

Bangladesh's Alternative UNCRC Report 2007

মানুষের জন্য
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promoting human rights and good governance

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We hope this report will serve as a relevant document to all who are involved in making a better future for the children of Bangladesh in the light of UNCRC.

Shaheen Anam
Executive Director

Abbreviations and Acronyms

ATSEC	Action Against Trafficking and Sexual Exploitation of Children
ASK	Ain O Shalish Kendra
BNFE	Bureau of Non-Formal Education
BNWLA	Bangladesh National Women Lawyers' Association
BRAC	Bangladesh Rural Advancement Committee
BSAF	Bangladesh Shishu Adhikar Forum
BSEHR	Bangladesh Society for Enforcement of Human Rights
CrPc	Criminal Procedure
BTS	Breaking the Silence
CEDAW	Convention on Elimination of all forms of Discrimination Against Women
CHT	Chittagong Hill Tracts
CRC	Convention on the Rights of the Child
CTRDW	Centre for Training and Rehabilitation of Destitute Women
DAM	Dhaka Ahsania Mission
ESDO	Economic and Social Development Organisation
FGD	Focus Group Discussion
GoB	Government of Bangladesh
GDP	Gross Domestic Product
ILO	International Labour Organisation
IMED	Implementation Monitoring and Evaluation Division
IOM	International Organisation for Migration
MICS	Multiple Indicator Cluster Survey
MJF	Manusher Jonno Foundation
MHA	Ministry of Home Affairs
MLE	Ministry of Labour and Employment
MOU	Memorandum of Understanding
MSW	Ministry of Social Welfare
MWCA	Ministry of Women and Children Affairs
NATSPA	National Anti-Trafficking Strategic Plan for Action
NPA	National Plan of Action
NGO	Non-government Organisation
NTF	National Taskforce
NTRCA	Non-Government Teachers' Registration and Certification Authority
OPAC	Optional Protocol on children in Armed Conflict
OPSC	Option Protocol on the Sale of Children, Children Prostitution and Child Pornography
PEPD	Primary Education Development Programme
SC UK	Save the Children UK
SAECT	Sexual Abuse and Exploitation of Children including Trafficking
SAARC	South Asian Association for Regional Cooperation
STDs	Sexually Transmitted Diseases
UNICEF	United Nations Children's Fund
UNDP	United Nations Development Programme
USAID	United States of America International Development
YPSA	Young Power in Social Action

Executive Summary

Bangladesh became a signatory to the United Nations Convention on the Rights of the Child (UNCRC) in 1990, one of the first nations to adopt the international standards of child rights. A number of significant goals have been achieved by the Government of Bangladesh (GoB) over the last decade especially in the areas of education and health for children. The vibrant and active non-government organisations (NGOs) have provided both support and constructive criticisms to the Government on ways in which the UNCRC is to be ratified and applied in the national policies of the country. The alternative reporting system is therefore an important instrument for NGOs to highlight the policy gaps within the Government frameworks which can be made further effective to bring about the desired changes in the lives of millions of children living in poverty and distress.

In 2007, GOB was asked to submit the Third and Fourth Periodic Report to which Manusher Jonno Foundation (MJF), a national rights and governance supporting agency, undertook the exercise of formulating an extensive alternative report. This report focuses on four thematic areas (areas in which the organisation and its partners have a high level of expertise): Education, Child Labour, Juvenile Justice and Special Protection. Taking the Concluding Observations of the last periodic report as a departing point, MJF undertook surveys and consultations with fellow NGOs, academics and most importantly, children to evaluate the policy impacts and gaps of the State Party in ensuring child rights in the country.

Despite several positive changes since the last periodic report, child poverty remains a horrendous reality in Bangladesh which prevents children to enjoy their childhoods and to receive the physical and emotional support needed to transition into adulthood. Poverty and social factors force children to drop out of schools, enter job market, leave the security of their homes and face different forms and extent of physical, mental and economic exploitations. There still remains a class-based attitude towards children in the country where children from poor families are often times victims of physical and verbal abuse.

In the past decade, Bangladesh has achieved gender parity in the primary education. Even with over 85% enrolment at the primary school level, issues of poverty and discrimination are the major factors for continuing high drop out rates at the secondary level of education. It remains inconclusive whether with a rise in the level of education, discrimination against girl children have gone down.

Child labour remains one of the major challenges for the Government to effectively address. With over 1.3 million children in some of the worst forms of labour in the informal sector, child labour poses as an immediate threat to the livelihood of these children. The campaign now is to remove the hazard from their instead of removing the children from their work, which have been shown to have negative effects. An overwhelming majority of working children are bread earners of their families and the choice of not working is not an option for these children.

In addition to falling victim to economic exploitation and engaging in laborious activities, children are often times victims to the justice system which has yet to be child sensitised in its procedure. Though a separate juvenile justice system exists in theory, the application of the separate justice system has been a challenge for activists and the children who are currently victims of the system. Along with the development of the juvenile homes, it is important to re-integrate these children with their families and environment and thus treat children in conflict with the law with the aim to rehabilitate rather than to punish. There have been a number of successful campaigns in the field of juvenile justice, including ensuring children free jails and the appointment of a special magistrate at the Dhaka City magistracy to handle only children related cases. Despite these significant changes, children are often times exploited to engage in illicit activities which result to children being in conflict with the law. There is a movement to separate the juvenile justice system so that children never enter the adult justice system. In general, the society has to change in its attitude towards juvenile offenders for reintegration to take place.

Special protection refers to those children who do not have any form of societal nor economical safety nets. Heinous crimes of sexual exploitation of children are widely practiced with the society turning a blind eye to such exploitations and human degradation. The general taboo to speak of anything sexual prevents children to voice their complaints against usually close family and community members who are generally the perpetrators. Family is also found to give consent to pimps and traffickers to take young girls away from home to the Middle Eastern countries and West Bengal, India as child prostitutes. There is no record of the number of children being trafficked out of the country every month and what the possible rescue and reintegration steps taken by the Government to stop such heinous acts of violence to take place.

Despite all the visible changes brought about by the State Party on the state of children in Bangladesh, the society remains in general child un-friendly, preventing any dramatic change to take place especially for children in poverty. Discrimination along the lines of gender, economic and identity has to end for a child friendly society to emerge in the country.

1. INTRODUCTION

1.1 General Background

Since the ratification of the United Nations Convention on the Rights of the Child in 1990, Government of Bangladesh (GB) has attempted to implement and apply the guiding principles of the UNCRC in its national policies and in spirit to address issues of child rights in the country. Certain leaps and bounds have been made but the state of child rights in Bangladesh, however, remains rather poor, with thousands of children facing barriers to healthy and safe lives. Children in Bangladesh continue to be victims of dire poverty and inaccessibility to basic resources such as food, shelter, medicine and education. About 50 percent of the 140 million are considered to be children in Bangladesh. According to the State Party statistics, 13 percent of the total population being under 5 years of age, 38 percent under 15 and 47 percent under 18 years. Of this roughly 70 million, more than 80% are living below the poverty line, barely having any access to basic needs such as food, shelter, water and sanitation. UNICEF's report *A World Fit for Children*, ranks Bangladesh 57 (under-5 mortality rank), with a per capita income of \$479.

Along with economic and societal barriers to healthy and safe childhood, security and access to justice for children remain a major cause for concern nationally. Much of the existing policies on children suggest that along with mismanagement of resources, there is also a gap in the attitudes towards children and their role in the society by policy makers.

The periodic reporting system is to function as a monitoring mechanism on the implementation of the guiding principles of the CRC and the recommendations made by the UN Committee on the Rights of the Child. The periodic report is to feed into the national policies and dialogues to streamline national decisions with international standards. Though the periodic report has been submitted timely (with the exception of the third periodic report), serious concerns have been raised by civil society 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, NGOs have stepped up to the challenge of preparing alternative reports. Manusher Jonno Foundation (MJF), a leading apex NGO working on good governance and human rights, felt the necessity to engage itself in the exercise of drafting a comprehensive alternative report, commenting on both the Government and partner (and non-partner) NGOs' activities. MJF is currently with 54 partners through 12 core implementing partners, focusing specifically on child rights issues across the country.

The main objectives of this report are to provide substantial analysis on the State Party report and to provide possible recommendations on way forward. Comprehensive alternative reports are 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 alleviate the state of children in the society. This exercise is to aid the Government to raise its capacity in reporting and implementing stages on child rights issues in the country. The aim of the report is also to explore ways by which alternative report

writing can be institutionalised to invigorate a vibrant civil society working on child rights. Given the past experiences of State Party reporting challenges, MJF simultaneously aims to aid GoB in the institutionalising process of the State Party periodic report to the UN Committee.

1.2 Manusher Jonno Foundation and Alternative Report

As stated earlier, Manusher Jonno Foundation (MJF) is a leading apex human rights organisation working on various different issues of human rights and good governance, including child rights, through partner organisations operating at the grassroots. MJF helps to build capacity of these partner organisations on issues of human rights and governance through specific programmatic interventions. Promotion and implementation of human rights would be incomplete without addressing issues of child rights, especially in a country like Bangladesh where children are found in the same sectors and forms of work as adults and thus child rights violence are of high prevalence.

There is a necessity for national organisations to unite and coordinate among themselves to develop mechanisms of reporting alternative report to the State Party UNCRC periodic report. Given its existing extensive network across the country and commitment to developing a child rights and development programming approach, MJF felt organisationally it could contribute in a concrete manner to the reporting mechanism of the alternative report. The organisation is also promoting this policy and the adoption of the UNCRC with its partner organisations, encouraging them to develop programmes keeping the concluding observations as points of reference. In accordance to the existing child rights policies, MJF approached the research from a child rights and child friendly approach.

MJF undertook a year long research and data collection process on four identified cross-cutting issues on which the NGO has expertise on. The topics being: **Child Labour, Education, Juvenile Justice, and Special Protection**. Surveys on education and juvenile justice were carried out by partner NGOs across the nation. Focus group discussions (FGDs) and interviews were conducted with relevant stakeholders from both the sides of Government and civil society. Both Government and civil society were invited to provide their expertise on the four thematic areas. An alternative report to the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC) was drafted and disseminated among stakeholders (summary of findings from OPSC alternative report attached as Annex 1).

1.2.1. Structure of Report

The first part of the report provides broad overview of the state of child rights in Bangladesh. The more detailed analysis of child rights in different sectors are discussed in the second part of the report, along with the comments on the State Party report, NGO development and contributions, especially those that are recognised by the Government, are highlighted to provide examples of best practices of the civil society. Concluding Observations are set as the point of departure which are highlighted in the boxes in each section. A situation analysis is provided for every

sub section which is then followed by a critical analysis, providing insights on programmatic and policy gaps and challenges. Possible recommendations (and at times, possible questions for the State Party to be asked by UN Committee) are provided for each section.

1.2.2. Methodology

The alternative report writing was an intensive year long exercise that involved rigorous literature review, several focus group discussions (FGDs) with children and stakeholders, nation wide survey, interviews, and consultation meetings. The concluding observations were considered as the point of departure for the report. Partner NGOs were involved in the entire process while non-partners were well informed and was consulted from time to time for information (please find attached detailed list of partner and non-partner NGOs and resource persons, Annex 3). Along with partner and non-partner NGOs, children consultations in the form of FGDs and a national consultation took place. A national information sharing meeting will be held in the near future. During the reporting stages, mechanisms were developed on institutionalising alternative report writing.

It is important to note that due to the inter-connectedness of a number of thematic issues, those tangential issues were touched upon but commissioning extensive studies on those topics did not take place. E.g. Children health was not at all covered in the MJF report since there are existing child health networks with greater knowledge of this field. When addressing issues of street children, however, health concerns of these children had to be discussed. Similar to this example, when discussing the lack of national identification and thus the exploitation of children, larger issues of name/nationality were also touched upon since these are related issues. Brief analysis was given but in depth study is needed to understand the full extent of the dynamics of those thematic areas.

2. General Measures of Implementation

Measures taken on the Concluding Observations

A number of progresses have been made over the years on child rights issues in Bangladesh, especially in the areas of health, education and juvenile justice. 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. In addition to the high turnover, philosophies of different political parties affect programming for children greatly since certain issues are considered to be taboo and question of private-public domains arise. For a clearer overview of the progresses and challenges of State Party in reference to the concluding observations, a matrix has been formulated, Annex 1.

2.1 Political and Legislative Measures

2.1.1 Reservations to the Convention on the Rights of the Child

Concluding Observation

In light of the Vienna Declaration and Programme of Action (1993), the Committee reiterates its previous recommendation that the State Party withdraw its reservations to the Convention (art. 14, paras. 1 and 21) and recommends that the State Party take into account the experience of other State Parties in this regard

The Government of Bangladesh still holds its reservations to Article 14, paragraph 1 (freedom of thought, conscience and religion) and Article 21 (adoption) because of certain contradictions to the Personal Law which are governed by religious philosophies and doctrines. Issues of adoption are resolved through the existing Guardians and Wards Act 1890.

State Party is entitled to its set of reservations but detailed analysis should be provided on the specificity as to why these reservations exist. State Party should display where the contradictions lie and what are the points of convergence so as to allow to dialogue and policy changes to take place. State Party should take the example of the State Party report of Malaysia who have similar reservations but provided detailed legal explanations as to why the reservation stands.

2.1.2. Legal Issues and Amendment of Laws

Since the last State Party report, only 5 legislatures regarding children were either introduced or amended. Government should provide information on the implications of these laws and their changes on children. The following matrix provides a clearer picture on the status of these legislatures:

Legislation	State Party Analysis	Further Analysis
The Birth and Death Registration Act, enacted in 2004	This law came into effect from 2006, making it mandatory for every child to have a birth certificate. It has been followed by 5 Birth Registration Rules of which 4 have been approved	- The level of implementation of this law has been poor due to the lack of institutional support of the government agencies responsible for registering - This law does not take into account of children born out of wedlock and/or children with no family such as thousands of street children in the urban areas
The Penal Code (Amendment) Act, 2004	The minimum age of criminal responsibility has been raised from age 7 to 9	- Though this landmark change has taken place, this piece of information remains unknown to most law enforcement agencies as it was discovered during FGDs with police officers
The Mines (Amendment) Act, 2004	Raised the age of entry to the mines industry from 15 to 18	- With the absence of birth certificates and other formal identification documents, it is difficult to determine who is in fact 18 and above
Court of Wards (Amendment) Act, 2006	Lowered the age considered as “minor” from 21 to 18 for orphan children to buy or sell property legally inherited	-This is a positive change but further observation needed to understand how the change will affect the lives of orphan minors
Bangladesh Labour Law, 2006	Prohibition of hazardous work for children below 18 years of age and the allowance of admission of non-hazardous work employment set at 14	- The definitions of hazardous was not clarified in the law due to which though 14 year olds are not suppose to be engaged in hazardous forms of work, they are exploited as such

2.2. New Institutions, Policies and Plans

Concluding Observations

State Party should provide the Ministry of Women and Children Affairs including the Directorate of Children’s Affairs, with a clear mandate and adequate human and financial resources to carry out its coordination functions. Also, State Party should expedite the establishment of the Directorate for Children’s Affairs.

State Party did not address the issues of creating a Directorate of Children’s Affairs. From several Government meetings and interactions, it is quite clear that there is no intention on the side of the Government to establish a separate Directorate of Children’s Affairs. Can State Party please provide a detailed explanation as to why this has been decided upon within MWCA? Also, budgetary breakdown has not been provided to show exactly how much financial and human resources were allocated to MWCA specifically on children related activities.

State Party listed a number of new institutions it has started on various issues such as education, rights of children with disabilities and gender parity. It would have been helpful if State Party provided the progresses and challenges of these new institutions. It remains unclear as to what are the exact functions and achievements of

these institutions. Once their functions and activities are provided, civil society and NGOs can then offer necessary support.

State Party stated that a law has been drafted for a Children's (Ombudsperson) Commission and waiting for approval at the cabinet. No timeline was provided on when the approval can take place. There is also a concern by civil society on the effective powers that will be bestowed upon the Commission (if established). The Government should provide specific timeline as well as engage civil society before establishing the Commission.

2.3. National Strategy for Children

Concluding Observations

The Committee recommends that the State Party: (a.) complete its activities for the drafting of a national plan of action by the end of 2003.(b.) involve broad spectrum of civil society groups, including children, in the formulation and the implementation of the national plan of action; (c.) ensure that the national plan of action includes all rights enshrined in the Convention, and the millennium development goals, as well as the plan of action foreseen in the outcome document "A World Fit For Children" of the General Assembly special session for children; (d) provide the National Children Council with the necessary resources for an effective implementation and monitoring of the national plan of action; (e) create an executive committee within the National Children Council.

The third National Plan of Action (NPA) for Children (2005-2010) has been finalised and passed and now awaiting implementation. This particular NPA is highly insightful and realistic in terms of current situation of state of children in the country and what could be the achievable goals. The NPA had consulted children and their inputs were included in the action plan. The NPA was structured around the PRSP so as to ensure unison in national strategy and planning.

Despite all these positive efforts to pass a sound NPA, over two years have already passed from its targeted timeline without its implementation. It remains to be seen what actually happens from the NPA. Government's commitment to children issues can only be determined after programmes are undertaken in accordance to the NPA and budgetary disbursement takes place.

2.4 Budgetary Measures

Concluding Observations

The Committee recommends that the State Party pay particular attention to the full implementation of Art. 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to economically and geographically disadvantaged groups, including tribal children, to the maximum extent of available resources (at the national and local levels) and continue and strengthen its efforts to receive additional funding within the framework of international cooperation. In addition, the National Plan of Action for Children should be integrated into its PRSP.

As stated in the State Party report, education and health sectors account for almost one quarter of the total development budget. The 2007-2008 fiscal year marked the largest amount of national budget allocated for the education sector which included incentives for children going to school and teacher recruitment and training (CPD report). Much of the allocated budget for education (or any other development sector) is mainly for creating infrastructure and not maintaining them. Though this is a positive step, it remains unknown whether this allocated amount has been disbursed to the line ministers and if any progress has been made as per budget suggestion.

Also, budgetary allocation for children always entails the education and health sectors. There is no information on the financial disbursement for other sectoral issues/programmes such as juvenile justice and natural disaster surviving children. An internal look into the expenditures of MWCA shows that only during one fiscal year of 2003-04, 93% of the entire budget was spent whereas all the other years, an average of 30% remains under utilised as indicated in a report by Protima Paal-Majumdar, 2007. There is no information on specific allocation and expenditures on all the different projects under this ministry. **There is no disaggregated information on how much was spent on children out of the entire allocated budget for MWCA.** There is also no assessment report on the performance of these projects as a whole and thus the effectiveness of MWCA as the lead ministry for women and children's issues. Since the NPA for children have not yet been implemented, there is no report on how much of the total budget was allocated for the NPA.

Government should provide detailed account of impact assessment of the education and health budgets. In the health sector, the impact of effective programming is immediate and visible which is to look at the dropping rates of health hazards and mortality rates. In the case of education, more in depth qualitative assessment is required to conclude on the effectiveness of the education system and its budgetary implications. E.g. though gender parity has been reached in the primary education, the high drop out rate at the high school level and the low literacy retention rates indicate the sunk costs involved in the education sector. Government needs to provide data and analysis on how it is to address the issues of these sunken costs. In addition, Government should provide information on how funds are allocated for programmed relating to care and protection for children especially for the purpose of reintegration and rehabilitation.

There are two major institutional reasons for which it is difficult to account for the actual expenditure on children related projects in a year. MWCA, like most other ministries in Bangladesh, do not undergo rigorous audit scrutiny which provides the Parliament and the public with the information on actual expenditures and possible leakages. It is therefore crucial for civil society groups to demand for the exercise of performance audit to take place and for that information to be available readily for further budgetary analysis and understanding.

Secondly, in relation to the earlier point, MWCA faces serious institutional challenges due to which it lacks the technical knowledge to create and implement gender and children based projects. This includes lack of accounts management, IT support and thus e-governance and bureaucrats who are trained on issues of gender and children.

Question for State Party

Can the Government provide detailed budget summary on how much of the total national budget and MWCA budget were spent on children specific programmes?

2.5 Monitoring, Data Collection and Reporting**Concluding Observations**

(a.) State Party should further develop the Multiple Indicator Cluster Survey (MICS) in order to gain a deeper insight into the situation of children and their families. (b.) State Party needs to strengthen its efforts to establish a comprehensive and permanent mechanism to collect data, disaggregate by sex, age, and rural and urban area, incorporating all the areas covered by the Convention and covering all children below the age of 18 years, with emphasis on those who are particularly vulnerable, such as minority and tribal children; (c.) State Party should develop indicators to effectively monitor and evaluate progress achieved in the implementation of the Convention and assess the impact of policies that affect children; (d.) State Party should continue and strengthen its collaboration, inter alia, with the United Nations Statistics Division and UNICEF

State Party has stated a number of methods by which information gathering and monitoring are taking place on the progress of the state of children in Bangladesh. The MICS, in association with UNICEF, have been able to generate important indicators especially the fields of child nutrition and health, education and child labour. Though the MICS are unable to address the issues of violence, care and protection for children, other statistical tools can be generated by Implementation Monitoring and Evaluation Division (IMED) under the Ministry of Planning. Also, though the MICS are generally recognised by government ministries and NGOs, their applications remain unexplored. The MICS also does not cover a number of rights based issues concerning children including violence against children.

In addition, the MICS is a project-based initiative which does not allow to build sustainable functional linkages among the different Government ministries. It is time for the MICS to advance towards establishing a national data bank for children related issues.

As mentioned earlier, MWCA is the lead coordinating ministry to draft the UNCRC periodic report, in charge of collecting necessary data and implementing reporting mechanisms that are connected to programme formulations. MWCA lacks in both technical and programmatic capabilities due to which the data collection and monitoring-reporting processes are not followed through over the years.

Since the Ministry of Social Welfare (MoSW) is the implementing agency for child rights issues, most of the NGOs and civil society groups focus their time with this ministry. MoSW capacity has been increasing over the years due to its interactions with national and international NGOs, engaging in joint programmatic collaborations. In the same respect, MWCA also needs to be supported and built up capacity wise to ensure better coordination among the key ministries for effective reporting and monitoring.

A possible recommendation for MWCA would be to develop a CRC reporting unit/cell with the sole purpose of coordinating programmes and gathering information in accordance to the CRC standards. Along with developing a CRC cell, other line ministries such as MoSW, Ministry of Home Affairs (MoHA) and Ministry of Labour and Employment (MoLE) should explore ways in which they can provide support to MWCA.

2.6. Dissemination of the CRC

The periodic report and a user friendly version have been disseminated to key stakeholders. As well as a Bengali version of the CRC have been completed and disseminated. There is now a need for translating and disseminating Optional Protocols and concluding observations for district level awareness building on child rights issues. Dissemination must be followed up since in most cases reports are found to gather dust.

There is also a need to train stakeholders on child-friendly approach to programming. The periodic report and also the alternative reports should be restructured in child friendly versions so that the children themselves can hold State and NGOs accountable.

Both Government and NGOs have not effectively disseminated their respective reports in the past. NGO alternative reports need to be better coordinated and it should be clearly indicated in different reports (be it Government or non-government) how the organisations/institutions have prioritised the guiding principles in their action plans.

3. Definition of the Child

3.1. Measures taken on the Concluding Observations

In principle and to a certain extent in practice, till the age of 18 a person is considered to be a child. There are however several laws in the country that specifically define “minor” at different ages. For different purposes, different laws have different set age that may not be contradictory to each other, e.g., the legal age for driving is 18 whereas the legal age to get married (for a boy) is 21. Similarly, other laws regarding children can have different age bars depending on their applications and logic.

What has been the main challenge with the definition of a child is that of unavailability of legal documents stating the age of minors. Exploitation and mistreatment of children have been prevalent due to the lack of authentic identification of children in the country. It is here that legal standard definition of who is a child is of great importance.

On the other hand, as crucial as it is for a legal definition to be put in place, socially people have to be sensitised on how to treat a child, irrespective of social and class differences. Much of the barriers to implement a standard age is due to societal perceptions on who is a child and who have the privilege to enjoy a childhood as harboured by citizens and policy makers. Class structure is one of the determining factors to the ways in which children are treated and viewed in the society and by the State. It is a generally accepted belief and practice that children of poor families will be susceptible to a degree of abuse and maltreatment and childhood is a brief experience since they have to work for a living. Definition and recognition of who is a child therefore need to be addressed simultaneously with child poverty and social degradation.

3.2. Legal Review and Strengthening of Policies and Legal Measures

Concluding Observations:

(a.) State Party is recommended to raise the minimum age of criminal responsibility to an internationally acceptable level; (b.) Fix a minimum age for admission to employment, in line with internationally accepted standards; (c.) Ensure that domestic legislation on minimum ages is respected and implemented throughout the country

The State Party provides a list of laws that have undergone assessment and are to be amended in accordance with the UNCRC. The status of reviewing has not been mentioned. Specific timeline should be provided on when these laws are to be reviewed and enacted. State Party should also provide a summary as to why these laws are being amended and what would be the projected impact due to these changes.

The State Report mentioned the High Court taking an active role in ensuring child rights in Bangladesh by issuing a Rule Nisi in July 2007 but it did not mention that the national taskforce for children had become defunct in the recent times. A landmark judgement was made in 2006 where Children's Act 1974 superseded the special act of Suppression of Violence Against Women and Children Act, 2003¹. These two particular incidents indicate that the judiciary is committed in creating a better environment for children in Bangladesh.

4. General Principles Relating to the Rights of the Child

¹ The State vs. Md. Roushan Mondal, Judgement: July 2006. Roushan Mondal, a boy of 13/14 had apparently murdered a girl of 8 years of age. He was sent to the special court of Suppression of Violence Against Women and Children but the judge in session had set up a Juvenile Court in which the teenager was tried and was found to be innocent of the crime.

4.1. Measures taken on the Concluding Observations

In general, the four broad guiding principles, ideologies that ought to be for all child related issues and programming are that of child participation, non-discrimination, best interest of the child and care and protection. Policy makers should keep these principles in mind when formulating not only policies directly related to children but overarching national policy papers such as the PRSP.

State Party provided descriptions of a number of national programmes in different sectors of education, labour and juvenile justice as ways in which the three guiding principles are being implemented nationally. Though these programmes are some of the best practices of the Government, there remains a serious lack in coordinating holistic programming to connect the different issues of discrimination and child rights abuse.

4.2. Non-discrimination

Concluding Observations

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.

The massive drive for primary education was considered to be one of the ways by which gender inequality would be addressed nationally. Girl children continue to face discrimination within the family, schools, work, and other parts of the society. It is often times believed that with a high rate of education, discrimination against girl children will fall. The assumption works in two ways: with a rise in education, overall society will be more aware on how to treat girl children and girl children themselves will be empowered to claim their rights.

These assumptions however are yet to be tested. E.g. A major issue of discrimination against girl children is the high rate of child marriage which was even stated in the State Party report, to be 74% (girls below the age of 18 being married off). On the other hand, there has been 90% net enrolment in the primary education for girl children nationally. This shows that with a rise in mass education, girl children are still being married off illegally. Education programmes can address issues of discrimination till a certain extent beyond which specific programmatic interventions and advocacy are required to change the ways in which girl children are still perceived in the larger community. State Party should commission a study to test the claim of whether higher education result in less discriminatory behaviours against girls.

Discrimination against girl children is not the only form of discrimination against children in Bangladesh. Along with children with disability, children from

ethnic and religious minority groups also face discrimination within the school systems and in the wider community. The State Party provides a small piece of information on the establishment of 3 Shishu Paribar (Children Family) in 3 Chittagong Hill Tract (CHT) districts for tribal children but this does not explain how the larger community treat children of ethnic minority groups. State Party should provide specific names of projects that are currently in the pipeline under the Strategies and Action Plan for Mainstreaming Special Needs Children and Strategies Action Pan for Tribal Children in Primary Education.

Discrimination in Bangladesh takes place more along the class structure lines where children of privileged households are given the chance to enjoy their childhood but children of poverty stricken families are treated as adults. Even at the policy level, this class difference becomes apparent particularly in the discussions on elimination of child labour since it is generally understood that children of poor families have no other choice but to work. There are several such examples of discriminatory practices in both the society and at the policy level due to which there needs to be awareness raising on what exactly “non-discrimination” entails.

4.3. The best interest of the child

Concluding Observations

The Committee recommends that the State Party take all appropriate measures to ensure that the principle of the best interest of the child is integrated into all legislation, as well as in judicial and administrative decision and in projects, programmes and services which have an impact n children. The Committee also encourages the State Party to take all necessary measures to ensure that traditional practices and customary law do no impede the implementation of this general principle, notably through raising awareness among community leaders and within society at large

The concept of best interest of the child is particularly apparent in the legal system, especially in the cases of civil/family law practices. Best interest of the child is however widely misunderstood and misinterpreted especially in the case of policy formulation. Best interest of a child cannot or rather should not be determined without child participation. Till what extent Government policies for children are based on the outcomes of child participation and thus how much of a child’s interest is kept in priority remains to be seen.

State Party provided information on mosque based Child and Literacy Programme but it remains to be understood how exactly this programme cater to the concept and application of best interest of a child.

4.4. The right to life, survival and development

Concluding Observations

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

Bangladesh has made significant improvements in its under-5 infant mortality rates, with a dramatic drop from 149 in 1990 to 73 in 2005. Mass awareness raising of immunisation and promotion of mother's health has led to the fall in infant mortality rates over the years. Effective national health services may have been the reason for ensuring a child's right to life and survival but overall development of a child is influenced by a number of socio-economic-political factors. There is no study to show what would be minimum standard services and fiscal incentives that would be needed to ensure a physically and mentally sound development of a child in Bangladesh. A study as such would provide a clear idea as to what is needed for the upbringing of a child in Bangladesh.

4.5. The respect for the views of the child

Concluding Observation

State Party should (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 education 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 recognised and respected, inter alia in custody disputes and other legal matters affecting children.

State Party has been engaging in dialogues with children and including them in national seminars and conferences on child rights issues. Children have been participating in the preparatory stages of several child related policy papers including the State Party periodic report to the UNCRC. It is not clear from the State Party report where exactly children's perspectives were included though it was highlighted that their participation was an important exercise for the report.

Respect for the views of the child is slowly finding a place in policy formulation. But questions still remain whether these views are effectively applied in programme implementation. In the next set of children focused Government projects should have recommendations from children which will be a litmus test for State Party's dedication to child participation. Child participation may be taking place at the policy level but children are still viewed having no agency due to which the outcomes of these participatory meetings/consultations are merely mentioned but not implemented. Government should clearly state the set of recommendations gathered from the national children consultation meetings.

5. Civil Rights and Freedom

Concluding Observations

In light of article 7 of the Convention, the Committee urges the State Party to continue and strengthen its efforts to ensure a coordinated system for registration of all children at birth, covering the whole of the country, including through awareness-raising campaigns, as well as to continue its cooperation in this regard with, inter alia, UNICEF and relevant international NGOs.

5.1. Measures taken on the Concluding Observations

The State Party has taken several positive measures in implementing the birth registration for every person in the country. As stated in the report, the Government has enacted the Births and Deaths Registration Act, 2004 and activities are on going in providing birth certificate throughout the country. There have been mass awareness programmes with the support of UNICEF on the importance of registering a child (and adults). Increasingly, NGOs are also providing support to the Government in the registration drives as well as engaging in advocacy for birth registration.

Despite the positive steps, the birth registration requirements remain patriarchal, wanting information on the father of a child. This is particularly difficult since large number of children are considered to be street children and/or born out of wedlock who do not have the identity of not only their fathers but many a times even the mothers. It is difficult therefore to account for these children through the existing birth registration forms. This particular detail feeds into the questions of nationality and adoption for those who are unable to provide a patriarchal lineage.

On the other hand without the identification of both the parents, especially the father, children lose out on their fundamental rights to claim property. A method of countering trafficking is by having the names of both parents in a birth registration. More research is required on the effects of the current form on those without one or both parents.

It will be helpful to know what percentage of the child population is now with a birth certificate to assess the effectiveness of the awareness programmes and the registration drives throughout the country.

5.2. Name, Nationality and Conservation of Identity

Concluding Observations

The Committee recommends that the State Party amend its legislation so that citizenship can be passed on to children from either their father or their mother. It also encourages the State Party to introduce proactive measures to prevent statelessness

As stated above, the patriarchal method of registering a child is a barrier to the acquirement of nationality of children without an identity of a father. Nationality therefore is directly connected to the nationality of the father and not the mother. Also, street children who are without either parent are left unaccounted for in the registration process. Given the dire poverty that still exists out of which street children emerge and continue to exist, a solution must be attained as to how to provide a form of identification for these children who are without family and address. Do these children not have the right as any other citizen of the country to

grow up to be voting citizens of the country? In that case, how would they go about having an identity?

Along with street children, there is the issue of nationality of children of refugees in the country. There are now second generation children of refugee Rohingya families who do not have the status of citizen of Bangladesh and neither do the Bihari children who are considered to be stateless. This issue is recognised in the State Party report but no solution was provided.

5.3. Freedom of Expression

Over the years, along with Government initiatives, NGOs such as Save the Children Alliance have vigorously advocated for child friendly media. Media still has the tendency of sensationalising stories on children. Workshops and training programmes have been organised to stop media from exposing child victims.

As mentioned in the State Party report, a number of children related shows have started in the different TV channels that are fully operated by children. There are several newsletters brought out by children's groups of the different NGOs working on child rights. The pioneer of such shows being *Mukto Khobor* (Free News) on one of the private channels, ETV. The continuance and support for these shows are vital to create awareness on child rights in the country. But at the same time, it should be noted that children belonging to NGO groups are well organised and trained on issues of child rights which is not the case with the majority of the children in Bangladesh. Also, accessibility of these programming by children in different regions of the country was not discussed in the State Party report. Television shows concerning children usually air around mid-day or in the afternoon, times at which thousands of children around the country are at work. The newsletters that are being published through the child rights organisations usually circulated within a niche community. These barriers to expression and the dissemination of views and interests of children were not discussed in details in the State Party report.

5.4. Freedom of Thought and Conscience

State Party holds the reservation to Article 14 which is a child's freedom to thought, conscience and religion. From conversations with State Party officials it is understood that the reservation lies with the concept of freedom of religion. It is generally agreed upon that children should not have the freedom to question religion since often times religion is viewed as an inheritance and should not be changed or denounced. The debate on this reservation lies on whether the Government should have a say in the religious practice of children. A more in depth justification should be provided by State Party as to why this reservation holds.

5.5. Right to Information, Association and Privacy

MJF is currently playing a lead role in facilitating the enactment of Right to Information Act which will be adopted in the near future. This act will help all parts of the society including children to acquire information. This will also provide leverage for organisations working on child rights issues to gather information that has been traditionally unavailable for public viewing, such as data on violence against girl children.

5.6. Right not to be subjugated to Torture, including inhuman and Corporal punishment

Concluding Observations

State Party is recommended to do the following: (a.) review its legislation with the aim of prohibiting the use of all forms of physical and mental violence, also within educational and other institutions; (b.) conduct a study to assess the inhuman and degrading treatment of children attributable to “shalishes” and effectively to implement policies and programmes as well as to amend and adopt laws to address these issues; (c.) establish effective procedures and mechanisms to receive, monitor and investigate complaints, including intervening where necessary, and investigating and prosecute cases of torture, neglect and ill-treatment, ensuring that the abused child is not revictimized through legal proceedings and that his or her privacy is protected; (d.) undertake all necessary measures to prevent and punish police violence; (e.) take all necessary effective measures to ensure the implementation of the 2002 Acid Control Act and of the 2002 Acid Control Prevention Act; (f.) provide care, recovery, compensation and reintegration for victims.

Laws exist on preventing torture and inhuman punishment against children. The implementation of these laws is however the area of concern. It will be discussed in details on the state of violence against children later in the report. Corporal punishment remains a widely accepted practice in the society. FGDs with especially domestic and street working children revealed that there is an overall abusive attitude towards children, particularly those who are economically and socially destitute. Adults often times hit these children and even with mass awareness programmes, this is a commonly accepted practice. Along with destitute children, many schools and children homes are also known to hit the children from time to time and it is viewed as a way of disciplining them. There is an entire culture of mistreating and misbehaving with children, especially those from poor households. Though laws are in existence, they are not practiced because the culture of non-abuse towards children is not present.

6. Family Environment and Alternative Care

Concluding Observations

The Committee recommends that the State Party urgently take measures to increase alternative care opportunities for children and in line with article 25 of the Convention, conduct periodic reviews of the placement of children and ensure that institutionalisation is used only as a measure of last resort. The Committee also recommends that the State Party take effective measures to prevent abandonment of children, inter alia, by providing adequate support to families

6.1. Measures Taken on the Concluding Observations

The Government of Bangladesh still retains its reservation to Article 22 on the issue of adoption. The CRC recognises that adoption process and procedures in different countries are different. The past concluding observations however recommended the adoption of the 1933 Hague Convention, which has not happened as of yet. In the State Report, a more comprehensive reason should have been given on the existence of this reservation.

Alternative care is not a widely spread idea in Bangladesh since in the absence of immediate family, extended families usually take upon the responsibility to rear the child. Despite this familial system, there is a large unaccounted number of orphan children living in Government and private homes. Minimum standard and care should be provided in these homes.

There has been no awareness programme on the side of the Government on issues of neglect, abuse and exploitation within the larger issue of alternative care.

6.2. Adoption and Foster Care

Concluding Observations

The Committee recommends that the State Party establish uniform legal provisions for domestic as well as inter-country adoption, and reiterates its previous recommendation that the State Party consider becoming a party to the Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption of 1993

The only legislation that comes close to the standard practice of adoption is the Guardians and Wards Act 1890 which allows for a Muslim family to gain guardianship of another Muslim child if proven that the child does not have any blood family or in the case of forgoing of any claim over the child by the blood family. This act basically permits different personal laws of the different religious groups to be implemented in the cases of familial issues. This legislation has been used so far as the adoption law of the country, by which all religious families have been able to adopt children. The family courts dealing with this law keeps the best interest of the child in mind based on which the guardianship is bestowed upon the applicants.

Though much has been gained from this law, there is however a need to revise it to address certain issues such as inheritance and name. Under this act, “adopted” children can not inherit from the foster parents/guardians. The guardians can give property and other assets as “gifts” while they are living but in the case of an absence of such written instructions, the adopted children are not entitled to anything. Also, legally children do not get the title of the foster family or the guardian. Though many families are giving the children their family names and supporting documents are provided to avoid complications, from a legal standpoint, there is no provision to give the family name as such. Also, questions of citizenship arise if the identity of the child is completely unknown, even by the adoption home or if the foster parent is a single woman (since nationality is patriarchal). There is no standard legal procedure by which this problem can be solved.

The State Party report does not account for these detailed insights of the law in practice and its implications. On the other hand, the Government is well aware of the existence and operations of a number of private adoption homes such as Centre for Training and Rehabilitation of Destitute Women (CTRDW) which provides facilities for expecting mothers who have no families to give safe birth to their children and have the option of putting their children up for adoption at the centre. This centre is registered with the Ministry of Social Welfare (MoSW) and a number of the officials from the ministry are supportive of this organisation. CTRDW have placed a number of children in foster homes, doing background check on the parents and following up for a year on the child after adoption.

In conversation with both social workers, activists, foster parents and lawyers, it is apparent that foster parents are weary of wanting to change the system since so much has been gained from the existing legislation. On the other hand, like the activists and social workers, they too feel the necessity to change certain aspects of the law to cater to the problems of the current situation. As of yet, much has been accomplished with the present status of the law and the fear is that by focusing onto this issue, given the rise in certain fundamentalist quarters, there may be backlash against adoption in general and whatever improvements have been made thus far, will all be destroyed.

In addition to these issues of adoption, the State Party provided information on the number of orphanages and homes for orphan and destitute children all over the country. In a draft social performance audit report of the orphanages by the Comptroller and Audit General’s Office, it was reported that one of the orphanages had to be shut down due to financial mismanagement by the authorities. Also, there is evidence that certain amount of abuse takes place in these homes. UNICEF and other child rights NGOs are in the process of carrying out a nationwide survey on these homes to suggest a standard of minimum care and protection for the children.

Parallel to the Government orphanages, thousands of children are cared for at *madrassahs* where there is a mixture of orphans, children from destitute families and children from families who simply prefer religious education. There is no information on exactly how many residential *madrassahs* are there and how many children are being catered.

6.3. Abuse, Maltreatment and Neglect

Concluding Observation

The Committee recommends that the State Party (a.) continue and strengthen its efforts to address the issue of child abuse, particularly sexual abuse ; (b.) provide adequate protection and assistance to child victims of abuse in their homes, and take appropriate measures to prevent the stigmatisation of victims; (c.) ensure that all children below the age of 18 years are specifically protected under domestic legislation against abuse and exploitation and if institutionalised, it is as the last resort and for the shortest possible period of time

The State Party provides information on the different legislation such as the Children's Act which is to prevent abuse and maltreatment of children in Bangladesh. The report however does not account for the different kinds of abuse and maltreatment that is occurring both public and private child related institutions and homes. As stated earlier, there is a strong class practice in Bangladesh because of which adults do not consider poor and destitute children as children. These children are often times physically beaten and verbally abused by adults around them. One of the major findings from FGDs with working children of the APARAJEYO Bangladesh (MJF partner) programme in Chittagong is that poor children of urban areas are especially exposed to such threats as drugs and political violence because of the slum environment. These children also spoke of being badly treated by community members as well as strangers just by the virtue of belonging to a poor household.

Breaking the Silence (MJF partner) is currently working on sexual abuse of children within families. The information of child victims remain completely confidential and the social workers approach the situation from a familial angle rather than isolating the victimised child. They have had high rate of success in re-integrating the abused children over the years. They have also been successfully in building preventive measures within the household from further abuse. When in conversation with members of BTS they stated that the community approach to counselling has been very effective.

In addition to the general abuse and maltreatment of destitute children, neglect of children often times happen out of unavoidable circumstances for many urban poor families. This is such the case for especially poor working mothers who do not have the familial nor the societal support to provide alternative care. Certain organisations are providing day care services to working mothers in the slums but usually these children are susceptible to diseases from each other and the care provider is not adequately trained to be looking over so many children (Siddiqui, 2002).

7. Education

Concluding Observation

State Party has been recommended on the following: (a.) take effective measures to raise the maximum age of compulsory education, and to increase enrolment rates through, inter alia, raising awareness of the importance of education and taking measures to improve the provision and quality of education; (b.) continue to address gender-based discrimination and other difficulties encountered by girls within the educational system and school environment; (c.) monitor and evaluate existing programmes on early childhood education and development, and extend services, especially parenting education and education for caregivers to all regions; (d.) provide appropriate training for teachers in order to create a more child-friendly school environment; (e.) provide appropriate training for teachers in order to create a more child-friendly school environment; (f.) encourage the participation of children at all levels of school life

7.1. Measures taken on the Concluding Observations

One of the best achievements of Bangladesh has been reaching the gender parity in primary education in all of South Asia. Despite this achievement, the age of compulsory education still remains the same without any consideration of raising it. There are incentive programmes to extend certain facilities to high school students, especially girl children attending high schools, but the stipend programme is mainly unknown to the students and their families. Societal pressures are far stronger than Government policy because of which both girl and boy children drop out in high school. In the case of girl children, marriage and social acceptability play a large role in the discontinuing of their education. Inadequate toilet and other infrastructural facilities are also important reasons for girl children to drop out of schools. About 28% of all girl children complete primary education for various social and economic reasons (NPA for Children). For boy children it is usually the unavailability of financial means to continue with education.

The budget for the fiscal year 2007-08 allocates Tk 10 crore for education research grant, stipends for primary school students, and recruitment and training of teachers (CPD report). There is no information on whether the expected budget has been allocated and whether the different projects of Primary Education Development Programme (PEPD) have received this amount. Also, there is no impact assessment of these projects to show the rate of literacy and retained literacy gained by the students attending public schools throughout the country.

Madrasah education remains a parallel education system with some attempts in bringing the system in equivalence to the formal education sector. There is no information on how the Madrasah Education Board is functioning and what are the criteria by which the *Madrasah* standards are met.

Quality education remains one of the biggest concerns for the State Party since serious criticisms have been made on the dedication of teachers especially in the rural

areas. Even in the NPA it is stated that teacher-student ration remains high at 55:1. Many children are neglected and overall quality of education hampered due to such overcrowding classrooms. With high drop out rates in the secondary level, literacy retention is very low which is not accounted for in the State Party report. It is also a widely assumed philosophy that with the rise in the number of girl children in both primary and secondary education, discrimination against girl children will go down. State Party provides no such information or study to prove this assumption. Women are entering the job market and it is highly visible but that does not mean that they are not facing societal challenges and are subjected to abuse and discrimination. State Party should undertake a study on what the impact has been of education on the lives of girl children and their families' attitudes towards them.

An important part of quality education is training of the teachers. State Party report accounts of teacher training programmes but there is no impact assessment to show any improvements in the quality of education as a direct result to these trainings. Qualifications of teachers are crucial but no such information is provided in the State Party report.

7.2. Education and Learning

State Party report provides information on the primary education sector in Bangladesh which has shown mass improvements and achievements. The Net Enrolment Rate (NER) at the primary level has increased from 82.7 percent in 2003 to 87.2 in 2005. Drop out rates have also gone down to 32 percent in 2004. A very obvious table is provided showing the relationship between enrolment and economic status of children. More important questions of children and education were not addressed by the State Party report. More important questions of children and education such as the possibility of raising maximum age of compulsory education and critically analysing the reasons for discrimination in the education system were not addressed in the State Party report.

In order to analyse the current education system in Bangladesh, Manusher Jonno Foundation (MJF) and partners carried out an extensive survey throughout the country on (approx.) 200 schools with about 10% of the schools being of privately owned or NGO run, looking at issues of retention rate, teacher-student relation, physical facilities and quality of education.

It was seen throughout the survey that teacher-student ratio is very high, on an average of 1:30, in some schools going up to 1:50, similar to the statistics in the NPA. Most schools had access to safe drinking water but many did not and this was compared to the location of the school which was a determining factor to not only safe drinking water but also the physical condition of the schools. Due to the lack of resources reaching rural schools on time, 73% percent of all schools do not have adequate bathroom facilities while about 50% of all schools do not have access to safe drinking water.

Availability of school grounds is not correlated to urban rural location of the schools and neither is there a standard in the school system to provide these facilities

to the students. About 90% of all school management committees (SMCs) met regularly but an overwhelming majority stated that the meeting minutes were not recorded and therefore there is no known way of assessing how decisions are made and what the process of change and implementation is at these schools. How the schools and the local government representatives from the Ministry of Education address the issues of drop outs and disbursement of stipends for girl children were not discussed in the State report. On an average, about 36.5% of the girl students receive stipends. It is under determined whether the remaining percent do not know about the stipends or did not qualify for them.

Over 80% of all the teachers have training in teaching but one of the major complaints from students remains on the inadequacy of the teaching methods. Many students expressed their disinterest in schoolwork and this is correlated to teachers and teaching methods.

In the MJF survey, about 80% of children stated that poverty and social unacceptability are reasons for discontinuing with their education. This statement is also found true in the State Party report and the NPA. Education is seen to be the instrument with which children and adults can pull themselves out of poverty yet poverty is the cause for children to stop with their education. State Party therefore should undertake an assessment of how effective the current education system is to pull children and their families out of poverty.

7.3. Informal and Non-formal Education

Due to the low quality and inadequate number of schools in the country, non-government organisations and education institutions developed non-formal education, pioneer being the BRAC education programme. A curriculum was developed on what should be the standard non-formal education which is now followed by other NGOs throughout the country. The Bureau of Non-Formal Education (BNFE) along with over a thousand NGOs are working to achieve universal literacy. Though non-formal education policy framework has been approved, its status is unknown.

In conversation with members of BRAC education programme and CAMPE (MJF partner), the non-formal education system faces similar challenges as the formal education system in terms of sustenance of literacy after the students graduate or drop out from the programme. Both these NGOs are now developing continuing education programmes to ensure literacy retention.

In addition, there is no method of assessing the effectiveness of non-formal education. There is no account for the status of Non-Government Teachers' Registration and Certification Authority (NTRCA) under the BNFE. The internal assessment of non-formal education and the quality of teachers of BRAC and other organisations are not publicly available. Similar to that of the formal education, teachers of the NFE programmes (both GoB and NGO) should be assessed and trained accordingly.

Informal education on the other hand is comprised of certain life skills education and basic literacy which includes reading, writing and arithmetic. This form of education is provided to especially hard to reach children such as working and street children. It was concluded from several FGDs with both working and street children of the APARAJEYO Bangladesh and Ain O Shalish Kendra (ASK) programmes that the children preferred the informal education programmes over the formal school (roughly 70% of the 70 children who participated in different FGDs had attend a year or two at a public school) because of the nature of the schooling systems. The informality of these learning centres made it easier for the children to understand the textbooks and learn actual skills that have application in their lives.

Most children prefer the non-formal education system because the environment is informal and non-exploitative. On the other hand, in terms of education, children would prefer to go to formal school because they understand the need for recognition from an established institution. The children wanted the formal schools to have the environment of the non-formal schools. In addition to change of environment, children also felt the necessity to have vocational training at their schools. Just education is not enough for most children in Bangladesh and therefore skill trainings are highly preferred by the children.

In conversation with education providers of all these organisations, it was founded that though there are success cases of children from informal and non-formal education systems of doing well when placed in the formal education system majority of the children either do not go back to the schooling system after completing the non formal course or dropout from the local schools. Children from the NFE and informal education systems are unable to catch up with rest of the students and feel out of place. BRAC is currently looking into how to develop the NFE curriculum in a manner by which children from this system can make smooth transition into the formal education system. Government too should address the issues of mainstreaming the NFE programmes.

There was inadequate information on the *madrassah* system of education, how it functions within the larger education system of the country and given the high opportunity cost of this education (job placement is much harder from *madrassah* system of education), why is this system of education popular in the country?

Question for State Party

Does the Government have any strategic plans to mainstream all primary education systems and this includes public schooling system, private (English medium) schooling system, and the madrassah system?

Recommendation

There should be a unified and standard education system where all system of education should follow some basic standards of mainstream education.

7.4. Education and Minority Children

According to the State Party report, bilingual education is currently taking place with two groups in the Chittagong Hill Tracts (CHT) region, the *Murma* and *Bom*. Grade I text books have been developed in these two languages and a number of UNICEF supported schools are functioning in different regions of the CHT, providing bilingual education.

From an FGD with students from a Banderban district, who are of *Murma* and *Bom* communities, (one of the three regions that make up CHT) joint UNICEF-Government school, it was gathered that it is in theory that bilingual education is provided to the *Murma* and *Bom* communities. Most of the students expressed difficulties in comprehending the Bengali language especially the textbooks. Children from this school also expressed the inability to relate to the textbooks being taught to them since they did not include any information on the lifestyle of CHT. Textbooks do not reach these students on time. In many cases, an entire school year will come to an end without having any new textbooks. Unavailability of school books and other educational materials and the complete disinterest of teachers to be located in the CHT regions have all factored into the under performance of the students in the board examinations.

In addition to challenges of developing a bilingual education, the underdeveloped infrastructure is perhaps the single most important reason for the lack of access to education for CHT students. Not only do Government resources such as textbooks reach that region late due to the infrastructure, but many families are unable to send their children to school because of geographical difficulties. Several NGO members from different CHT projects have raised concerns on the disinterest of Government teachers to relocate to the CHT regions. Government teachers are not given any orientation on the lives the CHT children which is significantly different from that of the children of the plain lands. From the Same FGD with the children in the UNICEF-GoB school, they had expressed that at times certain Bengali teachers would make racist comments towards some of the children.

One of the local NGOs, MROCHET (MJF partner), is currently running a primary school in one of the most remote areas in Banderban. Private/community initiatives have started happening to address the issues of illiteracy among the different groups. State Party must address this issue of geographic challenges or provide support to the existing NGOs to continue providing educational services to the children of CHT.

8. Child Labour and Economic Exploitation of Children

Concluding Observation

The Committee recommends the following: (a.) continue and strengthen State Party's efforts to eradicate child labour, including in the informal sector, in particular by addressing its root causes through poverty reduction programmes and strengthening of the children's component in the new PRSP, and facilitation of access to education; (b.) ratify and implement ILO Convention No. 138 concerning the Minimum Age for Admission to Employment; (c.) increase the number of labour inspectors and develop a comprehensive child labour monitoring system in collaboration with NGOs, community based organisations and ILO/IPEC; (d.) undertake a study of child labour in the agricultural and informal sectors with a view to developing policies and programmes to eradicate this phenomenon

8.1. Measures taken on the concluding observations

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. 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. Child labour must find a place in national policies since this affects the entire labour market and the way in which the informal sector is currently functioning.

8.2. Formal Work/Sector

The formal sector denies any existence of child labour, especially the garments industry but FGDs with working children shows that a number of children are currently working in the formal sector but due to the lack of formal documents proving their age, employers are exploiting their situation. Children are found in a number of industries in the formal sector but the most horrific of all is that of the ship breaking industry in the Chittagong port. The work itself is highly hazardous to children and adults alike. Young boys are recruited for this work since they are small enough to enter through small openings and compartments of the entire ship and do the necessary welding work. This is highly risky since they are working with welding equipment at such close encounter and within constrained space. One of the local NGOs, Young Power in Social Action (YPSA), a partner of MJF, has been working on ship breaking workers' rights and now working with child workers in the industry. The Government has declared the non-existence of any child in the industry but

researcher for this report had personally spoken to young boys ranging from the age group of 13-16.

8.3. Informal Work/Sector

The largest number of child labour is found in the informal sector, with almost 53% of the total child labour population found in agro industry. In the concluding observations, UN Committee had recommended the GoB to commission a study on how any children are currently in the agro sector, engaged in what different forms of work. There are several dynamics in the rural sector (family and work) that have not been explored by the either GoB or NGOs.

Urban working children are especially vulnerable to worst forms of labour in the informal sector, ranging from domestic workers to assistants in automobile shops. FGDs with informal sector working children revealed the physical stress that they endure on a daily basis. One of the participating young boy worked as an ice-breaker in the ice-breaking factory. He complained on getting hurt everyday on his thumb and other fingers with the tools he uses to chip the ice. Handling ice all the time also leads to physical ailments such as common colds and other soreness. Along with this boy, a number of children were found to be domestic workers. Children involved in domestic work are highly exposed to abuse and maltreatment. The work load varies from one child to another but it was apparent that most of them were expected to carry out a long list of work, many of which are physically strenuous.

There are no regulations in this sector simply because of the nature of informality of the sector. Usually urban poor families send their boy children to different informal sector industries while both urban and rural poor families send their children to be domestic workers in the urban areas. Since there are no rules and regulations guiding these industries, a number of NGOs are currently working on formulating MOUs with employers to provide certain safety standards to these children. The concept now is removing the hazard from the work instead of removing children from hazardous work.

One of the best practices is that of Ain O Shalish Kendra (ASK) on developing an MOU with the Dhaka City Corporation on setting a code of conduct by employers of child domestic labour. ILO-Government and NGOs are now focusing on sustainable household economy projects that aim to stop the supply of child labour into the labour market. A best practice of such a project has been the ESDO (MJF partner) programme in the larger northern districts of Bangladesh where children have been completely removed from the brick breaking industry. This programme effectively created watchdog groups in association with local government representative at the village and upazila levels which then connected to that at the district level. The reports of the district levels would then be sent to the Ministry of Labour and Employment (MoLE). MoLE is currently in the process of replicating this programme with the help of ESDO in other parts of the country.

8.4 Bonded Labour

There has been no study on all the different forms of economic activities performed by children in the agro sector. In many instances it has been noted that many of the work the children are doing in the agriculture sector can be termed as bonded labour. These children are just a step away from slavery where parents give them up for a certain period of time during the cultivation time/season. There are several agricultural ventures such as the shrimp industry, the dry fish industry and the ship breaking industry where the phenomenon of bonded labour is found (summary of OPSC report in Annex 1).

Children come into bondage due to several different reasons – economic hardship, tradition of work, displacement of children from families, involuntary migration of children and their families. Children taken as bonded labour are hardly given any salary for their work. Food is provided and sometimes a token amount is given. These children are exploited in the worst possible ways. Since there has been no formal study by Government or NGO on bonded labour, it is difficult to provide detailed accounts of the casual-effects of bonded labour and children. In depth study needs to take place on how to eradicate bonded labour.

Question for State Party

*How is Government proposing in the implementation of the Child Labour Policy?
Who are the agencies and coordinating bodies?*

Recommendation

There should be specific mechanism to ensure better coordination among various GOB 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.

9. Juvenile Justice

9.1. Measures taken on the concluding observations

Juvenile justice has undergone massive changes over the few years. This includes raising of the age of criminal responsibility from 7 to 9, removal of children from jails, improving the conditions at the formerly known as correction centres and making the civil society and Government officials aware on juvenile justice. The Children's Act of 1974 has been the champion of child rights and juvenile justice in the country and lawyers and activists are finally applying this piece of legislation, though not to its fullest extent. Law enforcement agencies such as the police force and magistrates are being trained on this law along with other special legislations such the Suppression of Violence Against Women and Children 2002. Law enforcement agents however lack to understand the "spirit" of the law which is to find every possible way to rehabilitate and reintegrate juvenile offenders and to protect children in general so as to keep them away from the legal system in general.

Juvenile justice may be the only sector where the State Party has met with all the recommendations of the UNCRC. Fine tuning of these recommendations however needs to take place. For example, there are a number of contradictory practices

regarding the different legislations. Also, as it now stands, juvenile justice has been driven by certain charismatic personalities in both the Government and non-government sides. Streamlining needs to take place among the different law enforcement agencies to ensure juvenile justice system to be in motion all the time and not merely an initiative of a few individuals to change the system.

Also, one of the major best practices was that of the establishment of a National Task Force (NTF) on Juvenile Justice which had monitoring cells at the district and upazila levels. The taskforce had achieved a number of accomplishments, the most significant being making all jails child free. Since the end of tenure of the last government and especially the last Principal Secretary to the Prime Minister (who headed the task force), the task force has become defunct, without any meetings happening in the last one year. As it is a general challenge in Bangladesh, most policy implementation happens due to the dynamism of a particular charismatic figure. The National Task Force must be put in full form to address issues of juvenile justice on a regular basis.

9.2. The Legal Structure

Concluding Observations

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. 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 is explicitly prohibited by law (c.) ensure the full implementation of the right to a fair trial; (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

9.2.1 Laws and Children

As mentioned earlier, the Children Act, 1974 is the foundational legislation on juvenile justice in Bangladesh. This piece of legislation was enacted before the existence of the UNCRC itself. It is considered to be a law before its time. There are legal provisions on how to care and rehabilitate child offenders. The “spirit” of the law is that of rehabilitation and reintegration and avoidance of detention and punishment. The application of this law however is not widely understood since it is only recently that with the interventions of a number of NGOs such as Save the Children UK, APARAJEYO Bangladesh, Bangladesh National Women Lawyers’ Association (BNWLA) and BSEHR (all direct partners of MJF) and other human rights based organisations, law enforcement agents are finally learning about the Children’s Act 1974. This law clearly states how law enforcement agencies are to behave and address when dealing with child offenders. This act also has the provision of probation officers whose sole purpose is to ensure care and support towards any child in conflict or contact with the law. Yet these provisions have not been

internalised within the Criminal Procedure, the procedure followed by the law enforcement agencies.

Though certain clauses are being implemented by the law enforcers, the overall spirit of the law is not understood nor applied. The CrPc must internalise the juvenile justice system because it impossible to train law enforces to follow a different procedure than that of the CrPc.

In conversation with one of the leading child rights lawyer in Bangladesh, it was apparent that in pieces of legislatures, children are viewed differently from that of adults, with the exception of the Criminal Procedure. Juvenile justice procedure has not been internalised in the Criminal Procedure, a legislation which is best understood and practiced by all law enforcers. The Suppression of Violence Against Women and Children, 2002, Arms Act 1878 and such other special laws at times are detrimental to children since many are found to be accomplices to adult perpetrator(s) but are tried as adults under the Criminal Procedure. 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.

9.2.2 Law Enforcers – the Police

In the recent times, the police force has been receiving training on children rights, particularly the Children's Act 1974. From an FGD with police officers receiving human rights training from BSEHR, it was apparent that there are several contradictions in the different laws on women and children. In the case of children, especially teenagers in conflict with the law it is difficult to identify them due to the unavailability of birth certificates. Investigations are also difficult to carry out since there is a serious lack of resources in the police force. One breakthrough practice that is now in place which has made significant difference in juvenile justice is the split charge sheet as noted by the police/investigating officer when a child is involved in a crime with adults. With the help of a number of human rights organisations, many of the police stations now have special cells/units of police officers who have received training in gender sensitivity and child friendly approach.

Despite all these significant changes, there is still mistreatment by the police towards children. There is an attitudinal barrier due to which the law enforcers do not treat children in conflict with the law with care and respect. The participating police officers from the FGD expressed the need for more ongoing training to sensitise the police force further on all the different issues. They also expressed the contradictions of the different laws due to which they are unable to provide the necessary services. As mentioned above, since the police force is trained in Criminal Procedure and the different clauses of other legislations are not always in accordance with the CrPc, children as a result fall victims to the system. The police force must be trained more vigorously in Children's Act 1974 which has preventive clauses that stop from a child entering into the mainstream legal system, e.g. In a section of Children's Act 1974 states that police has the discretionary power to set a child free after assessing whether he/she is a first time offender. These finer sections of the legislation should be put into effect to stop children from entering into the legal system.

9.2.3 Law Upholders – the Probation Officers

An important role in juvenile justice is that of the probation officers, provided by the Ministry of Social Welfare (MoSW) as per the Children’s Act, 1974. It is the duty of the probation officer to follow up with the police and jail authorities on the status of any child in conflict with the law. Every district in Bangladesh has the provision to have a probation officer who is to follow up with other law enforcers and the courts in ensuring care and protection for children in contact and conflict with the law.

Traditionally the probation officer position has been defunct with little to no information on who these probations officers were and what were their duties. With the initiations of several child rights organisations, the position of the probation officer has been re-instated. Probation officers are now included in child rights programming especially in the Child Development Centres (formerly known as the Juvenile Correction Centres). These centres now have children councils that engage in dialogues with the authorities, expressing their concerns and demands. Despite these changes in the development centres much work remains to be done with the probation officers. A number of stakeholders including the police and the Chief Metropolitan Magistrate have stated that probation officers are seldom dynamic and do not respond to the instructions given by the courts and other stakeholders.

9.2.4 Law Implementers – the Courts

In the recent times, the incumbent Chief Magistrate of the Dhaka Metropolitan Courts had introduced a number of practices that were in accordance to the Children’s Act 1974. In the recent times certain judgements have been issues giving precedence to Children’s Act 1974 over other laws. Issues of upbringing of the child and its effects in his/her actions are now being considered when a child is held as an offender as per the law. The probation officers are now being ordered to intervene in cases and follow up on the progress of child offenders after release. The outgoing Chief Magistrate was highly proactive in the overall practice of juvenile justice, appointing one of the magistracies as child court and demanding for monthly report on how many children were in jail and how many children were involved in all the different cases.

Though the actions and decisions of the Chief Magistrate were highly appreciated by all other stakeholders, setting a fine example on the ways in which children should be treated by the law, the initiatives did become a “one man show”. There has been no continuance in these practices since the reposting of the Chief Magistrate. The actions taken by the CMM were from his own initiations but it is the duty of the lawyers to demand for these services for the children. Judges and lawyers also need to be trained on the Children’s Act 1974 and learn how to apply the law effectively.

Question for State Party

Can government provide information with analysis on plan, existing mechanisms and budget in relation to social reintegration of children?

Recommendation

Since existing rehabilitation centres and other forms of custody are not found adequate to serve the purpose of best interest of children there should be specific mechanism with necessary resources at the community level to reintegrate children contact with law and in other forms of vulnerable condition

10. Special Protection

Concluding Observations

Sexual Exploitation: The Committee recommends (a.) fully and effectively implement the National Plan of Action against Sexual Abuse and Exploitation; (b.) ensure that victims of sexual exploitation are never considered as offenders, but rather benefit from programmes for their recovery and reintegration; (c.) investigate, prosecute and sentence perpetrators of sexual offences against children; (d.) develop and monitor a code of conduct for law enforcement officials

Sale, Trafficking and Abduction: (a.) undertake all necessary efforts to prevent and combat domestic and cross-border child trafficking, including through international cooperation; (b.) take all necessary measures for the recovery and reintegration of children victims of trafficking; (c.) investigate, prosecute and sentence perpetrators of trafficking, including through international assistance

Children Living and/or Working on the Streets: (a.) ensure that children living or working on the streets are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training; (b.) ensure that these children are provided with recovery and reintegration services for physical, sexual and substance abuse, protection from police brutality; and services for reconciliation with families; (c.) undertake a study on the causes and scope of this phenomenon and establish a comprehensive strategy to address the high and increasing numbers of children living or working on the streets with the aim of preventing and reducing this phenomenon

10.1. Measures taken on concluding observations

Special protection is to be provided to those children who do not have access to any social and/or economic safety nets. These groups of children include street children, children in prostitution, physically and mentally abused children, children in the state of trafficking, minority children, and children with disability. Street children in particular are highly vulnerable since they do not usually have family or communities to seek for any form of assistance. The current practice of the legal system is also unable to provide protection for street children since they do not have identities of their families. These children are often times victims of physical, sexual and mental abuse while many are victims of trafficking. The NPA against Sexual Abuse and Exploitation and Trafficking (NPA SEACT) has not been implemented effectively while NATSPA was never implemented.

The ARISE programme has been successful in providing education and health services to street children but the programme fails to address more institutional questions of the reasons for children to be living in the streets. Recovery and re-integration with families have not been fully practiced in the case of street children though certain re-integration cases have taken place with trafficked children.

10.2. Street Children

By the estimation of APARAJEYO Bangladesh, a leading child rights organisation working in association with the Government of Bangladesh on the ARISE programme, about 445,000 children are currently found to be street children. Street children are especially found in the urban areas where it is understood that the children are usually from the floating population and/or extremely poor families who were unable to retain their children.

The ARISE programme is one of the oldest established programmes catering to the immediate needs of street children. Today, the ARISE programme has evolved not only providing basic education and health services to the children, but also focusing on issues of hazardous work, abuse and their livelihoods. Despite the success of the ARISE programme, streets of urban cities home to thousands of street children who are without any form of care and protection.

These children are without any form of safety nets which results to severe physical and mental abuses and exploitations. Children living in the streets are therefore highly susceptible to sexually transmitted diseases (STDs) and other illnesses. A number of street children fall victim to sexual exploitation and child prostitution. INCIDIN Bangladesh is a leading organisation in working with child prostitutes and street children. INCIDIN Bangladesh runs a number of night shelter homes for boy street children. A number of rehabilitation programmes were initially tried but the organisation has had experience in children going in and out of prostitution due to several societal and personal reasons. These homes therefore allow children to come as they please with no restrictions on their movements.

In addition to being vulnerable to diseases and abuse, street children are often times picked up by the police to be sent off to Vagrant Homes, where they are kept in close confinement with other adults from various walks of life. There are incidents of children escaping those homes and then there are cases of children becoming used to these homes. The Vagrant Homes are considered to be worse than prisons because of the mix of people who are all set inside. Children are abused and exploited in these homes and State has yet to address this issue.

The State Party must address the issues of street children with greater urgency, addressing fundamental issues of where these children are coming from and how to provide reintegration services which are long lasting.

Questions for State Party

How does the State Party account for children who are a part of the unaccompanied floating population?

Recommendation

10.3. Sexual Abuse and Child Prostitution

The frequency of sexual abuse against children is quite high yet there is a social taboo on the matter. Though specific number could not be provided, Breaking the Silence, an NGO working specifically on sexual abuse, confirms that there are hundreds of known cases of sexual abuse in a year. Many a times, children are unaware of the abuse taking place and do not have the medium through which they can seek assistance.

In addition to the abuse taking place within the families, street children and other groups of children fall victims to sexual abuse and exploitation. The number of children in prostitution cannot be determined due to various reasons, but there is an overwhelming number of both boy and girl children found in the sex industry. A large number of these children were born in brothels while many are sold to this industry. Girl children are known to be trafficked out to West Bengal, India where majority of the brothels have Bangladeshi girl children working (Blanchett). Trafficking of children for the purpose of sexual exploitation is taking place without the State Party giving enough importance or urgency.

Similar to children working and living on the streets, child prostitutes are also picked up through raids by the police and placed at the Vagrant Homes. There are six homes for destitute girls with whom Concern Bangladesh is currently working, trying to address issues of rehabilitation, reintegration and improvement of these homes. Though certain group of activist will argue that Vagrant Homes should be abolished, another group argues that at least it is a place for these girls who would otherwise be living on the streets. Vagrant Homes are anti-poor and in principle should not exist but given the unavailability of rehabilitation homes or safe homes for street children and child prostitutes, the Vagrant Homes can be temporary solutions. Conditions however must be improved even if this may be temporary solution to current dire state of affairs.

Question for State Party

What is the nature and extent of child prostitution and pornography in the society? Is there any Government data on child pornography and the extent of digital pornography?

Recommendation

An in depth research involving all stakeholders at GOB and non government should be carried out to find out nature and extent of this particular problem.

10.4. Minority Children

Concluding Observation

State Party is to gather additional information on all minorities or similar marginalised groups of the population and to elaborate policies and programmes to ensure the implementation of their rights without discrimination, taking into account the Committee's recommendations adopted at its day of general discussion on the theme "The rights of indigenous children".

Children of minority communities are socially disadvantaged due to their ethnic and religious differences from the mainstream Bengali and Muslim communities. The political instability in the Chittagong Hill Tracts (CHT) area has been problematic for the children to continue with their daily lives. The geographical barriers in the CHT area have been used as excuses for State Party to not to send educational materials, infrastructural support and services, and human resources. Language barrier remains a major point of concern since linguistic minority children find it difficult to follow the national curriculum which is in Bengali.

10.5. Children with Disability

Concluding Observation

State Party is to (a.) undertake studies to determine the causes of, and ways to prevent, disabilities in children; (b.) in light of the Standard Rules on the Equalisation of Opportunities for Persons with Disabilities, and the Committee's recommendations adopted at its day of general discussion on the issue of "The rights of children with disabilities", further encourage their integration into the regular education system and inclusion into society, including by providing special training to teacher and by making schools ore accessible to children with disabilities; (d.)take the necessary measures to provide children with disabilities with appropriate care and services, and ensure that they are registered at birth

Inclusive education remains a far off policy implementation within the public schools. Most public schools are not even equipped to teach children without disabilities. There has been no focus on inclusive education for children with disabilities in the education policy. BRAC schools are currently trying inclusive education system.

In general, children with disabilities are treated differently and insensitively in the larger society. The need for addressing issues of disability is at preliminary stages with the Government. Physical disability is usually associated with the term "disability" which means that mental disability is completely pushed to the shadows. There is a need for rigorous awareness raising programmes on disability.

10.6 Children Survivors of Natural Disasters

Every year Bangladesh falls victim to natural disasters. In particular, the year 2007 witnessed both a disastrous flood, followed by even devastating cyclone. Along

with disruption of education system for children, there is a large number of children who have become orphans from the disastrous cyclone. Children who have survived these natural disasters are of great need of care and protection.

Question for State Party

What are specific plans and programmes of GOB to address the problem of natural disaster affected children?

CONCLUDING REMARKS

The state of child rights in Bangladesh remains quite horrifying given the inability of the Government to effectively address issues of poverty reduction of the families and communities. Majority children in Bangladesh are born into poverty and find themselves in a viscous cycle of poverty, economic and social disempowerment and inability to undergo social mobility. What has also been a barrier to poverty reduction and children is that children cannot be addressed as individuals but as a part of the community. Care and protection for a child should start from the home and thus focus should be given on how to empower poor households so that they do not have to push their children into employment outside of their safe communities where they will be vulnerable to all forms of exploitations.

Though the language of child rights is slowly but surely becoming a part of policy, policy makers are still to fully grasp the concepts of child-rights approach and/or child-friendly approach. The general attitude towards children remain highly discriminatory where children, especially those working and living on the streets, are abused and maltreated on a daily basis by other adults, police, and even older children. These children remain the most vulnerable group in our communities yet there has been no method of stopping the flow of children on the streets.

Street children especially fall victims to trafficking, sexual exploitation and exposure to drugs and diseases. Along with street children, there are hundreds of children from villages and peri-urban and even urban areas who fall victims to traffickers and pimps. Though laws are present in the country, they are not implemented to full extent to stop such heinous crimes against children to stop.

It is usually perceived that with education, there will be a gradual decline in discriminatory acts and violence against women and children. This claim remains to be tested. This is not to say that the educational system has not contributed in the overall development of the country, but rather it is time to assess exactly how relevant is the current education system to the children who are suppose to benefit out of it.

State Party has taken a number of positive initiatives but it is important for State Party to also be critical of its programmes, projects and approaches so that it can engage in fruitful dialogues with other stakeholders and design far more effective projects that will enhance the situation of children in the country. It is essential for Government and civil society to work together to ensure comprehensive programming. The entire exercise of the alternative report is therefore not to be critical of Government but to engage in an analytical dialogue on the areas in which

civil society can provide assistance to Government to improve the state of children in Bangladesh.

Annex 1 : Alternative Report to the Optional Protocol to the Convention on the Rights of a Child on Sale of Children, Children Prostitution and Child Pornography

Introduction

To address specific gross violations of child rights, two Optional Protocols are in effect along with the UNCRC. The Government of Bangladesh (GoB) ratified the Optional Protocol to the Convention on the Rights of the Child on Sale of Children, Children Prostitution and Child Pornography (OPSC) on 6 September 2000. Bangladesh government is also a signatory of the Optional Protocol of Children in Armed Conflict (OPAC). Economic exploitation of children for the specific purpose of sexual exploitation remains a grave and immediate issue for Bangladesh, with direct linkages to the larger trafficking issues in the South Asian region.

An initial report was submitted by the State Party in 2005 under the leadership of the Ministry of Women and Children's Affairs (MWCA). But concerned NGOs felt the necessity on submitting a separate and independent report on the state of economic and sexual exploitation of children in Bangladesh. Manusher Jonno Foundation (MJF) commissioned to draft an alternate report in collaboration with partner and non-partner NGOs, working either at the local or national levels.

Key Ministries, National Policies and State of Sexual and Economic Exploitation of Children

Though MWCA is the focal point and implementing partner of the UNCRC and its Protocols, the authority to implement national policies and uphold the national laws concerning children lies with the Ministry of Social Welfare (MoSW). In addition, Ministry of Home Affairs (MoHA) is the implementing body for issues regarding human trafficking. The lack of coordination and coherence among these ministries have resulted to the existence of a number of government homes and safe custodies, but no consolidated data as to how many children are being trafficked within and out of the borders and rescued per year.

A National Anti-Trafficking Strategic Plan for Action (NATSPA) was produced under the guidance of the MoHA but it was never applied practically. There is now a Steering Committee, Implementation and Monitoring Committee for the NPA against the Sexual Abuse and Exploitation of Children including Trafficking (SAECT) but no information is available on the frequency of the committee's meetings and achievements.

National Legal Structure and Legal Status of the OPSC

In spirit, the guidelines of the OPSC are constitutionally sound but a large gap remains in implementing them in the legal structure of the country. Although there are a number of national laws addressing the issues of sale and sexual exploitation of children, incoherence among these laws and their applications have led to inadequate implementation to stop the ongoing exploitation of children. The leading legislatures dealing with issues of sexual and economic exploitation of children are:

Legislatures	Application	Analysis
1. Suppression of Violence Against Women and Children Act, 2000	<ul style="list-style-type: none"> - child defined as a person of 16 years of age - prohibition and punishment against sale of children - prohibition and punishment against trafficking of children 	<ul style="list-style-type: none"> - contradiction of age of a child with the CRC - does not address issues of rehabilitation and reintegration
2. Penal Code, 1860	<ul style="list-style-type: none"> - minor defined as a person below the age of 18 for a girl and 21 for a boy - prohibition of sale of minor girl - new clauses added on prohibition and punishment of trafficking of women and children - prohibition and punishment of sale of children specifically for the purpose of prostitution - prohibition and punishment against advertising children for illicit reasons 	<ul style="list-style-type: none"> - there is no mentioning of boy children as victims of sodomy and prostitution - legal age of consent is 16 which therefore is a contradiction with the Penal Code as well as The Child Marriage Restraint Act, 1929, which states that legal age of marriage for girls is at 18 and for boys at 21
3. The Children's Act, 1974 and the Children's Rules, 1976	<ul style="list-style-type: none"> - provides the framework for juvenile justice system in Bangladesh - provides provisions on rehabilitation and reintegration and the responsibilities of the State toward juvenile offenders and child victims - provides specific positions and line ministries to carry out duties towards children 	<ul style="list-style-type: none"> - this law is applicable only after a crime is committed by a juvenile and/or against a minor – not a preventive legislature - this law also considers children to those till the age 16 – contradictory to the CRC - certain legal experts state that Penal Code cannot be applied when Children's Act is in place – debate over age of criminal responsibility and its purpose

The Suppression of Immoral Traffic Act (SITA) of 1993 defines prostitution but fails to cover non-commercial sexual exploitation of children. Also it is important to note that according to all legislatures concerning prostitution, children who are victims of prostitution can be prosecuted as engaging in illicit acts. The two major continuing challenges of legally ensuring the safety for children from especially sexual

exploitation are that of (i.) all legislatures concerning prostitution, including child prostitution, the child can be prosecuted as engaging in an illicit act and thus the standard Criminal Procedure is applied as oppose to applying the procedures of Children's Act 1974; (ii.) there are no laws concerning repatriation resulting to serious obstacle in rescue operations.

State of Sale of Children, Child Pornography, and Child Prostitution – Key Findings

A number of NGOs are currently working on issues of inter and intra border trafficking and child prostitution. A few initiatives have been taken to tackle the different forms of bonded labour and child pornography. Trafficking of women and children has received serious importance by all stakeholders: GoB, NGOs and the donor community. A national NGO network, Action Against Trafficking and Sexual Exploitation of Children (ATSEC) has been established to coordinate the work of different national and local NGOs working on trafficking, reintegration and repatriation. Also, certain ATSEC members are on the Steering Committee of the SAECT.

As mentioned, a large number of NGOs are working on different aspects of economic and sexual exploitation of children, but for the purpose of this report, the following organisations contributed with their research and advocacy work: INCIDIN Bangladesh, APARAJEYO Bangladesh, Dhaka Ahsania Mission (DAM), Bangladesh National Women Lawyers' Association (BNWLA), Young Power in Social Action (YPSA), and Save the Children UK. A number of documents and information were gathered from International Organisation for Migration (IOM).

1. Sale of Children

a.) Ship Breaking

About 10% of the labour in the ship breaking industry (based in the port city of Chittagong) is below 18 years of age with nearly 40% of the entire labour population migrated from North Bengal. This industry is considered to be one of the most hazardous industries resulting to not only high chances of dangerous accidents but lifetime physical deterioration. Young boys exposed to this work are often times found to be suffering from respiratory illness and prone to severe bruises. Many a times the new young recruits work as helpers to the burners, having to inside small holes and hard to reach areas of the ship to cut the metal which at times have led to sever burns and even deaths. Though the children who participated at the FGD did not specifically state that they were in bonded labour, it was implied from their answers as well as from YPSA members that these children were in fact in bondage, having no option but to work in the industry, giving a portion of their earning to the middle men who brought them to the port city.

b.) Shrimp Cultivation and Dry Fish Industry

Often termed as the “pink revolution”, the shrimp industry has become one of the most lucrative exports for Bangladesh over the years. Farm lands are being converted to produce for the high demand of shrimps both in domestic and especially the foreign markets. This has resulted to a demand for small hands to catch the shrimp fry by

standing in almost knee depth shallow waters for at least 4-5 hours a day. These children are either never paid or given a token for their work. Usually child fry catchers suffer from several different skin diseases and common colds and fevers. Those children working at depots are made to stand in one place for 8-12 hours and having to suffer through verbal and sexual abuses.

Another form of bonded child labour is found in the larger fishing industry, the *dulabhangas* (dry fish workers) in Dublachor, and island off the Bay of Bengal. Usually street children from Chittagong are tricked and pursued to go to Dublachor during the fishing season, where they are made to work under harsh conditions without having any chance to communicate with the rest of the world. These children are prone to illnesses such as diarrhoea and skin diseases, especially scabies. Injuries from working in the forest and from fish bones are also common. At the end of their hard work during the fishing season, the *dulabhangas* are almost never paid for their work.

c.) Trafficking

Bangladesh is considered to be a source country for trafficking humans, where the northern and southern borders of the country serve as both entry and exit points for trafficking. Many a times, trafficked children are recruited through financial transaction between the parents and the middle men. Parents are usually unaware of the real intentions of these middle men yet they engage in these transactions. According to a report by Groupe Development and European Commission, the estimated numbers are as the following:

- 300,000 Bangladeshi children work in brothels of India
- 4,500 women and children are trafficked to Pakistan every year (usually Pakistan is a transition country on the route to UAE)

A large percentage of children who are trafficked are usually young girls of 15-16 years of age, where in many cases, the parents are involved in sending their daughters with the middle men.

2. Child Prostitution

One of the main purposes for trafficking children is to exploit them sexually in foreign countries. A large percentage of women and children sex workers are found in the brothels of Kolkata, India. Child prostitution remains a serious challenge within the borders of the country as well, where the pimps are constantly recruiting young girls from destitute households in same manner as traffickers. Street children in the urban areas also become a source for the sex industry. INCIDIN Bangladesh has reported on the growing number of boy children in this industry. According to information provided by APARAJEYO Bangladesh, estimated number of child victims of prostitution is around 10,000-29,000.

3. Child Pornography

INCIDIN Bangladesh is the only organisation currently working on child pornography, a growing demand for both domestic and especially foreign markets. In the UAE nations, they attach a certain “exoticism” to South Asians for which child pornography is being made for their market. In the domestic market, the high level of accessibility to pornography is making adults as well as children to be consumers of

porn. Child workers at local video stores are in the process of selling pornography to both adults and children.

Recommendations - A Way Forward

Information is crucial for any work to be done in this field. State Party and network NGOs should exchange information with one another and have better coordination. Reports such as the Optional Protocols should be shared with the larger stakeholder community for greater transparency and experience sharing purposes. E-governance is vital for both State Party as well as the vast number of NGOs working in different fields of human/children rights. Usually websites and databases are created but never properly maintained and updated. Much of policy advocacy and research cannot be carried out due to the serious lack of and inaccessibility to information.

State Party should provide more specific data and updates on progress rather than submitting defensive reports with regurgitating information. One of the reasons for such inadequate reports is the lack of understanding and interest of government officers in charge of compiling for the reports. These reports are often times considered as a deadline that needs to be achieved rather than a documentation of real changes and progress for the children of the country. It is because of this attitude, a number of the policy and research recommendations made by the Committee were never commissioned and remain unknown as to their status. State Party should be made accountable further on why there are failures on implementing recommendations made by the Committee. Partner NGOs should be consulted not at the end of the reporting time to provide the token NGO/civil society voices.

Bangladesh has the potential to effectively stop exploitation of children in the near future but it requires immense dedication on the part of all the stakeholders. NGOs working on combating against sale of children, child prostitution and child pornography, have received positive feedbacks from both the child victims and the families/communities. The scope for work is present but the will to bring about effective change is lacking. The challenge is therefore how to ignite the political will to stop sexual and economic exploitation of children. Once that is in motion, great achievements can be made to ensure a more secure childhood for Bangladeshi children.

Annex 2 – Matrix: Achievements and Gaps

Sectors	Government of Bangladesh Reporting, September 2003	UNCRC Recommendations based on GoB Reporting	Progress/Challenges
1. Definitions	<ul style="list-style-type: none"> • Different age limits exist in different legislations concerning children (a chart was provided on the different age limits) • Promotion of marriage registration to stop child marriages 	<ul style="list-style-type: none"> • Harmonise domestic legislation with the CRC especially in the case of criminal responsibility, child labour and harmful traditional practices • Increase the level of participation of children in all areas of policy making • Eradicate discriminatory practices 	<ul style="list-style-type: none"> • The Mines Act (Amend.) 2004 was revised, setting the age of entry to mines from 15-18. State Party report claims this to be in conformity with the CRC but it is not clear why State Party would allow 15 year olds to enter such hazardous work • Domestic legislation has yet to be harmonised with the CRC – in fact, the new Labour Act 2006 allows children from age 14 to enter and the definition of “hazardous work” remains open to interpretation and controversies • Consultations with children took place in all major divisions of the country but their inputs are not reflected in the State Party report – level of participation therefore needs to be accounted for by assessing the outputs rather than merely stating that consultations were held with children
2. Institutional Support	<ul style="list-style-type: none"> • Completion of NPA for Children • Child Rights Forum at every district • UNICEF and BBS developed the MICs dedicated to the systematic collection of data on the situation of children • National Children Council re-formed in 1996 to formulate policy and undertake necessary reform and enforcement of laws relating to children 	<ul style="list-style-type: none"> • Budget allocations for children related programming and especially the NPAs for children • Follow the Paris Principles and set up a National Human Rights Commission • Establish a Children’s Rights Commission • Further develop MICs 	<ul style="list-style-type: none"> • Then NPA though passed, remains to be implemented – the NPA for children is from 2005 to 2010 – it was passed in 2007. The question that arises is that when it takes two additional years to pass the NPA when is there time to implement the programmes as stated in the document? • It was not mentioned in the State Party report on how much of the NPA for children

	<ul style="list-style-type: none"> • Budgetary allocations (explained the Revenue Budget and the Development Budget – without any direct relations to children) • Raising awareness nationally through a MWCA and UNICEF project, “Advocacy, Awareness-raising and Strengthening of the Information Base” • Training of government officials working on child rights 		<p>was created in accordance to the CRC and the Concluding Observations</p> <ul style="list-style-type: none"> • A Cabinet decision was taken on establishing of a Children’s Rights Commission but nothing has happened as of yet • A closer budgetary analysis shows that about 40% of MWCA budget is from the national budget of which a substantial amount remains under utilized every year • A large part of the expenditure is on infrastructural costs and not on effective and innovative programming to raise awareness on women and children issues • The MICS continue to provide adequate information on sectors such as health and education • There is however a major challenge in accumulating data and information on other issues of child rights • It is difficult therefore to create effective programming and evaluate its outputs without the existence of data
<p>3. Civil Rights and Freedoms (Non-discrimination and “best interest” of a child)</p>	<ul style="list-style-type: none"> • Reservations remain to articles 14 and 21; currently under consideration • Special attention given to non-discrimination in the NPA • Best interest of a child being ensured by promoting concepts of giving priority to the interests of children in all circumstances • NPA identifies child participation as one of its overarching strategies • Birth registration programme through LGD of the MoLGRDC, UNICEF and Plan International 	<ul style="list-style-type: none"> • Effective birth registration campaigns • Remove reservations of Article 14 of CRC • Effective awareness on child rights for the society 	<ul style="list-style-type: none"> • Birth registration is developing a great deal of importance but State is facing a number of challenges in registering all citizens, especially children • A large number of children are street children who cannot be traced nor accounted for to be registered • The birth registration requires the identity of a father which is problematic for those who do not know their parents and for children born out of wedlock • Birth registration, as necessary as it is, needs to be revisited to address the issues of

	<ul style="list-style-type: none"> • Nationality is still handed down through the patriarchal system • Campaign against early marriage led by MWCA, promoting marriage registration • Freedom of speech for children through a number of child-based television programmes • Children have the right to access to media but depends on the child's ability to read and family's socio-economic status to afford different forms of media 		<p>discrimination</p> <ul style="list-style-type: none"> • On the other hand, there is a serious need to register every citizen in the country expeditiously • Reservations on Article 14 remains – State Party can have reservations but explanation should be given on as to why the reservation stands – State Party is yet to provide an insightful explanation on its reservation of this article • Child rights awareness programmes are taking place, initiated by both State and non-government institutions • However, holistic approach to awareness raising and programmatic interventions on child rights issues have not been pursued by State Party – major gaps remain in attitudes and applications
<p>4. Environment (external and internal)</p>	<ul style="list-style-type: none"> • Low level of awareness of children's rights among parents and other caregivers • Early Child Development project due to be launched in 2001 by the Ministry of Women and Children Affairs • Day care facilities for children of working mothers are available only on small scale, although explicit provisions require day cares to be established • Basic principles of non-separation from parents believed in Bangladesh, even the Jail Code allows a child to stay in prison with his/her detained mother up to the age of 6. • Action can be taken under the Code of Criminal Procedure 1889 to recover maintenance against a father (with 	<ul style="list-style-type: none"> • Promote and enhance alternative care • Uniform legal provision for domestic and inter-country adoption • Become a party to the 1993 Hague Convention • Address the issues of neglect, abuse and exploitation • Improve overall environment situation in the country • Reduce contamination of water and air pollution 	<ul style="list-style-type: none"> • Adoption remains a debated issue in Bangladesh – currently the existing Guardianship Act has been applied for adoption procedure • In certain ways, this legislature functions as the adoption law of the country where the court takes into account the best interest of the child • There is now a concern whether there is at all a need for a new law specifically addressing the issues of adoption or can the Guardianship Act be amended to function as the adoption law • State Party does not provide any in depth analysis as to why it has reservations on adoption or how the Guardianship Act can be applied further as the adoption law of the

	<p>sufficient means) who fails to maintain his legitimate and/or illegitimate children</p> <ul style="list-style-type: none"> • Alternative care is provided by GoB through different facilities ran by GoB. • There are about 950 orphanages run by NGOs, though a large number of them are religiously inclined • More than 90% of the population has access to tube-well water within 150 metres • 70% of primary schools have a safe water supply • Serious health issues faced to the widespread contamination of groundwater with arsenic • 70% of primary schools have sanitary facilities • Certain unhygienic behaviours persist in both urban and rural areas • Rapid urbanisation leading to high level of water and air pollution • Campaigns raising awareness on pollution and sanitation 		country
5. Disability	<ul style="list-style-type: none"> • Bangladesh is committed to implement the UN Standard Rules on the Equalisation of Opportunities for Persons with Disabilities • A National Coordination Committee for the Disabled was established under the Ministry of Social Welfare in 1993 • A National Policy for Disabled Persons was adopted in 1995 • The National Disabled Development Foundation, a GoB-NGO coalition has been established • A Committee for Inclusive Education has 	<ul style="list-style-type: none"> • Undertake study to see how to prevent disability • Enhance integration of disable children into the education system and the overall society • Sensitise the society on children with disabilities 	<ul style="list-style-type: none"> • No study has been undertaken on prevention of disability – in fact, disability issues are hardly given any policy level importance • With the passing of the Disability Act 2001, there is at least a legal framework on disability but much of its application remains in the paper • There are some schools exclusively for disable children but inception of children with disability in the mainstream formal education remains to be seen • Some sensitisation programming has taken place but these are more non-government

	<p>been set up</p> <ul style="list-style-type: none"> • As a preventive method to disability, GoB has focused on improving the nutritional status of women and children • Institutions across the country have been set up to provide vocational training and special education for disabled children 		initiative rather than Government initiative
6. Education	<ul style="list-style-type: none"> • National Plan of Action for Basic Education was adopted in 1993, setting national goals of 95% gross enrolment and 70% completion of primary education to be achieved by 2000 • Primary education compulsory for children aged 6-10 years by the Compulsory Primary Education Act 1990 • A National Policy on Education has been formulated and waiting for approval • GoB developed a comprehensive Primary Education Development Programme (PEDP) from 1998-2003, working on three components: <ul style="list-style-type: none"> a.) Ensuring universal coverage and equitable access to quality schooling b.) Improving school quality and system efficiency c.) Strengthening institutional capacity and management • Gross primary school enrolment at 97% in 1998 • Gender parity at 47:53, girl: boy in 1995 • Though high rate of enrolment, dropout rates are also high due to poverty • Initiatives taken to raise the quality of education by reviewing the text books and providing training to teachers • Literacy rate at 58% in 1998 – total 	<ul style="list-style-type: none"> • Raise maximum age of compulsory education • Raise enrolment rate and make the quality of education better • Address sex discrimination in school system • Monitor and evaluate existing programmes on early childhood • Training for teachers • Bring about compatibility between the <i>madrassahs</i> and the public school system 	<ul style="list-style-type: none"> • State Party has been promoting secondary education especially for girl children by providing incentives to those who are continuing with their secondary education • Bangladesh is the only South Asian nation to have reached the gender parity in primary education • Though enrolment rate is at a record breaking high of more than 90%, the drop out rates are quite high too • This is due to both economic inability of parents to continue with education and also social barriers especially against girl children • State Party has allocated a substantial amount to the education programme providing incentives to parents who are willing to send their children to school • A large portion of the education budget is for teachers training and appointment of new teachers but the implementation of this remains to be seen • No study has taken place on <i>madrassahs</i> and their implications on both the education sector and on the society

	<p>literacy to be achieved by 2006</p> <ul style="list-style-type: none"> • 1.5 million children attend non-formal learning centres run by both the GoB and NGOs • Dropout rates are higher at secondary than primary level • 51 Vocational Training Institutes (VTIs) and 12 Technical Training Centres (ITCs) along with secondary education • Total expenditure on education as a whole at 46% in 2000 • In 2000, 43% of the total public expenditure on education was devoted to primary education 		
7. Child Labour		<ul style="list-style-type: none"> • Eradicate all forms of hazardous child labour in all sectors including the informal sector • Ratify and implement ILO Convention 138 on Minimum Age of Admission to Employment • Develop a child labour monitoring system 	<ul style="list-style-type: none"> • Child labour remains an enormous challenge for Bangladesh with thousands of children being employed in both formal and informal sectors • The new Labour Act 2006 provides a minimum age of entry to the formal sector but does not clearly state what “hazardous work” entails – this leads to the scope for exploitation of the child workers • Ministry of Labour and Employment (MoLE) has endorsed a child monitoring system developed by an NGO, ESDO, working in the north Bengal provinces • This system has successfully eliminated child labour in these provinces from the brick breaking industry • GoB will be replicating this system in other provinces and in different sectors • Child workers are found mainly in the informal sector where State Party still does not have a mechanism to regulate and monitor these children

			<ul style="list-style-type: none"> Children are still found in worst forms of labour such as ship breaking, bicycle repairing, auto shops
8. Exploitation (Sexual Abuse, Trafficking, and other forms of exploitation)		<ul style="list-style-type: none"> Implement NPA against abuse and exploitation, ensuring appropriate policies, laws and programmes for prevention, protection, recovery and reintegration of child victims according to the Declaration and Agenda for Action and the Global Commitment adopted at 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children Ensure that the victims of exploitations are never treated as offenders Prevent and combat child trafficking Ensure recovery and re-integration for victims of trafficking Investigate, prosecute and sentence perpetrators Develop and monitor a code of conduct for law enforcement officials 	<ul style="list-style-type: none"> NATSPA and SEACT – the two main national policy papers against trafficking and sexual exploitation have completely failed – implementation of these policies never took place The Ministry of Home Affairs (MoHA) and other concerned ministries and institutions have a Steering Committee against Trafficking where they keep a record of the number of known trafficked and repatriation cases The borders of the country remains porous and Government officials are not adequately trained in handling cases of trafficking Agreement between Bangladesh and India remains stagnant because of which repatriation process is difficult Reintegration remains a serious policy and practical challenge Sexual exploitation of children is happening at a great scale but the State Party has taken a no stand on this matter Child prostitution is widely present and again, State Party has not taken a stand on this matter
9. Street Children		<ul style="list-style-type: none"> Provide adequate living conditions for street children Ensure recovery and re-integration with families 	<ul style="list-style-type: none"> The successful ARISE programme has been re-designed as the PICAR programme Large number of street children are still found in the urban areas Mainly NGOs are providing support to the street children Street children are one of the most vulnerable groups because often times these

			children are sexually and physically abused and exploited
10. Violence and Juvenile Justice	<ul style="list-style-type: none"> • Protection of privacy ensured through different parts of the Children Act 1974 • According to the Constitution, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (to which Bangladesh acceded in 1998), citizens, especially children are guaranteed protection from any form of torture • Penal Code 1860, Police Act 1861 and Dhaka Metropolitan Ordinance 1976 all regulate the ways in which law authority is to treat children in safe custody • Juvenile offenders may be subjected to both caning and/or whipping and solitary confinement • Whipping is a common form of punishment especially in the rural areas where the village mediation council, <i>shalish</i>, have ordered caning/whipping to both men and women • The Suppression of Violence against Women and Children Act 2000 introduced a provision imposing on the father of a child born as a result of rape responsibility for maintaining the child. • GoB has been active in raising awareness of the general public and professional groups working with and for children on the different kinds of violence and abuse against children • GoB is due to launch a pilot initiative to improve the services and support provided to female victims of violence at 	<ul style="list-style-type: none"> • Ensure full implementation of juvenile justice standards, in particular articles 37, 40 and 39 of the Convention • Other guidelines to be followed: United Nations Standard Minimum Rule 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 and in the light of the Committee's 1995 discussion day on the administration of juvenile justice. • Raise the minimum age of criminal responsibility to an internally acceptable standard • Ban on all forms of corporal punishment in schools, domestic spheres and other institutions • Capital punishment, life imprisonment, caning and whipping be made strictly illegal till the age of 18 • Allow children in detentions and imprisonment to improve conditions including being separated from adults • Establish an independent child-sensitive and accessible system for the reception and processing of complaints by children 	<ul style="list-style-type: none"> • Juvenile Justice in Bangladesh has made tremendous improvements due to both Government and NGO initiatives • Due to the reactivation of the jail visitors provision, there are no children in the central jails especially that of Dhaka Central Jail • A special magistrate has been appointed to conduct all the cases related to juvenile issues at the Dhaka Magistrate's Court • Law enforcement agents are being trained on the Children's Act 1974 to ensure proper treatment of juvenile offenders • Juvenile detentions have been changed to Children's Development Centres where two of these centres have children's committee which is in charge of voicing their concerns to the authorities • Criminal age of responsibility has been raised to 9 from 7 • Awareness building has taken place on Children's Act 1974, the foundation of juvenile justice in Bangladesh • Despite the significant changes made in juvenile justice, there remains major challenges to stopping children being exploited into committing crimes • Re-integration should be focused on where communities/families should be held accountable for helping the juvenile offenders to return to a normal life • Juvenile offenders are still viewed as criminals because of which they are treated

	<p>the local level</p> <ul style="list-style-type: none"> • Home Ministry is planning on setting up a mechanism for investigation and prosecution known as the Women Investigation Cells 		<p>as adults by law enforcement agencies – this practice and attitude must be stopped</p>
<p>11. Minorities, refugee and internally displaced children</p>	<ul style="list-style-type: none"> • Bangladesh is not party to any international or regional refugee instruments and has no domestic laws or administrative procedures governing refugees • GoB permits UNHCR to recognise asylum-seekers under its statutory mandate on the understanding that UNHCR will financially support the refugees • GoB providing protection for the Rohingya refugees 	<ul style="list-style-type: none"> • More overall information needed on the conditions of minority children • More programming to include minorities need to be implemented 	<ul style="list-style-type: none"> • State Party did not make any stand on the refugee children in Bangladesh in its report • Not enough information is available on minority children on the part of GoB • Issues of bilingual education should be addressed by Government to ensure equal and quality education for minority children

Annex 3 : List of Partner Organizations and Contributing NGOs

- Aparajeyo Bangladesh
- Association Of Voluntary Action For Society
- Shoishab Bangladesh
- Center For Mass Education And Science
- Fulki
- Nobolok
- Community Participation And Development
- Eco-Social Development Organization
- Sonar Bangla Foundation
- Solidarity
- Breaking The Silence
- VAFWSD
- Social Development Society
- Ladies Club
- Participatory Development Action Programme
- Porag Nari Kollan Songhtha
- Forum For Rehabilitation& Integrated Development Approach By The Youth
- Anuvab
- Pally Sahitya Sangstha
- Suchana Social Development Organisation
- Dudumari Gram Unnayan Sangstha
- Center For Rights & Development
- Paraspar
- Manab Kallayan Parishad
- Polli Mongal Kendra
- Samaj Unnayan Samity
- Chetona Unnayan Sangstha
- RDRS-Bangladesh
- Center For Women Development
- USC-Canada Bangladesh
- Samajik Kallyan Sangstha
- Akota Mohila Unnayan Samitty
- Attanirvershil Samaj Kallayan Songstha
- Jananee Seba Sangstha
- Come To Work
- Gono Kallayan Prochesta
- Community Development Association
- Uddog
- Bandhan
- Local Initiative For Empowerment
- Society For Social Service

- Rural Livelihoods Development Organization
- Bangladesh Rural Improvement Foundation
- Jaldhaka Polly Unnayan Sangstha
- Manosika
- Family Income Development Mohila Assosiation
- Village Initiative For Empowerment Of Women
- Mohila Unnayan Sangstha
- Association For Alternative Development
- Akota
- Samaj Kallayan Sangstha
- Manob Kallyan Swabolombi Songstha
- Tarani Gram Unnayan Sangathan
- Nabin Polli Unnayan Songstha
- Unnayan Sahajogi Songstha
- Gono Unnayan Paribar Kallayan Kandra
- Action on Disability and Development (ADD)
- Ain O Shalish Kendra (ASK)
- Bangladesh National Women Lawyers' Association (BNWLA)
- Bangladesh Shishu Adhikar Forum (BSAF)
- BSEHR
- Campaign for Popular Education (CAMPE)
- Centre for Training and Rehabilitation of Destitute Women (CTRDW)
- Dhaka Ahsania Mission (DAM)
- Drishti Research Centre (in particular Therese Blanchet)
- INCIDIN Bangladesh
- International Organisation for Migration (IOM)
- MROCHET
- Save the Children UK (SC UK)
- Young Power in Social Action (YPSA)

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Bibliography/References

A World Fit for Children, UNICEF Report, 2007

Bangladesher Jatiyo Budgete Nari O Shishu Bishoyok Montranaloyr Jonno Boraddokrito Orther Baybohar- Dokkhota (Bangla), Protima Pal-Majumdar, Bangladesh Institute for Development Studies (BIDS), Dhaka 2007

Blanchet, T., Biswas, H., Dabu, M., *Slaves for a Season: Bonded Child Labour in the Dry Fish Industry*, Save the Children Sweden Denmark Publications, Dhaka 2006

Blanchet, T., Biswas, H., Zaman, A., Dabu, M., Aktar, M., Beyond Boundaries: A Critical Look at Women Labour Migration and the Trafficking Within, USAID report, Dhaka, 2002

Centre for Policy Dialogue Presentation on Budget Analysis, 2007

Delap, E., Lugg, R., Not Small Fry: Children's Work in Bangladesh's Shrimp Industry, Save the Children UK and Uttaran report, 2000.

Lives in Motion: Mobility, Smuggling and Trafficking along the Indo-Bangladesh Border, Groupe Developpment and the European Commission, Kolkata, July 2006.

National Anti-Trafficking Strategic Plan for Action (NATSPA), 18 February 2006

National Seminar on Hazardous Child Labour in an Urban Informal Economy, ILO and UNICEF Report, May 2007

Towards Gender-Sensitive Budget, FY 2007-08, Observations of Steps Towards Development, 2007

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

Workers in Ship Breaking Industries: A Baseline Survey of Chittagong , YPSA Publication, Chittagong, 2005