



Ain o Salish Kendra (ASK)



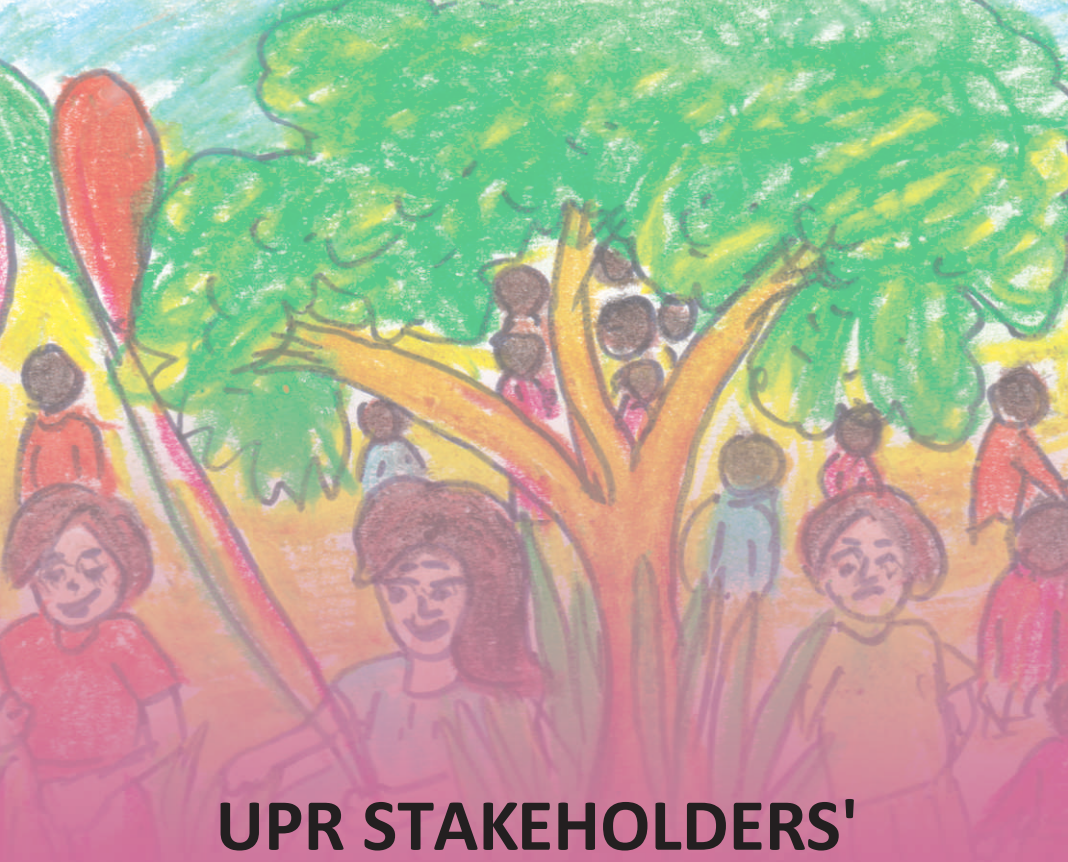
Save the Children



# UPR STAKEHOLDERS' SUBMISSION ON THE CHILDREN'S RIGHTS SITUATION IN BANGLADESH

3<sup>rd</sup> Cycle of UN Universal  
Periodic Review (UPR)





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This report has been submitted under the third cycle of Universal Periodic Review (UPR) of United Nation's Human Rights Council by Child Rights Advocacy Coalition in Bangladesh.

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# LIST OF THE MEMBERS CHILD RIGHTS ADVOCACY COALITION IN BANGLADESH

<b>Ain o Salish Kendra (ASK )</b> <a href="http://www.askbd.org">www.askbd.org</a>	<b>National Girls Child Advocacy Forum (NGCAF)</b> Web: <a href="http://www.girlchildforum.org">www.girlchildforum.org</a>
<b>ActionAid Bangladesh</b> <a href="http://www.actionaid.org">www.actionaid.org</a>	<b>Plan International Bangladesh</b> <a href="http://www.plan-international.org">www.plan-international.org</a>
<b>Bangladesh Shishu Adhikar Forum (BSAF)</b> <a href="http://www.bsafchild.net">www.bsafchild.net</a>	<b>Save the Children</b> <a href="https://bangladesh.savethechildren.net/">https://bangladesh.savethechildren.net/</a>
<b>Child Rights Governance Assembly (CRGA) UDDIPAN (Secretariat)</b> <a href="http://www.uddipan.org">www.uddipan.org</a>	<b>Terre des Hommes Netherlands</b> <a href="http://www.terredeshommes.nl/en">www.terredeshommes.nl/en</a>
<b>EDUCO</b> <b>Education and Development Foundation- Educo</b> Web: <a href="http://WWW.EDUCO.ORG">WWW.EDUCO.ORG</a>	<b>World Vision Bangladesh</b> Web: <a href="http://www.wvi.org/bangladesh">http://www.wvi.org/bangladesh</a>

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# ACRONYMS

BRIS	- Online Birth Registration System
BSAF	- Bangladesh Shishu Adhikar Forum
CEDAW	- Convention on the Elimination of all forms of Discrimination Against Women
CMRA	- Child Marriage Restraint Act 2017
CRC	- Convention on the Rights of the Child
CRVS	- Civil Registration and Vital Statistics
DPE	- Directorate of Primary Education
DBR	- Digital Birth Registration
GDP	- Gross Domestic Products
GoB	- Government of Bangladesh
HC	- High Court
HIV	- Human Immune Deficiency Virus
ILO	- International Labor Organization
LGED	- Local Government Engineering Division Ministry of Law, Justice and Parliamentary Affairs
MoE	- Ministry of Education
MoFA	- Ministry of Foreign Affairs
MoHA	- Ministry of Home Affairs
MopME	- Ministry of Primary and Mass Education
MoWCA	- Ministry of Women and Children Affairs (MoWCA)
NCLEP	- National Child Labour Elimination Policy
NCP	- National Children Policy 2011
NCRC	- National Commission on the Rights of the Children
NCTB	- National Curriculum and Textbook Board
NHRC	- National Human Rights Commission

- NPAECM - National Plan of Action on Ending Child Marriage
- NSSS - National Social Security Strategy
- OP3 - Optional Protocol 3
- PM - Prime Minister
- PMO - Prime Minister's Office
- SRHR - Sexual and Reproductive Health and Rights
- SSNPs - Social Safety Net Programs
- UN - United Nations
- UNICEF - United Nations International Children's Emergency Fund.
- UNHRC - United Nations Human Rights Council
- UPR - Universal Periodic Review
- VAC - Violence against Children
- VAW - Violence Against Women

# EXECUTIVE SUMMARY, METHODOLOGY AND CONSULTATION PROCESS

## EXECUTIVE SUMMARY

This report has been prepared by the *Child Rights Advocacy Coalition in Bangladesh (CRAC,B)*, an alliance of national NGOs, networks and INGOs. Since the last cycle of recommendations, the coalition has monitored and produced mid-term progress reports and identified the most under-addressed recommendations, as well as carrying out coordinated and concerted advocacy initiatives with the government of Bangladesh and other relevant stakeholders to bring about legislative and policy reforms for the promotion and protection of the rights of children.

## METHODOLOGY AND CONSULTATION PROCESS

The report draws upon a series of national consultations held between July and September 2017, as well as on the numerous publications and other documentations and experiences of coalition members. A draft of the report was also shared with children at both the divisional and national levels. Children from different socio-economic backgrounds, irrespective of their sex, age or geographic location, have provided their input in this report. This report refers to the continuities of law and practice impacting on children's rights, with a particular focus on specific incidents and trends of concern observed since the second cycle of UPR in 2013. The report also presents an analysis of the government's implementation of its commitments made in response to the second cycle.

# IMPLEMENTATION STATUS OF SECOND CYCLE RECOMMENDATIONS

## 1. Ratification of the Treaties regarding Child Rights

- 1.1 Bangladesh accepted recommendation (No 129.1) to ratify OP3 to Convention on the Rights of the Child (CRC) during the second cycle, however the government has not taken any concrete steps since 2013 to facilitate the ratification process.
- 1.2 Despite repeated recommendations from the United Nations Convention on the Rights of the Child (UNCRC) committee, the government continues to express reservations regarding articles 14 and 21 of the UNCRC.

### Recommendations:

- Ratify optional **protocol 3 and develop a national communication procedure** in the best interests of children.
- **Withdraw reservations to articles 14 and 21 of the UNCRC.**

## 2. Child Rights Governance

- 2.1 Bangladesh agreed to continue with its policies regarding improving children's rights in the UPR 2013 (No 129.4,129.40). One noteworthy outcome is the enactment of the Children Act 2013 which replaced the outdated Child Act of 1974. The new law reflects some UNCRC provisions<sup>1</sup> however a substantial administrative set up is required to implement such provisions. Additionally, the updated Act lacks a strong and effective monitoring system. Most notably, the rules of the Act have not yet been confirmed and, since these rules determine

<sup>1</sup> 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. The MoHA has also appointed 597 child friendly police officers in many police stations to provide specialized services as stipulated in the Children Act, 2013.

the implementation modalities, it is not currently possible to apply the Act as it is intended. No initiatives have been undertaken to harmonize the definition of 'children' in different national laws (No 129.4).<sup>2</sup>

- 2.2 Allocating necessary financial resources is a precondition to fulfilling the needs of children and ensuring their rights to survival, development and participation. The introduction of a Child Budget in the 2014-15 Fiscal Year is a noteworthy achievement on this front. But, given that children make up approximately 45% of Bangladesh's population, investment in children remains inadequate, especially in terms of health and social protections. For the 2016-2017 fiscal years the Child Budget was assigned just 14.2% of the national budget (2.5% of GDP).<sup>3</sup> It is of utmost importance that the needs and realities of children are considered when allocating resources. However, Bangladesh's budget making process is still largely non-participatory in nature, with children in particular being left out of the process.
- 2.3 The National Social Security Strategy (NSSS) has acknowledged that coverage of very young children by social protection schemes is extremely minimal; around 15 million children do not receive direct social protection support.<sup>4</sup>
- 2.4 There is a lack of coordination among different government ministries/organizations, creating a crucial barrier to implementing many progressive government policies and initiatives. There is no separate children's affairs division under the Ministry of Women and Children's Affairs (MoWCA), despite MoWCA coordinating 23 ministries/divisions which directly or indirectly manage the government's affairs related to children. It is difficult for MoWCA to coordinate the aggregated administrative arrangement, budgetary allocation issues and implementation mechanisms with its present capacity. The government has principally agreed to establish the directorate but progress towards this is very slow.

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2 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 of 2011. But the National Child Labour Elimination Policy (NCLEP), 2010, which has been adopted to prevent and eliminate child labor, especially hazardous forms of child labor, has defined child as a person not completed 14 years of age and adolescent who has completed 14 years but fall below 18 years.

3 Save the Children Child Budget 2016-2017, available at [https://bangladesh.savethechildren.net/sites/bangladesh.Savethechildren.net/files/library/analysis\\_child\\_budget\\_2016-17.pdf](https://bangladesh.savethechildren.net/sites/bangladesh.Savethechildren.net/files/library/analysis_child_budget_2016-17.pdf)

4 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](http://www.plancomm.gov.bd/wp-content/uploads/2015/04/Final-Draft-of-National-Social-Security-Strategy_NSSS.pdf)

- 2.5 Children's right to participation in decision-making affecting their lives has been recognized by the government in the National Children Policy 2011 (NCP). Children are invited to various relevant forums but given limited space or opportunity to contribute in the discussion. Since the formulation of the NCP, no guidelines have been adopted and there are no standard operating procedures for ensuring meaningful child participation and government officials lack capacity in facilitating this.
- 2.6 Children's rights are regularly violated in various ways by the people, systems, structures and mechanisms of the society and state. With a lack of proper implementation, and in the absence of institutional accountability, there are lengthy delays in the delivery of exemplary punishment to perpetrators. Additionally, the lack of systematic monitoring mechanisms for the implementation process has widened the scope for further violations. In the second cycle the government also agreed to appoint a Child Ombudsperson (No 129.28). MoWCA, considering the situation of children in the country, has principally agreed to and accepted CRAC,B's proposal to establish a National Commission for the Rights of the Children. To date, progress has been slow.

### Recommendations:

- Finalize the draft **Rules of Children Act 2013** and **allocate the appropriate administrative, technical and financial resources**.
- Accelerate the process of establishing a **Separate Directorate for children** for ensuring effective coordination between the ministries.
- **Establish an independent National Children's Rights Commission** immediately and assign the Commission adequate power and resources to oversee children related initiatives.
- **Develop and introduce guidelines and a standard child participation procedure** and build the capacity of government officials to execute and follow the procedure.
- **Ensure consultation with children** and organizations working on children's rights before assigning the Child Budget.

## 3. Violence Against Children

- 3.1 Since 2013, children have continued to be subjected to various forms of violence, including killings, torture and rapes. This violence occurs at homes, schools, communities and workplaces, with perpetrators

ranging from employers to parents. Some specific categories of children remain more vulnerable than others, especially trafficking victims, children of sex workers, those with disabilities, members of ethnic or religious minority groups, refugees, those affected by AIDS, and *Dalit* (untouchable) children. Working children are subjected to cruel torture, which in many cases leads to their deaths. According to BSAF, 1,141 children were killed during the period of 2013-2016 and 222 children were killed during the first eight months of 2017 (Jan-August).<sup>5</sup>

- 3.2 The increasing rate of child rape has become an issue of major concern. BSAF reported that 1,735 children were raped between 2013 and 2017 and 399 children were raped between January and August, 2017. Bangladesh has also observed frightening incidences where girls were brutally stabbed, killed or injured.<sup>6</sup> Many girls have also committed suicide after being raped or sexually harassed.
- 3.3 Political unrest has had a dreadful impact on the safety of children. In 2013, 34 children were killed and 46 were injured, whilst in 2015, 11 were killed and 17 injured as a result of arson attacks on public transport, crude bomb attacks and other forms of political violence.<sup>7</sup> Children are also being used by different fundamentalist or extremist groups as human shields to avoid action by law enforcement agencies.
- 3.4 According to media analyses, 22,386 women and children received treatment from the One Stop Crisis Centers due to rape and other forms of violence from 2001 to 2015. This led to 5,003 legal cases being filed, resulting in 820 verdicts. However, only 101 perpetrators received punishments, meaning just 3.66% of cases were settled and only 0.45% of the perpetrators were punished.<sup>8</sup> Furthermore, 77.6% of the women and children who received treatment did not have a legal case filed.
- 3.5 Regardless of the High Court's directives<sup>9</sup> and the government's

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5 Bangladesh ShishuAdhikar Forum (BSAF), <http://bsafchild.net/>

6 <http://www.thedailystar.net/frontpage/risha-loses-the-battle-life-1277044>

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

8 The Daily Star, 3 October 2016, available at <http://www.thedailystar.net/op-ed/politics/what-we-need-do-1293022>

9 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.

repeated circulars<sup>10</sup>, children are still facing corporal punishment at their educational institutions. 963 students faced such punishments from 2014 to 2016. The cases reported revealed such violence being committed against students younger than six years of age, female students and students from minority groups, such as *Dalits*. There were reports of students committing suicide after verbal abuse by teachers<sup>11</sup>. In a few cases, corporal punishment has also led to the death of students.

3.6 In Bangladesh, young girls are increasingly falling victim to online sexual harassment and abuse. Police reportedly receive 10 to 12 online harassment complaints every day. 90% of the victims are pre-teen and teenage girls.<sup>12</sup> The real number of incidents, however, is much higher with most going unreported. Existing laws have not been effectively or appropriately updated to deal with offences committed using digital media, and evidence laws remain so archaic that they fail to allow for use of electronic evidence. A lack of technical knowledge among relevant government officials is also a major obstacle to combating such incidents.

## Recommendations

- Ensure **speedy trial processes for all cases of child torture and rape and** take preventive measures to end VAC.
- Issue the '**Ban on Corporal Punishment Policy and Guideline 2015**' as outlined in the 2015 State Report to the CRC Committee.<sup>13</sup>
- **Repeal current laws allowing corporal punishment of children<sup>14</sup>** and enact a new law banning corporal punishment in all settings.

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10 The Ministry for Primary and Mass Education (MoPME) issued a circular specifying the following:

- i. Circulars (2010 Government Circular and 2011 Government Guidelines) are to be displayed visibly at in the head masters' room of all schools.
- ii. Appointment letters of teachers must specify their role in preventing corporal punishment.
- iii. Corporal punishment should be included in the DC and UNO quarterly coordination meeting agenda.
- iv. Ending corporal punishment should be included as criteria for the annual best school award.
- v. Corporal punishment should be verified during inspections by Upazila Education Officer & Assistant Upazila Education Officer.

11 See news report on suicide of a student on: <http://dev.thedailystar.net/backpage/unable-pay-tk-80-exam-fee-schoolgirl-kills-herself-1277668>

12 <http://www.dw.com/en/more-bangladeshi-girls-harassed-online-than-ever/a-38485906>

13 See the written replies of the Government of Bangladesh to the list of issues prepared by the Committee of the Convention on the Rights of the Child in consideration of the fifth periodic report of Bangladesh. Accessible at: [http://mowca.portal.gov.bd/sites/default/files/files/mowca.portal.gov.bd/page/6768565c\\_9b45\\_4aed\\_b390\\_919a52462d6c/CRC\\_draft\\_final\\_15.6.2015\\_bn.pdf](http://mowca.portal.gov.bd/sites/default/files/files/mowca.portal.gov.bd/page/6768565c_9b45_4aed_b390_919a52462d6c/CRC_draft_final_15.6.2015_bn.pdf).

14 Section 53 of the Prison Act, 1884, Section 130 of the Railways Act, 1890 Sections 3, 4 and 5 of the Whipping Act, 1909, Section 4 of the Borstal Schools Act, 1928, and Sections 3-11, 13 and 23(1) of the Cantonments Pure Food Act, 1966.

## 4. Birth Registration

- 4.1 Bangladesh's government strengthened its efforts<sup>15</sup> in the second cycle to ensure a valid birth certificate for every child in the country (No 129.95).<sup>16</sup> But the country still has one of the world's lowest rates of registration of newborns - a miniscule 3.3% of the 3 million children born every year are registered within the first 45 days.<sup>17</sup> There is also a worrying trend of issuing birth certificates for girls which indicate that they are much older than they actually are.<sup>18</sup> The failure to register births within the first 45 days not only increases the vulnerability of girls to child marriage, but is also being used as a household strategy to plan for child marriages.
- 4.2 The bureaucratic complexity of the registration process offers opportunities for corruption and discourages parents from registering their children. Furthermore, birth registration rates among marginalized, socially excluded and hard-to reach populations, as well as that of their children, remains lower compared to the rest of the country.

### Recommendations:

- **Ensure birth registration for all children free of cost** and employ effective measures to stop fake registrations.
- **Accelerate the introduction of the mobile app for a birth registration service** for socially excluded, marginalized and hard-to-reach child populations.

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15 It has made strong policy commitments regarding Civil Registration and Vital Statistics (CRVS) in line with international declarations (for example at the 2014 Ministerial Conference on CRVS) and its own Digital 2020 vision for the country. A high-level CRVS Steering Committee was formed in September 2014 under the Cabinet Division within the Prime Minister's Office (PMO) to maximize coordination amongst national and field level agencies especially those responsible for public service delivery. The Committee established a CRVS Secretariat and also formed several working groups, including one on Digital Birth Registration (DBR), comprised of stakeholders from relevant Government units. Stakeholders included relevant units of ministries of health, local government, information and technology, the Bangladesh Bureau of Statistics and the Access to Information programme of the PMO and the Election Commission. 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. Online Birth Registration System (BRIS) from October 2010 to gradually discard the manual system.

16 The government has declared birth registration free for working children, street children, those who are differently-abled and those who are children of refugees to encourage parents and children to register their births.

17 Plan International Bangladesh, Digital Birth Registration Technical Study Towards Strengthening CRVS'2016

18 Our Story: Child-led Alternative Report. Child Rights Situation in Bangladesh in Response to Fifth State Party Report, Bangladesh. National Children Task Force. October 2014

## 5. Harmful Traditional Practices (Child, Early and Forced Marriages)

- 5.1 In Bangladesh, 52.3% of girls are married before the age of 18, placing the country in the top five high-prevalence countries according to UNICEF (2016).<sup>19</sup> *Plan International, Bangladesh's 2016 monitoring for child marriage (CM) outcomes in its working areas* shows that 19.85% girls aged 15-19 years old are getting married before 15 years old and 54.19% women aged 20-24 years were married before reaching 18 years of age. The corresponding national rates are 7.5% and 52.3%, respectively.<sup>20</sup> Furthermore, a recent study<sup>21</sup> conducted in CM prevalent areas of Bangladesh (the Unions of Gaibandha, Nilaphamari, and Kurigram Districts) found that 69% of adolescent girls between the ages of 13 and 15 were married and 92% of them had dropped out of school. Moreover, 89% of child brides became pregnant at least once before reaching 19 years of age and had no knowledge of reproductive health.
- 5.2 On several occasions, including in the second cycle of UPR (No 129.31, 129.90), the government promised to take swift action to prevent early marriages. Contrary to its commitments, and despite sustained protests by child rights activists, the government enacted the Child Marriage Restraint Act, 2017 (CMRA) on February 28, 2017 retaining the legal age of marriage at 18 for girls and 21 for boys. However, the law includes a special provision for marriages of children below the legal age under “special circumstances” and keeping the “paramount interest of the child” in mind. The provision therefore creates a loophole and opens up the possibility of misuse of the law as no minimum age has been specified for marriages of girls under 18 (and boys under 21).
- 5.3 The government has begun drafting the rules for the CMRA 2017, with youth and NGOs sharing their suggestions with the government in regards to how the rules can be formulated in ways which prevent the use of the special provision as a loophole. The government has shared the first draft of the National Plan of Action on Ending Child Marriage (NPAECM) and the main challenge will be resourcing it.<sup>22</sup>

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<sup>19</sup> See full data on: <http://www.girlsnotbrides.org/bangladesh-child-marriage-restraint-act-2016-recap/>

<sup>20</sup> Multiple indicators Cluster Survey Report, 2015

## Recommendations:

- Immediately **formulate rules for CMRA 2017 clarifying existing gaps** to prevent misuse of the “special circumstances” clause and ensure exemplary punishment for invoking the special provision as a loophole for CM and establish a monitoring cell to check for underage marriages.
- **Increase the educational incentives to keep girls in school till 18 years of age** and ensure that girls in economically vulnerable households have access to safety nets.
- Take measures in the NPAECM to **build the aspirations of girls and increase SRHR programs**.

## 6. Right to Education

- 6.1 In recent years Bangladesh has achieved significant advancements in the education sector<sup>23</sup> however the country still has some major challenges, especially in relation to ensuring education for the disadvantaged and disabled children, as well as indigenous children and those living in remote areas. According to one survey, 23% of children aged 6 to 10 years of age are not going to school; among those, around 11% have never been to school, 10% entered school late, while about 2% dropped out of school. The percentage of children who are out of school and dropped out is higher in the urban slum areas compared to rural areas.<sup>24</sup>
- 6.2 In Bangladesh, there are different streams of education and children's education standards are based on their parents' social and financial status. The government has not taken any initiatives to enact an integrated education law (No 129.142) to create a level playing field where every child gets the same educational opportunities.
- 6.3 The government received many recommendations for improving the quality of education in 2013 (No 129.138, 129.140, 129.141). However, there is no sign of improvements in this regard.<sup>25</sup> A January,

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cultural activity for the children. Each educational institution shall have playground, sports equipment. The town planning shall include compulsory playground for the children”. The Bangladesh Education Policy (2010) also recommended that the government “take necessary steps to create facilities of playground, sports, games and physical exercises in all educational institutions”.

32 Report on Child labour Survey (CLS) Bangladesh 2013. October, 2015, Bangladesh Bureau of Statistics, <http://www.bbs.gov.bd/WebTestApplication/userfiles/Image/LatestReports/ChildLabourSurvey2013.pdf>

33 Dhaka Tribune, <http://archive.dhakatribune.com/BANGLADESH/2016/JAN/19/CHILD-LABOUR-STILL-RISING>

34 Though additional labor inspectors were appointed in 2015, the overall number is still far from sufficient considering the size of Bangladesh's workforce and International Labour Organization (ILO)

2016 survey<sup>26</sup> on primary schools in Bangladesh revealed that more than half of 100 primary school teachers who took part in the survey are still unclear about creative education methods.<sup>27</sup> An overloaded curriculum, complex textbooks, and faulty examination and evaluation systems are all issues in secondary level education.

6.4 There are allegations that the National Curriculum and Textbook Board (NCTB), yielding to pressure from radical Islamists, sowed sectarianism into the education system through intentionally removing secular humanist writings from the textbooks at primary and secondary levels and replacing it with sectarian content.<sup>28</sup>

## Recommendations

- **Enact an integrated education law immediately** and extend the compulsory primary school at least to 13 years age.
- Review the existing education system, **invest more in the education sector and ensure systematic monitoring** to make the spending transparent.
- Strengthen efforts to reduce school **dropout rates, decrease the teacher-student ratio by hiring more qualified teachers**, provide more vocational education and training to improve the functional utility of secondary education.
- **Remove sectarian content from the textbooks of primary and secondary schools** and conduct the textbook production process in a rigorous manner.

## 7. Right to Health

7.1 Bangladesh has made significant advances in the reducing the under-five mortality rate, reducing the 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 in ensuring the right to health for all.

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standards.

35 Snapshot of Success, available at <https://bangladesh.savethechildren.net/sites/bangladesh>.

- 7.2 With regards to the child death rate, according to one study 90,000 babies die during childbirth or within 24 hours of their birth every year in Bangladesh due to the absence of trained midwives.<sup>29</sup> Moreover, diarrhea kills 45,000 children annually in Bangladesh.<sup>30</sup>
- 7.3 The rate of malnutrition in Bangladesh is still among the highest in the world, with 6 million children estimated to be chronically undernourished. Children and women suffer from one or more forms of malnutrition, including low birth weight, wasting, stunting, being underweight, Vitamin A deficiencies, iodine deficiency disorders and anemia.
- 7.4 Existing health facilities presently do not enable many marginalized children, including the disabled, to meet their health needs. CRAC,B findings indicate that proper child health care is not available in the district, upazila and village levels due to the lack of physicians, medical equipment and medicines.

### Recommendations:

- **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.
- Adopt more **coordinated strategies to accelerate the reduction of under-nutrition in children.**

## 8. Right to Play and Recreation

- 8.1 Despite policy recommendations,<sup>31</sup> children's right to play and recreation is in an unsatisfactory state. Due to widespread unplanned urbanization, most of the playgrounds in major cities have been taken over by influential groups. Furthermore, existing policy documents do not emphasize the equal importance of girls' participation in sports and other recreation activities, with girls currently restricted from participating in such activities and often being kept indoors out of fear for their safety.

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also contribute to its efforts in combating human trafficking. Aside from having established domestic legal and administrative schemes to combat human trafficking, the government also works in partnership NGOs and international agencies, including UN bodies.

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

43 October 2017, Dhaka Tribune, available at <http://www.dhakatribune.com/world/south-asia/2017/10/03/rohingya-children-without-families-need-extra-attention-save-children/>, accessed on 04 October 2017

8.2 There exists no specific policy for enhancing the sports and recreation opportunities for children in the country. In 1998 the 'Ministry of Sports and Youth' drafted the country's 'Sports Policy' yet after almost 20 years the sports policy has not been finalized. There is an urgent need to deconstruct myths about play and to recognize the benefits of play for children and young people.

## Recommendations

- **Finalize the Sports Policy and institutionalize Children's rights to play and recreation** to create an enabling environment for children (both girls and boys) of all ages and in all settings (rural and urban).
- **Allocate resources that maximize participation** in and access to 'play and sport for all', focusing on girls' participation.

## 9. Child Labor

9.1 Despite all the great efforts taken, the National Child labor Survey 2013 estimated that 3.45 million children are engaged in employment in various sectors and around 12.8 million children aged 5 to 17 years of age are involved in hazardous child labor.<sup>32</sup>

9.2 The government laid out the National Child Labour Elimination Policy in 2010, in which they vowed to ensure that no child would be working in hazardous jobs by the end of 2015 and, moreover, that there would not be any child labor in Bangladesh by 2016. The government is far from fulfilling these commitments. Only the readymade garment sector and the shrimp industry – two of the 38 sectors identified in 2012 – are now reported by the government to be entirely free from child labor. Conversely, various others sectors, such as the transport industry, still have high levels of child labor, with many children still engaged in hazardous jobs.<sup>33</sup>

9.3 The inadequate number of labor inspectors<sup>34</sup> and weak law enforcement also play roles in perpetuating the continuation of child labor.<sup>35</sup> Various reports show that inspections are taking place in

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formal sectors where children are working; however, inspections are rarely conducted in informal sectors, such as unregistered factories and other establishments where children are more likely to be employed.<sup>36</sup>

9.4 Child domestic work conforms to the key attributes of the definition of hazardous work according to ILO convention 182<sup>37</sup> and ILO recommendation 190<sup>38</sup>, yet still the government has kept domestic work off the list of hazardous workplaces, including omitting it from the Labour Act 2013 (amended). Domestic work is yet to be recognized as a formal sector. The formulation of the Domestic Workers Protection and Welfare Policy in 2015 represents a positive step in this regard; however, as policy is not legally enforceable, it is necessary to enact laws in order to effectively regulate the sector.

### Recommendations:

- **Allocate a specific budget provision** for eliminating all forms of child labor by 2025.
- Develop a rehabilitation strategy **to reduce children's employment** in hazardous works.
- Activate local level committees for **close monitoring and implementation of policy** at the local level.
- Adopt the **Domestic Workers Protection and Welfare Act** and **ratify ILO conventions 138 and 189**.

## 10. Juvenile Justice

10.1 To establish a child-friendly justice system, the Children Act, 2013 recognizes certain organizations and their responsibilities in regards to the protection of the best interests of children. Although the government received recommendations in the last UPR cycle (129.94), the Children Act, 2013 has not raised the age of criminal responsibility for juvenile offenders to 12 years of age.

10.2 The numbers of Juvenile Development Centers is inadequate and there appears to be negligence in the management and monitoring

systems of these centers.<sup>39</sup> The existing centers are overcrowded and facilities are inadequate. Convicts and children on trial are regularly kept in the same center. Child abuse and mismanagement of these centers are major concerns.

## Recommendations

- **Ensure family-based integration rather than institution-based reintegration for children.** Consider alternative care options (e.g. kinship care, small group homes, supported independent living, foster care) before placing a child in any institute.
- **Increase the age of criminal responsibility for juveniles to at least 12 years of age in the Children Act, 2013,** making considerations for the emotional, mental and intellectual maturity of juveniles.

## 11. Sexual Exploitation and Trafficking of Children

11.1 Child sexual exploitation remains largely a taboo subject in Bangladeshi society. The exploitation of children in prostitution begins as young as 10 years of age, with children working in brothels, hotels and on the streets. Many children are forced to work as bonded sex workers in brothels. An estimated 40,000 street children are at high risk of such exploitation, with an estimated 10% of these forced into prostitution or having to do so simply to survive.<sup>40</sup>

11.2 Despite making considerable progress in combating human trafficking<sup>41</sup> (No 129.18, 129.19, 129.37), 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.<sup>42</sup> The authorities lack major institutional structures to

create awareness among the victims to prevent exploitation, as well as failing to take sufficient steps 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 children as well as those working in brothels and domestic settings.

## Recommendations

- **Build the capacity of law enforcement officials, including police, border guards, prosecutors and judges**, to ensure effective investigation of child sexual exploitation cases and the prosecution and sanctioning of the perpetrators.
- **Ensure recovery and reintegration services** for child victims of sexual exploitation (both girls and boys), develop a referral system and adopt stringent guidelines for the standard of care.

## 12. The Plight of Rohingya Children

12.1 Since 25 August 2017, more than 500,000 Rohingya have sought refuge in Bangladesh. Of those refugees, 60% are children under the age of 18, including almost 1,800 unaccompanied children reported as of September 30. They were either separated from their parents or lost in the violence. These children need extra support to ensure their emotional wellbeing and also to protect them from further risks i.e. malnutrition, diseases, trafficking, violence, etc.<sup>43</sup>

### Recommendations:

- **Establish the status of the refugee children and ensure their registration in line with international standards and the 1951 convention and its 1967 protocol.**
- Ensure immediate and coordinated actions towards **providing life saving support for lactating/pregnant mothers and** the protection of young/adolescent girls from **exploitation and trafficking.**
- Ensure that **unaccompanied children are reunited with their families or benefit from appropriate alternative family or community based care** following international standards.

- **Ensure assistance reaches all vulnerable children in need** (newly arrived Rohingya children and those living in Bangladesh before the recent influx), including meeting their educational needs, and reopen existing informal schools as soon as possible for their psycho-social healing.
- **Authorize humanitarian organizations (local and international) to expand and scale up their operations** to assist the GoB to assess and meet the humanitarian needs of new arrivals.









## CHILD RIGHTS ADVOCACY COALITION IN BANGLADESH

The Child Rights Advocacy Coalition, Bangladesh is a coalition of ten national and international organizations working to uphold children's rights in Bangladesh. The ten member organizations of the coalition are – ActionAid 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, Save the Children in Bangladesh (SCiB), Terre des Hommes-Netherlands (TdH-NL) and World Vision Bangladesh (WVB). The coalition started its journey with the realization that joint advocacy on child rights can bring greater value and influence than individual and isolated initiatives. It now carries out coordinated and concerted advocacy with the Government of Bangladesh and relevant stakeholders for legislative and policy reforms for the promotion and protection of child rights.



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