



National Human Rights Commission (JAMAKON), Bangladesh

JAMAKON Report to the UN Committee on the Rights of the Child

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FOREWORD

Since its inception JAMAKON- the National Human Rights Commission of Bangladesh has been playing a pivotal role for the protection and promotion of human rights in the country. JAMAKON pays special attention and remains constantly vigilant for the protection and promotion of the Child rights. JAMAKON has conducted umpteenth research works relating to child rights e.g. study report on regulating the unregulated child engaged in the domestic chores, UNCRC 1989 and so forth. Besides these, JAMAKON has taken into its consideration the multiple issues relating to child rights. It has inter alia, accomplished the following:

- a. timely intervention in any incident of child rights violation by the state or non-state actors,
- b. protection and promotion of child rights in different state institutions e.g. in the safe homes, day care centers for the lactating mothers, vagrant homes, Victim Support Centers, Child Development Centers etc,
- c. pressing demand to enact an exhaustive legislation on child rights which culminated into the adoption of The Children Act 2013,
- d. playing a sine qua non role for the protection of the rights of the juvenile delinquents and help establish a juvenile friendly justice system for them,
- e. paying on-site timely visit by the Chair and other members of the commission to different places of occurrence of child rights violation.

Moreover, JAMAKON at the same time called for initiatives to be taken by the state and non state actors for the protection of the child rights. However there remain some constraints e.g. child labor in the informal sectors, child marriage, drop-out from the primary and secondary schools albeit an upward enrolment rate which JAMAKON considers as an issue to be addressed on an urgent basis. JAMAKON thinks that proper and effective education of the child can reduce the incidents of child marriage as well as other forms of violations of child rights. JAMAKON often organize child rights awareness campaigns. Besides JAMAKON has formed 9 thematic committees on different human rights issues. It is a matter of pleasure that JAMAKON has a special thematic committee dedicated to child rights. All these speak of JAMAKON's honest endeavours in promotion and protection of human rights in general and child rights in particular.

Our report to the United Nations' CRC committee is a new beginning which bears the testimony of our sincerity and honest accountability to the nation and to the world at large.

This is the first such report submitted by JAMAKON to the treaty body and I can very confidently say that the trendsetting role set by JAMAKON in this regard will continue to be followed.

Professor Dr. Mizanur Rahman
Chairman **JAMAKON**

Executive Summary

The present report of the Bangladesh National Human Rights Commission to the UN Committee on the Rights of Child aims to provide an alternative view of the status of the Government of Bangladesh's implementation of its legal obligations under the UN Convention on the Rights of the Child 1989. Bangladesh signed the Convention on 26 January 1990 and ratified it on 3 August 1990. In conformity with the Convention obligation, the Government of Bangladesh submitted its Fifth State Party Periodic Report in 2012. In light of this, the BNHRC has decided to submit its own report to the Committee on the Rights of the Child. The report goes systematically through the main substantive provisions of the Convention and relates relevant law, policy and practice to the legally binding obligations implicated therein in order to provide an independent assessment of the child rights situation in Bangladesh. In particular, the report aims at filling gaps in the State reports and making recommendations for immediate action which will help bring Bangladesh's law, policy and practice nearer to compliance with the Convention.

Acronyms And Abbreviations

ASC	Annual School Census
BBS	Bangladesh Bureau of Statistics
BDHS	Bangladesh Demographic and Health Survey
BGB	Border Guard Bangladesh (formerly BDR)
BNHRC	Bangladesh National Human Rights Commission
BNWLA	Bangladesh National Women Lawyers' Association
BRIS	Birth Registration Information System
CDC	Child Development Centre
CRC	The Convention on the Rights of the Child
DB	Detective Branch
EFA	Education for All
GoB	Government of Bangladesh
HCD	High Court Division of the Supreme Court
HFSNA	The National Household Food Security and Nutrition Assessment
ILO	International Labour Organization
MACR	Minimum Age of Criminal Responsibility
MICS	Multiple Indicator Cluster Survey
MLR	Mainstream Law Report
MOPME	Ministry of Primary and Mass Education
NCTB	National Curriculum and Textbook Board
NGO	Non-Government Organization
NHRIs	National Human Rights Institutions
RAB	Rapid Action Battalion
RRRI	Rescue, Recovery, Repatriation and Integration Task Force
SC	The Supreme Court of Bangladesh
UN	United Nations
UNDP	United Nations Development Program
UNICEF	United Nations Children's Fund
UPR	Universal Periodic Report

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PART- I: INTRODUCTION

1. This report presents the views of the National Human Rights Commission, Bangladesh on Bangladesh's status of implementation of the Convention on the Rights of the Child, 1989. The National Human Rights Commission (BNHRC) was constituted under the National Human Rights Commission Act, 2009 in the light of 'the Paris Principles' to promote and protect human rights in Bangladesh. The NHRC's functions include advising the Government about signing, ratifying and implementing international human rights treaties.¹ As explained in the Information Note on National Human Rights Institutions (NHRIs) on interaction with the UN Treaty Body System, published by the UN Office of the High Commissioner for Human Rights on 5 April 2011:

“One of the key roles of NHRIs, as outlined in the Paris Principles, is the interaction with international human rights mechanisms and the promotion of ratification of human rights treaties. National Human Rights Institutions have a duty to contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence.”

2. Bangladesh has ratified eight of the core international human rights instruments including the Convention on the Rights of the Child (CRC). Accordingly, it undertook to report to the treaty body established under each of the respective conventions on the status of its implementation of its conventional legal obligations. Bangladesh submitted its Fifth State Party Periodic Report on CRC in 2012.²

3. The present report offers an independent assessment of the Government's compliance with its legal obligations under the CRC. As such, it is intended to help the Government to bring its law, policy and practice into closer conformity with the CRC.

4. The present report goes systematically through the CRC provisions to review the Government's compliance with its legal obligations. The analyses presented in this report focus on the period of time elapsed since the Committee on the Rights of the Child issued its Concluding Observations on Bangladesh's Fifth Periodic Report. In addition, the report discusses in detail two statutes namely: (1) the Children Act 2013 and (2) the Rights and Protection of the Persons with Disabilities Act 2013, both of which were enacted after Bangladesh's fifth State party report was submitted.

¹ See section 12 of the National Human Rights Commission Act 2009.

² This Report has been prepared mainly by collecting and analyzing information received from primary and secondary materials. The primary materials consist of Acts of Parliament, Presidential Order, UN resolutions and decisions of the Supreme Court. Secondary materials include BNHRC publications, the Second Cycle UPR Report submitted by the Government of Bangladesh and reports of the stakeholders and NGOs, including books, news reports, online resources and other information provided by Government bodies.

PART- II: CRC AND INTERNATIONAL LEGAL OBLIGATION OF BANGLADESH

5. Bangladesh signed the CRC on 26 January 1990 and ratified it on 3 August 1990. While ratifying the CRC, the Government of Bangladesh placed a reservation to articles 14(1) and 21 of the CRC which concern the right of the child to freedom of thought, conscience and religion, as well as system of adoption respectively. The BNHRC reiterates that the Government should withdraw these reservations.

6. Bangladesh is also a signatory to: (i) the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography; and (ii) the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. During the 2nd Cycle Universal Periodic Report, Bangladesh accepted the recommendation that it should accede to the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure.³

PART- III: DOMESTIC LEGAL FRAMEWORK AND IMPLEMENTATION OF CRC

7. Like other common law countries, Bangladesh follows the doctrine of incorporation which means that international treaty provisions will not be automatically incorporated and applied in the domestic legal system until a statute has been enacted to give the treaty provisions effect at domestic level.

A. Legal System & General Legal Framework

8. From the domestic legal viewpoint, the Constitution of Bangladesh is the supreme law of the land. The Constitution makes specific reference to children in two separate articles. Article 17 of the Constitution provides for establishing a uniform, mass oriented and universal system of education and extending free and compulsory education to all children. Article 28 of the Constitution allows the legislature to enact special provisions in favor of children.

9. It deserves mention that Bangladesh enacted a progressive legislation on children namely, the Children Act 1974, long before the UN General Assembly adopted the Convention in November 1989. The Children Act 2013 has replaced the earlier Act of 1974. Some statutes, such as the Children Act 2013, expressly give effect to the CRC's provisions. Other laws also include provisions that match obligations under the CRC, namely:

- a) The Prevention of Cruelty to Women and Children Act 2000 (Referred to as 'the Women and Children Repression Prevention Act, 2000' in the State Party report)
- b) The Narcotic Control Act 1990
- c) The Rights and Protection of the Persons with Disabilities Act 2013
- d) The Prevention and Suppression of Human Trafficking Act 2012

³See U.N. Doc. A/HRC/24/12 dated 23 July 2013.

- e) The Domestic Violence (Prevention and Protection) Act 2010
- f) The Pornography Control Act 2012
- g) The Information and Communication Technology Act 2006
- h) The Vagrant and Homeless Persons (Rehabilitation) Act 2011
- i) The Bangladesh Labour Act 2006
- j) The Orphanages and Widows' Homes Act 1944
- k) The Small Ethnic Groups Cultural Institutions Act 2010
- l) The Birth and Death Registration Act 2004

10. Policies constitute guidelines for government action. The following policies are closely related to CRC provisions:

- a) The National Children Policy 2011
- b) The Education Policy 2010
- c) The National Skills Development Policy 2011
- d) The National Child Labour Elimination Policy 2010
- e) The National Health Policy 2011
- f) The National Labour Policy 2012
- g) The Women Development Policy 2011

11. As the highest judicial authority in the land, whose decisions bind all subordinate courts⁴ and all executive and judicial authorities,⁵ the Supreme Court (SC) of Bangladesh has an important role to play in interpreting and adjudicating upon law, policy and practice relating to human rights.

12. The Children Act 2013 provides that there will be a Children's Court in each district or metropolitan area in Bangladesh. The trial of a child in conflict with law or any proceedings relating to a child in contact with law will take place before the Children's Court.

B. Specific Legal Issues

13. LEGAL CONCEPT OF CHILD

The Children Act 2013 has been enacted and it repeals the earlier Children Act 1974. Section 4 of this Act defines 'child' as a person below the age of 18. However, the BNHRC has observed that there are still other laws that defined 'child' differently from the definition found in the CRC. The Labor Act 2006, for example, defines 'child' as a person below the age of 14. The Prevention of Cruelty to Women and Children Act 2000 defines a 'child' as a person below the age of 16. The Pornography Act 2012 adopted the definition of child as provided in the Children Act 1974, and has not been amended in the light of the new Children Act 2013.

⁴Article 111 of the Constitution of Bangladesh.

⁵Article 112 of the Constitution of Bangladesh.

14. The BNHRC has noted that the legal concept of ‘child’ has not been reflected with any consistency in the laws of Bangladesh. In many laws, alternative terms like, ‘minor’, ‘orphan’, ‘adolescent’, ‘person’, etc. have been used to refer to a ‘child’. For example the Orphanages and Widows.

Homes Act 1944 defines an ‘orphan’ as a boy or girl under eighteen years of age who has lost his or her father or has been abandoned by his or her parents or guardians. In addition, important statutes like the Rights and Protection of the Persons with Disabilities Act 2013, the Birth Registration Act 2000, the Vagrant and Homeless Persons (Rehabilitation) Act 2011 either do not define ‘child’ or do not contain specific provisions regarding children although these laws are in many ways related to the rights of the children.

15. In the BNHRC’s view, the recommendation of the Committee on the Rights of the Child (hereinafter ‘the Committee’) to adopt a uniform definition of ‘child’ has not been fully implemented during the period covered by the Fifth Periodic State Party Report.⁶

16. DETERMINATION OF AGE

In Bangladesh, determination of age remains an important issue, especially in relation to such matters as prevention of child marriage, protection of child workers, contractual obligations, and the minimum age of criminal responsibility etc. The BNHRC has observed that different laws have adopted different approaches in relation to the determination of the age of a child. For example, the Labour Act 2006 provides that the age of a child worker will be determined with reference to birth certificate, school certificate or medical certificate. The Children Act 2013 provides that the Children’s Court, for the purpose of exercising its jurisdiction, has the authority to determine the age of a person (purporting to be a child in conflict with law). In order to determine age, the Children’s Court may call for birth certificates, documents, registers or records kept in the custody of any person or organization. However, the Children’s Court may ignore birth certificates for the purpose of determination of the age of a child (in conflict with law) who does not appear to be a child. The Children Act 2013 further provides that any order or judgment passed by the Children’s Court shall not be deprived of legal force because of an erroneous determination of age.

17. Oishee Rahman, the prime suspect in the killing of her parents, underwent an age determination test.⁷

⁶See Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, CRC/C/BGD/CO/4, 26 June 2009, p. 8, paragraph 31.

⁷Available at <<http://archive.thedailystar.net/beta2/news/oishee-house-help-undergo-medical-tests/>>, last visited on 12.10.2014.

According to the records of her school, Oishee's birth date was 17 August 1996, which made her 17 years old at the time.⁸ However, the Detective Branch (DB) found Oishee's date of birth to have been on 17 August 1994 from the records of a clinic where she was born.⁹ There began a debate as to whether Oishee should be tried as a child or an adult. Finally, medical examination showed that the age of Oishee Rahman was around 19 years, which meant that she was no longer a child and it was therefore decided that she would be tried by the regular Criminal Court.¹⁰

18. BIRTH REGISTRATION & RIGHT TO NAME AND IDENTITY

The Birth Registration Act 2004 provides that the Registrar shall register the fact of birth of every natural person without distinction whatsoever as to religion, race, sex, colour etc. Registration of birth is to be completed within 45 days of birth of a child. The said Act also provides that before registration of birth the child has to be given a name. The Registrar shall not register the birth of a child unless it has a name. A child born as a consequence of a rape has the right to be known by the name of his or her parents.¹¹

19. In Bangladesh the rate of registration of children under the age of five increased from 9.8 per cent in 2006 to 31 per cent in 2011. In 2009, an online Birth Registration Information System (BRIS) was established. Until 29 October 2014, BRIS captured more than 119 million birth records out of 160 million people.¹² The figure was a combination of birth records migrated from manual registration books and new registration entries.

20. The BNHRC, however, has observed that the rate of registration of birth within the stipulated 45 days was quite low. According to BRIS data, only 1.4 per cent of children born between January and December 2013 had their birth registered within 45 days.¹³ But the rate of birth registration after 45 days is quite satisfactory.

21. The BNHRC observes that although there was no explicit bar in law with regard to the birth registration of the children whose father or mother was unknown or for children born out of wedlock or for refugee children, their special situation still needed to be addressed by the Government – which was one of the recommendations of the Committee on the Rights of the Child in its previous concluding observations. The BNHRC considers that a biometric system should be introduced into the birth registration process to authenticate identity and reduce duplication and error.

⁸Ibid.

⁹Available at <<http://archive.thedailystar.net/beta2/news/medical-test-shows-oishee-is-19/>> last visited on 20.10.2014.

¹⁰Ibid.

¹¹The Prevention of Cruelty to Women and Children Act 2000, Section 13.

¹²UNICEF, FACTSHEET: Birth Registration, Bangladesh Country Office, Child Protection Section, May 2014, pp. 1-2. For data, see <<http://www.paskan.com/br/bd/dial>> last visited on 29.10.2014.

¹³Ibid.

22. PROTECTION AGAINST NEGLIGENCE BY THE PARENTS, LEGAL GUARDIAN ETC.

The BNHRC has observed that there are laws that deal with protection against parental negligence. For example, if the father or mother of a child under the age of 12 exposes or leaves a child in any place with the intention of abandoning the child, he or she will be liable to imprisonment or fine or both.¹⁴ The law also provides that if anyone responsible for looking after a child is found drunk in a public place and he or she is incapable for that reason to take care of the child, he or she is liable for imprisonment up to one year or liable to a fine up to fifty thousand taka or both.¹⁵ However, the BNHRC noted that there was almost no application of these laws so as to prevent parental negligence. In any event, application of these penal laws alone would not be sufficient to address this issue. The BNHRC considers that the GoB should strengthen public awareness, community care mechanisms and allocate sufficient resources for family support. Moreover, it would be helpful if the next State Party report could provide full information on the Government's measures to ensure protection against parental negligence.

23. RIGHT TO PRIVACY

Although the Constitution guarantees the right to the privacy of correspondence and other means of communication for everyone, the BNHRC is of the opinion that adult persons in Bangladesh should be made more aware of right to privacy of the children. Although the act of taking video, still picture or motion picture of a child without his/her knowledge for the purpose of pornography has been made punishable,¹⁶ the incidences of such offences have been increasing due to flexible application of the Pornography Control Act 2012 and Information and Communication Technology Act 2006. Similarly, while the act of publishing any news or information revealing or disclosing the identity of a child victim in newspapers or in any news media is punishable,¹⁷ enforcement seems weak at times. The BNHRC recommends that the GoB should spread greater awareness of the children's right to privacy in society through education and other means.

24. RIGHT TO BE CARED BY PARENTS

In the BNHRC's view, the common responsibility of the parents to raise their children has become confined to the legal regime of 'maintenance' in Bangladesh. These matters are regulated by religious law (for instance, Islamic law) and it would be helpful if the Government could address this issue in a progressive manner. The BNHRC considers that the GoB should adopt safety net programmes in order to support single mothers in their child rearing responsibilities in line with the Committee's recommendations as issued in some of its Concluding Observations.

¹⁴The Penal Code 1860, Section 317.

¹⁵The Children Act 2013, Section 72.

¹⁶The Pornography Control Act 2012, Section 8.

¹⁷Supra 11, Section 14.

25. PROTECTION AGAINST ALL FORMS OF VIOLENCE

The BNHRC appreciates that the Children Act 2013 provides that if any person having custody of any child is proved guilty of assault, abuse, neglect, desertion or making a child work for his personal purpose, or exposes the child in an indecent way and thereby causes unnecessary suffering or injury which impairs the child's sight or hearing or inflicts injury to any limbs or organs or causes mental injury, will be punished with imprisonment up to five years or fine or both.¹⁸ In addition, exploitation of a child by a person entrusted with the care of a child under an order of the Children's Court or by a person who obtains custody of the child by promising to employ him in a factory or any other institutions has been made punishable with two years' imprisonment.¹⁹

26. The BNHRC is conscious that the recent Demographic and Health Survey found that in Bangladesh girl-children who married before age 18 were more likely than those who married later to be subjected to physical violence by their partners. The incidence of violence by partner was particularly high (47 per cent). More than 1 in 10 adolescent girls surveyed in Bangladesh reported partner sexual violence. About one in five ever-partnered girls aged between 15-19 reported violence by partners.²⁰ The BNHRC also notes with concern that working children, particularly those employed in 'hidden jobs' such as domestic labour, were at risk of abuse and exploitation. According to a 2008 children's opinion poll, one-quarter of all working children reported that they had been physically punished at their workplaces.²¹ Child domestic workers were highly vulnerable to abuse. Bangladesh's 421,000 child domestic workers (of whom roughly three-quarters are girls) faced particular vulnerabilities because they worked behind closed doors. A qualitative study of 80 child domestic workers in Dhaka found that half of the girls and one-third of the boys considered themselves to have been physically abused by their employers.²²

27. The BNHRC appreciates that the Supreme Court in *BNWLA vs. Bangladesh* 17 MLR 2012 (HCD) 109 issued the following ten directives to address the plight of child domestic workers:²³ (1) taking immediate steps to prohibit all forms of employment of children (including domestic works) up to the age of 12 years; (2) obliging employers of child domestic workers to provide for the training/employment of the child domestic workers aged between 13 to 18 years; (3) implementing the National Child Labour Elimination Policy 2010, and particularly recommended setting up of a focal Ministry/focal point, Child Labour Unit and National Child Labour Welfare Council for its implementation; (4) taking measures for inclusion of child domestic workers within the

¹⁸Supra 15, Section 70.

¹⁹ibid, Section 80(1).

²⁰UNICEF, *Hidden In Plain Sight*, September 2014, pp. 131-139.

²⁰UNICEF, *Child Labour in Bangladesh*, Bangladesh Country Office, p. 3.

²¹UNICEF, *Situation Assessment and Analysis of Children and Women in Bangladesh*, Bangladesh

²²Country Office, September 2009, p. 127.

²³Dr. Md. Rizwanul Islam, *Study Report on Regulating the Unregulated Domestic Works by children*; June 2014, p. 13.

Labour Act 2006 and implementing the beneficial provisions of the Draft Domestic Worker Protection and Welfare Policy; (5) monitoring the cases of violence against the domestic workers and ensuring prosecution of the perpetrators of such violence; (6) maintaining a list of children in a register to be kept in every Union Parishad and obliging parents of young children who send their children from rural to urban areas for work to register the details of the child; (7) setting up a mandatory registration regime for child domestic workers which would require all employers to register the details of children or other domestic workers with local government units such as Pourashava or municipal corporations (though not Union Parishads); (8) expecting that the Government would take steps to enact law requiring that the employers must ensure health check-up of domestic workers once in every two months; (9) requiring that existing legal framework would be strengthened in such a way that benefits of regulated working hours, rest, recreation, salary etc. enjoyed by industrial workers are also ensured for all domestic workers; and (10) requiring that laws would ensure proper medical treatment and compensation to be paid by employers to the domestic workers for any illness, injury or fatality occurring in the course of employment or as a result of it.

28. The BNHRC is aware that a Draft Policy named, 'the Domestic Workers Protection and Welfare Policy 2010' had yet to be adopted by the Government at the time of the writing of the present report.²⁴ Under this policy, the Home Ministry would be required to issue a departmental order to the effect that where a domestic worker becomes a victim of physical or mental abuse, then the concerned police station must take immediate and effective measures.²⁵ The Government would also form a central monitoring cell, monitoring cells at City Corporation and Pourashava levels as well as district and Upazilla levels.²⁶

29. The BNHRC urges the GoB to implement every available measure to protect children from all forms of violence immediately.

30. RIGHT OF THE CHILDREN (DEPRIVED OF FAMILY) TO SPECIAL PROTECTION AND ASSISTANCE PROVIDED BY THE STATE

From the Fifth Periodic State Party Report, the BNHRC has observed that, although the GoB has established or patronised a number of infrastructural facilities such as orphanages, child-care homes and day care centres etc., to provide for children deprived of family, the existing legal framework did not address this matter adequately.

²⁴ Ibid.

²⁵ Ibid, at p 18

²⁶ Ibid.

From the information available from government sources, the BNHRC has also identified that certain resources seemed to be used for other purposes.²⁷ Moreover, the GoB has not undertaken any study or survey to assess the condition of children placed in these institutions according to their background in line with the recommendation of the Committee on the Rights of the Child. The Fifth Periodic State Party Report does not address the issue of the measures needed to allow children to return to their families or the need for support to families to enable them to safeguard and care for the welfare of their children.

31. RIGHTS OF THE DISABLED CHILDREN

The Rights and Protection of the Persons with Disabilities Act 2013 ('the Disabilities Act') was enacted to strengthen protection of the rights of persons who are physically or mentally disabled. The BNHRC made recommendations on the draft law on Rights of the Persons with Disabilities. The important recommendations are as follows: (i) to ensure that the definition of 'disability' falls in line with the pertinent international instruments (ii) to conduct periodic surveys or censuses of persons with disabilities in order to gather statistical information on the issue; (iii) and to enhance participation of the NGOs in the drafting process.²⁸ All of these recommendations have been more or less incorporated into the new law.

32. The Disabilities Act provides for registration of a person with legally recognized disabilities as a 'disabled person',²⁹ reservation of a seat for disabled persons in public transport,³⁰ prevention of discrimination as regards admission to educational institution on grounds of disability,³¹ accessibility of disabled person to public places,³² and prohibition of any kind of discrimination on grounds of disability by any authority, institution as regards their rights.³³ The Act also (Section 37) penalizes the act of causing obstruction to a disabled person from accessing their legal rights with three years of imprisonment or fine or both. The BNHRC observes that the Disabilities Act in particular has enacted provisions in line with the jurisprudence developed by the Committee on the Rights of the Child. Since discussion of this legislation could not be incorporated into the Fifth Periodic State Party Report, the BNHRC provides a synoptical discussion of the law in the following-

²⁷The GoB has established 6 child-care homes for 0-7 years old children in 6 administrative divisions. The child-care homes can accommodate 600 children although 217 children have been residing. The GoB has established a day care centre in Dhaka with 50 seats available although only 34 children are residing there. There are three government-run rehabilitation and training centers for the destitute children. These centres can accommodate 750 children although only 458 children reside in these centres. See Social Welfare Ministry, Five years Achievements Report 2009-2013, available at <<http://www.msw.gov.bd/dmdocuments/5yrsachievment.pdf>>, at pp. 10-11, last visited on 20.10.2014.

²⁸The National Human Rights Commission Annual Reports 2012, pp. 45-46.

²⁹The Rights and Protection of the Persons with Disabilities Act 2013, Section 31.

³⁰Ibid, Section 32.

³¹Ibid, Section 33.

³²Ibid, Section 34.

³³Ibid, Sections 35 and 36.

33. Access to Education and Training: The Disabilities Act provides that educational institutions are prohibited from refusing to grant admission to any person on the ground of disability.³⁴ The minimum age requirement for admission of the disabled person to school should be raised compared to that for normal students. Special methods should be applied for the examination system of disabled students. In addition, the said Act provides for a quota of places for admission reserved by the educational institutions for disabled students.

34. Access to Health Care Service: The Disabilities Act mandates the Government to take appropriate steps regarding food security and nutrition of disabled children. The said Act provides for free medical food treatment and assistance to mentally disabled persons or any other disabled person requiring long term medical treatment. In addition, the said Act provides that steps may be taken with regard to tax exemption on medical expenses, reduction of the cost of medical treatment for disabled persons in private hospitals, adoption of measures to prevent aggravation of disabilities the provision of special training for doctors, social workers and other medical personnel.³⁵

35. Rehabilitation Facilities: The Disabilities Act provides for determination of a minimum standard of care according to the nature and types of disabilities. The Act also provides for the establishment of an adequate number of institutions in order to facilitate the rehabilitation of disabled persons who are living apart from their families as well as those who are suffering from acute mental illness. Furthermore, the said Act also provides for family-based rehabilitation programmes for disabled persons.³⁶

36. Preparation for Employment: The Disabilities Act incorporates policy guidelines for launching programmatic action with a view to preparing disabled children for employment. For this purpose, the Disabilities Act authorizes relaxing eligibility criteria as to age etc. The Disabilities Act also contains provisions aiming for facilitating self-employment opportunity of disabled persons.³⁷

37. Access to recreational facilities: The Disabilities Act provides for the establishment of a special kind of Sports and Recreation Centres for disabled children. The said Act provides for the creation of opportunities for participation of disabled children in cultural activities, and sports competitions for disabled children, according to the nature and types of disabilities.³⁸

³⁴Clause 9 of the schedule to the Rights and Protection of the Person with Disabilities Act 2013.

³⁵Ibid, clause 3.

³⁶Ibid, clause 8.

³⁷Ibid, clause 10.

³⁸Ibid, clause 14.

38. **Access to Information:** Information services, such as access to internet, video subtitle and audio description, screen reader, text to speech facility, have to be made available in such a way that disabled persons can use those services effectively.³⁹

39. **Assistance to Person Responsible for Care of the Disabled:** The Disabilities Act provides for imparting special training for parents, guardians and teachers of disabled children. The parents of disabled children, if employed in government service, will have the privilege to get transferred to places where disabled children can receive education and special training. Except for the aforesaid provisions, the Disabilities Act does not expressly address the issue of providing assistance to persons responsible for the care of a disabled child.⁴⁰

40. The BNHRC has learned from an up-to-date government source that the number of disabled students receiving stipends has increased from 13,000 to 20,482 during 2009-2013. Under the auspices of the National Foundation for the Disabled Persons, a school was established for autistic children in 2011. In this school, 20 poor autistic children receive education. In cooperation with private organizations, 55 schools have been established for mentally disabled children and 9,000 mentally disabled students are studying in these schools. Five schools have been established for blind children with 340 places available in total. In these schools, 201 blind children receive education. Between 2009 -2013, the GoB provided education to 913 blind children in these schools. An institution for mentally disabled children has been established in Chittagong. Although the institution has the capacity to accommodate 50 disabled children, it provides education to 65 disabled students. Between 2009 and 2013, the GoB provided training and education to 31 disabled children in this institution. The GoB has established 7 schools for children who cannot hear or speak a language. These schools have 620 places. In these schools, 411 students receive education. Between 2009 and 2013, the GoB provided training and education to 935 persons in these schools.⁴¹

41. The BNHRC, on occasions, has coordinated with the concerned authorities so as to advocate for ensuring access to mainstream primary education of children with disabilities.⁴² The BNHRC welcomes the enactment of the Rights and Protection of the Persons with Disabilities Act 2013. The BNHRC considers that the objectives of the new law can only be realized through the provision of adequate allocation of resources and measures to strengthen implementation.

³⁹Ibid, clause 6.

⁴⁰Ibid, clauses 8 and 9.

⁴¹See Social Welfare Ministry, Five years Achievements Report 2009-2013, available at <<http://www.msw.gov.bd/dmdocuments/5yrsachievement.pdf>>, at pp. 5-25, last visited on 27/09/2014.

⁴²The National Human Rights Commission, Annual Report 2011, p. 89.

42. RIGHT TO HEALTH

The BNHRC underscores that the Constitution provides that it shall be the duty of the State to take measures to raise the level of nutrition and improve public health.⁴³ The Constitution also refers to food and medical care as the basic necessities of life and makes it a fundamental responsibility of the State to secure these for all citizens.⁴⁴

43. The BNHRC acknowledges the significant progress made by the GoB in reducing child mortality. Children's access to their right to health and nutrition was evident from the reduction in the rates of child mortality and epidemics. According to the Bangladesh Demographic and Health Survey (BDHS) 2007, the infant mortality rate was 43 per thousand and the child mortality rate under the age of 5 years was 53 per thousand in 2011.⁴⁵ Between 1990 and 2006, Bangladesh's annual average rate of reduction in the under-five mortality rate was 4.8; a rate of 3.6 will be required to achieve the relevant Millennium Development Goal in 2015.⁴⁶ According to BDHS, the under-five mortality rate per 1,000 live births declined from 88 in 1999-2003 to 65 in 2002-2006, while the infant mortality rate declined from 65 to 52. The neonatal mortality rate declined from 41 in 1999-2003 to 37 in 2002-2006, showing far less improvement than under-five mortality. The average rate of reduction in mortality between 1991 and 2004 was 9.4 per cent among children aged between 1-4 years but only 2.6 per cent among neo-natals.⁴⁷

44. The BNHRC, however, takes into consideration that, according to UNICEF's Multiple Indicator Cluster Survey 2012-2013, the infant mortality rate was 46 per thousand and under-five mortality rate was 60 per thousand. In 2012-2013, the infant mortality rate of female child was 39 per thousand and under-five mortality rates of female child is 50 per thousand. The infant mortality rate of the male child was 53 per thousand and the under-five mortality rate of the male child was 68 per thousand. In rural areas, infant mortality rate was 49 per thousand and under-five mortality rate was 63 per thousand. The probability of infant mortality rates in urban areas was 38 per thousand and the under-five mortality rate was 47 per thousand. The percentage of post-natal health checks for newborns was 24 per cent by a provider at home and 81 per cent by skilled health personnel.⁴⁸

⁴³Article 18 of the Constitution of Bangladesh.

⁴⁴Article 15 of the Constitution of Bangladesh.

⁴⁵Ministry of Health & Family Welfare, Annual Report 2012-2013, p. 80.

⁴⁶Supra 22, p. 83.

⁴⁷Ibid, at pp. 83- 84.

⁴⁸UNICEF, Multiple Indicator Cluster Survey 2012-2013, May 2014, p. 2.

45. The BNHRC shares the concern of the Committee on the Rights of the Child that malnutrition remains a serious problem in Bangladesh. BDHS 2007 found that nearly half (46 per cent) of children under five were still moderately to severely underweight. About two-fifths of children under five years of age were underweight, and nearly half of them suffered from chronic malnutrition (stunting). BDHS 2007 found that 41 per cent of children under five years of age were underweight. The national Household Food Security and Nutrition Assessment (HFSNA 2009) conducted between November 2008 and January 2009 found an underweight prevalence of 37.4 per cent for this age group. The HFSNA found that 48.6 per cent of children under five years of age were chronically malnourished (stunted), which is even worse than the level of 43.2 per cent found in BDHS 2007.

The rate of acute malnutrition (wasting) among under-five children in the HFSNA 2009 was 13.5 per cent. The HFSNA 2009 found that children aged 6-23 months were more likely to be malnourished than children aged 24-59 months. The youngest children presented the highest acute malnutrition rates: one-fifth of among infants aged 6-11 months and 16 per cent among children aged 12-14 months. A study by the Government and UNICEF in 2004 found that more than two-thirds of children under five years of age were anemic, with the highest prevalence among infants of 6-11 months of age (92 per cent).⁴⁹

46. The BNHRC has observed that although the GoB made some significant progresses as regards infant mortality rate, under-five mortality rate, the Fifth Periodic State Party Report did not provide information on the minority and indigenous children's right to equal enjoyment health service.

47. RIGHT TO EDUCATION

The BNHRC underlines that according to the Constitution, 'education' was one of the basic necessities of life and it was a fundamental responsibility of the government to provide education to the citizens.⁵⁰ In Bangladesh, *the Compulsory Primary Education Act 1990* made the five-year primary education program free *in all governmental schools*.⁵¹

48. The BNHRC appreciates that the National Child Labour Elimination Policy 2010 aims to ensure compulsory and free primary education for all children who are engaged as child-workers by 2010-2015.⁵² The National Children Policy 2011 provides that for ensuring pre-primary education for child development, pre-primary education centers shall be opened and training sessions arranged for teachers of these centers.⁵³ The National Children Policy 2011 particularly aims at achieving, among others, the following objectives:

⁴⁹Supra 41, at pp. 86-88.

⁵⁰Supra 44.

⁵¹Arpeeta Shams Mizan and Muhammad Rezaur Rahman, Study Report on Diverse Streams of Education in Bangladesh and Realization of the Right to Education, 2012, p. 21.

⁵²The National Child Labour Elimination Policy 2010, p. 11.

⁵³The National Children Policy 2011, Para 6.4.2

- i) To bring all children under secondary education,⁵⁴
- ii) To provide quality education, vocational and technical education,⁵⁵
- iii) To increase the level of proficiency in English as a foreign language in the primary and secondary levels,⁵⁶
- iv) To prohibit all forms of physical and mental punishment in educational institutions,⁵⁷
- v) To ensure equal opportunity of higher education for all,⁵⁸
- vi) To take initiatives for raising the quality and standard of education,⁵⁹
- vii) To take steps to make available child friendly books, magazine, and papers to children,⁶⁰ and
- viii) To ensure regular attendance of the female children in educational institutions.⁶¹

49. The Bangladesh Labour Act 2006 provides that a child who has completed 12 years of age and is engaged in work must not have his or her education disrupted. The working hours of a school-going child should be conveniently arranged so as to allow his/her attendance in school. The Government undertakes to provide special assistance to educate marginalized indigenous children and to establish primary schools both in hilly and flatlands.⁶²

50. The BNHRC takes into consideration that the 2010 UN Human Development Report endorses that in terms of improvements in education, health and inequality, Bangladesh ranks 3rd amongst 178 countries.⁶³ According to Multiple Indicator Cluster Survey (MICS) 2012-2013 conducted in the major administrative Divisions of Bangladesh,⁶⁴ literacy rate among young people Bangladesh at national level was 82 per cent.⁶⁵ As regards school readiness,⁶⁶ the national ratio was 43.5 per cent in which 43 per cent were boys and 44 per cent were girls. The survey further showed that the net intake in primary school in Bangladesh was 43.5 per cent in which 32 per cent were boys and girls were 34 per cent.⁶⁷

⁵⁴Ibid, para 6.5.2.

⁵⁵Ibid, para 6.5.3.

⁵⁶Ibid, para 6.5.5.

⁵⁷Ibid, para 6.5.6.

⁵⁸Ibid, para 6.5.7.

⁵⁹Ibid, para 6.5.8.

⁶⁰Ibid, para 6.5.9.

⁶¹Ibid, para 8.3.

⁶²The Bangladesh Labour Act 2006, Section 44.

⁶³Ministry of Primary and Mass Education: Main Document, Third Primary Education Development Programme (PEDP3), Directorate of Primary Education, June 2011, p. 43.

⁶⁴These Divisions are Barisal, Chittagong, Dhaka, Khulna, Rajshahi, Rangpur, Sylhet.

⁶⁵At the Division levels, the highest literacy rate is 86.1 per cent (in Barisal) and the lowest is 78.2 per cent (in Sylhet).

⁶⁶The school readiness indicator refers to the percent of children in first grade who attended pre-school during the previous school year.

⁶⁷Moreover, the Bangladesh Primary Education Annual Sector Performance Report shows that the net enrolment rate, in other words, the number of children of the official primary school age (6-10 years) enrolled in Grades 1-5 relative to the total population of children aged 6-10 years was calculated to be 98.7per cent (from 95.6per cent in 2010 and 87.2 per cent in 2005). See, Bangladesh Primary Education Annual Sector Performance Report, May 2012, p. 53.

51. **Primary Education:** In 2009 there were some 81,500 primary schools (comprising ten types of schools) in Bangladesh enrolling over 16.5 million children in Grades I-V. There were around 361,000 teachers, many of whom had not received training as teachers. The pupil / teacher ratio was 48:1 nationwide.⁶⁸ Up until 2012, the Government of Bangladesh had established 37,672 primary schools in which 10,756,766 students received free education. There were 66,345 different types of non-governmental primary schools in which about 8,246,444 students received primary education. It should be noted that primary education was not free of cost in non-governmental schools.⁶⁹ The BNHRC appreciates that the GoB has taken certain measures to reduce cost of primary education in all non-governmental primary schools such as the distribution of textbooks among students of non-governmental primary schools free of cost. Over 43.3 million books have been distributed for free among students of primary, Madrassa and vocational school in the 2014 session. Between 2010 and 2014 over 1.21 billion textbooks had been distributed among 160 million primary and secondary-level students.⁷⁰ The GoB had also nationalized 26,193 non-governmental primary schools.⁷¹

52. The BNHRC takes note of the MICS 2012-2013 that 76 per cent of girls regularly attended school whereas attendance rate for boys was 71 per cent. The overall national rate of primary school attendance was 73.2 per cent. However, the ratio of attendance in secondary school decreased considerably to 46.1 per cent at national level in which the boys' and girls' ratio was 40 and 52 per cents respectively. According to the Annual School Census (ASC) 2012, attendance rate in the year 2011 was slightly higher than the 2012-13 MICS: the ratio was higher for girls (86 per cent) than boys (84 per cent).⁷²

53. **Secondary Education:** The BNHRC recalls that in the previous concluding observations, the Committee on the Rights of the Child recommended that the GoB should take special measures to increase the transition rate from primary school to secondary school. In particular, girls should be given special support to continue education at the secondary level. From the Fifth Periodic State Party Report (see 7.1), it appears that the net enrolment rates at the secondary level is considerably lower than that of primary schools.

⁶⁸Ministry of Primary and Mass Education: Main Document, Third Primary Education Development Programme (PEDP3), Directorate of Primary Education, June 2011, p. 41.

⁶⁹Ministry of Education, Bangladesh Education Statistics 2012 (BANBEIS, 2013), p. 8.

⁷⁰See http://www.mopme.gov.bd/index.php?option=com_content&task=view&id=427&Itemid=495 last visited on 20.10.2014. Also

see <<http://bdnews24.com/bangladesh/2014/01/02/free-textbooks-distribution-successful-nahid>> last visited on 20.10.2014.

⁷¹Available at

<http://www.totalgoodnews.com/news/nationalisation-of-26193-non-government-primary-schools-of-bangladesh-203.html#YXtVAMAsTtM7ePzS.99> last visited on 20.10.2014.

⁷²Supra 67, at p. 53.

54. Diverse Streams of Education: Although ensuring quality and effective education at each level of education system was one of the core objectives set by the Education Policy 2010,⁷³ in practice, diverse streams of education stand out in Bangladesh as impediments to the realization of this objective. The diverse streams of education embody Bangladesh's policy of ensuring public education according to the EFA standards. Except for the curriculum designed by the National Curriculum and Textbook Board (NCTB) that comprises the mainstay of public education, there is Madrasa education based on religious teachings administered separately by the Madrasa Board and the private English medium schools. In fact, English medium schools and Madrasas have become invariably the alternatives to State provided primary and secondary public education. Each stream of education follows its own curriculum which is substantially different from the others. Since the curriculum distinguishes the streams, the students growing up in different courses seem to adhere to different values and morals which could ultimately color their perceptions, ideas and capacities or result in disparities in the quality of education. At the tertiary level of education, board curriculum students are relatively well prepared as compared to Madrassa students who frequently face discrimination due to their unsynchronized examination system, while English medium students are often ill-equipped for public examinations challenges and may also face discrimination from certain Bangla medium counterparts.⁷⁴

55. The BNHRC notes that the GoB had not taken sufficient measures to implement the recommendations of the Committee on the Rights of the Child that the length of compulsory education should be extended. According to the BNHRC, the diverse streams of education system continue to hinder a sense of unity and equality among children. As such, education for human development as required by the Convention has been compromised. The BNHRC is of the view that it would be very difficult to realize the objectives of education as enunciated in article 29 of CRC through the existing education system.

56. RECOGNITION OF RIGHTS OF THE MINORITY CHILDREN

The BNHRC has observed that although the Constitution of Bangladesh, the Small Ethnic Group Cultural Institution Act 2010 and the National Children Policy 2011 provide for protecting and developing the unique local cultures, traditions and languages of the tribes, minor races, ethnic sects, the GoB has provided only nominal information on the measures taken under the aforementioned laws and policy as regards the rights of the minority children to enjoy their culture. Moreover, the Fifth Periodic State Party Report did not provide information about the minority children's right to professing and practising religion and use of their own languages.

⁷³See Arpeeta Shams Mizan and Muhammad Rezaur Rahman, Study Report on Diverse Streams of Education in Bangladesh and Realization of the Right to Education, NHRC-BD, 2012, p. 51.

⁷⁴Ibid, pp. 36-40.

57. PROTECTION AGAINST ECONOMIC EXPLOITATION AND HAZARDOUS WORK

The BNHRC highlights that the Constitution provides that one of the fundamental aims of the Government of Bangladesh is to secure for all citizens a society free from exploitation.⁷⁵ The Constitution further envisages that the economic system of the country will be free from exploitation⁷⁶ and makes it a fundamental responsibility of the Government to emancipate peasants, workers and backward sections of society from all forms of exploitation.⁷⁷

58. Notwithstanding the Constitutional stipulations, the BNHRC recognizes that child labour is a reality in Bangladesh. The BNHRC is also conscious of the fact that children coming from the poorest households were more likely to be engaged in the labour force and not attending school than children in households with the highest levels of per capita expenditure (9.3 vs. 4.1 per cent). These findings were consistent between boys (12.3 vs. 5.6 per cent) and girls (6.3 vs. 2.4 per cent). The percentage of children from the lowest-expenditure households that attended school without working was 72.8 as compared to 84.7 in the richest households. Among working children aged between 5-14, approximately three out of every five were employed in the agricultural sector, 14.7 per cent were employed in the industrial sector and the remaining 23.3 per cent work in services. Girls were more likely than boys to be employed in the industrial sector (17.8 vs. 13.5 per cent) and less likely to be employed in services (18.2 vs. 25.2 per cent). A high percentage of working children aged between 5 and 14 were employed as unpaid family workers (62.4 per cent in the case of boys and 80.7 per cent in the case of girls). More working boys (36.5 per cent) than girls (18.2 per cent) were either salaried or self-employed.⁷⁸

59. A major cause for the high incidence of child labour in Bangladesh is that children are considered to provide cheap, docile, undemanding, unskilled labour. By employing children on very low wages, employers are able to maximize their profits. The National Child Labour Survey 2002-03 data shows that 82 per cent of child workers in Bangladesh did not get the same wage rate as adults in Bangladesh (BBS 2003). According to the baseline survey produced on hazardous child labour sectors (BBS 2005), some of the major reasons given by employers for employing children in hazardous conditions was that parents requested them to employ their child (39 per cent) and because they were able to pay low wages (22.5 per cent).⁷⁹

60. Bangladesh was the first South Asian country to ratify the Worst Forms of Child Labour Convention (No. 182). Nonetheless, the UN Committee on the Rights of the Child expressed concern in 2009 that many Bangladeshi children continued to work in five of the worst forms of child labour, namely welding, auto workshops, road transport, battery recharging and tobacco factories. The Committee also raised concerns about the lack of mechanisms to enforce child labour laws or monitor working conditions, and insufficient public awareness about the negative effects of child labour.⁸⁰

⁷⁵Preamble to the Constitution of Bangladesh.

⁷⁶Article 10 of the Constitution of Bangladesh.

⁷⁷Article 14 of the Constitution of Bangladesh.

⁷⁸Ministry of Labour and Employment, National Plane of Action for Implementing the National Child Labour Elimination Policy 2012-2016, April 2013, p. 6.

⁷⁹ibid.

⁸⁰ibid

61. The BNHRC takes into consideration the findings of the Baseline Survey for Determining Hazardous Child Labour Sectors (BBS 2005) which states that only 8.1 per cent of families whose children are engaged in hazardous child labour would slide into poverty if there was a loss of child labour income. However, evidence shows that child labour hinders future economic growth and the accumulation of human capital. Children are deprived of future income-generating capacities and their lifetime earning ability was reduced by 13-20per cent due to entering the workforce at a young age.⁸¹

62. The BNHRC has repeatedly emphasised the need to end the endemic practice of child labour. The vast majority of child workers continued to be engaged in informal sectors where occupational health and safety protections, wages and legal and social protection were either absent or inadequate. The BNHRC has recommended a national action plan in conformity with the national Child Labour Elimination policy 2010. Recognizing the particular situation of many extremely poor and vulnerable families who relied on child labour to survive, the BNHRC has urged the GoB to establish safety net programmes to provide the required financial and social benefits to those families.⁸² The BNHRC notes with concern that government data relating to child labour dates ten years back and urges the Government to initiate a new nationwide survey and to update its data bank.

63. MINIMUM AGE FOR ADMISSION TO EMPLOYMENT

The BNHRC remains concerned that Bangladesh has not ratified the ILO Minimum Age Convention No. 138. The Labour Act 2006 has set the minimum age for admission to employment at 14. Accordingly, employment of children below the age of 14 is prohibited. However, a child of 12 years or above may be engaged in light work which is not detrimental to his/her health or education. A child will not be appointed for employment unless the employer obtains a certificate of fitness from a registered doctor. In view of the BNHRC, the Act provides a leeway for employing children in light works in that a child above the age of 12 years but below 14 years may be engaged.⁸³

64. The BNHRC particularly notes that the awareness regarding the minimum age of employment was quite low amongst child labourers (15 per cent) and their parents (20 per cent), when compared to non-child labourers (36 per cent) and their parents (62 per cent). Furthermore, the awareness regarding the above matter was even lower amongst the female parent/guardian of child labourer (12 per cent) compared to the male parent (21 per cent). Only 62 per cent male and 59 per cent female respondents were found to be aware of the minimum age of employment as provided for in the legislation of the country. The majority of employers (61 per cent) were unaware of the minimum age of employment in Bangladesh. However, 39 per cent of the employers were aware of the minimum age of employment.⁸⁴

⁸¹ Ibid

⁸² Ibid.

⁸³ Supra 23, at p. 7.

⁸⁴ UNICEF, Knowledge, Attitudes, Practices and Expectation (KAPE) Study on Child Labour in Bangladesh, 2011, p. 23.

65. The BNHRC also takes into consideration that awareness regarding the prohibitions about not employing children aged less than 14 years in any type of work and children aged 15-18 years in hazardous forms of work was very high amongst the care-takers segment, but extremely low amongst child labourers and their parents/guardians. Employers have a higher tendency to employ children aged less than 14 years while the propensity of employing children aged between 15-18 years was higher in rural areas.⁸⁵

66. The BNHRC recommends that the GoB should ratify the ILO Minimum Age Convention No. 138 according to the Committee's recommendation in its earlier Concluding Observations. Implementation of 'minimum age' can be a threshold for eradication of child labour in the country. In its considered view, the GoB should positively take all possible measures, legislative, administrative and others as soon as possible.

67. HOURS AND CONDITIONS OF EMPLOYMENT

The BNHRC remains very critical of the provisions of the Labour Act 2006 regarding working hours of the children. Generally, no child worker should be allowed to work more than 7 hours per day and 42 hours per week under law. However, the BNHRC positively notes that the Labour Act 2006 provides that no child worker is expected to work more than 5 hours per day and 30 hours per week in any factory or mine. The weekly working hour including overtime should not exceed 36 hours for factory or mines, and 48 hours for other establishments. Moreover, law prohibits a child worker to work between 7.00 pm to 7.00 am. The Labour Act 2006 also provides that no child worker should be appointed to do hazardous work and also operate machines unless they have been informed of the safety measure, danger of the machine or given training for that purpose.

68. The BNHRC notes that the number of working hours increases only marginally with age. Working children aged between 5-14 tend to work an average of 24 hours a week with boys working more than girls (25.7 vs. 19.7 hours).⁸⁶ Most working children cannot afford the time to attend regular schooling 23 per cent of children (22 per cent of females and 24 per cent of males) aged 6-10 years of age were not in school. The Net Attendance Rate for Secondary Education was only 54.3 per cent. Working children were employed on average for eight to twelve hours per day. Due to a lack of access to education, children have become trapped in low-skilled, low-income jobs, which further pushed them into the vicious cycle of intergenerational poverty.⁸⁷ Among children aged 5-14, economically active children were less likely to attend school compared to non-working children (45.6 vs. 88.4 per cent). In the age group 5 to 9 only 39.7 per cent of economically active children attended school. Almost all child domestic workers worked seven days per week and 90 per cent slept at their employer's home, meaning that they were completely dependent on their employers and often suffered restrictions on their mobility and freedom.⁸⁸ Since domestic workers are excluded from the definition of 'worker' in the Labour Act, they do not get any of the benefits regarding minimum age, working hours, etc. under the Labour Act and are often made to work for 18 hours a day. In a judgment delivered in 2011, the High Court Division directed the Government to include domestic workers in the definition of 'worker' in the Labour Act but the GoB has not taken any action yet.⁸⁹

⁸⁵ *ibid.*, at pp. 33-59.

⁸⁶ See Bangladesh Child Labour Data Country Brief, available at <<http://www.ilo.org/ipecinfo/product/download.do?type=document&id=7790>> last visited on 30 September 2014.

⁸⁷ UNICEF, FACTSHEET: Basic Education for Hard to Reach Urban Working Children, September 2013, p. 1.

⁸⁸ *ibid.*

⁸⁹ Writ Petition No. 3598 of 2010

69. The BNHRC emphasises that in order to end the regrettable phenomenon of child labour, the legal provisions relating to working hours and conditions as regards children in the Labour Act 2006 need to be amended. The BNHRC thinks the Fifth Periodic State Party Report should have provided more information on the measures taken by the GoB and their impact in this regard.

70. PROTECTION AGAINST INDUCEMENT OR COERCION TO ENGAGE IN UNLAWFUL SEXUAL ACTIVITY

The BNHRC is aware that there exist legal provisions that if applied will help protect the children against inducement or coercion to engage in unlawful sexual activity. For example, sexual intercourse with a girl child under the age of 16 with or without consent has been defined as rape and punished with rigorous imprisonment for life and with fine.⁹⁰ However, the BNHRC notes that this provision does not apply to a married girl child under the age of 16 because the Penal Code 1860 provides that sexual intercourse by a man with his own wife not being under thirteen years of age is not rape.⁹¹

Death of a girl child as a result a rape or subjecting a girl child to gang rape has been made punishable with the death sentence and with fine. Rape of a girl child in police custody has been made punishable also. Sexual oppression of a child is committed when anyone in furtherance of his sexual desire touches the sexual organs or other organs of a child and it has been made punishable with rigorous imprisonment and also with fine.⁹²

71. The BNHRC is also aware of the fact that children remain at risk of abuse or harassment in their own homes, from relatives and family 'friends'.⁹³ While disadvantaged and disabled children were more vulnerable to abuse, it has not been limited to them.⁹⁴ Children who lived and/or worked on the street were especially vulnerable to violence and sexual abuse.⁹⁵ In public areas, some children—especially street children, child sex workers, and the children of sex workers—were subjected to verbal, physical, and sexual abuse from police, *mastaans* (miscreants), and the general public. Many kinds of child abuse—especially sexual abuse—were difficult to assess because of the sense of shame children and adults experienced which prevented them from reporting them.⁹⁶ A UNICEF study suggests that ten per cent of the girls said they had been raped in the homes of their employers, and that the average age of girls at the first sexual abuse was 11.⁹⁷ A survey facilitated by ILO reveals that 0.8 per cent of the girls reported that they had experienced sexual abuse.⁹⁸

⁹⁰Supra 11, section 9. Contrarily, the Penal Code defines rape as sexual intercourse with a girl child under the age of 14 with or without consent.

⁹¹Supra 14, Section 375.

⁹²Supra 11, Section 10.

⁹³UNICEF, Child Sexual Abuse, Exploitation and Trafficking in Bangladesh, available at <http://www.unicef.org/bangladesh/Child_Abuse_Exploitation_and_Trafficking.pdf>, last visited on 13/09/2014.

⁹⁴Ibid.

⁹⁵Supra 22, p. 14.

⁹⁶Ibid, at pp. 13-18.

⁹⁷Ibid, at p. 127.

⁹⁸Ibid.

72. The BNHRC takes into consideration the report that in Barisal District, of 181 cases filed under the Prevention of Cruelty to Women and Children Act 2000, 59 cases were dropped without prosecution and only two led to conviction. The officer in charge of the BRAC legal aid services said that because Barisal has a well-functioning One Stop Crisis Centre, it gets cases with good evidence but still faces a serious problem: many witnesses do not turn up at court on hearing days; the victim's family was intimidated by the accused and/or a settlement was reached out of court; sons of wealthy families who raped girls tended to be locals with permanent addresses, whereas victims were often outsiders living in temporary accommodations, who often moved away and could not be traced during the prosecution and trial process.⁹⁹

73. In the BNHRC's view, the legal provisions concerning protection of children against inducement or coercion to engage in unlawful sexual activity should be harmonized. The GoB should enhance its efficiency as regards implementation of the relevant laws and case management system and should provide more detail information on this matter in its next State party report.

74. PROTECTION AGAINST EXPLOITATIVE USE IN PROSTITUTION

The BNHRC notes that there exist differences as regards punishment for the offence of trafficking in children with the intention of engaging him or her in prostitution in the Prevention of Cruelty to Women and Children Act 2000¹⁰⁰ and the Prevention and Suppression of Human Trafficking Act 2012.¹⁰¹ The BNHRC urges implementation of the law that no child above the age of 4 years shall be allowed to reside in or visit red light districts¹⁰² and which prohibits engaging a child in prostitution by a person entrusted with care or custody of a child.¹⁰³

75. In Bangladesh a girl attaining 18 years of age may swear an affidavit stating that she has freely taken up prostitution and such a document has been interpreted as a license to operate in government-recognized brothels (where the police are officially mandated to keep law and order). Though prostitution below the age of 18 is illegal, children below that age have long engaged in it. However, given the absence of birth registrations and the use of false documentation, implementation of this requirement has been arbitrary. Brothel culture has effectively sanctioned the practice of introducing into the trade daughters of prostitutes and bonded girls as young as 12 years old.¹⁰⁴

⁹⁹UNICEF, Sexual Abuse and Commercial Exploitation of Children: Elements for a National Strategy and Plane of Action, Bangladesh Country Office, March 2011, p. 21.

¹⁰⁰Supra 11, Section 5(1).

¹⁰¹The Prevention and Suppression of Human Trafficking Act 2012, Section 11.

¹⁰²Supra 15, Section 77.

¹⁰³Ibid, Section 78.

¹⁰⁴Supra 98, at p. 45.

76. The BNHRC remains concerned that the children of women who worked as sex workers often ended up working there too. In red light areas, many children have to work as bonded sex workers. They must pay all their earnings to the brothel's madam for their first few years in return for food, clothes and essentials. Child victims of commercial sexual exploitation risked also ending up in brothels or on the streets through trafficking, family break-downs or poverty.

77. PREVENTION OF SALE, TRAFFIC IN AND ABDUCTION OF CHILDREN

The BNHRC considers that sufficient penal provisions are already in existence to combat prevention of sale, traffic in and abduction of children. The Prevention of Cruelty to Women and Children Act 2000 provides that trafficking in child is punishable with death or rigorous imprisonment for life.¹⁰⁵ Kidnapping of a newborn baby has been made punishable with a similar sentence.¹⁰⁶ The Prevention and Suppression of Human Trafficking Act 2012 provides that kidnapping of a newborn baby for the purpose of human trafficking should be punishable with imprisonment for life or with rigorous imprisonment for a term not less than 5 years.¹⁰⁷

78. The BNHRC notes that according to the GoB, 737 cases related to trafficking in women and children were under trial in different courts of Bangladesh up to 2012. In 2011, 143 cases were lodged compared to 117 cases in 2010. A total number of 113 suspects were arrested in 2011 while 111 were arrested in 2010 in connection with human trafficking. In total, 45 cases were disposed of during 2012 of 108 persons. During 2012, 11 persons were convicted and 97 persons acquitted in 37 cases by the courts.¹⁰⁸ Between 2004 and 2012, a total of 573 cases have been disposed. Out of these cases, 205 cases concluded in conviction and 368 cases ended in acquittal. A total of 345 accused persons have been convicted, out of which 8 accused persons were awarded death sentences, 250 accused persons were sentenced to imprisonment for life and 87 accused persons were punished with imprisonment of various duration. However, 1,065 persons were acquitted of allegations in 368 cases.¹⁰⁹

79. During 2012, Rapid Action Battalion (RAB), among others, conducted 145 operations and rescued 182 victims which included children. In this connection, 276 persons had been arrested by RAB. During 2012, Border Guards of Bangladesh (BGB) rescued and recovered 86 children (with another 255 women) and arrested 10 criminals in this regard.¹¹⁰

¹⁰⁵Supra 11, Section 6.

¹⁰⁶Ibid.

¹⁰⁷Supra 100, Section 10(2).

¹⁰⁸See Ministry of Home Affairs, Combating Human Trafficking, Bangladesh Country Report, 2012, p. 9.

¹⁰⁹Ibid.

¹¹⁰Ibid.

80. The GoB has been closely working with its Indian counterpart through Rescue, Recovery, Repatriation and Integration Task Force (RRRI) on issues of trafficking. The RRRI Task Force Cell has issued 631 orders for the final repatriation of victims of trafficking through the Ministry of Foreign Affairs in 2012.¹¹¹

81. The BNHRC observes that although the GoB has undertaken commendable measures to combat trafficking in women and children,¹¹² its capacity to address trafficking remains limited, especially in regard to victim protection and prevention of internal trafficking. Cases related to human trafficking tend to be lengthy and frequently traffickers have managed to reach illegal out-of-court settlements with the victims or their families. In addition, shelter homes for trafficking victims have been poorly equipped to provide psycho-social services to the victims and even some shelter homes have been criticized for their failure to recognize residents' dignity, privacy, and right to mobility.¹¹³

82. With its limited capacity, BNHRC has been trying to respond to situations concerning human trafficking. For instance, on 28 April 2011 the Dainik Bangladesh Protidin reported that Joypurhat-3 BGB Battalion detained seven children in connection with a human trafficking case. The children were placed in detention following a court order. The Commission took up the matter suo moto, and directed the Joypurhat District Magistrate, the Social Welfare Office, the Probation Officer and the Jail Superintendent to act in accordance with the Children Act 1974 and provide follow-up report as soon as possible. The District Magistrate of Joypurhat informed the Commission on 2 May 2011 that the children were transferred from jail custody to a safe home or juvenile facility.¹¹⁴

83. THE ADMINISTRATION OF JUVENILE JUSTICE

The Children Act 2013 deals mainly with the administration of juvenile justice in Bangladesh. With a view to revising the Children Act 1974, the BNHRC organized a Consultation Meeting on Child Rights which took place on 9 June 2012 to ensure wide stakeholder input for the purpose of drafting recommendations. With the benefit of these inputs, the BNHRC sent its written comprehensive recommendations to the concerned Ministry in order to ensure that the new legislation would fully comply with the CRC. The most important recommendations were that: (i) the minimum age of criminal responsibility should be raised from 9 to 12 years; (ii) the definition of 'child' should encompass all persons below the age of 18 years;

¹¹¹Ibid, at p. 65.

¹¹²Supra 22, p. 144.

¹¹³Ibid, at p. 132.

¹¹⁴Supra 42, p. 33.

(iii) the juvenile justice database should be strengthened; (iv) there should be introduced an alternative to sanctions and prison detention; (v) safe homes should be established in every district and at every divisional level; (vi) social integration for juvenile offenders should be promoted; and (vii) there should be juvenile courts in every district. The BNHRC notes that although the Children Act 2013 is a very positive measure, a few of its very important recommendations have not been incorporated into the newly enacted Children Act.¹¹⁵

84. The BNHRC's recommendation that the minimum age of criminal responsibility should be raised to 12 years has not been followed in the Children Act 2013.¹¹⁶ The BNHRC also observes that the new law does not contain specific provision about length of pre-trial detention and allows for imprisonment of the child in case of an offence.¹¹⁷ The BNHRC is of the opinion that provisions relating to Post-trial Captivity¹¹⁸ and Alternative Measure to Deprivation of Liberty¹¹⁹ should be revised in line with the jurisprudence developed by the Committee. The BNHRC also thinks that the maximum time limit for completing a trial should be lowered.¹²⁰

85. In this connection, the BNHRC wants to highlight that a 2009 review of Bangladesh's implementation of the Convention on the Rights of the Child (CRC) by the UN Committee on the Rights of the Child while acknowledging improvements such as removing some children from adult jails, establishing child development centres and training legal professionals in juvenile justice, also observed that many children continue to be tried in regular adult criminal courts, often without legal representation, and are sentenced as adults. The BNHRC noted that the situation indicated by an earlier study that there had been no accurate statistical information available on the number of children who came into contact with the law¹²¹ more or less still prevails.

86. The BNHRC observes with concern that there were only three specialized juvenile courts. In *State vs. The Secretary, Ministry of Law, Justice and Parliamentary Affairs and others* 15 MLR (HCD) 2010 P 59-83 where the Supreme Court stated that *until such time as Juvenile Courts involving children would be set up in each district, there must be a court dedicated to hear cases involving children, otherwise the requirement of the law to have expeditious and exclusive hearings by juvenile courts would be violated*. The BNHRC thinks that the judgment of this case is still relevant even though a new law has been enacted in 2013, and wishes to see full implementation of the judgment.

¹¹⁵The National Human Rights Commission, Annual Report 2012, p. 45.

¹¹⁶Section 3 of the Penal Code makes the minimum age of criminal responsibility 12 years if the Court is satisfied that the child did not have sufficient maturity to understand the consequence of his/her action at the time.

¹¹⁷Supra 15, Section 33(1).

¹¹⁸A child guilty of an offence which is punishable with death or imprisonment for life should be detained in a Child Development Centre (CDC) for a period not less than 3 years and not more than 10 years. A child found guilty of an offence not punishable with death or life imprisonment may be

¹¹⁹ibid, Sections 29 and 34(2).

¹²⁰ibid, Section 32.

¹²¹ibid, Section 41.

87. There are only three specialized institutions for detaining children in conflict with the law, which are called Child Development Centres. The two centres for boys are located in Tongi and Jessore and the girls' centre is in Konabari. These centres accommodate children with vastly varying needs: children in conflict with the law (during pre-trial and sentencing); children in safe custody; and children who have been referred by their parents for being "uncontrollable". Some children have been also placed in safe custody in vagrant homes with adults.¹²² These homes often have very limited staff capacity, with no trained social workers or counsellors to provide individual case management. The BNHRC urges the GoB to establish more such institutions.

88. For the protection and promotion of child rights in Bangladesh, the BNHRC has established a Child Rights Committee. The Committee has been working with the Government in advocating for legal compliance with the CRC and the Constitution. The BNHRC has recommended the establishment of the Office of the Child Ombudsman in conformity with the National Child Development Policy 2011.¹²³

89. The BNHRC has been very active in protecting child rights. On 11 July 2011, the BNHRC came to know that a 12 years old child had been imprisoned in the Kishoreganj Central Jail for at least 25 days. A national Bangla-language daily, *Prothom Alo* reported that a child had been put in jail together with adult criminals, some of whom were considered dangerous. On the same day, the BNHRC directed the District Magistrate in Kishoreganj to inquire into the matter and inform the BNHRC of the status of the child. On 13 July, the District Magistrate informed that the child had been removed from Kishoreganj Jail and transferred to the Child Development Centre in Gazipur.¹²⁴

90. The BNHRC recommends revision of provisions of the Children Act 2013 regarding minimum age of criminal responsibility, length of pre-trial detention, imprisonment of the child in case of an heinous offence, Post-trial Captivity, Alternative Measure to Deprivation of Liberty, Maximum time limit for completing a trial, as well as effective implementation of the law throughout the country.

91. RECOVERY, REHABILITATION AND SOCIAL INTEGRATION OF CHILD VICTIMS

The BNHRC notes that there are a number of laws in Bangladesh such as the Prevention and Suppression of Human Trafficking Act 2012,¹²⁵ the Narcotics Control Act 1990,¹²⁶ the Prevention of Cruelty to Women and Children Act 2000,¹²⁷

¹²²UNICEF, Justice for Children in Bangladesh, March 2010, p. 3.

¹²³Supra 114, p. 107.

¹²⁴Supra 42, p. 32.

¹²⁵Supra 100, Section 32.

¹²⁶The Narcotics Control Act, Section 16.

¹²⁷Supra 11, Section 31.

the Prevention and Suppression of Human Trafficking Act 2012,¹²⁸ the Domestic Violence (Prevention and Protection) Act 2010,¹²⁹ that provide for measures to be taken for Physical and Psychological Recovery and for Rehabilitation & Social Reintegration of Child Victims.

92. The BNHRC is of the view that the management of the rehabilitation or correction centres should be improved, closely monitored and made accountable. The BNHRC would like to draw attention to a report of an incident that took place on 11 February 2014 at the Tongi Juvenile Development Centre in Gazipur. Twenty boys aged between 14-18 injured their foreheads, arms and wrists in a purported protest against torture inflicted upon them by Supervisor-in-Charge. In the aftermath of this incident, the Supreme Court sought reports from the government on measures taken to remove mismanagement at Tongi Juvenile Development Centre.¹³⁰ A committee formed by the Government in this regard according to a High Court order, interviewed all 20 juveniles involved in the incident. The committee concluded that all these teenagers were addicted to drugs, and that they had staged the protest when the Superintendent had tried to prevent their access to drugs. A couple of days later, the BNHRC officials conducted an investigation and talked to the victims and other inmates at the centre. They found that some allegations of abuses were true. The juvenile centre has only one psychiatrist for 308 inmates. If the psychiatrist works eight hours a day and gives an hour to each of them, one inmate cannot meet him more for than once a month. But the report prepared by the Government committee did not mention this issue. The report also did not recommend installing a drug rehabilitation unit at the centre. It only urged the authorities to warn the inmates about drug abuse although there was no facility inside the correction centre for drug rehabilitation.¹³¹ Three hundred and eight children, including convicts, were living at a centre that could house only 200. Juveniles whose cases were on trial were being kept there with other convicts for 22 hours a day. The process of obtaining food and other resources often took a long time as it was hindered by bureaucratic tangles. It was also reported that children did not get enough soap for proper hygiene, that the toilets were often overflowing and that, often, there was very little food.¹³²

¹²⁸Supra 15, Sections 35 and 38.

¹²⁹The Domestic Violence (Prevention and Protection) Act 2010, Section 17.

¹³⁰Available at

<<http://www.thedailystar.net/hc-seeks-info-on-steps-against-tongi-juvenile-centre-mismanagement-19442>>, last visited on 20.10.2014.

¹³¹Available at <<http://bd.thedailystar.net/kids-blamed-for-all-that-happened-17832>>, last visited on 20.10.2014.

¹³²Available at <http://www.thedailystar.net/print_post/centre-correct-none-11985>, last visited on 20.10.2014.

93. **RECOMMENDATIONS**

In general, the BNHRC recommends that the Government should implement all recommendations made by the Committee on the Rights of the Child which have not so far been fully addressed. In addition, the BNHRC makes the following recommendations:

LEGAL CONCEPT OF CHILD

1. The Government should ensure that all statutes, regulations and ordinances are made consistent with the definition of a 'child' as set out in article 1 of the CRC that a 'child' is "every human being below the age of eighteen years".
2. The best interest of the children should be the prime consideration for all concerned.
3. The Government should ensure that all laws in Bangladesh replace such terms as 'minor', 'orphan', 'adolescent' etc., wherever they are intended to refer to a child, by the term 'child' in order to promote greater consistency in law, policy and practice.

BIRTH REGISTRATION AND RIGHT TO NAME AND IDENTITY

1. The Government should launch awareness-raising campaigns aimed at parents and the community at large to encourage the registration of births with a view to ensuring that births are registered within a period of 45 days, as stipulated in the Birth Registration Act 2004.
2. The Government should take measures to ensure that the birth of children whose father or mother may be undetermined, children born out of wedlock, and births of children of refugees and internally displaced persons are registered, since in these instances, birth registrations have generally been lower.
3. Biometric technology should be introduced gradually into the birth registration process to authenticate identity and to reduce duplication, fraud and error.

PROTECTION AGAINST NEGLIGENCE BY THE PARENTS, LEGAL GUARDIAN ETC.

1. The Government should strengthen public awareness, community care institutions and mechanisms and ensure adequate allocation of resources for family support.

RIGHT TO PRIVACY OF THE CHILD

1. The Government should increase its efforts to implement the Pornography Control Act, 2012 and Information and Communication Technology Act 2006.
2. The Government should take measures to strengthen public awareness through education and training on the child's right to privacy.

RIGHT TO BE CARED BY PARENTS

1. The Government should provide safety net programmes to support mothers who are single for whatever reason to ensure the bringing up of the child in line with the CRC's minimum standards.
2. The Government should consider ways to ensure education, support and maintenance of the child as per the comprehensive and holistic approach prescribed by the CRC.

PROTECTION AGAINST ALL FORMS OF VIOLENCE

1. The Government should ratify the Convention Concerning Decent Work for Domestic Workers (ILO Convention No. 189).
2. The Government should increase its efforts to eradicate Child Marriages.

RIGHT OF THE CHILDREN (DEPRIVED OF FAMILY) TO SPECIAL PROTECTION AND ASSISTANCE PROVIDED BY THE STATE

1. The Government should expand its initiatives to address the plight of children who are deprived of a family environment.
2. The Government should increase its efforts to assess the condition of children placed in orphanages, child-care homes, and other such institutions and adopt measures to improve their living conditions and the level of the quality of services provided, including access to hygiene, clean water and adequate food.
3. The Government should also take specific measures to encourage and ensure that children who are deprived of family support can access existing facilities.
4. The Government should take measures to allow children to return to their families or to receive support from their families wherever this is in the best interests of the child.

RIGHTS OF THE DISABLED CHILDREN

1. The Government should ensure adequate allocation of resources to ensure full implementation of the Disabilities Act 2013.

RIGHT TO HEALTH

1. The Government should take necessary measures to ensure equal right to enjoyment of health service for the rights of children of vulnerable groups, including ethnic and religious minorities, indigenous groups, migrants, refugees and others.

RIGHT TO EDUCATION

1. The Government should extend compulsory education up to class VIII.
2. To the extent that resources permit, the risk of non-attendance should be mitigated as far as possible with the provision of stipends to ensure the attendance of children in school.
3. The Government should take all necessary measures to ensure realization of the objectives of education as set forth in article 29 of the CRC and Bangladesh's Education Policy 2010.
4. The Government should adopt policies to reduce disparities among various streams of education and instead promote greater integration and standardization of school curricula.

RECOGNITION OF RIGHTS OF THE MINORITY CHILDREN

1. The Government should take measures to protect the rights of the child to enjoy his or her social and cultural rights, including the right to exercise his or her right to freedom of religion or belief and to use his or her language.
2. The Government should facilitate the implementation of the Small Ethnic Group Cultural Institution Act 2010 and the National Children Policy 2011 to foster, develop and protect unique local cultures, traditions and languages of tribes, minority races and sects.

PROTECTION AGAINST ECONOMIC EXPLOITATION AND HAZARDOUS WORK

1. The Government should adopt adequate measures to enforce child labour laws as well as monitor working conditions of children.
2. The Government should take measures to strengthen public awareness about the negative effects of child labour.
3. The Government should provide safety net programmes to give financial and social benefits to extremely poor and vulnerable families who relied on child labour to survive.
4. The Government should undertake nationwide survey to update data relating to child labour in Bangladesh.

MINIMUM AGE FOR ADMISSION TO EMPLOYMENT

1. The Government should take necessary steps to ratify the ILO Minimum Age Convention No. 138 for eradication of child labour in Bangladesh.
2. The Government should positively take all possible legislative, administrative and others measures to address the issue related to minimum age for employment.

HOURS AND CONDITIONS OF EMPLOYMENT

1. The Government should take immediate steps to amend the legal provisions relating to working hours and conditions regarding children in the Labour Act 2006.

PROTECTION AGAINST INDUCEMENT OR COERCION TO ENGAGE IN UNLAWFUL SEXUAL ACTIVITY

1. The Government should increase its efforts to harmonize the legal provisions concerning protection of children against inducement or coercion to engage in unlawful sexual activity.
2. The Government should enhance its efficiency as regards implementation of the relevant laws and case management system.

PROTECTION AGAINST EXPLOITATIVE USE IN PROSTITUTION

1. The Government should increase its efforts to implement the provision of law that prohibits engaging a child in prostitution.

THE ADMINISTRATION OF JUVENILE JUSTICE

1. The minimum age of criminal responsibility should be raised from 9 to 12 years.
2. The Government should take measures to revise the provisions of the Children Act 2013 regarding minimum age of criminal responsibility from 9 years to 12 years, length of pre-trial detention, imprisonment of the child in case of an heinous offence, post-trial Captivity, alternative Measure to Deprivation of Liberty, maximum time limit for completing a trial.
3. The Government should increase its efforts to implement the Children Act 2013 throughout the country.
4. The Government should endeavour to establish the Office of the Child Ombudsmen in conformity with the National Child Development Policy 2011.
5. BNHRC recommends to expedite the formulation of Children Rules and the proper implementation of the Children Act and the proposed Children Rules.
6. BNHRC recommends to amend the Child Marriage Restraint Act 1929 or enact new legislation to prevent child marriage by enhancing the provision of punishment and incorporating the minimum age at 18 for both boys and girls.

RECOVERY, REHABILITATION AND SOCIAL INTEGRATION OF THE CHILD VICTIMS

1. The Government should take necessary measures to monitor the management of the rehabilitation or correction centres with the objectives to improve the condition of these centres and ensure accountability of the concerned authorities. proper implementation of the Children Act and the proposed Children Rules.



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