

ADVANCE UNEDITED VERSION

COMMITTEE ON THE RIGHTS OF THE CHILD

Fifty-first session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Concluding Observations: BANGLADESH

1. The Committee considered the combined third and fourth periodic report of the People's Republic of Bangladesh (CRC/C/BGD/4) at its 1411th and 1412th meetings (see CRC/C/SR.1411 and 1412), held on 3 June 2009, and adopted, at the 1425th meeting, held on 12 June 2009, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined third and fourth periodic report, as well as the written replies to the list of issues (CRC/C/BGD/Q/4/Add.1), which updated the available information and gave a better understanding of the situation of children in the State party. It regrets, however, that the report does not follow the Committee's Revised General Guidelines regarding the form and content of periodic reports (CRC/C/58/Rev.1). The Committee appreciates the constructive dialogue held with the high level and multi-sectoral delegation on the progress made and challenges encountered in implementing the Convention.
3. The Committee reminds the State party that these concluding observations should be read in conjunction with its concluding observations adopted on the State party's initial report to the Optional Protocols on the sale of children, child prostitution and child pornography contained in CRC/C/OPSC/BGD/CO/1 and on the involvement of children in armed conflict, contained in CRC/C/OPAC/BGD/CO/1.

B. Follow-up measures and progress achieved by the State party

4. The Committee notes with appreciation the adoption of many legislative measures including:
 - a) The Citizenship (Amendment) Ordinance 2008 whereby children born of Bangladeshi women married to non-Bangladeshi men are now entitled to Bangladeshi citizenship;

- b) The Bangladesh Labour Law, 2006 which particularly prohibits hazardous work for children below 18 years old;
 - c) The Birth and Deaths Registration Act 2004 which links birth registration to access to social services to stimulate and increase demand;
 - d) The Prevention of Repression against Women and Children Act, 2000 (amended in 2003) to combat violence against girls and women; and
 - e) The Acid Crimes Prevention Act, 2002.
5. The Committee welcomes the ratification of the United Nations Convention on the Rights of People with Disabilities on 30 November 2007 and its Optional Protocol on 12 May 2008 by the State party.
6. The Committee also welcomes other significant achievements including:
- a) The establishment of the National Council for Women and Child Development in February 2009, headed by the Hon. Prime Minister;
 - b) The Policy for the Advancement of Women 2008, aimed at eradicating gender disparities which seriously affect girls; and
 - c) Progress towards achieving Millennium Development Goals (MDGs) 2, 3, and 4 with a significant reduction in child mortality; and increase in enrolment in primary school and attainment of gender parity at the primary and lower secondary levels.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee notes that certain factors, including pervasive poverty and natural disasters, notably severe flooding and cyclones, impede the implementation of the rights of the child in the State party.

D. Main subjects of concern and recommendations

1. General measures of implementation (arts. 4, 42 and 44, paragraph 6 of the Convention)

The Committee's previous recommendations

8. The Committee notes with appreciation the efforts made by the State party to implement the Committee's concluding observations made upon the consideration of the State party's second periodic report in 2003 (CRC/C/15/Add.221). Nevertheless, the Committee regrets that several concerns and recommendations have been insufficiently or only partly addressed, including those related to: reservations to articles 14 (1) and 21, definition of the child, coordination, birth registration, Children's Ombudsman, allocation of financial and human resources for children, equitable access to and quality of health and education services, and refugee children.
9. **The Committee urges the State party to take all necessary measures to address the previous recommendations that have not been fully implemented and to provide adequate follow-up to the recommendations contained in the present concluding observations on the third and fourth periodic reports.**

Reservations

10. The Committee welcomes that the State party is continuing to consider the withdrawal of reservations to Article 14, paragraph 1 (freedom of thought, conscience and religion) and Article 21 (adoption). The Committee also appreciates the State party's expressed will to examine experiences of other States parties' on the removal of the reservations. However, the Committee regrets that the State party has not yet taken a final decision.
11. **The Committee encourages the State party to accelerate its review process regarding the removal of the reservations to articles 14 (1) and 21 of the Convention, in accordance with the Vienna Declaration and Programme of Action of the World Conference on Human Rights of 1993.**

Legislation

12. The Committee appreciates that specific laws have been adopted or amended in efforts to achieve more consistency with the Convention, including laws on birth registration and citizenship. However, the Committee remains concerned that some aspects of domestic legislation continue to be in conflict with the principles and provisions of the Convention and regrets that there is no comprehensive law to domesticate the Convention. In particular, the Committee is also concerned that the Children's Act of 1974 has not been revised in line with the Convention.
13. **The Committee recommends that the State party continue to harmonize its legislation with the principles and provisions of the Convention and incorporate the Convention into domestic legislation, ensuring the Convention can be invoked as a legal basis by individuals and judges at all levels of administrative and judicial proceedings. The Committee also recommends that the Children's Act of 1974 be revised to comprehensively cover the rights of the child. Finally, the Committee encourages the State party to carry out an impact assessment of how new laws affect children.**

Coordination

14. The Committee welcomes the high political will to address children's issues and notes information shared by the delegation on the newly established National Council for Women and Child Development (NCWCD) as an oversight mechanism. Nevertheless, the Committee remains concerned that effective coordination and monitoring have not been fully developed, in particular due to the relatively low empowerment of the coordinating body (Ministry of Women and Children's Affairs MoWCA) vis-à-vis other ministries, sectors, and levels of administration involved in the implementation of the rights of the child. Furthermore, the Committee notes with concern the risk of overlapping and duplication among the NCWCD, MoWCA, and the Department for Children expected to be established under the MoWCA.
15. **The Committee recommends that the State party consider enhancing MoWCA's capacities 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 recommends 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.

National Plan of Action

16. The Committee notes the adoption of the Third National Plan of Action (NPA) for Children (2005-2010) to further the implementation of the Convention, and in line with the World Fit for Children agenda and the MDGs. The Committee appreciates the fact that children were invited to express their views for the formulation of the NPA. However, the Committee is concerned with the NPA's slow implementation and with information received indicating that awareness of the NPA does not reach all levels of the administration and guidelines for its implementation are inadequate. The Committee is also concerned that no framework for the assessment and evaluation of the plan exists.
17. **The Committee recommends that the State party take steps to clarify how best the NPA can be implemented by all stakeholders and to ensure the allocation of adequate budgetary resources to accelerate its implementation. Further, the Committee recommends that the Plan of Action be implemented with the necessary monitoring and evaluation mechanisms to regularly assess progress achieved and identify possible deficiencies for corrective action. The Committee urges the State party to take necessary steps to ensure effective participation of children in the implementation, monitoring and evaluation of the Plan.**

Independent Monitoring

18. The Committee welcomes the establishment of the National Human Rights Commission through the Ordinance of 2008. However, the Committee is concerned about its independence and operational capacity to serve the interests of children in the country. The Committee notes with concern the absence of independent, child-specific and child sensitive procedures for individual complaints. In that regard, the Committee notes that so far, little progress has been made with regard to the law on a Children's Commissioner (Ombudsman) which was drafted in 2006, reviewed by Cabinet, but not enacted.
19. **The Committee urges the State party to, *inter alia*,**
 - a) **ensure the independence of the National Human Rights Commission in accordance with the Paris Principles;**
 - b) **provide it with adequate human and financial resources and the capacity to address issues of the rights of the child;**
 - c) **take the 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 Committee's General Comment 2 (CRC/GC/2002/2) on the role of**

- independent national human rights institutions in the promotion and protection of the rights of the child; and**
- d) ensure that complaints mechanisms are easily accessible and child-sensitive.**

Allocation of resources

20. The Committee notes with interest the information from the State party delegation on the newly adopted “Vision 2021” which aims to double GDP per capita, reduce poverty and create a more inclusive and equitable society. The Committee appreciates the State party’s efforts in recent years to increase its investment in the social sectors, since such investment in human capital, particularly in children, is essential to poverty reduction and sustained economic growth. Nevertheless, the Committee regrets that investment in children, especially for health, education and social protection, continues to be too low to ensure the full exercise of all rights by all children and that the budget does not clearly identify investment in children at all levels. The Committee notes with concern the weak monitoring and accountability mechanisms for budgetary expenditure at different levels of the administration. Furthermore, the Committee is concerned that a significant percentage (44 per cent in 2007) of the national budget comes from donor and external sources, which may not be sustainable.
21. **The Committee reiterates its recommendation that the State party allocate adequate resources for children in accordance with the requirements planned in the NPA, the National Strategy of Accelerated Poverty Reduction (or PRSP) 2008-2011, and subsequent national development strategies or plans. The Committee recommends that the State party:**
- a) Increase government’s share of available resources for the implementation of the rights of the child, taking into account its recommendations following the 2007 Day of General Discussion on “Resources for the Rights of the Child – Responsibility of States”;**
 - b) 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;**
 - c) Follow, whenever possible, the recommendations of the UN on budgeting-by-results and develop performance based budgets to measure the effectiveness of resource allocation particularly to fulfil the rights of the child;**
 - d) Define strategic budget lines for children in disadvantaged groups or social situations that may require affirmative social measures (such as birth registration, integrated management of childhood infections [IMCI], nutrition interventions, early childhood care and basic education) and ensure that those budgetary lines are protected even in situations of economic crises, natural disasters or other emergencies;**
 - e) Utilize the system of expenditure indicators and disaggregated data for impact assessments on how to improve investments to serve the best interests of all children, without discrimination or disparities based on gender, ethnicity, socioeconomic condition and geographical location;**

- f) In the context of the decentralization and civil service reform process currently being carried out, ensure transparent and participatory budgeting through public dialogue and participation involving children, among others, and ensure accountability of local authorities; and**
 - g) Seek technical assistance, if necessary, through international cooperation.**
22. While noting the information shared by the State party delegation on the existence of an Anti-corruption Commission and other mechanisms for public accountability, the Committee expresses concern that corruption continues to divert resources that could enhance the implementation of the rights of the child. Furthermore, the Committee notes the lack of prosecution or sanctions in cases of corruption.
23. **The Committee urges the State party to strengthen its anti-corruption mechanisms and implement existing legislation to combat corruption, undertake investigations, and prosecute cases of corruption in the use of budgetary resources, especially for children.**

Data collection

24. The Committee notes with appreciation the efforts made to improve data collection and monitoring mechanisms through collaboration between the State party and relevant organizations. Nevertheless, the Committee is concerned that the lack of reliable disaggregated data from the national to the district levels hampers effective follow-up or evaluation of the implementation of the Convention. The Committee is particularly concerned that reliable, disaggregated data in important areas of the Convention are not available such as statistics on child births, health, child abuse, child labour, and children working and/or living in streets. The Committee also notes with concern the lack of coordination and collaboration among government agencies in data collection and the inadequate technical capabilities for data collection, analysis, and reporting.
25. **The Committee reiterates its recommendation that the State party strengthen its efforts to develop a comprehensive and coordinated system of data collection on matters related to the implementation of the Convention from the national, divisional and district levels. The data should cover all children below the age of 18 years and be disaggregated by age, sex and particularly those groups of children who are in need of special protection. The Committee encourages the State party to seek further assistance from, *inter alia*, UNICEF in this regard.**

Dissemination of the Convention and training

26. While welcoming the State party's efforts in the translation and dissemination of the Convention and previous concluding observations of the Committee to a wider audience including Parliament, government, the army, educational institutions, NGOs and the media, the Committee expresses concern that the outreach has been only limited and restricted to Bengali speakers. The Committee is also concerned that the Convention is still not well known, especially at the district levels and

among children in and out of school, and that so far no efforts have been made to assess the impact of dissemination activities. In addition, while noting with interest ongoing training of various professionals on the Convention, the Committee is concerned that this is not systematic and does not adequately cover rural and remote areas.

27. The Committee recommends that the State party ensure that all of the provisions of the Convention are made widely known and understood by adults and children and *inter alia*:

- a) Translate and disseminate the Convention in non-Bengali languages;**
- b) Carry out evaluations of its dissemination activities as well as training of relevant professionals to assess outcomes and impact;**
- c) Reinforce systematic training of all categories of professional working for and with children in rural and remote areas, including teachers, police, lawyers, judges, health personnel, the media, social workers and personnel of childcare institutions;**
- d) Include human rights education in the official curriculum at all levels of education;**
- e) Conduct public awareness campaigns giving particular attention to people with low literacy skills; and**
- f) Seek further technical assistance from UNICEF for the above.**

Cooperation with civil society

28. The Committee appreciates the cooperation between the State party and civil society organizations relevant to the rights of the child, but is concerned that this cooperation reflects mainly a use of non-governmental organizations (NGOs) as contractors by the State party for the implementation of projects. The Committee also notes with concern the limited participation of NGOs in the formulation and monitoring of policies and strategies to implement the Convention as well as in the preparation of reports.

29. The Committee reiterates its previous recommendation to the State party to take the necessary steps to improve coordination among the different relevant actors and partners involved in implementing the Convention and to continue cooperation and communications with these partners. Specifically, the Committee encourages the State party to consider more proactive measures to systematically involve NGOs in research, policy formulation, monitoring and evaluation of the implementation of the Convention.

2. Definition of the child

(Article 1 of the Convention)

30. The Committee welcomes the establishment of a high-level Committee to review the definition of the child and the minimum ages of children for various situations. Nevertheless, the Committee reiterates its concern that there is no uniform definition of the child in the State party's laws and policies and that

understandings and legal provisions vary according to civil law, the Convention, and *shariah*, as reflected in conflicting legal minimum ages of children for marriage.

31. The Committee strongly recommends that the State party:

- a) Take necessary measures to define the child as any person below 18 years old in accordance with article 1 of the Convention;**
- b) Empower the newly established Committee to expedite its review of the various legislations and policies on the definition of the child, including for marriage, the Children's Act (1974), Penal Code, the Children's Policy and the NPA to ensure that the State party can take a clear position to define the child in compliance with the Convention.**

3. General Principles

(arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

32. While noting the State party's commitment in its Constitution and "Vision 2021" to create an equitable, just and non-discriminatory society, the Committee is nevertheless concerned that the principle of non-discrimination contained in article 2 of the Convention is not fully respected in practice. Girls continue to face discrimination and disparities, particularly with regard to healthcare, nutrition and early marriage, as do particular groups of children, including refugee children, children with disabilities, children in slums and rural areas and children of ethnic and religious minorities. The Committee is also concerned that children face discrimination on the basis of social origin, or other status of their parents.

33. **The Committee strongly recommends that the principle of non-discrimination, as provided for under article 2 of the Convention, be fully and vigorously applied by the State party and integrated into the implementation of all other articles to guarantee, without discrimination, the rights set out in the Convention. The Committee further recommends that the State party take the necessary measures to ensure that efforts to address persistent discrimination and reduce disparities are adequate and effective in the family, schools and other settings, and in particular among marginalized and excluded children, including girls, children of ethnic minorities and refugee children.**

Best interests of the child

34. The Committee appreciates the efforts of the State party to increasingly incorporate the best interests of the child in national policies and programmes that affect children. At the same time, it notes with concern that the principle of best interests of the child has not been clearly defined in national legislation.

35. The Committee recommends that the State party:

- a) Define and explicitly incorporate the principle of best interests into national legislation and other actions taken by the judicial and executive branches of government that affect children such as in cases of divorce, child protection and juvenile justice;**
- b) Strengthen awareness raising campaigns and training that target policy makers, judges, law enforcement officials, social workers and parents on the principle and applications of the best interests of the child; and**
- c) Assess the impact of government actions and decisions as well as actions and decisions by civil society partners based on the best interests of the child.**

The right to life, survival and development

36. The Committee notes with appreciation the State party's progress made to enhance the right of children to life, survival and development. However, the Committee is concerned that prevention-based policies are lacking and that certain conditions in the State party undermine the enjoyment of this right, including poverty, high neonatal mortality and child malnutrition rates, high drop-out rates from school, and the high incidence of accident and injury-related deaths, including drowning.

37. The Committee urges that the State party adopt comprehensive, preventive measures when formulating public policies to guarantee the rights of all children, in order to reinforce their right to life, survival and development. The Committee reiterates its recommendation to the State party to use all available resources (see paragraph 21 above) to set the appropriate conditions for the enjoyment of the rights of the child.

Respect for the views of the child

38. The Committee notes with appreciation the State party's efforts to promote and respect children's right to freely express their views through initiatives such as the children's news agency, newspapers and magazines, news boards in schools, and contests. The Committee also notes with interest the initiative of children's interviews with policy makers including the Prime Minister, Speaker of Parliament and ministers and dissemination of their views on children's issues in the media. Nevertheless, the Committee is of the view that the right to be heard needs further development and is concerned about 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. Furthermore, the Committee is concerned about the lack of information regarding the practical implementation of the right of the child to express his or her views in judicial and administrative proceedings.

39. The Committee recommends that the State party continue to facilitate and ensure the implementation of the right of the child to be heard in accordance

with article 12 of the Convention and promote children's participation at all levels of government and within the family, schools, and the community. The Committee also recommends that the State party guarantee the right of children to be heard in judicial and administrative proceedings that concern them.

4. Civil Rights and Freedoms

(arts. 7, 8, 13-17 and 37(a) of the Convention)

Birth registration

40. The Committee appreciates the entry into force of the Births and Deaths Registration Act on 3 July 2006. While the Committee welcomes the progress made recently to increase birth registration to about 50%, it is concerned that the birth registration rate is still very low. Further, the Committee is concerned about the continuing difficulties associated with the manual registration system and issuance of birth certificates. The Committee also expresses concern that lack of registration is a basis for discrimination and exclusion from access to social services especially in the case of children whose father- or both father and mother- are unknown, children born to single mothers, children born out of wedlock, and refugee children.
41. **The Committee recommends that the State party take all necessary measures to accelerate free of charge birth registration for all children born within the national territory, including children whose father- or both father and mother- are unknown, children born to single mothers, children born out of wedlock, and refugee children. It also recommends that the State party carry out information and awareness-raising campaigns for parents and the community at large on the need to register births. The Committee encourages the State party to consider the use of a mobile registration system to reach remote areas, and the introduction of a national electronic birth registration system. The Committee urges the State party to allow children without official documentation to access social services, such as health and education, while waiting to be registered.**

Access to appropriate information

42. The Committee notes the progress achieved in addressing the shortage of appropriate information for children and the low access to information throughout the country. The Committee, however, is concerned that because of the socio-economic realities of the country, not all children have equal access to information and the media, particularly children living in poverty and marginalized children.
43. **The Committee recommends that the State party strengthen its efforts to fully guarantee equitable access to appropriate information for all children, especially for those children who live in poverty and in remote and rural areas, and in conformity with their age and maturity.**

44. The Committee is deeply concerned that Internet service providers, radio and satellite television channels operate with minimum regulations to protect children against harmful information, materials, as well as marketing practices, including the exposure of children in urban areas to digital pornography.
45. **The Committee recommends that the State party consider adopting specific legislation and develop appropriate guidelines to protect children from harmful information, materials and marketing practices that undermine the welfare and dignity of children.**

Torture or other cruel, inhuman or degrading treatment or punishment

Death penalty

46. The Committee reiterates its concern regarding capital punishment for children and its retroactive application for persons who had committed offenses when they were children between the ages of 16 to 18 years old which contradicts article 37 (a) of the Convention.
47. **The Committee recommends that the State party take immediate steps to halt the imposition of death penalty for crimes committed by persons under 18 and abolish the death penalty.**

Corporal punishment

48. The Committee remains concerned about the ineffective implementation of existing laws to prevent corporal punishment and the existence of certain regulations in schools that permit forms of corporal punishment. Furthermore, the Committee is concerned that although the Constitution prohibits cruel, inhuman or degrading treatment, children continue to be victims of corporal punishment and other forms of cruel and degrading treatment because of its acceptance in law and in society.
49. **The Committee recommends that the State party take necessary actions to stop corporal punishment and other cruel or degrading forms of punishment currently widely accepted and practiced and, *inter alia*:**
- a) **Enforce existing laws to explicitly prohibit corporal punishment;**
 - b) **Raise public awareness to transform societal attitudes towards the disciplining of children and prevention of corporal punishment at home, in schools, institutions and workplaces;**
 - c) **Provide training and advocacy to promote alternative, non-violent forms of discipline in the family, schools, institutions, and communities; and**
 - d) **Ensure that all cases of corporal punishment are investigated and perpetrators are brought to justice.**

Follow-up to the UN Study on Violence against Children

50. **With reference to the United Nations Secretary-General's Study on violence against children (A/61/299), the Committee recommends the State party to:**

- a) **Take all necessary measures to implement the United Nations Study on violence against children, taking into account the outcome and recommendations of the Regional Consultations for South Asia (held in Pakistan, from 19-20 May 2005);**
- b) **Prioritize the implementation of the recommendations of the study to eliminate all forms of violence against children paying particular attention to the following recommendations:**
 1. **To prohibit all violence against children;**
 2. **To promote non-violent values and awareness-raising;**
 3. **To develop and implement systematic national data collection and research;**
- c) **Use these recommendations as a tool for action, in partnership with civil society and in particular with the involvement of children, to ensure that every child is protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse; and**
- d) **Seek technical assistance from the UN Special Representative of the Secretary General on violence against children, UNICEF, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the World Health Organization (WHO).**

5. Family Environment and Alternative Care

(arts. 5; 18 (1-2); 9-11; 19-21; 25; 27 (4); and 39 of the Convention)

Parental guidance, responsibilities and assistance

51. The Committee is concerned that social work and services to support parents and families in the performance of their child-rearing responsibilities, notably of children living in single-parent families, are inadequate. Moreover, services provided by the State party do not appear to adjust to the family situation.
52. **The Committee recommends that the State party expand the ongoing community-care mechanisms and allocate sufficient human and financial resources for family support and proactive social work.**

Children deprived of a family environment

53. The Committee notes that the State party has enhanced the provisions and capacity of shelters, orphanages, baby homes, and similar institutions to accommodate more children deprived of their family environment. However, the Committee is concerned that family-type care arrangements are almost non-existent. The Committee also notes with concern the inadequate facilities in institutions and lack of continuous training and skill development of staff of care institutions. Moreover, the Committee expresses concern at the lack of clear policies or measures on the return of children to their families whenever possible. Finally, the Committee is concerned that there is insufficient information, about children in care institutions as well as the periodic review of placement by the authorities.
54. **The Committee reiterates its previous recommendation and urges the State party to intensify its efforts and partnerships to increase alternative care facilities. The Committee also invites the State party to accelerate the measures to transform care institutions into family-type environments, away from project based approaches and through longer term planning and implementation. The Committee further recommends that the State party:**
- a) **Undertake a study to assess the situation of different categories of children placed in institutions, and measures to improve their living conditions and the services provided;**
 - b) **Provide training for staff in alternative care settings and access for children to complaints mechanisms;**
 - c) **Take all necessary measures to allow children placed in institutions to return to their families whenever possible;**
 - d) **Provide necessary support to families to enable them to safeguard and care for the welfare of their children; and**
 - e) **Set clear standards for existing institutions and ensure comprehensive mechanisms of periodic review and monitoring of placement, in light of article 25 of the Convention and the recommendations adopted by the Committee after the General Day of Discussion on children without parental care in 2005.**

Abuse and neglect

55. The Committee notes with concern the different kinds of abuse and neglect that occur in both public and private institutions serving children and in homes. The Committee is particularly concerned that girls, children living in poverty, and children living and/or working in the street endure such abuse and neglect disproportionately.

56. **The Committee urges the State party to:**

- a) **Strengthen public awareness campaigns and provide information, parental guidance, training, and counselling with a view, inter alia, to prevent child abuse and neglect;**
- b) **Increase the number of professionals working with children (including care givers, teachers, social workers, medical professionals, members**

- of the police and the judiciary) and ensure that they receive training on the rights of the child and their obligation to report and take appropriate action in suspected cases of violence affecting children;
- c) **Promote parenting programmes and skill training to enable families to safeguard the welfare and rights of children; and**
 - d) **Strengthen support for child victims of abuse and neglect in order to ensure their access to adequate services for recovery, counselling and other forms of rehabilitation.**

6. Basic Health and Welfare

(arts. 6; 18, para. 3; 23; 24; 26; 27, para.1-3 of the Convention)

Children with disabilities

57. While noting the different initiatives to ensure the equal rights of children with disabilities, the Committee notes the difficulties in translating the policies into concrete actions and is concerned that children with disabilities, in particular girls, experience discrimination and prejudicial treatment throughout their development. Furthermore, the Committee is concerned that services for early detection of disabilities are inadequate.
58. **The Committee recommends that the State party, taking into account the article 23 of the Convention, General Comment No. 9 on the Rights of Children with Disabilities (CRC/C/GC/9), and, continue to protect and promote the rights of children with disabilities, and:**
- a) **Take appropriate measures to implement the United Nations Convention on the Rights of Persons with Disabilities;**
 - b) **Make available reliable and disaggregated quality data on the extent and causes of disability;**
 - c) **Institute measures and medical procedures for early detection of disabilities in children;**
 - d) **Review the Policy for People with Disabilities (PWD) under consideration for approval and update the measures and actions needed for implementing a comprehensive policy for children with disabilities;**
 - e) **Ensure the role and responsibilities of the National Foundation for Development of the Disabled under the Ministry of Social Welfare are clear and facilitate coordination with other relevant ministries; and**
 - f) **Undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level and to promote and expand community-based rehabilitation programmes, including parent support groups to ensure that the rights of all children with disabilities are addressed.**

Health and health services

59. The Committee notes with appreciation the progress in child and maternal health including a reduction in the under-five mortality rate, increased measles coverage rate, and decreased underweight prevalence in children under five. Similarly, the Committee notes that access to safe drinking water for children and access to sanitation facilities have increased. Nonetheless, the Committee remains concerned that health improvements have not yet reached the most vulnerable children, that the neonatal mortality rate and child malnutrition rate are still very high and that the number of cases of preventable waterborne and communicable diseases still continues to be high. It also notes with concern the high incidence of child accidents and injuries, especially drowning, the growing inequity in access to health services as well as the dependence on donor funds for the procurement of vaccines.

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

- a) **Adopt a coordinated and cost-effective strategy to accelerate the reduction of under-nutrition in children including the effective use of micronutrients especially for children (6 to 24 months) and adolescents and continue to work with parents, family members, health workers, and community leaders to change negative behaviour regarding children's nutrition;**
- b) **Include prevention and reduction of young child injuries and accidents in coordinated strategies to achieve MDG 4 (reduction of child mortality);**
- c) **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;**
- d) **Build national capacities to train health workers and medical practitioners, and to increase the number of skilled birth attendants;**
- e) **Carry out, in partnership with relevant and competent partners, awareness-raising campaigns on the importance of antenatal care, neonatal care and breastfeeding; and**
- f) **Adopt specific measures to ensure that minority and indigenous children are not discriminated against in the enjoyment of their right to access basic and specialized health services.**

61. The Committee notes with interest the ongoing health reform and the idea of a "fast track" for improving coverage. However, the Committee notes with concern that the public sector only provides 40% of health services and that 85% of deliveries happen at home in the absence of skilled birth attendants. While noting the recently introduced voucher system for women, covering such amenities as transportation and small items for newborns, which is reported to have begun to increase demand for public sector services, the Committee expresses concern that for it to work in a sustained manner, the voucher system requires firm support from the private sector and NGOs to provide the skilled workers required for systematic pre-natal and post-natal attention.

62. **The Committee recommends that the State Party ensure support and collaboration from the private sector and NGOs to provide the professionals**

and skilled workers required to operate a voucher system. In so doing, the Committee recommends that the State party ensure there is no conflict of interest between public sector doctors and their private clinics.

Adolescent health

63. The Committee notes with concern the information from the State party regarding the inadequate attention to the health of adolescents, especially females. The Committee is also concerned that the decision to incorporate policies for adolescents into a newly revised Children's Policy may obscure the necessary distinctions between the needs of the different age groups. Of urgent concern for adolescent health are issues arising from violence against girls and early marriages, as well as under-nutrition, access to health education and facilities including separate and appropriate sanitary facilities in schools. The Committee is further concerned about the inadequate facilities and counselling services for mental health and reproductive health for adolescents.

64. The Committee recommends that the State party:

- a) **Undertake a comprehensive study in order to understand the nature and extent of adolescent health problems, with the full participation of adolescents, and use this as a basis for the formulation of adolescent health policies and programmes, with particular attention to female adolescents;**
- b) **Develop a separate comprehensive policy on the critical issues affecting the rights of adolescents, including mental health and reproductive health services;**
- c) **Pay special attention to the psycho-social needs of adolescents, especially girls, and provide appropriate, child-friendly, and confidential counselling services in schools and clinics and disseminate information about their existence and availability;**
- d) **Provide separate and appropriate sanitary facilities for adolescent girls and boys; and**
- e) **Take into account the Committee's General Comment no 4. on adolescent health and development in the context of the Convention (CRC/GC/2003/4) in implementing policies and programmes on adolescent health.**

Drug abuse

65. The Committee is concerned by information indicating that drug abuse is growing, including the abuse of non-conventional drugs such as glue.

66. The Committee recommends that the State party implement measures to prevent and end drug use among children and to provide rehabilitative assistance, where needed, to children who have used drugs.

Harmful traditional practices

67. The Committee is concerned about the persistence of harmful traditional practices, including dowry, early and forced marriages, particularly involving girls, and the negative impact on their health, development and full enjoyment of their rights. Girls also experience gender-based violence as a result of these practices.
68. **The Committee recommends that the State party take urgent legislative measures to prohibit early and forced marriages and other traditional practices harmful to the health and development of boys as well as girls. The Committee urges the State party to introduce gender-sensitive awareness-raising programmes, with the involvement of community leaders, for practitioners, families, and the general public to prevent and end harmful practices, especially in rural areas. The Committee also recommends that the State party adopt effective measures to empower girls in the family, school and community settings.**

HIV/AIDS

69. The Committee welcomes the information received on the State party's comprehensive HIV/AIDS prevention policy. However, the Committee is concerned that the population, in particular adolescents and young people, are not sufficiently aware of the consequences of unprotected sexual activity, sexually transmitted diseases, HIV/AIDS or treatment available to them. The Committee is also concerned that HIV/AIDS risk factors exist such as the low use of contraceptives and risky behaviour.

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

- a) **strengthen its preventive efforts by conducting social marketing campaigns and programmes in order to raise awareness on HIV/AIDS including on prevention methods and the use of contraceptives;**
- b) **Establish guidelines on the strategy to address transmission from parent to child, prenatal care, care during labour, breastfeeding and child care; and**
- c) **Take into account the Committee's general comment no. 3 on HIV/AIDS and the rights of the child (2003) and the international guidelines on HIV/AIDS and human rights- in developing its policies and programmes.**

Standard of living

71. The Committee appreciates information on the various social safety net and food and cash transfer programmes being implemented with a view to reduce poverty and improve children's chances of enjoying their fundamental rights. However, the Committee is deeply concerned that child poverty and inequality pose serious challenges, as do the rapid urbanization and the increasing number of slums and sub-standard housing, the insufficient allocation of resources and the unclear criteria for selecting beneficiaries of social safety net programmes. The Committee is also concerned that the scale of the social safety net programmes are

limited in view of the magnitude of the problems and that these programmes are not adequately assessed and evaluated for their short and long-term impact.

72. **In accordance with article 27 of the Convention, the Committee encourages the State party to take all necessary steps to implement the legislation and plans of action aimed at reducing child poverty and improving children's living standards. The Committee further calls on the State party to:**
- a) **Undertake comprehensive assessments of the social safety net programmes for children, identifying incidences of inequality and discrimination and propose appropriate remedies; and**
 - b) **Develop and implement plans to replicate and go to scale with successful child protection programmes aimed at improving their standard of living and enjoyment of their rights throughout the country.**

7. Education, Leisure and Cultural Activities

(arts. 28, 29 and 31 of the Convention)

Education, including vocational training and guidance

73. While noting the progress made in increasing primary school enrolment, reducing the gender gap and expanding programmes supporting the access of marginalized groups of children living in poverty to school, the Committee remains concerned about the length of compulsory education covering five years only; the differences among parallel educational systems, among them the *Madrassah* schools; the absence of early childhood development programmes; the hidden costs of education; the lack of materials and equipment; the marked disparities in access to education among the regions and the poor quality of education provided in many schools.
74. In addition, the Committee is concerned about the reported mistreatment of children by their teachers 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 dropped out of school before completion; the lack of coordination and equivalencies between the formal and non-formal educational programmes, and the still low budgetary allocation for education in the State party's budget.

75. The Committee recommends that the State Party:

- a) **consider extending the length of compulsory school in the country;**
- b) **raise the budget allocation for the expansion of the educational system and the improvement of the quality of education;**
- c) **address early childhood development holistically, including the introduction of public pre-school education as part of the compulsory primary education to improve learning achievements;**

- d) **strengthen efforts to further increase the enrolment in primary school and effectively prevent dropout from school;**
- e) **consider making multilingual education available in remote areas for minority and indigenous children;**
- f) **increase the transition rate to secondary school and support girls to continue education at the secondary level;**
- g) **provide more vocational education and training, including for drop-out children, and establish formal and non-formal facilities for combining work and education;**
- h) **effectively level out the access and quality disparities of the educational system across the regions of the country, with special attention to the less developed regions;**
- i) **better equip schools with educational materials and adequate sanitation facilities for girls and boys; and**
- j) **Conduct vigorous awareness-raising campaigns in schools and communities to combat the mistreatment of children and prevent bullying and sexual harassment of children in schools and on the way to school, especially of girls.**

Rest, leisure and cultural and artistic activities

76. The Committee is concerned about the limited number of leisure, recreational and cultural facilities for children of all ages, including playgrounds and sports facilities in school as well as for out of school children.
77. **The Committee recommends that the State party undertake measures to improve children's access to quality recreational and sports facilities, cultural activities and other leisure facilities for children of different ages and socioeconomic background. Further, the Committee encourages the State Party to allocate adequate human and financial resources to the implementation of the right to rest, leisure and play.**

8. Special Protection Measures

(arts. 22; 30; 38; 39; 40; 37 (b)-(d); 32-36 of the Convention)

Refugee children

78. The Committee notes that the State party is not a party to any international or regional treaty relating to refugees nor does it have any legislative or administrative provisions for refugees. The Committee also notes the concerns expressed by the State party delegation regarding, in particular, the effects of "pull factors" if conditions for refugee children were to be regularized. The Committee is concerned that the State party has only agreed, in principle, to issue birth certificates to all children registered as refugees in Bangladesh. While noting the State party's position to only grant refugee status to the *Rohingya* children from Myanmar, the Committee is concerned about these and other groups of refugee children such as the *Bihari* who have difficult or no access to services in the State

party. The Committee expresses deep concern that no durable solution has yet been found to comprehensively address the rights of refugee children.

79. The Committee reiterates its recommendation to the State party to:

- a) Establish national legislation and procedures to allow immediate access to relevant procedures determining refugee status to all refugee children and their families;**
- b) Consider allowing children residing in the refugee camps and their families to access, *inter alia*, education, and continue to ensure that all refugee children and their families have adequate access to better health and nutrition services, protection against violence and that those who are particularly at risk are offered support;**
- c) Address the concerns of approximately 100,000 – 200,000 *Rohingya*, including children, not registered as refugees by the State party but who reside in the country for similar reasons as the registered refugees in official camps and to provide them with, at a minimum, legal status, birth registration, security and access to education and health care services; and**
- d) Ensure the full rights of child refugees in the territory and fully implement existing High Court Orders that would facilitate equal enjoyment of their rights;**
- e) Ensure that family reunification is dealt with in a positive, humane and expeditious manner, in accordance with article 10 of the Convention;**
- f) Consider ratifying the UN Convention relating to the Status of Refugees (“the 1951 Convention”); and**
- g) Seek international assistance from UNHCR and UNICEF.**

Children in armed conflict

80. The Committee reiterates its concluding observations after consideration of the State party’s initial report to the Optional Protocol on the involvement of children in armed conflict and notes with concern the recruitment of children into the armed forces in the State party. Given the serious constraints of the birth registration system, the Committee is also concerned that in many cases determining the real age of the recruits might be very difficult.

81. The Committee recommends that the State party continue to develop and strengthen measures to guarantee that:

- a) No child under the minimum age of conscription be enrolled in the army, by establishing and systematically implementing safeguards to verify the age of volunteers, based on objective elements such as birth certificate, school diplomas and in the absence of documents, medical examination to determine the exact age of the child; and**
- b) Recruitment of children into the army at the age of 16 and 17 is genuinely voluntary, based on an informed decision and only occurs with prior consent of the parents or legal guardians.**

Economic exploitation, including child labour

82. The Committee notes with appreciation the important measures taken by the State party to eliminate child labour from the ready-made garment sector and the establishment of a Child Labour Eradication Network in eight districts. Nevertheless, the Committee is concerned at the continuing high incidence of child workers in five selected worst forms of child labour- namely, welding, auto workshops, road transport, battery recharging and recycling, and work in tobacco factories. The Committee is also concerned at the lack of enforcement mechanisms of specific laws to protect child workers, absence of mechanisms to monitor child workers' working conditions, insufficient awareness among the public of the negative effects of child labour and its worst forms, and the very limited data on the number of children affected. Moreover, the Committee notes with concern that girls engaged as child domestic workers are more vulnerable to violence and exploitation, although among child workers in general, the proportion of boys is higher than that of girls.

83. The Committee recommends that the State party take urgent measures to monitor and address exploitative forms of child labour and to:

- a) Enforce the law to explicitly prohibit employment of children under 18 in hazardous work;**
- b) Improve data collection and monitoring mechanisms in order to enforce existing labour laws and implement policies to protect children from economic exploitation;**
- c) Consider approval of the National Child Labour Policy 2008;**
- d) Consider ratifying the Minimum Age for Admission to Employment ILO Convention (No. 138); and**
- e) Seek technical assistance from ILO, UNICEF, and relevant partners for the development of gender sensitive and child-friendly rehabilitation and reintegration programmes for child labourers.**

Street children

84. The Committee reiterates its concern over the rising number of children living or working in urban centres, notably in the capital city. These children are prime targets of organized child-trafficking rings, are susceptible to abuse and are often charged with the crime of vagrancy and confined in vagrant homes and shelters that are not suitable for children.

85. The Committee recommends that policies to address the issue of increasing numbers of children living or working in the streets focus not only on the economic aspect, but deal with social protection issues targeting the abuse, exploitation, and violence against these children. The Committee also recommends that the State party take urgent measures to ensure access to health services, education, and shelter for children in the streets. Furthermore, the Committee recommends that the State party take all necessary measures with the families and the children themselves to assist children in the streets to return to their families.

Sexual exploitation and sexual abuse

86. The Committee notes that the State party has adopted the regional strategy for seven countries of the South Asian Association for Regional Cooperation (SAARC) to combat child sexual abuse and sexual exploitation of children. The Committee also notes that the State party has enacted the Suppression of Violence against Women and Children Act 2000. Nevertheless, the Committee remains concerned that children continue to suffer sexual exploitation and abuse.

87. **The Committee reiterates its previous recommendations to the State party to undertake a study to assess the scope, nature and causes of sexual abuse in order to develop an effective comprehensive strategy, and recommends that the State party, *inter alia*:**

- a) **Develop, reform and strengthen appropriate legislative measures to address the issues of sexual abuse and sexual exploitation;**
- b) **Take appropriate measures to ensure the prompt prosecution of perpetrators of sexual offences against children;**
- c) **Ensure that child victims of sexual exploitation or abuse are not criminalized or penalized;**
- d) **Take appropriate legal and other measures to prevent sexual exploitation and prostitution of children;**
- e) **Train law-enforcement officials, social workers, judges and prosecutors on how to receive, monitor and investigate complaints, and in a child-sensitive manner that respects confidentiality;**
- f) **Prioritize recovery assistance and ensure that education and training, as well as psychological assistance and counselling, are provided to victims; and**
- g) **Continue to implement appropriate policies and programmes for prevention, recovery and social reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996, 2001 and 2008 World Congresses against Sexual Exploitation of Children as well as the outcome of other international conferences on this issue.**

Sale of children and trafficking

88. The Committee notes the information shared by the State party delegation on the three-phase programme of prevention, protection and prosecution and welcomes the formulation of the National Plan of Action against Sexual Exploitation and Abuse of Children, including Trafficking (NPA-SEACT). However, the Committee is concerned about the lack of implementation of the Plan and the lack of information on the sale of children.

89. **The Committee reiterates, with urgency, its previous recommendation that the State party concentrate its efforts to combat the sale of children and trafficking, and, *inter alia*:**

- a) **Ensure that child victims of sale and trafficking are not criminalized;**
- b) **Strengthen partnerships with the community, relevant NGOs and international development partners to provide child victims of trafficking with adequate recovery and social reintegration services and programmes;**
- c) **Undertake an in-depth study on the trafficking in children in order to assess its scope and root causes and enable effective monitoring, and adoption of measures to prevent, combat and eliminate it.;**
- d) **Exchange information and expertise among relevant ministries, national and international organizations and improve coordination and the availability and reliability of data disaggregated by age, sex, and ethnic and socioeconomic background of children who are sold or trafficked within the State party or to neighbouring countries;**
- e) **Consider ratifying the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; and**
- f) **Seek technical assistance from, among others, ILO, UNODC, and UNICEF.**

Helpline

90. The Committee notes that current available technologies and resources within the State party have the potential to set-up a well-functioning child helpline. Nevertheless, the Committee is concerned that the current helpline is not toll-free, does not operate 24 hours or daily and is not accessible to all children.
91. **The Committee recommends that the State party ensure a helpline that meets international standards and, inter alia:**
- a) **Allocate a 3 digit toll-free number accessible daily for 24 hours to all divisions and districts of Bangladesh; and**
 - b) **Allocate sufficient funds for awareness-raising activities, training and capacity building.**

Administration of juvenile justice

92. The Committee appreciates the efforts of the State party to address the previous concluding observations including removal of some children from adult jails, establishment of juvenile development centres and the increased training for judges, magistrates and law enforcement officers concerned with juvenile justice. However, the Committee expresses great concern about information indicating that children younger than 15 years old had been condemned to life sentences and children younger than 18 years old to the death penalty. The Committee also notes with concern that the legal age of criminal responsibility has been raised to only 9 years. Furthermore, the Committee is concerned at the remaining number of children in adult jails and ill-treatment of children in custody by police, the length of police detention, and the absence of Juvenile Courts.
93. **The Committee reiterates its previous recommendation that the State party bring the system of juvenile justice fully in line with the Convention, in**

particular articles 37, 39 and 40, and with other relevant standards including the UN Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the UN Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the UN Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the Vienna Guidelines for Action on Children in the Criminal Justice System; and the Committee's General Comment No. 10 on the rights of the child in juvenile justice, 2007. In this regard, the Committee recommends that the State party *inter alia*:

- a) Ensure with immediate effect that neither the death penalty nor life sentences are imposed for offenses committed by persons below 18 years of age;
- b) Raise the minimum age of criminal responsibility to at least 12 with a view to raising it further as recommended in the Committee's General Comment No. 10 on the rights of the child in juvenile justice, 2007;
- c) Consider the establishment of specialized Juvenile Courts across the country, the appointment of trained juvenile judges, and offer training for professionals;
- d) Limit by law the length of pre-trial detention of children;
- e) Continue efforts to ensure that children deprived of liberty are separated from adults, that they have a safe, child-sensitive environment in police custody, and that they maintain regular contact with their families, and to review the decision of detention with a view to its withdrawal;
- f) Adopt a global and national policy in prevention and promotion of alternative measures to detention such as diversion, probation, counselling, community service or suspended sentences, wherever possible;
- g) Provide children, both victims and accused, with adequate legal and other assistance at an early stage of the procedure and throughout the legal proceedings;
- h) establish an independent body for the monitoring of detention conditions and receiving and processing complaints by children in detention; and
- i) Request further technical assistance in the area of juvenile justice and police training from the UN Interagency Panel on Juvenile Justice, which includes UNODC, UNICEF, OHCHR, and NGOs.

Protection of witnesses and victims of crimes

94. The Committee recommends that the State party ensure, through adequate legal provisions and regulations, that all child victims and or witnesses of crimes, e.g. child victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes, are provided with the protection required by the Convention and that it take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).

9. Ratification of international human rights instruments

95. The Committee expresses regret that the State party has not yet ratified or acceded to several international human rights instruments of critical importance for the protection of the rights of children, including those already referred to in these concluding observations on the minimum age of employment, human trafficking, and refugees.
96. **The Committee recommends that the State party ratify the core United Nations human rights treaties and their Protocols to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention on the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment, the Optional Protocol to the Covenant on Economic, Social and Cultural Rights and the Optional Protocols to the Covenant on Civil and Political Rights.**

10. Follow-up and dissemination

Follow-up

97. **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the Supreme People's Assembly (Parliament), relevant ministries and divisional, district and municipal authorities for appropriate consideration and further action.**

Dissemination

98. **The Committee recommends that the combined third and fourth periodic report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available to the public at large, civil society organizations, youth groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring. Further, it recommends that the translation into minority languages is included in the dissemination efforts.**

11. Next report

99. **The Committee invites the State party to submit the fifth periodic report, by 20 October 2012. This report should not exceed 120 pages (see CRC/C/118) and should include information on the implementation of the Optional Protocols on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict.**
100. **The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the "Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents", approved at the Fifth Inter-Committee meeting of the human rights treaty bodies in June 2006**

(HRI/MC/2006/3).
