

**Input of UNICEF Bangladesh**  
**for Universal Periodic Review of Bangladesh (Second Cycle)**

**Background and framework**

**A. Scope of international obligations**

- Bangladesh is a State party to Convention on the Rights of the Child (CRC) and its two Optional Protocols. Recommend that Bangladesh become a State party to the Third Optional Protocol of the CRC on a Communications Procedure.
- Bangladesh maintains reservations to article 14 paragraph 1 and article 21 of the CRC. Recommend that Bangladesh withdraw these reservations. Adoption does not contradict religious law.

**B. Constitutional and legislative framework**

- Positive legislative reform includes enactment of the 2010 Prevention of Domestic Violence Act, the 2012 Anti-Human Trafficking Act, and the 2011 Vagrancy Act.
- Draft new Children Act was approved by the Cabinet in 2010 and is awaiting parliamentary deliberation and enactment. Recommend that Bangladesh expedite the enactment and uphold the definition of the child i.e. under 18 as provided by the CRC in its new Children Act.
- Draft Pornography Control Act was approved by the Cabinet and is awaiting parliamentary deliberation and enactment. Recommend that enactment of draft Act is expedited.
- The current minimum age of criminal responsibility remains too low (nine years). Recommend that the minimum age of criminal responsibility is raised to at least 12 years of age.
- The national minimum age for employment is 14, for light work is 12 and for hazardous work is 18. Recommend that Bangladesh review its minimum age for employment in accordance with the internationally accepted standards.

**C. Institutional and human rights infrastructure**

- Positive change includes the establishment of Child Rights Committee under the National Human Rights Commission.
- Recommend that Bangladesh revive its draft law on establishment of Children's Ombudsperson to provide independent and child specific monitoring of the implementation of the CRC.

**D. Policy measures**

- Positive changes include adoption of the 2011 National Child Development Policy, the 2010 National Child Labour Elimination Policy and the 2010 National Education Policy.

## **Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **A. Equality and non-discrimination**

- Positive changes include adoption of the Sixth Five Year Plan (SFYP) aiming at eliminating discrimination against girls and women.
- While progress has been made to ensure a more equitable society in Bangladesh, girls and other particular groups of children including refugee children, children with disabilities, children of ethnic and religious minorities, children in slums and rural areas continue to face discrimination and disparities. Discrimination hinders their access to services.
- Recommend that Bangladesh conduct national campaign and education on non-discrimination and ensure the full implementation of the SFYP.

### **B. Right to life, liberty and security of the person**

- The Constitution of Bangladesh, the Penal Code 1860, Women and Children Repression Prevention Act, 2000 (amended in 2003) and Children Act 1974 prohibit corporal punishment in all settings. However, violence against children and widespread practice of corporal punishment in families, communities, schools, and care and juvenile justice institutions continues.
- Steps have been taken by Bangladesh to address sexual abuse and exploitation of children including enactment of new laws including the 2010 Prevention of Domestic Violence Act and the 2012 Anti-Human Trafficking Act. However, sexual abuse and exploitation of children remains a concern.
- Economic exploitation including child labour is prevalent in Bangladesh.
- Recommend that Bangladesh ensure full implementation of laws in prevention of and response to violence, abuse and exploitation of children and establishment of a child protection information management system. Efforts should be strengthened in arrest and prosecution of perpetrators. Recovery and reintegration services should be available to child victims.

### **C. Administration of justice, including impunity, and the rule of law**

- Minimum age of criminal responsibility is too low. Children are kept in prison with adults while awaiting trial (53 children as of May 2012 according to the government). Deprivation of liberty is preferred to alternatives to detention (447 children in three juvenile detention centres as of May 2012 according to the government). There is no diversion programme in which juvenile offenders are dealt with outside formal judicial systems. Death penalty and life imprisonment without parole can be imposed on children aged between 16 and 18.
- Positive changes include the establishment of a juvenile court/ bench in all districts and national and sub-national taskforces to ensure that children do not go to adult prison and those who are already there be released. The new Children Act when enacted will ensure that deprivation of liberty will be used as a measure of last resort. It will also provide for diversions and child-friendly desk at police stations. It also prohibits death penalty and life imprisonment without parole.

- Recommend that Bangladesh raise minimum age of criminal responsibility to at least 12 and enact new Children Act with the CRC provided definition of the child as well as ensure its full implementation including policy on alternative measures e.g. diversion, probation, community service and suspended sentence. Children in prison with adults should be released without delay. Training on juvenile justice for police, probation officers, public prosecutors and judges assigned to juvenile courts/ benches should continue.

#### **D. Right to privacy, marriage and family life**

- The minimum age for marriage for men and women is 21 and 18 respectively. Although it is prohibited by law, harmful traditional practice ‘child marriage’ continues. There were reports on falsification of identity documents to legalize marriage.
- Recommend that Bangladesh fully implement the 2004 Birth and Death Registration Act in particular to register birth of newborn children regardless of the status their parents and issue them with a birth certificate as a legal proof of age within 45 days of birth.
- There is currently no national policy on alternative care for children who are deprived of parental care. Institutionalization of children continues to be the first if not the default option. Adoption is viewed as contradictory to religious law.
- Recommend that Bangladesh adopt a national policy on alternative care. Reintegration of children in institutional care should be a matter of priority. Minimum care standards for institutions should also be in place to provide safeguard for children. As a measure to prevent institutionalization of children, proactive social work to support parents in their child rearing duties should also be in place.

#### **E. Right to education and cultural right**

- Appreciates the adoption of the National Education Policy. However, implementation of the policy is constrained by the lack of adequate resources as the government continues to spend less than 2.5 per cent of its GDP in education. Government should allocate increased resources to implement the National Education Policy.
- Appreciates the progress made in increasing enrolment and reducing drop out from primary level and the gender parity achieved in primary and secondary levels. However, despite the increased coverage of the stipend programme, disparities exist in primary education completion. Government is encouraged to review the stipend programme to make it effective for children from families who cannot afford the opportunity cost of schooling.
- Despite favourable policy frameworks, there is no official provision of education in mother language for children from ethnic communities whose mother language is not Bangla. The government is encouraged to take appropriate measures to provide education in mother language for these children.
- Despite official ban, corporal punishment is still a reality in primary schools. Government is encouraged to effectively eliminate corporal punishment from schools.
- The provision for inclusive education is still not effective and many children with disabilities are still out of school. The government is encouraged to put in effective measures to ensure education of children with disabilities.

#### **F. Person with disabilities**

- Positive changes include Draft Persons with Disabilities Rights Act, Gender and Inclusive Education Action Plan of the Ministry of Primary and Mass Education (MOPME). According to the government, over 27,500 children with disabilities are attending secondary schools.

#### **G. Minorities and indigenous peoples**

- Indigenous and minority children living in the remote areas of Chittagong Hill Tracts and Char areas often do not have access to basic and specialized services. Discrimination and inequity hinder the enjoyment of their rights.
- Recommend that Bangladesh adopt specific measures to combat discrimination and inequity and ensure that basic and specialized services are available to indigenous and minority children.

#### **H. Refugees and asylum-seekers**

- There are Rohingya refugees inside and outside two official refugee camps, many of whom are children. Their movement is restricted. They have only limited access to education and health services. Refugees outside the camps do not have access to refugee status determination and are subject to arrest and deportation. Children of refugees are not eligible for birth registration.
- Recommend that Bangladesh become a State Party to the 1951 Refugee Convention and its 1967 Protocol. Children of refugees born in Bangladesh both inside and outside the two camps should be registered after birth and provided with an official birth certificate. Access to basic services for refugee children both inside and outside the two camps should be improved.