Bangladesh is 18 years and 21 years for males.

The GoB along with good number of national and international NGOs have prioritized delaying marriage, recognizing the negative impact on achieving almost every Millennium Development Goal (MDG) and undertook series of activities. Survey revealed that the trend of child marriage in Bangladesh is declining. However, this decline is slow and therefore it has been recommended that more needs to be done to end this harmful practice in Bangladesh.

This was one of the settled issues in Bangladesh related with child rights. The State party report also mentioned that the GoB has been implementing various projects to end child marriage. However, in recent time it has become a serious concern to the child rights and women rights organizations after taking a completely different move by the GoB. The GoB under the leadership of the Ministry of Women and Children Affairs and with assistance from development partners recently taken an initiative to revise the existing Marriage Act to make it stronger. The draft Act was submitted to the Cabinet for approval in September 2014 and since then the debate started. The Cabinet sent back the draft Act to the Ministry of Law, Justice and Parliamentary Affairs to review the proposed minimum age for marriage, which is 18 years for females and 21 years for males. The Cabinet did propose the minimum 16 years for females and 21 years for males, which really surprised the child rights activists in the country. The final decision from the Law ministry is still pending. State party should be asked to give justification in favor of their sudden decision to reduce the minimum age for marriage.

7. Education, Leisure and Cultural Activities

7.1 Education, including vocational training

(Concluding observation: The Committee recommends that the State party: (a) Consider extending the length of compulsory school in the country; (b) Raise the budget allocation for the expansion of the educational system and the improvement of the quality of education; (c) Address early childhood development holistically, including the introduction of public pre-school education as part of the compulsory primary education to improve learning achievements; (d) Strengthen efforts to further increase the enrolment in primary school and effectively prevent dropout from school; (e) Consider making multilingual education available in remote areas for minority and indigenous children; (f) Increase the transition rate to secondary school and support girls to continue education at the secondary level; (g) Provide more vocational education and training, including for drop-out children, and establish formal and non-formal facilities for combining work and education; (h) Effectively level out the access and quality disparities of the educational system across the regions of the country, with special attention to the less developed regions; (i) Better equip schools with educational materials and adequate sanitation facilities for girls and boys; (j) Conduct vigorous awareness-raising campaigns in schools and communities to combat the mistreatment of children and prevent bullying and sexual harassment of children in schools and on the way to school, especially of girls.)

Measures taken on the concluding observation

Bangladesh has made good progress in the field of education during this reporting period. The National Education Policy has been formulated for the first time in 2010 with the provision of length compulsory education up to grade 8th the National Skill Development Policy has also been adopted in 2011. Efforts have been made to ensure quality of education up to a certain stage.

However, some of the major concerns still remain in the Education sector of Bangladesh that would include large number of out of school children from vulnerable and minority communities, the quality of education, education budget, different types of education in public, private and English medium schools and religious institutions, hidden cost of education, access to technical and vocational education, formal and non-formal education, high drop –out rate at primary level etc. The State party report did not provide issue specific information and therefore, they may be asked to provide the comprehensive picture of the education sector with specific achievements at various stages.

7.2 Cultural rights of children belonging to minority groups

The information provided by the State party report is very general kind of information. It says only about the some of the institutions that invite children on special occasions to perform. The meaning of cultural rights is more than performing on Televisions and radio on special days. As mentioned earlier that the minority groups even do not have access to education in their own languages. Then how can the State party claim that the minority groups enjoying their cultural rights? Making provisions in the Constitution and national policies does not mean anything for the minority groups until and unless the provisions are translated into actions.

7.3 Rest, play, leisure, recreation and cultural

(Concluding observation: The Committee recommends that the State party take measures to improve children’s access to quality recreational and sports facilities, cultural activities and other leisure facilities for children of different ages and socioeconomic background. Further, the Committee encourages the State party to allocate adequate human and financial resources to the implementation of the right to rest, leisure and play.)

Measures taken on the concluding observation:

The State party report mentioned that the Bangladesh Children’s (Shishu) Academy (BSA) has been doing a lot to ensure improved access to play, recreation and cultural and artistic activities in the country. The true picture is that the BSA is meant for mostly children from advantaged section of the society. A few children from disadvantaged section get opportunity to have access to BSA.

It has been reported in the news media that most of the playgrounds of major cities have been grabbed by the influential groups to build market and clubs where the local children used to play. The relevant authorities has been failed to recover those playgrounds despite several complaints made by the civil society groups. This is one of the examples to understand how effectively the State party dealing with the recreational and sports facilities for children. State party may be asked to provide clarifications on this.

8.Special Protection Measures

8.1 Economic exploitation, including child labour

(Concluding recommendation: The Committee recommends that the State party take urgent measures to monitor and address exploitative forms of child labour and to: (a) Enforce the law to prohibit explicitly employment of children under 18 in hazardous work; (b) Improve data collection and monitoring mechanisms in order to enforce existing labour laws and implement policies to protect children from economic exploitation; (c) Consider approval of the National Child Labour Policy 2008; (d) Consider ratifying the International Labour Organization (ILO) Convention No. 138 (1973) on the Minimum Age for Admission to Employment)

Measures taken on the concluding observation:

The GoB through the Ministry of Labour and Employment (MoLE) has taken several steps to prevent and eliminate child labour, especially hazardous forms of child labour in terms of policy formulation and implementation of projects and programs. The Child Labour Elimination Policy (NCLEP) was adopted in 2010. The NCLEP set the minimum age for employment at 14 years and it prohibits children's engagement in hazardous work below the age of 18 years. A National Plan of Action has been adopted to implement the NCLEP. The labour Act 2006 was amended. The new national child labour survey has been initiated with technical support from ILO. The final list of hazardous work for children has been determined.

However, the issue of child labor remains a major concern in Bangladesh as none of the above-mentioned laws and policies has been enforced so far. Moreover, the legal protections regarding child labor are limited and the capacity to enforce child labor laws remains weak. In addition, adequate human and financial resources are yet to be allocated to implement activities set out in the National Plan of Action.

The MoLE established the Child Labour Unit few years back with the objective to coordinate child labour related interventions in the country as well as generating and disseminating child labour related information on a regular basis. However, the unit became almost non-functional since 2012.

It is important to note that the recently approved list of hazardous work for children did not include the child domestic work despite continuous lobbying and advocacy by the civil society organizations. As a result, children engaged in domestic work are left out from any legal protection and will still be subjected to inhuman abuse and exploitations. The MoLE claimed that considering the sensitivity of the issue they have decided to adopt a separate policy to protect the rights of the child domestic workers. This policy (Domestic Workers' Protection and Welfare Policy) was drafted in 2010, which is yet to be finalized and approved. On the other hand, the provisions proposed in the draft policy also contradict with the National Child Labour Elimination Policy 2010 and revised Labour Act. Because the draft policy said children below 14 years of age should not be recruited for domestic work, whereas the two other policies clearly stated that children under 18 years should not be employed for any hazardous work. And this is beyond debate that child domestic work is one of the most hazardous work taking into the consideration the working environment and conditions and definition set out in the ILO Convention No. 182 on Worst Forms of Child Labour.

The GoB did not ratify the ILO Convention No. 138 on Minimum Age for Employment.

Under this circumstance, State Party should clearly report on why the laws and policies related to child labour are not being implemented till date.

8.2 Sexual exploitation and abuse

(Concluding observation: The Committee reiterates its previous recommendations to the State party to undertake a study to assess the scope, nature and causes of sexual abuse in order to develop an effective comprehensive strategy, and recommends that the State party, inter alia: (a) Develop, reform and strengthen appropriate legislative measures to address the issues of sexual abuse and sexual exploitation; (b) Take appropriate measures to ensure the prompt prosecution of perpetrators of sexual offences against children; (c) Ensure that child victims of sexual exploitation or abuse are not criminalized or penalized; (d) Take appropriate legal and other measures to prevent sexual exploitation and prostitution of children; e) Train law-enforcement officials, social workers, judges and prosecutors on how to receive, monitor and investigate complaints, and in a child-sensitive manner that respects confidentiality; (f) Prioritize recovery assistance and ensure that education and training, as well as psychological assistance and counselling, are provided to victims.)

Measures taken on the concluding observation:

The State Party report mentioned only about the laws and policies that were enacted/formulated to address sexual abuse and exploitation against children. Nothing was mentioned regarding the implementation status of those laws and policies. Some of the laws were enacted in back in 2010. State party may be asked to provide information on the implementation status of the existing laws and policies. It is assumed that without implementation of the laws and policies children are not protected from sexual abuse and exploitations. According to various studies and media reports, children, mainly girls in Bangladesh are often subject to severe forms of sexual violence in each part of the country on a regular basis.

8.3 Sale of children and trafficking

(Concluding observation: The Committee reiterates, with urgency, its previous recommendation that the State party concentrate its efforts to combat the sale of children and trafficking and inter alia: (a) Ensure that child victims of sale and trafficking are not criminalized; (b) Strengthen partnerships with the community, relevant NGOs and international development partners to provide child victims of trafficking with adequate recovery and social reintegration services and programmes; (c) Undertake an in-depth study on the trafficking in children in order to assess its scope and root causes and enable effective monitoring, and adoption of measures to prevent, combat and eliminate it; (d) Exchange information and expertise among relevant ministries, national and international organizations and improve coordination and the availability and reliability of data, disaggregated by age, sex, and ethnic and socioeconomic background, on children who are sold or trafficked within the State party or to neighboring countries; (e) Consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.)

Measures taken on the concluding observation:

The GoB made few efforts to prevent trafficking during the reporting period. While the government trained police on standard operating procedures for trafficking investigations, including provisions for identifying trafficking victims, government officials did not systematically identify trafficking victims among vulnerable populations or refer victims of trafficking to protective services; victim referrals occurred on an ad-hoc basis. More than 600 trafficking victims were either self-identified or identified by civil society groups in 2012.

Bangladesh does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government drafted rules to implement the 2012 Human Trafficking Deterrence and Suppression Act (HTDSA) and began prosecuting cases under the law. However, the lack of adequate law enforcement efforts and institutional weaknesses continued to contribute to the trafficking of Bangladeshi migrant workers abroad. Inadequate trafficking victim protection remained a serious problem.

8.4 Street children

(Concluding observation: The Committee recommends that policies to address the issue of increasing numbers of children living or working in the streets focus not only on the economic aspect, but deal with social protection issues targeting the abuse, exploitation, and violence against these children. The Committee also recommends that the State party take urgent measures to ensure access to health services, education, and shelter for children in the streets. Furthermore, the Committee recommends that the State party take all necessary measures with the families and the children themselves to assist children in the streets to return to their families.)

Measures taken on the concluding observation:

The State Party report only mentioned about the project, the MoSW implemented a titled “Protection of Children at Risk (PCAR)” from 2007 to 2011 with the technical and financial support from UNICEF through which 33,034 children received life skills training, 2,730 children received vocational training and 2,117 children were provided with alternative livelihood or non-hazardous job. 13,979 children received full time social protection services and 2,124 children were reintegrated within their families. Considering the total estimated number of street children in the country the project only addressed a small part of the children.

Although any reliable surveys have not been conducted for the actual numbers of street children but it predicted to be increasing day by day. In 2005 the total estimated number of street children in six divisional cities was 679,728 and projected number of total children in 2014 was 1,144,754.

Some of the key concerns with regard to street children include safe shelter & ensure balance nutritious diet, access to education, placement in decent job through skill development training etc. Besides, the gap between existing policies and its enforcement need to be addressed.

8.5 The Administration of Juvenile Justice

(Concluding observation: The Committee reiterates its previous recommendation that the State party bring the system of juvenile justice fully in line with the Convention, in particular articles 37, 39 and 40, and with other relevant standards including the Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the Vienna Guidelines for Action on Children in the Criminal Justice System; and the Committee's General Comment No. 10 (2007) on the rights of the child in juvenile justice. In this regard, the Committee recommends that the State party inter alia: (a) Ensure with immediate effect that neither the death penalty nor life sentence are imposed for offenses committed by persons under 18 years of age; (b) Raise the minimum age of criminal responsibility to at least 12 with a view to raising it further as recommended in the Committee's general comment No. 10 (2007) on the rights of the child in juvenile justice; (c) Consider the establishment of specialized juvenile courts across the country, the appointment of trained juvenile judges and offer training for professionals; (d) Limit by law the length of pre-trial detention of children; (e) Continue efforts to ensure that children deprived of liberty are separated from adults, that they have a safe, child-sensitive environment in police custody, and that they maintain regular contact with their families, and to review the decision of detention with a view to its withdrawal; (f) Adopt a global and national policy in prevention and promotion of alternative measures to detention such as diversion, probation, counseling, community service or suspended sentences, wherever possible; (g) Provide children, both victims and accused, with adequate legal and other assistance at an early stage of the procedure and throughout the legal proceedings; (h) establish an independent body for the monitoring of detention conditions and receiving and processing complaints by children in detention.)

Measures taken on the concluding observation:

The State part report says that the GoB enacted the Children Act 2013 which covers a wide range of areas like a special judicial mechanism, prohibition of joint trial with adults, detention of a child in a safe place, and restrictions on punishment of children, and introduction of alternative care and diversions for the protection of juvenile offenders. The new Act of 2013 contains provisions for diversions also for correction of children in conflict with the law, but there is no guideline or rules how the methods would be applied or how alternative interventions would be conducted in the ground. Nothing has been reported on the present situation.

CRC and other instruments dealing with the rights for children in conflict with the law gear towards non-judicial principles in a juvenile justice to reintegrate the children. Article 40(3b) of the CRC notes, "whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected". The Committee on the Rights of the Child in reference to interventions without resorting to judicial proceedings explains, given the fact that the majority of child offenders commit only minor offences, a

range of measures involving removal from criminal/juvenile justice processing and referral to non-custodial and alternative (social) services (i.e., diversion, family/community conferencing) should be a well-established practice that can and should be used in most cases.

Different studies found that in Bangladesh children are treated and tried under the retributive criminal justice that is generally acknowledged to be detrimental to children's physical, social, emotional, cognitive and spiritual development. Direct contact with law enforcing agencies often brings violence, abuse and exploitation of the children in conflict with law. After a child is arrested, he is often locked-up and tried with adult criminals and after trial, and if he is found convicted, left with the option of full-time confinement in Child Development Centre.

In Bangladesh there are three specialized institutes set up for the detention of child offenders named as Child Development Centre (CDC). These are monitored by the Department of Social Service under the Ministry of Social Welfare. However, unsatisfactory condition of the post-trial institutionalization system for the juvenile offenders offers fewer possibilities for rehabilitation. It appears because of poor administrative cooperation and lack of sufficient logistic support from the government. For example, the vocational training programs conducted in the centers such as tailoring, automobile, electric service are very obsolete and modern technical education like computer programming is open to very limited delinquents.

Additionally there are no arrangements in CDCs for keeping the children separated in accordance with their age. The need to keep older children separate from younger children is patent if we consider their physique and mental development. It is a common phenomenon that younger children may be exposed to psychological abuse and bullying by older peers and more importantly, they may be sexually harassed, which would leave them distraught and scared for life. Ironically, children are deprived of the basic rights to survive, e.g., right to food and standard living, freedom of participation, freedom of assembly.

Given the recent information, truly the juvenile justice practice still accepts the full confinement with some vocational and correctional activities as a core technique of rehabilitation. Though the recent Children Act has inserted substantive provisions of alternative care, family conferencing, diversions, rules still need to be adopted how methods of family conferencing and diversions would be practiced in the ground. The governmental authorities in this concern should act proactively to make rules and regulations dealing with non-custodial sanctions. Only then, we can dream for a child-rights friendly juvenile justice system in Bangladesh.

Key Recommendations:

- 1) A separate Directorate need to be established under the Ministry of Women and Children Affairs to coordinate all the interventions related to the child rights and extend its administrative units up to the upazilla (sub-district) level.
- 2) As per the National Child Labor Elimination Policy Child Labour Unit should be activated as a national authority to look into the entire issue of child labour.
- 3) The list of hazardous child labor need to be updated to include child domestic work, waste picker etc.
- 4) National budget should be allocated separate for the children and then it should be split under different ministries that work on child related issues.
- 5) Mass awareness on misuse of ICT and vulnerability of pornography should be created besides the implementation of legal instruments.
- 6) The initiative of Teaching in mother tongue in Chittagong Hill tracts should be scaled up and strengthen to cover all the indigenous community that speaks other than Bengali.
- 7) National plan of Action should be designed with major focus on infrastructural development on inclusive education for the children with disabilities.
- 8) A national child protection mechanism and Regular Child Rights Monitoring and response system should be established by the government in collaboration with NGOs and private sectors.

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References:

1. Bangladesh Child Rights Situation, 2013, Manusher Jonno Foundation
2. Bangladesh's Alternative Report, 2007, Manusher Jonno Foundation
3. Country Report on Child Labour, US department of Labour, 2012
4. Country Report on Child Labour, 2011, Understanding Children's Work
5. Development Policies for Street Children in Bangladesh, Shakila Nawaz, Lund University
6. Fact Sheet on Birth Registration, May 2014, Unicef Bangladesh
7. Fifth State Party Report under the CRC, GoB
8. Implementation of the third National Plan of Action for Children (2005-2010) of Bangladesh: A Review of Progress, Ministry of Women and Children Affairs & UNICEF Bangladesh 2010.
9. National Survey on Child Marriage, 2013, Plan International Bangladesh and ICDDR,B
10. Promoting Child Rights, January – December 2013, The Daily Star
11. Rights Watch, The Daily Star, May 13, 2014
12. Situation Analysis on Children with Disabilities in Bangladesh, 2013, Unicef Bangladesh
13. State of Child Rights, 2013, Bangladesh Shishu Adhikar Forum
14. Survey on Child Domestic Work, 2013, Bangladesh Shishu Adhikar Forum
15. The State of Child Rights 2013, Unicef Bangladesh
16. Trafficking in Person Report, US Department of Labour, 2012
17. UNICEF Bangladesh, National Budget: Are the Commitments to the Children of Bangladesh being Kept, June 2011.
18. Unicef's report "The State of the World's Children 2013",