

BANGLADESH

CRC A/53/41 (1998)

21. Concluding observations:

768. The Committee considered the initial report (CRC/C/3/Add.38) and the supplementary report (CRC/C/3/Add.49) of Bangladesh at its 380th to 382nd meetings, on 26 and 27 May 1997 (CRC/C/SR.380-382), and, at its 398th meeting, on 6 June 1997, adopted the following concluding observations.

(a) Introduction

769. The Committee expresses its appreciation to the Government of Bangladesh for the submission of its initial report and its written information in reply to the questions set forth in the list of issues (CRC/C/Q/Ban.1). The additional information provided by the delegation of Bangladesh and the constructive and fruitful dialogue with the Committee are welcomed.

(b) Positive aspects

770. The Committee welcomes the establishment of a Ministry of Women and Children's Affairs in 1994. It also notes with appreciation the adoption of a National Policy for Children, as well as the establishment of the National Children's Council in August 1995. In the area of legislative reform, it notes the adoption of a plan of action to create task forces on law reform, juvenile justice and the girl child. The adoption in 1995 of the Repression against Women and Children (Special Provision) Act and the active participation of Bangladesh in the South Asian Association for Regional Cooperation Decade of the Girl Child are also welcomed.

771. The Committee notes with appreciation the openness of the State party to international cooperation to foster effective implementation of the Convention, as illustrated by the memorandum of understanding between the United Nations Children's Fund, the International Labour Organization, the Bangladesh Garment Manufacturers and Exporters Association and the Government of Bangladesh, as well as cooperation with other international institutions in different areas.

772. The Committee also welcomes the constructive relationship between the non-governmental organization community and the Government, at both the national and local levels, in monitoring and implementing the rights of the child. In this connection, it notes that consultations took place between the Government and non-governmental organizations in the process of preparing the initial report.

773. The Committee welcomes the recent law establishing the post of ombudsperson, as well as the fact that a national human rights commission is being set up.

774. The Committee also welcomes the fact that the amount of resources allocated to social expenditures has been increased since the ratification of the Convention by Bangladesh. It notes in

particular that an increasing proportion of resources has been devoted to the development of a primary health-care network, the provision of safe water supplies and sanitation and to disease control.

775. The Committee acknowledges the progress made by the State party in significantly reducing the child mortality rate over the past decade and improving access to basic education. It also notes the positive steps taken in the area of family planning programmes.

(c) Factors and difficulties impeding the implementation of the Convention

776. The Committee notes that Bangladesh is one of the poorest countries in the world; a large percentage of the vast population is young and lives below the poverty level.

777. The Committee also notes that natural disasters and structural adjustment have had a negative impact on the situation of children. It is further noted that the persistence of certain traditional practices and customs has had a negative influence on the enjoyment by some children of their rights under the Convention.

(d) Principal subjects of concern

778. While acknowledging the openness of the State party towards the possibility of reviewing its reservations to articles 14, paragraph 1, and 21 of the Convention, the Committee remains concerned that these reservations might impede the full implementation of the Convention.

779. The Committee is concerned about the unclear status of the Convention in the domestic legal framework and the insufficient steps taken to bring existing legislation into full conformity with the Convention, including in the light of the general principles of non-discrimination (art. 2), the best interests of the child (art. 3), the right to life, survival and development (art. 6) and respect for the views of the child (art. 12). It is deeply concerned at the lack of conformity between existing legislative provisions and the Convention with respect to the various age limits set by law, the lack of a definition of the child, the age of criminal responsibility, which is set at too young an age, the possibility of imposing the death penalty, and/or imprisonment of children 16 to 18 years of age in ordinary prisons. The Committee also notes that, as recognized in the State party's supplementary report, many laws are inadequately enforced and that most children's lives are governed by family customs and religious law rather than by State law.

780. The Committee is of the view that insufficient measures have been adopted to promote widespread awareness of the principles and provisions of the Convention, and remains concerned at the lack of adequate and systematic training for professional groups working with and for children, including judges, lawyers, law enforcement personnel, health professionals, teachers, social workers, personnel working in child-care institutions and police officers.

781. While recognizing the efforts undertaken by the State party in the collection of data and information on the status of children, the Committee is concerned that insufficient attention has been given to establishing an effective integrated system of data collection covering all children. It expresses concern, in this regard, that the National Policy for Children only covers children up to

the age of 14. It is also concerned that no comprehensive monitoring and coordinating mechanism for all areas covered by the Convention and in relation to all groups of children has yet been established.

782. With regard to the implementation of article 2 of the Convention, the Committee expresses its concern at the persistence of discriminatory attitudes and harmful practices affecting girls, as illustrated by serious disparities, sometimes starting at birth and affecting the enjoyment of the rights to survival, health, nutrition and education. The Committee also notes the persistence of harmful practices such as dowry and early marriage. Discriminatory attitudes towards children born out of wedlock, children who are living and/or working on the street, child victims of sexual exploitation, children with disabilities, refugee children and children belonging to tribal minorities are also a matter of concern.

783. The Committee expresses concern regarding the implementation of article 12 of the Convention, noting that the views of the child are not sufficiently taken into account, especially within the family, the school and the juvenile justice system.

784. The Committee is concerned that the births of most children in the State party are not registered. Failure to register can have negative consequences on the full enjoyment of fundamental rights and freedoms by children.

785. The Committee is concerned at the lack of appropriate measures to combat and prevent ill-treatment and abuse, including sexual abuse, both within and outside the family, and at the lack of awareness and information on this matter. The persistence of corporal punishment and its acceptance by the society and instances of violence committed by law enforcement officials against abandoned or "vagrant" children are matters of serious concern.

786. The inadequate measures to assist parents in fulfilling their common child-rearing responsibilities and the lack of assistance or child support for many children living in single-parent families or other particularly vulnerable children are matters of concern. The Committee is also concerned at the inadequate provision in legislation and practice for alternative care for children deprived of a proper family environment.

787. The Committee is concerned at the high maternal mortality rates, lack of access to prenatal care and, more generally, limited access to public health-care facilities. The lack of a national policy to ensure the rights of children with disabilities is also noted. The Committee is also concerned at the absence of programmes addressing the mental health of children and their families.

788. Malnutrition continues to seriously hamper the survival and development of children in the State party, which has one of the highest rates of malnourished children in the world and where calorie intake has decreased over the past decades, resulting in a higher incidence of stunting and wasting.

789. While recognizing efforts to improve the situation of education, including the introduction of compulsory education for children aged 6 to 10, and measures to encourage girls to attend school, the Committee nonetheless remains concerned at the low level of school enrolment and the high

drop-out rates, at the very high child/teacher ratios and the shortage of trained teachers.

790. With regard to the implementation of article 22 of the Convention, the Committee remains concerned at the weak legal protection and lack of adequate procedures for refugee children. It is also concerned at difficulties they encounter in securing access to educational and health facilities and at difficulties in ensuring family reunification.

791. The Committee is concerned about the large number of children who are working, including in rural areas, as domestic servants, as well as in other areas of the informal sector. It is concerned that many such children work in hazardous and harmful conditions, and are often vulnerable to sexual abuse and exploitation. The Committee is also seriously concerned about the occurrence of trafficking and sale of children. Lack of enforcement and failure to implement existing legislation at all levels, from law enforcement agencies to the judiciary, need to be addressed.

792. The Committee is concerned that the State party has failed to take measures to promote the child's right to leisure, recreation and cultural activities (art. 31).

793. The situation in relation to the administration of juvenile justice, and its incompatibility with articles 37, 39 and 40 of the Convention and other relevant international standards, is a matter of concern to the Committee. Specifically, the Committee is concerned about the very young age of criminal responsibility (7 years), the lack of adequate protection for children aged 16 to 18, grounds for arrest and detention of children that can include prostitution, "vagrancy" or "uncontrollable behaviour", the possibility of imposing heavy sentences on children and the solitary confinement and ill-treatment of children by the police.

794. Finally, as regards the implementation of article 30 of the Convention, the Committee is concerned that inadequate measures have been taken to ensure the protection and promotion of the rights of children belonging to minorities, including children from the Hill Tracts.

(e) Suggestions and recommendations

795. In the light of the Vienna Declaration and Programme of Action, the Committee encourages the State party to further review its reservations to articles 14, paragraph 1, and 21 of the Convention, with a view to their withdrawal. The Committee is of the opinion that, in the light of the proposed reforms to national legislation, the reservations may not be necessary.

796. The Committee recommends that the State party pursue its efforts to ensure full compatibility of its national legislation with the Convention, taking due account of the general principles as contained in articles 2, 3, 6 and 12 and the concerns expressed by the Committee. Furthermore, the State party should develop a national policy on children and an integrated legal approach to child rights.

797. The Committee encourages the State party to pursue its efforts to promote human rights education in the country in general and create a wider awareness and understanding of the principles and provisions of the Convention. It recommends that a systematic information campaign on the Convention be launched for children and adults alike. The Convention should be incorporated in

the curricula of all educational institutions, and present initiatives to reach those vulnerable groups who are illiterate or without formal education should be pursued and further strengthened, with the cooperation of the United Nations Children's Fund and other organizations active in this field. The State party should also promote a comprehensive training programme policy for professional groups working with and for children.

798. The Committee recommends that the State party consider acceding to other international human rights instruments, including the two International Covenants on Human Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

799. The Committee further recommends that the State party undertake to gather all necessary information on the situation of children in the various areas covered by the Convention and in relation to all groups of children, including the most vulnerable. The National Policy on Children should be adjusted in order to cover all children, including children 14 to 18 years of age.

800. The Committee also suggests that a multi disciplinary monitoring and coordinating system be established to assess the progress achieved and difficulties encountered in the realization of the rights recognized by the Convention at the national and local levels, paying particular attention to the adverse effects of economic policies on children.

801. With respect to article 4 of the Convention, the Committee, while noting efforts made in allocating resources to the social sector, is of the view that greater budgetary provisions need to be made to overcome and remedy existing disparities and develop, with the assistance of international cooperation, a comprehensive strategy for children, taking due account of the best interests of the child.

802. The Committee considers that greater efforts are required to implement fully the provisions of article 2 of the Convention. Measures, including studies and campaigns, should be taken to combat traditional attitudes and stereotypes and to sensitize society to the situation and needs of the girl child, children born out of wedlock, children living and/or working on the street, child victims of sexual abuse and exploitation, children with disabilities, refugee children and children belonging to tribal minorities.

803. The Committee wishes to encourage the State party to promote and facilitate children's participation and respect for their views in decisions affecting them, especially in the family, at school and in the judicial and administrative procedures, in the light of articles 12, 13 and 15 of the Convention.

804. The Committee recommends that further measures be taken to ensure the registration of the birth of all children, in cooperation with non-governmental organizations and with the support of international organizations.

805. The Committee recommends that the State party develop public awareness campaigns and measures to provide appropriate assistance to families in carrying out their child-rearing responsibilities, with a view, inter alia, to preventing domestic violence, prohibiting corporal punishment and preventing early marriages and other harmful traditional practices.

806. Additional measures are needed to combat violence against and abuse of children, including sexual abuse. Programmes for the rehabilitation and reintegration of traumatized children need to be developed and adequate procedures and mechanisms devised to deal with complaints of both physical and psychological ill-treatment. Allegations of violations of children's rights should be investigated and prosecuted.

807. The Committee recommends that the State party consider becoming a party to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoptions.

808. Further steps should be taken in the area of health and welfare services. In particular, concerted efforts are needed to combat malnutrition and ensure the implementation of a national nutritional policy for children.

809. Efforts are also required for the treatment of children with disabilities and their prevention, and to raise awareness about the need to facilitate the active participation of such children in the community, in the light of article 23 of the Convention. The Committee also encourages the State party to pursue efforts to ensure the implementation of integrated mental health programmes and approaches and to make available the necessary resources and assistance for these activities.

810. In the area of education, the Committee suggests that further steps be taken to ensure the implementation of articles 28 and 29. The Committee urges that greater efforts be directed to training teachers, improving the school environment, increasing enrolment and fighting school drop-out.

811. As a means of tackling the integrated issues of education and child labour, including in the informal sector, the Committee recommends that effective information campaigns be carried out to prevent and eliminate child labour, and that the present cooperation between the State party, international organizations such as the International Labour Organization and the United Nations Children's Fund and non-governmental organizations be expanded. Regulations to prevent child labour should be enforced, complaints investigated and severe penalties imposed for violations. Efforts to provide opportunities for education and leisure to child workers and children working and/or living on the street should be strengthened. It is also suggested that the State party consider ratifying International Labour Organization Convention No. 138 concerning the minimum age for employment.

812. The Committee recommends that the State party ensure adequate protection of refugee children, including in the field of physical safety, health and education. Procedures should also be established to facilitate family reunification. The State party may consider seeking assistance from the Office of the United Nations High Commissioner for Refugees in this regard.

813. With regard to the administration of juvenile justice, the Committee recommends that legal reform be pursued in connection with the very young age of criminal responsibility (seven years), the lack of adequate protection for children aged 16 to 18, grounds for arrest and detention of children that can include prostitution, "vagrancy" or "uncontrollable behaviour", the possibility of imposing heavy sentences on children, and the solitary confinement and ill-treatment of children by the police. In this reform the State party should take fully into account the provisions of the

Convention, in particular articles 37, 39 and 40, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. The Committee also recommends that the State party avail itself of the technical assistance programmes of the United Nations High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the Secretariat.

814. The Committee encourages the State party to take all appropriate measures to prevent and combat sexual abuse and sexual exploitation of children and to ensure their physical and psychological recovery and social reintegration, in the light of article 39 of the Convention. Bilateral and regional cooperation should be reinforced to prevent and combat the serious problem of trafficking of children.

815. Finally, the Committee recommends that in accordance with article 44, paragraph 6, of the Convention, the initial report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion and the concluding observations adopted thereon by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, Parliament and the general public, including concerned non-governmental organizations.

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433. The Committee considered the second periodic report of Bangladesh (CRC/C/65/Add.22) at its 912th and 913th meetings (see CRC/C/SR.912 and 913), held on 30 September 2003, and adopted at the 918th meeting (see CRC/C/SR.918), held on 3 October 2003, the following concluding observations.

A. Introduction

434. The Committee welcomes the submission of the State party's second periodic report and the additional information provided in the written replies to its list of issues (CRC/C/Q/BGD/2), which gave comprehensive and clear information about the implementation of the Convention on the Rights of the Child in Bangladesh. The oral presentations allowed for necessary updates and informed the Committee about initiatives and measures planned. The Committee acknowledges that the presence of a high-level, cross-sectoral delegation directly involved with the implementation of the Convention allowed for a better understanding of the rights of the child in the State party.

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

435. The Committee welcomes the positive developments in the area of human rights such as the formulation of a revised National Plan of Action for Children; the adoption of the National Policy for Safe Water Supply and Sanitation; the 2002 National Plan of Action to combat sexual abuse and exploitation, including trafficking; the 2000 Suppression of Violence against Women and Children Act; the 2002 Acid Control Act; the 2002 Acid Crimes Prevention Act; the 2002 law safeguarding the speedy progress of trials; and the withdrawal of the 2002 Public Safety Act.

436. The Committee recognizes with appreciation that the State party has made clear and visible progress, in some fields to a remarkable extent, in the field of child nutrition, health, education and labour. It also notes that the State party strengthened its cooperation with non-governmental organizations (NGOs).

437. The Committee welcomes the ratification by the State party of the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

438. The Committee also expresses its appreciation to the State party for having ratified ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour of 1999, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 1966, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984.

C. Factors and difficulties impeding the implementation of the Convention

439. The Committee recognizes that poverty and recurrent natural disasters have impeded the full implementation of the Convention.

D. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation

The Committee's previous recommendations

440. The Committee regrets that some of the concerns it expressed and the recommendations it made (CRC/C/15/Add.74) after its consideration of the State party's initial report (CRC/C/3/Add.38), particularly those contained in paragraphs 28-47, regarding the withdrawal of the reservations (para. 28), violence against children (para. 39), the review of legislation (para. 29), data collection (para. 14), birth registration (para. 37), child labour (para. 44) and the juvenile justice system (para. 46) have been insufficiently addressed. Those concerns and recommendations are reiterated in the present document.

441. The Committee urges the State party to implement the previous recommendations that have not yet been implemented, as well as the recommendations contained in the present concluding observations.

Reservations

442. The Committee remains deeply concerned about the reservations to articles 14, paragraphs and 21 of the Convention, which might impede the full implementation of the Convention, but welcomes the information from the delegation that the State party is willing to continue to review those reservations with a view to their withdrawal.

443. In light of the Vienna Declaration and Programme of Action (1993), the Committee reiterates its previous recommendation that the State party withdraw its reservations to the Convention (art. 14, paras. 1 and 21) and recommends that the State party take into account the experience of other States parties in this regard.

Legislation

444. The Committee notes with appreciation the legislative measures that have been undertaken by the State party in order to ensure the implementation of the Convention. Nevertheless, the Committee remains concerned that domestic legislation and customary law are not fully compatible with all the principles and provisions of the Convention and that laws implementing the Convention are frequently not applied, particularly in rural areas.

445. The Committee recommends that the State party take all effective measures to harmonize its domestic legislation fully with the provisions and principles of the Convention, in particular with regard to existing minimum ages of criminal responsibility and of marriage, child labour and harmful traditional practices affecting children.

Coordination

446. The Committee notes that the Ministry of Women and Child Affairs was given the mandate

to coordinate the implementation of the Convention. It welcomes the reactivation of the Inter-ministerial Committee, which includes representatives from civil society and which will coordinate the efforts of the various ministries contributing to the implementation of the Convention. The Committee further welcomes the continued endeavour of the Ministry of Women and Child Affairs to establish within this Ministry a Directorate for Children's Affairs for, *inter alia*, the promotion and coordination of the implementation of the Convention. However, the Committee remains concerned that policies, and the bodies implementing them, may be insufficiently coordinated.

447. The Committee recommends that the State party take all necessary measures to improve coordination at the national and local level among the different bodies involved in implementing the Convention by:

(a) Providing the Ministry of Women and Child Affairs, including the Directorate of Children's Affairs, with a clear mandate and adequate human and financial resources to carry out its coordination functions;

(b) Expediting the establishment of the Directorate for Children's Affairs.

Independent monitoring structures

448. The Committee welcomes the information from the delegation concerning the intention to establish a National Human Rights Commission and an Ombudsperson; however, it remains concerned at the absence of an independent mechanism with a mandate to monitor regularly and evaluate progress in the implementation of the Convention and which is empowered to receive and address complaints, including from children.

449. The Committee recommends that the State party:

(a) Expedite the process to establish an independent and effective mechanism in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles, General Assembly resolution 48/134, annex) and the Committee's general comment No. 2 on the role of independent human rights institutions;

(b) Ensure that it is provided with adequate human and financial resources and is easily accessible to children with a mandate:

- (i) To monitor the implementation of the Convention;
- (ii) To deal with complaints from children in a child-sensitive and expeditious manner;
- (iii) To provide remedies for violations of children's rights under the Convention;

(c) Consider seeking further technical assistance in this regard from, among others, the United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

National plan of action

450. The Committee welcomes the State party's commitment to formulate by the end of 2003 a national plan of action based on the Convention, which would be monitored by the National Children Council and by the Ministry for Women and Children Affairs.

451. The Committee recommends that the State party:

(a) Complete its activities for the drafting of a national plan of action by the end of 2003;

(b) Involve a broad spectrum of civil society groups, including children, in the formulation and the implementation of the national plan of action;

(c) Ensure that the national plan of action includes all rights enshrined in the Convention, and the millennium development goals, as well as the plan of action foreseen in the outcome document, "A World Fit for Children" of the General Assembly special session on children;

(d) Provide the National Children Council with the necessary resources for an effective implementation and monitoring of the national plan of action;

(e) Create an executive committee within the National Children Council.

Resources for children

452. The Committee notes that budgetary allocations to the social sector, including education, health, family and social welfare, has increased over the past two years, and that the State party is preparing a Poverty Reduction Strategy Paper (PRSP) which includes children's concerns and rights. However, the Committee remains concerned that resources are insufficient for the full implementation of the provisions of the Convention, in particular those relating to the economic, social and cultural rights of children, in accordance with article 4 of the Convention.

453. The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to economically and geographically disadvantaged groups, including tribal children, to the maximum extent of available resources (at the national and local levels) and continue and strengthen its efforts to receive additional funding within the framework of international cooperation. In addition, the National Plan of Action for Children should be integrated into its PRSP.

Data collection

454. The Committee welcomes the annual Multiple Indicator Cluster Survey that allows for the systematic collection of data on a sample of children to analyse their standard of living and to provide national estimates. However, the Committee is concerned at the lack of an adequate data collection mechanism within the State party to allow for the systematic and comprehensive collection of disaggregated quantitative and qualitative data with respect to all areas covered by the Convention and in relation to all groups of children.

455. The Committee recommends that the State party:

(a) Further develop the Multiple Indicator Cluster Survey in order to gain a deeper insight into the situation of children and their families;

(b) Strengthen its efforts to establish a comprehensive and permanent mechanism to collect data, disaggregated by sex, age, and rural and urban area, incorporating all the areas covered by the Convention and covering all children below the age of 18 years, with emphasis on those who are particularly vulnerable, such as minority and tribal children;

(c) Develop indicators to effectively monitor and evaluate progress achieved in the implementation of the Convention and assess the impact of policies that affect children;

(d) Continue and strengthen its collaboration, inter alia, with the United Nations Statistics Division and UNICEF.

Training/dissemination of the Convention

456. The Committee takes note of the measures undertaken by the State party to disseminate the principles and provisions of the Convention, such as translation of the Convention into the national language, the distribution of the Convention to relevant authorities and media campaigns. However, the Committee remains concerned that the public awareness of the Convention remains low and that many relevant authorities, for instance within the juvenile justice system, do not receive adequate training on children's rights.

457. The Committee recommends that the State party strengthen its awareness-raising efforts through, inter alia, systematic education and training on the rights of the child for all professional groups working for and with children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, social workers, religious leaders, as well as children and their parents. The Committee further recommends that the State party translate the Convention into the languages of tribal peoples.

2. Definition of the child

458. The Committee is concerned about the various legal minimum ages, which are inconsistent, discriminatory and/or too low. The Committee is also deeply concerned at the fact that the Majority Act 1875, setting the age of majority at 18 years, has no effect "on the capacity of any person in relation to marriage, dowry, divorce and adoption or on the religion and religious customs of any citizen" (CRC/C/65/Add.22, para. 45). The Committee is particularly concerned at the very low age of criminal responsibility (7 years).

459. The Committee strongly recommends that the State party:

(a) Raise the minimum age of criminal responsibility to an internationally acceptable level;

- (b) Fix a minimum age for admission to employment, in line with internationally accepted standards;
- (c) Ensure that domestic legislation on minimum ages is respected and implemented throughout the country.

3. General principles

Non-discrimination

460. The Committee welcomes the measures undertaken by the State party to enhance the situation of girls, especially in relation to education. It remains deeply concerned about persistent discriminatory attitudes towards girls, which are deeply rooted in traditional stereotypes and limit access to resources and services. The Committee is also concerned about discrimination against children with disabilities, street children, child victims of sexual abuse and exploitation, tribal children and other vulnerable groups.

461. The Committee recommends that the State party take adequate measures to ensure implementation of the principle of non-discrimination in full compliance with article 2 of the Convention, and strengthen its proactive and comprehensive efforts to eliminate discrimination on any grounds and against all vulnerable groups. The Committee also recommends that the State party undertake an education campaign for boys and men on gender issues and sex discrimination.

462. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking into account the Committee's general comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).

Best interests of the child

463. The Committee notes that the principle of the best interests of the child has been given increased importance and the State party's efforts to raise awareness of this general principle, inter alia, through media campaigns, but remains concerned that the best interests of the child are not fully taken into consideration in policy-making and implementation and other administrative and judicial decisions.

464. The Committee recommends that the State party take all appropriate measures to ensure that the principle of the best interests of the child is integrated into all legislation, as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children. The Committee also encourages the State party to take all necessary measures to ensure that traditional practices and customary law do not impede the implementation of this general principle, notably through raising awareness among community leaders and within society at large.

Right to life

465. Despite the information that the death penalty has never been carried out against juvenile offenders in the State party, the Committee remains seriously concerned that capital punishment may be imposed for offences committed by persons from the age of 16 years and over, contrary to article 37 (a) of the Convention.

466. The Committee strongly recommends that the State party take immediate steps to ensure that the imposition of the death penalty for crimes committed by persons while under 18 is explicitly prohibited by law.

Respect for the views of the child

467. The Committee notes that, in practice, children are given a voice in some legal proceedings, subject to the discretion of the judge. However, while the National Plan of Action 1997-2002 emphasizes children's participation, the Committee is concerned that traditional attitudes impede full respect for the views of the child, especially within families, educational institutions and the juvenile justice system.

468. The Committee recommends that the State party:

(a) Promote and facilitate respect for the views of children and their participation in all matters affecting them in all spheres of society, particularly at the local levels and in traditional communities, in accordance with article 12 of the Convention;

(b) Provide educational information to, inter alia, parents, teachers, government and local administrative officials, the judiciary, traditional and religious leaders and society at large on children's right to participate and to have their views taken into account;

(c) Amend national legislation so that the principle of respect for the views of the child is recognized and respected, inter alia in custody disputes and other legal matters affecting children.

4. Civil rights and freedoms

Birth registration

469. The Committee welcomes the efforts undertaken by the State party regarding the registration of births, but remains concerned at the lack of a functional birth registration system as well as the low public awareness of the obligation to register children after birth.

470. In light of article 7 of the Convention, the Committee urges the State party to continue and strengthen its efforts to ensure a coordinated system for registration of all children at birth, covering the whole of the country, including through awareness-raising campaigns, as well as to continue its cooperation in this regard with, inter alia, UNICEF and relevant international NGOs.

Name and nationality

471. In light of article 7 of the Convention, the Committee is concerned at the apparent discrimination in respect of nationality, and that a child's name and nationality are derived solely from her/his father and not her/his mother.

472. The Committee recommends that the State party amend its legislation so that citizenship can be passed on to children from either their father or their mother. It also encourages the State party to introduce proactive measures to prevent statelessness.

Torture and other cruel, inhuman or degrading treatment or punishment

473. While taking note of the efforts by the State party to raise public awareness of the ill-treatment of children, the Committee is concerned at reports of ill-treatment and violence against children in State institutions such as orphanages and rehabilitation centres, including by law enforcement agents, as well as at the solitary confinement of juvenile and child prisoners. The Committee is also concerned at reports of violence against street children. Furthermore, the Committee expresses its deep concern at the reported inhuman and degrading punishment carried out by order of traditional village councils ("shalishes") as well as at the increasing incidents of acid attacks on women and girls.

474. The Committee strongly recommends that the State party:

(a) Review its legislation (inter alia, Code of Criminal Procedure, 1898) with the aim of prohibiting the use of all forms of physical and mental violence, also within educational and other institutions;

(b) Conduct a study to assess the nature and extent of torture, ill-treatment, neglect and abuse of children, to assess the inhuman and degrading treatment of children attributable to "shalishes", and effectively to implement policies and programmes as well as to amend and adopt laws to address these issues;

(c) Establish effective procedures and mechanisms to receive, monitor and investigate complaints, including intervening where necessary, and investigate and prosecute cases of torture, neglect and ill-treatment, ensuring that the abused child is not revictimized through legal proceedings and that his or her privacy is protected;

(d) Undertake all necessary measures to prevent and punish police violence;

(e) Take all necessary effective measures to ensure the implementation of the 2002 Acid Control Act and of the 2002 Acid Control Prevention Act;

(f) Provide care, recovery, compensation and reintegration for victims;

(g) Take into consideration the recommendations of the Committee adopted at its day of general discussion on the theme "Violence against children" (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745);

(h) Seek assistance from, inter alia, UNICEF and the World Health Organization (WHO).

Corporal punishment

475. The Committee expresses its profound concern at the prevalence of corporal punishment in schools, as well as at the fact that corporal punishment is still legal and widely practised within the legal system, in educational and other institutions and in the family.

476. The Committee recommends that the State party, as a matter of urgency, review existing legislation and explicitly prohibit all forms of corporal punishment in the family, schools and institutions, as well as carry out public education campaigns about the negative consequences of ill-treatment of children, and promote positive, non-violent forms of discipline as an alternative to corporal punishment, particularly at the local level and in traditional communities.

5. Family environment and alternative care

Children deprived of family environment

477. The Committee is concerned that the current facilities for alternative care of children deprived of their family environment are insufficient, do not provide enough protection and that large numbers of children do not have access to such facilities.

478. The Committee recommends that the State party urgently take measures to increase alternative care opportunities for children and, in line with article 25 of the Convention, conduct periodic reviews of the placement of children and ensure that institutionalization is used only as a measure of last resort. The Committee also recommends that the State party take effective measures to prevent abandonment of children, inter alia, by providing adequate support to families.

Adoption

479. In light of article 21 of the Convention, the Committee is concerned about the lack of a uniform adoption law in the State party.

480. The Committee recommends that the State party establish uniform legal provisions for domestic as well as intercountry adoption, and reiterates its previous recommendation that the State party consider becoming a party to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

Abuse, neglect and violence

481. The Committee is concerned at the high incidence of abuse, including sexual abuse, within the State party, and at the lack of effective measures to combat this phenomenon. The Committee is particularly concerned that existing legislation, notably the Suppression of Violence against Women and Children Act 2000, is rarely implemented and that the prosecution of abuse against women is rare even in very serious cases because of societal attitudes. The Committee is further concerned that the current legislation protects children from abuse only up to the age of 14 years.

In addition, the Committee is concerned that child victims of abuse and/or exploitation are placed in “safe custody”, which may result in depriving them of their liberty for as long as 10 years.

482 The Committee recommends that the State party:

- (a) Continue and strengthen its efforts to address the issue of child abuse, including through ensuring there is public awareness of the relevant legislation;
- (b) Assess the scope, nature and causes of child abuse, particularly sexual abuse, with a view to adopting a comprehensive strategy and effective measures and policies and to changing attitudes;
- (c) Provide adequate protection and assistance to child victims of abuse in their homes, whenever possible, and take appropriate measures to prevent the stigmatization of victims;
- (d) Ensure that all children below the age of 18 years are specifically protected under domestic legislation against abuse and exploitation;
- (e) Ensure that the placement of children victims of abuse and exploitation in institutions for reasons of protection and treatment is used only as a measure of last resort and for the shortest possible period of time;
- (f) Take into consideration the recommendations of the Committee adopted at its days of general discussion on the issue of “Violence against children” (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745).

6. Basic health and welfare

483. The Committee notes with appreciation the efforts undertaken and the achievements made by the State party to reduce infant and under-5 mortality rates, as well as the eradication of polio and the improved immunization coverage. Nevertheless, the Committee remains deeply concerned:

- (a) That infant and under-5 mortality rates remain high, and that stunting, wasting and severe malnutrition among both children and their mothers are extremely widespread;
- (b) At the unhygienic practices surrounding childbirth, which results in, among other things, tetanus, and at the lack of prenatal care;
- (c) At the low level of exclusive breastfeeding, which contributes to malnutrition;
- (d) At the low level of awareness among the population, particularly in rural areas, of the need to use hygienic, sanitary practices;
- (e) At the high rate of children dying as a result of accidents, such as drowning, and that little is done by the State party to prevent these deaths;

(f) At the lack of infrastructure for access to health facilities, notably in rural areas.

484. The Committee recommends that the State party:

(a) Ensure that appropriate resources are allocated for the health sector and develop and implement comprehensive policies and programmes for improving the health situation of children;

(b) Facilitate greater access to free primary health services throughout the country as well as prevent and combat malnutrition, paying particular attention to pre- and antenatal care for both children and their mothers;

(c) Enhance its efforts to promote proper breastfeeding practices;

(d) Enhance the efforts to educate the population in hygienic, sanitary behaviour, notably through awareness-raising campaigns and programmes;

(e) Explore additional avenues for cooperation and assistance with the aim of improving child health with, inter alia, WHO and UNICEF.

Environmental pollution

485. The Committee welcomes the adoption of the National Policy for Safe Water Supply and Sanitation. However, the Committee is concerned, despite the measures taken by the State party, about the extent of water contamination, specifically with arsenic, air pollution and the low availability of sanitation facilities which have serious negative consequences for children's health and development.

486. The Committee urges the State party:

(a) To continue and strengthen its efforts to reduce contamination and pollution of air and water as well as improve sanitation facilities, including by strengthening the implementation of the National Policy for Safe Water Supply and Sanitation;

(b) To intensify awareness-raising campaigns and educational programmes in order to inform children and adults about appropriate behaviours protecting them against risks.

Children with disabilities

487. The Committee is concerned at the situation of children with disabilities, and societal discrimination against these children, including their exclusion with the exception of the visually impaired, from the educational system.

488. The Committee recommends that the State party:

(a) Undertake studies to determine the causes of, and ways to prevent, disabilities in children;

(b) In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the issue of "The rights of children with disabilities" (CRC/C/69, paras. 310-339), further encourage their integration into the regular educational system and inclusion into society, including by providing special training to teachers and by making schools more accessible to children with disabilities;

(c) Undertake an awareness-raising campaign to sensitize the public to the rights and special needs of children with disabilities;

(d) Take the necessary measures to provide children with disabilities with appropriate care and services, and ensure that they are registered at birth;

(e) Seek technical assistance cooperation for the training of professional staff working with and for children with disabilities from WHO, among others.

HIV/AIDS

489. The Committee is concerned at the lack of systematic data collection on the prevalence of HIV/AIDS, making it more difficult to address the issue and to provide victims with care and support. It also notes that national estimates of the prevalence of the pandemic are significantly lower than those presented by UNAIDS and WHO.

490. The Committee recommends that the State party:

(a) Undertake a study to estimate the prevalence of HIV/AIDS within the country;

(b) Undertake appropriate measures to prevent HIV/AIDS, taking into account the Committee's general comment No. 3 on HIV/AIDS and the rights of children;

(c) Seek further technical assistance from, inter alia, UNICEF and UNAIDS.

Adolescent health

491. The Committee is concerned that insufficient attention has been given to adolescent health issues, particularly reproductive health concerns, which is reflected in the large number of teenage and unwanted pregnancies.

492. The Committee recommends that the State party:

(a) Undertake a comprehensive and multidisciplinary study to assess the scope and nature of adolescent health problems, including the negative impact of sexually transmitted infections, and continue to develop adequate policies and programmes;

(b) Increase its efforts to promote adolescent health policies;

(c) Strengthen the programme of health education in schools;

(d) Undertake further measures, including the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education, in particular as regards reproductive health, and to develop youth-sensitive and confidential counselling, care and rehabilitation facilities that are accessible without parental consent when this is in the best interests of the child;

(e) Seek technical cooperation from, among others, the United Nations Population Fund, UNICEF, and WHO.

Harmful traditional practices

493. The Committee is deeply concerned at the existence of harmful traditional practices, such as child marriages and dowry-related violence, which are widespread and pose very serious threats, in particular to the girl child.

494. The Committee recommends that the State party continue and intensify its efforts to eradicate harmful traditional practices, by strengthening awareness-raising programmes and enforcement of the law.

7. Education, leisure and cultural activities

495. The Committee welcomes the progress made by the State party in the field of education, notably with regard to increases in primary and secondary enrolments, the reduction in gender disparities in enrolment and improvement in the literacy rates. The Committee also notes with great appreciation the abolition of tuition fees for primary schools and the establishment of a Tk 500 million stipend programme, of the “food for education” programme, and the pilot project on early childhood education. However, the Committee is concerned that challenges remain in the above-mentioned areas, that free compulsory education ends after grade 5, that the school dropout rate is high and that gender-based discrimination persists within schools. Other concerns include reports of abuse and sexual molestation, especially of girls, inaccessibility to schools, inadequate sanitation and the misuse of allocated resources.

496. The Committee notes with appreciation the efforts made by the State party to monitor the quality of education in the madrasas. However, it is concerned about the narrow content of the education provided within these schools.

497. The Committee recommends that the State party:

(a) Take effective measures to raise the maximum age of compulsory education, and to increase enrolment rates through, inter alia, raising awareness of the importance of education and taking measures to improve the provision and quality of education;

(b) Continue to address gender-based discrimination and other difficulties encountered by girls

within the educational system and school environment;

(c) Monitor and evaluate existing programmes on early childhood education and development, and extend services, especially parenting education and education for caregivers to all regions;

(d) Provide appropriate sanitation facilities, especially for females, in all schools;

(e) Provide appropriate training for teachers in order to create a more child-friendly school environment;

(f) Encourage the participation of children at all levels of school life;

(g) Seek assistance from UNICEF, the United Nations Educational, Scientific and Cultural Organization and relevant NGOs.

498. The Committee also recommends that the State party continue and strengthen its efforts to streamline the education given in the madrasas to ensure more compatibility with formal public education.

8. Special protection measures

Refugee and internally displaced children

499. The Committee is very concerned about the difficult conditions under which some refugee children, especially children belonging to the Rohingya population from Myanmar, are living, and that many of these children and their families do not have access to legal procedures that could grant them legal status. Furthermore, the Committee is concerned at the lack of a national refugee policy and that refugee children are not registered at birth.

500. The Committee recommends that the State party:

(a) Adopt a national refugee legislation and accede to the Convention relating to the Status of Refugees of 1951 and its Protocol of 1967;

(b) Grant all refugee children and their families immediate access to relevant procedures determining refugee status;

(c) In collaboration with and with support from international agencies, undertake effective measures to improve the living conditions of refugee families and children, particularly with regard to educational and health-care services;

(d) Provide unaccompanied refugee children with adequate care, education and protection;

(e) Register all refugee children born in Bangladesh.

Economic exploitation, including child labour

501. The Committee notes that, through education, stipend, recovery and social reintegration programmes, progress has been made in reducing the economic exploitation of children, although this has been confined mainly to the formal sector of the economy. However, the Committee remains deeply concerned:

(a) At the high prevalence of child labour and the fact that the phenomenon is widely accepted in society;

(b) At the wide variety of minimum ages for admission to employment in different economic sectors, several of which do not adhere to international standards;

(c) That many child labourers, notably children working as domestic workers, are very vulnerable to abuse, including sexual abuse, completely lack protection and are deprived of the possibility to maintain contact with their families.

502. The Committee recommends that the State party:

(a) Continue and strengthen its efforts to eradicate child labour, including in the informal sector, in particular by addressing its root causes through poverty reduction programmes and strengthening of the children's component in the new PRSP, and facilitation of access to education;

(b) Ratify and implement ILO Convention No. 138 concerning the Minimum Age for Admission to Employment;

(c) Increase the number of labour inspectors and develop a comprehensive child labour monitoring system in collaboration with NGOs, community-based organizations and ILO/IPEC;

(d) Undertake a study of child labour in the agricultural and informal sectors with a view to developing policies and programmes to eradicate this phenomenon.

Sexual exploitation, including prostitution

503. While welcoming the National Plan of Action against sexual abuse and exploitation, the Committee is deeply concerned at the prevalence of sexual exploitation of children and the social stigmatization of the victims of such exploitation, as well as at the lack of social and psychological recovery programmes and the very limited possibilities for victims to be reintegrated into society. The Committee is also concerned about the widespread practice of forcing children into prostitution.

504. The Committee recommends that the State party:

(a) Fully and effectively implement the National Plan of Action against sexual abuse and exploitation, in order to ensure appropriate policies, laws and programmes for the prevention,

protection, recovery and reintegration of child victims, in line with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;

- (b) Ensure that victims of sexual exploitation are never considered as offenders, but rather benefit from programmes for their recovery and reintegration;
- (c) Investigate, prosecute and sentence perpetrators of sexual offences against children;
- (d) Develop and monitor a code of conduct for law enforcement officials;
- (e) Seek assistance from, among others, UNICEF.

Sale, trafficking and abduction

505. The Committee is deeply concerned at the high incidence of trafficking in children for purposes of prostitution, domestic service and to serve as camel jockeys and at the lack of long-term, concentrated efforts on the part of the State party to combat this phenomenon.

506. The Committee recommends that the State party:

- (a) Undertake all necessary efforts to prevent and combat domestic and cross-border child trafficking, including through international cooperation;
- (b) Take all necessary measures for the recovery and reintegration of children victims of trafficking;
- (c) Investigate, prosecute and sentence perpetrators of trafficking, including through international cooperation;
- (d) Seek assistance from, among others, UNICEF and the International Organization for Migration.

Children living and/or working on the streets

507. The Committee notes the efforts undertaken by the State party to provide children living or working on the streets with access to health services and education. However, the Committee is concerned at the large population of children living or working on the streets and at the extremely difficult conditions under which this very marginalized group is living, and at the lack of sustained efforts to address this phenomenon. The Committee is further concerned at the incidence of violence, including sexual abuse and physical brutality, directed at these children by police officers.

508. The Committee recommends that the State party:

- (a) Ensure that children living or working on the streets are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development;

(b) Ensure that these children are provided with recovery and reintegration services for physical, sexual and substance abuse; protection from police brutality; and services for reconciliation with families;

(c) Undertake a study on the causes and scope of this phenomenon and establish a comprehensive strategy to address the high and increasing numbers of children living or working on the streets with the aim of preventing and reducing this phenomenon.

Administration of juvenile justice

509 The Committee acknowledges the efforts made by the State party to improve the juvenile justice system. However, the Committee remains concerned at the limited progress achieved in establishing a functioning juvenile justice system throughout the country. In particular, the Committee is concerned at:

(a) The minimum age of criminal responsibility (7 years), which remains far too low;

(b) The sentencing to life imprisonment of children from the age of 7 years and to the death penalty of children from the age of 16 years;

(c) The absence of juvenile courts and judges in some parts of the State party;

(d) The extensive discretionary powers of the police, reportedly resulting in incarceration of street children and child prostitutes;

(e) The use of caning and whipping as a sentence for juvenile offenders;

(f) The failure to ensure full respect for the right to a fair trial, including legal assistance for alleged child offenders and the very long periods of pre-trial detention;

(g) The detention of children with adults and in very poor conditions, without access to basic services.

510. The Committee recommends that the State party ensure the full implementation of juvenile justice standards, in particular articles 37, 39 and 40 of the Convention, and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, the Vienna Guidelines for Action on Children in the Criminal Justice System, in the light of the Committee's day of general discussion on the administration of juvenile justice, held in 1995. In particular, the Committee recommends that the State party:

(a) Raise the minimum age of criminal responsibility to an internationally acceptable level;

(b) Ensure that the imposition of the death penalty, of life imprisonment without possibility of

release, and of caning and whipping as sanctions for crimes committed by persons while under 18 is explicitly prohibited by law;

(c) Ensure the full implementation of the right to a fair trial, including the right to legal or other appropriate assistance;

(d) Protect the rights of children deprived of their liberty and improve their conditions of detention and imprisonment, including by guaranteeing separation of children from adults in prisons and in pre-trial detention places all over the country;

(e) Establish an independent child-sensitive and accessible system for the reception and processing of complaints by children;

(f) Request technical assistance in the area of juvenile justice and police training from, *inter alia*, OHCHR and UNICEF.

Minorities

511. The Committee is deeply concerned about the poor situation of children of the Chittagong Hill Tracts, and other religious, national and ethnic minorities, tribal groups or similar marginalized groups and the lack of respect for their rights, including the rights to food, to health care, to education and to survival and development, to enjoy their own culture and to be protected from discrimination.

512. The Committee urges the State party to gather additional information on all minorities or similar marginalized groups of the population, and to elaborate policies and programmes to ensure the implementation of their rights without discrimination, taking into account the Committee's recommendations adopted at its day of general discussion on the theme "The rights of indigenous children".

9. Dissemination of the report

513. In light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. The Committee notes with appreciation the intention of the State party to translate and widely disseminate the present concluding observations. Such documents should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned NGOs.

10. Next report

514. The Committee, aware of the delay in the State party's reporting, wishes to underline the importance of a reporting practice that is in full compliance with the provisions of article 44 of the

Convention. Children have the right that the committee in charge of regularly examining the progress made in the implementation of their rights, does have the opportunity to do so. In this regard, regular and timely reporting by States parties is crucial. As an exceptional measure, in order to help the State party catch up with its reporting obligations so as to be in full compliance with the Convention, the Committee invites the State party to submit its third and fourth periodic reports in one consolidated report by 1 September 2007, the date on which the fourth report is due. The consolidated report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.