

UNCRC Alternative Report to 3rd & 4th Periodic report from Bangladesh



Looking Through Adolescent Lens

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Submitted by

Adolescent Development Foundation

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Executive Summary:

The issues that relate to adolescents, as distinct from other population groups, demand a special approach to consider them in recognition of their specific characteristics. Their potentials as well as their vulnerabilities are usually by passed by those who plan and design programmes to influence the nature of economic and social progress, nationally and internationally. The children, youth and women population groups have received focus in development agenda. Development planners, implementers and donors have increasingly addressed the issues relevant to these groups. The global community also has also looked into the problems of development of these groups toward achieving a better world community. The concern for adolescent may have been blurred by the consideration of age level that places adolescent group overlapping with children and youths. Unfortunately, despite being a very special group with specific needs, the adolescents have never been focused in the perspective that the term adolescence stresses to indicate their special features. It seems that the special features of adolescent stage of human growth have been left to the academic discourse of psychologist, and as such the social programming has remained almost blind to them. Bangladesh have so far looked at adolescents as a distinctive group in health sector in considering reproductive health aspects. But the arenas of concerns are immersed with children, women or the youth. Now the emerging interest is to examine how far the concerns of adolescents are, if at all, addressed by the present development policy framework and development plans, and how to ensure that the needs and problems of adolescents issue can be better dealt with.

There is no specific adolescent policy in Bangladesh to address the needs of this population group. Lack of coordination among different agencies of GoB is one the most vital constraint towards the proper implementation of the UNCRC. UNCRC is still not a well known issues to the mass people, lack of proper dissemination is the major reason behind this.

The report focuses on the certain specific issues:

- **Mental health, emotion control and counseling for the adolescent**
- **Social security of adolescents from eve teasing, sexual abuse, drug, violent politics, unethical practices.**
- **Special protection of adolescent from pornography**
- **Sex education and life skill for the adolescent**
- **Sport and cultural program for adolescents specially the girls**
- **Identity crisis of the population group adolescent**
- **Teaching on gender equity and how to behave with opposite sex**
- **Civic education , leadership skill development for the adolescent**
- **Engage the adolescent in positive social actions**
- **Special systems for the adolescents in conflict with law**
- **Discrimination to the adolescents with disabilities**
- **Adolescents friendly school without corporal punishment and ensured separate sanitation systems for both boys and girls**
- **Adolescent at hazardous labour**
- **Adolescent sexual exploitation and prostitution , provision of sexual consent at 16**
- **Absent of adolescent policy and no specific duty bearers in Bangladesh to address all these needs of the adolescents**

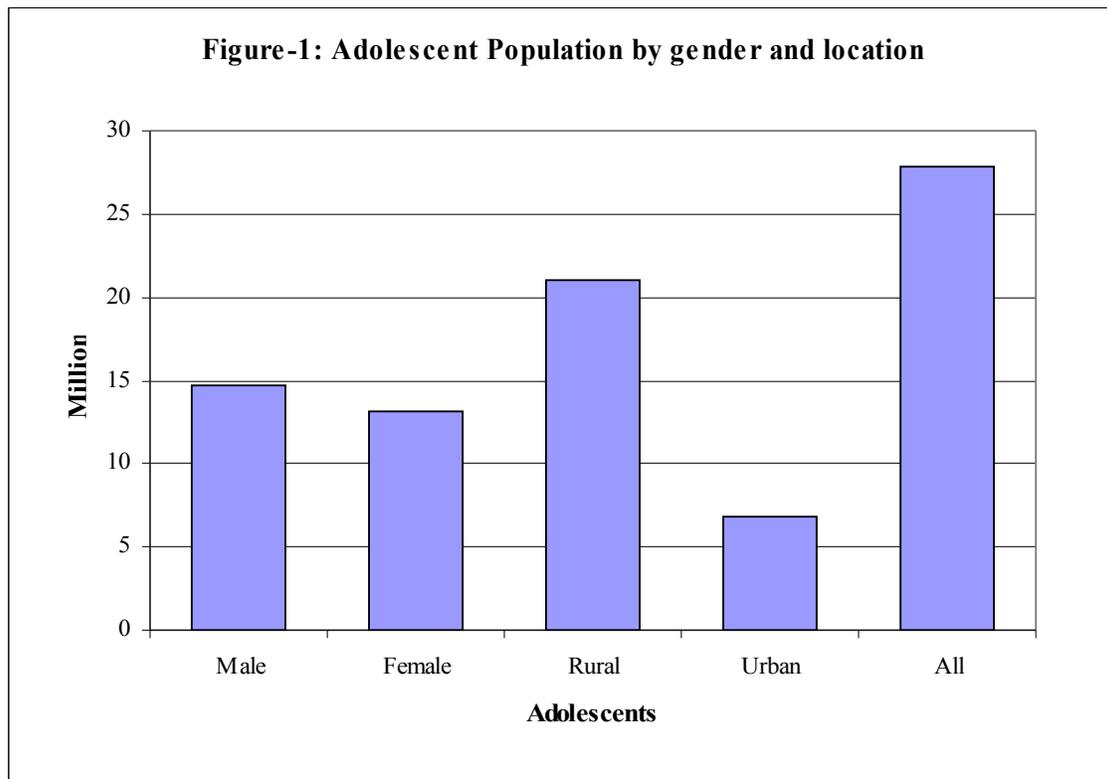
There is no specific adolescent policy in Bangladesh to address the needs of this population group. Lack of coordination among different agencies of GoB is one the most vital constraint towards the proper implementation of the UNCRC. UNCRC is still not a well known issues to the mass people, lack of proper dissemination is the major reason behind this. To overcome the situation ADF Bangladesh recommends for a comprehensive National Adolescent Policy and that would be harmonized with National plan of Action.

Introduction:

The foundation was established in 2000 the Port City Chittagong, the Commercial Capital of Bangladesh and comprises 32 non-governmental organization which are involved in the implementation of Adolescent's rights in Bangladesh. The Foundation started its journey to create an adolescent friendly society where rights of every single adolescent is ensured.

Adolescence is one of the major formative stages in human life before entering into adulthood and achieving the ability to matured, responsible decision making. The development psychologists have described adolescence as a period of psychological and social transition between childhood and adulthood. World Health Organization defines 10-19 years as adolescents.

In Bangladesh, the adolescent population has grown from 21.85 million in 1991 to 27.82 million in 2001, which is an increase by 27.32 per cent. This represents the highest growth rate compared to any other population group during the same period. The 2001 population (in 10-19 years) has 53 per cent male and 47 percent female.



This report is written in conformity with Article 45 (a) of the UNCRC and is complementary to the Bangladesh's 3rd and 4th periodic report. It was prepared by Adolescent Development Foundation Bangladesh through a series of consultation with the its 32 member and 14 non member organizations and with diversified group of adolescents from different socio cultural background. This alternative report is a reflection of their thinking on some UNCRC issues that are very much related with the lives of adolescents. The whole document focuses on the situation and way out considering the needs of special age group adolescents, who belong to the age from 10 to 19. It is a snapshot of child rights situation through adolescents' lens.

The report has been structured as per the UN guideline but all the issue has not been incorporated. The major issues that affect the adolescents live have been picked up and the last concluding observations regarding that issue is discussed comparing the state party report and finally recommendation has been made for the next concluding observations. All the recommendations have collected from the consensus of the contributing participants in the consultation workshop.

1. General measures of implementation

Legislation

Committee on the Rights of the Child, Concluding Observations, 2003

Item 9. *The Committee urges the State party to implement the previous recommendations that have not yet been implemented, as well as the recommendations contained in the present concluding observations.*

In response to state party report (page 15, Chapter1.1) it seems to Foundation that the Government is yet to initiate the practice of taking the concluding observations as points of reference to create holistic child rights programmes. One of the main reasons for discrepancies in programming is the high turnover rate at the different ministries. High turnover rates lead to the loss of institution memory and continuity.

The Adolescent Development Foundation recommends:

The Committee could recommend the Government to:

- Create a formal coordination mechanism among different relevant ministries and departments to ensure the effective implementation of the UNCRC.

Committee on the Rights of the Child, Concluding Observations, 2003

Item 12 *The Committee notes with appreciation the legislative measures that have been undertaken by the State party in order to ensure the implementation of the Convention. Nevertheless, the Committee remains concerned that domestic legislation and customary law are not fully compatible with all the principles and provisions of the Convention and that laws implementing the Convention are frequently not applied, particularly in rural areas.*

Still UNCRC is unknown to the rural areas and in urban it is a fashionable buzz words mostly used by the NGOs. The inner spirit of UNCRC is yet to be disseminated among the mass people and government needs to take these initiatives.

The Adolescent Development Foundation recommends:

The Committee could recommend the Government to:

- Formulate a strategy to make the substance of the CRC more widely available to children and adults, especially to parents, politicians, professionals and journalists.
- Produce informative material directed towards different language groups, applicable to the different age groups of children and their particular needs, specially the adolescents and to various professional groups.
- Incorporate the issue of UNCRC in school curriculum in different classes

Committee on the Rights of the Child, Concluding Observations, 2003

Item 13. *The Committee recommends that the State party take all effective measures to harmonize its domestic legislation fully with the provisions and principles of the Convention, in particular with regard to existing minimum ages of criminal responsibility and of marriage, child labour and harmful traditional practices affecting children.*

Foundation welcomes the initiative taken by the government to increase the minimum age of criminal responsibility, but still this is not realistic. In proposed national child labour no specific provision has been found about the adolescents. Foundation is concern about the general strategy for all children regarding child labour issues, whereas different age group has different risk and potentials. Among the harmful traditional practices early marriage and dowry are still two major challenges in establishing girls' rights.

The Adolescent Development Foundation recommends:

The Committee could recommend the Government to:

- Increase minimum age for criminal responsibility to 12.
- Produce informative material directed towards different language groups, applicable to Take effective measures to withdraw the adolescents from hazardous workplace and replace them to job market with necessary education and skill training
- Mention the strategy for adolescents separately in National Child Labour Policy.
- Ensure proper monitoring on early marriage and dowry
- Strengthen the mandatory birth registration process

National plan of action

NPA

Committee on the Rights of the Child, Concluding Observations, 2003

Item 19. *The Committee recommends that the State party:*

(b) Involve a broad spectrum of civil society groups, including children, in the formulation and the implementation of the national plan of action;

has become a fully government document and government itself also is not implementing all the components of NPA in time. Moreover NPA has not covered all the need of adolescents such as psycho-social education, mental health, emotional crisis and counseling. No initiative has been taken from government to involve civil society in the implementation. NGOs are working scattered with their own goals and objectives.

The Adolescent Development Foundation recommends:

The Committee could recommend the Government to:

- Revise the NPA after the mid term evaluation in 2008 and incorporate the missing issue of adolescents
- Ensure the effective implementation of NPA involving all other stakeholders.

Resources for children

Committee on the Rights of the Child, Concluding Observations, 2003

Item 20. *The Committee notes that budgetary allocations to the social sector, including education, health, family and social welfare, has increased over the past two years, and that the State party is preparing a Poverty Reduction Strategy Paper (PRSP) which includes children's concerns and rights. However, the Committee remains concerned that resources are insufficient for the full implementation of the provisions of the Convention, in particular those relating to the economic, social and cultural rights of children, in accordance with article 4 of the Convention.*

In a study on *Budget allocation in a Gender Perspective: Methodological Issues* Abul Barakat explored that only 10.3% of the allocation from the Sports Development budget is for

women. In BKSP (National Sports institute) budget for women is 9.3% and in the budget of National Sports Federation it is only 7.2% for the women. The study also found that there is no budget for sports from the government in primary and secondary schools, as a result students have to pay 15 taka for sports fee and interestingly a very small portion of this amount is spent for the girls and it is 3.3 times less than for the boys.

Though National Plan of Action(NPA) 2005-2010 has mentioned to take necessary measures for creating opportunities of sports and cultural activities in the schools (Article 5.4 in NPA), but in reality progress in this component is very limited. In particular girl students are almost deprived of these facilities.

National Plan of Action(NPA) 2005-2010 in its article 5.5.7 under “ Empowerment of Girl Child” also states necessary measures will be taken to create more opportunities for the girls even in the outside of the school, but in reality so far government could not ensure sports in schools let alone the other opportunities outside the schools.

Still there are some social facilities of sports in the rural areas whereas adolescent boys can enjoy all outdoor facilities but girls are being restricted to exercise these opportunities, they can play indoor games at best. But in schools both at rural and urban now a days scope of sports is declining. In many schools at urban areas has not any play ground at all. Number of special teacher staffs for sports are not adequate in many cases and in most cases there is none to play this role in schools.

Sports for girls is very much related with her mobility and empowerment. Not only to achieve the goal of MDGs about women empowerment but also to create a supportive environment for the girls to develop their physical cultural insights sports are important.

The Adolescent Development Foundation recommends:

The Committee could recommend the Government to:

- Government should take effective measures with necessary resources to ensure sports for all adolescents specially the girls.
- The schools should be monitored whether they are providing the facilities of sports to the students or not.

2. Definition of the child

Taking the adolescent group comprising 10-19 years population, as per the demographic character stated by World Health Organization (WHO), Bangladesh has about 23 per cent of total population in this age group. Presently there is no clear policy position regarding this vast population group. Only some sporadic initiatives or concentration on some specific areas like ARH (Adolescent Reproductive Health) and girls' education can be noted among a few non-government development actors (NGO/Civil society) and development partners (donors). So far this group has not even been recognized officially by GoB as a separate population group that deserves prioritized attention or treatment to

foster national development (except for HNPSP, where again the adolescents have been recognized separately only with respect to ARH). Adolescent group has been merged with either the adults or the children, Unlike national Youth Policy, Child Policy there is no Adolescent Policy in the country. The distinctive needs of this section remain officially vague and are undermined. A major part of this population group is out of school and is not participating in any meaningful toward self- development or national progress. For ensuring an informed, active, productive and participating citizenship among them, a holistic and coordinated development approach with the participation of all stakeholders, family, community, GOs, NGOs and development partners is a critical need.

The Adolescent Development Foundation recommends:

The Committee could recommend the Government to:

- Take necessary measures to give an identity to this population group and adolescent and ensure their participation as young adult in relevant stages of decision making and implementation of different interventions.

Committee on the Rights of the Child, Concluding Observations, 2003

Item 29. The Committee recommends that the State party take adequate measures to ensure implementation of the principle of non-discrimination in full compliance with article 2 of the Convention, and strengthen its proactive and comprehensive efforts to eliminate discrimination on any grounds and against all vulnerable groups. The Committee also recommends that the State party undertake an education campaign for boys and men on gender issues and sex discrimination.

3. General principles

Non-discrimination

The discrimination some times happen due to the age group which is not considered. Most of the times adolescents are treated as minor children and some times they treated as adult. Many a times this population group face a age discrimination , and with in the population girls are more vulnerable.

The Adolescent Development Foundation recommends:

The Committee could recommend the Government to:

- Take necessary measures eliminate all sorts of discrimination in every sphere of life
- Monitor the status of discriminations in different government services and institutes.

Right to life

Committee on the Rights of the Child, Concluding Observations, 2003

Item 33. *Despite the information that the death penalty has never been carried out against juvenile offenders in the State party, the Committee remains seriously concerned that capital punishment may be imposed for offences committed by persons from the age of 16 years and over, contrary to article 37 (a) of the Convention.*

Bangladesh government has not given any satisfactory statement regarding this issue. Domestic laws should be amended to protect the adolescents from this capital punishment.

The Adolescent Development Foundation recommends:

The Committee could recommend the Government to:

- Review the laws and make necessary amendment to ensure the age of capital punishment is 18

Committee on the Rights of the Child, Concluding Observations, 2003

Item 34. *The Committee strongly recommends that the State party take immediate steps to ensure that the imposition of the death penalty for crimes committed by persons while under 18 is explicitly prohibited by law.*

The Adolescent Development Foundation recommends:

The Committee could recommend the Government to:

- Take necessary measures to ensure the prohibition of the death penalty for under 18 adolescents.

Respect for the views of the child

Committee on the Rights of the Child, Concluding Observations, 2003

Item 36. *The Committee recommends that the State party:*

(a) Promote and facilitate respect for the views of children and their participation in all matters affecting them in all spheres of society, particularly at the local levels and in traditional communities, in accordance with article 12 of the Convention;

(b) Provide educational information to, inter alia, parents, teachers, government and local administrative officials, the judiciary, traditional and religious leaders and society at large on children's right to participate and to have their views taken into account;

(c) Amend national legislation so that the principle of respect for the views of the child is recognized and respected, inter alia in custody disputes and other legal matters affecting children.

The views of adolescent are taken into account neither in family nor in society. This creates problems for their personality development. There should be space in every level of decision making and implementation where adolescents can share their views on that issues.

The Adolescent Development Foundation recommends:

The Committee could recommend the Government to:

- Ensure participation of adolescents in different social development program of government
- Create scope for the adolescents to work closely with the local government as a voluntary social force

4. Civil rights and freedoms

Committee on the Rights of the Child, Concluding Observations, 2003

Item 44. *The Committee recommends that the State party, as a matter of urgency, review existing legislation and explicitly prohibit all forms of corporal punishment in the family, schools and institutions, as well as carry out public education campaigns about the negative consequences of ill-treatment of children, and promote positive, non-violent forms of discipline as an alternative to corporal punishment, particularly at the local level and in traditional communities.*

Interpreting corporal punishment in merely physical terms does not cover all aspects of disciplinary violence against children and adolescents in schools. While the physical manifestations of corporal punishment are obvious, other forms of psychological punishment and humiliation are also practiced.

In a study of Action Aid Bangladesh, *Gendered Violence in Education: Realities of Adolescent Girls in Bangladesh* it is found that both boys students and 48.3% teachers

believes that one way of punishing girls is to ‘put her to shame’. This concept of ‘putting into shame’ is somewhat very similar to the ‘eve-teasing’. 68.8% girls and 82.3% of boys report that girls are given corporal punishments at school and 70% of teachers admitting this fact.

The Adolescent Development Foundation recommends:

The Committee could recommend the Government to:

- Monitor the situation of corporal punishment and psychological punishment

5. Family environment and alternative care

Abuse, neglect and violence

Committee on the Rights of the Child, Concluding Observations, 2003

Item 50. *The Committee recommends that the State party:*

- (a) Continue and strengthen its efforts to address the issue of child abuse, including through ensuring there is public awareness of the relevant legislation;*
- (b) Assess the scope, nature and causes of child abuse, particularly sexual abuse, with a view to adopting a comprehensive strategy and effective measures and policies and to changing attitudes;*
- (c) Provide adequate protection and assistance to child victims of abuse in their homes, whenever possible, and take appropriate measures to prevent the stigmatization of victims;*
- (d) Ensure that all children below the age of 18 years are specifically protected under domestic legislation against abuse and exploitation;*
- (e) Ensure that the placement of children victims of abuse and exploitation in institutions for reasons of protection and treatment is used only as a measure of last resort and for the shortest possible period of time;*
- (f) Take into consideration the recommendations of the Committee adopted at its days of general discussion on the issue of “Violence against children” (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745).*

‘Children and adolescents are the leaders of tomorrow’ this enthusiastic statement is frequently used to recognize the potentials of the children and adolescents. But unfortunately so far no measures have been taken to educate this population group on their civil rights and responsibilities.

Country expect a better future of leadership from this adolescents whereas a minimum level of formal orientation has not even been given to them on the issues of politics, democracy, people’s participation and finally the governance system of the state.

In every 5 years more than 5 million adolescents become new voter and cast their vote for the very first time. But the ridiculous thing is that none of our school curriculum or any other social institute prepare them or teach them on the importance and utilization of voting rights and its implications. As a result a significant number of these fresh votes are either casted insincerely or politically abused.

Besides absent of such measures lead this potential population group to unethical involvement of anti social activities. The violent political culture use this adolescents as their weapon to this vote war and lead them to the dark path of terrorism.

The possibilities of adolescents to be derailed is high because this age is the age of heroism when peer pressure often makes an adolescent to be hero in a anti social manner.

The major gaps of the National Plan of Action(NPA) 2005-2010 is that has not addressed these issues at all, no strategic plan is found to involve this potential groups in constructive work in the society and prepare their leader skill with this. Otherwise these adolescents will be a major problem to the country in future .

The Adolescent Development Foundation recommends:

The Committee could recommend the Government to:

- Civic education and civic engagement of adolescents must be addressed by government
- Necessary safety measures should also be taken by the state to protect these adolescents form the derailment .

6. Basic health and welfare

Committee on the Rights of the Child, Concluding Observations, 2003

Item 55. *The Committee is concerned at the situation of children with disabilities, and societal discrimination against these children, including their exclusion with the exception of the visually impaired, from the educational system.*

The Adolescent Development Foundation recommends:

The Committee could recommend the Government to:

- Take effective measures to ensure all public services for all types of adolescents with disabilities
- Ensure inclusive education for all types adolescents with disabilities

Adolescent health

Committee on the Rights of the Child, Concluding Observations, 2003

Item 60. *The Committee recommends that the State party:*

(a) Undertake a comprehensive and multidisciplinary study to assess the scope and nature of adolescent health problems, including the negative impact of sexually transmitted infections, and continue to develop adequate policies and programmes;

(b) Increase its efforts to promote adolescent health policies;

(c) Strengthen the programme of health education in schools;

(d) Undertake further measures, including the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education, in particular as regards reproductive health, and to develop youth-sensitive and confidential counselling, care and rehabilitation facilities that are accessible without parental consent when this is in the best interests of the child;

The Adolescent Development Foundation recommends:

The Committee could recommend the Government to:

- Take effective measures to set up special adolescent health corner in every hospitals.

Harmful traditional practices

Committee on the Rights of the Child, Concluding Observations, 2003

Item 61. *The Committee is deeply concerned at the existence of harmful traditional practices, such as child marriages and dowry-related violence, which are widespread and pose very serious threats, in particular to the girl child.*

Bangladesh like some of other South Asian countries is having the custom of early marriage of the young girls. This custom is so deeply rooted in the minds and attitudes of the people that it has destroyed the whole social setup. It is so difficult to end this custom because generations after generations are so strictly attached to this custom. According to the estimates taken by the UNICEF, 51 percent girls in Bangladesh get married before the age of 18 years (ECPAT, 2005).

Despite three decades of efforts to reduce population growth and provide quality reproductive health and family planning services, birth rates remain high. The average family has four children. Young people dominate the country's population: 40% of the entire population is under the age of 24, while one-quarter are adolescents between the ages of 10 and 19. Girls continue to marry at early ages; many have their first child before they turn 19. Though the contraceptive prevalence rate is increasing in Bangladesh – 54% of all married women now practice some form of family planning – only 30% of married adolescent girls use contraception.

The challenge for the government is to increase awareness of reproductive health issues and foster opportunities for young women and men to earn money, delay marriage and acquire life skills.

The Adolescent Development Foundation recommends:

The Committee could recommend the Government to:

- Take strong monitoring measures against early marriage and dowry.
- Initiate mass media campaign for awareness on these issues.
- Involve local government for certificating for the marriage and monitor the mal practice of dowry.
- Ensure birth registration and make it mandatory to us in marriage.

7. Education, leisure and cultural activities

Committee on the Rights of the Child, Concluding Observations, 2003

Item 65. *The Committee recommends that the State party:*

(b) Continue to address gender-based discrimination and other difficulties encountered by girls within the educational system and school environment;

(d) Provide appropriate sanitation facilities, especially for females, in all schools;

(e) Provide appropriate training for teachers in order to create a more child-friendly school environment;

Adolescent friendly education institute is very important to realize the psycho-physical needs of adolescents and interact with them properly, because in this stage self esteem, confidence and personality grows firmly.

In a study, *Gendered Violence in Education: Realities of Adolescent Girls in Bangladesh* by Action Aid Bangladesh the aspects of adolescent friendliness were tried to explore. The study shows that corporal punishment is still a common phenomenon in the daily life of adolescents in home and in schools.

In the very recent years a progress has been found in the school enrollment both in primary and secondary sections. This quantitative aspect is as true as there is another aspect of its quality. School going adolescents spend a smart portion of times in schools. Schools and teachers have a special place of reverence in Bangladeshi culture. Here, teachers are placed next to parents and students trust their teachers in blind faith. School premises are also the only 'public' place where adolescent boys and girls are trained for future through the conduct and attitude of teachers.

In most of the schools there is no suitable sanitation systems and even useable toilet for the adolescents. 23.8% students say that they do not have separate toilet in schools. Among others views though there are toilets but the privacy of these toilets are not up to the mark at all. 72.5% students and 59.3 of the teachers reported that the wall of toilets are covered with indecent writings/graffiti.

Personal hygiene is the major concerns of the adolescents girls very few school have facilities of menstruation managements. 50.7% girls says there is no facilities of personal hygiene during the menstruation and 43.3% girls do not come to school during her menstruation every month due to the absence of the proper facilities.

Another remarkable finding was gender disparity is shown in giving ‘more responsible and challenging jobs’ to the boys. 83.3% boys agreed on this fact in the study.

Very alarming findings is that 38.1% girls and 31.4 % parents are worried about the physical assault by the teachers, as all of them experiences about such incidents from their society.

Issues related to adolescents reproductive health are not properly discussed in the classrooms even though there are some chapters on it in curriculum. Teachers feel embarrassed to discuss this which makes students more curious and leads risky sexual behaviours.

The Adolescent Development Foundation recommends:

The Committee could recommend the Government to:

- Personal hygiene management should be mandatory to every Girls and co-education school with suitable toilet facilities
- All sorts of corporal and emotional punishment should be legally stopped and monitored.
- Ensure Adolescent friendly environment in school premises so that student can share their problems and queries with the teachers and no physical assault by teachers can take place.

8. Special protection measures

Economic exploitation, including child labour

Committee on the Rights of the Child, Concluding Observations, 2003

Item 70. *The Committee recommends that the State party:*

(b) Ratify and implement ILO Convention No. 138 concerning the Minimum Age for Admission to Employment;

One of the major obstacles in addressing child labour issues is that though child labour

accounts for almost 7.5% of the entire child population, child labour is viewed as a “children” issue and not an overall economic issue. Bangladesh has ratified ILO Convention 138 but hazardous form of child labour still prevails in Bangladesh with almost 1.3 million being found in the worst forms of work for a child (ILO report). Though the new Labour Act 2006 sets the minimum age of entry to the work force at 14, the definition of hazardous work has loopholes through which children can be exploited by their employers. There is a serious need for the Child Labour Policy to be approved and implemented. Child labour must find a place in national policies since this effects the entire labour market and the way in which the informal sector is currently functioning. Issues of adolescents should come separately in these policies.

The Adolescent Development Foundation recommends:

The Committee could recommend the Government to:

- Ensure specific mechanism in the implementation of the Child Labour Policy (proposed) to ensure better coordination among various GOB (Government of Bangladesh) agencies dealing child labour. Separate cell may be created in the Ministry of Labour and Employment whose purpose would be coordinate with relevant line ministries.

Administration of juvenile justice

Committee on the Rights of the Child, Concluding Observations, 2003

Item 78. *The Committee recommends that the State party ensure the full implementation of juvenile justice standards, in particular articles 37, 39 and 40 of the Convention, and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, the Vienna Guidelines for Action on Children in the Criminal Justice System, in the light of the Committee's day of general discussion on the administration of juvenile justice, held in 1995. In particular, the Committee recommends that the State party:*

- (a) Raise the minimum age of criminal responsibility to an internationally acceptable level;*
- (b) Ensure that the imposition of the death penalty, of life imprisonment without possibility of release, and of caning and whipping as sanctions for crimes committed by persons while under 18 is explicitly prohibited by law;*
- (c) Ensure the full implementation of the right to a fair trial, including the right to legal or other appropriate assistance;*
- (d) Protect the rights of children deprived of their liberty and improve their conditions of detention and imprisonment, including by guaranteeing separation of children from adults in prisons and in pre-trial detention places all over the country;*
- (e) Establish an independent child-sensitive and accessible system for the reception and processing of complaints by children;*

In 2004, Bangladesh raised the minimum age of criminal responsibility from seven years of age to nine. Criminal liability of children between the ages of nine and 12 is subject to judicial assessment of their capacity to understand the nature and consequences of their actions. While this amendment has made a modest improvement, the minimum age is still far below international standards. Another concern is that the current protections for child offenders do not extend to all children under the age of 18. Under the Children Act, “child” and “youthful offender” are defined as a person under the age of 16. Children between the ages of 16 and 18 are treated as adults.

There are legal provisions on how to care and rehabilitate child offenders in The Children Act, 1974. The “spirit” of the law is that of rehabilitation and reintegration and avoidance of detention and punishment. Though certain clauses are being implemented by the law enforcers, the overall spirit of the law is not understood nor applied. Juvenile justice

procedure has not been internalised in the Criminal Procedure, a legislation which is best understood and practiced by all law enforcers.

There must be a provision within the Criminal Procedure to separate child offenders at the very point of contact with the law so that children do not enter the adult legal system at all and are channelled into the juvenile justice system. In the consultation with adolescents they demanded for separate court and special police.

Judges and lawyers also need to be trained on the Children's Act 1974 and learn how to apply the law effectively.

The Police have wide discretionary powers to arrest children under a variety of laws. The Children Act does not contain any special provisions limiting the use of physical force, restraints or handcuffs in the arrest of a child, nor does it have any special provisions with respect to the taking of statements or confessions from children. There is no provision, either in law or practice, for measures that might protect children from abuse or intimidation during police questioning or interrogation, such as mandatory presence of a parent, probation officer or lawyer. Mechanisms to monitor and supervise police conduct are weak, and they are rarely held accountable for abuses.

The Adolescent Development Foundation recommends:

The Committee could recommend the Government to:

- Develop specific mechanism with necessary resources at the community level to reintegrate children contact with law and in other forms of vulnerable condition.
- Ensure separate special court for the juvenile justice
- Take measures to capacitate the law professionals regarding juvenile justice systems and provisions
- Develop Adolescents development centre for the victims in every districts

9. Optional protocols to the CRC

Sale of children, child prostitution and child pornography

A study from the Ministry of Home and Social Welfare provides a low estimate of 13,200 children who have been trafficked over the last five years and states that of these, 4,700 have been rescued (ECPAT, 2005). The most common destinations are India and Pakistan, however many women and children are taken to Arab countries. Major portion of this population are adolescents.

In the decade from 1988 to 1998, 200,000 Bangladeshi girls were sold into the sex industry in nations including Pakistan, India and Middle East (Ibid, 2005). Trafficking is a serious problem in Bangladesh. According to the Centre for Human and Children Studies, 200,000 women and girls were smuggled into Pakistan from Bangladesh over the past decade. UNICEF and SAARC estimate that 4,500 children are trafficked from Bangladesh to Pakistan each year (Sahil, 2003).

In a study the INCIDIN Bangladesh used a population sample of 298 children (twice as many girls as boys) living in 12 localities of Dhaka City. Most children interviewed were between 13 and 16 years of age, however, the average age of the girl was 14 years and for boys, it was 13 years. The mean age of entry into commercial sexual exploitation was approximately 13 for girls and 11 years for boys. The study found that girls became sexually desirable after they reached puberty (roughly around the age of 13 years) whereas for boys, age is possibly less important for their clients. While not providing an explanation, the study found that the number of girls' involved in street based 'sex work' increases up to the age of 16 years after which it falls drastically, whereas for boys, the rate of decline is not as rapid. Researchers noted that the children, especially boys, feared their identities would become known to their families. During consultations held with girls and boys engaged in street-based prostitution in Dhaka, girls said that some of them started when they were as young as 8-10 years-old.

Boys, in contrast, said they started between the ages of 10 and 12 years. Moreover, boys engaged in street-based prostitution said that they too, like the girls, feel '*noshto*' (spoiled) and do experience mental trauma about what they are doing.

Almost all the children interviewed had previous sexual experiences/abuse before being sexually exploited. All the rural migrant girls had been sexually abused prior to coming to Dhaka, however, only 31% said they had experienced penetrative sex previously. With regard to the rural migrant boys, 36% said they had been sexually abused before coming to Dhaka, with almost three-quarters of that group explaining that this abuse had included penetrative anal sex. Both girls and boys identified male relatives as the most dominant of the child abusers, and mostly this happened in their own homes. Almost 90% of the children had experienced their first sexual interaction when they were between the ages of 7 and 10 years.

Incest is another major problem in the society that people do not want to talk about, as per study of Breaking the Silence, an NGO non commercial asexual abuse and incest are the alarmingly practiced in family and society. Children and adolescents are the major victims this abuse.

Most of the trafficking studies focus on the cross-border trade in children and women. Just as complicated as it is to distinguish between cross-border trafficking and migration, likewise it is difficult to distinguish between rural-urban migration and internal trafficking. The INCIDIN Bangladesh study of children engaged in street-based prostitution in Dhaka found that 21% of the migrant girls had been internally trafficked to Dhaka and been sold to pimps.

One feature of internal migration is that frequently it is men come to the big cities leaving their wives and children behind in village. In the absence of their wives, many visit brothels to satisfy their sexual desires, thereby fueling the demand for prostitutes, including children who are being sexually exploited.

Legal, social and cultural norms preclude sex outside marriage; however, it is of concern that the specific age of sexual consent is still not clear. Moreover, according to the Penal Code (Act XLV of 1860), rape within marriage is not considered a crime unless the wife is under 13 years of age. This is in direct contravention to the Child Marriage Restraint Act, 1929 as the bride cannot be younger than 18 years. Moreover, according to Section 375 of the Penal Code, any man who has sexual intercourse with a female, with or without her consent, when she is under 14 years of age will be said to have committed rape. Rather than being described as a 'child', the 14 year-old is described as a "woman" which is in contravention of the Children Act, 1974, and the CRC. In marriage law as minimum age for girls is 18 and societal norms do not allow pre marital sex, so there is a huge scope of sexual exploitation before 18 as minimum age of giving sexual consent is 16.

In last periodic report to Optional protocol to the convention on the Rights of a child on sale of children, children prostitution and child Pornography and in the plenary session on it in 2007 Bangladesh government could not draw the appropriate picture of emerging problems due to the pornography especially the digital pornography.

Technological revolution has created great opportunities for adolescents like others to get access to global information through internet, satellite television, mobile phone etc. Other side of these technological facilities is very alarming and driving a huge number of adolescent to the mal practice of digital pornography. As the adolescent stage is the age of curiosity and an age to be biologically active for sexual behavior, most of the adolescents specially the adolescent boys use to watch porno film on Compact Disc (CD). The pirated copies of these CDs are very cheap and available through out the country. In all metropolitan cities this CD are sold by the road side and most of the sellers are adolescent boys. When someone visits to these stores the seller talks with local sign languages to inform that he has those porno film. In interviews with different CD sellers

it is found that a huge number of consumers are adolescents, school going and non going adolescents buy these CDs very often and they exchange one with others among the friends. It is also found in one FGD with the adolescent students that he who has more porno CDs among their friends is treated as smarter and well connected with the society of adults. Another form pornography now recently has been practiced with in the middle and upper middle class students through their mobile phone. Many of these students preserve porno MP4 and Porno images in their cell phone and enjoy this in a group. Sometimes they send this to their friends and other girls through MMS and make them embarrassed. Uncontrolled access to internet and satellite TV channels promoting this trend among this adolescent population.

In the legal system of Bangladesh the law does not specifically mention 'child pornography', Sections 292, 293 and 294 of the Penal Code (Act XLV of 1860) pertain to the sale, rent, distribution, exhibition and/or circulation of materials that are 'obscene.' Interestingly, the punishment for selling, renting, distributing, exhibiting and circulating obscenity to young persons under 20 years of age is twice as harsh (with the penalty extended from a prison term of up to three months and/or a cash fine up to six months in prison and/or a cash fine). But no effective action was found against the producers and consumers of these phonographs.

According to the State Party report, a standing committee has been created to "monitor the implementation of all issues related to ensuring the rights of children in line with the CRC and its two Optional Protocols". Inadequate information is available on the exact mechanism of this Standing Committee as well as how the committee has been able to ensure that the line ministries "perform their roles and responsibilities". Government and civil society must look into the facts immediately before losing a generation into the dark of phonographs.

The Adolescent Development Foundation recommends:

The Committee could recommend the Government to:

- Develop strong monitoring mechanism to adolescents sexual exploitation and prostitution
- Synchronize the laws related to the marriage and sexual consent to minimize the probability of sexual exploitation.
- Create a better environment for the children through education, social mobilization and sensitization. The sensitization of the masses will help to reduce the demand for the sexual exploitation of children.
- Conduct a thorough study on the extent of Pornography and uses of digital devices
- Develop and enforce laws, policies and programs to protect children from commercial sexual exploitation specially digital pornography.

10. The Doable for Government of Bangladesh

The following are suggested for future programme designing by the government:

- A National Plan of Action (NPA) for their comprehensive development of adolescence be adopted
- A specific ministry, preferably Ministry of Women and Children Affairs, should be assigned as the nodal ministry to give specific on adolescent issues. A separate unit/cell in the ministry and the directorate can be made responsible to plan and implement adolescent related activities. However, coordination/linkage with some other ministries like Ministry of Youth and Sports, Ministry of Education, Ministry of Health and Family Welfare, Ministry of Science and Information Technology, Ministry of Information etc. must be maintained by establishing mechanisms for sharing of information, planning and monitoring process and joint review.
- A broad-based National Steering Committee should be formed with representations from concerned Ministries, NGO/civil society, development partners, religion based organizations, researchers and concerned professionals to guide and oversee the planning, implementation, quality of outcome, financing and effectiveness of coordination and coordination.
- Some of the important provisions for adolescents in education and health sectors should include: revision of curriculum to include adolescence related issues, creation of awareness/training for deliverers, special health services for adolescents (e.g. health corner for adolescents at hospitals/upazilla health complex etc.)
- National media (both print and electronic) should be used more extensively to increase awareness on adolescent issue, particularly aiming parents/guardians as target audience.
- More emphasis on citizenship building, leadership training, moral character building etc. should be ensured in the learning programs through formal non-formal education systems.
- “Adolescent Corner” in all public libraries at various levels – from local to national, be introduced and all resource materials including IT facilities be made available on adolescent issue to facilitate collection/documentation and dissemination of information/knowledge on adolescence.

- Life skill training under non-formal setting and selective skill training based on marketability, linkage with micro-credit and marketing supports, counseling and job placement services have to be arranged.
- Increasing recreational facilities and cultural activities for adolescents from local to national level (creation of space for exploring hidden talents, cultural competition, debate, art, music, dance, book reading competition, drama/ film making on adolescent issues) have to be made available by mobilisation of both government and non-government/voluntary agencies.
- Scope must be created for Increased participation of young adolescents in nation building activities through initiation of special projects like Youth Service Learning in formal education sector.
- Creation of new laws, reformation of existing laws and creation of an overall justice system will have to support, and measures to ensure law enforcement have to be in place for all initiatives meant for comprehensive development of adolescent population. Mechanisms/institutions are to be developed to create awareness and arrange training for law enforcing agencies, legal practitioners, judges, and other relevant stakeholders on adolescent friendly law; involve CBOs/NGOs/Civil society members in juvenile justice, correction centers and safe custody management.
- Juvenile Justice should be ensured by having the following conditions:
 - That parents/guardians be immediately informed when a child is arrested, as per the existing law, must be enforced.
 - No child should be included in court procedure or deprived of liberty for status offence
 - Training on Juvenile justice must be arranged for all stakeholders like the judges, police, civil administration, lawyers, probation officers, NGO/civil society and local government, CBOs.[Lack of knowledge on Juvenile Justice among these categories of personnel works as an obstacle to implementation of juvenile justice].
 - Time limit should be provided for disposal of juvenile cases.
 - There should be localized detention centers for children/juveniles(i.e. at upazila level); and
 - Private and voluntary organisations' services should be incorporated in the implementation arrangement of probationary functions.
 - Concerned NGOs/CSOs should be involved in running the correctional centers.
 - The system of “After Care and Probation” should be administered with a higher level of professionalism.
 - Number of Juvenile courts should be increased; special courts for children should be established
 - Community policing and community justice system should be designed and implemented.

- Non-formal resolution of petty offences should be made an integral part of Juvenile Justice system, and as such reference to 'village court' and 'conciliation court' be included in the system.
- Juvenile Offence Court should be established to ensure speedy trial in view of large and increasing number of juvenile cases.
- Compulsory birth registration should be fully enforced. A national IT based documentation (like that of social security number in developed countries) should be introduced to ensure recording and use whenever necessary by any concerned authority including legal authority.
- Necessary measures are needed to ensure participation of special groups like Madrasah students and ethnic minority population in comprehensive adolescent development programme.
- Observance of “National Adolescents Day” as part of nationwide awareness building campaign can be a part of the national agenda of activities to increase societal awareness and sensitivity to adolescent issues and popularize activities in relation to such issues.
- A National Adolescents Foundation (under the auspices of the nodal ministry) that would include various CBOs/NGOs should be established in co-operation with other stakeholder groups. And civil society organizations from grassroots level to national level should be encouraged to promote adolescent issues independently and also work as GoB’s active partners in programme implementation.
- Consideration for having adolescent development programmes should come in focus, as part of fulfilling commitments to various international conventions, particularly UNCRC, CEDAW, EFA with due emphasis on non-formal education and continuing education for school dropouts, and as a part of initiatives for achieving MDGs.

Annex -1 List of Member Organizations of ADF

Name of the Member organization of ADF-Bangladesh

- 1. ZOGAJOG**
- 2. PCDS**
- 3. ELLMA**
- 4. DRISTY**
- 5. STAP**
- 6. OACH**
- 7. BITA**
- 8. Bright Bangladesh Forum**
- 9. YPSA**
- 10. BIHANGA**
- 11. Crown Foundation**
- 12. CWFD**
- 13. MAMATA**
- 14. UTSA**
- 15. UCEP**
- 16. NOWZOUAN**
- 17. Green Bangladesh**
- 18. BORONI**
- 19. BARNALY**
- 20. SONGSOPTOQUE**
- 21. JSUS**
- 22. PARC**
- 23. GHASFUL**
- 24. World Vision**
- 25. YMCA**
- 26. IMAGE**
- 27. OOOYOB Foundation**
- 28. TALF**
- 29. CDC**
- 30. Ashar Alo Society**
- 31. NIRAPAD**

References:

- a) Ahmed, Zahid Shahab (2005) *Poverty, Globalization, Social Customs & South Asian Children in Prostitution*
- b) Heissler, Karin (2001) *Background paper on Good Practices and Priorities to Combat Sexual Abuse and Exploitation of Children in Bangladesh*
- c) *United Nations Study on Violence against Children (Response to the questionnaire received from the Government of BANGLADESH)*
- d) Barakat, Abul (2006) *Study on Budget allocation in a Gender Perspective: Methodological Issues*
- e) Karim, Suchi *Gendered Violence in Education: Realities of Adolescent Girls in Bangladesh*; Action Aid Bangladesh
- f) *National Plan of Action(NPA) 2005-2010*, MWCA, Government of the People's Republic of Bangladesh
- g) *Lives in Motion: Mobility, Smuggling and Trafficking along the Indo-Bangladesh Border*, Groupe Developpment and the European Commission, Kolkata, July,2006
- h) *National Anti-Trafficking Strategic Plan for Action (NATSPA)*, 18 February 2006
- i) *National Seminar on Hazardous Child Labour in an Urban Informal Economy*, ILO and UNICEF Report, May 2007
- j) *Towards Gender-Sensitive Budget, FY 2007-08*, Observations of Steps Towards Development, 2007
- k) *Third and Fourth Periodic Report: Of the Government of Bangladesh Under the Convention on the Rights of the Child*, Ministry of Women and Children Affairs, August, 2007