

A MID-TERM ASSESSMENT BY STAKEHOLDERS



PROGRESS ON IMPLEMENTATION OF CHILD FOCUSED UPR RECOMMENDATIONS (SEPTEMBER 2013 - OCTOBER 2015)

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December 2015

Child Rights Advocacy Coalition in Bangladesh (CRAC,B)

A MID-TERM ASSESSMENT BY STAKEHOLDERS
PROGRESS ON IMPLEMENTATION OF CHILD FOCUSED UPR
RECOMMENDATIONS (SEPTEMBER 2013 - OCTOBER 2015)

This report has been prepared by Ain o Salish Kendra (ASK), on behalf of Child Rights Advocacy Coalition in Bangladesh (CRAC, B).

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ACKNOWLEDGEMENT

The UPR is a new United Nations' human rights mechanism under which the human rights situation of every UN member state is reviewed on a periodic basis. UPR aims to improve the human rights situation of the member states where every country gets the opportunity to present what actions they have taken to improve the human rights situation in their countries and to fulfill their commitments given in the previous cycle. During the four and a half year cycle, there is no binding to provide information on the progress but the council encourages the member states to submit mid-term report on implementation of their commitments on a voluntary basis. In recent times, mid-term report is considered as an effective way to measure State's engagement and commitment under this process.

As two years have passed since the second cycle of UPR on Bangladesh held in Geneva in 2013, Child Rights Advocacy Coalition in Bangladesh (CRAC,B), a coalition of international organizations, Networks, Alliances and national organization working for children formed to carry out coordinated and concerted advocacy with the government of Bangladesh to uphold child rights in line with UNCRC and UPR commitments, has prepared this report assessing the implementation of the child focused UPR recommendations. The Coalition intended to present a stakeholders' analysis on the status of implementation of accepted UPR recommendations in order to identify gaps and challenges and to provide specific recommendations for overcoming existing challenges. The Coalition also would like to encourage government to prepare and submit mid-term assessment report to OHCHR.

At the same time, the Coalition is publishing this assessment report as a booklet so that the findings of the assessment can be disseminated widely to all relevant stakeholders. Especially child rights based organizations can use it while advocating with the government on their relevant issues.

We sincerely acknowledge the contribution of the Coalition members. We would also like to take this opportunity to thank other child rights based organizations and government authorities who have provided information for this assessment. We are indebted to Mr. Kazi Reazul Hoque, Full time Member, National Human Rights Commission (NHRC), Bangladesh and also Chair, Child Rights Committee of NHRC to provide us the opportunity to share the report with the members of the committee during regular committee meeting.

Child Rights Unit, ASK, has prepared the assessment and also coordinated the whole process of publication on behalf of the Coalition. Save the Children (SCiB) has given technical assistance and support during the report preparation period. We appreciate their efforts and thank them all.

We hope this assessment will present a reflection of the existing scenario and identify the issues that require advocacy by the civil society organizations working on child rights and eventually to be engaged with the Government. We expect that the government will also take into consideration of the assessment and recommendations while address the most under addressed recommendations of the UPR.

On behalf of Child Rights Advocacy Coalition in Bangladesh

Sultana Kamal

Executive Director

Ain o Salish Kendra (ASK)

PART 1

BACKGROUND

Mid-term Reporting to UPR

The Universal Periodic Review (UPR) was introduced by the United Nations General Assembly (UNGA) on 15 March 2006, by passing the resolution no. 60/251¹, which also established the United Nations Human Rights Council (UNHRC) itself at the United Nations (UN). It is considered as a unique process since it involves a review of the human rights records of all UN Member States in every four and a half years. The UPR is one of the key elements of UNHRC which reminds the member States of their responsibility to fully respect and implement all human rights and fundamental freedoms. The ultimate aim of this mechanism is to improve human rights situation in all countries and address human rights violations wherever they occur.²

During the first meeting of the open-ended intergovernmental Working Group on the review of the work and functioning of the UNHRC in October 2010, many States (including Japan, Chile, Morocco, Norway, Uruguay and Brazil) proposed to establish or at least encourage mid-term reporting to the UNHRC no later than two years after the adoption of the review outcome. This proposal was then incorporated into the UNHRC Resolution 16/21 in 2011, which encourages member States to provide, on a voluntary basis, a mid-term update on the follow-up to accepted recommendations. Paragraph 6 of the resolution states that,

"The second and subsequent cycles of the review should focus on, *inter alia*, the implementation of the accepted recommendations and the developments of the human rights situation in the State under review."

1 The resolution provides that the UNHRC shall "undertake a universal periodic review based on objective and reliable information of the fulfillment by each State of its human rights obligations and commitments in a manner which ensures universal coverage and equal treatment with respect of all States; the review shall be cooperative mechanism, based on an interactive dialogue with the full involvement of the country and with concern and with consideration given to its capacity building needs; such a mechanism shall complement and not duplicate the work of treaty bodies."

2 For more information, please visit, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/BasicFacts.aspx>

In a statement at the UNHRC in June 2014, Geneva based organization UPR Info underlined the fact that the number of mid-term reports submitted had increased dramatically. Mid-term reports are useful tools for tracking progress of the implementation of recommendations; at the same time, they also identify areas where improvements must be done. Importantly, mid-term reports ensure outreach, dissemination, and visibility throughout the process, in turn strengthening continuity and state accountability. The practice of mid-term reporting also allows for an increased role for National Human Rights Institutions (NHRIs) and civil society, as it provides an opportunity to engage in constructive dialogue with the respective government, raise awareness around the UPR process and update recommending states on progress that has been achieved.³

As two years have passed since the recommendations were given to the Government of Bangladesh (GoB), it is high time to assess the implementation of the recommendations on child rights and produce a Mid Term Assessment from the Civil Society Organizations (CSOs) in Bangladesh. This assessment would also help to identify advocacy needs and provide a basis for the 3rd cycle stakeholders' report.

Second Cycle of Universal Periodic Review on Bangladesh 2013

The first cycle of the UPR on Bangladesh was held in 2009. At that time, no report was submitted focusing on the situation of children in the country. The first ever Child Rights (CR) focused UPR report was submitted by the Child Rights Governance Assembly (CRGA) – a network of 17 civil society organizations - to the Office of High Commissioner on Human Rights (OHCHR) in October 2012, under the second cycle of UPR on Bangladesh. Ain o Salish Kendra (ASK) led the report preparation process.

The review session of the second cycle was held in April 2013 in Geneva. During the interactive dialogue sessions, representatives

³ http://www.universal-rights.org/wp-content/uploads/2015/03/Report_-_UPR_Side_Event_at_HRC_271.pdf

Second Cycle of UPR on Bangladesh

UPR Working Group Session - April 2013

Total Recommendations on Human Rights Situation - 196 (168 Accepted, 5 Rejected and 27 Identified for further review)

Recommendations Focused on Children Rights - 48 (43 Accepted, 1 Rejected and 4 Identified for further review)

Plenary session - September 2013

Recommendations on Human Rights Situation - 168 Accepted, 5 Rejected and 27 Partially Accepted

Recommendations Focused on Children Rights - 43 Accepted, 1 Rejected and 4 Partially Accepted

from 97 countries made the interventions and furnished 196 recommendations to the GoB. Bangladesh Government accepted 168 recommendations, rejected 5 recommendations immediately and took additional time to review 27 recommendations further.

Among 196 recommendations, 48 recommendations were on children's rights. The government accepted 43 recommendations and rejected 1 recommendation during that session. The government also took additional time to review 4 recommendations further. Later, in the plenary session held in September 2013, the government presented their position on the pending 4 child rights based recommendations and partially accepted those recommendations.

OBJECTIVES OF THE UPR MID-TERM ASSESSMENT ON CHILD FOCUSED RECOMMENDATIONS

Based on previous experiences, Child Rights Advocacy Coalition in Bangladesh (CRGA and ASK are also members of this coalition) has been preparing this mid-term assessment report. The objectives of the mid-term assessment report are:

1. To identify the status of implementation of child focused UPR recommendations;
2. To identify three most under addressed child focused UPR recommendations and conduct advocacy with the government for further implementation; and
3. To sensitize government on the progress and encourage to submit its mid-term report.

Methodology

The report is based on the information collected from both primary and secondary sources. Members of the Child Rights Advocacy Coalition in Bangladesh (CRAC,B) have collected primary information from their working areas as per their expertise at the local level in Bangladesh. The information was collected using the Child Rights Monitoring Framework which has been developed by the Coalition to systematically monitor implementation of the government's commitments to the United Nations Convention on the Rights of the Child (UNCRC) and UPR. Secondary information was collected from newspapers, internet and related institutional reports. Reports, studies and surveys done by the coalition members were also an important source of information.

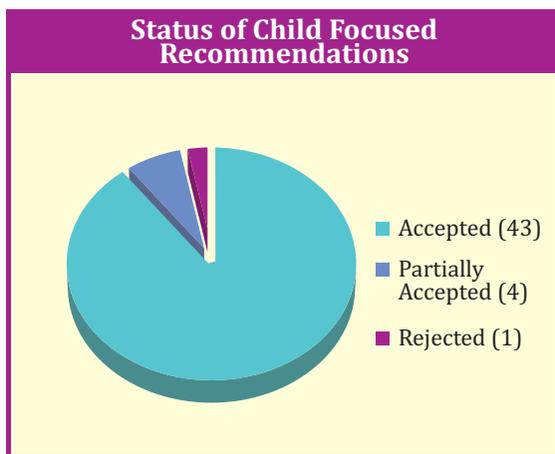
A Workshop on the draft report was organized to get feedback from the organizations working on child rights. Representatives from national institutions were also present in the Workshop. Three most under addressed child rights focused UPR recommendations have been identified from this workshop. These are: ratification of Optional Protocol to the UNCRC on a

communications procedure (OP3), establishment of Children Ombudsman, and children participation.

Later, the draft was also shared with the Child Rights Committee of National Human Rights Commission (NHRC), Bangladesh, where representatives from different national and international child rights organizations and line ministries were present.

Some aspects have further been explored and analyzed while preparing the assessment report. These are:

- The government's commitments in other platforms (apart from the UPR); both national and international;
- Laws, policies and programmes undertaken by the government;
- Objectives of each initiatives;
- How far those programmes, policies and initiatives are implemented, impact of those initiatives; and
- The challenges remain.



Based on the analysis, some recommendations are also given to overcome the challenges and to implement the commitments within the expected period.

It should be noted that the possibility for more in-depth assessment was constrained due to the difficulty in accessing more information and data from the Government. There was also lack of up to date information on some thematic issues which hinders the scope of assessment.

Recognizing the variety of sources, as well as the limitations of this report, we tried to document and assess the progress made by the Government of Bangladesh (GoB) over the last two years.

PART 2

PROGRESS ON IMPLEMENTATION THEMATIC ISSUES

1. RATIFICATION OF THE TREATIES REGARDING CHILD RIGHTS

Child Rights Focused UPR Recommendations

- 129.1. Sign and ratify the new Optional Protocol to CRC on a communications procedure (Slovakia);
- 129.1. Accede to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure at the earliest opportunity (Maldives);

Government Response

Accepted.

Status of Implementation

Since the Protocol has come out for signature and ratification, Bangladesh Government has organized one inter-ministerial consultation led by Ministry of Women and Children Affairs (MoWCA) to discuss the OP3. The government has agreed in the discussion that they will have more discussions with general people on this procedure. As a response to the continuous advocacy of different child rights based organizations, the government has decided to organize consultation at divisional level to create awareness as well as to collect opinions of the general people, civil society, government officials and most importantly, of the children on the issue. The main objective of such consultation is to accumulate the suggestions of divisional level consultations for moving forward further on the issue at central level. Child Rights Advocacy Coalition in Bangladesh (CRAC,B) has taken the initiative to support the government for organizing the consultation at the divisional level. As part of that, government

representatives have participated in one divisional consultation held in Chittagong on October. During the process, lack of coordination between MoWCA and Ministry of Foreign Affairs (MoFA) was observed on this issue.

The Coalition welcomes the initiative; at the same time, the coalition also thinks that since Bangladesh co-sponsored the OP3 resolution adopting the Protocol at the UN Human Rights Council in June 2011, it needs to play a more pro-active role in realizing the importance of OP3 in the country. Moreover, this is not contradictory rather complimentary to the laws and procedures that are already in existence and will reinforce the reorganization and protections that have been granted to children as rights holders.⁴ The UNCRC committee in their recent concluding observations on fifth periodic report also recommends the government to ratify the OP3 to further strengthen and uphold the fulfilment of children's rights.

Our Recommendations

- The government should develop a framework and give specific and time-bound commitments to sign and ratify the OP3.
- The government should also take actions to strengthen national child protection mechanism. A national complaint response system should also be established.

⁴ Dialogue Report on Advocacy Roundtable on Signing and Ratification of Optional Protocol 3 to the Convention on the Rights of the Child (OP3 CRC) by Advocacy Group for Signing and Ratification of OP3, 2013.

2. CHILD RIGHTS GOVERNANCE

Child Rights Focused UPR Recommendations

129.4. Continue efforts to harmonize its normative framework with international human rights norms to which the country has acceded, particularly those concerning the rights of the child (Nicaragua);

129.40. Continue its policies on improving the rights of the child (Jordan);

Government Response

Accepted.

Status of Implementation

The National Parliament passed the Children Act in June 16, 2013 which replaced the outdated Child Act of 1974. The enactment of the new Children act is a noteworthy step. The new law reflects some of the provisions of the UN Convention on the Rights of the Child (UNCRC).⁵ The age of the children is increased from 16 to 18 years in this act. Some of the major initiatives mentioned in the Children Act of 2013 are: the formation of Child Welfare Boards in all districts and Upazilas, setting up Child's Affairs Desk at the police stations, appointing Child Affairs police officer, probation officers, establishing children courts, family conferences, and institutional care for disadvantaged children as well as provisions for providing legal support. A juvenile court has been formed in each district across the country following the Act.⁶ The Ministry of Home Affairs has appointed 597 child friendly police officers in many police stations to provide specialized services as stipulated in the Children Act, 2013.

⁵ Dhaka Tribune, <http://www.dhakatribune.com/juris/2014/feb/05/respite-children>

⁶ Dhaka Tribune, <http://www.dhakatribune.com/bangladesh/2014/apr/24/children-court-formed-each-district>

However, the act also has some shortcomings such as infrastructural challenges, exclusion of rights of other vulnerable children, and children involved in matrimonial cases. This Act applies only to the child either in contact or in conflict with the law or child who is brought or otherwise comes to the police station. The Act may also not be relevant for the working children at all, as they were not included in the definition of the disadvantaged children. The age of criminal responsibility has also not been raised from 9 to 12 as per recommendation of the UNCRRC. It is also an important fact that a large administrative set up is required to implement these provisions. The new law lacks a strong and effective monitoring system. The law does not include anything about establishing Ombudsman for the children. Moreover, the rules of the act have not been enacted yet. As the rules will determine the implementation modalities, without the rules in place, it is not possible to apply the act in a full-fledged manner.

A Children's Wing has been established in the Ministry of Women and Children Affairs. But the proposal for establishing a new Department of Children Affairs within the Ministry, with field level presence up to the upazillas (sub-districts), has been waiting for the approval.

The government continues to maintain its reservations to the two articles i.e. Articles 14 and 21 of the UNCRRC. Initiatives also need to be undertaken to harmonize the definition of the Children in different national laws. There exists discrepancy in different national laws regarding the definition of children. As for example, the age of the child has been defined as 18 years in the new Children Act of 2013 and also in the National Child Policy (NCP) of 2011. But the National Child Labour Elimination Policy (NCLEP), 2010, which has been adopted to prevent and eliminate child labour, especially hazardous forms of child labour, has defined child as a person not completed 14 years of age and adolescent who has completed 14 years but fall below 18 years. Therefore, there is a necessity for harmonization among the Children Act, NCLEP and NCP.

Our Recommendations

- The rules of the Children Act, 2013 should be enacted at the earliest.
- The government should formulate and amend provisions where necessary to harmonize the definition of children in different national laws.
- Mechanisms and institutional setups should be in place for effective enforcement of existing laws and policies related to child protection.
- The Government should make specific and time bound commitments to withdraw its reservations to the two articles: Articles no. 14 and 21 of the UNCRC. The government should immediately draft and enact a clear and uniform law on child adoption evenly applicable to all Bangladeshi citizens, including amending the Muslim Family Law to allow the Muslims to adopt children.

3. ESTABLISHMENT OF OMBUDSMAN ON CHILD RIGHTS

Child Rights Focused UPR Recommendations

129.28. Actively consider appointing a Child Ombudsman as per CRC recommendations (Algeria)

Government Response

Accepted

Status of Implementation

The Government of Bangladesh has not taken any initiative in the last two years for the establishment of a "Children Ombudsman" to ensure rights of the children although commitment has been given to the UPR as well as to the UNCRC. The National Children Policy 2011 has a provision to appoint an Ombudsman for children⁷. But the Children Act 2013 has not mentioned anything regarding the Ombudsman for children.

An "Ombudsman Act" has been prepared by Ain o Salish Kendra (ASK) and submitted to the relevant ministry to support the government for fulfilling its commitments in this regard. But no notable step has so far been undertaken from the government side.

The government may think that as the NHRC, Bangladesh has got involved to monitor the overall child rights situation in the country and taking necessary actions in the cases of child rights violation, there is no need to appoint an Ombudsman.⁸ It needs to mention here that the NHRC, Bangladesh has formed a seven-member Child Rights Committee led by the full time members and represented by

⁷ National Children Policy 2011 states that 'Ombudsman for the Children' shall be appointed under legislation at the national level. For the monitoring and implementation of UN convention and maintaining the child right welfare activity in National Action Plan, Ombudsman for the children have to be played an important role". Available at http://mowca.portal.gov.bd/sites/default/files/files/mowca.portal.gov.bd/policies/7c672d20_d211_48cb_8e6b_702f21c799c5/National-Child-Policy-2011-English-04.12.2012.pdf

⁸ Fifth State Party Periodic Report to UNCRC.

national and international NGOs and NGO network, UN bodies, eminent human rights and child rights advocates of the country. But the Committee has some limitations. There is no “child friendly mechanism” (for example, a different desk comprising trained child rights professionals with adequate transparency and confidentiality) at the NHRC. The Committee does not have any assigned focal person to ensure the implementation of the decisions. The Committee also does not hold its bi-monthly meetings on a regular basis, and also lacks a mechanism to interact and consult directly with the children. Any specific action by the NHRC to systematically monitor implementation of the National Children Policy 2011 or investigation regarding a case of child rights violations has not been reported publicly.

Some concerns are also expressed from the various sections of the society regarding the establishment of the Ombudsman. These are⁹:

- The previous experiences show that a mere establishment of an independent body could not successfully work due to lack of government support such as tax Ombudsperson. The expert opinion is that the current nature of parliamentary democracy may not allow giving power to an autonomous body which might hold the government including the parliamentarians accountable for not fulfilling their responsibilities.
- There is a tendency of the government to appoint a person who might work in favour of the government and this poses a huge drawback in the establishment of Ombudsperson for the children.
- Establishment of an Ombudsperson needs to be assessed against the establishment of a Commission. Due to the very nature of the Ombudsperson, it may result into an autocratic process. In case of establishing a Commission, there will be more than one person in the Commission and definitely they will come from different background or disciplines. This will create a balance in taking decisions as well as in sharing knowledge.

⁹ The opinions received from several discussions organized by Ain o Salish Kendra (ASK) with experts regarding the establishment of Children Ombudsperson.

- The Ombudsman can work for protecting children rights but a Commission can work for the promotion as well as protection. There have been some constitutional limitations in the functioning of the Ombudsman. Considering the recent condition of the country, a Commission is more relevant for the children. The country needs an institution rather than a political body.

In this context, it is argued that to ensure the well being as well as protection of the children, the country needs an institution i.e. "National Commission for the Children".

The coalition thinks that the children of the country needs a structure, it can be institutional or constitutional by nature but the ultimate objective of the structure will be ensuring children's rights.

Notably, the government has taken some positive policy and legal initiatives to protect children rights. But the implementation of these policies and effective use of laws depend on efficient and effective monitoring system and state sponsored actors to ensure that, they are conceptualized and devised from a right based approach. Such a structure for children can develop an effective mechanism for monitoring the improvement of the state of the children as well as creating a better environment for the well being of the children.

Our Recommendations

Considering the nature of the incidents and unremitting occurrence of the violence against children, the government should take necessary measures immediately to establish an independent institutional structure for children that can be an "Ombudsman" or a "Commission" with adequate resources and power to specifically deal with promotion as well as protection of the children.

4. VIOLENCE AGAINST CHILDREN (VAC)

Child Focused UPR Recommendations

- 129.8. Further criminalize violence against women and girls, prosecute perpetrators and adopt legislation on sexual harassment (Republic of Moldova);
- 129.10. Ensure that all acts of violence against women and girls are criminalized, that perpetrators are prosecuted and punished, and that victims of violence have access to immediate measures of protection, reparations and social reintegration (Uruguay);
- 129.69. Take all possible measures to address violence against women and girls (Republic of Korea);
- 129.70. Ensure that all forms of violence against women and girls, including domestic violence and all forms of sexual abuse, are criminalized (Finland);
- 129.71. Continue efforts to prevent violence against children (Pakistan);
- 129.88. Reinforce efforts in the fight for elimination of all forms of violence and discrimination against women and children (Senegal);
- 130.19. Explicitly prohibit corporal punishment in all settings, including the home (Portugal);
- 130.24. Develop and implement appropriate, efficient measures to protect indigenous women and children from all kinds of violence and discrimination (Slovakia);

Government's Response

129.8, 129.10, 129.69, 129.70, 129.71, 129.88 - Accepted

130.19 The Supreme Court of Bangladesh passed a judgment in Writ Petition no. 5684/2010 prohibiting all forms of punishment in all primary and educational institutions. Accordingly, the Government has prohibited, by issuing a circular, all forms of corporal punishment in all educational institutions. The Government will continue to work

towards raising awareness about the adverse effects of corporal punishment in all settings. However, prohibiting the same in all spheres needs extensive and proper educational and socio-cultural initiatives.

130.24. This recommendation enjoys the support of Bangladesh in part where it is in consonance with national policies and laws. The Constitution of Bangladesh guarantees equal rights and freedoms for all citizens, and gives accent on ameliorating the conditions of the vulnerable groups.

The Government has made sustained efforts to ensure protection of religious, ethnic and linguistic minorities and other marginalized groups in the country. The Government has taken initiatives to protect various disadvantaged groups from discrimination and stigmatization. These groups have been included in the social safety net programmes and free housing schemes for vulnerable groups. Some of them have been provided with reserved quotas for their employment in the public sector and in educational institutions. An Anti-Discrimination Law is in the offing, which will criminalize any legal or social discrimination against these vulnerable groups and provide them with higher protection. As per the Constitution of Bangladesh, there are no 'indigenous minorities' or 'group' in Bangladesh. All citizens of the country are indigenous to the land.

Status of Implementation

In October 2015, the Prime Minister of the country warned that no one will be spared if found involved in child repression. She urged all to remain vigilant so that incidents like child oppression and killing can be brought to an end in the country.¹⁰ The National Children Policy 2011 and the Children act 2013 include positive measures for the protection of the children.¹¹ But the year 2015 has

¹⁰ <http://unb.com.bd/pm-children-lead>

¹¹ National Children Policy 2011- "Steps shall be taken to ensure security and safety of the children against all forms of violence, alms mongering and physical, mental and sexual abuses. Effective public awareness program shall be undertaken to stop violence on children and abuse of them."

experienced some brutal incidents of violence against children. Lack of effective implementation of existing protection mechanism and slow response of the administration to protect the children are exposing children to several kinds of violence in their daily life. The perpetrators go unpunished in many cases, and the long delay in trial of such cases appears to be the main reason for recurrence of this violence. (Statistics on Violence Against Children in Annex 1)

In July 2015, a 13 year old boy (called Rajon) was tortured brutally and later murdered in Sylhet by a group of people. They alleged him as a thief and, as punishment they tied him with a pole and beaten him to death. They also recorded the torture scenes which was 28 minutes duration. Later, they shared this torture video in the social media. After a month of this incident, another 12-year-old boy (named Rakib) had been tortured ruthlessly to death in Khulna on 03 August 2015. A 10-year-old boy was also injured as a local Member of Parliament (MP) shot him at Sundarganj upazila of Gaibandha on 02 October 2015.¹² The boy was hit twice in his right leg and one bullet hit his left leg.¹³ It is noticed that no action was taken immediately against the MP in response of this incident.

According to a report published in a national daily, over 21 thousands women and children came to the one stop crisis centre (OCC) of the government in last 15 years to take emergency services after being tortured. Among them, one-third is the children and 80% of them are being raped and others are being tortured as domestic workers.¹⁴ Incidents of child rape have also increased in recent years. According to one statistics, 86 children were raped in 2012, 183 in 2013 and 227 in 2014. 347 children have experienced sexual violence including rape, stalking etc. from January to July in 2015. Among them 61 children were gang raped.¹⁵

¹² Daily Star, <http://www.thedailystar.net/country/minor-boy-shot-gaibandha-mp%E2%80%99-family-150760>

¹³ According to newspaper reports, MP Manjurul Islam was going home on his car in the early morning and Sourav (the injured boy) was having morning walk along with his uncle. On the way, he asked Sourav's uncle to get on his car but the man got frightened and started running. The MP then opened fire at the man that hit Sourav.

¹⁴ Prothom Alo, 09 August 2015

¹⁵ Information collected by Bangladesh Shishu Adhikar Forum (BSAF)

Violence against indigenous women and children also continues. A report of Bangladesh Indigenous Women Network (BIWN) shows that the number of violent acts against indigenous women and children in 2014 increased more than 1.5 times compared to the 2013 figure. 75 incidents took place in that year which involved 117 women facing sexual and physical abuse. 57% of them were also children.¹⁶

The use of children in politics is also a major concern during this period. Thousands of children had been brought together at the rally of Hefazat -e - Islam in May 2013. Children are being used by different fundamental or extremist groups as human shield so that they can avoid actions of the law enforcing agencies. Political parties continued to use children in rallies and also in various subversive acts such as attacks on public transports.

Political unrest had a dreadful impact on children's safety. Children had been killed and injured as a result of arson attacks on transport, crude bomb attacks and other kinds of violence. From the beginning of 2015 until 12 February, 2015, 11 children have been killed and a further 12 children have been injured due to hartals/ blockades-related violence.¹⁷ Strong commitments from the political parties regarding not to use children for political violence and from the Government to undertake necessary measures as per the Children Policy 2011 and Children Act 2013 are needed to evade such situations.

Despite High Court's directives, children are still facing corporal punishment at their educational institutions.¹⁸ 406 students had to face such punishment in 2014¹⁹. Implementing this directive should require massive local level initiatives by the government.

¹⁶ Dhaka Tribune, available at <http://www.dhakatribune.com/bangladesh/2015/feb/01/violence-against-indigenous-women-children-went-2014>

¹⁷ <https://bangladesh.savethechildren.net/news/child-protection/t-49>

¹⁸ On January 13, 2011, the High Court banned all sorts of corporal punishment such as caning, beating, chaining, forced-haircut and confinement in all primary and secondary schools and madrasahs. The court also sought actions against those teachers who are engaged in inflicting corporal punishment on the students, terming it as an act of extra-judicial punishment. After the High Court's ruling, the government banned such corporal punishment in all educational institutions across the country in August 2011.

¹⁹ ASK documentation from national dailies.

The Coalition also takes the opportunity to acknowledge the positive actions taken by the government. The trial process of the murder cases of Rajon and Rakib were completed and verdicts were given within a very short time. Media, mass people and child rights based organizations had played a crucial role for making this happen. The charge sheets of these cases were submitted within forty days of the murder. Most of the accused were arrested and one of the major accused of Rajon murder case was brought back from Saudi Arabia through Interpol. The member of the parliament of Sundarganj has been denied bail from the court and sent to the jail.²⁰ The Coalition also hopes that these actions of the government will continue to ensure justice for the victims which will lead to the establishment of a society free from violence against children.

The Coalition also wants to remind the government that it has commitment under the UNCRC to undertake activities for raising public awareness about the rights of the children. But repeated incidents of violence by the general people prove that, awareness and sensitivity about child rights are very low.

Our recommendations

- Ensure preventive measures as per laws and policies to end VAC including domestic violence and all forms of sexual abuse.
- Ensure legal aid, health support, rehabilitation, and psychosocial help for victims.
- Capacity building and adequate human and financial resources should be provided to the institutions working to combat violence and to ensure justice.
- All the cases of child torture and rape should be brought under special speedy trial process.
- The government should put in place a monitoring mechanism to ensure that all cases of corporal punishments are investigated and perpetrators are brought to justice.
- The government needs to develop effective promotional materials and campaigns outlining the negative effects of physical and humiliating punishment on children. This

²⁰ Later, he was given bail to attend parliamentary session.

information needs to be circulated and disseminated to all citizens in an accessible manner and which provides clear details of illegality of physical abuse of children.

The Election Commission (EC) should give specific directions to the political parties for including child protection issues in their election manifestos.

5. BIRTH REGISTRATION (BR)

Child Focused UPR Recommendations

129.95. Strengthen measures in order to ensure that all children have a valid birth certificate and deploy additional and more coordinated efforts to protect children from early and forced marriages (Uruguay);

Government's Response

Accepted.

Status of Implementation

In Bangladesh, only 31% of children have birth registration certificates, the lowest compared to other Asian countries.²¹ However, the scenario has started to change because of the government's initiatives as well as the awareness campaign of different NGOs. As of April 2015, Birth Registration Information System (BRIS) has recorded more than 131 million births. The figure is a combination of birth records gathered from manual registration books and new registration entries.²²

The Birth and Death Registration Act 2004 which provides a legal basis for the use of birth certificate as a proof of age to access services, was amended in 2013 to further facilitate establishment of the Office of the Registrar General, to serve as the permanent structure within the government to oversee the registration of birth and death process. Although, much importance has been given in accelerating registration of children within 45 days of their birth as mandated by the 2004 Act, according to BRIS, only 1.4 percent of children born between January and December 2013 had their birth registered within 45 days.²³ Lack of awareness among parents is

²¹ Dhaka Tribune, <http://www.dhakatribune.com/bangladesh/2014/nov/25/31-child-births-registered-bangladesh>

²² http://www.unicef.org/bangladesh/Birth_Registration%282%29.pdf, accessed on 06 July 2015.

²³ *Ibid.*

one of the major reasons of that. Children are still got admitted in schools and people get jobs without providing their birth registration certificate. Though, birth registration is to be done free of cost, people are paying money for birth registration which discourages the poor people in registering their children's birth.

The registration process also faces some technical difficulties i.e. failure in connecting to the server, slow internet connectivity, and lack of trained manpower²⁴. To address these difficulties, the Local Government Engineering Division (LGED) is taking initiatives to establish a permanent unit in management and oversight of birth registration in the country with technical support from the UNICEF.²⁵

The rate of birth registration of the socially excluded and marginalized people remains further low. The mobile birth registration service for these people is yet to be introduced. For encouraging parents and children to do registration, the Government has declared birth registration free for working, disabled and refugee children.

Our Recommendations

- Birth registration must be ensured and made mandatory across the country for all the children at free of cost. The government should initiate an awareness campaign to encourage people from all sectors to do birth registration.
- The government should introduce easy registration system to create accessibility for all people, such as online registration, mobile apps etc.
- Special measures should be in place to include the socially excluded and marginalized groups. Access to registration must be ensured for the people living in remote areas. A mobile registration service should be activated with proper technical support for these groups of people.

The government should develop proper monitoring mechanism for ensuring BR in all services for children.

²⁴ Information collected by the Coalition members.

²⁵ http://www.unicef.org/bangladesh/Birth_Registration%282%29.pdf, accessed on 06 July 2015.

6. HARMFUL TRADITIONAL PRACTICES (EARLY MARRIAGES)

Child Focused UPR Recommendations

- 129.31. Implement its National Women Development Policy of 2011 and take effective measures in order to tackle the issue of early marriages (Switzerland);
- 129.90. Take active steps to effectively reduce the incidence of early forced marriage, including through the thorough implementation of existing laws such as the Child Marriage Restraint Act, the Dowry Prohibition Act and the Prevention of Women and Children Repression Act (Canada);

Government's Response

Accepted

Status of Implementation

Although, the child marriage rate is declining for adolescent girls aged between 15-19, Bangladesh still has the fourth highest rate of child marriage in the world²⁶ (highest in South Asia) and the highest rate of marriage involving girls under 15. 65% of girls are married before the age of 18 and 29% by the age of 15.

Early marriage is detrimental to several rights of children. It has severe adverse impacts on the health, education and protection of the children. It is one of the major reasons of schools' drop-out and high rate of maternal deaths. In South Asia, Bangladesh has the highest rate of spousal violence (47%). At least one in five girls aged between 15 to 19 experienced physical violence committed by their husbands or partners in Bangladesh.²⁷

²⁶ Marry Before Your House is Swept Away, Human Rights Watch, 2015, available at <https://www.hrw.org/report/2015/06/09/marry-your-house-swept-away/child-marriage-bangladesh>, accessed on 07 July 2015.

²⁷ Hidden in Plain Sight, available at http://files.unicef.org/publications/files/Hidden_in_plain_sight_statistical_analysis_EN_3_Sept_2014.pdf, accessed on 07 July 2015.

On several occasions, Bangladesh government made promises to take immediate action to prevent early marriages. At the Girl Summit in July 2014 in London, Bangladesh's Prime Minister pledged to take necessary steps to reduce child marriage and further realise an end of this practice by 2041. She committed to end under 15 girls marriage and reduce by more than one-third the number of girls between the ages of 15 and 18 getting married by 2021. As part of this effort, she pledged that her government would revise the Child Marriage Prevention Act before 2015, develop a national plan of action on child marriage by the end of 2014, and take other steps to change social norms as well as engage civil society in the fight against child marriage.

Later, on 15 September 2014, the Cabinet has approved the Child Marriage Prevention Act 2014, incorporating a provision of up to two-year imprisonment and Tk 50,000 fine to the grooms, marriage registers and parents involved in the act.²⁸ The initiative is welcomed by the rights activists as stringent punishment can act as a deterrent and reinforce the efforts to prevent child marriage in Bangladesh. But, the Cabinet also ordered all concern offices including the law ministry to review whether it would be effective to drop the minimum age of marriage for boys from 21 to 18 and from 18 to 16 for girls. Such a move is massively debated and questioned by civil society and human rights activists as the minimum age for marriage of 18 years for girls fell under the government's commitments to the Convention on the Rights of the Child and to relevant national legislation including the National Child Policy 2011 and the Children Act 2013. Besides, the Majority Act 1875 recognizes anyone below 18 years of age as a minor. It is a serious disregard of the rights of the children. And the country is taking a backward position by this rather going forward for establishing child rights. Amid all these criticisms, the government still appears to be pushing forward with this proposal, as the process of reforming the law has been delayed.

²⁸ Dhaka Tribune, <http://www.dhakatribune.com/law-rights/2014/sep/16/cabinet-okays-child-marriage-restraint-act-2014>

Recently, a national daily reported that the national plan of action on ending child marriage has also been drafted. But there is no clear statement regarding the minimum age of the children.²⁹ It will create more confusion and complexities if the government adopts the plan of action without fixing the minimum age of marriage.

Our Recommendations

- Approve Child Marriage Prevention Act 2014 without any further delay with minimum age of marriage for girls 18 and for boys 21. No additional condition should be added in this law.
- The government should develop a national strategy with provisions for adequate resource allocations to end the practices of early marriages.

²⁹ Prothom Alo, 22 July 2015.

7. RIGHT TO EDUCATION AND HEALTH

Child Focused UPR Recommendations

- 129.131. Widen access to free primary health services and strengthen preventive measures on HIV/AIDS transmission to children (Thailand);
- 129.133. Continue strengthening its efforts in providing quality health facilities and services, particularly to address maternal and child mortality rates (Brunei Darussalam);
- 129.134. Further build on progress in relation to child mortality and ensure the implementation of nationwide, high quality and accessible antenatal, neonatal and under-five health services (Ireland);
- 129.135. Increase programs of obstetric, prenatal and neonatal care and attendance at deliveries by medical and paramedical professionals in order to continue reducing maternal, foetal and new-born mortality (Holy See);
- 129.136. Sustain the achievements in reducing child and infant mortality (Afghanistan); Sustain the achievements in reducing maternal mortality (Somalia); Maintain results achieved in reducing maternal and child mortality (Cuba);
- 129.137. Take additional measures to consolidate the achievements already made, in reducing child and infant mortality (Bahrain);
- 129.138. Continue the efforts to perfect the living conditions of its population, including by improving access to health care services and quality education (Cuba);
- 129.139. Continue to improve access to healthcare and education (Pakistan);
- 129.140. Continue efforts to enhance the standard of living and ensure wide access of the population to high quality education and health care system (Uzbekistan);
- 129.141. Continue to develop education, health so that people can enjoy education and health of higher quality (China);

- 129.142. Enact the Integrated Education Act, so as to ensure children's rights to education by way of a coordinated legal framework, prescribing, *inter alia*, the extension of the compulsory primary school at least to 13 years age (Italy);
- 129.143. Continue to further ensure access to sanitation facilities for girls, especially in rural schools (Algeria);
- 129.144. Promote more intercultural education and ensure that marginalized groups enjoy equal rights before the law (Thailand);
- 129.146. Continue implementation of social programs to carry out information and education activities with regard to people with disabilities (Iran (Islamic Republic of));
- 129.147. Attach great importance to the promotion and protection of the rights of the person with disabilities, and put more efforts in the area of health care, particularly the health of children (Oman);
- 129.57. Strengthen the measures taken aimed at reducing disparities between men and women in the country, particularly regarding access to education, employment and health care (Côte d'Ivoire);

Government's Response

Accepted

Status of Implementation

Right to Education

Bangladesh achieved significant success in fulfilling the target of MDG-2 by attaining "Universal Primary Education." Noteworthy progress has also been made in increasing equitable access in education. Net Enrolment in primary education is now 98.7 percent, where 99.4 percent are girls and 97.2 percent are boys³⁰. In 1990-91, it was only 61 percent.

³⁰ <http://www.bd.undp.org/content/bangladesh/en/home/mdgoverview/overview/mdg2.html>

The country also achieved progress in reducing dropouts, improvement in completion of the cycle, and implementation of a number of quality enhancement measures in primary education. It has already achieved gender parity in primary and secondary enrolment. Initiatives have been taken to introduce pre-school education to prepare the children for formal schooling. To ensure education for the ethnic, tribal and Adivashi groups in their mother tongue, primary education curriculum has been developed in eleven tribal languages.³¹ At the same time, some major challenges still remain.

The constitution of Bangladesh does not recognize education as a fundamental right. The country adopted its much awaited National Education Policy in 2010 where the length of compulsory education has extended from grade V to Grade VIII but, it has not included education as a right and also no steps have been taken to amend the Compulsory Primary Education Act 1990, as per the policy. An Education Law was drafted in light of the education policy in 2013 but has not been finalized yet. Relevant stakeholders were consulted while drafting the law, but it has also been reported that a compromised version of the law is in the line of approval.

Dropout rate in secondary education especially for girls remains much higher than for boys. Bullying or stalking and sexual harassment committed against the girls at the educational institutions and on the route to schools are some major concerns. The Ministry of Education has taken a 'Zero Tolerance Policy' to stop sexual abuse but girls are still abused in educational institutions. Many children stopped going to school due to sexual abuse while many committed suicide because of stalking. As per the findings, many schools have no code of conduct and policy to prevent bullying and sexual harassment against girls'.³² Enrolment of children into pre-primary schooling considered being the foundation of and key to primary education is dismally low with significant variations among geographical regions, between rural

³¹ Dhaka Tribune, <http://www.dhakatribune.com/bangladesh/2015/jun/05/slimmer-budget-education#sthash.2RcECV4o.dpuf>, accessed on 15 July 2015.

³² Information collected by the Coalition.

and urban, and even between slums and non-slums within urban settings. Passing rate has increased but the quality of education has been decreasing day by day. There are several medium of education and children receive education based on their financial abilities. The government has not enacted an integrated education law. For doing so, the review of existing systems and curriculum is highly needed.

The education sector witnessed a rapid growth with an increasing number of students, teachers and institutions. But the budgetary allocation didn't go up in proportion to the sector's growth. A large portion of the education budget is spent only on non-developmental purposes, mainly for teachers' salaries, leaving a little scope for investing in quality education.³³ Intensive and systematic investments are needed to build a structure for ensuring quality education. In the proposed budget for the fiscal year 2015-16, Tk 31,618 crore has been allocated for education sector. The amount is 1.8 percent of the GDP and 10.71 percent of the total budget, which is lower than UNESCO suggested limit (20% of the total budget and 4% of GDP). Interesting to note that, it was 11.94% in the budget for 2014-2015. In such situation it is difficult to achieve the goals outlined in the National Education Policy 2010 and Vision 2021.

Many villages do not have primary schools especially in Chittagong Hill Tracts (CHT). The infrastructural conditions and academic environment of the existing government primary schools are not satisfactory. In most of the cases, there are no proper sanitation systems in place. Findings of the Coalition shows that, there is no separate toilet for girls and the number of toilets are also inadequate in comparison with the students' number. It is also found that there were no water supply systems inside the toilet. Children collect water from tube well and there were no hand washing materials.

³³ The Daily Star, available at <http://www.thedailystar.net/business/allocation-education-still-inadequate-92479>, accessed on 20 July 2015.

³⁴ Dhaka Tribune, <http://www.dhakatribune.com/bangladesh/2015/jun/05/slimmer-budget-education#sthash.2RcECV4o.dpuf> accessed on 22 July 2015.

To ensure education for the ethnic, tribal and Adivashi groups in their mother tongue, primary education curriculum has been developed in eleven tribal languages.³⁴ But ensuring multilingual education for minority and indigenous children is still a long way to accomplish. Multilingual education materials are not properly distributed among the schools and necessary trainings are not given to the teachers on these materials.³⁵

Children with disabilities are deprived of their right to education due to an absence of specialized materials, books, and infrastructural facilities for them. Students of general schools receive their books at the beginning of the year, but students with special needs do not get their books until the middle of the year. They have to wait for a long time and need to pay extra money even if they get their books.³⁶

Right to Health

Bangladesh has made significant strides in achieving MDGs in health i.e. reduction of under-five mortality rate, containing HIV infection with access to antiretroviral drugs, children under five sleeping under insecticide treated bed nets, detection and cure rate of tuberculosis under directly observed treatment short course and others. In addition, Bangladesh has also made remarkable progress in the areas of reducing prevalence of underweight children, lowering the infant mortality rate and maternal mortality ratio, improving immunization coverage and reducing the incidence of communicable diseases. But challenges still remain to ensure right to health for all. The rate of malnutrition in Bangladesh is still among the highest in the world with six million children estimated to be chronically undernourished. Children and women suffer from one or more forms of malnutrition including low birth weight, wasting, stunting, underweight, Vitamin A deficiencies, iodine deficiency disorders and anaemia. A recent

³⁵ Information collected by the Coalition members.

³⁶ Our Story, Child Led Alternative Report on Child Rights Situation Bangladesh, In Response to Fifth State Party Report, Bangladesh, March 2013. Available at http://resourcecentre.savethechildren.se/sites/default/files/documents/our_story_-_child_led_alternative_report_-_english_-_20131_1.pdf accessed on 25 August 2015.

report published by the Ministry of Food has even underscored that the number of children having acute malnutrition has increased to 18% in 2013 from 16% in 2011. Malnutrition also hinders children's educational progress and professional success in life.

Health facilities do not reach at the door of marginalized children to meet their health needs. Findings of the Coalition show that, proper child health care is not available in the district, upazilla and village levels due to the lack of physicians, medical equipments and medicines.

Our Recommendations

- Education should be considered as a right and a right based approach should be adopted while planning any policy and law.
- The Government should amend the Compulsory Primary Education Act 1990 as per the National Education Policy 2011.
- Allocation for education sector should be considered as investment and at least 4% of GDP should be allocated for this.
- The Integrated Education Act should be enacted on a priority basis. An integrated curriculum should be developed.
- Proper training should be provided for the teachers.
- 'Zero Tolerance Policy' of the government to stop sexual abuse of the girls in their way to schools or at the schools should be enforced strictly ensuring appropriate retribution mechanism in place.
- The Government needs to conduct a survey to ascertain the number of children with disability, including types and causes of these disabilities.
- The Government and other stakeholders need to take steps to ensure necessary infrastructure and facilities in public places and business establishments including all transport, bathrooms, stairs and lifts for people with disability.
- The Ministry of Education and Ministry of Primary and Mass Education should be responsible for ensuring education for the persons with disabilities, not the Ministry of Social Welfare.
- Disabled friendly environment in the schools needs to be ensured. There should be at least one specialized teacher in every

school who can teach disabled children. Disability friendly teaching materials should also be distributed properly.

- The government should take all necessary measures to increase access to free primary health services with particular attention to pre-natal and post-natal care for children and their mothers;
- Proper functioning of the community clinics needs to be ensured with adequate resources.
- The government should adopt more coordinated strategy to accelerate the reduction of under-nutrition among children;
- The government should develop a separate comprehensive policy on the critical issues affecting the rights of adolescents, especially girls, children from poor households and ethnic minorities, including mental health and reproductive health services;

8. CHILD LABOUR

Child Focused UPR Recommendations

- 129.108. Strengthen the labor inspections' mechanisms and step up the efforts to prevent child labor (Mexico);
- 130.12. Take concrete legislative measures to grant for the minimum age of admission to employment as laid out by ILO Convention No. 138, in a comprehensive manner (Germany);

Government's Response

129.108 Accepted

130.12 Amendment to the Constitution in 2011 had incorporated a provision that the State shall undertake responsibility to protect and develop the unique local culture and tradition of tribal and ethnic communities. The Parliament has enacted the Small Ethnic Groups Cultural Institution Act, 2010 to preserve and promote the cultural heritage, language, religious practices and traditional lifestyle of all ethnic communities living in the hill districts and plain lands. In the meantime, the Government, along with social partners, continues to implement the obligations under the ILO Convention 107 to which Bangladesh is a Party.

Status of Implementation

The government has incorporated its commitment to eliminate the incidence of child labour in all its major development plans including the Sixth Five Year Plan 2011-2015. These are: the National Plan of Action to combat human trafficking (2012-2014), the National Child Labour Elimination Policy (NCLEP) 2010, the National Education Policy (2010), the National Plan of Action for Education for All (2003-2015), the National Skills Development Policy (2011) and the National Children Policy (2011).

On the contrary, the country has made limited progress in

eliminating child labour due to a number of factors, including structural causes, such as poverty, inequality, inadequate education opportunities and lack of an effective child protection system. It is also driven by strong demand from employers who can pay child workers lower wages than adults and can easily exploit them in a variety of ways, including through physical violence and sexual abuse. Weak law enforcement also plays a role in perpetuating the persistence of child labour.³⁷

In 2013, the government has revised the labour act including further protections for the working children but the Act divided children into two categories namely, child and adolescent. A person who has not completed 14 years is defined as child and person completed 14 years of age but below 18 years defined as adolescent³⁸. This is inconsistent with the UNCRC and other national legislations, such as, Children Act 2013 and National Children Policy 2011. The Act also does not cover a huge section of working children. Children, engaged in informal but economic labour i.e., domestic work, agriculture, small farms, street work etc., are out of this legal framework. The Government published a list of hazardous work prohibited for children ages 14 to 18 in 2013 as mandated by the law.

The government has adopted National Child Labour Elimination Policy (NCLEP) in 2010, but, the most significant limitation of this policy is that it is only applicable in the formal sector whereas ninety percent of the children engaged in hazardous works are found in the informal sector. Therefore, majority of the working children in Bangladesh will not be protected by this policy. The policy also defines child as a person not completed 14 years of age which does not comply with the UNCRC as well as The Children Act 2013 and Children Policy 2011. In addition, adequate human and financial resources are yet to be allocated to implement activities set out in the National Plan of Action to implement NCLEP. The

³⁷ Snapshot of Success, available at <https://bangladesh.savethechildren.net/sites/bangladesh.savethechildren.net/files/library/CRC@25%20Report.pdf>, accessed on 28 July 2015.

³⁸ Mapping, Assessment and Review the Laws and Policies on Child Labour and Developing a Resource Pack for Campaign by Center for Services and Information on Disability (CSID).

Government adopted NCLEP followed by a National Plan of Action that provides a framework to eliminate all forms of child labour especially hazardous form of child labour by 2015. But not a single strategic objective has been implemented yet. A 26 member National Child Labour Welfare Council (NCLWC), headed by the Minister of the Ministry of Labour and Employment (MoLE), was established in February 2014 but no visible actions have taken place by this committee. Later, Divisional Child Labour Welfare Council (DCLWC) and Upazilla Child Labour Monitoring Committee (UCLMC) have been formed through a Government Order (GO).

The child domestic work conforms to the significant attributes of the definition of hazardous work under the ILO convention 182³⁹ and ILO recommendation 190⁴⁰, still government has kept the domestic work outside the recently published list of hazardous works. Domestic work needs to be recognized as a formal sector. The Labour Act of 2013 and the National Child Labour Elimination Policy 2010 keep domestic work under the informal sector. As long as the Government is not recognizing this sector as formal, it will remain outside of all government regulations and monitoring mechanisms. A Domestic Workers Protection and Welfare Policy drafted in 2010 but the policy is yet to be approved. The draft was prepared in association with civil society members after consultation with labour and rights based groups. In the beginning of 2014, Prime Minister asked the Labour Ministry officials to place the draft before the Cabinet soon for approval. The high court also issued a rule in July 2014 asking the government to explain why it should not be directed to implement effective policies to protect domestic workers' rights. But no progress has been made till now on this matter.⁴¹

³⁹ Article 3 of ILO Convention 182 states that “work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children”: available at <http://www.ilo.org/ipec/facts/WorstFormsofChildLabour/Hazardouschildlabour/lang-en/index.htm>, accessed on 06 August 2015.

⁴⁰ ILO Recommendation 190, “work which exposes children to physical, psychological and sexual abuses.”

⁴¹ Draft of Domestic Help Protection and Welfare Policy-2015 has been approved in the regular cabinet meeting on 21 December 2015.

It also needs to be mentioned that, Bangladesh Bank has initiated a noteworthy step to serve the interests of the working children. It has circulated⁴² a bank order on 09 March 2014, which enabled for the first time scheduled and private banks to provide working and street children with access to a bank account with support from non-governmental organizations. The government circular empowers street and working children to access banking services with a small deposit of only Tk 10, in any branch of the scheduled participating bank, anywhere in the country. This progressive measure will help them better to secure their earning and try to save for the future.

Our Recommendations

- Allocate proper budget including manpower to implement NCLEP 2010.
- Adopt Domestic Workers Protection and Welfare Act.
- Ratify ILO conventions 138 and 189.
- Develop rehabilitation strategy to reduce children's participation in hazardous works.

⁴² BRPD circular no. 5

9. JUVENILE JUSTICE

Child Focused UPR Recommendations

- 129.94. Raise the age of criminal responsibility for juvenile offenders to at least 12 years, in line with the CRC's general comment (Austria);
- 131.1 Amend legislation in force to prevent the imposition of the death penalty and life imprisonment for offenses committed by minors under the age of 18 years, with a view to abolishing the death penalty (Uruguay);

Government's Response

129.94 Accepted

131.1 Bangladesh believes that prior to becoming Party to any international instrument due consideration should be given to the capacity to fulfil the obligations under such instrument. A decision in this regard could be facilitated subject to submission of Bangladesh's Periodic Report to the concerned Treaty Body, which Bangladesh hopes to do in the near future.

Status of Implementation

Although the Government has received recommendations from both CRC and UPR, the Children Act 2013 has not raised the age of criminal responsibility for juvenile offenders to 12 years.

The Children Act 2013 provides that children subjected to deprivation of liberty will not be allowed to associate with any adult persons in prison. Although, a child accused of offences like murder, rape, robbery or drug dealing on attaining 18 years of age may be transferred from Child Development Centres to prison even before the trial is complete. However, such a child should be kept in a separate ward from the adult prisoners or other under-trial prisoners. When the child is kept in a safe home, the law provides that the child should not be kept in company of adults or any convicted child offender. But in many incidences, we have observed that child offenders being kept in a ward with the adult prisoners or other under-trial prisoners.

Existing laws do not permit to handcuff children but juveniles being handcuffed in the custody area of police stations or outside the court are common in the country.⁴³ We have also noticed that a child of 11 months was kept in custody along with his mother for 19 hours.⁴⁴ The police went to their house to arrest his father but did not find him at home. Instead of him, they arrested his wife and 11 months's old child.

The numbers of Juvenile Development Centres (JDCs) are inadequate and there is a sense of negligence in the management and monitoring system of these centres. The existing Juvenile Development Centres are overcrowded and facilities are inadequate. Convicts and children on trial are sometimes kept in the same centre.⁴⁵ Child abuse and mismanagement of these centres have been a major concern.

Our Recommendations

- Amend the Children Act 2013 to raise the age of criminal responsibility for juvenile offenders to at least 12 years.
- All children currently held in adult prisons should be kept separately from adults, and removed with utmost expedience to a remand home or place of safety in conformity with the Children Act 2013.
- More juvenile courts with judges and judicial officials trained in child-rights approaches should be created that can hear children's cases on a priority basis.
- More Juvenile Development Centres need to be established consisting proper management and strong monitoring system.
- Increase the number of case managers and psychosocial counsellors in JDCs.

⁴³ Prothom Alo, <http://en.prothom-alo.com/bangladesh/news/78383/Handcuffed-children-produced-in-court>, accessed on 28 July 2015

⁴⁴ Prothom Alo, 18 September 2015,

⁴⁵ In Feb 2014, 20 teenage boys inflicted severe wounds on themselves to protest the torture on them by supervisor-in-charge at a juvenile correction centre in Gazipur. <http://www.thedailystar.net/hc-weighs-in-11258>

10. SEXUAL EXPLOITATION AND TRAFFICKING

Child Focused UPR Recommendations

- 129.18. Combat the sale and trafficking in children and strengthen partnerships with all stakeholders so as to provide child victims with recovery and social reintegration services and programmes (Kyrgyzstan);
- 129.19. Combat the sale and trafficking in children more effectively and strengthen partnerships with all stakeholders in order to provide child victims with recovery and social reintegration services and programmes (Republic of Moldova);
- 129.37. Continue with its successful policies to prevent trafficking in persons, especially women and girls (Venezuela) (Bolivarian Republic of);
- 129.52. Continue to enhance its efforts to counter trafficking in persons, including to consider the possibility of inviting the Special Rapporteur on trafficking in persons, especially in women and children (Belarus);

Government's Response

Accepted.

Status of the Implementation

Child sexual abuse, exploitation and trafficking remain largely a taboo in Bangladesh society while it is quite extensive in Bangladesh. Children living in extreme poverty are particularly vulnerable to trafficking. Unfortunately, there is no reliable data concerning women and children who have been trafficked from Bangladesh to other countries.

According to UNHCR report 2014, trafficking is rapidly increasing in Bangladesh. For the past year, it has been increased by 61%. Significant numbers of these trafficked victims are children whose age range between 10-18. Children – both girls and boys –

are trafficked internally for commercial sexual exploitation, bonded labour, and other forms of forced labour.

Recently, another new phenomenon that has already been added in the field of sexual exploitation is the online sexual exploitation of the children. It has been seen that video clips, MMS etc., of sexual intercourse or behaviour relating to sexual activities have been recorded on camera by a section of people and then used to blackmail, cheat and defame girls and women. For the past four years, 56 children became the victims of online sexual exploitation which includes pornography, vulgar video in internet, MMS, photo editing with vulgar picture etc. Four children committed suicide as a result of that.⁴⁶

The country has some obligations under certain international instruments to combat human trafficking through legal, judicial, legislative and social measures. Under UNCRC, the country has a specific duty to take appropriate measures to prevent the abduction of, sale of or trafficking in children for any purpose or in any form, and to combat illicit transfer and non-return of children from abroad. Under the optional protocols of UNCRC, the country is obliged to prevent the use of children in pornography, prostitution and armed conflict. Under CEDAW, the country needs to take all appropriate measures including legislation, to suppress all forms of trafficking in women and exploitation of women in prostitution. The UN Convention against Transnational Organized Crime 2000, UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families 1990, and the ILO conventions no. 182 and no. 29 are also applicable in this regards. National Women Policy 2011 and National Children Policy 2011 also include government's commitment to eradicate trafficking in women and children. The GoB already drafted National Plan of Action for Combating Human Trafficking 2015-17 which has been launched in July 2015.⁴⁷ This time some provisions have been included to implement the plan more effectively. The rules of "The

⁴⁶ January 2011- December 2014, ASK documentation.

⁴⁷ New Age, <http://newagebd.net/134485/new-national-plan-to-combat-human-trafficking-launched/>, accessed on 02 August 2015.

Prevention and Suppression of Human Trafficking Act 2012" have been drafted. The government has enacted "Overseas Employment and Migration Act - 2013" which will also contribute in its efforts to combat human trafficking. Aside from having established domestic legal and administrative schemes against human trafficking, the Government also works in partnership with non-governmental organizations and international agencies, including the UN bodies, to combat human trafficking.⁴⁸

However, despite making considerable progress in combating human trafficking, Bangladesh still falls behind in terms of providing proper access to justice to the survivors of trafficking as well as in effectively prosecuting and convicting the perpetrators of trafficking. That is why the country continues to be ranked Tier 2 by the United States State Department Trafficking in Persons Report.⁴⁹ The authority lacks major institutional setups to create awareness among the victims for securing them from exploitation as well as for taking initiatives to ensure legal redress. At the same time, lack of effective monitoring of the initiatives taken is a major drawback for the government. There is also lack of measures to repatriate trafficked as well as those children working in brothels and domestic areas.

Our Recommendations:

- Prohibit and criminalize the involvement of children in prostitution and all forms of exploitation and take preventive measures, rehabilitation, care and monitoring.
- GoB should introduce comprehensive database and appropriate monitoring mechanism to collect accurate information on trafficked children and to provide necessary remedies;

⁴⁸ Bangladesh Country Report, Combating Human Trafficking 2014, available at http://antitraffickingcell.gov.bd/images/pdf/Country_Report_2014.pdf, accessed on 08 August 2015.

⁴⁹ Human Trafficking in Bangladesh: Analysis, Challenges and Recommendations. Available at <http://www.mediafire.com/view/99y6ootqstd0ub6/BNWLA+Publication+on+Human+Trafficking.pdf>, accessed on ??

11. GENERAL RECOMMENDATIONS ON CHILD RIGHTS

Child Focused UPR Recommendations

- 130.23. Continue improving the conditions of children, women, Dalits, indigenous people, refugees and migrants taking into account the special situation and difficulties that those groups have to overcome (Holy See);
- 129.41. Continue to give particular attention to empowerment of women, children, and other vulnerable groups of the populations in the on-going and future agenda of the government (Cambodia);
- 129.60. Continue efforts for the empowerment of women, children and the underprivileged sections of the society (Nepal);
- 129.61. Continue with the necessary attention to the empowerment of women and children and other vulnerable groups of the population (Sudan);
- 129.63. Continue to promote and protect the rights of children and women (Djibouti);
- 129.64. Continue its efforts to promote and protect the rights of women, children and persons with disabilities, and pay particular attention to the population in rural areas (Morocco)
- 129.65. Take further steps to promote and protect the rights of children and women (Afghanistan);
- 129.66. Continue its work in defence of the rights of women, by promoting action to empower women (Bolivia); Take further measures aiming at women's empowerment (Romania); Continue in giving particular attention to the empowerment of women and children (State of Palestine);
- 129.117. Provide more resources for the enjoyment of social and economic rights of vulnerable groups like women, children, persons with disabilities and minorities (Viet Nam);

Government's Response

Accepted

Status of Implementation

For the first time in the country, the Finance Minister of the Government has introduced Child Budget in fiscal year 2015-16 to secure children's rights and ensure their development as he promised in his previous budget speech in 2014. He presented a report titled "Budget Thoughts for Children", taking into account the budgetary allocations of five ministries directly related to socio-economic development of children. The report also shows the ongoing programmes taken by the government for child welfare and the quantity of resources allocated for children in these programmes. In formulating this report, the Government considered the projects, programmes, and other initiatives directly dealing with the needs, rights and welfare of the children. The five ministries are: Ministry of Health and Family welfare, Ministry of Education, Ministry of Primary and Mass Education, Ministry of Social Welfare and the Ministry of Women and Children Affairs. The Finance Minister admitted that child budget is a subject that encompasses the activities of all ministries and the Government needs to identify all these programmes and build a proper framework to evaluate their impacts. He also informed that the GoB intended to accomplish this task in phases.

Welcoming the initiative, the Coalition hopes that, the GoB will develop an effective framework by next year to make investments in children welfare and development visible and quantifiable which will also assess the qualitative outcome of these investments. At the same time, it is also important to consider the needs of children while developing the budget and, allocation should be made in line with the objective of realizing those needs. Public consultations with organizations working on child rights and children before framing the child budget should also be conducted by the Government.

⁵⁰ National Social Protection Strategy (NSPS), available at http://www.plancomm.gov.bd/wp-content/uploads/2015/04/Final-Draft-of-National-Social-Security-Strategy_NSSS.pdf, accessed on ??

The National Social Security Strategy (NSSS) has acknowledged that coverage of very young children by social protection schemes is very minimal; around 15 million children do not receive direct social protection support.⁵¹ The strategy advocates two core programmes for children. First, a child grant for children of poor and vulnerable family up to the age of four. The child grant will be limited to a maximum of two children per family to avoid any adverse implications for the population management policy. And the second one is a school stipend for all primary and secondary school going children and adolescents belonging to the poor and vulnerable households.

Our Recommendations

- Ensure that the development of the national budget takes a child rights approach, including the use of indicators, and a tracking system that make spending on children visible throughout the budgetary process.
- The government should ensure children's participation in every single initiative taken for them.
- The government should establish a platform where every child can participate and express their opinion publicly.
- The relevant ministries should act immediately to ensure rehabilitation of 3.4 million street children as instructed by the Prime Minister of the country.

CONCLUSION

It has been more than 20 years since Bangladesh adopted UNCRC. Over the last twenty or so years, Bangladesh has achieved noteworthy progresses in terms of implementation of the Convention. These include: progress in access to services, reaching children's fullest potential through education, enactment of laws that uphold the principle of the best interests of child, and child survival. Not only has the government taken some mentionable initiatives to implement its commitments towards UPR, but also to improve the rights of the children of Bangladesh. Some significant laws and policies have been introduced and amended, initiatives also have been taken to protect and promote the rights of the children. However, poor implementation of those initiatives due to lack of coordination among the implementing agencies, proper monitoring and guidance, inadequate human and financial resources allocation etc., remain major concerns.

As two years have already passed after the second cycle of UPR, it is high time for the Government of Bangladesh (GoB) to accelerate its efforts for the implementation of accepted recommendations. The GoB should address the gaps and challenges immediately and devise effective strategy to mitigate those challenges. It should also adopt a comprehensive, goal-oriented action plan to ensure full and speedy implementation of all the accepted recommendations. This will enable the Government to attend the Third Cycle of UPR in January 2018 with a report of full implementation of all its commitments. Otherwise, it will generate serious doubts on the State's commitment to the recommendations it accepted during the UPR. Not only that, it will also undermine the unremitting trend of progress of the government. The Coalition organizations are committed to provide all the support to the government if needed. At the same time, the Coalition will also closely monitor the implementation process and advocate with the government time to time with specific points.

Annex 1

All the statistics are provided by Bangladesh Shishu Adhikar Forum (BSAF), a member of the Coalition

Status of Child Abuse in Bangladesh

January - December 2013

sl	Type of Abuse	Total
1	Raped	150
2	Sexual assault	13
3	Killed after rape	19
4	Suicide after rape	1
6	Killed	180
7	Attempt to kill	15
8	Suicide	76
9	Attempted to suicide	12
10	Kidnapped	42
11	Kidnapped and rescued	37
12	Attempted to be kidnap	10
13	Kidnapped and killed	19
14	Trafficked and rescued	36
15	Torture on Domestic child worker	9
16	Acid violence	6
17	Killed in road accident	149
18	Injured in road accident	7
19	Missing	25
20	Killed after missing	2
21	Killed by arson	22
22	Injured by arson	4
24	killed by water vessel accident	1
25	Electrocuted	14
26	Killed by drowning	132
30	Killed by medical negligence	5
31	Killed by ill treatment	4
34	Killed by roof collapse	2
36	Missing of newborn baby	2
37	Missing and rescue of newborn baby	3
38	Strangled while playing with rope	1
39	Injured by physical torture at school	170

Annex 1

sl	Type of Abuse	Total
40	Killed by physical torture at school	1
41	Torture by teachers	1
42	Killed in political violence	11
43	Injured in political violence	38
44	Killed by bird flue	1
45	Killed by objects from the constructing building	3
47	Injured by building collapse	1
48	Injured by thunder	5
49	Killed by thunder	17
50	Injured by bridge collapse	1
51	Used as drug carrier	2
	<i>* sources: daily printed and online newspaper</i>	

Child Rights Violation Report

January to December (2014)

SL	Types of Abuse	Total Incident
1.1	Killed/Murdered	366
1.2	Killed in Road Accident	262
1.3	Death by Drowning	165
1.4	Suicide	145
1.5	Death by Fire	40
1.6	Death by lightning strikes	28
1.7	Electrocuted	28
1.8	Death by medical negligence and ill Treatment	19
1.9	Miscellaneous accidental deaths	39
1.0	TOTAL FATALITY	1092
2.1	Injured in Road Accident	199
2.2	Attempt to Kill	13
2.3	Injured by Fire	9
2.4	Injured by Electric Shock	22
2.5	Injured by Lightning strikes	15
2.6	Miscellaneous accidental injuries	20
2.7	Attempt to Suicide	23
2.0	TOTAL INJURY	301
3.1	Kidnapped	209
3.2	Kidnapped and Rescued	92
3.3	Kidnapped and killed	52
3.4	Attempted to Kidnap and Prevented	11
3.5	Missing	80
3.6	Found Dead After Missing	29
3.7	Trafficked and Rescued	49
3.8	Theft of New Born Baby	16
3.9	Rescue of Newborn Baby After Theft	6
3.10	Unknown baby found	12
3.11	Dead body of Unknown Baby found	7
3.0	TOTAL KIDNAPPED, RESCUE & MISSING	563

Annex 2

SL	Types of Abuse	Total Incident
4.1	Rape	199
4.5	Attempt to Rape/ Sexual Assault	21
4.6	Eve teasing	7
4.0	SEXUAL ABUSE & EXPLOITATION	227
5.1	Injured by Physical Torture at School	175
5.2	Torture on Domestic Child Worker	21
5.3	CDW Killed	7
5.4	CDW Raped	3
5.5	Acid Violence	7
5.6	Torture by Police	5
5.7	Killed in political violence	4
5.8	Injured in Political Violence	46
5.0	TOTAL TORTURE & VIOLENCE	268

Note: Above statistics has been compiled through media contents from National Dailies. Here it is mentionable that, from January-2014 to November- 2014 we used to collect data from six national dailies, i.e. Prothom Alo, Daily Star, Jugantor, Somokal, New Age and Ittefaq. From December, 2014, we have increased scanning four more news papers, i.e., Dhaka Tribune, Kaler Kantho, Manobjomin and Songbad.

Annex 3

State of Children Data

January to October -2015

Type of Incident	Jan-mar	Apr-Jun	Jul-Sep	October	Total
Rape	96	134	174	45	449
Attempt to rape	17	6	27	5	55
Eve Teasing	13	11	33	0	57
Sexual Harassment	15	11	31	5	62
Murder after Rape	7	10	4	3	24
Suicide after Rape	3	0	0	0	3
Murder	66	88	92	15	261
Attempt to Murder	1	8	13	2	24
Committing Suicide	73	53	56	17	199
Attempt to Suicide	4	3	6	0	13
Kidnapped	41	86	74	5	206
Attempt to Kidnap and prevented	14	5	9	2	30
Rescued after Kidnapping	48	40	57	2	147
Murder after Kidnapping	10	13	8	1	32
Missing	26	55	30	6	117
Rescued After Missing	2	1	0	0	3
Found dead after Missing	19	16	17	3	55
Rescued while / After Trafficking	10	91	44	1	146
Found dead body of unknown newborn baby	16	13	11	2	42
Newborn baby theft	4	1	2	0	7
Newborn baby rescued after theft	2	3	0	0	5
Found unknown baby	11	7	4	1	23
Victim of acid violence	8	4	1	1	14
Death by Road accident	170	111	114	35	430
Injured by Road accident	70	10	27	6	113
Death by fire	10	8	4	5	27
Injured by fire	24	5	10	5	44
Electrocuted	12	16	29	3	60
Death by drowning	37	96	221	34	388
Death by Lightning Strikes	0	31	13	0	44
Injured by Lightning Strikes	0	12	45	0	57
Killed by Arson	17	0	0	0	17
Injured by Arson	33	0	0	0	33
Killed by cocktail bomb blast	2	3	0	0	5
Injured by cocktail bomb blast	25	1	8	1	35
Killed in political violence	3	0	0	0	3

Annex 3

Type of Incident	Jan-mar	Apr-Jun	Jul-Sep	October	Total
Injured in political violence	7	1	0	0	8
Injured by group violence	44	7	14	0	65
Killed by group violence	5	8	1	0	14
Used in political activities	6	0	0	0	6
Political arrest	29	4	0	0	33
Injured by terrorist attack	21	0	46	3	70
Killed by terrorist attack	5	7	0	0	12
CDW raped	3	2	5	0	10
CDW suicide	3	3	2	0	8
CDW killed	3	3	1	2	9
Physical torture on CDW	3	4	9	4	20
Injured in land battles	19	10	11	0	40
Injured by Physical	84	14	93	12	203
Tortured at School					
Killed by brutal parent	5	4	17	3	29
Tortured by brutal parent	3	0	2	1	6
Torture/Beaten	0	5	56	18	79
Torture by Police	0	4	0	1	5
Died in ill treatment	7	5	4	2	18
Injured by ill treatment	1	0	2	55	58
Killed by medical negligence	11	4	5	7	27
Killed by water vessel accidents/ boat capsized	42	14	25	2	83
Injured by water vessel accidents	2	0	0	0	2
Died in different accidents	40	61	57	13	171
Injured in different accidents	17	17	51	11	96
Fall victim of various diseases (mass hysteria, nipah virus, flu)	44	59	257	0	360
Died in cold	23	0	0	0	23
Died in food poisoning	2	16	1	2	21
Sick in food poisoning	52	23	5	0	80
Stabbed by robbers/ hijackers/miscreants	14	1	4	0	19
Rescued from child marriage	67	50	44	0	161
Victim of child marriage	13	9	4	0	26
Returnee by BSF India	18	8	0	0	26
Total	1502	1295	1880	341	5018

Note: Data compiled from 10 national dailies i.e. Prothom Alo, Kaler Kantho, Jugantor, Ittefaq, Somokal, Manobjomin, Songbad, Daily Star, New Age and Dhaka Tribune.

Childs Rights Advocacy Coalition in Bangladesh (CRAC, B) is a coalition of ten national NGOs, networks and INGOs who are working for upholding child's rights. The coalition is formed to carry out coordinated and concerted advocacy with the Government of Bangladesh and other stakeholders for legislative and policy reforms for the promotion and protection of child rights. The ten member organizations of the coalition are (in alphabetical order): Action Aid Bangladesh (AAB), Ain O Salish Kendra (ASK), Bangladesh Shishu Adhikar Forum (BSAF), Child Rights Governance Assembly (CRGA), Education and Development Foundation- educO, National Girl Child Advocacy Forum (NGCAF), Plan International Bangladesh (PIB), Save the Children in Bangladesh (SCiB), Terre des Hommes-Netherlands (TdH-NL) and World Vision Bangladesh (WVB).



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