

BRIEFING FROM THE GLOBAL INITIATIVE
TO END ALL CORPORAL PUNISHMENT OF CHILDREN

**BRIEFING ON BANGLADESH FOR THE COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN**

PRESESSIONAL WORKING GROUP – July 2010

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BANGLADESH (sixth and seventh reports – CEDAW/C/BGD/6-7)

Corporal punishment is lawful in the **home**. Article 89 of the Penal Code (1860) states: “Nothing which is done in good faith for the benefit of a person under twelve years of age, or of unsound mind by or by consent, either express or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of any harm which it may cause, or be intended by the doer to cause or be known by the doer to be likely to cause to that person ...” There are similar provisions in the Punjab Children’s Ordinance (1983) (article 19) and the Sindh Children Act (1955) (article 48). At a meeting of the South Asia Forum in July 2006, following on from the regional consultation in 2005 of the UN Secretary General’s Study on Violence against Children, the government made a commitment to prohibition in all settings, including the home. As at 2009, the Children Act (1974) and other laws relating to children were under review, but corporal punishment remains lawful.

Corporal punishment is lawful in **schools**. Periodic Ministerial directives have advised schools to stop its use, but there is no prohibition in law. It is lawful for males in the **penal system**, as a sentence for crime and as a disciplinary measure in penal institutions. It is lawful for boys and girls in **alternative care settings**.

The **Committee on the Rights of the Child** has three times expressed concern at corporal punishment and recommending prohibition in all settings, including the family – in 1997 in its concluding observations on the initial state party report (CRC/C/15/Add.74, para. 38), in 2003 on the second report (CRC/C/15/Add.221, paras. 44 and 78) and in 2009 on the third/fourth report (CRC/C/BGD/CO/4, para. 49). During examination by the Human Rights Council under the **Universal Periodic Review** process in 2009, a recommendation was made to prohibit all corporal punishment of children; Bangladesh accepted the recommendation (A/HRC/11/18, Working Group Report, para. 94(16); A/HRC/11/18/Add.1, Addendum to the Working Group Report, page 3).

We hope the Committee on the Elimination of Discrimination Against Women will urge the government of Bangladesh to prohibit all forms of corporal punishment of girls and boys in all settings, including the home and all alternative care settings, supported by appropriate public education and professional training on positive, participatory and non-violent forms of discipline.