

Governance Mechanism
of
Ministry of Women and Children Affairs (MOWCA)
from
Child Rights Governance Perspective



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Published by :

Child Rights Governance Assembly (CRGA)

Secretariat, UDDIPAN, House No. 9, Road No. 1
Block - F, Janata Co-operative Housing Society Ltd.
Ring Road, Adabar, Mohammadpur
Dhaka-1207, Bangladesh

Cover Design :

Tawfik Alahi

Printing :

Upokul

First Edition :

December 2014

Copy Right :

Child Rights Governance Assembly (CRGA)
Save the Children in Bangladesh

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Foreword

It is our pleasure to present the Governance Mechanism of Ministry of Women and Children Affairs (MOWCA) from Child Rights Governance Perspective. The report being one of the few such kinds indicating present MoWCA structure and recommendation for establishing separate Directorate for Children. The concept paper is one of the meaningful resources to us because we would like to work together for children in future, under a separate Directorate for Children.

We are aware that all government initiatives and programs offered to children are administered and looked after by the MoWCA. But it is evident that among all projects and schemes, quite an insignificant numbers are designed for children which are of course inadequate to address the need of a big portion of population in Bangladesh. We are convinced that the study paper will help the government to facilitate the process of establishment of new Directorate for children.

The study reveals and puts the way forward about how the Directorate to be formed, what structure it will maintain, what organogram will it follow, how its funds should be mobilized and channelized. The study also discussed who is heading the Directorate, what policy will it adopt to ensure the rights of children and so on.

Hope this study will guide all relevant stakeholders including government to form, establish and functions of a separate Directorate for children in Bangladesh. To conclude, we would like to thank all concerned who are involved to bring this study into light.

A handwritten signature in black ink, appearing to read 'Md. Emranul Huq Chowdhury'.

Md. Emranul Huq Chowdhury
Chairperson
Child Rights Governance Assembly (CRGA)



Foreword

More than one third of the population of Bangladesh is in the range of 1-18. This ratio demands much more importance than the other aged population. Because this generation is going to lead the nation and they have to compete with the global challenges. The Government has shown a strong commitment to realizing the rights of children in Bangladesh. Bangladesh is among only 16 countries in the world on track to meet the Millennium Development Goal to reduce by two-thirds the under-five mortality rate. Bangladesh has also achieved almost universal primary net enrolment rates for both boys and girls.

In its Fifth Periodic Report to UNCRC, Government has mentioned that initiatives have been taken to enhance the human and financial capacity of Ministry of Women and Children Affairs (MOWCA). We are very much excited that recently Government has taken decision for establishing a separate children directorate under Ministry of Women and Children Affairs. We believe the analysis of this study could play a significant role in advancement of government decision.

We warmly acknowledge the contribution of all who have worked hard to support this report. We also very much hope that CRGA will continue its catalyst role and closely work with MOWCA to enhance the process of separate child affairs division.

A stylized, handwritten signature in black ink, appearing to read 'Shamsul Alam'.

Shamsul Alam

Deputy Director

Child Rights Governance

Save the Children in Bangladesh

Executive Summary

Among 6 crores and 60 lakhs children almost 3 crores children are poor and 33 lakhs children live in slums whose ratio of illness and death are high.

Child nourishment is directly linked with child's intelligence development and also involves with the economical development of the country

Lack of safe water, unhealthy sanitation and low quality health service are the reason that a child dies in every 15 seconds in the world, no exception for Bangladeshi child. 97.8% people of Bangladesh are able to use better source of water but only 51.5% are getting the facility to use better sanitation.

Ratio of death among child upto 5 years is 65 in every 1000.

In Bangladesh almost 51 lakhs child aging from 5 to 17 are involved with employment. Among them 15-17 years old child are 20 lakhs and they are appointed for risky works.

The presence of children aging 36-59 months in elementary schools is only 23%. Only 67% of the children eligible to go to primary school are taking admission in standard I. In secondary school the ratio of presence of child is 49%.

Birth registration is needed to secure the future of child as well as it is a basic condition to assure the child rights in particular on the issues of child marriage and child labor.

The Constitution of Bangladesh guarantees the basic necessities for all including children.

Besides the Constitutional commitment, Bangladesh is one the 180 countries of declaration of a world fit for children in 2002.

As a State party to CRC – Bangladesh has declared to spend at least 5% of GNP for all as being the signatory body of Health for all in 2000.

Regarding education, State has declared education for all in 1990 and signed Dakar framework for action in 2000. As being a ratified country it is an obligation to spend 6% of the GDP and 15-20% of the Governmental expenses on education.

Among them South Asian Child Welfare related SAARC Convention for Regional Support was signed in 2002, in which all the signed States ensure best interest of child (Rule 4, Article 3); in 2004 SAARC Social Contract was signed, which certifies to reduce child starvation, development of water and sanitation, free primary health and education, attain all support and services without any discrimination, increase care in the first stages of childhood and child security; and in 2011 Colombo Declaration where special emphasis has given to increase ability and education.

According to Allocation of Business among the different Ministries and Divisions, there are 20 types of works in the Ministry and those are related mostly to women development.

Last four years achievement report of MoWCA published in the website indicates that most of the works and business done by the Ministry are related to women.

On the other hand it is clearly understandable that child related issues are not given proper importance by the Ministry. Only 4 services are available for children among the 27 listed services in the charter.

If Bangladesh is to achieve MDG and 2021 vision and if Bangladesh is to have a fit, healthy and intelligent generation of future leaders, uncompromising emphasis has to be given to implement the national sector wise policies of the Government on food, shelter, clothing, health and education.

The world of adults must acquire the unique capabilities to pay special attention to have children's opinions heard and respect the dignity and rights of every child in every circumstance.

Introduction : Bangladesh is a populous country characterized by a young age structure. Children under 18 years constitute 45% of the total population. There are about 63 million children out of total 141 million populations in the year 2007¹.

Children in Bangladesh, in general, face multidimensional forms of deprivation, violence, abuse and exploitation. It happens almost everywhere – within family, street, community, workplace, school or any state and non-state institutions. A large proportion of this child population is deprived of health care, an acceptable level of nutrition, a hygienic sanitation system, safe-clean arsenic-free drinking water, safety and security. They have limited scope for personal growth through education and lack of skills to move out of their current state of misery for a better future. They are victims of various types of vulnerability and exploitation ranges state-tolerated (arrest, confinement, police torture, attitude of state actors) to the societal violence (child marriage, trafficking, sexual abuse, dowry, corporal punishment at home and schools, and abuse and exploitation by employers)².

The Constitution of Bangladesh guarantees the rights of the children and basic necessities of life including food, shelter, education and medical care, right to reasonable rest, recreation and leisure, and right to social security³.

Bangladesh acceded to the UN Convention on the Rights of the Child⁴, as one of the first few proud nations in 1990. Bangladesh, as a participant at the World Summit for Children⁵ and a signatory to the world declaration on survival, protection, development and participation adopted by it. Moreover, Bangladesh, as an active member, is also party to the SAARC Declarations and Resolutions which in fact reaffirms and prioritize the provisions and goals for children, embodied in the CRC and World Declaration.

Bangladesh is, thus, pledge bound at national, regional and international level to comply, meet and ensure the children's rights to basic necessities. Their survival, protection, development and participation is showing up the future of the children. But after more than 20 years of signing the CRC, requirements of CRC have neither been fully complied with nor been completely included in the National legislations and policies of the country, and nor been implemented to change the plight of the children.

One of the reasons for the less expected results in implementing the Convention on the Rights of Child is that there is lack of coordination among the different governmental Ministries/Organizations as there is no separate Children Affairs Division under MOWCA and an effective watchdog like National Commission for Children Rights to oversee the G.O./N.G.O. activities on children.

In such circumstances, Government of Bangladesh may make a great contribution by establishing National Child Rights Commission and separate Children Affairs Division in the MOWCA to ensure and protect the best interest of child.

1. Analysis of the present situation of child rights in Bangladesh: GoB Legislations, Policies and plans of Actions.

The minimum rights of a child viz. an ideal place for living, clothing, food, health & educational rights, right to live with family, right for protection against offenses, right to participate in society & culture. Regular monitoring needed to ensure child rights and in addition advocacy with Government and policy makers are needed to make sure that children are getting these rights properly.

1 The Population projection for the year 2006 on the basis of Population Census 2001 has been made by Bangladesh Bureau of Statistics. In 2011 on the basis of Population and Housing census, the total population has been increased in 149 million, Bangladesh Bureau of Statistic, Population and Housing census. The projected population in 2012 has been made 152 million.

2 HDRC – Child Poverty and Disparities in Bangladesh

3 Constitution of Bangladesh, Article 15

4 Ratified by Bangladesh on 3rd August 1990 (CRC entry into force 2nd September 1990)

5 World Summit for Children, 2002

Now let's take a look at the present situation of child in Bangladesh :

1.1 Constitutional commitment : The Constitution of Bangladesh guarantees the basic necessities for all including children⁶. The Constitution ensures public health and morality⁷, laws inconsistent with fundamental rights to be void⁸. Constitution also ensures – equality before law⁹, special provision for children¹⁰, right to protection of law¹¹, protection of right to life and personal liberty¹², prohibition of forced labour and many other fundamental rights¹³.

1.2 World fit for Children : Besides the Constitutional commitment, Bangladesh is one the 180 countries of declaration of a world fit for children in 2002. According to that, the State is bound to ensure the maximum best possible start of a child's life; free and mandatory primary education along with standard basic education facility; vast opportunity to individual's ability development; and provide new and additional resources.

1.3 Health for all : As a State party to CRC – Bangladesh has declared to spend at least 5% of GNP for all as being the signatory body of Health for all in 2000. Moreover this declaration has enforced the Government to ensure that the birth of underweight child of the State cannot be more than 10% of the total population of child. (Hall and Taylor 2003)

1.4 Education for all : Regarding education, State has declared education for all in 1990 and signed Dakar framework for action in 2000¹⁴. As being a ratified country it is an obligation to spend 6% of the GDP and 15-20% of the Governmental expenses on education. Government of Bangladesh has adopted an extensive Education Policy on 2010.

1.5 Conventions and contracts : Besides the above stated conventions and declarations Bangladesh has signed several regional declaration and conventions. Among them South Asian Child Welfare related SAARC Convention for Regional Support was signed in 2002, in which all the signed States ensure best interest of child¹⁵; in 2004 SAARC Social Contract 16 was signed, which certifies to reduce child starvation, development of water and sanitation, free primary health and education, attain all support and services without any discrimination, increase care in the first stages of childhood and child security; and in 2011 Colombo Declaration¹⁷ where special emphasis has given to increase ability and education. Regionally in 2002 in regards to forced prostitution Bangladesh has adopted SAARC Convention on Suppression and Prevention of Women and Child Trafficking and South Asian Child Welfare for Regional Support¹⁸.

1.6 Poverty : Among 6 crores and 60 lakhs children¹⁹ almost 3 crores children are poor and 33 lakhs children live in slums²⁰ whose ratio of illness and death are high²¹. Number of poor child indicates that the overall condition of children in this country is not sound and they are neglected of their basic human rights and needs.

1.7 Food and nutrition : Child nourishment is directly linked with child's intelligence development and

6 Constitution of Bangladesh Article 15

7 Constitution of Bangladesh Article 18

8 Constitution of Bangladesh, Article 26

9 Constitution of Bangladesh, Article 27

10 Constitution of Bangladesh, Article 28 – (4)

11 Constitution of Bangladesh, Article 31

12 Constitution of Bangladesh, Article 32

13 Constitution of Bangladesh, Article 34 (see part III of the Constitution of Bangladesh)

14 Dakar, Senegal, 26-28 April 2000

15 See clause 4 of Article – 3 of the Convention

16 Islamabad, January 2004

17 Colombo Declaration 7 April 2011

18 Kathmandu, 5th January, 2002

19 "Child poverty and disparities in Bangladesh, a research study towards global study on poverty and disparities" UNICEF 2009

20 "National Budget: Are the commitments to the children of Bangladesh being kept" UNICEF 2008

21 National Health Policy 2008

also involves with the economical development of the country. 21 lakhs children aging 6-59 months suffer from starvation and among them 5,48,000 child are seriously suffered from lack of nutrition.²²

1.8 Water and sanitation : Lack of safe water, unhealthy sanitation and low quality health service are the reason that a child dies in every 15 seconds in the world, no exception for Bangladeshi child. 97.8% people of Bangladesh are able to use better source of water but only 51.5% are getting the facility to use better sanitation. Thus diarrhea, cholera, typhoid and bacterial diseases are increasing and the children are the worst victim.

1.9 Child death : Ratio of death among child up to 5 years is 65 in every 1000. And that ratio is for a child less than a year is 52²³.36% of the child less than a year are born with underweight and among them 77% are deprived of better growth²⁴.

1.10 Child labor : In Bangladesh almost 51 lakhs child aging from 5 to 17 are involved with employment. Among them 15-17 years old child are 20 lakhs and they are employed in risky/hazardous works violating the specific provisions of Labour Act, 2006 (ss: 34-44)²⁵.

1.11 Education : The presence of children aging 36-59 months in elementary schools is only 23%. Only 67% of the children eligible to go to primary school are taking admission in standard I. In secondary school the ratio of presence of child is 49%²⁶. A survey related to caregivers knowledge, view and practice, indicates that 50% mothers in rural areas have no knowledge in building curiosity and self-confidence among children²⁷ and do not know about the importance of sports in development of children. Furthermore they think that sports are just waste of time.

1.12 Birth registration : Compulsory birth registration under Birth and Death Registration Act, 2004 is needed to secure the future of child as well as it is a basic condition to assure the child rights in particular on the issues of child marriage and child labour. Birth registration has been completed of 53.6% child aging less than 5 years of the country²⁸.

1.13 GoB Legislations, Policies and plans of Actions. Since 1972 the State has been involved with several activities in order to establish rights of the children according to the GoB policies. The following major legislations, policies and plans of action have so far been showed by the GoB for the well being of the children.

1.13.1 Legislative measures: The following legislative measures have been taken so far by the GoB:

The Muslim Marriages and Divorces (Registration) Act 1974²⁹, The Blind Relief (Donation of Eye) Act 1975³⁰, The Bangladesh Shishu Academy Ordinance 1976³¹, The International Centre for Diarrhoeal Disease Research, Bangladesh, Ordinance 1978³², The Dowry Prohibition Act 1980³³, The National Curriculum and Text-Book Board Ordinance 1983³⁴, The Breast-Milk Substitutes (Regulation of Marketing) Ordinance, 1984³⁵, The Family Courts Ordinance, 1985³⁶, The Youth Welfare Fund Ordinance

22 Bangladesh Bureau of Statistics, Bangladesh child & mother nutrition survey, 2007

23 Report, Demographic and health survey, 2007, Bangladesh

24 Bangladesh Bureau of Statistics, national low birth survey of Bangladesh, 2005

25 Annual child labor survey 2005-2006

26 Save the children, World mother situation 2009, Investing in the early years, 2009

27 UNICEF, Baseline survey of caregivers, Cap on early childhood development, 2001

28 Multiple indicator cluster survey 2009

29 Act 52 of 1974

30 Act 25 of 1975

31 Ordinance 74 of 1976

32 Ordinance 51 of 1978

33 Act 35 of 1980

34 Ordinance 57 of 1983

35 Ordinance 33 of 1984

36 Ordinance 18 of 1985

1985³⁷, আয়োডিন অভাবজনিত রোগ প্রতিরোধ আইন, ১৯৮৯ (Immunization of the Diseases Due to Want of Iodine Act 1989)³⁸, মাদকদ্রব্য নিয়ন্ত্রণ আইন, ১৯৯০ (Narcotics Control Act 1990)³⁹, প্রাথমিক শিক্ষা (বাধ্যতামূলক করণ) আইন, ১৯৯০ (Primary Education (Compulsory) Act 1990)⁴⁰, আইনগত সহায়ত প্রদান আইন, ২০০০ (Legal Aid Act 2000)⁴¹, Prevention of Suppression on Women and Children Act 2000 (along with the Amendment 2003)⁴², মহানগরী, বিভাগীয় শহর ও জেলা শহরের পৌর এলাকাসহ দেশের সকল পৌর এলাকার খেলার মাঠ, উন্মুক্ত স্থান, উদ্যান এবং প্রাকৃতিক জলাধার সংরক্ষণ আইন, ২০০০ (Parks, Playgrounds, Open Space and natural reservoir of the Metropolitan Cities, Divisional Towns, Municipal Areas Protection Act 2000)⁴³, বাংলাদেশ প্রতিবন্ধী কল্যাণ আইন, ২০০১ (Bangladesh Handicapped Welfare Act, 2001)⁴⁴, এসিড নিয়ন্ত্রণ আইন, ২০০২ (Acid Control Act 2002)⁴⁵, এসিড অপরাধ দমন আইন-২০০২ (Acid Offenses Prevention Act 2002)⁴⁶, শিশু-মাতৃ স্বাস্থ্য ইন্সটিটিউট আইন, ২০০২ (Child and Mother Health Institute Act 2002)⁴⁷, জন্ম ও মৃত্যু নিবন্ধন আইন, ২০০৪ (Birth & Death Registration Act 2004)⁴⁸, কারাগারে আটক সাজাপ্রাপ্ত নারীদের বিশেষ সুবিধা আইন, ২০০৬ (Special Facilities for the Convicted Detainee Women Act 2006)⁴⁹, পারিবারিক সহিংসতা (প্রতিরোধ ও সুরক্ষা) আইন, ২০১০ (Domestic Violence (prevention and control) Act 2010)⁵⁰, মানব পাচার প্রতিরোধ ও দমন আইন, ২০১২ (Human Trafficking Prevention and Control Act 2012)⁵¹, অপরাধ সম্পর্কিত বিষয় পারস্পরিক সহায়তা আইন, ২০১২ (Mutual Legal Assistance Act 2012)⁵², পর্নোগ্রাফি (নিয়ন্ত্রণ) আইন, ২০১২ (Pornography (Control) Act 2012)⁵³, প্রধানমন্ত্রীর শিক্ষা সহায়তা ট্রাস্ট আইন, ২০১২ (Prime Minister's Education Assistance Trust Act 2012)⁵⁴, ভবঘুরে ও নিরাশ্রয় ব্যক্তি (পুনর্বাসন) আইন, ২০১১, শিশু আইন, ২০১৩ (Children Act, 2013)⁵⁵ etc.

1.13.2 Important Policies : National Child Policy 1994, National Social Welfare Policy 2006, National Food Policy 2006, National Health Policy 2009, National Education Policy 2010, National Labour Policy 2010, National Child Labour Policy 2010, National Child Policy 2011.

1.13.3 Plans of Action : In 1990, 1999 and 2005 Bangladesh has prepared 3 national work plan (NPA)⁵⁶ to fulfill the commitment towards children. The latest work plan indicates about total five thematic sectors for child life development and to achieve the MDG within 2015.

Education for all national work plan-1 (1991-2000) and national education for all work plan-2 (2003-2015) has declared that child's initial care and education is the main component for the basic education and specific strategy for implementation.

37 Ordinance 40 of 1985

38 Act 10 of 1989

39 Act 20 of 1990

40 Act 27 of 1990

41 Act 6 of 2000

42 Act 8 of 2000

43 Act 36 of 2000

44 Act 12 of 2001

45 Act 1 of 2002

46 Act 2 of 2002

47 Act 16 of 2002

48 Act 29 of 2004

49 Act 48 of 2006

50 Act 58 of 2010

51 Act 3 of 2012

52 Act 4 of 2012

53 Act 9 of 2012

54 Act 15 of 2012

55 Act 24 of 2013

56 National Plan of Action has five thematic areas, viz – (i) Food & Nutrition, (ii) Health, (iii) Education and empowerment of the girl child, (iv) protection from abuse, exploitation and violence, (v) physical environment

6th fifth annual plan : Government of Bangladesh has made the 6th fifth annual plan by keeping in mind about the economic achievement within 2021.⁵⁷

National Action Plan 2013–2025 has a vision to establish violence free society for Women and Children. In order to prevent and suppress the violence against Women and Children NAP 2013-2025 has a mission to encourage and make accountable, the organizations working with Women Empowerment and Gender Equality. NAP 2013-2025 aims to prevent and suppress the violence against Women and Children through multidimensional collection activities.

1.13.4 Administrative action : Physical punishment : Government has forbidden the school authority to give any physical punishment to children as it is being an obstacle of education in the school⁵⁸.

Compulsory playground : It is compulsory to make playground or park when creating private housing area.

Maternal leave has been increased to 6 months for children's care⁵⁹.

National Council for Women and Children Development (NCWCD) has been established in 2009⁶⁰.

Ministry of labor and employment has proposed to create **National Child Labor Welfare Council**.

2. Review and Analysis of the existing governance mechanism and capacity of Ministry of Women and Children Affairs (MOWCA), identifying the gaps of child rights governance and rationale for the establishment of separate Children Affairs Division.

Presently the Ministry of Women and Children Affairs regulates all the works related to children in Bangladesh. A CRC Committee has been set up under the Secretary of Ministry of Women and Children Affairs and 19 other Ministries are the members of it⁶¹. Also Ministry of Women and Children Affairs is the Member Secretary of National Council for Women and Children Development (NCWCD) under the direct supervision of the Prime minister.

2.1 The National Council for Women and Children Development (NCWCD) is an interministerial body which functions under the chairpersonship of the Prime Minister. The NCWCD is consists of 50 members of which one chairperson, two vice-chairpersons and 47 members. Other than ex-officio members, there are provisions of seven members. The government nominates these seven members who are contributing in women's and children's development.

The NCWCD have representation from 17 ministries of which MoPME, MoHFW, MoSW, MoE, MoLGRD, MoCHTA, MoRA, MoI and MoFDM have very close functional relationship with children. In addition, it also includes representatives from national organizations and professional bodies. The **NCWCD** keeps regular contact with **Child Rights Coordination Unit**⁶² (which is under the Prime Minister's office). The NCWCD is responsible for:

- Coordinating among various policies and programs of different ministries/divisions, departments and directorates for ensuring women's participation in socio-economic activities.
- preparing recommendations for providing overall policy support, creating new laws, developing rules and regulations, changing or updating current laws/acts for protecting children's rights and responsibilities and ensuring overall children's welfare,

57 6th fifth annual plan part-1, page-11

58 Circular No. 37.031.004.02.00.134.2010-451, Ministry of Education

59 S.R.O. No 05/Nothi No 07.17.008.08.00.001.2000/Ain/2011

60 Rules of Business, 1996, Schedule – 1 – Allocation of Business among the different Ministries and Divisions. Serial No. 38, item 6(a)

61 Ministry of Primary and Mass Education, Ministry of Health and Family Welfare, Ministry of Education, Ministry of Social Welfare, Ministry of Local Government, Rural Development and Cooperatives, Ministry of Cultural Affairs, Ministry of Chittagong Hill Tracts, Ministry of Religious Affairs, Ministry of Information, Ministry of Home Affairs, Ministry of Labor and Employment, Ministry of Foreign Affairs Ministry of Planning, Ministry of Finance, Ministry of Law, Justice and Parliamentary Affairs, Ministry of Defense, Ministry of Public Administration, Ministry of Science and Technology, Ministry of Food and Disaster Management

62 Draft National Children's Policy, 2009

- monitoring and evaluating of implementation of women and children’s development action plans
- Monitoring/evaluating of CEDAW and CRC
- Formulate policies related to women legal rights, women development and stop torture against women and children
- obtain decisions on the steps already been taken about protection of women benefits at all work sphere, women’s participation and their total development
- The Council meets after every six months.

Working under the over-all guidance of the NCWCD, the National Technical Team is responsible for:

- providing technical assistance to the National Children’s Council
- reviewing standards and relevant regulations, norms and laws and presenting them to the National Children’s Council
- reviewing other ministry’s proposal for policy reform pertinent to children and presenting to the National Children’s Council
- conducting evidence based research studies for policy decision making

2.2 The Ministry of Women and Children Affairs (MOWCA) is the focal point for providing overall policy directions and oversight of all activities related to children. It is responsible to coordinate with all other ministries for partnering, planning and technical oversight.

MoWCA as the focal ministry responsible for women and children’s wellbeing coordinates at the national and international level. Many of the activities of the other following Ministries and divisions are directly or indirectly related to children – for example –

Prime Minister’s Office (PMO)⁶³, Cabinet Division⁶⁴, Ministry Of Chittagong Hill Tracts Affairs⁶⁵, Ministry of Primary and Mass Education⁶⁶, Ministry of Cultural Affairs⁶⁷, Ministry of Food and Disaster Management⁶⁸, Ministry of Education⁶⁹, Ministry of Public Administration⁷⁰, Ministry of Finance⁷¹, Economic Relation Division⁷², Ministry of Health & Family Welfare⁷³, Ministry of Home Affairs⁷⁴, Ministry of Housing & Public Works⁷⁵, Ministry of Information⁷⁶, Ministry of Labour and Employment⁷⁷, Law & Justice Division⁷⁸, Legislative & P/A Division⁷⁹, Ministry of Planning⁸⁰, Ministry of Local Government,

63 Serial – 2, Allocation of Business

64 Serial – 4, Allocation of Business

65 Serial – 6, Allocation of Business

66 Serial – 7, Allocation of Business

67 Serial – 12, Allocation of Business

68 Serial – 14, Allocation of Business

69 Serial – 15, Allocation of Business

70 Serial – 18, Allocation of Business

71 Serial – 20, Allocation of Business

72 Serial – 20, Allocation of Business

73 Serial – 22, Allocation of Business

74 Serial – 23, Allocation of Business

75 Serial – 24, Allocation of Business

76 Serial – 26, Allocation of Business

77 Serial – 28, Allocation of Business

78 Serial – 29, Allocation of Business

79 Serial – 29, Allocation of Business

80 Serial – 30, Allocation of Business

Rural Development and Cooperatives⁸¹, Ministry of Religious Affairs⁸², Ministry of Social Welfare⁸³, Ministry of Youth and Sports⁸⁴, Ministry of Expatriates Welfare and Overseas Employment⁸⁵.

The Ministry of Women and Children Affairs (MOWCA) has to coordinate with all these 23 Ministries/Divisions directly or indirectly on different revenue and development issues, policy framing, law making and many others. A variety of multidimensional program operating by the above ministries/divisions involved in delivering services towards the overall development of the Children. Consequently children's share in the Annual Development program also distributed among the different ministries/divisions. Present capacity of the MOWCA is quite unable to coordinate the whole administrative arrangement, budgetary allocation issues and implementation mechanism.

2.3 Achievements as claimed by MOWCA in Annual Report 2012 – 2013 for the Child Development

On examining the Annual Report 2012 – 2013, it is seen that some program and projects are undertaken by the MOWCA and related subordinate organizations. But weight of the achievements are not actually measured. As a matter of fact, the following programs are related to children, which in terms of the total child population of Bangladesh is not sufficient and accountable at all.

Programs for the Children

i. National Child Policy 2011

ii. In continuation of the Project of **Empowerment and Protection of Children (EPC)** Under the Ministry of Women and Children Affairs, current Government of Bangladesh has taken a five years (2012 – 2017) long program named **Enabling Environment for Child Rights (EECR)**. UNICEF Bangladesh is funding the program and the total amount of the fund is 318,40,22,000 Taka (Three Hundred Eighteen Crore Forty Lakh and Twenty Two Thousand). Some of the notable activities of the program are given below:

- 2.1 Life Skills Related Trainings
- 2.2 Establishing of Child-Friendly Center
- 2.3 Cash Transfer Program
- 2.4 Payment of Stipend
- 2.5 Social Norm Change Workshop
- 2.6 Child Development training
- 2.7 Support for the Acid Victims

iii. Music, Dance, Painting, Guitar, Recital, Drama, Tabla and Computer related training for the Intellectual growth of the Children.

iv. Pre-Primary Education Center.

v. Computer Training Program

vi. Early Learning for Child Development (ELCD) Project

81 Serial – 31, Allocation of Business

82 Serial – 34, Allocation of Business

83 Serial – 37, Allocation of Business

84 Serial – 40, Allocation of Business

85 Serial – 42, Allocation of Business

vii. Sisimpur Outreach Project

viii. In order to make the District level activities more dynamic and rapid, Bangladesh Shishu Academy has taken steps to build **District Complex** in each of the following areas:

- (i) Narshindhi
- (ii) Patuakhali
- (iii) Gopalganj
- (iv) Khagrachari
- (v) Zhenaidaha
- (vi) Faridpur

ix. For the rehabilitation of the destitute children, Bangladesh Government has already established one Child Development Center in each of the following areas:

- (i) Azimpur
- (ii) Keraniganj
- (iii) Gazipur (Tongi)
- (iv) Rajshahi
- (v) Khulna
- (vi) Chittagong

2.4 What to be achieved by MOWCA according to the report

The following issues are identified by the MOWCA to achieve the goal with more efficiently, they are-

1. MOWCA needs more Officers and Staffs with sufficient office space
2. More local and foreign training for the Officers and Staffs
3. Set up women cell in the Bangladesh Mission abroad to help the destitute women.
4. Establish special school for the mentally/ physically retarded women and children.
5. District wise registration scheme for the widow and abandoned women.

2.4.1 The project titled “Capacity Building for monitoring Child Rights” was a five year project and has successfully completed in 2012 as has been claimed in the Annual Report. The achievement has not shown in the report.

2.4.2 One new project titled “Enabling Environment for Child Rights” has undertaken on 01.07.2012 and expected to be completed on 30.06.2017.

2.5 Social Safety Program

Out of total 10 Social Safety Program/Projects only two are directly related to children as mentioned in the Annual Report – i.e. (i) Enabling Environment for Child Rights under which 160000 children are the beneficiary and (ii) SISIMPUR Outreach Project under which 162000 are beneficiary, which are so minimum in terms of the total child population in Bangladesh.

2.6 Analysis of the functions and achievement of MOWCA relating to Children

According to Allocation of Business among the different Ministries and Divisions, there are 20 types of works in the MOWCA and those are related mostly to women development⁸⁶. There are only two definite activities for children. Number 15 on the list says, other ministries and organizations will work for children and number 16 says, to liaison with UNICEF and other international organizations for child development. But nothing about the liaison with the national organizations for children.

86 Item 38, MOWCA, Schedule –I Allocation of Business of Different Ministries and Division, Rules of Business 1996

The organogram of the Ministry has given less importance to the child's matter⁸⁷. That's why the duty to monitor the works related to child is given to only one Senior Assistant Secretary whereas there is 1 Secretary, 2 Joint Secretaries, 3 Deputy Secretaries, 1 Deputy-Chief, 7 Senior Assistant Secretaries, and 3 Senior Assistant Chiefs in the Ministry under the State Minister. 27 different services are rendered by the Ministry of Women and Children Affairs (MOWCA). Among them only four services (Sl. No. 13, 14, 15 & 16)⁸⁸ are dedicated for Children. 8 other services are combined with Women and rests of the services are dedicated for Women.

Last two years annual report of MOWCA published in the website indicates that most of the works and business done by the Ministry are related to women⁸⁹. It shows that in MOWCA there are 125 approved posts of which 100 are filled and 25 are vacant. Among the vacant post 6 first class positions and 13 second class positions are vacant. Only one Senior Assistant Secretary is assigned to look after all the issues of 65 million children of the age group of 1-18. Evidently it is impossible for one SAS and one administrative section of MOWCA to look into all the key issues like –

- Child poverty, income poverty and deprivation poverty
- disparity due to geographic isolation
- need of basic social services and social safety net benefits
- education
- child labour
- nutrition and child health
- water and sanitation
- child vulnerability, trafficking and migration challenges

As it is clearly understandable that child related issues are not given proper importance by the Ministry⁹⁰ though the GoB has key commitment towards children rights governance perspective–

- (i) commitment/obligation under International Convention.
- (ii) commitment/obligation under Regional Convention.
- (iii) commitment/obligation under domestic regulatory framework, policies and political agenda.

To keep the above commitment/obligation and to implement them in sector-wise, the GoB should have specific and separate budgetary allocation for the children which is possible only if a separate Children Affairs Division is established. Since one third of the population of Bangladesh is children of age group of 1-18, the budget allocation policy should be one third and be allocated in the following ways –

- (a) there should be specific share for children in the Annual Development Program
- (b) Specified Program should include Health & Nutrition, Education, Food and Clothing, Security, Shelter, Legal, Social and Economic safety net program.

Unfortunately, MOWCA and other child related Ministries/Divisions does not have that. If we analyze the last four years (see Annexure–IV) budgetary allocation of the MOWCA to implement its functions and activities, it is evident that neither specific budget has been allocated for the children nor any sectoral implementation, excepting one (Shishu Bikash Kendra) mechanism has been made under major special program on key component⁹¹. Thus these examples indicate that a Separate Children Affairs Division under the MOWCA for the children is a bare need of time.

87 Website of MOWCA

88 Citizen Charter of MOWCA

89 Annual Report 2012 – 2013 see Annexure – V

90 Citizen Charter, MOWCA

91 Item 4 of the Demands for Grants and Appropriation 2013 -2014, Grant No. 26, MOWCA

More than one third of the population of Bangladesh is in the range of 1-18. This ratio demands much more importance than the other aged population. Because this generation is going to lead the nation and they have to compete with the global challenges.

If Bangladesh is to achieve MDG and 2021 vision and if Bangladesh is to have a fit, healthy and intelligent generation of future leaders, uncompromising emphasis has to be given to implement the national sector wise policies of the Government on food, shelter, clothing, health and education and social safety net. And for that matter execution of the national legislation, implementation of the policies and arrangement of the work plans and full compliance of the CRC and other child related conventions have to be carried out by an efficient, prudent and progressive child-friendly officials under a separate Children Affairs Division.

2.7 Ministry related to Children by Country

For better understanding and justification, let us see how child rights governance mechanism in different countries work –

2.7.1 Afghanistan

The child rights Governance mechanism of Afghanistan is administered by the **Ministry of Interior Affairs**⁹². The Ministry has two departments – (1) Department of Children Rights, (2) Human Rights General Directorate.

2.7.2 Australia

The child rights Governance mechanism of Australia is administered by the **Ministerial Council for Education, Early Childhood Development and Youth Affairs**⁹³.

The areas of responsibility covered by the Council are:

- primary and secondary education
- youth affairs and youth policy relating to schooling
- cross-sectoral matters including transitions and careers
- early childhood development including early childhood education and care
- international education (school education)

2.7.3 Austria

In Austria, the **Federal Minister of Economy, Family and Youth**⁹⁴ is responsible for childcare benefits, family allowance and for providing the necessary framework to ensure a work-life balance. The youth portfolio includes targeted support to youth organisations, youth initiatives and youth associations. Other priority action areas are youth welfare and children's rights.

2.7.4 Cambodia

The child rights Governance mechanism of Cambodia is administered by the **Ministry of Education, Youth & Sports**⁹⁵. The MOEYS has several development programs for the Children i.e. Development of Youth, Pre-School Education, Primary Education, General Secondary Education, Higher Education, Non-Formal Education etc.

2.7.5 Canada

In Canada, the **Ministry of Children and Family Development**⁹⁶ supports healthy child development by its commitment to a collaborative professional practice delivered across a range of services that strive to maximize the potential of children and youth and achieve meaningful outcomes for children, youth and families.

92 <http://moi.gov.af/en>

93 <http://www.mceecdya.edu.au/mceecdya/>

94 <http://www.en.bmwfj.gv.at/Seiten/default.aspx>

95 <http://www.moeys.gov.kh/en>

96 <http://www.gov.bc.ca/mcf/>

Ministry services are complementary and families may access a combination of services delivered through the following service lines:

Early Years Services, Services for Children and Youth with Special Needs (CYSN), Child and Youth Mental Health (CYMH) Services, Child Safety, Family, Youth and Children in Care Services, Adoption Services, Youth Justice Services.

2.7.6 Denmark

The **Ministry of Social Affairs, Children and Integration**⁹⁷ is responsible for the central administration of the Danish social security and benefits system.

The Ministry of Social Affairs, Children and Integration has the following services for the Children, youth and family:

Children and young people in care, Children, youth and family, Children's Reform, Day-care, after-school and club facilities, Disadvantaged children and youth, Disadvantaged young people, Family policies, Specialized support, Vicious circle of deprivation.

2.7.7 Ghana

The **Ministry of Women & Children's Affairs**⁹⁸ responsible for coordinating national response to gender inequality and to promote the implementation of activities that address the rights of women and children towards advancing the status of women and the growth, survival and development of the children.

The Ministry is supported by two main Departments which are the Department of Women and the Department of Children.

2.7.8 India

The child rights Governance mechanism of India is administered by the **Ministry of Women & Child Development**⁹⁹. The Ministry was initially the Department of Women and Child Development in the year 1985. With effect from 30.01.2006, the Department has been upgraded to a Ministry.

The Ministry has 6 autonomous organisations viz.

- National Institute of Public Cooperation and Child Development (NIPCCD)
- National Commission for women (NCW)
- National Commission for Protection of Child Rights (NCPCR)
- Central Adoption Resource Agency (CARA)
- Central Social Welfare Board (CSWB)
- Rashtriya Mahila Kosh (RMK)

2.7.9 Indonesia

Ministry of Women Empowerment & Child Protection¹⁰⁰ is a ministry within the United Indonesia Cabinet which is assigned to cover child protection affair, beside its responsibility for the advancement of women and gender equity.

Under the Minister there is one Executive Secretary. And under the Executive Secretary there are four Deputy Ministers and among them two Deputies are assigned for Child Protection and Child Development are responsible to mainstream child rights into policies, programs and activities of line ministries and regional governments.

97 <http://english.sm.dk/Sider/Velkommen.aspx>

98 <http://www.mowacghana.net/>

99 <http://wcd.nic.in/>

100 <http://www.indonesia.go.id/en>

2.7.10 Nepal

The child rights Governance mechanism of India is administered by the **Ministry of Women, Children and Social Welfare**¹⁰¹. Department of Women and Children was placed under the Ministry of Women, Children and Social Welfare in 1999.

2.7.11 Pakistan

Child Protection & Welfare Bureau¹⁰² of Pakistan was established as an autonomous organization in July 2004 under the administrative control of Ministry of Home. The Bureau started functioning and was formally inaugurated on February 24th, 2005.

Child Protection Institution

The following services are rendered at CPI

Shelter, food, clothing, education, counseling, health care and recreation.

2.7.12 Philippines

Department of Social Welfare and Development¹⁰³ administers the child rights Governance mechanism of Philippines. As the lead agency in social welfare and development, the Department provides the following services –

For Children and Youth, Therapy Services for Abused Children, Alternative Family Care, Adoption, Foster Family Care, Legal Guardianship, Travel Clearance to Minors, Special Social Services for Children in Armed Conflict (CIAC), Government Internship Program (GIP), Rehabilitation Services for Children in Conflict with the Law (CICL)

2.7.13 Sri Lanka

The Ministry of Child Development and Women's Affairs¹⁰⁴ (MCDWA) was established as per the Gazette Extraordinary No. 1651/20 of 30th April 2010. Department of Probation and Child Care Service, National Child Protection Authority, Children's Secretariat, Sri Lanka Women's Bureau and National Committee on women are the Departments and Statutory Institution under the Ministry.

2.7.14 Thailand

Ministry of Social Development and Human Security¹⁰⁵ of Thailand is responsible promoting social development and creating public equity and social justice. Its operation aim to encourage and develop quality of life, social security, family and communication institutes as well as other concerned functions as prescribed by the laws to be the duties and authority of MSDHS or agencies under the Ministry.

2.8 From the above discussion, it is evident that both in developing and developed countries, concern for the best interest and well being of children is a common phenomenon. For that matter each of the countries have its own governance mechanism through specific Ministry/Division or Department. As one of the most populous countries in the World where one third of the population is the age group of 1-18 years, strongly justify the separate Children Affairs Division in the MOWCA.

3 Best interest of Children, CRC requirement and the need of a National Child Rights Commission.

The Committee on the Rights of the Child in its Fifty-First session (25th May – 12 June, 2012) on the implementation of the Convention on the rights prepared a list of issues to be taken up in connection with the consideration of the third and forth periodic report of Bangladesh. Item 6 of the list was to inform the

101 <http://www.mowcsw.gov.np/>

102 <http://cpwb.punjab.gov.pk/>

103 <http://www.dswd.gov.ph/>

104 <http://www.childwomenmin.gov.lk/web/>

105 <http://www.m-society.go.th/en/>

Committee on the program made in establishing the institution on the Children's Commissioner (Ombudsman). So in view of that, Bangladesh is under obligation to establish an independent National Child Right Commission for the promotion and protection of rights of the children, advise the GoB, address the violations and raise awareness and consequently will comply the CRC mandate.

Now let's see how NCRC/Children Ombudsman in different countries have already complied with the CRC and established Commission/Ombudsman for the protection of the rights of the Children–

3.7 Children's Commission/ Ombudsman services by country¹⁰⁶

3.7.1 Australia

The Australian Human Rights Commission in 2010 proposed the creation of the office of a national Children's Commissioner. The Commonwealth Ombudsman and State Ombudsmen retain some jurisdiction over matters affecting children.

Children's commissioner offices, varying in remit; have been created at state and territorial level. Most have a limited remit, focusing on disadvantaged children such as those in government care, or children with no one to act on their behalf.

- In the Australian Capital Territory, the ACT Human Rights Commission includes a Children and Young People Commissioner. The office has a broad mandate to promote and protect the rights of all children and young people in the ACT.
- The creation of a Commission for Children and Young People in New South Wales followed a legislative reform in 1998 that gave specific child protection responsibilities to the state ombudsman.
- In the Northern Territory, the Office of the Children's Commissioner was established by the territorial Assembly's Care and Protection of Children Act 2007. Its initially restricted remit - including complaint handling, monitoring follow-up to the Inquiry into the Protection of Aboriginal Children from Sexual Abuse, reduction of child mortality, and certain other matters - was significantly expanded by a legislative amendment in 2011 giving it the right to mount investigations on its own initiative.
- Queensland's Commission for Children and Young People and Child Guardian.
- The Office of the Guardian for Children and Young People, South Australia.
- The Office of the Child Safety Commissioner, Victoria.
- The Commissioner for Children and Young People, Western Australia.

3.7.2 Austria

The Federal Children's Ombudsman (German : *Kinder- und Jugendanwaltschaft des Bundes*) was established by the Federal Youth Welfare Act 1989, since when each of the nine Bundesländer (states) have set up an Ombudsman for Children and Youth. The federal office is funded through the Federal Ministry for Social Security, Generations and Consumer Protection.

3.7.3 Belgium

Belgium has two agencies, both members of the ENOC network. The Child Rights Commission (Dutch: *Kinderrechtencommissariaat*) was established by the Flemish Parliament in June 1998. The Commission's services include mediation, information, complaints about possible violations of child rights and policy advice. It conducts public information and education campaigns, conducts and monitors research, and offers views on legislative initiatives that may affect minors. The Commission reports annually to the Flemish Parliament.

106 http://en.wikipedia.org/wiki/Children's_Ombudsman

3.7.4 Bosnia and Herzegovina

The Human Rights Ombudsman of Bosnia and Herzegovina has as one of its seven departments a Child Rights Section (Bosnian : *Odjel za praćenje prava djece*), and is a full member of ENOC. The Republika Srpska has an Ombudsman for Children (Serbian : *Ombudsmana za djecu*), also an ENOC member. The office, established in 2008, promotes legislative compliance with the UN Convention on the Rights of the Child; investigates alleged violations of the rights and interests of children; advocates the rights and interests of children, and conducts public information and education work.

3.7.5 Canada

The Canadian provinces have a variety of agencies that serve as more or less independent advocates of the rights of children, particularly those that have been clients of social services. They differ in mandate but share a commitment to child rights, and co-ordinate their activities through the Canadian Council of Child and Youth Advocates (CCPCYA).

- In Alberta, the Ministry of Children's Services created an office of Children's Advocate in September 1989; in 2004 this became the Office of the Child and Youth Advocate (OCYA). As an internal advocacy system, the Advocate's services can only be accessed by, or on behalf of, young people already served under the Child, Youth and Family Enhancement Act (Enhancement Act) or the Protection of Sexually Exploited Children Act (PSECA).
- In British Columbia, the Representative for Children and Youth (RCY) provides policy advice and advocacy services on behalf of all children and young people (under 19), and in particular, supports children, youth and families who need help in dealing with the care services provided by the Ministry of Children and Family Development. Prior to the creation of the RCY, the provincial Ombudsman had, in 1987, designated a Deputy Ombudsman for Children and Youth.
- In Manitoba, although limited to dealing with children and young people who have been in contact with official childcare and adoption services, the Office of the Children's Advocate of Manitoba has a degree of independence, and complaint-handling and advisory functions, similar to those of an ombudsman.
- The Nova Scotia Ombudsman has a children's ombudsman section.
- The Saskatchewan has Children's Advocate to deal with child rights.

3.7.6 Colombia

The People's Defender (Spanish : *Defensoría del Pueblo*) or Ombudsman's Office of Colombia has a children's rights unit.

3.7.7 Costa Rica

Costa Rica was the second country (after Norway) to establish a children's ombudsman, setting up the Defender of Childhood (Spanish : *Defensoría de la Infancia*) in 1987. In 1993, this body was absorbed into the main Defender of the Inhabitants (ombudsman) agency, which created a specialist child rights section.

3.7.8 Croatia

The Ombudsperson for Children (Croatian : *Pravobranitelj za djecu*) aims to ensure protection of the rights of children; to influence the legislative and executive authorities to take child rights into consideration; to promote the acknowledgment of children's opinions and attitudes, and to inform adults and children about child rights. The Ombudsperson, currently Mila Jelavić, has about 10 staff and submits annual reports to the Parliament of Croatia. The office is a member of ENOC and CRONSEE.

3.7.9 Cyprus

The Commissioner for Children's Rights (Greek : *Επίτροπος Προστασίας των Δικαιωμάτων του Παιδιού*) was established by the Commissioner for the Protection of Children's Rights Law, 2007.

3.7.10 Denmark

In February 2011 the Danish government turned down a renewed request from a United Nations committee to create the position of Ombudsman for Children (Danish: *Børneombudsmand*); the UN body had in 2001 suggested as an alternative the creation of a child rights focal point within the national ombudsman office.

There is a National Council for Children (Danish: *Børnerådet*), a statutory national institution which is politically independent although administratively linked with the Ministry of Family and Consumer Affairs. The Council works to safeguard the rights of children; it provides information on conditions for children in society and offers advice and consultancy to authorities on issues concerning children.

3.7.11 Estonia

In December 2010, the Parliamentary Finance Committee appropriated 383,000 euros to the Chancellor of Justice, the approximate equivalent of a national ombudsman, to establish a children's ombudsman office.

3.7.12 Finland

Finland recently established the Office of the Ombudsman for Children (Finnish: *Lapsiasiavaltuutettu*). Previously, within the Parliamentary Ombudsman's Office, there was a specialist ombudsman for children's welfare.

3.7.13 France

In May 2011, the French Government merged the office of the Children's Ombudsman (French : *Défenseur des enfants*) with the main ombudsman agency and other bodies, creating a new body named the Defender of Rights (*Défenseur des droits*).

3.7.14 Georgia

The Public Defender (ombudsman) of Georgia has established a Child Rights Centre.

3.7.15 Greece

Although Greece does not have a stand-alone office, the Citizen's Advocate (Ombudsman) of Greece (Greek: *Συνήγορος του Πολίτη*), created in 1998 as an independent authority, has in addition to the Ombudsman and Deputy Ombudsman posts six Assistant Advocates, one of whom coordinates the activities of the Department of Children's Rights, and is sometimes referred to as the Ombudsman for Children's Rights. The Department was established in 2003, by law 3094/2003, to investigate alleged acts and omissions by individuals and legal entities that violate the rights of children or endanger their wellbeing.

3.7.16 Guatemala

Within the office of the Human Rights Procurator (ombudsman), a member of staff is designated to serve as Childhood Rights Defender (Spanish : *Defensor de los Derechos de la Niñez*).

3.7.17 Honduras

The National Human Rights Commissioner (Spanish : *Comisionado Nacional de Derechos Humanos*) has a specific mandate (and an internal section) for the protection of the rights of children and families, and there are also some municipal child rights defenders.

3.7.18 Hungary

The Deputy Commissioner in the office of the Parliamentary Human Rights Commissioner handles cases concerning children.

3.7.19 India

India has enacted the National Commission for protection of child rights. Commission consists of one Chairperson and six members.

3.7.20 Ireland

The main areas of work of the Office of the Children's Ombudsman (OCO) are complaints handling; communication and participation; and research and policy. The OCO is a member of the British and Irish Network of Ombudsmen and Children's Commissioners (BINOCC).

3.7.21 Italy

Law number 112 of 12 July 2011 set up an Ombudsman for childhood and adolescence as an independent institute.

3.7.22 Lithuania

The Children's Rights Ombudsman Institution of the Republic of Lithuania (Lithuanian : *Lietuvos Respublikos Vaiko Teisinis Apsaugos Kontrolieriaus Istaiga*) was established in September 2000. It seeks to improve legal protection of children, to defend the rights and interests of children, and to exercise supervision and control of the actions of public authorities in relation to children. The Ombudsman can conduct investigations, require the production of information and evidence, propose legislation and policy, and report to the President, the Seimas (Parliament), the Government or a municipal council on violations of legal acts or shortcomings in the law.

3.7.23 New Zealand

The Office of the Children's Commissioner (Māori: Manaakitia A Tatou Tamariki) was founded under the Children, Young Persons, and Their Families Act 1989, and the Children's Commissioner Act 2003 reformed the institution while bringing into domestic law the UN Convention on the Rights of the Child. The Commissioner promotes awareness and understanding of the views and interests of children, conducts research and inquiries, and can investigate individual cases. A Young People's Reference Group (YPRG), comprising young people between 12 and 18, assists the Commissioner and other government agencies in strategic planning and consultation with children and youth. The Children's Commissioner is usually a senior pediatrician or academic.

3.7.24 Nicaragua

The Human Rights Procurator, or ombudsman (Spanish : *Procurador para la Defensa de los Derechos Humanos*) has an office for children's rights.

3.7.25 Norway

In 1981 Norway was the first country in the world to establish an Ombudsman for Children (Norwegian : *Barneombudet*). The office has statutory powers to investigate individual complaints; it also monitors legislation and policy, and engages in human rights education. It seeks incorporation of the Convention on the Rights of the Child into all areas of society, and is particularly attentive to vulnerable children.

3.7.26 Poland

The Children's Ombudsman (Polish : *Rzecznik Praw Dziecka*) was established by the Law on the Ombudsman for Children passed on 6 January 2000, implementing article 72(4) of the Constitution of the Republic of Poland.

3.7.27 Portugal

The Portuguese Ombudsman (Portuguese : *Provedor de Justiça, Justice Provider*) offers a tollfree telephone line for children.

3.7.28 Russia

The office of Children's Rights Commissioner for the President of the Russian Federation, also known as Presidential Commissioner for Children's Rights.

The first children's ombudsmen began to appear in the regions in 1998 within the framework of cooperation between Russia and UNICEF. Children's ombudsmen currently operate in 50 regions of the Russian Federation.

3.7.29 Serbia

The Protector of Citizens of the Republic of Serbia (Ombudsman), an independent state authority with a broad mandate to protect human rights and freedoms, was created by law in 2005 and given constitutional status in 2006. The office is a full member of ENOC.

3.7.30 Slovenia

In 2003 the Slovenian Ombudsman appointed a fourth Deputy with responsibility for, inter alia, child rights.

3.7.31 Spain

The national ombudsman (*Defensor del Pueblo*) and the corresponding bodies in the autonomous communities have competence over matters affecting children and young people, and the national agency can bring cases to the courts. In Andalusia the regional ombudsman agency (the *Defensor del Pueblo Andaluz*) has a deputy ombudsman (the Minors' Defender, *Defensor del Menor*) for children and young people, as does the equivalent in Catalonia (the *Sindic de Greuges*).

3.7.32 Sri Lanka

National Child Protection Authority Act 1998.

3.7.33 Sweden

In Sweden the Children's Ombudsman (Swedish : *Barnombudsmannen*, an office established in 1993 and concerned with matters affecting the rights and interests of children and young people.

3.7.34 Ukraine

The position of Authorized representative of the President of Ukraine for Children's Rights, or children's ombudsman, was allocated in August 2011 to Yuriy Pavlenko, who had served as Minister for Family, Youth and Sport in the Yekhanurov, Alliance of National Unity and Tymoshenko cabinets. Ukraine was the first country to install a child as children's ombudsman.

3.7.35 United Kingdom

Separate agencies exist in the four UK jurisdictions.

- The post of Children's Commissioner for England was established under the Children Act 2004 as a non-departmental public body.
- The office was established by the Commissioner for Children and Young People (Scotland) Act 2003.
- An office established under the Children's Commissioner for Wales Act 2001.
- The Northern Ireland office of Commissioner for Children and Young People.

All four UK agencies are members of the British and Irish Network of Ombudsmen and Children's Commissioners (BINOCC).

3.7.36 United States

There is no federal children's ombudsman agency, but some exist at state, city or county level. (In states where no children's ombudsman exists, similar work may be undertaken by a generic ombudsman office, by a social services advocacy service, or by a children's services oversight body.)

- In Connecticut, the Office of the Child Advocate is an independent ombudsman agency monitoring and evaluating the public and private agencies involved in the protection of children, and reviewing state policies and procedures to ensure they protect children's rights and promote their best interest.

- In Delaware, the Office of the Child Advocate aims to safeguard the welfare of children through educational advocacy, system reform, public awareness, training, and legal representation of children.
- The Georgia Office of the Child Advocate aims to provide a first point of contact for those in government and the private sector to turn for advice, assistance, and aid regarding at-risk families and foster children in the state.
- The Maine Child Welfare Services Ombudsman, also known as the Children's Ombudsman, is an impartial office which specializes in assisting people with resolving concerns with the Child Protective Services Department of the State's Department of Health and Human Services.
- In Massachusetts, the Office of the Child Advocate aims to ensure that every child involved with child welfare or juvenile justice agencies is protected from harm and receives appropriate and effective services delivered in a timely and respectful manner.
- The Michigan Department of Technology, Management, and Budget maintains an Office of Children's Ombudsman (OCO).
- Although not strictly a children's ombudsman, the Minnesota Office of the Ombudsperson for Families seeks to ensure that children and their families are guaranteed fair treatment, especially on racial grounds, by all agencies that provide child welfare services. There are four ombudspersons, working independently from but in collaboration with each of the following groups: the Indian Affairs Council, the Chicano Latino Affairs Council, the Council on Black Minnesotans, and the Council on Asian-Pacific Minnesotans.
- In Missouri, the Office of the Child Advocate is an independent part of the Office of Administration which operates independently from the Department of Social Services (DSS) Children's Division and other agencies. The Office of Child Advocate examines laws, policies, procedures, and practices regarding effective delivery of services to families and children by identifying issues and offering appropriate recommendations. The Office of Child Advocate investigates complaints about an agency action or failure to act and is authorized to make recommendations in cases involving any child at risk of abuse, neglect, or other harm, or children or families involved with child protection or child welfare services. The Office of Child Advocate can provide or coordinate mediation services between school districts and parents when allegations of child abuse arise in a school setting.
- In New Jersey, an Office of the Child Advocate was created as an independent watchdog in 2003 in the wake of scandals affecting the Division of Youth and Family Services. In 2010 the office was established.
- There is no state-wide body in Ohio, but a similar body at the local level is the Lucas County Children Services Ombudsman, which mediates to resolve problems related to the Children Services delivery system; the ombudsman can investigate complaints and make recommendations, but has no authority to make or reverse decisions.
- The Rhode Island Office of the Child Advocate aims to protect the legal rights of children in state care and to promote policies and practices which ensure that children are safe; that children have permanent and stable families; and that children in out of home placements have their physical, mental, medical, educational, emotional, and behavioral needs met.
- In South Carolina, the Office of Children's Affairs within the Governor's Office provides ombudsman services on behalf of families and children by receiving inquiries, reviewing and responding to questions or problems involving or impacting children either directly or by referral, and providing information and referral to other services and resources.
- The Tennessee Commission on Children and Youth (TCCY) Ombudsman for Children, Youth and Families is an external problem resolution mechanism for children in the custody of the Department of Children's Services, relative caregiver program or Child Protective Services (CPS) system. TCCY has statutory authority to review children in the foster care system, kinship care or CPS and make

recommendations for improvement. The Ombudsman helps to resolve problems mediating the concerns of each person involved in the child's or family's case. The Ombudsman may serve as an advocate for the family, the state, or the provider, but always works for the child's best interests.

- In Utah, the Office of Child Protection Ombudsman (OCPO) was established by the State Legislature to help resolve concerns about the protection of children receiving services from the Division of Child and Family Services (DCFS). The Ombudsman receives and investigates complaints.
- In Washington state, the Office of the Family and Children's Ombudsman investigates complaints about agency actions or inaction that involve any child at risk of abuse, neglect, or other harm and a child or parent involved with child protection or child welfare services. The Ombudsman can intervene in cases in which it has been determined that an agency's action or inaction is unauthorized or unreasonable. The office also works to identify systemwide issues and recommend appropriate changes to the Governor, the Legislature, and agency officials. An example of a local children's ombudsman service in Washington state is the Snohomish County Children's Commission.
- While there is no state-wide service in Wisconsin, the Office of the Milwaukee Ombudsman for Child Welfare (OMOCW) is a free, public service that reviews case-specific concerns regarding the safety, permanence, and well-being of children and families involved with the Bureau of Milwaukee Child Welfare.

4 The procedure and framework for the establishment of separate Children Affairs Division and National Child Rights Commission:

4.1 Procedure of creation separate Children Affairs Division:

The Constitution of Bangladesh empowers the Prime Minister to exercise all the executive powers of the Republic¹⁰⁷. According to Rules of Business, 1996 Prime Minister has the exclusive authority to create a Ministry or Division or to reorganize them¹⁰⁸. Each Division shall have a Secretary/Additional Secretary/Joint Secretary to the Government and such other officials subordinate to him, as the Prime Minister may determine¹⁰⁹. Now let us see what a Division is: according to Rule 2 (f) of Rules of Business, 1996 “Division” means a self contained administrative unit responsible for the conduct of Business of the Government in a distinct and specified sphere and declared as such by the Government.

Rule 4 (ix) of the Rules of Business also determines the role and responsibility of the Division which are –

- (a) Policy formulation;
- (b) Planning;
- (c) Evaluation of execution of plans;
- (d) Legislative measures;
- (e) Assisting the Minister in the discharge of his responsibilities to the Parliament; (f) Personnel management at the top level, viz, (i) officers not below the rank of Member/Director in the cases of public statutory corporations and (ii) officers not below the level of NPS-V in the cases of Attached Departments¹¹⁰ and Subordinate Offices¹¹¹;
- (g) Such other matter/matters as may be determined by the Prime Minister from time to time.

107 Constitution of Bangladesh, Article 55(2), Chapter II

108 Rule 3(i), Rules of Business, 1996

109 Rule 3(iii) Rules of Business, 1996

110 “Attached Department” means the department which has direct relation with a Ministry/Division and has been declared as such by the Government.

111 “Subordinate Office” means an office of the Government which has not been declared as Attached Department and normally does not deal directly with any Ministry/Division.

4.2 For the constitution of a separate Children Affairs Division in MOWCA, the following steps are required to be considered:

- i. One post of Secretary and office of Secretary to be created and set up.
- ii. Some other senior post like Additional Secretary, Joint Secretary, Deputy Secretary, Senior Assistant Secretary, other support staff to be created.
- iii. For post creation – check list of MOPA/CABINET/MOF – 17 items¹¹².
- iv. Inter ministerial meeting for approval, proposed organogram to be approved¹¹³: initiating Ministry is MOWCA – approval/vetting of MOPA/ MOLJPA/ MOF/PSC/Cabinet/PMO.
- v. Approval of Secretary committee on administrative development and reform.
- vi. Final approval by the Prime Minister and the President – Summary to be proposed by the MOWCA.
- vii. Notification to amend the Rules of Business 1996 (Schedule – I Allocation of Business). To be approved by the PM and President and published by the Cabinet Division¹¹⁴.

4.3 The functions of the proposed Separate Children Affairs Division under MOWCA may be following

- i. National Policy regarding best interest of the children.
- ii. Programme for the welfare and development of children.
- iii. Programme for the research and technical support on child safety net.
- iv. Matters relating to civil, political, economic, social, cultural and other rights of children as ensured by the Constitution.
- v. Matters relating to the rights as accrued by the children on signing of the Convention on the Rights of the Children (CRC) and other relevant Conventions and Protocols.
- vi. Attending to the problems and affairs relating to children, and communicating and disseminating relevant information for awareness building.
- vii. Matters relating to the implementation and monitoring of the policies, laws and conventions on the rights of the children.
- viii. Matters relating to – The National Council for Children’s Affairs.
- ix. Matters relating to – The National Child Rights Commission
- x. Matters relating to – Bangladesh Shishu Academy.
- xi. Matters relating to violence and abuse against children.
- xii. Development of national database for the children.
- xiii. Child development fund.
- xiv. Agreements and liaison with international organisations in the field of gender equality and for the advancement of children.
- xv. Observance of –
 - (a) World Children’s Day on 1st Monday of October;
 - (b) National Children’s Day and National Awards for Children;
 - (c) Child Rights Week 29 September to 05 October.

- xvi. National Awards for Children.
- xvii. Co-ordinating all matters relating to children with other Ministries / Divisions / Organizations / national and international NGOs.
- xviii. Liaison with UNICEF and other concerned international bodies/foreign agencies dealing with child development and child rights issues.
- xix. Liaison with international organizations and matters relating to Conventions, Treaties and Agreements with other countries and world bodies relating to subjects allotted to this Ministry.
- xx. Inquiries and statistics on any subject allotted to this Ministry.
- xxi. All laws on subjects allotted to this Ministry.
- xxii. Fees in respect of any of the subjects allotted to this Ministry except fees taken in courts.

5.4 Basic features of the National Child Rights Commission (NCRC)

- 1. Short title, extent and commencement :** Title may be suggested by the participants – extent– and Commencement may be at once or appointing a prospective date as suitable to the GoB.
- 2. Definitions :** Few definitions are there as these terms will be used repeatedly. If needed some more definitions can be included.
- 3. Establishment of the National Child Rights Commission :** Establishment of NCRC – Legal status of the NCRC will be a statutory public authority as defined in Article 152 of the Constitution.
- 4. Head office, etc :** Head office shall be at Dhaka, provision for the branch offices are there.
- 5. Constitution of the Commission :** NCRC shall consist of five members.
- 6. Appointment of Chairperson and Members :** They shall be appointed by the GoB.
- 7. Disqualification from being a Chairperson or Member :** Seven criterion for disqualifications are mentioned. More may be suggested.
- 8. Term of office and conditions of service of Chairperson and Members :** Term of office shall be for three years, it may be for another term. Sixty five years is the limit to hold office has to resign in writing.
- 9. Salary and allowances of Chairperson and Members :** Salary etc. to be determined by the Government.
- 10. Removal from office :** Five categories have set to remove.
- 11. Vacation of office by Chairperson or Members :** Three categories have set to vacation of office.
- 12. Vacancies, etc., not to invalidate proceedings of Commission :** Vacancies shall not in valid the proceeding of NCRC.
- 13. Procedure for transaction of business :** Meetings with two months interval, but emergency or special meeting can be called for, decision of majority.
- 14. Secretary, officers and other employees of Commission :** Joint Secretary/ Additional Secretary – equivalent officer shall be the Secretary of NCRC.
- 15. Salaries and allowances, etc :** Salaries to be paid from the Fund.
- 16. Functions of Commission :** Twenty eight functions are mentioned. If necessary can include or extend.
- 17. Powers of the Commission :** Seven categories of power.

18. **Delegation of Power and functions :** Commission may delegate its power and functions to the Chairperson, Member, Officer.
19. **Powers relating to inquiries :** Power of a civil court with C.P.C. 1908 has been given to Commission.
20. **Powers of Commission to authorize any officer to enter and inspect any premises :**
21. **Power of inspection and search :** The authorized officer may enter any premises where children are kept for the purpose of child abuse or other unlawful purpose or illegal adoption. And may inspect any hospital, maternity, examine any book register record, interrogate any person, if obstructed by any person that person shall be liable to a fine – 5000 Taka imprisonment 6 months.
22. **Power to seize articles :** Authorized officer may seize any articles during any inspection.
23. **Steps after inquiry :** Recommend to the Government or Authority to initiate proceedings or to approach to any court tribunal for direction order.
24. **Annual and special reports of Commission :**
25. **Fund of the Commission :** The Fund shall be paid by the grants and loans from the Government and by gifts, grants or donations.
26. **Accounts and audit of Commission :** To be audited by the Controller and Auditor General of Bangladesh.
27. **Protection of action taken in good faith :** The Chairperson, member or officer employees of the Commission are protected by law if actions taken by them are done in good faith.
28. **Chairperson, Members and other officers to be public servant :**
29. **Returns or information :**
30. **Power to make Rules :** Government has the power to make Rules.
31. **Power to make Regulations :** The Commission may make Regulations for the purpose of this Act.
32. **Power to remove difficulties :** Government is empowered to remove any difficulty to give effect to the provisions of this Act.

Note 1 : After 1987, all the Acts, Rules and Regulations are made in Bangla language, for that matter a provision of authentic English text is put in all Legislations. The proposed Draft Bill of National Child Right Commission is attached as Annexure – IV.

Note 2 : Please note that the process of legislation, that is, from legislative proposal to a bill and from a bill to an Act is to be done as per Annexure – VII.

5 Specific future advocacy program for CRGA:

5.1 Specific Agenda – 1 :

Process and implementation of Children Affairs Division: The CRGA may constitute a committee consisting of at least five member of the CRGA to initiate advocacy program in the light of the procedure and framework suggested in the study.

Since the whole issue is a policy matter it is recommended to constitute the CRGA Committee with high profile members who have strong persuasive capacity and well connection with the GoB and International Organizations. Rules of Business, 1996 empowers the Prime Minister to Constitute a Ministry consisting of one or more Division (see Rules 3 (i)). For the purpose of constituting a separate Division for the children – the CRGA Committee should meet the PM first officially and to convince him/her of the need of the separate Children Affairs Division for the children and once s/he agrees and convinced with the proposition in principle, and if s/he desires to constitute a separate Division in MOWCA for the children, s/he may direct in writing the MOWCA to initiate the proposal of a separate Children Affairs Division. Thus the CRGA committee has to meet with the Minister and Secretary of MOWCA to expedite the procedure as initiated in section 5.1 – of this Report. As the whole process is related to some other Ministries/Divisions the CRGA Committee has to meet with the relevant Ministers/Secretaries of those Ministries/Divisions as well. (Inter-Ministerial Consultation under Rules 10 of Rules of Business, 1996 is required). Since the issue concerns more than one Ministry/Division no orders shall issue, nor shall the case be submitted to the Prime Minister or the Cabinet until it has been considered by all the Ministries/Divisions concerned and their views are properly recorded. The Process would be like – MOWCA → MOPA → MOF → LPAD of MOLJPA → Secretary committee on Administrative Development and Reform → Cabinet Division → PMO for final approval of the PM. (Rules 9 of Rules of Business prescribed the manner of submission of the matter to the Prime Minister).

So, it is vivid that the committee has to meet and convince the top level policy makers, bureaucrats, legislators and many others to have an effective and efficient separate Child Affairs Division to uphold the rights of the children, full compliance of CRC and other related international instruments and above all protect the best interest of the child.

5.2 Specific Agenda – 2 :

Process and implementation of National Child Rights Commission :

As per Constitution and Rules of Business, making of any law is divided into two parts. The first part is to be dealt with the administrative process i.e. MOWCA → Cabinet Division → Legislative Division → MOWCA → Cabinet Division → Parliament Secretariat. (From Legislative Proposal to A Bill – Annexure VII)

The second part is to be dealt with the legislative process i.e. with the Parliament. (From A Bill to An Act – Annexure VII)

For the first part, a CRGA Committee may be constituted with such members of the CRGA who have strong persuasive capacity and well connection with the MOWCA and Cabinet members.

For the second part, another CRGA Committee may be setup with such CRGA members who are well connected with the Parliament members specially members of the Standing Committee on MOWCA and whom they may convince on the issue. Standing Committee are referred to in Article 76 of the Constitution. Standing Committee are consisted by the Parliament on each Ministry/Division as per sub-rule (1) (f) of Rule – 2, Rules 187 and 188 of the Rules of Procedure of Parliament.

Functions of the Standing Committees of Parliament

A Standing Committee so appointed may, subject to this Constitution and to any other law-

- (a) examine draft Bills and other legislative proposals;

- (b) review the enforcement of laws and propose measures for such enforcement;
- (c) in relation to any matter referred to it by Parliament as a matter of public importance, investigate or inquire into the activities or administration of a Ministry and may require it to furnish, through an authorised representative, relevant information and to answer questions, orally or in writing;
- (d) perform any other function assigned to it by Parliament.

Parliament may by law confer on Standing Committees appointed under this article powers for-

- (a) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise;
- (b) compelling the production of documents.

5.3 So from the above discussion it is vivid that in both cases, if the Government and the Parliament agree with the propositions as referred to in the study the output would be a separate Children Affairs Division and Independent National Child Rights Commission which would be established smoothly.

6 Conclusion :

Bangladesh, as a developing nation, has to make remarkable progress in different human development indicators such as health, social security program, employment generation to achieve MDG and 2021 vision. Bangladesh has number of good legislative measures, policies, plan of actions, program, but due to lack of proper management, coordination, monitoring and evaluation the implementation of the key program, the Acts, the policies, plans, strategy paper seem to be cosmetic make up or window dressing.

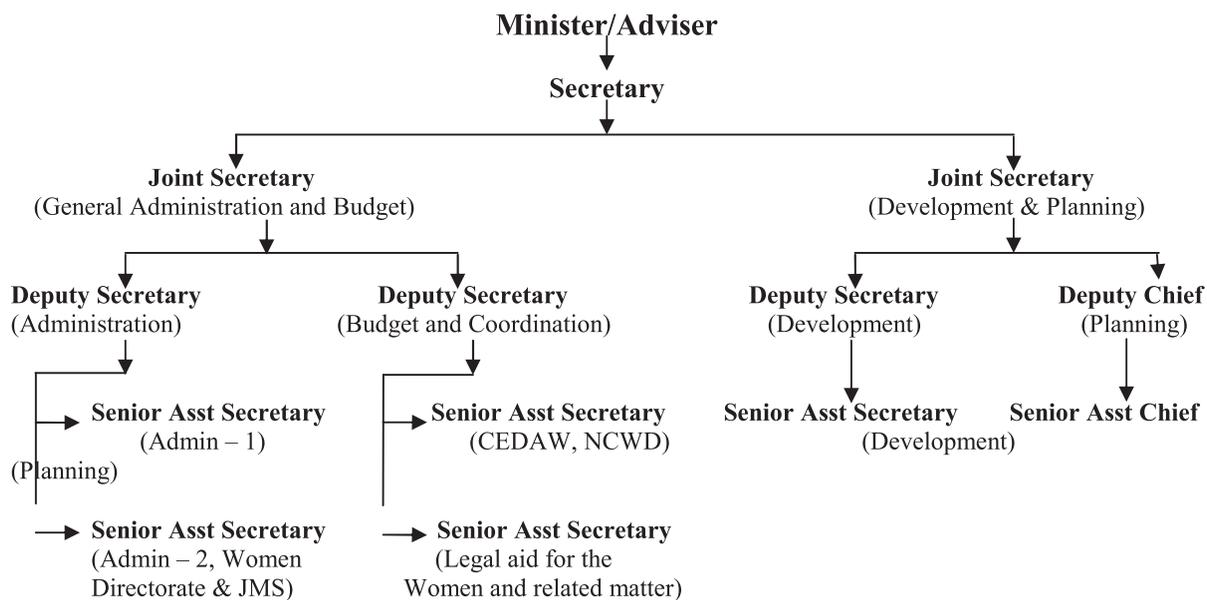
Strong Administrative management through separate Children Affairs Division would be one step ahead to overcome the drawback. Furthermore, a strong independent and powerful watchdog like National Child Rights Commission would be needed for overall monitoring and evaluation mechanism.

Let us look forward to have a healthy educated generation in the near future who would be able to meet the humane demand locally, regionally and globally.

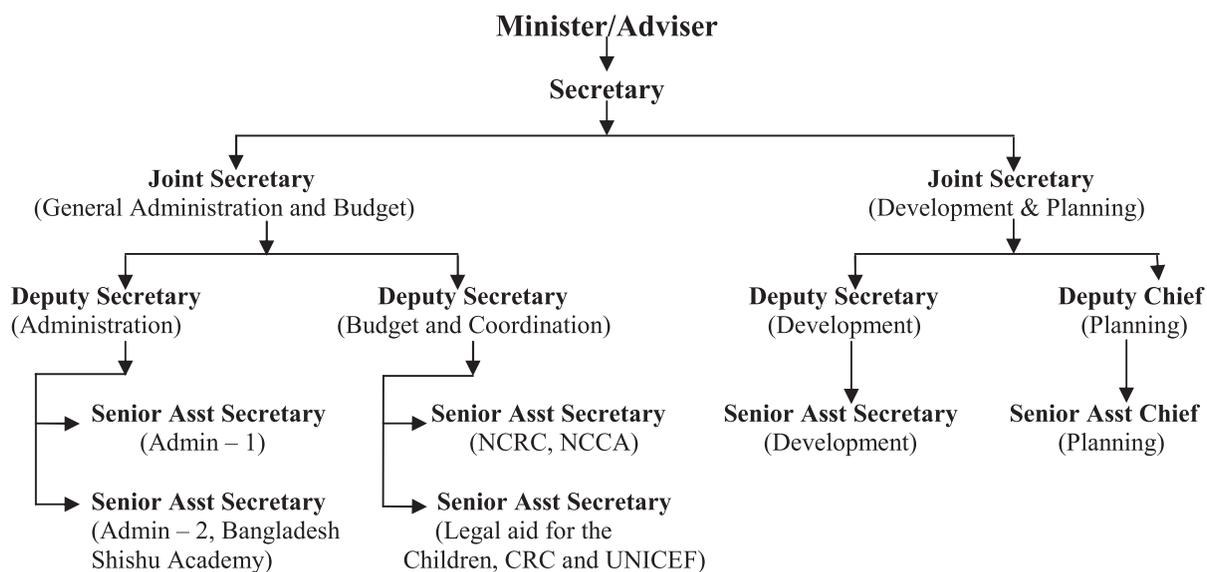
Check list for the proposal to create posts in Revenue head

- (a) Name of the Administrative Ministry/Division.
- (b) Initiating Organization.
- (c) Name, Number and Salary scale of proposed posts.
- (d) Responsibility of each post.
- (e) Recruitment Rules (If any) of the proposed posts.
- (f) Whether the Report of ML Committee has to be fully implemented by the concerned organization.
- (g) If any additional post is created after ML Committee –
 - i. Name of the post approving authority
 - ii. Name of the created post
 - iii. Number of posts
 - iv. Salary scale
- (h) Amount of increased works, description and reason of real work.
- (i) Nature of increased works (permanent/temporary).
- (j) Rationale for the creation of posts.
- (k) Whether the post was created before ML Committee? How many posts are there and are existed now?
- (l) Whether similar proposal was submitted or not? If submitted what is the position?
- (m) Existing and proposed organogram of the initiating organization (proposed portion of the organogram has to be marked with different color)
- (n) Recurrent and non-recurrent expenditure and financial involvement of the posts to be mentioned.
- (o) Whether budget is allocated for the proposed post or not?
- (p) Specific recommendation of the Administrative Ministry has to be mentioned.
- (q) All the attached documents have to be attested by the officer in charge of the concerned section.

Proposed Organogram of Women Affairs Division



Proposed Organogram of Children Affairs Division



মন্ত্রিপরিষদ বিভাগ

প্রজ্ঞাপন

ঢাকা, ১৪১৯/ডিসেম্বর ২০১৩

এস, আর, ও নং-আইন/২০১৩-মপবি-/২০১৩-বিধি। -গণপ্রজাতন্ত্রী বাংলাদেশের সংবিধানের ৫৫(৬) অনুচ্ছেদে প্রদত্ত ক্ষমতাবলে রাষ্ট্রপতি, Rules of Business, 1996-এর নিম্নরূপ অধিকতর সংশোধন করিলেন, যথা:-

উপরি-উক্ত Rules এর Schedule-I (Allocation of Business among the different Ministries and Divisions)- এর

(ক) 38. MINISTRY OF WOMEN AND CHILDREN AFFAIRS শিরোনাম এবং তৎসংক্রান্ত এন্ট্রিসমূহের পরিবর্তে নিম্নরূপ শিরোনাম ও এন্ট্রিসমূহ প্রতিস্থাপিত হইবে, যথা:-

“38. MINISTRY OF WOMEN AND CHILDREN AFFAIRS

A. Women Affairs Division :

1. National Policy regarding women.
2. Programme for the welfare and development of women.
3. Matters relating to legal and social rights of women.
4. Attending to the problems and affairs relating to women and communicating and disseminating relevant information for awareness building.
5. Programmes for empowerment of women including their employment opportunities.
6. Matters relating to — The National Council for Women’s Development.
7. Matters relating to —
 - (a) The Directorate of Women’s Affairs;
 - (b) The Jatiyo Mohila Sangshtha.
8. Co-ordination and monitoring of WID activities of different Ministries through designated WID Focal Points.
9. Liaison with women’s organizations and civil society to encourage their contribution.
10. Control and registration of all voluntary women’s organizations.
11. Matters relating to violence against women.
12. Agreements and liaison with international organisations in the field of gender equality and for the advancement of women.
13. Observance of —
 - (a) International Women’s Day on 08, March;
 - (b) Begum Rokeya Dibash on 9 December.

14.
 - (a) Begum Rokeya Padak;
 - (b) National Awards for Women.
15. Liaison with international organizations and matters relating to treaties and agreements with other countries and world bodies relating to subjects allotted to this Ministry.
16. Inquiries and statistics on any subject allotted to this Ministry.
17. All laws on subjects allotted to this Ministry.
18. Fees in respect of any of the subjects allotted to this Ministry except fees taken in courts.

B. Children Affairs Division :

1. National Policy regarding best interest of the children.
2. Programme for the welfare and development of children.
3. Programme for the research and technical support on child safety net.
4. Matters relating to civil, political, economic, social, cultural and other rights of children as ensured by the Constitution.
5. Matters relating to the rights as accrued by the children on signing of the Convention on the Rights of the Children (CRC) and other relevant Conventions and Protocols.
6. Attending to the problems and affairs relating to children, and communicating and disseminating relevant information for awareness building.
7. Matters relating to the implementation and monitoring of the policies, laws and conventions on the rights of the children.
8. Matters relating to — The National Council for Children's Affairs.
9. Matters relating to — The National Child Rights Commission
10. Matters relating to — Bangladesh Shishu Academy.
11. Matters relating to violence and abuse against children.
12. Development database for the children.
13. Child development fund.
14. Agreements and liaison with international organisations in the field of gender equality and for the advancement of children.
15. Observance of —
 - (d) World Children's Day on 1st Monday of October;
 - (e) National Children's Day and National Awards for Children;
 - (f) Child Rights Week 29 September to 05 October.
16. National Awards for Children.
17. Co-ordinating all matters relating to children with other Ministries/Divisions/Organizations/national and international NGOs.
18. Liaison with UNICEF and other concerned international bodies/foreign agencies dealing with child development and child rights issues.
19. Liaison with international organizations and matters relating to conventions, treaties and agreements with other countries and world bodies relating to subjects allotted to this Ministry.
20. Inquiries and statistics on any subject allotted to this Ministry.
21. All laws on subjects allotted to this Ministry.
22. Fees in respect of any of the subjects allotted to this Ministry except fees taken in courts.

(খ) ইহা অবিলম্বে কার্যকর হইবে।

রাষ্ট্রপতির আদেশক্রমে

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Allocation of Funds of Ministry of Women and Children's Affairs (MOWCA) in National Budget

(Taka in Thousand)

2009–2010		2010–2011		2011–2012		2012–2013		2013– 2014
Budget	Revised	Budget	Revised	Budget	Revised	Budget	Revised	Budget
2,00,00	3,89,94	2,20,00	7,50,16	16,50,16	19,15,18	15,40,32	10,93,97	14,06,03

Demands for Grants and Appropriations 2013-14 (Grants No. 26)

(Taka in Thousand)

Financial Year		Non Development	Development	Total	Revenue	Capital
2010-11	Revised	988,70,61	205,41,50	1194,12,11	1143,58,78	50,53,33
2011-12	Revised	1056,41,10	181,35,26	1237,76,36	1201,61,66	36,14,70
2012-13	Revised	1133,70,06	200,06,28	1333,76,34	1282,42,39	51,33,95
2013-14	Budget	1156,80,13	292,58,00	1449,38,13	1354,22,86	95,15,27

National Child Rights Commission Act, 2013**Contents**

1. Short title, extent and commencement
2. Definitions
3. Establishment of the National Child Rights Commission
4. Head office, etc
5. Constitution of the Commission
6. Appointment of Chairperson and Members
7. Disqualification from being a Chairperson or Member
8. Term of office and conditions of service of Chairperson and Members
9. Salary and allowances of Chairperson and Members
10. Removal from office
11. Vacation of office by Chairperson or Members
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20. Powers of Commission to authorise any officer to enter and inspect any premises
21. Power of inspection and search
22. Power to seize articles
23. Steps after inquiry
24. Annual and special reports of Commission
25. Fund of the Commission
26. Accounts and audit of Commission
27. Protection of action taken in good faith
28. Chairperson, Members and other officers to be public servant
29. Returns or information
30. Power to make rules
31. Power to make regulations
32. Power to remove difficulties

National Child Rights Commission Act, 2013

A bill

To provide for the establishment of a National Child Rights Commission for Protecting the Rights of the Children, to give effect to the policies adopted by the Government in this regard, to follow the standards prescribed in the Convention on the Rights of the Children, 1989 and all other relevant international instruments and for matters connected therewith or incidental thereto.

WHEREAS it is expedient to enact a law establishing a National Child Rights Commission for Protecting the Rights of the Children, to give effect to the policies adopted by the Government in this regard, to follow the standards prescribed in the Convention on the Rights of the Children, 1989 and all other relevant international instruments and for matters connected therewith or incidental thereto;

Now therefore, it is enacted as follows:-

1. Short title, extent and commencement.-(1) This Act may be called the National Child Rights Commission Act, 2013.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

Or

(3) It shall come into force at once.

2. Definitions.-In this Act, unless the context otherwise requires,-

(1) "Child" means a person under eighteen years of age;

(2) "Chairperson" means the Chairperson of the Commission;

(3) "Child Rights" includes the children's rights adopted in the United Nations convention on the Rights of the Child on the 20th November, 1989 and ratified by the Government of Bangladesh on 3rd August, in 1990; and such rights which are ensured by the Constitution and other laws of Bangladesh;

(4) "Commission" means the National Child Rights Commission constituted under section 3;

(5) "Member" means a Member of the Commission, and includes the Chairperson;

(6) "Prescribed" means prescribed by rules or regulations made under this Act.

3. Establishment of the National Child Rights Commission.-(1) There shall be a National Child Rights Commission to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

(2) The Commission shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.

4. Head office, etc.- (1) The Head office of the Commission shall be at Dhaka.

(2) The Commission may establish branch offices at such other places in Bangladesh as it think fit.

5. Constitution of the Commission.- The Commission shall consist of the following Members, namely :-

- (a) a Chairperson who is a person of eminence and has done outstanding work for promoting the welfare of children; and
- (b) Four Members, out of which at least one shall be women, from the following fields, to be appointed by the Government from amongst persons of eminence, ability, integrity, standing, knowledge and experience in, -
 - (i) education;
 - (ii) child health, care, welfare or child development;
 - (iii) juvenile justice or care of neglected or marginalized children or children with disabilities;
 - (iv) elimination of child labour or children in distress;
 - (v) child psychology or sociology; and
 - (vi) laws relating to children.

6. Appointment of Chairperson and Members.-The Government may, by notification in the official gazette, appoint the Chairperson and other Members:

Provided that the Chairperson and the Members shall be appointed on the recommendation of a four member Selection Committee, out of which two shall be from the civil society, to be constituted by the Government specifying the terms of reference, by notification in the official gazette, under the Chairmanship of the Minister in-charge of the Ministry of Women and Children Affairs.

7. Disqualification from being a Chairperson or Member.- A person shall be disqualified from being appointed as a Chairperson or member of the Commission if –

- (a) s/he is not, or ceases to be, a citizen of Bangladesh; or
- (b) s/he is adjudged an insolvent by a competent court; or
- (c) s/he is under any law in force in Bangladesh or in any other country found or declared by a competent court to be of unsound mind; or
- (d) s/he is serving or has served a sentence of imprisonment imposed by any competent court in Bangladesh or any other country; or
- (e) s/he has any financial or other interest as is likely to affect prejudicially to discharge by him/her of his/her functions as a member of the Commission; or
- (f) s/he has any proved past record to abuse any child physically or mentally.

8. Term of office and conditions of service of Chairperson and Members.-(1) The Chairperson and every Member shall hold office for a term of three years from the date on which s/he assumes office.

(2) Chairperson or a Member shall not hold the office for more than two terms.

(3) Chairperson or a Member shall not hold office after s/he has attained the age of sixty-five years.

(4) The Chairperson or a Member may, by writing under his/her hand addressed to the Government, resign his/her office at any time.

9. Salary and allowances of Chairperson and Members.-The salary and allowances payable to, and other terms and conditions of service of, the Chairperson and Members, shall be such as may be determined by the Government:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or a Member, as the case may be, shall be varied to his/her disadvantage after his/her appointment.

10. Removal from office.-(1) Subject to the provisions of sub-section (2), the Government may, by order, remove the Chairperson or any other Member from office, if s/he-

- (a) engages during his/her term of office in any paid employment outside the duties of his/her office; or
 - (c) refuses to act or becomes incapable of acting; or
 - (d) has so abused his/her office as to render his/her continuance in office detrimental to the public interest; or
 - (f) is convicted and sentenced to imprisonment for an offence which involves moral turpitude; or
 - (g) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission.
- (2) No person shall be removed under this section until that person has been given an opportunity of being heard in the matter.

11. Vacation of office by Chairperson or Members.-(1) If the Chairperson or, as the case may be, a Member, -

- (a) is removed for any of the reasons mentioned in section 10; or
- (b) tenders his/her resignation; or
- (c) dies;

his/her seat shall thereupon become vacant.

(2) If a casual vacancy occurs in the office of the Chairperson or a Member, whether by reason of his death, resignation or otherwise, such vacancy shall be filled within a period of ninety days by making afresh appointment in accordance with the provisions of section 6 and the person so appointed shall hold office for the remainder of the term of office for which the Chairperson, or a Member, as the case may be, in whose place s/he is so appointed would have held that office.

12. Vacancies, etc., not to invalidate proceedings of Commission.-No act or proceeding of the Commission shall be invalid merely by reason of-

- (a) any vacancy in, or any defect in the constitution of, the Commission; or
- (b) any defect in the appointment of a person as the Chairperson or a Member; or
- (c) any irregularity in the procedure of the Commission not affecting the merits of the case.

13. Procedure for transaction of business.-(1) The Commission shall meet regularly at its office at such time as the Chairperson thinks fit, but two months shall not intervene between its last and the next meeting:

(2) Despite the provision of sub-section (1), the Chairperson, may call for an emergency or special meeting at such place on such time as he thinks fit.

(3) All decisions at a meeting shall be taken by majority:

Provided that in the case of equality of votes, the Chairperson, or in his/her absence the person presiding shall have and exercise a second or casting vote.

(4) If for any reason, the Chairperson, is unable to attend the meeting of the Commission, any Member chosen by the Members present from amongst themselves at the meeting, shall preside.

(5) The Commission shall observe such rules of procedure in the transaction of its business at a meeting, including the quorum at such meeting, as may be prescribed.

(6) All orders and decisions of the Commission shall be authenticated by the Secretary or any other officer of the Commission duly authorised by Secretary in this behalf.

14. Secretary, officers and other employees of Commission.-(1) The Government shall, by notification, appoint an officer not below the rank of the Joint Secretary or the Additional Secretary to the Government as a Secretary of the Commission and shall make available to the Commission such other officers and employees as may be necessary for the efficient performance of its functions.

(2) The Secretary shall be responsible for the proper administration of the affairs of the Commission and its day-to-day management and shall exercise and discharge such other powers and perform such other duties as may be prescribed.

(3) The salary and allowances payable to, and the other terms and conditions of service of the Secretary, other officers and employees, appointed for the purpose of the Commission shall be such as may be prescribed .

15. Salaries and allowances, etc .-The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the Secretary, other officers and employees shall be paid from the Fund referred to in section 25

16. Functions of Commission.-(1) The Commission shall perform all or any of the following functions, namely:-

- (a) examine and review the safeguards provided by or under any law for the time being in force for the protection of child rights and recommend measures for their effective implementation;
- (b) present to the Government, annually and at such other intervals, as the Commission may deem fit, reports upon the working of those safeguards;
- (c) inquire into violation of child rights and recommend initiation of proceedings in such cases;
- (d) examine all factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence, riots, natural disaster, domestic violence, HIV/AIDS, trafficking, maltreatment, torture and exploitation, pornography and prostitution and recommend appropriate remedial measures;
- (e) look into the matters relating to children in need of special care and protection including children in distress, marginalized and disadvantaged children, children in conflict with law, juveniles, children without family and children of prisoners and recommend appropriate remedial measures;
- (f) study treaties and other international instruments and undertake periodical review of existing policies, programmes and other activities on child rights and make recommendations for their effective implementation in the best interest of children;
- (g) undertake and promote research in the field of child rights;
- (h) spread child rights literacy among various sections of the society and promote awareness of the safeguards available for protection of these rights through publications, the media, seminars and other available means;
- (i) inspect or cause to be inspected any juvenile custodial home or any jail, or any other place of residence or institution meant for children, under the control of the Government or any other authority, including any institution run by a social organisation; where children are detained or lodged for the purpose of treatment, reformation or protection and take up with these authorities for remedial action, if found necessary;
- (j) inquire into complaints and take suo motu notice of matters relating to,
 - (i) deprivation and violation of child rights;
 - (ii) non-implementation of laws providing for protection and development of children;
 - (iii) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to and ensuring welfare of the children and to provide relief to such children, or take up the issues arising out of such matters with appropriate authorities;

- (k) to advise the Government in the formulation of a national policy/legislation on the prevention of child abuse and the protection and treatment of children who are victims of such abuse;
- (l) to create an awareness, of the right of a child to be protected from abuse and the methods of preventing child abuse;
- (m) to consult the relevant ministries, public and private sector organizations and recommend all such measures as are necessary, for the purpose of preventing child abuse and for protecting and safeguarding the interests of the victims of such abuse;
- (n) to recommend legal, administrative or other reforms required for the effective implementation of the national policy for the prevention of child abuse;
- (o) to monitor the implementation of laws relating to all forms of child abuse;
- (p) to monitor the progress of all investigations and criminal proceedings relating to child abuse;
- (q) to recommend measures to address the humanitarian concerns relating to children affected by armed conflict and the protection of such children, including measures for their mental and physical well-being and their re-integration into society;
- (r) to take appropriate steps where necessary for securing the safety and protection of children involved in criminal investigations and criminal proceedings;
- (s) to receive complaints from the public relating to child abuse and where necessary, to refer such complaints to the appropriate authorities;
- (t) to advise and assist zilla and upazilla parishads and local authorities, and non-governmental organizations to co-ordinate campaigns against child abuse;
- (u) to prepare and maintain a national data base on child issues;
- (v) in consultation with the relevant ministries and other authorities to supervise and monitor all religious and charitable institutions which provide child care services to children;
- (w) to conduct, promote and co-ordinate, research in relation to child rights and protection;
- (x) to provide information and education to the public regarding the safety of children and the protection of the interests of children;
- (y) to engage in dialogue with all sections with a view to minimizing the opportunities for child abuse;
- (z) to organise and facilitate, workshops, seminars and discussions, relating to child right issues;
 - (zi) to liaise and exchange information with foreign Governments and international organisations, with respect to child rights and detection and prevention of all forms of child abuse; and
 - (zii) such other functions as it may consider necessary for the promotion of child rights and any other matter incidental to the above functions.

17. Powers of the Commission.-The Commission shall have the power -

- (a) to acquire, hold, take or give on lease or hire, mortgage, pledge, sell or otherwise dispose of, any movable or immovable property;
- (b) to borrow, with or without security, moneys, on such terms and conditions as may be approved by the Commission, for the purpose of discharging it's functions;
- (c) to accept gifts, grants or donations whether in cash or otherwise, and to apply them for discharging its functions;
- (d) to appoint such officers and staffs as may be necessary for carrying out the functions of the Commission and to determine their terms of service;

- (e) to appoint committees and sub-committees or to coordinate with units at divisional, district and upazilla level, for the effective discharge of its functions;
- (f) to enter into and perform all such contracts and agreements, whether in or outside Bangladesh, with any national or international institutions and organizations as and when necessary, for the exercise of the powers and the discharge of the functions of the Commission; and
- (g) generally to do all such other things as are necessary to facilitate the proper discharge of the functions of the Commission.

18. Delegation of Power and functions.- The Commission may, by general or special order, delegate any of the powers and functions of the Commission to the Chairman, any Member, Secretary or officer of the Commission.

19. Powers relating to inquiries.-(1) The Commission shall, while inquiring into any matter, have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (5 of 1908) and, in particular, in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office; and
- (e) issuing commissions for the examination of witnesses or documents.

(2) The Commission shall have the power to forward any case to a Judicial Magistrate having jurisdiction to try the same and the Judicial Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under the Code of Criminal Procedure, 1898.

20. Powers of Commission to authorise any officer to enter and inspect any premises.-

(1) The Commission may, where it has reason to believe that there is child abuse on any premises and that application to court for a search warrant may prejudice investigation into such child abuse, authorize in writing an officer of the Commission to enter and search such premises.

(2) An Officer so authorized by the Commission shall known as an "authorized officer".

21. Power of inspection and search.-(1) Any authorized officer may -

- (a) enter and inspect any premises of any institution by which child care services are provided ;
- (b) enter and inspect any premises, where s/he has reason to believe that children are being kept for -
 - (i) the purpose of child abuse; or
 - (ii) any other unlawful purpose;
 - (iii) illegal adoption;
- (c) enter and inspect any hospital or maternity home, where s/he has reason to believe that, illegal adoptions are taking place in such hospital or maternity home;
- (d) examine any books, registers or records maintained by such institution, hospital or maternity home and make extracts or copies therefrom;
- (e) interrogate any person in any such premises for the purpose of ascertaining the activities carried on in such premises and whether there is any contravention of any law relating to children.

(2) Every person who obstructs or resists such authorized officer in the exercise of any power conferred on him/her by subsection (1) shall be guilty of an offence under this Act and shall on conviction after summary trial by a Magistrate be liable to a fine not less than five thousand taka or to imprisonment of either description for a term not less than six months or to both such fine and imprisonment.

22. Power to seize articles.-(1) Any authorized officer may, if s/he has reason to believe that any offence under any law relating to children, has been or is being committed, seize and detain -

(a) for such time as may be necessary, any article by means of or in relation to which the offence is alleged to have been committed or which is used in relation to the commission of the offence;

(b) any book, register, record or other document or any mechanical or electronic device which in his/her opinion may constitute evidence in relation to the prosecution of any person for any such offence.

(2) Where any authorized officer seizes any article under subsection (1), such article shall be kept in the custody and control of the Commission pending its disposal.

23. Steps after inquiry.-The Commission may take any of the following steps upon the completion of an inquiry held under this Act, namely:-

(i) where the inquiry discloses, the commission of violation of child rights of a serious nature or contravention of provisions of any law for the time being in force, it may recommend to the Government or authority the initiation of proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons;

(ii) approach to any Court/Tribunal of competent jurisdiction or to the High Court Division of the Supreme Court for such directions, orders or writs as that Court/Tribunal may deem necessary;

(iii) recommend to the Government or authority for the grant of such interim relief to the victim or the members of his/her family as the Commission may consider necessary.

24. Annual and special reports of Commission.-(1) The Commission shall submit an annual report to the Government and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.

(2) The Government shall cause the annual and special reports of the Commission to be laid before Parliament along with a memorandum of action taken or proposed to be taken on the recommendations of the Commission and the reasons for non-acceptance of the recommendations, if any, within a period of six months from the date of receipt of such report.

(3) The annual report shall be prepared in such form, manner and contain such details as may be prescribed.

25. Fund of the Commission.-

(1) The Commission shall have its own fund (hereinafter referred to as the "Fund").

(2) There shall be paid into the Fund -

(a) grants and loans from the Government;

(b) all such sums of money that may be received by the Commission in the exercise, performance and discharge of its powers, duties and functions under this Act; and

(c) all such sums of money received by the Commission by way of gifts, grants or donations.

(3) There shall be paid out of the Fund all such sums as are required to defray the expenditure incurred by the Commission in the exercise, performance and discharge of its powers, duties and functions under this Act or under any other written law and all such sums as are required to be paid out of the Fund.

- (4) The Commission may spend such sums of money as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (2).

26. Accounts and audit of Commission.-

- (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed in consultation with the Comptroller and Auditor-General of Bangladesh.
- (2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General of Bangladesh at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General of Bangladesh.
- (3) The Comptroller and Auditor-General of Bangladesh and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall, have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General of Bangladesh generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.
- (4) The accounts of the Commission as certified by the Comptroller and Auditor-General of Bangladesh or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Government by the Commission and the Government shall cause the audit report to be laid, as soon as may be after it is received, before the Parliament.

27. Protection of action taken in good faith.-No suit, prosecution or other legal proceeding shall lie against the Commission, or the Chairperson or any Member thereof or any person acting under the direction of the, Commission or in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or regulations made thereunder or in respect of the publication by or under the authority of the Commission, of any report or paper.

28. Chairperson, Members and other officers to be public servant.-Every Member of the Commission and every officer appointed in the Commission to exercise functions under this Act shall be deemed to be a public servant within the meaning of section 21 of the Penal Code, 1860 (45 of 1860).

29. Returns or information.-The Commission shall furnish to the Government such returns or other information with respect to its activities as the Government may, from time to time, require.

30. Power to make Rules.-(1) The Government may, by notification in the official gazette, make Rules to carry out the provisions of this Act.

31. Power to make Regulations.-

- (1) The Commission may, by notification in the official gazette, make Regulations to carry out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such Regulations may provide for all or any of the following matters, namely:-
- (a) terms and conditions of service of the Chairperson and Members of the Commission and their salaries and allowances ;
- (b) the procedure to be followed by the Commission in the transaction of its business at a meeting ;
- (c) the powers and duties which may be exercised and performed by the Secretary of the Commission;

(d) the salary and allowances and other terms and conditions of service of officers and other employees of the Commission; and

(e) form of the statement of accounts and other records to be prepared by the Commission.

32. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the official gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty.

Statement of objects and reasons

Minister-in-Charge

Legislative Process

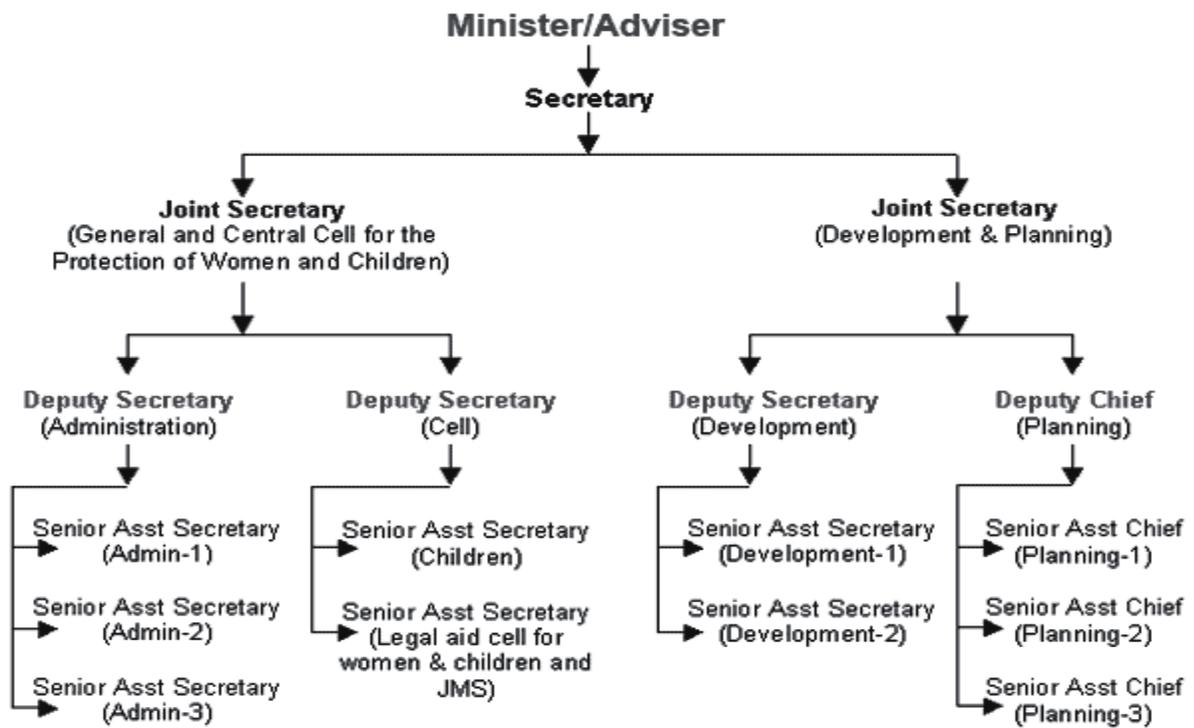
FROM LEGISLATIVE PROPOSAL TO A BILL

1. Initiation of the legislative process by the administrative /sponsoring ministry, including policy development and initial bill drafting
2. Policy approval by the Cabinet
3. Preparation of the final draft bill by the Legislative Drafting Division
4. Final vetting of the draft bill by the administrative / sponsoring ministry
5. Final approval by Cabinet
6. Administrative/ sponsoring ministry arranges to initiate parliamentary phase

FROM A BILL TO AN ACT

1. Introduction of bill in Parliament (first reading)
2. Publication of bill in Official Gazette
3. Consideration of bill (second reading)
4. Committee study, including possible amendments to bill (Member/Minister-in-charge of bill ex officio member of committee)
5. Report stage, additional proposals for amendments to bill
6. Act of Parliament published in Official Gazette
7. Passing of bill (third reading)
8. Assent of the President

Existing Organogram of MOWCA





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