



## Child Rights Governance Assembly (CRGA), Bangladesh

### Stakeholders Report: Situation of Child Rights in Bangladesh

#### I. METHODOLOGY AND CONSULTATION PROCESS

This report has been prepared by the Child Rights Governance Assembly (CRGA), a civil society advocacy network of 17 organizations including children and youth organizations (See *Annex 1: List of the member organizations*) It draws upon a series of national consultations held in June and September-October 2012 by the CRGA and on the publications, documentation and experience of the CRGA members. The key concerns raised in this report have also been discussed nationally by CRGA Members at a consultation meeting with the Government of Bangladesh (GoB), particularly with the Ministry of Foreign Affairs and the Ministry of Women and Children Affairs and with the National Human Rights Commission (NHRC) in September 2012. This report refers to continuities of law and practice impacting on child rights with a particular focus on incidents and trends of concern observed since the last UPR held in 2009. The report also compares the delivery of the Government against commitments made at the 2009 UPR with regard to the protection and promotion of the rights of the children and draws specific recommendations to that end.

#### II. SCOPE OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

**Human Rights Treaties:** Bangladesh has ratified all major human rights treaties (ICCPR, ICESCR, CRC, CERD, CEDAW, CAT, CMW, CRPD). However it has entered reservations to several treaties including CRC and CEDAW. It has accepted the individual communications procedure under only one treaty (CEDAW) and does not accept any inquiry procedure by any treaty body. Bangladesh has not as yet acceded to the Refugee Convention or the Convention on Protection from Enforced Disappearance, ILO Convention No169 on Indigenous and Tribal Peoples 1989. (See *Annex 2 for details*).

**Constitutionally Protected Rights:** The Constitution of Bangladesh contains explicit guarantees of a wide range of civil and political rights considering those as Fundamental Rights. It secures the right of remedy for the violation of these rights by way of a constitutional petition before the Supreme Court. These rights include equality before law, equal protection of the law, non-discrimination on grounds of race, religion, caste, sex, or place of birth, special measures for women, children and ‘backward sections of citizens’, equality of opportunity in public employment, protection of the rights to life and personal liberty, the right to be treated in accordance with law, safeguards as to arrest and detention, prohibition of forced labour, protection in respect of trial and punishment, freedom of assembly, freedom of association, freedom of thought and conscience, freedom of expression freedom of profession and occupation, freedom of religion, the right to property and the right to protection of the home and correspondence.

The Constitution also sets out the fundamental principles of state policy, which mandate the state to ensure, among others, women’s participation in national life, free and compulsory education, public health, equality of opportunity, work as a right and duty, rural development and promotion of local government institutions, as well as respect for international law.

Although traditionally considered to be non-justiciable, these fundamental principles have been applied in a number of cases by the Supreme Court, in order to protect economic and social rights.<sup>1</sup>

**Domestic application of international law:** International treaty obligations must be incorporated into national law before they can be directly enforceable.<sup>2</sup> Such incorporation has not taken place with respect to most treaty provisions (with the exception of parts of the Genocide Convention). However, international human rights norms have been judicially applied in order to interpret expansively the scope of constitutionally guaranteed rights in a number of significant cases.

### III. INSTITUTIONAL AND NORMATIVE FRAMEWORK ON CHILDREN'S RIGHTS

Bangladesh has a parliamentary form of government, with the Prime Minister as the head of the government and the President as the head of the state. Direct elections involving all citizens over the age 18 are required to be held every five years for the unicameral parliament known as the Jatiya Sangsad. Although parliament is the highest law making body in the country, but subject to the provisions of the constitution, when Parliament is not in session or stands dissolved, the President may make laws by ordinance.

The Judiciary, and in particular the Supreme Court – comprising the Appellate and High Court Division respectively – is responsible for the enforcement of fundamental rights through its constitutional jurisdiction. Despite clear guarantees of judicial independence in the original Constitution, a series of amendments and continuing executive interference have resulted in significant erosion of the traditionally high esteem in which the judiciary has been held. Deep and partisan politicization of the higher judiciary – mainly through appointment and non-confirmation of judges, as well as providing opportunities for their holding high office following retirement – has affected public perceptions of its impartiality and competence. With respect to the lower judiciary, although the Supreme Court gave effect to the constitutional mandate for separation of the lower judiciary in its landmark *Masdar Hossain v Bangladesh*<sup>3</sup> judgment in 1999, the Government adopted the necessary legislation only in January 2007.<sup>4</sup> Thus, the magistracy – the front lines of the criminal justice system – was finally separated into judicial and executive branches. Serious concerns remain regarding the extent of effective separation of the lower judiciary, in particular the lack of adequate resources and capacity building, and reports of continuing interference by the executive, despite important progress having been made in putting in place the legal and institutional framework. The retention of key functions relating to appointments and postings with the executive (in particular the Ministry of Law) requires urgent attention.

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<sup>1</sup> See I. Byrne and S. Hossain, “Economic and Social Rights Case Law of Bangladesh, Nepal, Pakistan and Sri Lanka” in M. Langford, *Socio-Economic Rights*, Cambridge University Press, 2009, forthcoming.

<sup>2</sup> For example, the State is required to base its international relations on the principles of respect for [...] equality, [...] and respect for international law and the principles enunciated in the United Nations Charter (Art. 25, Constitution of Bangladesh, 1972).

<sup>3</sup> Hossain, a subordinate court judge, had contended that since judges and magistrates were part of the judiciary, they should not be controlled under laws regulating the civil service. The Appellate Division upheld the High Court’s judgment in favour of Hossain (*Secretary, Ministry of Finance v Masdar Hossain* 2000 BLD (AD) 104).

<sup>4</sup> This comprised the Bangladesh Judicial Service Pay Commission Rules 2007, the Bangladesh Judicial Service (Service Constitution, Composition, Recruitment Suspension, Dismissal and Removal) Rules 2007 and the Bangladesh Judicial Service (Posting, Promotion, Leave, Control, Discipline and other Service Condition) Rules 2007 as well as the Code of Criminal Procedure (Amendment) Ordinance 2007 (the Judicial Service Commission Rules 2002 having been adopted earlier).

National Human Rights Commission (NHRC) has been established in 2008 and reconstituted in 2010. Plenty of concerns remain with regard to the function of NHRC as an effective human rights watchdog, noting the executive predominance in the composition of the selection committee and even the daily work through secondment; the Commission's limited jurisdiction to investigate cases already pending before a Court, Ombudsman or Administrative Tribunal, against the disciplined forces and its limited powers to ensure state compliance with its recommendations and directives. Despite express constitutional and legislative provisions, the office of the Ombudsman has not been established to date.

#### **IV. IMPLEMENTATION OF FIRST CYCLE RECOMMENDATIONS AND OVERALL SITUATION OF THE RIGHTS OF THE CHILD**

**1. Ratification, withdrawal of reservations to the CRC:** In response to the UPR recommendation made by several states, Bangladesh committed (No 1) reconsidering reservations<sup>5</sup> including to the Convention on the Rights of the Child (CRC), in particular Article 14(1) on the right of the child to freedom of thought, conscience and religion and Article 21 on child adoption. Similar commitment has also been made to the Committee on the Rights of the Child in 2009 as it reads: 'The withdrawal of reservations to articles 14.1 and 21 was under consideration, subject to wider consultations and learning from the experience of other countries.'<sup>6</sup> However, no concrete step has been seen to fulfill that commitment.

##### **Recommendation**

- **The Government of Bangladesh should make specific and time bound commitment to withdraw its reservations to the two articles of the CRC**

**2. Institutional developments with regard to children's rights:** Several recommendations were made and subsequently accepted by the GoB for the institutional development with regards to child rights which include raising the minimum age of criminal responsibility, review domestic legislation and practice to bring them both in compliance with international obligations in particular regarding (i) protection against kidnapping and trafficking, and (ii) the juvenile justice system through providing adequate facilities of corresponding capacity for juveniles in detention or prison and adopting specific measures for the protection of their human rights (No 16).

In line with above commitments, several steps have been undertaken by the GoB. Constituting the National Council for Women and Children Development (NCWCD) to coordinate the efforts of the government and to recommend amendment to present laws, rules for protection of women and children was a welcoming step. Being headed by the Prime Minister and comprised of relevant ministers, secretaries, parliamentarians and civil society representatives, the council could be an ideal result-oriented platform. However, since its inception in 2009, the NCWCD has had only one meeting and yet to implement the decisions of that meeting.

Presently a number of ministries are involved in developing and implementing projects for betterment of the children. Since it is not possible to bring all these interventions under a single ministry, a separate directorate for children can coordinate all these initiatives which will ultimately result in better implementation. The Committee on the Rights of the Child in its fifty first session recommended that the State party consider enhancing capacities of the

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<sup>5</sup> <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/139/56/PDF/G0913956.pdf?OpenElement>

<sup>6</sup> Written replies by the government of Bangladesh to the list of issues (CRC/C/BGD/Q/4) prepared by the Committee on the Rights of the Child in connection with the consideration of the third and fourth periodic reports of Bangladesh, See CRC/C/BGD/4 and CRC/C/BGD/4 Add.1, 25 May 2009

Ministry of Women and Children Affairs (MoWCA) through the provision of adequate human and financial resources to strengthen its coordinating role at the multi-sectoral, national, divisional, and district levels. The Committee also recommended that the State party further clarify the roles and mandates of the NCWCD, MoWCA and Department for Children to reduce duplication of efforts and increase effective use of limited resources.<sup>7</sup>

The MoWCA is presently developing an early childhood development policy. The ministry has also initiated a pre-primary programme in collaboration with the Bangladesh Shishu Academy (BSA). National Children Policy 2011 has been adopted on 14 February 2011 reflects the principles of the CRC more decisively and replacing the policy of 1994.<sup>8</sup> Amendment of Children Act 1974 is also at the final stage. Although the Children Act 1974 was widely considered as a very progressive legislation, amendments were sought to ensure its conformity with international standards especially with regard to the definition of child and minimum age of criminal responsibility. The draft prepared by the Ministry of Social Welfare in consultation with different stakeholders and approved by the cabinet defined someone below the age of 18 as a child.<sup>9</sup> However, while vetting the Ministry of Law has made some key changes which created debate and halted the amendment of the Act. It has maintained the definition of the 1974 Children Act i.e. any person below the age of 16 years is a child. With regard to Alternative Sentencing Options, although provisions for diversion have been retained, various options proposed in the original draft for alternative forms of sentencing (cautioning, community service orders, probation etc.) have been dropped. This is likely to increase the institutional/prison sentences for children. The law vetted by the Law Ministry prescribes that the Criminal Procedure Code be applied for investigation in juvenile cases. This is also a backward step from the 1974 Act.

Some other new laws have recently been enacted such as the Domestic Violence (Prevention and Protection) Act 2010 and Anti Trafficking Act 2011 which also placed emphasis on the best interests of the child in determining how to provide care for children. Importantly, these laws defined children below the age of 18.

Few other developments have taken place such as, the recognition of mother's identity through a gazette notification in 2010, directives of the High Court to prevent forced veiling in educational institutions and workplaces; directives banning sexual harassment, and strengthening controls of birth certificates and/or national ID cards during marriage registration to prevent early marriages. However concern remains on the poor implementation of these directives.

With regard to institutional development, reconstituting the National Human Rights Commission (NHRC) in 2010 was a major step. The NHRC has taken an active role in promoting child rights through forming a Child Rights Committee headed by its Full Time Member. This Committee has done some worthy work including identifying child rights as

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<sup>7</sup> Concluding observations of the Committee on the Rights of the Child: Bangladesh, Fifty First Session CRC/C/BGD/CO/4, 26 June 2009, P 4

<sup>8</sup> GOB, *National Children Policy, 2011*, MOWCA, Dhaka 2011: It has chapters on safe child birth (clause 6.1), child poverty reduction (clause 6.2), child health (clause 6.3), pre-primary education (clause 6.4), children's education (clause 6.5), recreation and sport (clause 6.6), child protection (clause 6.7), disadvantaged children (clause 6.8), autistic children (clause 6.9), birth registration (clause 6.10), backward and minority children (clause 6.11), protection of children at times of distress or natural disasters (clause 6.12), children's participation and opinion (clause 6.13), adolescent development (clause 7), development of the girl child (clause 8), elimination of child labour (clause 9), implementation measures (clause 10).

<sup>9</sup> The Committee on the Rights of the Child suggests it to be not less than 12 years. In Bangladesh it is nine years.

one of the key issues in its strategic plan, convening consultation meetings on the reform of the Children Act 1974 and on corporal punishment of children, coordinating the UPR consultation meeting on Child Rights and Trafficking and deciding to submit its independent report for the UPR.

### **Recommendations**

- **Foster and finalize the process of amending the Children Act 1974 determining children's age as 18 years**
- **Take necessary measures to establish the Children's Ombudsman to specifically deal with complaints of violations of the rights of the child and to provide remedies for such violations, taking into account the Child Rights Committee's general comment No. 19 of 2009**
- **Establish a separate Directorate for children to better coordinate among ministries, reduce duplication of efforts and increase effective use of limited resources**

**3. Implementation of existing laws and policies to protect children from abuse:** In Bangladesh several laws exist in relation to child welfare and protection. However, implementation of these laws is very weak. Not much has been done in ensuring abusers accountable. Girl children are not always safe under temporary police protection or in government approved certified homes. Current laws related to sexual crimes against children focus on punishing the offender rather than protecting children's rights. There is no law or procedure to address recovery and rehabilitation of child survivors of commercial sexual exploitation, and judicial decisions to date have only commented upon repatriation. Law enforcing agencies do not usually assist child victims or children at risk of commercial sexual exploitation, even though they are empowered to do so by statutory power.

Violence against children is always an issue of grave concern in Bangladesh. In addition to other forms of violence, stalking of girls and cyber crime against them were particular issue of concern during the reporting period. In many cases those girls ended their lives failing to bear the humiliation (*See Annex 3 for figures*). The government and the judiciary has taken some commendable steps like the directives given by the High Court banning sexual harassment, the circular issued by the Government to all educational institutions to ban corporal punishment, creating mass awareness on these issues etc. However the government is yet to enact specific legislation to stop sexual harassment including cyber crime.

The social stigma, non-disclosure of sexual abuse by the children, lack of witness protection, un-child friendly (especially for the girls and children with disability) legal and medical examination procedures, improper collection and maintenance of evidence and lengthy legal process lead to either non filing of court cases or acquittal of the accused. Generally camera trial is not in use, although the provision is there. In case of prosecution of the perpetrators there are many constraints including of faulty investigations. In most cases the verdict does not go in favour of the plaintiff. Often the traffickers and the organizers of child sexual exploitation put pressure on the plaintiff to withdraw the case or to "compromise". As there is no witness protection mechanism, it is also very difficult to ensure justice. In some cases, children are forced to remain in safe custody or at NGO shelters for a long period as any such trial usually progress at a very slow pace. This may not serve the purpose of justice as far as the child survivors are concerned.

**3.1 Corporal Punishment:** Corporal punishment at educational institutions is rampant in Bangladesh. A 2009 report by UNICEF shows that 91% of the children surveyed faced various levels of physical abuse at school, while 74% were abused at home, and 25% at

workplace.<sup>10</sup> The issue got huge attention from the GoB as well as from other stakeholders during the period. Corporal punishment is a major reason for dropping out of children from school that insist children to labour market. In January 2011, the High Court declared corporal punishment of children in all educational institutions illegal. Following the judgment,<sup>11</sup> in April 2011, the Ministry of Education issued ‘Guidelines to Prohibit Corporal and Psychological Punishment in All Educational Institutions-2011’. The National Children Policy 2011 also prohibits all forms of punishment of children at educational institutions.

**3.2 Child trafficking:** Trafficking is an issue of grave concern in Bangladesh and of course, most of the trafficked victims are children. In recent time, some positive steps have taken to combat trafficking. For example, Human Trafficking Deterrence and Suppression Act 2012 has been enacted which identifies all individuals below the age of 18 as children. This act has also addressed legislative gaps such as the absence of a prohibition on the trafficking of men. The National Plan of Action for Combating Human Trafficking has also been adopted to ensure adequate awareness, capacity and accountability in implementing the newly enacted law on human trafficking and to coordinate actions against the crime. Bangladesh has received an improved status in US report on ‘Trafficking in Person’ being elevated to ‘Tier-2’ level from previous ‘Tier-2 Watch’ level.<sup>12</sup> Children’s unsafe migration from rural to urban area mostly contributes to child trafficking which needs to be adequately addressed.

**3.3 Child sexual abuse, exploitation and child pornography:** Bangladesh accepts the recommendation to continue measures towards the effective implementation of the National Plan of Action against Sexual Abuse and Exploitation of Children including Trafficking, and committed that it is working for ensuring effective implementation of the national plan of action (No 23). The GoB has enacted Pornography control Act 2012 but subsequent rules are necessary for the implementation of the Act. Children in Bangladesh are highly vulnerable to child prostitution. Most of the relevant laws fail to define child prostitution and do not address all the manifestations of commercial sexual exploitation; boys are not afforded protection; and certain provisions could potentially lead to the prosecution of children forced into prostitution. These are severer gaps that must be closed through speedy reforms.

### **Recommendation**

- **Initiate a coordinated process to formulate and amend laws where necessary and ensure effective enforcement of existing laws and policies related to child protection.**

**4. Eliminating Child Labour:** During the 2009 UPR, Bangladesh accepted the recommendations to take steps to eradicate child labour through finalizing and implementing the plan of action to eliminate the worst forms of child labour and to ensure an effective monitoring mechanism to oversee the implementation of the plan of action (No 22). On a positive note to that end, the Ministry of Labour and Employment has adopted the National Child Labour Elimination Policy, 2010 that provides a framework to eliminate all forms of child labour by 2015.<sup>13</sup> It aims withdrawing children from hazardous jobs; improving income

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<sup>10</sup> (UNICEF (2009), *Opinions of Children of Bangladesh on Corporal Punishment: Children’s Opinion Poll 2008*, Dhaka: UNICEF & Ministry of Women and Children Affairs. See at: [http://www.unicef.org/bangladesh/Opinion\\_Poll\\_2009.pdf](http://www.unicef.org/bangladesh/Opinion_Poll_2009.pdf)

<sup>11</sup> Article 111 of the Constitution of Bangladesh says, ‘The law declared by the Appellate Division shall be binding on the High Court Division and the law declared by either division of the Supreme Court shall be binding on all courts subordinate to it.’

<sup>12</sup> <http://www.state.gov/documents/organization/192594.pdf>

<sup>13</sup> [www.unicef.org/bangladesh/Child\\_labour.pdf](http://www.unicef.org/bangladesh/Child_labour.pdf)

generating opportunities for parents so they are not so reliant on their children's income; offering incentives for working children to attend school; enacting laws and improving law enforcement to eliminate child labour. A Child Labour Unit has been established as part of this policy, which has responsibilities including collecting and disseminating data relating to child labour. The government has taken up some projects to withdraw 55,000 child labourers from the hazardous working condition, and bring them back to normal life.<sup>14</sup> According to this policy, the criteria for defining hazardous work for children includes: working more than five hours a day; work that creates undue pressure on physical and psychological wellbeing and development; work without pay; work where the child becomes the victim of torture or exploitation or has no opportunity for leisure. However, concern is that, informal child labour sectors are totally outside the ambit of existing laws. There are approximately seven and a half million child labourers in Bangladesh of which three quarters are boys. UNICEF sources suggest that about half a million children, three quarters of whom are girls, work as domestic help which is in the 'hidden sector'. Some 90% of them sleep in the homes of their employers, a large number of whom are paid no wages. They are thus extremely vulnerable to exploitation. (See *Annex 4* for figures). Domestic child labourers are excluded from the labour law 2006. Even National Child Labour Elimination Policy 2010 has recognized domestic work as an informal sector job. According to the findings of a base-line survey of 2005, about 3,400 children worked in brick/ stone breaking for the construction industry.<sup>15</sup> Most of these children had some sort of respiratory problem and were not provided with any safety gear or protection from brick dust<sup>16</sup>. Other child workers in hazardous jobs include 123,000 children working as rickshaw pullers, 153,000 children working in restaurants or tea stalls, and 56,000 working in carpentry.<sup>17</sup>

### **Recommendation**

- **GoB should revisit its policy to bring the children working in the informal sector within the ambit of law and take effective steps to withdraw children from hazardous work.**

**5. Right to Health:** In terms of output, Bangladesh has made considerable progress in child survival rate over the last several decades. The recent Millennium Countdown Report places Bangladesh among only 16 countries in the world that are on track to achieve MDG 4 on child mortality. The successful programs for immunization, control of diarrhoeal diseases and vitamin-A supplementation are considered to be the most significant contributors to the decline in child and infant deaths. However, statistics of malnutrition manifests the clear deprivations and health risk possibilities from which lot of children suffers. More than 22 percent of the infants born annually (2006 to 2010) have low birth weight in Bangladesh. About 36 percent of Bangladeshi children under-five are stunted (height for age) and 46 percent of them are underweight (weight for age). Also, around half of the total children live under poverty in Bangladesh. Furthermore, health improvements have not yet reached the most vulnerable children.

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<sup>14</sup> [http://www.thedailystar.net/suppliments/2012/Promoting%20Child%20Rights/06/child\\_rights.htm](http://www.thedailystar.net/suppliments/2012/Promoting%20Child%20Rights/06/child_rights.htm)

<sup>15</sup> ILO and BBS, *Baseline Survey for Determining Hazardous Child Labour Sectors in Bangladesh*, 2005.

<sup>16</sup> ILO, *Bangladesh Baseline Survey on Child Labour Situation in Construction Industry in Narayanganj and Munshiganj Districts*, 2005.

<sup>17</sup> ILO and BBS, *Baseline Survey for Determining Hazardous Child Labour Sectors in Bangladesh*, 2005.

## Recommendation

- **GoB should take all necessary measures to increase access to free primary health services with particular attention to pre-natal and post-natal care for children and their mothers**

**6. Right to education:** Bangladesh has made significant progress towards MDG 2 and Education for All in terms of gender parity and enrolment in primary education. However, the Constitution of Bangladesh does not state Education as a fundamental right and it has no legislative obligation to fulfill its citizen's demand of education. The Dhaka declaration of the South Asia EFA Ministerial Meeting held on December 13, 2009 decided to 'enforce the right to education for all effectively, if needed through amendment or fresh legislation to make it justifiable'. One year after this meeting, a commendable step by the government was the approval of the National Education Policy (NEP) 2010.<sup>18</sup> But 'right to education' was not exactly reflected in the NEP. Besides it was mentioned in the NEP that 'Steps will be undertaken in the light of this Education Policy and taking into account all laws regulations and policies, directives related to education to formulate a new coordinated Education law and to ensure its proper implementation.' The government too, has constituted a Committee for this purpose. But considering limited resources, Bangladesh may not be in a position to ensure "Right to Education". Therefore, it is expected that the Committee will consider ensuring 'Right to Primary Education' instead of 'Right to Education'. The NEP 2010 has also extended the length of compulsory education from grade V to grade VIII. This is indeed a bold step but the Compulsory Primary Education Act 1990 need to amended to realize this vision.

However problems as mistreatment of children by teachers , fellow students and the frequent cases of bullying and sexual harassment, particularly of girls at school and on the way to school; the lack of separate sanitation facilities for girls and boys; the extremely low rate of primary school completion, and the very low enrolment in secondary school; the inadequate facilities for vocational education and training, including for children who drops out of school before completion; the lack of coordination and equivalencies between the formal and non-formal educational programmes and low budgetary allocation for education are remaining concerns.

## Recommendation

- **GoB should formulate Integrated Education Act by 2013 under which Right to Primary Education will be ensured and amend the Compulsory Primary Education Act 1990**

**7. Disaster and Climate Change – Children during emergency:** The National Children Policy 2011<sup>19</sup> and National Adaptation Programme of Action (NAPA)<sup>20</sup> are two commendable policy documents that have addressed climate change adaptation and disaster risk reduction for children. Besides the government has incorporated immediate and urgent adaptation projects identified in the NAPA in the Bangladesh Climate Change Strategy and Action Plan. But to date there is no effective mechanism to track the number of child casualties. This is a major lacking in the data management system – the existing system counts only total casualty (men and women). The Ministry of Food and Disaster Management (MoFDM) should include one or two indicators separately for children while tracking down

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<sup>18</sup> [http://www.moedu.gov.bd/index.php?option=com\\_docman&task=doc\\_download&gid=1178&Itemid=](http://www.moedu.gov.bd/index.php?option=com_docman&task=doc_download&gid=1178&Itemid=)

<sup>19</sup> [http://www.mowca.gov.bd/?page\\_id=36](http://www.mowca.gov.bd/?page_id=36)

<sup>20</sup> [http://www.undp.org.bd/info/pub/NAPA\\_English.pdf](http://www.undp.org.bd/info/pub/NAPA_English.pdf)



the number of casualties affected by disaster or climate change. This will help the child rights/welfare organizations to come up with intervention methodology and allocate necessary resources. MoWCA and child protection partners such as UN agencies, civil society and NGOs has agreed to establish Child Protection Cluster<sup>21</sup> network at national, sub-national/local level to *support harmonized, concerted and timely capacities to prepare, respond to the protection needs of children during natural disaster and emergency*<sup>22</sup> But no effective step has been taken so far to initiate the process. Climate change would potentially impact Coastal belt schools and its WASH facilities, potentially inundate school approach road, food security of care giver of children. As a result, education will be interrupted in those areas for children. This cluster can be integrated within the existing committees and standing committees at Upazila and Union level.

**Recommendation:**

- **Child Protection Cluster must be established in 64 districts and 460 Upazilas by 2014 with the capacity to track down children casualties and meet the protection needs of children during natural disaster and emergencies.**

**8. State of Child Participation:** Child participation is one of the principles of Child Rights Convention and way to ensure Child Rights Governance in Bangladesh. The government has recently opened children's gallery at the national parliament that has created an opportunity for children under the age of 12 to be present at the parliament during the sessions. The children organisations have also taken initiatives to create a common platform where children can raise their voice and thus enable themselves to claim their own rights. CRGA in Bangladesh has ensured Child Participation through child focused and child led organizations like Ichhey Media Group (IMG), Child Brigade (CB), Child Parliament (CP), Child Protection Movement (CPM), Child Club (CC) and National Children Task Force (NCTF)) as the member of platform. Nevertheless, concern is that the right to be heard needs further development and is concerned at the few opportunities that the family in particular provides for voicing a child's own opinion and for participation in family, school, and community decision-making.

**Recommendation:**

- **Facilitate and ensure the implementation of the right of the child to be heard in accordance with article 12 of CRC and promote children's participation at all levels of state, family, school and community creating formal and informal spaces.**

**9. National Budget and Invest in Children:** Although gender budget has been introduced, no step has been taken to identify the total allocation for children. There are seven ministries i.e. Ministry of Primary and Mass Education (MoPME), Ministry of Education (MoE), Ministry of Health Family Welfare (MoHFW), Ministry of Women and Child Affairs (MoWCA), Ministry of Social Welfare (MoSW), Ministry of Youth and Sports (MoYS), Ministry of Labour and Employment (MoLE) engaged in child centric activities. Among these ministries, MoWCA is a weaker one in terms of project implementation - till March 2012, MoWCA spent only BDT 9600.12 lacs against total of disbursement of BDT 10539.99 lacs (GoB BDT 3199.39 lacs and Project aid BDT 7340.60 lacs) which is only 52.01 % of the

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<sup>21</sup> [http://www.unicef.org/eapro/bangladesh\\_compiled\\_file\\_new.pdf](http://www.unicef.org/eapro/bangladesh_compiled_file_new.pdf)

<sup>22</sup> MoWCA 2010: Children and Disaster Risk Reduction: Background Paper by Bangladesh, presented at High Level Meeting on International Cooperation for Child Rights (ICCR) in the Asia Pacific Region (Beijing Nov. 2010)

total allocation<sup>23</sup> (BDT 18459.00 lacs was allocated in FY 2011-12 in the revised ADP against 23 projects.). Among those 23 projects direct projects for children were only 6 (2 projects implemented by MoWCA, 1 implemented by Directorate of Women and 3 implemented by Bangladesh Shishu Academy). This justifies the need for enhancing the capacity of MoWCA in developing and implementing children focused projects. Weak monitoring and accountability mechanism for budgetary expenditure at different levels of the administration is a serious concern. Extending the social safety-net scheme for children by piloting a contributory savings scheme for working children may be an option. Such scheme should be aligned with the existing technical and vocational training programmes which can help them emerge as small entrepreneurs and break the cycle of “labourer” in future. Encouraging the private sector to invest in children by extending the scope of Corporate Social Responsibility (CSR) programmes is also desirable.

**Recommendation:**

- **Ensure that the development of the national budget uses a child rights approach, including the use of indicators, and a tracking system that make spending on children visible throughout the budget**

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<sup>23</sup> <http://www.mowca.gov.bd/?p=853>

## **Annex 1**

### **Member Organizations of CRGA**

CRGA is the first platform that comprises of adult as well as children and youth to increase and improve the participation of children, in particular for national level monitoring and advocacy interventions.

- 1. AIN O SALISH KENDRA (ASK)**
- 2. ASSOCIATION FOR COMMUNITY DEVELOPMENT (ACD)**
- 3. ANTAR- SOCIETY FOR DEVELOPMENT**
- 4. BANGLADESH NATIONAL WOMEN LAWYER’S ASSOCIATION (BNWLA)**
- 5. BANGLADESH PROTIBONDHI FOUNDATION (BPF)**
- 6. BANGLADESH INSTITUTE OF THEATER ARTS (BITA)**
- 7. BREAKING THE SILENCE (BTS)**
- 8. COMMUNITY PARTICIPATION DEVELOPMENT (CPD)**
- 9. CENTRE FOR SERVICES AND INFORMATION ON DISABILITY (CSID)**
- 10. DEVELOPMENT INITIATIVE FOR SOCIAL ADVANCEMENT (DISA)**
- 11. INCIDIN BANGLADESH**
- 12. NARI MAITREE**
- 13. SOCIETY FOR UNDERPRIVILEGED FAMILIES (SUF)**
- 14. SOLIDARITY**
- 15. SOCIAL AND ECONOMIC ENHANCEMENT PROGRAMME (SEEP)**
- 16. UDDIPAN- UNITED DEVELOPMENT INITIATIVES FOR PROGRAMMED ACTION**
- 17. UNDERPRIVILEGED CHILDREN’S EDUCATION PROGRAMS (UCEP) , BANGLADESH**

## Annex 2

### **BANGLADESH: Ratification of International Human Rights Treaties and Conventions**

<b>Name of HR Treaty/Convention</b>	<b>Status of ratification/accession</b>
Convention on the Prevention and Punishment of the Crime of Genocide 1948	Acceded on 5 Oct 1998
International Convention on the Elimination of All Forms of Racial Discrimination 1966	Acceded on 11 Jun 1979
International Covenant on Economic, Social and Cultural Rights 1966	Acceded on 5 Oct 1998
International Covenant on Civil and Political Rights 1966	Acceded on 6 Sept 2000
Two Optional Protocols to the International Covenant on Civil and Political Rights 1966	-
International Convention on the Suppression and Punishment of the Crime of Apartheid 1973	Acceded on 5 Feb 1985
Convention on the Elimination of All Forms of Discrimination against Women 1979	Acceded on 6 Nov 1984*
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women 1999	Ratified on 6 Sep 2000
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984	Acceded on 5 Oct 1998
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 2002	-
Convention on the Rights of the Child 1989	Ratified on 3 Aug 19908*
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography 2000	Ratified on 6 Sept 2000
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict 2000	Ratified on 6 Sept 2000
Optional Protocol to the Convention on the Rights of the Child on a communications procedure 2011	-
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	Ratified on 24 Aug 2011
Convention on the Rights of Persons with Disabilities 2006	Ratified on 30 Nov 2007
Optional Protocol to the Convention on the Rights of Persons with Disabilities 2006	Acceded on 12 May 2008
International Convention for the Protection of All Persons from Enforced Disappearance 2006	-

Source: [www.ohchr.org](http://www.ohchr.org)

\*kept reservations

### **Annex 3**

#### **Violence against Children (January - July 2012)**

<b>Type of Violence (Age 0 - 18)</b>	<b>Girls</b>	<b>Boys</b>	<b>Total</b>
Physical torture	220	180	400
Rape	3	-	3
Killing (not mentioned the type of torture)	-	-	-
Killing after physical torture	56	76	132
Trafficking	6	-	6
Missing	6	1	7
Death after abortion	-	-	-
Mysterious death	6	4	10
Pregnant after rape	-	-	-
Suicide	4	-	4
Killing after rape	-	-	-
Sex abuse	4	-	4
Death of pregnant girl after rape	-	-	-
Unnatural death	-	-	-
Acid burn	-	-	-
Murder	-	2	2
Forced CDW	-	-	-
Kidnap	23	19	42
Early Marriage	1	-	1
Road Accident	-	1	1
Arrested	-	4	4
<b>Total</b>	<b>329</b>	<b>287</b>	<b>616</b>

### **Annex 3.1**

#### **Stalking (January -December, 2011)**

<b>Type of Violence</b>	<b>Age</b>	<b>Girl</b>	<b>Boy</b>	<b>Total</b>
Victim of Stalking	12-18	59		59
Suicide	12-18	26	-	26
Staking in Different Way (MMS, video chatting, video)	12-18	33	-	33
<b>Total</b>	-	<b>59</b>	<b>-</b>	<b>59</b>

**Source: Data generated from news paper reports - Prothom Alo, Bhorer Kagoj, Sangbad, Ittefaq, Janakantha, Jugantor, Inqilab, Dinkal, Banglabazar, Daily Star, New Age, Sangram and Samakal.**

#### Annex 4

### Violence against Child Domestic Worker (January 2009 - July 2012)

Type of Violence	Age: (0-6)	Age: (7-12)	Age: (13-18)	Not mentioned the age	Total	Case filed
Physical torture		64	32	13	109	86
Rape		6	7	7	20	11
Killing (not mentioned the type of torture)		7	18	6	31	11
Killing after physical torture	1	11	13	1	26	18
Trafficking						
Missing		7	16	2	25	8
Death after abortion			1		1	1
Mysterious death		9	16	14	39	22
Pregnant after rape		1	8	2	11	2
Suicide		3	40	27	70	19
Killing after rape		1	8	2	11	10
Sex abuse		7	16	2	25	3
Death of pregnant girl after rape				1	1	1
Unnatural death	1	2	4	6	13	13
Acid burn	1		8	2	11	11
Murder				1	1	
Forced CDW				1	1	1
<b>Total</b>	<b>3</b>	<b>118</b>	<b>187</b>	<b>87</b>	<b>395</b>	<b>218</b>

**Source: Data generated from news paper reports - Prothom Alo, Bhorer Kagoj, Sangbad, Ittefaq, Janakantha, Jugantor, Inqilab, Dinkal, Banglabazar, Daily Star, New Age, Sangram and Samakal.**

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