



Convention on the Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-first session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 8 OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICTS

Concluding observations: Bangladesh

1. The Committee considered the initial report of Bangladesh (CRC/C/OPAC/BGD/1) at its 1083rd meeting (see CRC/C/SR.1083), held on 9 January 2006, and adopted at the 1120th meeting, held on 27 January 2006, the following concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the State party's report, the replies to the list of issues and appreciates the efforts of the delegate to respond to the Committee's questions during the dialogue.

3. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's second periodic report on 27 October 2003 contained in CRC/C/15/Add.221.

B. Positive aspects

4. The Committee notes with appreciation measures taken by the State party to implement and strengthen the protection of the rights covered by the Optional Protocol, in particular the technical cooperation activities directed at protecting children in armed conflicts carried out in collaboration with the International Committee of the Red Cross, and the National Society of the Red Crescent. It further welcomes the ratification by the State party of:

(a) Both Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography;

(b) The ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

C. Principal areas of concern and recommendations

C.1. General measures of implementation

Legislation

5. The Committee regrets the little information provided on existing legislative measures to implement the protocol and on the legal status of the Optional Protocol and is concerned about the lack of legislation setting a minimum age for recruitment and deployment.

6. **The Committee recommends that the State party:**

(a) **Set in law the minimum age for recruitment and deployment;**

(b) **Ensure that its laws guarantee the prosecution of persons responsible for recruitment of children under the legally permitted age and/or the use of children in military activities.**

Coordination and evaluation of the implementation of the Protocol

7. The Committee welcomes the work done by the Convention on the Rights of the Child Standing Committee to ensure the implementation of the Convention and its Protocols. However, the Committee remains concerned by the lack of clarity about the respective competencies of the CRC Standing Committee and the Ministry of Women and Children Affairs in particular with respect to the implementation of the Optional Protocol.

8. **The Committee recommends that competencies for the coordination and evaluation of the implementation of the Protocol be clearly attributed to the appropriate body or ministry (please also refer to paragraph 15 of the concluding observations of the Committee on the Rights of the Child adopted in 2003 on the second periodic report of the State party under the Convention (CRC/C/15/Add.221)).**

National Plan of Action

9. The Committee notes the implementation of the “Empowerment and protection of children and women” project and of the National Plan of Action against sexual abuse and exploitation of children, including trafficking. However, the Committee regrets the lack of information available on the degree to which the Optional Protocol on the involvement of children in armed conflict is part of the National Plan of Action and its implementation.

10. **The Committee recommends that the State party provide further details in its next report about the actual stage of implementation of the National Plan of Action and on actions related to the Optional Protocol either as part of the National Plan of Action or as a separate policy.**

Dissemination and training

11. The Committee welcomes the dissemination of information related to international humanitarian law and child rights, in particular the publication in a child-friendly version of the Convention and the envisaged publication of the Convention and its Protocols in Bengali. However, the Committee remains concerned at the generally low level of knowledge in the country about international humanitarian law and child rights in general, and about the Optional Protocol on the involvement of children in armed conflict in particular.

12. **The Committee recommends that the State party strengthen these activities and ensure that all relevant professional groups, in particular military personnel, are systematically trained on the provisions of the Convention and its Protocol on the involvement of children in armed conflict. In addition, it recommends that the State party make provisions of the Convention and its Optional Protocol widely known to children through, among others, school curricula.**

Data collection

13. The Committee regrets the lack of data contained in the initial report (CRC/C/OPAC/BGD/1), in particular with respect to allocation of resources for the implementation of the Optional Protocol.

14. **The Committee recommends that the State party strengthen the collection of data with respect to the implementation of the Optional Protocol and include further data, in particular on allocation of resources, in its next report.**

C.2. Recruitment of children

Voluntary recruitment

15. The Committee is concerned that:

(a) Considering the serious constraints of the birth registration system identified by the Committee on the Rights of the Child during the consideration of the second periodic report in 2003, it might be very difficult in many cases to determine the real age of the recruits;

(b) The consent of parents or legal guardians is not mandatory for the recruitment of under-18s, except for recruitment in the Air Force;

(c) There are no measures to ensure that recruitment of under-18s is genuinely voluntary and well informed;

(d) There is a reported high number of children under 18 who enrol in armed forces.

16. **The Committee, while reminding the State party of the need to register all children at birth (see recommendation contained in paragraph 38 of document CRC/C/15/Add.221), recommends that the State party develop and strengthen measures effectively to guarantee:**

(a) **That no child under 16 years be enrolled in the army or in the police forces, by establishing and systematically implementing safeguards to verify the age of volunteers, based on objective elements such as birth certificate, school diplomas and in the absence of documents, medical examination to determine the exact age of the child;**

(b) **That recruitment of children under 18 years is genuinely voluntary, based on an informed decision and only occurs with prior consent of the parents or legal guardians;**

(c) **That as few children as possible under 18 are enlisted.**

Role of schools

17. **The Committee is concerned about the possible military training that children in unregistered “madrassas”, also known as “qaumi madrassas”, undergo from a very young age.**

18. **The Committee recommends that the State party take all necessary measures to ensure that the education provided in unregistered “madrassas” is in full conformity with the Optional Protocol and with the Convention, in particular its article 29, duly taking into account its general comment No. 1 on the aims of education.**

C.3. Involvement of children in hostilities

Children involved in armed groups

19. **The Committee is concerned at the information on the existence in the State party of extremist religious groups and by the fact that children might be recruited and used by these groups.**

20. **The Committee recommends that the State party take all necessary measures to ensure that:**

(a) **No child is recruited and/or used in activities of a military or paramilitary nature; and**

(b) **All child victims of such activities be duly protected and receive assistance for their physical and psychological recovery and their social reintegration.**

C.4. Measures adopted with regard to disarmament, demobilization and social reintegration

21. **The Committee regrets the paucity of information provided about measures and programmes adopted with regard to disarmament, demobilization and social reintegration of victims, in particular children who had been involved in the Chittagong Hill Tracts conflict, taking into account that the involvement in an armed conflict produces long-term consequences that require psychosocial assistance.**

22. **The Committee recommends that the State party include information in its next report on measures adopted with regard to disarmament, demobilization and social reintegration of victims, in particular children who had been involved in the Chittagong Hill Tracts conflict.**

23. The Committee, while noting initiatives taken to monitor the trafficking of small arms and light weapons, is concerned by their proliferation in the State party and by the high proportion of children carrying them.

24. **The Committee recommends that the State party take all necessary measures to ensure that children do not have access to small arms and/or light weapons and that those already in possession of weapons be disarmed. It further recommends that measures taken to prevent arms trafficking include a child-rights perspective.**

C.5. International assistance and cooperation

Prevention

25. The Committee welcomes the measures taken to improve birth registration processes and the dissemination of international humanitarian law to military instructors, undertaken with the assistance of the United Nations Children's Fund (UNICEF) and the International Committee of the Red Cross (ICRC) respectively. However, the Committee remains concerned that existing measures may be insufficient to prevent the recruitment of children under the ages set in the Optional Protocol.

26. **The Committee recommends that the State party develop and implement further measures to ensure that no children under the ages set in the Optional Protocol are recruited, including by seeking further collaboration, inter alia, with UNICEF and the ICRC. The Committee also recommends that the State party further expand and mainstream courses on international humanitarian law to all persons working with children and to military personnel, especially the recruiting officers.**

C.6. Follow-up and dissemination

Follow-up

27. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Cabinet or a similar body, the Parliament and to provincial or State Governments and Parliaments, when applicable, for appropriate consideration and further action.

Dissemination

28. In light of article 6 (2) of the Optional Protocol, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that it consider publishing the report along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be

widely distributed in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring within the Government, in particular the Ministry of Defence, the army, the military and cadet schools and all educational institutions, the Parliament and the general public, including concerned non-governmental organizations.

C.7. Next report

29. In accordance with article 8 (2) of the Optional Protocol, the Committee requests that the State party include further information on the implementation of the Optional Protocol in its next periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention, due on 1 September 2007.
