



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Second periodic reports of States parties due in 1997**

**BANGLADESH\***

[12 June 2001]

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\* For the initial report submitted by the Government of Bangladesh, see CRC/C/3/Add.38 and 49; for its consideration by the Committee, see documents CRC/C/SR.380-382 and CRC/C/15/Add.74.

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## I. BACKGROUND

1. During the 1990s, through commitments made in the international arena and actions taken at home, Bangladesh created a strong framework for the promotion and protection of children's rights. This began in 1990 with the signature and ratification of the Convention on the Rights of the Child and the signing of the Declaration on the Survival, Protection and Development of Children and related Plan of Action at the close of the World Summit for Children. These two international commitments were later underpinned by the 1996 Rawalpindi Resolution on Children of South Asia, which identified two sets of goals to be achieved, by 2000 and 2010, respectively. Important planning and policy dimensions were added with the adoption of National Plans of Action for Children in 1992 and 1999 and the approval of the National Children Policy in 1994. Latterly, inspired by a recommendation contained in the Rawalpindi Resolution, the Prime Minister of Bangladesh has declared the period 2001-2010 as the Decade of the Rights of the Child.

2. The country's commitment to protecting and upholding the rights of its child and adult citizens has been powerfully demonstrated by the signature, accession or ratification of no fewer than nine international human rights instruments since 1995, namely:

- (a) International Covenant on Economic, Social and Cultural Rights (1966);
- (b) Convention on the Political Rights of Women (1952);
- (c) Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962);
- (d) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984);
- (e) Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990);
- (f) Convention on the Prevention and Punishment of the Crime of Genocide (1948);
- (g) International Covenant on Civil and Political Rights (1966);
- (h) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999);
- (i) 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 (2000).

3. As far as children's rights are concerned, the process of monitoring the implementation of the Convention on the Rights of the Child in Bangladesh - in particular, through the ongoing dialogue with the Committee on the Rights of the Child - has led directly to the introduction of some important new programmes. Serious lacunae highlighted by the Committee in its

concluding observations on Bangladesh's initial report issued in 1997 prompted the Government, with the assistance of various development partners, to develop and launch new interventions in the fields of birth registration, juvenile justice and child rights awareness.

4. At the end of 2000, Bangladesh took the opportunity to review its achievements during the 1990s against the national goals for children and women, which had been set for the year 2000. This review revealed significant progress on a number of different social development indicators. In the area of health, increases had been achieved in immunization coverage and vitamin A supplementation along with an improvement in children's nutritional status, while child mortality rates, diarrhoeal diseases and fertility rates had been reduced. In education, the main success was a substantial increase in primary school net enrolment among both girls and boys, due in large part to the increased budgetary allocation to the education sector (and primary education subsector) over recent years.

5. Bangladesh submitted its initial report on implementation of the Convention on the Rights of the Child in November 1995 and a supplementary report in December 1996. The present second periodic report covers the period from January 1997 to December 2000, although data relating to earlier periods are given in places, especially for the purpose of showing trends. The report has been prepared in accordance with the general guidelines adopted by the Committee on 11 October 1996 (CRC/C/58). Every attempt has been made to provide the information requested in the very extensive guidelines. In view of the absence of systematic national-level data collection mechanisms in many areas (especially the "special protection" areas), however, it has not been possible to include all the requested information.

## **II. INTRODUCTION**

6. This section updates the information given in paragraphs 4 to 12 of Bangladesh's initial report to the Committee on the Rights of the Child.

### **A. Land and people**

#### **Land**

7. Bangladesh lies in the north-eastern part of South Asia. The country is bounded to the west, north and the north-east by India, to the south-east by Myanmar and to the south by the Bay of Bengal. The country occupies an area of 143,999 sq. km. Except for the hilly regions in the north-east and south-east and some areas of highlands in the north and north-west, the country consists of low, flat and fertile land. Bangladesh has a subtropical monsoon climate.

#### **Population**

8. At the time of the last population census in 1991<sup>1</sup> the population of Bangladesh stood at 111.4 million. Projected figures for 1996 show a population of 122.1 million, giving a population density of 848 persons per sq. km. The population is fairly evenly distributed throughout the country. The rural population comprises 84.4 per cent and the urban population 15.6 per cent of the total. There are approximately 20 million households in the country with an average household size of 5.6.

9. Of the 1996 projected population figure, 62.7 million are males and 59.4 million are females, which creates a sex ratio of 106 males to every 100 females. The natural growth rate of the population is 1.5 per cent. The population is predominantly young, with 13 per cent under 5 years of age and 41 per cent under 15 years. Life expectancy at birth is 60.7 years for males and 60.5 years for females.

### **Economy**

10. The current GNP per capita is US\$ 350, up from US\$ 279 in 1990. There has also been a healthy increase in the growth of real per capita GDP in recent years, from 3.8 per cent in 1994 to 5.6 per cent in 1998. Bangladesh's economy is slowly but steadily shifting its emphasis from agriculture to the manufacturing and service sectors. The agriculture sector's share of GDP dropped from 28 per cent in 1990 to 23 per cent in 1998, while the shares of the manufacturing and service sectors rose by 3 and 2 percentage points, respectively.

## **B. General legal framework**

### **Administrative set-up**

11. Bangladesh is governed by a parliamentary system of government. The Prime Minister, who is selected by the President from the majority party, is the chief executive of the country. He/she has a council of ministers to assist him/her in the discharge of his/her duties. For administrative purposes, the country is divided into six divisions, each of which is under the charge of a divisional commissioner. Each division is further divided into districts. There are 64 districts in all, each headed by a deputy commissioner. Each zila (district) is subdivided into a number of upazilas (subdistricts), and each upazila into a number of unions. There are a total of 464 upazilas and 4,451 unions in the country. Each union is the focal point of local administration and the union parishad (union council) is composed of elected members. The administrative set-up is different in urban areas. The main urban centres are divided into city corporations (six) and municipalities (more than 200). Each of these is further subdivided into a number of wards.

### **Legislature**

12. The Constitution provides for a unicameral legislature which is called the Jatiya Sangsad (National Parliament). It consists of 300 members directly elected by universal adult franchise. The members of the Jatiya Sangsad elect another 30 female members. Thus, the total number of Jatiya Sangsad members is 330. The Sangsad is vested with all the necessary powers under the Constitution to make laws for the country. The next parliamentary elections are due to be held in 2001.

### **Basic human rights laws**

13. The Constitution of the People's Republic of Bangladesh is the supreme law of the country. All laws in the country take their validity from the Constitution. Part II of the Constitution contains an extensive list of fundamental principles of State policy. These principles are non-justiciable and serve essentially as general guidelines for State policy.

14. The fundamental rights listed in Part III of the Constitution are justiciable, the Supreme Court having been entrusted with the power to enforce them. The fundamental rights guaranteed in the Constitution are the following: equality before the law; non-discrimination on grounds of religion, race, caste, sex or place of birth; equality of opportunity in public employment; protection of law; protection of the right to life and personal liberty; safeguards regarding arrest and detention; prohibition of forced labour; protection in respect of trial and punishment; right to freedom of movement; right to assembly; right to association; right to freedom of thought and conscience; right to freedom of speech and expression; right to any profession or occupation; right to profess any religion; right to property; and right to protection of home and correspondence.

15. Besides the Constitution, the principal source of the law in the country is legislation. Legislation consists of laws made by or under the authority of Parliament and may comprise statutes or statutory instruments, which are orders, rules and regulations made by a government ministry under the authority of a statute, or by-laws made by local government or other authorities exercising powers conferred upon them by the legislature.

### **Judiciary**

16. At the top of the hierarchy of courts is the Supreme Court of Bangladesh, comprising the Appellate Division and High Court Division. The Appellate Division has both civil and criminal jurisdiction. The High Court Division enjoys three different kinds of jurisdiction: constitutional/writ, civil, criminal and special/statutory jurisdiction. The functions of the two divisions are quite distinct and appointments for each division are made separately. Judges sit exclusively in the division to which they are appointed. Other civil courts include the Court of the District and the Additional District Judge, the Court of the Subordinate Judge, the Court of the Assistant Judge and the other lower courts. The ordinary criminal courts comprise different levels of Sessions and Magistrates' Courts.

## **III. IMPLEMENTATION OF THE CONVENTION**

### **A. General measures of implementation**

#### **Reservations to the Convention on the Rights of the Child**

17. The question of whether to withdraw the reservations to article 14, paragraph 1 (freedom of thought, conscience and religion) and article 21 (adoption) is under consideration by the Government. The matter is now lying with the Cabinet Division for decision.

#### **Legal issues**

18. The Constitution is the supreme law of Bangladesh and takes precedence over any other provisions of national or international law. In the event of a conflict between a provision of the Convention on the Rights of the Child and national law, any relevant constitutional provisions

would take precedence, followed by constitutionally-derived national legislation and finally the Convention, as a part of international law. Thus, the Convention cannot override national law. In the courts, the provisions of the Convention have persuasive value and have, on occasion, been cited in child custody cases.

19. Many of the rights enshrined in the Convention are recognized in the Constitution and/or in domestic legislation. Throughout the present report such constitutional and legislative provisions are described under the relevant article. Similarly, any provisions of national law which are more conducive than the Convention to the realization of a particular right are mentioned under the relevant article.

20. A new law protecting children, the Suppression of Violence against Women and Children Act, was passed in 2000, repealing the 1995 Control of Oppression of Women and Children (Special Provision) Act. There was extensive and constructive consultation between the Ministry of Law, Justice and Parliamentary Affairs and women's and human rights groups during the drafting of the bill. The new Act is similar in many respects to the 1995 Act, but it adds several new offences, such as sexual harassment and the maiming of children in order to use them for begging or to sell their body parts. Another new provision imposes responsibility for the maintenance of a child born as a result of rape on the rapist. A further provision gives the Special Tribunals constituted to deal with offences under the Act the power to award any fine imposed on an offender to the victim of the offence by way of compensation. The Tribunal is also given the power to order victims to be kept in safe custody until the case in question is disposed of in a place prescribed by the Government (not prison) or in the custody of a suitable organization or individual.

### **National strategy for children**

21. A National Plan of Action (NPA) for Children has been adopted to run in parallel with the Government's Fifth Five-Year Plan (1997-2002). The framework for the Plan is provided by a series of commitments for children made by the Government at the international, regional and national levels, namely:

- (a) Convention on the Rights of the Child;
- (b) World Summit Declaration;
- (c) Rawalpindi Resolution (SAARC);
- (d) Relevant parts of the Fifth Five-Year Plan.

The Plan was prepared using a participatory approach, ensuring a broad representation of the views and concerns of people and organizations involved with the development of children.

22. The basic objective of NPA is to improve the situation of children by creating the scope and opportunity for them to enjoy the rights set forth in the Convention and, to that end, to participate in their own development by giving them access to needed services. NPA covers six

different sectors: basic education; health and nutrition; water and environmental sanitation; children in need of special protection; social integration, participation and cultural affairs; and information and communication. The Ministry of Women and Children Affairs (MoWCA) and the National Children Council share responsibility for overall monitoring of NPA.

### **Coordination and monitoring of implementation**

23. The principal government ministries concerned with the welfare and rights of children are: The Ministries of Women and Children Affairs; Health and Family Welfare; Social Welfare; Education; Local Government; Rural Development and Cooperatives; Home Affairs; Law; Information; Youth and Sports; Cultural Affairs; Chittagong Hill Tracts Affairs; and the Primary and Mass Education Division. At present, MoWCA has only one Directorate - that of Women's Affairs. The Government is considering creating a Directorate of Children Affairs to strengthen the implementation of programmes for children and monitoring of the Convention. A recommendation to this effect has been submitted by the MoWCA Parliamentary Standing Committee and the proposal has been forwarded by MoWCA to the Establishment Ministry.

24. MoWCA bears primary responsibility for coordinating implementation of the Convention, (including monitoring), both between different ministries and between the national and subnational levels. An Inter-Ministerial Committee was formed for this purpose in 1998. In particular, the Committee coordinates an annual reporting system which involves the consolidation into a report of information collected from all relevant ministries on progress towards realizing children's rights.

25. At the subnational level, the Cabinet Division issued a directive in 1998 instructing District Development Coordination Committees to include child rights as part of their regular business. This led to the creation by the end of 1999 of Child Rights Forums in every district, comprising all district-level government officials working for children, together with local NGOs, journalists and lawyers. It is planned to give each Child Rights Forum two and a half days' training on child rights. A booklet has been produced with support from UNICEF - *A Guide to Making a Difference for the Children of Bangladesh* - with the aim of mobilizing and supporting the Forums to identify priority concerns for children and accelerate responses through joint action. Around 6,500 copies of the Guide have been distributed to the districts and more than 1,000 copies to the relevant ministries and libraries around the country.

26. The annual Multiple Indicator Cluster Survey (MICS), conducted jointly by Bangladesh Bureau of Statistics and UNICEF, is a mechanism dedicated to the systematic collection of data on the situation of children. Established in 1993 to monitor progress towards the World Summit Goals, MICS collects data on 27 different indicators relating to health, water, sanitation and education from 63,200 households located in 1,264 "clusters" all over the country. The data are disaggregated by gender, urban/rural and slum/non-slum area. Data are prepared for each of the country's 64 districts and are then aggregated to provide division-level and national estimates. With data for the last eight years now available, MICS also offers the possibility of assessing trends.



27. The results of MICS are published each year in a report entitled *Progotir Pathey* (On the Road to Progress). Approximately 5,000 copies of the report are distributed to various government officials down to upazila level. Following publication of the report, the data are reviewed by the district-level administration and a work plan is prepared. The survey is of limited value for monitoring the implementation of children's rights under the Convention since the indicators relate to only two articles - health and health services (art. 24) and education (art. 28). As will be evident from the present report, there is a serious shortage of data in relation to most of the special protection issues and many other areas covered by the Convention.

### **Child/human rights institutions**

28. The National Children Council, re-formed in 1996, is responsible for formulating policy and undertaking the necessary reform and enforcement of laws relating to children. There are concrete plans to establish a human rights commission and the office of Ombudsman, both of which would play an important role in the promotion and protection of children's rights. Appropriate draft bills have already been prepared.

### **Cooperation between the Government and civil society**

29. A striking trend over recent years regarding development programmes for children has been the increase in collaboration between the Government and NGOs. This is based, in the Government's view, on a recognition of the special expertise that NGOs can offer, which in many areas effectively complements the Government's own strengths. Such partnerships can be seen, for instance, in the Basic Education for Urban Working Children, Adolescent Girls' Empowerment and Early Childhood Development projects, all of which involve the Government setting up a project structure, which is then essentially implemented in the field by NGOs under government supervision.

30. NGOs also collaborate with the Government by working in non-traditional areas (especially "new" protection areas) where the Government has no established structure or expertise (such as sexual exploitation and abuse), and by delivering services, such as health services and non-formal education, to groups who are not reached by the State system. This is a different kind of complementarity, which results in the needs of a larger proportion of children being met than would otherwise be possible.

31. Other sections of civil society also cooperate with the Government for the benefit of children. The most impressive example of such cooperation is the extraordinary social mobilization drive which results in 600,000 civil society volunteers - including teachers, NGO workers and women at home - coming together twice a year on National Immunization Days to help immunize 20 million children.

### **Budgetary measures**

32. Public expenditure is incurred annually through the budgetary mechanism. The national budget is in two parts:

(a) *Revenue budget.* This is an estimate of revenue income and expenditure. Expenditure under the revenue budget is normally incurred to meet current expenses of a recurring nature for running the day-to-day affairs of Government;

(b) *Development budget.* This is an allocation of funds for development projects, programmes and sectors. Expenditure under the development budget is normally incurred as a one-time investment for the creation of new assets.

33. In Bangladesh, social sectors, which include primary education, health and family planning and social welfare, account for 33 per cent of the Government's revenue budget expenditure. The allocation from the development budget to social sectors increased from 13.8 per cent in 1990 to 25.5 per cent in 1996. Since 1995, the Government has made a higher budgetary allocation for education and the health of children. The total budgetary allocation for education was US\$ 1,036 million in the fiscal year 2000-2001, which is 8 per cent higher than the allocation for the previous year. Since 1995, the level of actual funding for education has risen by 59 per cent. The third largest government budgetary allocation is for the health sector.

### **Child rights awareness**

34. The issue of child rights awareness is most directly addressed under a MoWCA project supported by UNICEF known as Advocacy, Awareness-raising and Strengthening of the Information Base, which first started in 1988. Phase Three of that project (1996-2000) includes the following objectives:

(a) Providing information on the rights of children and women to the Government, NGOs and local leaders;

(b) Working with the Government to implement the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

35. The full text of the Convention on the Rights of the Child has been translated into Bengali and produced in booklet form. Approximately 500,000 copies have been printed and distributed to head teachers of all primary schools, government officials, Union Parishad Chairpersons, imams, NGOs, children's organizations, scouts, mothers' clubs and the media. In 1998, a simplified and illustrated version of the Convention was produced in Bengali, as a more effective tool for raising awareness about the Convention, including through child rights training. A total of 15,000 copies of this version have been printed and distributed, mainly to central and district-level government officials, NGOs active in the field of child rights and those running non-formal learning centres (under the Basic Education for Urban Working Children project).

36. In 1998, following receipt of the Committee on the Rights of the Child's concluding observations on Bangladesh's initial report, a three-year communication campaign was launched to increase awareness of child rights. Through its use of television, radio and newspapers,

the campaign mainly targets the middle classes, aiming to persuade them to change their behaviour - especially towards disadvantaged children - to ensure the realization of children's rights under the Convention. The following materials have been produced under the child rights communication campaign:

- (a) Fourteen television spots;
- (b) Five radio jingles;
- (c) Numerous newspaper articles (based on television/radio spots);
- (d) Diary intended mainly for the media (over 9,000);
- (e) Posters (over 65,000);
- (f) Bunting (over 25,000).

37. The subjects featured in the television spots and radio jingles are described below under the relevant articles of the Convention. The following themes have been taken up during the three years of the campaign: birth registration and child labour (1998); violence against child workers and early childhood development (1999); and adolescent girls' rights and sexual abuse (2000). The television spots and radio jingles have been broadcast by State television and radio stations and also by one private television station. Moreover, corporate sponsorship was obtained for both television spots and newspaper articles on related topics. Other short films on child rights (produced locally and abroad) and the Meena cartoon series (developed under the South Asian Meena Communication Initiative) are also broadcast on television and radio.

38. Child Rights Week has been an annual event since 1992. From 1997, however, there has been a change in the nature of the event - from a primarily cultural and ceremonial one, to an important nationwide occasion for raising awareness about children's rights. The week is usually inaugurated by the Prime Minister and receives considerable media coverage. A range of activities relating to child rights is arranged at national and district levels, including rallies, competitions, discussions and debates. One of the changes introduced from 1997 has been the adoption of annual themes designed to show that the Convention applies to all children, irrespective of their situation or social origin.

39. There is a core group of national and international NGOs which also plays an important role in child rights advocacy and awareness raising. The Government supports these NGOs by providing relevant materials and by keeping them informed about its own activities and plans. An interactive audio-visual training module on child rights has been developed for use by NGOs working in this area.

40. Schools have been the main forum for teaching children about their rights, through social studies classes and lessons on life skills in IDEAL schools using the child-to-child and Safe Learning Environment approaches.

41. Significant steps have been taken to increase the awareness of public officials working with children about child rights through the introduction of training programmes and the incorporation of child rights into the curricula of training institutions. The groups so far targeted by these efforts include:

(a) Ministry of Social Welfare officials through training for personnel in correction centres, vagrant homes and shelter homes and the incorporation of child rights into the curriculum of the Ministry's training academies:

(b) Members of 44 district-level Child Rights Forums through training sessions on child rights (all districts to be covered by 2001);

(c) More than 1,100 police officers and 400 judges through training programmes on child rights. The training will be institutionalized over the next five years by incorporating a child rights module into the curricula of all training institutions for police, magistrates and judges.

There are plans to provide child rights training to upazila- and ward-level local government officials in rural and urban areas as from 2001.

### **Dissemination of State party reports**

42. Bangladesh's initial report was not widely distributed. A debriefing meeting with high-level government officials and media representatives was held, however, following the plenary session in Geneva in May 1997 at which the initial report was discussed.

43. The Committee's concluding observations on Bangladesh's initial report released in June 1997 have been widely disseminated, with UNICEF providing strong support for this process. UNICEF published a report in 1997 entitled *Children of Bangladesh and Their Rights* which, adopting the concluding observations as a framework, described the situation of children under a large number of articles of the Convention, initiatives being taken to protect and ensure their rights, and the views and recommendations of the Committee on the Rights of the Child. A total of 70,000 copies of the report were produced (over 90 per cent in Bengali), the majority of which were distributed to local government officials and NGOs.

44. The preparation of the present report has been coordinated by MoWCA with support from UNICEF. The report is based on information collected by MoWCA from all the relevant ministries along with data from many other sources. A two-day consultation workshop with more than 50 children from mixed social backgrounds was organized to ascertain their views on achievements and gaps in the realization of their rights. Subnational consultation meetings, each attended by 40-50 representatives of local government and civil society, were held in two of the country's six divisions to verify the data presented in the report and obtain information about other important initiatives for children. A national consultation meeting, attended mainly by central government officials and NGOs, was also held.

## **B. Definition of the child**

45. The age of majority in Bangladesh is set at 18 years<sup>2</sup> under the Majority Act 1875, although the Act 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. The National Children Policy, however, defines boys and girls under 14 years as children.

46. Other legislation relating to children does not adopt a uniform definition of the child. This anomalous situation is compounded by the lack of documentary proof of children's ages due to the low level of birth registration, which is a major obstacle to ensuring the rights of children under both the Convention and domestic legislation. The Government is working to arrive at a uniform definition of a child.

47. Information on the minimum legal age set by national legislation for various purposes is given below.

(a) End of compulsory education - 10 years. The Government is considering raising the age for completion of compulsory education;

(b) Admission to employment - various ages between 12 and 21 years (see article 32);

(c) Marriage - 18 years for girls and 21 years for boys under the Child Marriage Restraint Act 1929, but religious personal laws permit marriage at an earlier age;

(d) Sexual consent - 14 years;

(e) Voluntary enlistment in the armed forces - 16 years (with parental consent);

(f) Conscription into the armed forces - no military conscription;

(g) Participation in hostilities - (non-commissioned officers) after six months' training; (commissioned officers) after two years' training;

(h) Criminal responsibility - full criminal responsibility from the age of 12 years; rebuttable presumption of capacity to infringe the criminal law between the age of 7 and 11 years;

(i) Deprivation of liberty including by arrest, detention and imprisonment - (juvenile justice cases) linked to age of criminal responsibility (see above); (care and protection cases) no minimum age;

(j) Capital punishment and life imprisonment - (capital punishment) 17 years; (life imprisonment) in certain exceptional circumstances 7 years if presumption of capacity not rebutted, otherwise 12 years (see article 37 (a));

- (k) Giving testimony in court - no minimum age but a witness must be capable of understanding questions put to him or her and of giving intelligible and sensible answers;
- (l) Lodging complaints and seeking redress before the courts without parental consent - 18 years;
- (m) Giving consent to change of name - 18 years;
- (n) Legal capacity to inherit and conduct property transactions - 21 years;
- (o) Creating/joining associations - 18 years;
- (p) Consumption of tobacco, alcohol and dangerous drugs - 16 years.

### **C. General Principles**

#### **1. Non-discrimination (art. 2)**

48. The fundamental rights set out in the Bangladesh Constitution include the prohibition of discrimination by the State on the grounds of religion, race, caste, sex or place of birth and a guarantee of equal rights for women and men in national and public life. The Constitution further expressly allows for special provision to be made in favour of children and women. The principle of non-discrimination is also found in the National Children Policy, which states that “all children of Bangladesh, irrespective of caste, creed, colour, sex, language, religion or opinion, social status, wealth or birth, shall enjoy equal rights and opportunities”.

49. Gender equality and disparity reduction is one of the overarching strategies of the National Plan of Action for Children. NPA states that affirmative discrimination in favour of girls and women will be one of its guiding principles, and all activities concerning children and women will have this focus until equity is achieved. Moreover, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women will provide a guiding framework for actions in relation to girls and women, who will be placed at the centre of development.

50. As mentioned above, MICS, which routinely collects information on the situation of children in the areas of health and education, is designed to identify disparities through the desegregation of data on various bases. The survey yields data for each district which are combined to produce figures for the six divisions. These figures are then disaggregated by gender, urban/rural area and, within urban areas, metropolitan city slum/non-slum areas and other municipalities.

51. The wide-ranging discrimination faced by girls is well known and has formed the basis of many interventions in recent years. The Government demonstrated a strong commitment to improving the situation of girls through the preparation of an Action Plan for the SAARC Decade of the Girl Child (1991-2000). In 1995, representatives of the Government attended the

Fourth World Conference on Women which led to the formulation and approval of a National Policy for Women's Advancement and National Action Plan. The position of the girl child is considered in both of these documents. Girl children remain a priority concern of the Government in terms of both policies and programmes. The thirtieth of September was celebrated as the Girl Child Day in 2000; the Government is considering making this into a permanent event.

52. A number of measures have been adopted in the field of education to increase girls' enrolment, reduce dropout rates and eliminate discrimination in the teaching-learning process. Tuition fees have been waived for girls up to Grade 10 and stipends introduced for secondary school pupils in rural areas of the country. Gender biases have been removed from the primary school curriculum and textbooks. Other factors contributing to increased enrolment and retention are the increased numbers of women teachers and improved sanitation facilities.

53. Messages about gender equality and the need to increase the self-esteem of girls are effectively conveyed through films based on the cartoon character Meena, which are produced under the Meena South Asian Communication Initiative. A series of 12 films (and versions for radio) establish Meena as a positive role model for girls and a vehicle for raising awareness about gender disparities. In addition to dissemination by the mass media, Meena materials are used in primary schools to raise awareness and enhance girls' completion rates and academic achievement.

54. The Government has recently started to increase its focus on adolescent girls. In 2000, a television spot was produced for the child rights communication campaign highlighting adolescent girls' rights to participate fully in all aspects of life. The one-minute film shows adolescent girls participating in work and recreation activities and enjoying unrestricted mobility.

55. Starting in 2001, a new UNICEF-supported project aims to increase the life choices of 30,000 adolescent girls through the creation and empowerment of adolescent girls' groups. A proportion of group members will receive livelihood training and some will be trained to act as peer educators on discriminatory practices, family life education and post-literacy training. It is expected that group members will participate actively in social processes and raise issues such as early marriage, gender violence and discrimination. At the same time, awareness regarding adolescent girls' rights and needs among the group members' families and local communities will be enhanced.

56. Another strategy adopted to combat discrimination against girls is the provision of training to law enforcement and local government officials. In two separate initiatives by the MoWCA, training in discriminatory practices against girls is planned for judges, magistrates and police officers and for urban and rural administrative officers.

57. Along with girls, children from poor families suffer from a widespread under-fulfilment of their rights. These children are deprived at two levels: first, their families cannot afford to ensure their access to basic services and, second, they are highly vulnerable to many different kinds of exploitation and abuse. The Ministry of Social Welfare's ARISE<sup>3</sup> project (described in

more detail under article 20) represents an important initiative to realize the rights of 30,000 of the most vulnerable children who are living on the streets of Bangladesh's six divisional cities. The project will build the capacity of selected NGOs and government agencies working with street children to provide vocational training and education, access to safe shelters, health services and counselling.

## **2. Best interests of the child (art. 3)**

58. Something of a dichotomy exists in Bangladeshi culture as regards the attitudes to children which exist in the private and public spheres. While the family environment is intensely child-centred, public institutions are frequently the opposite, appearing to be driven more by rules and systems than by the interests of children. There are laws, however, which include a concept akin to the "best interests" principle, even though it may be expressed differently. In the realm of guardianship of minors, for example (which is governed by the Guardians and Wards Act 1890), the Court must be guided when making an order by "what appears in the circumstances to be for the welfare of the minor".

59. The National Children Policy introduces the concept of the best interests of the child as one of its objectives in the context of ensuring "the best interest of the children in all national, social, family or personal situations". The activities identified to achieve this objective are:

- (a) Giving priority to the interests of children in all circumstances;
- (b) Collecting information on children from institutions and conducting research on child-related topics;
- (c) Publication and broad dissemination of annual reports showing improvements in the situation of children;
- (d) Observing Universal Children's Day and National Children's Day.

## **3. The right to life, survival and development (art. 6.)**

60. One of the goals of the National Children Policy is to ensure children's right to survival after birth through the provision of health, nutrition and physical security. The present report describes measures taken in many areas which contribute to creating an environment that is conducive to ensuring children's survival and development.

61. Children's good health and survival is the outcome of the health policies and programmes implemented by the Government for the benefit of children, including those concerning immunization, disease control, nutrition interventions, health education and emergency obstetric care. Water and sanitation programmes that ensure a supply of safe drinking water and help to create a pollution-free environment also make a significant contribution to promoting children's good health and survival.



62. Violence and abuse pose a serious threat to children's survival and development. Data on violence based on reports routinely collected from national newspapers show that children are at risk of death from rape, suicide, domestic violence, dowry-related violence and violence by employers (especially domestic workers). Girls are more vulnerable than boys to most of these forms of violence. The measures adopted by the Government to protect children against such threats are described under article 19.

#### **4. Respect for the views of the child (art. 12)**

63. The principle of child participation, especially the obligation on the part of adults to listen to children's views on matters affecting them and to give those views due weight in accordance with the child's age and maturity, runs counter to many established norms in Bangladeshi society.

64. The National Plan of Action for Children identifies child participation as one of its overarching strategies in the following terms: "Children will be involved in making decisions and organization and management of activities affecting their lives, and not treated just as passive beneficiaries or recipients of services."

65. As children get older, increasing account is taken of their views, although adults display striking inconsistencies in their attitudes to the participation of adolescents in different aspects of life. On the one hand, the family and community expect them to act like adults - arguably overestimating their capacity - on matters such as work and responsibilities towards parents and other family members. On the other, their potential is underestimated and they are insufficiently consulted on issues on which they have a right to express an opinion, such as the course of their future studies or career, decisions regarding their marriage and other future plans.

66. Legislation gives children a voice in certain kinds of legal proceedings. Under the Guardians and Wards Act 1890, for example, where a child is old enough to form an "intelligent preference", the Court will take that preference into account when appointing or declaring a guardian of his or her person or property.

67. The Government is increasingly adopting participatory approaches in its programmes for children. In the non-formal education project for working children, for instance, consultation with children and their families about the strengths and weaknesses of the project have led to some significant modifications in the project design. The issue of children's right to participation is highlighted in the child rights communication campaign: a television spot shows a father having to abandon his traditional notions about his daughter's future in the face of her determination to pursue a career as an electronic engineer. A number of NGOs are developing innovative projects and activities based on the principle of child participation.

68. The child rights training being provided to central and local government officials, other members of local elites and law enforcement officials is expected to increase the respect given to children's views by those working for and with children.

## **D. Civil rights and freedoms**

### **1. Name and nationality (art. 7)**

#### **Birth registration**

69. Though a legal framework for registration exists in Bangladesh, creating a decentralized birth registration system, the rate of birth registration is extremely low as the relevant officials often lack awareness or are incapable of effectively carrying out their duties.

70. Following receipt of the Committee's concluding observations on Bangladesh's initial report in 1997, work started on the development of an effective, decentralized birth registration system. Between 1997 and 1999, birth registration campaigns combining large-scale data collection with the introduction of measures to ensure sustainability were successfully piloted in the large city corporations and in four districts. As a result, 1 million names are now included in the different birth registers. In 1998, the Prime Minister announced the creation of an annual award for the local government institution that registered the greatest number of births.

71. The Government is confident that major improvements in birth registration can be achieved in the years ahead. The Local Government Division of the Ministry of Local Government, Rural Development and Cooperatives is due to launch a fully fledged project, covering 20 districts and all city corporations, in January 2001 with support from UNICEF and Plan International. The Government is negotiating additional bilateral resources. The project will extend support to district birth registration campaigns which, like EPI campaigns, involve the mobilization of different sectors to achieve large-scale coverage within a short time. In rural areas, a key role will be played by field workers of the Ministry of Health and Family Welfare, especially those already involved in providing care to mothers and young children. Mainly in urban areas, NGO health field workers will assist with the collection of data on births. Special efforts will be made to reach families in *char* and other remote areas.

72. There will be an emphasis on stimulating parents to come forward as a matter of course to register births with the relevant local government officials for entry in the birth register. Increasingly, birth certificates will have to be produced when children first start school and to access other services. To monitor the process and make data on birth available to planners birth registration data will be compiled and transmitted from the union council and municipality levels to the upazila level. The Upazila Statistical Officer will ensure linkage with the Government's vital registration system.

73. Earlier research found a low level of understanding among the general public of the importance of registering children after birth and little awareness of parents' legal obligation to do so. A communication campaign, including mass media approaches, will support the birth registration project by raising public awareness about these matters and will help to sustain registration after the campaign is over. A television spot on birth registration using the popular Meena cartoon character has already been developed.

74. As part of the district-based approach, local government officials (including those directly responsible for registration) and field workers will receive training in registration procedures and child rights. A gender focus will ensure that the mobility and other constraints faced by women wishing to register their newborns are taken into account.

75. Other imminent measures include the development of an internationally acceptable form of birth certificate and standardization of official forms and registers. Although a standard birth registration form does not exist at present, the information provided at the time of registration generally includes the child's name, sex, place and date of birth, the father's and mother's name, and the father's/parents' address and religion.

76. It will be important to create a firm link between birth registration and the administration of the immunization programme. This is because birth registration's usefulness will ultimately be measured in terms of its value in ensuring service delivery to all children. Moreover, field health workers in Bangladesh already record names of children to some extent for the administration of EPI, and it is both logical and cost-effective to connect the two systems. A pilot initiative has been started in one upazila with the aim of providing birth certificates to parents of all children once they are fully immunized. The Upazila Statistical Officer will maintain a birth registration database linked to immunization status.

### **Knowing and being cared for by parents**

77. Children born out of wedlock are sometimes raised by a member of the extended family, such as a grandmother or aunt, rather than by his or her own parents. In such situations, the child may be deliberately led to believe that the person or persons raising him or her are the true mother and/or father and may never know the true identity of his or her parents.

78. The majority of Bangladeshi children are brought up in their own families. Childcare is generally shared by the mother and other members of the extended family, with fathers playing a limited role. Natural disasters and family difficulties, such as financial hardship, abandonment of the mother, or death of a parent may result in children being cared for by a person or agency other than the parents, for instance, another relative, an employer (especially where children are placed in domestic service) or the State. In addition, children sometimes feel compelled by violence or unhappiness in the home to leave and make a life of their own.

### **Right to acquire a nationality**

79. Bangladeshi nationality can be acquired by birth, descent, migration or naturalization. A child's nationality is based on the nationality of his or her father. Accordingly, where a father's nationality is unknown and cannot be ascertained, as may be the case with children born out of wedlock, the possibility exists that his children may be stateless. This rule also prevents children with a Bangladeshi mother and a non-Bangladeshi father who were not born in Bangladesh from acquiring their mother's rather than their father's nationality and from acquiring dual nationality.

80. The children of the "Biharis" represent the largest group of stateless children in Bangladesh. This community is composed of Muslims of Indian origin who became stateless when they opted for Pakistani citizenship in 1972. Since then, they have remained in

Bangladesh awaiting repatriation to Pakistan. Latterly, it has emerged that the younger generation, who have no affiliation with Pakistan and do not speak Urdu, wish to stay in Bangladesh and obtain Bangladeshi citizenship.

81. Children without Bangladeshi nationality enjoy restricted protection under the Constitution since many of the fundamental rights guaranteed by the Constitution are available to citizens only.

## **2. Preservation of identity (art. 8)**

82. The initiatives in relation to birth registration described in connection with article 7 will make an important contribution to the preservation of children's identity, especially their name and family relations. It is planned to introduce computerization of birth records and storage of data on durable media, first in central government and city corporations and later at other levels.

## **3. Freedom of expression (art. 13)**

83. Article 39 of the Constitution guarantees the right of every citizen to freedom of speech and expression. This right is subject to any reasonable restrictions imposed by law in the interests of the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.

84. Growing access to modern information technology and recent expansion of the media provide increased opportunities to children to seek, receive and impart information and ideas. Bangladesh has nearly 300 daily newspapers and periodicals, and hundreds more which appear once or twice a week or month. Many of the high-circulation national newspapers (Bengali and English language) have regular children's pages or supplements which feature children's stories, poems, articles and drawings, as well as material written by adults on subjects of interest to children.

85. Important developments have taken place in the electronic media in recent times. The Government is working on plans to grant autonomy to the State television and radio channels. Over the past couple of years three private television channels have been launched in Bangladesh: Ekushey Television, ATN and Channel I. Ekushey Television. The latter, supported by Save the Children (Sweden) and UNICEF, has established a forum for children's participation in the gathering and broadcasting of information through a children's news programme, *Mukto Khobor*. Another programme, *Bolte Chai*, provides an opportunity for a group of adolescent boys and girls to put questions on important issues to a panel of invited guests. International Children's Day of Broadcasting has been celebrated in the country since 1994.

86. There is unequal access to electronic media and information technology in different geographical areas and socio-economic groups. While a tiny fraction of children are able to obtain and exchange information via the Internet through computers in their own homes, many villages in rural areas do not even have electricity.

87. Opportunities for cultural and artistic expression are available to all social groups, but are more limited for children from disadvantaged families, who have neither the time nor the money to spare for such non-essentials. The right of all children, including those who have to work, to creative expression is highlighted in both a television spot and a radio jingle developed as part of the Government's child rights communication campaign.

88. The impact of prevailing cultural and social values on children's home and school environments limit to some extent their freedom to express themselves orally, in writing and through artistic media. The highly prized virtues of respect for and obedience to parents and other senior family members and teachers, coupled with a lack of emphasis on creative activities, are not conducive to full and free self-expression. This situation is slowly changing though, with parents becoming more used to children speaking out on a variety of topics, and active and creative processes becoming a normal part of learning for children in IDEAL schools (see article 29).

#### **4. Freedom of thought, conscience and religion (art. 14)**

89. Citizens' rights to freedom of thought and conscience are upheld in article 39 of the Constitution and also respected in practice.

90. The Constitution reflects the existence of and a tolerance towards different religions in the country. Although Islam is declared to be the State religion, express provision is made for the practice of other religions "in peace and harmony". The fundamental right of citizens to profess and practise any religion, subject to law, public order and morality, is recognized in article 41.

91. A further constitutional provision exempts students from the obligation to receive religious instruction or attend or take part in any religious ceremony or worship that relates to a religion other than their own. The Government's policy on this issue is to arrange separate religious studies classes for Muslim, Hindu, Christian and Buddhist children in primary and secondary schools, although this is not always practically possible. Teachers' training includes the study of all four religions.

92. The sanctity of all religions (including places of worship, sacred objects and religious ceremonies) is preserved under a series of provisions in the Penal Code which impose criminal sanctions for insulting the religion or wounding/outraging the religious feelings of any community through certain specified acts.

#### **5. Freedom of association and peaceful assembly (art. 15)**

93. The Constitution upholds children's rights of collective participation through provisions relating to freedom of association and peaceful assembly. These provisions acknowledge the right to form associations or unions and to participate in public meetings and processions peacefully and without arms.

94. Bangladesh has a large number of children's and youth organizations. They are distributed throughout the country, the largest having as many as 500 branches. Many children's organizations pursue programmes aimed at promoting the all-round development of children, while others have more specialized aims and activities. The members of these organizations tend to come from families of higher socio-economic status. NGOs provide equivalent opportunities for many disadvantaged children.

95. In Bangladesh, public processions and meetings are a common event. Special public meetings and rallies to mark occasions of significance to children, e.g. Child Rights Week and Disabled Children's Day, take place fairly frequently. Such events are also organized from time to time to allow children to convey their views on an issue of importance to them.

96. The rights to freedom of association and peaceful assembly enshrined in the Constitution are subject to reasonable restrictions imposed by law in the interests of (a) public order or morality (freedom of association); and (b) public order or public health (freedom of peaceful assembly). The permission of a magistrate is required to hold public meetings.

## **6. Protection of privacy (art. 16)**

97. The Constitution in article 43 recognizes the right of all citizens to safety in their homes from entry, search and seizure and to privacy of correspondence and other forms of communication. This right is subject to reasonable restrictions imposed by law.

98. The privacy of children involved in juvenile justice proceedings is ensured by various provisions of the Children Act 1974. Attendance in Juvenile Courts is restricted to court officials, parties, legal advisors, police, the child's parents or guardians and others specially authorized by the Court. Newspapers and magazines are strictly prohibited from identifying children in reports of proceedings under the Children's Act and from publishing the child's photograph. In addition, if a child appears as a witness in a case involving "an offence against or any conduct contrary to decency or morality", the Court can safeguard the child's privacy by requiring persons other than the parties (and others directly concerned in the case) to leave the Court. The Suppression of Violence against Women and Children Act 2000 also contains a restriction regarding disclosure of the identity of victims of violent offences under the Act, such as rape, sexual harassment, acid violence and trafficking. These restrictions are not always observed by the newspapers.

99. Intruding upon the privacy of a female of any age is an offence under the Penal Code 1860. The Penal Code also protects children against unlawful interference with their homes through criminal trespass, house trespass or housebreaking and against an unlawful attack on the reputation of any child constituting defamation.

100. The Patient's Charter of Rights formulated under the Health and Population Sector Programme upholds the right of all individuals seeking health care to be examined in privacy. Patients' right of access to their medical records is also recognized. Health providers are under a duty to keep such records confidential.

## **7. Access to appropriate information (art. 17)**

### **Access to information/material**

101. Under the National Plan of Action for Children one of the stated objectives in the area of information and communication is to take steps to ensure the development of appropriate materials, such as books, audio-visual materials and other educational tools, for the social and cultural development of children and filtering of materials which are injurious to their social, psychological and intellectual development.

102. Children's access to mass media is principally influenced by two factors: a child's ability to read and his or her family's socio-economic status. Print media, though relatively affordable, are of no use to a child who cannot read, while televisions and radios are beyond the financial means of the majority of families. According to a recent national media survey, only 16 per cent of the population have access to print media, 31 per cent to television and 36 per cent to radio. The absence of electricity in many rural areas has already been mentioned as a constraint.

103. A portion of daily broadcasting time on State television and radio is allocated to programmes on development issues with a focus on children and women: 315 minutes per day for national and regional radio and 25 minutes per day for television (known as "free time"). In addition, six minutes of television prime time is allocated to public service spots. State television and radio both broadcast programmes in tribal languages, especially Chakma, Santal and Garo.

104. Access to books for many children is limited to the school textbooks and supplementary reading materials produced and disseminated by the National Curriculum and Textbook Board. Other government agencies, such as the Bangla Academy and Shishu (Children's) Academy, produce books and other written materials for children. NGOs with large non-formal education programmes also produce a variety of children's books. Low-priced children's books in Bengali including fiction, poetry, drama, suspense, science and other non-fiction titles are available on the market.

105. There are currently 68 government public libraries in Bangladesh and hundreds of non-government public libraries (more than 800 according to a survey carried out in 1994). The government libraries are located in 60 district headquarters, three divisional headquarters, Dhaka (Sufia Kamal National Public Library), plus a further four branch libraries in different cities and towns. In September 2000 the book collection included nearly 80,000 children's books. The National Public Library and Chittagong Divisional Public Library have separate children's sections; other government public libraries have a children's corner within the main reading room. Community libraries exist in cities and towns around the country. Children's corners have been established in 25 community development libraries around the country under a UNICEF-supported pilot project.

**Protection against harmful information/material**

106. Censorship exists in relation to foreign publications and both foreign and local films. Common grounds for censoring or banning films and publications include obscenity and offence to religious sentiment. There is no restriction on access to the Internet.

**8. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))**

107. The Constitution of Bangladesh guarantees under article 35 that no person will be subjected to torture or to cruel, inhuman, or degrading punishment or treatment. Additional protection exists under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to which Bangladesh acceded in 1998.

108. The Penal Code 1860 contains a number of different sections which protect individuals against torture and other cruel, inhuman or degrading treatment or punishment. Provisions regulating the conduct of police officers make it an offence for a police officer to use violence against any person in his custody (Police Act 1861 and Dhaka Metropolitan Ordinance 1976). The Suppression of Violence against Women and Children Act 2000 also includes a provision (not in the earlier Act which it repealed) making the rape of a woman by police officers responsible for her safe custody a punishable offence.

109. As far as punishment is concerned, juvenile offenders may be subjected to both caning/whipping and solitary confinement. Offenders convicted of offences carrying a sentence of rigorous imprisonment may under the Penal Code be kept in solitary confinement for a portion of the prison sentence up to a maximum of three months. No single period of solitary confinement may exceed 14 days and intervals between the periods of solitary confinement must be at least as long as the periods of confinement. The Code of Criminal Procedure 1898 allows for whipping of male offenders either as the sole form of punishment or in addition to a prison sentence of up to five years. For offenders under 16 years of age, the maximum punishment is 15 stripes, while for other offenders the maximum is 30 stripes. Under the Children Rules, young offenders detained in certified institutes or approved homes may be separately confined and caned up to 10 stripes on the palm of the hand or the buttocks as punishment for committing certain forbidden acts.

110. The traditional village mediation council, or *shalish*, is known to sometimes order inhuman and degrading punishments in the cases they deal with. These often relate to marital disputes or to social/moral issues. Whipping is a common punishment: reports systematically collected from 11 daily newspapers during 1999 revealed 12 instances of females being sentenced to “lashes” by the *shalish*, mainly in connection with love affairs and pre-marital pregnancies.<sup>4</sup>

111. In terms of information and education programmes, efforts to prevent the use of torture and the other kinds of treatment and punishment referred to in article 37, paragraph (a), have been mainly directed to law enforcement officials and the judiciary. Training has been provided



to police officers and judges on children's rights regarding the administration of juvenile justice. Moreover, there are plans to incorporate child rights into the curricula of training institutions for police officers, judges and magistrates. The issue of corporal punishment was taken up as the theme for the Child Rights Week in 2000.

112. Existing services and support for the recovery and reintegration of child victims are described under article 19.

## **E. Family environment and alternative care**

### **1. Parental guidance (art. 5)**

#### **Family structures**

113. The basic social group in Bangladesh has traditionally been the extended family, with households commonly consisting of one or more brothers, their parents, wives and children. Social changes, including growing landlessness, urbanization and participation by women in the labour force, have begun to break down this structure and have significantly increased the number of nuclear families in rural as well as in urban areas. Disintegrating family values and early spousal death have led to a significant proportion of households - 5 to 9 per cent in rural areas - being headed by women. Many families are also headed by women on a semi-permanent basis because of the husband's need to live elsewhere for work purposes.

#### **Parental guidance regarding exercise of child's rights**

114. Two significant constraints to implementation of this article exist. First, the low level of awareness of children's rights amongst parents or other caregivers and children means that the majority of parents and children neither see children as the subject of rights nor parents as having responsibilities to support children in the exercise of their rights. The second constraint relates to families' limited knowledge of child development, which restricts their ability to make informed judgements on children's capacities at different ages. There is a general tendency to underestimate children's capacities.

115. An Early Childhood Development project, due to be launched by MoWCA in 2001, will play a part in increasing families' understanding of child development through an education programme for 4-5 million caregivers all over the country. This will be supported by a mass media communication campaign, which will reach an even wider audience. Families' awareness of child rights is also being raised through the ongoing child rights communication campaign under which television spots, radio jingles and newspaper features have been produced and broadcast or published. One of the issues taken up in the campaign is the right of older children to make up their own minds about the direction their studies and career will take.

### **2. Parental responsibilities (art. 18, paras. 1 and 2)**

116. Bangladesh has accepted the principles under this article and article 16 of the Convention on the Elimination of All Forms of Discrimination against Women that parents have common

responsibilities for the upbringing and development of their children and that they should be guided in the fulfilment of those responsibilities by the children's best interests. However, concrete steps have not yet been taken to incorporate these principles into legislation.

117. Parents are supported in their child-rearing responsibilities by many government programmes in the health and education sectors. Caregiver education and mass media communication activities under the Government's new Early Childhood Development project will, in addition, enhance caregivers' knowledge and skills to enable them to support the optimal development of their children. The project is founded on a set of core child development principles which will be conveyed to caregivers (and others who have contact with caregivers) through different project activities. Amongst other issues, these principles will highlight the damaging effect of violence on children's development and will encourage parents to adopt positive forms of discipline.

118. The issue of early marriage has been addressed through a campaign led by MoWCA to promote marriage registration, which spells out the legal prohibition against and negative consequences of child marriage. The law prohibiting dowry is also highlighted. Nearly 60,000 booklets on marriage registration (in Bengali) have been produced and distributed mainly to local government officials, NGOs and libraries around the country.

119. Government and NGO poverty alleviation programmes for disadvantaged families help to improve their economic status. The Government's Vulnerable Groups Development Project targets the most disadvantaged rural women with support in the form of food rations, skills training for income-generating activities, credit, functional education and awareness-raising. Evaluations have shown that this project increases school enrolment and calorie intake among the children of project beneficiaries.

120. The development of institutions, facilities and services for the care of children who cannot live with their families and children of working parents is discussed under articles 20 and 18 (3) below.

### **3. Separation from parents (art. 9)**

#### **Principle of non-separation from parents**

121. The basic principle that children and parents should not be separated is an essential part of the culture and social values of Bangladesh. It is reflected in the extreme physical and emotional closeness between parents (particularly mothers) and children which starts at birth and continues, in many cases, into adulthood.

122. Various circumstances, which are not susceptible of determination by any competent authority, cause children and parents to become separated against their will. Principal among these are endemic poverty and the natural disasters that regularly strike the country. As noted elsewhere in the present report, poverty can drive a wedge between children and their parents in many ways: for instance, it may force parents and/or children to find paid work away from the

family home, or financial hardship may be such that children decide to leave home to try to make a life for themselves on the streets. Discriminatory attitudes, for instance, to unmarried mothers and children born out of wedlock can also influence one or both parents to make decisions which result in their temporary or permanent separation from their children.

123. In areas which are subject to legislative, judicial, or administrative control, special provisions exist which prevent the separation of parents and children or ensure that separation only occurs when it is necessary and in the child's best interest. For example:

(a) The Jail Code allows a child to stay in prison with his or her detained mother up to the age of 6 years. In November 2000, a total of 300 children were living in jail with their mothers;

(b) The procedure for repatriation of refugees from camps in Cox's Bazar is based on the principle that refugees should be repatriated as family units not as single individuals so that children are not separated from their families;

(c) The Children Act gives Juvenile Courts the power to hand over a child who is neglected or treated cruelly by a parent or guardian to the care of a willing relative or other "fit" person, or to send the child to a certified (training/education) institute or approved home.

#### **Maintenance of personal relations and direct contact**

124. The right of children deprived of their liberty to maintain contact with their family is preserved under the Children Rules.

125. The situation of child domestics, who generally have very little contact with their parents, is being addressed through one of the television spots produced under the Government's child rights awareness campaign. The spot conveys the happiness of a girl child domestic whose drudgery is interrupted by the unexpected arrival of her mother at her place of work.

#### **4. Family reunification (art. 10)**

126. There is no particular law which governs the reunification of children and parents. Bangladeshi children are free to enter and leave the country on presentation of valid travel documents. Children are sometimes prevented from travelling and required to produce letters of authorization or sponsorship as an anti-trafficking measure. In the absence of any criminal charges against the applicant, Bangladesh's foreign missions abroad process visa applications from children wishing to travel to Bangladesh to be reunited with their parents (or vice versa) in a speedy and helpful way.

#### **5. Illicit transfer and non-return (art. 11)**

127. Despite intermarriage between Bangladeshi nationals and nationals of other countries and the existence of large Bangladeshi communities in a number of countries outside Bangladesh, the

country does not face problems relating to the illicit transfer and non-return of children. Bangladesh is not a party to the Hague Convention on the Civil Aspects of International Child Abduction nor to any other bilateral or multilateral agreements in this area.

#### **6. Recovery of maintenance for the child (art. 27 (4))**

128. While parents remain married, action can be taken under the Code of Criminal Procedure 1898 to recover maintenance against a father (with sufficient means) who fails to maintain his legitimate and illegitimate children. The situation after separation or divorce is governed by the Family Courts Ordinance 1985: fathers are liable to maintain their sons until they reach puberty (and beyond if they are sick or disabled) and their daughters until marriage. There is a hierarchy of financial responsibility for children which is conditional on the person concerned having sufficient means: the father bears primary responsibility for maintenance, followed by the mother and then the grandfather. Liability for maintenance is unaffected by custody arrangements.

129. The Suppression of Violence against Women and Children Act 2000 introduced a provision imposing on the father of a child born as a result of rape responsibility for maintaining the child. This obligation continues for boys until the age of 21 and for girls until marriage. Where the child suffers from some kind of disability, however, the duty to maintain continues until the child is able to maintain himself/herself.

#### **7. Children deprived of family environment (art. 20)**

130. Abandoned, orphaned and destitute children and children living and working on the street represent the main categories of children in Bangladesh who are forced to live without their families. Factors which push children into these distressed states include poverty, natural disasters, family disintegration, pregnancy outside marriage, death or ill-health of parents or guardians and family violence.

131. Despite a growth over recent years in the number of nuclear families, the primary safety net for children in distress is still the extended family. Accordingly, the usual arrangement made for children who have no parents or who, for whatever reason, are unable to live with them is to put the child in the care of a close relative, such as a grandmother or aunt or, if this is not possible, with a more distant relative. As mentioned earlier, another option sometimes taken by poor parents is to find work for their children (especially girls) as domestic servants. Under the Guardians and Wards Act 1890 the Court also has the power to appoint a guardian of the “person or property” of a child under 18 years for his or her welfare. Placing children in institutional care is therefore always a measure of last resort.

132. Alternative care is provided by the Government in the following facilities, which are run by the Ministry of Social Welfare:

- (a) Seventy-three orphanages (capacity 9,500 children);

(b) Three baby homes (capacity 225 children) for abandoned children<sup>5</sup> aged 1 to 5 years in Dhaka, Chittagong and Rajshahi;

(c) Two homes (capacity 500 children) for the training and rehabilitation of destitute children (another home is planned which will accommodate an additional 500 children).

Efforts are being made to transform orphanages into a more family-like environment following the model established by the NGO-run SOS Children's Villages. Twenty-six orphanages have initially been selected under this initiative.

133. Under the Orphanages and Widows Homes Act 1944 licences can be granted to private individuals to run orphanages. There are over 950 orphanages run by NGOs, some of which are partially funded by the Government. These include institutions linked to particular religious faiths: over 300 Muslim orphanages attached to madrasah schools, 9 Hindu, 5 Buddhist and 4 Christian orphanages. The existence of orphanages attached to all the major religions in Bangladesh offers the possibility, in some areas at least, of placing children in an institution which matches their own religious background.

134. The definition of an orphan commonly used in Bangladesh<sup>6</sup> is at variance with the usual understanding of the term. It has its roots in the father's primary duty to maintain his children and is reflected in the statistics that the vast majority of children in orphanages are fatherless, compared to a relatively small proportion who have lost their mothers. There are instances of single mothers living in orphanages with their children and assisting with childcare. Children are admitted to orphanages between the ages of 5 and 9 years and are entitled to stay until they pass Grade 10, reach 18 or (in the case of girls) get married.

135. The Ministry of Social Welfare has undertaken the first large-scale, coordinated effort to improve the situation of street children through its Appropriate Resources for Improving Street Children's Environment (ARISE) project, which began in 1998. The project, which is explicitly based on the rights of street children under the Convention on the Rights of the Child, aims to provide vocational training and education and access to safe shelters, health services and counselling to 30,000 street children in Bangladesh's six divisional cities. This will be achieved through capacity-building of selected NGOs and government agencies working with street children in each of the project areas. One of the long-term outcomes of the project is expected to be the development of a national strategy for empowering street children, including plans for resource mobilization and community-based service provision. Local communities in project areas will be sensitized to the situation of street children, and their needs, especially for social rehabilitation.

## **8. Adoption (art. 21)**

136. Since the repeal of the Bangladesh Abandoned Children (Special Provisions) Order 1972 in 1982 there is no civil law governing adoption, although individuals can apply for guardianship of either the person or the property of a child under the Guardians and Wards Act 1890.

137. The institution of adoption does not exist under Muslim law. Under the Hindu, Christian and Buddhist personal laws, however, adoption is permitted and encouraged. Hindu men who have attained the age of discretion (15 years) may adopt boys only. A Hindu woman may adopt a boy only with the consent of her husband. There is no provision for the adoption of girls.

### **9. Periodic review of placement (art. 25)**

138. The Children Act 1974, while concerned primarily with children in conflict with the law, also deals with children who are in need of different kinds of protection or care. Under the Act, Juvenile Courts have the power to issue orders placing child offenders and child victims in certified institutes and approved homes. Any order issued by the Court must take account of the child's character and age, his or her living circumstances, reports by probation officers and other matters required to be taken into consideration in the child's interest. Another factor to be borne in mind when deciding on placement is the facilities available for instruction in the child's religion. A case file record is maintained for children placed in correction centres. This is reviewed periodically by the Superintendent of the Institute, who pays special attention to the conditions of detention.

### **10. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)**

#### **Legislation**

139. It is an offence under the Children Act for a person who has custody, care or charge of a child to assault, ill-treat, neglect, abandon or expose the child or to cause such things to happen to him or her in a way likely to cause the child unnecessary suffering or injury to his health. This offence is punishable with a maximum of two years' imprisonment or a fine of Tk 1,000.

140. An important piece of legislation dealing with violence against children is the recently passed Suppression of Violence against Women and Children Act 2000 (which repealed the 1995 Control of Oppression on Women and Children (Special Provision) Act). This lays down severe penalties for various kinds of violent offences against children (up to 14 years) and women, including rape, sexual harassment, acid throwing, dowry violence, kidnapping (for purposes other than trafficking) and detention for ransom.

141. Table 1 below shows the range of penalties that can be imposed on conviction for these offences. For virtually all the offences listed, those convicted are liable to both imprisonment (a death sentence in some cases) and a heavy fine. The Suppression of Violence against Women and Children Tribunals constituted in each district to try cases under the Act can award the amount of the fine as compensation to the victim. Both the investigation and trial stages of the proceedings are required to be handled expeditiously.

**Table 1**

**Relevant offences and penalties under Suppression of  
Violence against Women and Children Act 2000**

Offence	Imprisonment/ death sentence	Maximum fine (Taka)
Throwing inflammable, corrosive or poisonous substances:		
(a) Causing or attempting to cause death	Life imprisonment/death	100 000
(b) Causing impairment of eyesight/hearing or injury to face, breast or sex organ	Life imprisonment/death	100 000
(c) Impairment/disfigurement of other parts of the body	7-14 years	50 000
(d) Attempting to throw such substances with no injury	3-7 years	50 000
Kidnapping	14 years-life imprisonment	unspecified
Detention for ransom	Life imprisonment/death	unspecified
Rape	Life imprisonment	unspecified
(a) Death as a result of other subsequent acts of rapist	Life imprisonment/death	100 000
(b) Death as a result of gang rape	Life imprisonment/death	100 000
(c) Attempt to cause death/injury by rape	Life imprisonment	unspecified
(d) Attempted rape	5-10 years	unspecified
(e) Rape of a woman by police officers responsible for her safe custody	5-10 years	unspecified
Sexual harassment:		
(a) Touching sex organ of a woman or child	3-10 years	unspecified
(b) Violating a woman's modesty or making obscene gesture	2-7 years	-
Violence against wife by/on behalf of husband:		
(a) Causing or attempting to cause death	Life imprisonment	unspecified
(b) Causing injury	5-14 years	unspecified

**Raising awareness**

142. Much is being done to raise awareness among the general public and professional groups working with and for children of the existence of different kinds of violence and abuse against children, their effects and children's right to protection. These efforts are being undertaken by raising general awareness of children's rights and through sensitization to particular issues of violence and abuse.

143. There are plans to provide child rights training to upazila- and ward-level local government officials in rural and urban areas and to incorporate a child rights module into the curricula of the training institutions for police officers, judges and magistrates.

144. The issue of violence has been taken up in the child rights communication campaign. Television spots and radio jingles developed highlight, in particular, the prevalence of violence against working children, especially child domestics, and demonstrate the possibility of exercising self-restraint. In one spot, a bold attempt has been made to break down social taboos by acknowledging the reality of sexual abuse as an experience which many children go through. This is still a relatively closed topic, although a ground-breaking NGO report on sexual abuse published in 1997 has made a major contribution to awareness and understanding in this area. Communication materials on gender-based violence are being developed for use by NGOs with a view to increasing the awareness of adolescents (especially boys, who are often the perpetrators of such violence) of this issue.

145. As previously noted, the Government's Early Childhood Development project will promote the use of positive, non-violent forms of discipline through caregiver education and mass media communication activities. The issue of corporal punishment was taken up as the theme for the Child Rights Week in 2000.

146. While the main kinds of violence affecting children are well known, there are insufficient data to form a clear picture of the extent of different kinds of violence against children throughout the country. One of the ways in which violence is monitored is through the systematic collection of newspaper reports of violent incidents. This is done by a number of organizations, some of which make their materials available to outside researchers. Targeted research also yields important information on violence and abuse against children, but this tends to be of a qualitative nature. The MoWCA is planning a research project on physical and mental violence in the home and its impact on children.

**Response to violence/abuse against children**

147. The Government is due to launch a new pilot initiative within a short time to improve the services and support provided to female victims of violence at the local level. Working with union parishad members, police and local elites, the programme will sensitize key community members and strengthen or create links between the police, the courts and hospitals based on full understanding of the local situation. Violence against Women Prevention Committees are already working in all upazilas.



148. Inter-agency collaboration is also a feature of the Government's multisectoral programme on violence against women, which started in 2000. In addition to setting up a management structure for dealing with violence against women, the programme will establish one-stop crisis centres and improve burn treatment facilities in Dhaka and Rajshahi Medical College Hospitals. The crisis centres will be staffed by a team of doctors, paramedics, police officers and a social worker. Women coming to the centres will be referred to local NGOs for support regarding shelter, counselling and legal assistance.

149. Both the Government (MoWCA)<sup>7</sup> and NGOs run shelter homes for female victims of violence, trafficking and other kinds of abuse. Children are often allowed to stay with their mothers. These homes generally provide food, lodging and vocational training. Some also offer counselling and medical treatment. The Government is planning to provide training in psychosocial counselling for staff in urban-based government and NGO shelter homes who support female victims of violence. Under the Women-friendly Hospital Initiative, which currently covers 15 health facilities in the country, training is being provided to doctors and nurses in the management of violence against women. Nurses are expected to play a role in counselling victims.

150. Over recent years the plight of victims of acid violence has been the focus of intense activity, directed to raising awareness of their situation, increasing support for their recovery and reintegration in society and combating future acid violence. The Government has created a fund of Tk 50 million to help distressed and oppressed women and children, especially victims of acid throwing.

151. In 1999, an Acid Survivors' Foundation was formed by a coalition of NGOs, international donors and acid survivors to counter acid violence. The Foundation's aim is to provide comprehensive assistance in the treatment, rehabilitation and reintegration in society of acid violence victims by identifying and improving existing services. It also works to prevent further attacks. A systematic mechanism for reporting acid attacks through health facilities at subnational and national levels is currently being developed. A database has also been established to store information concerning reports of acid cases. In 2000, a comprehensive information kit on acid violence was produced in a collaborative effort between the Department of Women Affairs, NGOs (including the Acid Survivors' Foundation) and UNICEF.

152. In addition to established mechanisms for the investigation and prosecution of criminal offences, the Home Ministry plans to set up Women Investigation Cells, staffed by women police officers, in 16 police districts in order to promote non-discriminatory handling of violence cases. Free legal assistance and counselling is available to disadvantaged women victims of violence in all of Bangladesh's six divisions from MoWCA Violence against Women Prevention Cell. In some cases, lawyers pursue action in the courts on behalf of the victim. Many NGOs provide assistance to pursue legal action in cases involving violence against women.

## **F. Basic health and welfare**

### **1. Children with disabilities (art. 23)**

#### **National strategy**

153. Bangladesh is committed to implementing the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities. Since their adoption in 1993, the Government has taken important steps to develop appropriate policies and establish the following necessary national institutions:

(a) A National Coordination Committee for the Disabled was established under the Ministry of Social Welfare in 1993;

(b) A National Policy for Disabled Persons was adopted in 1995;

(c) The National Disabled Development Foundation, a Government-NGO coalition, has been established;

(d) A Committee for Inclusive Education, comprising representatives of the Ministry of Education, Ministry of Social Welfare and UNESCO, has been set up.

154. The National Forum of the Organizations Working with the Disabled, a coordinating body representing 70 NGOs working to promote the rights of people with disabilities, has prepared draft legislation based on the National Policy which is under consideration by the Government.

155. Children with disabilities are included in the National Plan of Action for Children (1997-2002) as one of the categories of children in need of special protection. The specific objective identified in relation to them is to refine strategies for the prevention and early detection of disabilities and the rehabilitation of children with disabilities, emphasizing family- and community-based approaches.

#### **Prevalence and nature of disability**

156. Disability rates in Bangladesh are consistently higher among boys than girls. They rise from 0.27 per cent among 0-4-year-olds to 0.83 per cent among 10-14-year-olds for girls and from 0.37 per cent to 1.25 per cent in the same age groups for boys (see table 2 below). Disabilities include speech, hearing and visual impairments, intellectual disability, motor disability, goitre, epilepsy and paralysis. The main causes of disability are preventable conditions or occurrences, such as malnutrition, infectious diseases and complications arising from poor pregnancy monitoring, accidents and marriage between close relatives. Disability is also linked to low levels of maternal education and to poverty generally.

**Table 2**

**Age-specific disability rate (per 1,000 population)**

Age (years)	Girls	Boys
0-4	2.7	3.7
5-9	7.1	8.6
10-14	8.3	12.5

Source: Bangladesh Bureau of Statistics, 1998, *Report of Survey on Prevalence of Disability, June 1996*.

**Prevention and identification**

157. Efforts to prevent disability have focused on improving the nutritional status of women and children through food supplementation for pregnant women, breastfeeding promotion, salt iodization, vitamin A capsule distribution and immunization against polio.

158. Children are not routinely screened for disability, but a simple 10-question test has been developed for screening disabilities in children aged 2 to 9 years. This can be effectively used by community health workers for home-based screening.

**Education/vocational training**

159. The Ministry of Social Welfare provides both integrated and special services for children with disabilities. At present, the following facilities exist:

(a) Sixty-four integrated units (one in each district) providing special education to visually impaired children in secondary schools. Students are supported to learn to read Braille, use an abacus and improve their mobility. Braille books and other aids are supplied. Residential places are available for 10 students per unit;

(b) Thirteen institutions for children with hearing/visual impairments or physical handicaps providing primary education and pre-vocational training. There are residential facilities for 730 students;

(c) National Centre for Special Education, which provides a range of disability-related services. There are three residential schools for children with hearing, visual and intellectual impairments and a teacher training college for special education. Other services include the training of staff working with the disabled, the development of aids and rehabilitation for people with disabilities;

(d) National Disabled Development Foundation, which provides training for teachers of persons with visual, hearing and intellectual impairments.

160. Currently, inclusive education in government schools exists for children with visual impairments only. In the non-formal sector, a five-year agreement was reached in 1998 between an NGO working in the field of intellectual disability and a large national NGO (BRAC), under which education will be provided to children with intellectual disabilities in 30 BRAC schools (in rural and urban areas). A large number of the other 50 or so NGOs implementing programmes for children with disabilities also provide special education and skills training.

### **Health care and rehabilitation services**

161. Children with disabilities, of course, have free access to government health services in the area where they live and can be referred from there to bigger hospitals with more highly specialized personnel and equipment. Two major hospitals in Dhaka - the Dhaka Children's Hospital (through its Child Development Centre) and Bangabandhu Sheikh Mujib Medical University Hospital - provide specialist medical support and assistance to children with disabilities. Many NGO programmes for children with disabilities have a rehabilitation component.

162. The Child Development Centre runs a community-based disability service for children living in a slum near the hospital. A distance training package programme has also been developed by an established NGO working in this area which uses pictorial training guides to teach parents how to manage their children's disabilities at home.

163. Some of the aids required by children with disabilities are made in Bangladesh: there is a Braille press and an artificial limb manufacturing centre in Tongi, just outside Dhaka. A number of NGOs are involved in manufacturing artificial limbs and assistive devices.

### **Discrimination**

164. Discriminatory attitudes to children with disabilities persist, largely due to ignorance about disability, fear and superstition. Such attitudes cause families to feel ashamed of a child with a disability, who is then confined at home away from public view. In a public setting, children with disabilities are often the object of ridicule and unkindness.

165. Activities undertaken by NGOs to raise awareness among policy makers/planners, families and the general public are slowly changing these entrenched attitudes. The Government has recently made a contribution to this process through a television spot produced as part of the child rights communication campaign. This boldly challenges received notions about the capacities and participation of children with disabilities in all aspects of life by depicting a football match in which a boy who has a physical handicap (unbeknown to the audience until the last frame) saves a crucial goal and wins the match for his team.

## **2. Health and health services (art. 24)**

166. The Bangladesh Constitution acknowledges the State's fundamental responsibility to secure the provision of basic necessities, including food and medical care, for its citizens. Raising the level of nutrition and improving public health are also counted among the State's primary duties.

167. One of the goals identified by the National Children Policy is to ensure children's right to survival after birth through the provision of health, nutrition and physical security. Health is also a major focus of the National Programme of Action for Children, accounting for two of the six sectors covered by the Plan: health and nutrition and water and environmental sanitation.

### **Sectoral policies**

168. The past few years have seen a series of new policy and planning initiatives in this area. These initiatives are as follows:

- (a) The 1997 National Food and Nutrition Policy and National Plan of Action for Nutrition;
- (b) The 1998 National Policy for Safe Water Supply and Sanitation, which aims to facilitate access to basic water supply and sanitation services, bring about behaviour change regarding use of water and sanitation, reduce water-borne diseases and build capacity of local government and communities;
- (c) The 2000 National Health Policy, which accepts primary health care as the appropriate health-care delivery system for providing comprehensive and cost-effective services.

### **New sectoral strategy**

169. In 1997, a new Health and Population Sector Strategy (HPSS) was formulated by the Ministry of Health and Family Welfare (MoHFW) in consultation with development partners and stakeholders to reform the sector with two basic aims:

- (a) To provide a package of essential health care services to the people of Bangladesh;
- (b) To slow population growth in the country.

The strategy includes the following sectoral objectives:

- (a) Maintaining the momentum of efforts to lower fertility and child mortality;
- (b) Reducing maternal mortality and morbidity;
- (c) Reducing the burden of communicable diseases.

These objectives specifically focus on ensuring access by disadvantaged groups to high quality, client-centred services. A key feature of HPSS is the transition from a project-driven to a sector-wide approach in terms of policy, strategy, planning, implementation and expenditure. This is expected to increase the efficiency and coverage of health services. A major structural reform in the sector is the unification of the health and family planning wings of MoHFW.

**Health and population sector programme**

170. In 1998, a comprehensive five-year health programme, the Health and Population Sector Programme (HPSP), was launched with the declared goal of contributing to the improvement of the health and family welfare status of the most vulnerable women, children and poor of Bangladesh. The purpose of the programme is to achieve client-centred provision and client utilization of an Essential Services Package (ESP) plus selected services to attain the HPSS sectoral objectives. This package represents a minimum set of health care services that satisfy the needs of these most vulnerable groups and can be provided in a sustained way given existing resource constraints.

171. ESP is an integrated, one-stop approach to the delivery of health services at community, union and upazila levels. At the community level, fixed community clinics, each serving a population of 6,000, are being established in place of the previous system of domiciliary services and outreach/satellite clinics. Referral is made to district hospitals (secondary) and hospitals attached to medical colleges and postgraduate institutes (tertiary). This is a two-way mechanism. ESP has five components: reproductive health care, child health care, communicable disease control, limited curative care and behaviour change communication.

172. A Patient's Charter of Rights has been formulated to raise the awareness of patients about their rights to quality of care. This includes privacy, informed choice, safety and efficacy of care as well as the provision of free care or adherence to approved fee schedules. Patients will be informed of their rights through NGO and media activities. This will provide a useful platform for informing the public about the rights of children and women in general.

173. HPSP acknowledges certain established relationships between health and poverty. In the first place, the poorest households suffer from higher rates of illness and mortality. Furthermore, illness-related expenditure, especially in cases of hospitalization or chronic illness, can often push non-poor families into the poverty group. A three-stage approach to ensuring that the most needy households receive timely care of sufficient quality is described in HPSP as follows:

- (a) Identifying high-risk households;
- (b) Modifying services and delivery mechanisms to meet their needs;
- (c) Monitoring delivery of services.

174. The programme aims to provide gender-friendly services and sets out various strategies to achieve this. A significant proportion (30 per cent) of health sector employees are women, especially in the field. Current numbers include all family welfare volunteers in union and upazila-level facilities, 5,000 health assistants and 23,500 family welfare assistants. Gender training and sensitization will be provided to service providers and policy makers. All data collected and maintained will be disaggregated by sex and gender impact indicators focusing on utilization of services, and health status will be developed. The UNICEF-supported Women-friendly Hospital Initiative aims to provide comprehensive services to women in an environment that respects them as persons and encourages their active participation.

175. There are three different sources of funding for HPSP: the Government, a World Bank-led Consortium and bilateral development partners outside the Consortium. This transitional funding structure will ultimately be replaced by a true sector-wide approach based on a Sector Investment Plan.

### **Other main health and population sector programmes**

176. HPSP, which is concentrated mainly in rural areas, is just one of three major programmes in the health and population sector. The Asian Development Bank-funded Urban Primary Health Care Programme (UPHCP) (1999-2004) supports city corporations and NGOs to provide health services in Bangladesh's four largest cities. The National Integrated Population and Health Programme (NIPHP) (1997-2004) delivers services through NGOs in both rural and urban areas - 171 upazilas and 71 urban locations. NIPHP is funded by USAID. While there are key differences between HPSP, UPHCP and NIPHP, all three programmes are guided by the same overall strategies.

### **Health-care system**

177. Public utilization of available health services remains low and the quality of services is below acceptable standards. Particular problems mentioned by patients are a lack of medicines, negative behaviour by health workers and requests for payments for "free" services.

178. Annual service delivery surveys will be conducted under HPSP. A baseline survey was carried out in 1999 looking at use, experience, and user perceptions of health and family planning services. It provides key indicators that can be tracked during the programme to monitor programme effectiveness as well as the extent to which health and population services become more responsive and accountable to users. The process is intended to encourage stakeholder participation in the planning and monitoring of services and to foster dialogue between service users and service providers.

### **Child mortality and morbidity**

179. There has been an impressive increase in immunization coverage against diphtheria, pertussis, tetanus, tuberculosis, measles and poliomyelitis from 2 per cent in 1985 to full immunization of over 50 per cent of children under the age of one year in 1999. This achievement has contributed to a significant reduction in child mortality between 1990 and 1998, from 151 to 102 deaths per thousand live births among children under 5, and from 94 to 57 deaths per thousand live births among infants. Annual deaths from the two major communicable diseases also showed a corresponding drop. Diarrhoea deaths fell from 260,000 in 1990 to 110,000 in 1996, and deaths from acute respiratory infections from 145,000 in 1990 to 100,000 in 1997.

180. National Immunization Days, supported by mapping, micro-planning, large-scale social mobilization and child-to-child searches, have brought Bangladesh close to the edge of polio eradication. In 1995 there were an estimated 2,300 polio cases. In 2000, with a sensitive surveillance system and good case reporting network in place, there were no laboratory-confirmed polio cases.

181. On the minus side, neonatal mortality is still a problem, contributing to more than 50 per cent of the infant mortality rate. Prematurity and neonatal tetanus account for nearly half of neonatal deaths and birth asphyxia and birth trauma for a further 21 per cent. High immunization dropout is an issue which threatens to undermine recent gains from mortality reduction. The main concerns relate to overall quality and disparities in coverage, with lower rates found in urban and hard-to-reach areas such as the Chittagong Hill Tracts. As far as control of diarrhoeal disease is concerned, a review of efforts to promote the use of oral rehydration therapy (ORT) to treat diarrhoea has revealed a substantial gap between knowledge and use.

182. Health care for children under HPSP involves the four major clinical components of ESP. Neonatal care forms part of the reproductive health care component. Child health care comprises basic preventive and curative care for infants and children, including control of acute respiratory infections and diarrhoeal diseases, EPI, Integrated Management of Childhood Illness (IMCI) and school health services. Communicable disease control involves the prevention and effective management of communicable diseases with a severe health impact, such as tuberculosis, malaria, leprosy and intestinal parasites. The limited curative care component comprises basic first aid, treatment of medical emergencies and care for common conditions, such as asthma and those affecting the skin, eyes, ears and teeth.

183. Neonatal care services will be delivered mainly at household and union levels. They include special care of pre-term and low-birthweight babies, management of birth asphyxia, breastfeeding, health education on cleanliness for mothers and thermal control.

184. The IMCI child survival strategy will be implemented to improve the prevention and case management of diarrhoea, bacterial pneumonia (the main cause of ARI deaths), malnutrition, measles and malaria (based on adapted IMCI guidelines). This will result in a package system that increases coordination, integration of activities and service coverage. Training in IMCI will be provided.

185. Routine monthly immunization sessions for children under the age of 1 year at 40,000 sites will continue, along with biannual National Immunization Days targeting children under 5. In addition, a multi-antigen campaign will be conducted in hard-to-reach and low coverage areas - Chittagong Hill Tracts, urban slums and disadvantaged districts. The introduction of new vaccines such as hepatitis B is under consideration. Activities under the ORT communication campaign will continue to strive for behaviour change to achieve a widespread use of increased fluids, continued feeding and referral knowledge for diarrhoea cases. The availability of services to manage acute dehydration and severe pneumonia will be ensured in all health facilities.

186. A School Health Programme, encompassing health services, health education and a healthy environment, is being implemented on a limited scale. Safe water, sanitary latrines, adequate lighting and ventilation combine to create a healthy learning environment. Health services provided to students include first aid, referral, deworming, immunization and micronutrient supplementation. Students learn about a range of health-related topics including



food and nutrition, safe water, sanitation, personal hygiene, first aid, population education, STDs and HIV/AIDS. The programme is implemented by selected teachers who receive training in health education. It currently covers primary schools, secondary schools and madrasahs of 39 upazilas in four districts.

### **Child and maternal malnutrition**

187. There have been important advances in child nutrition over recent years, especially in the control of micronutrient deficiencies. In 2000, 77 per cent of children aged 6-59 months received vitamin A supplements (up from 42 per cent in 1993), helping to bring the incidence of night blindness in children aged 1-5 years down below the critical 1 per cent cut-off to 0.7 per cent in 1997. Mandatory iodization of salt since 1989 has increased the percentage of households consuming iodized salt from 19 per cent in 1993 to 70 per cent in 1999. This has significantly reduced the prevalence of iodine deficiency disorders (IDD), from 69 per cent in 1993 to 43 per cent in 1999. The promotion of breastfeeding among mothers of new babies has been significantly boosted by making around 70 per cent of maternity beds in health facilities baby-friendly (by 1999).

188. Despite the broadly declining trend of malnutrition, children continue to be affected by high levels of protein energy malnutrition. Between 1990 and 1996 the proportion of children under 6 suffering from moderate and severe forms of stunting and underweight decreased, respectively, from 66 to 51 per cent and from 65 to 57 per cent. During the same period, moderate and severe wasting showed a slight rise, from 15 to 17 per cent. With one minor exception, rates of stunting, wasting and underweight are higher among girls than boys of this age. Among adolescents, 1996 figures show stunting of 54 per cent among girls and 47 per cent among boys in the 10-12-year age-group. The stunting rates among 13-17-year-old girls and boys are 56 and 50 per cent, respectively. The nutritional status of children in urban slums is a particular cause for concern.

189. Over half of women of childbearing age (15-49 years) have a body mass index of less than 18.5, indicating acute malnutrition. This poor nutritional status is closely linked to the extremely high incidence of low birthweight in Bangladesh of around 30 per cent, and plays a part in the vicious cycle of intergenerational malnutrition. While night blindness in children has been reduced, this condition still affects nearly 3 per cent of pregnant women. Iron-deficiency anaemia is prevalent among both children and women; according to 1998 figures, 53 per cent of children aged 6-59 months, 49 per cent of pregnant women and 45 per cent of non-pregnant women are anaemic.

190. With regard to breastfeeding practices, pre-lactal feeding is almost universal and colostrum rejection common, while exclusive breastfeeding up to 5-6 months is practised by only 9 per cent of mothers. Insufficient monitoring of certified baby-friendly hospitals has led to slippage below the standards required for certification. National efforts to promote and protect breastfeeding have been undermined by the promotional activities of milk producing companies in violation of the Code of Marketing of Breastmilk Substitutes (BMS Code).

191. Child malnutrition, including the prevention of Vitamin A deficiency disorders, falls under the child health care component of ESP, while maternal nutrition is included in the reproductive health care component. The Government's major nutrition intervention is the 12-year World Bank-funded National Nutrition Project (NNP), which started in 2000 (following directly on from the Bangladesh Integrated Nutrition Project). This is a comprehensive programme designed to reduce malnutrition among the women and children of Bangladesh. It will be implemented in a total of 150 rural upazilas. Although not currently part of HPSP, there are plans to integrate NNP into HPSP.

192. NNP especially addresses the problems of protein energy malnutrition and low birthweight. Under the project, a package of services is provided to pregnant/breastfeeding women and children under 2 at upazila level. This includes growth monitoring and promotion, food supplementation and behaviour change communication to improve feeding, eating and caring practices. Adolescent girls are singled out as one of the target groups for community nutrition activities. The forums for unmarried adolescent girls established under the Bangladesh Integrated Nutrition Project will be used for a number of interventions: monitoring the adolescent girls' height and weight, holding education sessions on nutrition, personal hygiene and reproductive health, delivering micronutrient supplements, and counselling. Another activity involves registering adolescent girls at the time of their marriage then monitoring them and providing supplementary feeding for a period ending six months after the birth of their first child. This is intended to ensure a reasonable nutritional status among adolescent girls when their first child is conceived and to help avoid the nutritional depletion associated with early first pregnancies.

193. Many other nutrition interventions directed at children and women are in progress, especially programmes addressing micronutrient deficiencies:

(a) *Vitamin A Deficiency Disorders.* Maintaining coverage of vitamin A supplementation for children aged 12-59 months during Vitamin A Week and National Immunization Days with special focus on hard-to-reach areas; including lactating women, infants and sick children in supplementation programme;

(b) *IDD.* Pursuing goal of universal salt iodization and universal consumption of iodized salt through behaviour change communication and quality control; collaborating with the private sector regarding quality control, monitoring and cost sharing;

(c) *Iron Deficiency Anaemia.* Developing effective approaches to distribution of iron and folic acid supplements to adolescent girls and pregnant women, for instance, through antenatal clinics, schools and factories;

(d) *Breastfeeding.* Promoting optimal breastfeeding, feeding and caring practices (especially in urban slums); strengthening Baby-friendly Hospital Initiative through improved monitoring; enforcing BMS Code;

(e) *Low Birthweight.* Conducting operations research into reduction of low birthweight incidence using multiple micronutrients; nutritional surveillance on low birthweight in city corporations;

(f) *Adolescents*. Assessing adolescent nutritional status nationwide; developing screening for high-risk adolescent girls in schools or factories; collaborating with other sectors to improve adolescent girls' nutritional status;

(g) *Urban Areas*. Developing comprehensive urban nutrition strategies; integrating nutrition component into activities of urban health care delivery systems and urban development centres;

(h) *Chittagong Hill Tracts*. Integrating nutrition component into activities of *para* (community) centres; training *para* workers.

### **Safe water**

194. Progress in the provision of safe drinking water and sanitary means of excreta disposal has played a part in reducing child illness and death due to diarrhoea. Over 5 million public tubewells are estimated to have been installed in the country and many more by the private sector. This has led to more than 90 per cent of the population having access to tubewell water within 150 metres, compared to access by 38 per cent in 1980. Seventy per cent of primary schools have a safe water supply.

195. Significant disparities in access exist between different geographical areas. In low water table areas the water table drops during the dry season to a level beyond the capacity of handpumps, rendering tubewells inoperative and forcing the local population to use unsafe surface water. Around 55 million people in 36 districts are affected by the lowering of the water table. Access to safe drinking water in the three Chittagong Hill Tract districts is well below the national average, ranging from 37 to 72 per cent; and a number of coastal areas suffer from saltwater intrusion, reducing access to safe water. Limited use of safe water is another factor which diminishes the impact of the achievement regarding safe water provision. In rural areas, only 59 per cent of households, compared to 89 per cent of urban households, use safe water for their household work.

196. One of the most serious health issues currently facing the country is the widespread contamination of groundwater with arsenic. First detected in tubewell water in 1993, the presence of arsenic in shallow aquifer sediments is a naturally occurring geological phenomenon. The Government's Department of Public Health Engineering (DPHE) estimates that 29 per cent of all tubewells are contaminated with arsenic above 0.05mg/L (the water quality standard set by the Government). Although not uniformly distributed, the problem affects the whole country since most tubewells tap the shallow aquifer. It is believed that as many as 24 million people in Bangladesh are at risk of contracting arsenicosis. To date, approximately 7,000 cases of arsenicosis have been identified across the country. Much more needs to be understood about the health impacts of arsenic poisoning.

197. The provision of safe water and sanitation is the responsibility of DPHE under the Ministry of Local Government, Rural Development and Cooperatives. The Government's water and sanitation programme is well supported by development partners, including the World Bank, UNICEF, DANIDA, SDC and CARE. The thrust of activities in the current water sector programme is three-fold. They aim:

(a) To ensure access to a safe water supply in underserved and unserved areas - Chittagong Hill Tracts, low water table areas, coastal areas, urban slums and primary schools;

(b) To ensure that water from a safe source is used for drinking and all domestic purposes;

(c) To address the problems posed by arsenic contamination of groundwater. Research and development is undertaken to identify the most appropriate and user-friendly technology for the area in question.

198. Projects have a strong poverty focus and a well-developed community participation component. Mapping and other techniques are used to identify the most underprivileged and unserved communities and their ability/willingness to pay for new facilities. Women are encouraged to play a central role, for instance, in the selection of sites for tubewells and as members of local water and sanitation (WATSAN) committees. Efforts are made to build the capacity of community members to take responsibility for the operation and maintenance of installed water supply systems. The private sector is also supported to produce and supply hardware and to provide maintenance services in response to community demand.

199. A comprehensive national Hygiene Awareness and Product Information Campaign (HAPIC) has been developed to deliver coordinated messages on safe water, sanitation and hygiene issues to specific target groups through a variety of strategic channels. The messages promote the use of safe water for drinking and domestic purposes, the use of sanitary latrines and the adoption of hygienic practices, especially relating to handwashing. They also raise awareness on the potential health impact of ingesting arsenic-contaminated water and necessary mitigation measures. Hygiene education sessions based on HAPIC messages and materials will be held in urban development centres, *para* centres and primary schools. Relevant staff will receive appropriate training. Primary school children will disseminate the lessons they learn beyond the school to their families and the wider community through child-to-child approaches and the efforts of student brigades.

200. The problems associated with arsenic-contaminated groundwater are being tackled through a comprehensive initiative. The main activities include:

(a) Widespread information and communication about the dangers of drinking arsenic-contaminated water through interpersonal contacts and the mass media;

(b) Health care for those affected by arsenic poisoning - distribution of safe drinking water units; establishment of referral centres at district and upazila levels; epidemiological surveys; studies on the effects of nutritional interventions on arsenicosis;

(c) Testing tubewells for arsenic;

(d) Exploring alternative options for safe drinking water, for instance, arsenic-safe deep tubewells or rainwater harvesting;

- (e) identification of appropriate arsenic removal technologies;
- (f) establishment of national water quality monitoring system;
- (g) establishment of computerized monitoring and surveillance system.

### **Environmental pollution**

201. Between 1990 and 2000 access to sanitary latrines (waterseal or pit-type) more than doubled, from 21 to 44 per cent. Sanitary facilities have now been installed in 70 per cent of primary schools. It is clear from these figures that the majority of people still use unsanitary (hanging) latrines or defecate in the open: 68 per cent in rural areas compared to 37 per cent in urban areas. Other unhygienic behaviours also persist, such as the unsanitary disposal of children's faeces and the failure to wash hands with water and a cleaning agent after defecation, before eating and after cleaning a child's bottom. The use of unsanitary latrines and poor hygiene practices are particularly prevalent in urban slums.

202. Rapid urbanization in Bangladesh is resulting in pollution of the air and water due to vehicular lead emissions, poor management of solid waste and the location of hazardous industries, such as leather tanneries, close to densely populated areas.

203. The health of children living in Dhaka City (and conceivably other big cities) is at risk from the extremely high concentrations of lead which are present in the atmosphere. This is largely due to the high lead content of the petrol used by vehicles on Dhaka's congested streets. A 1997 study by the Atomic Energy Centre in Dhaka found air lead levels ranging from 160 ng/m<sup>3</sup> during the monsoon season to 463 ng/m<sup>3</sup> during the dry winter months. The latter is the highest recorded environmental lead level in the world. Based on this information, it seems that hundreds of thousands of children living in urban areas may be affected by lead intoxication, thus damaging their central nervous systems and producing symptoms ranging from acute and chronic brain inflammation to behaviour problems, poor mental development and psychomotor delay. Blood tests carried out on a small group of neurologically impaired children found extremely high blood lead levels, the highest level being more than eight times the WHO cut-off point of 25 microgram/dl.<sup>8</sup>

204. Another serious environmental problem impacting on children's health is poor management of solid waste in urban centres. A World Bank report states that no more than half of the total solid waste generated in urban areas is removed each day. Moreover, the lack of proper systems for the disposal of hospital waste means that infectious and toxic waste ends up in the city corporation rubbish bins, roadside rubbish collection sites and even in open drains, posing a serious health risk to local residents and child waste collectors.

205. With the exception of arsenic mitigation, the safe water projects described in the section above also have a sanitation component. Government efforts in this area are directed at raising the awareness of families about the benefits of using sanitary latrines in order to create a demand, and at providing support for their construction. Assistance is also given to local producers in the form of training and/or credit to enable them to meet community demand. Additional interventions have been developed to improve the environment in urban slums. These include the construction of community and public latrines, drains, compost and biogas plants and the establishment of effective solid waste disposal systems.

### **Maternal care**

206. While child mortality rates have decreased, there has been only a gradual decline in the maternal mortality ratio (MMR), from 478 per 100,000 live births in 1990 to 440 in 1997. Research has shown that MMR is particularly high among girls aged 15-19 years: 730 per 100,000 live births, compared to 430 per 100,000 live births among 20-34-year-olds. For teenage mothers, the main causes of death relating directly to pregnancy or childbirth are toxemia, abortion and haemorrhage (approximately 50 per cent of deaths). Violence and injuries account for a further 17 per cent. The uptake of antenatal care and circumstances of delivery have a direct impact on maternal outcomes. In Bangladesh, a static proportion of around 25 per cent of women receive antenatal care from trained health personnel, and 13 per cent of births are attended by trained personnel, an increase of only 3 per cent from 1993.

207. Safe motherhood forms part of the reproductive health care component of ESP. Safe motherhood activities focus on creating the necessary conditions to prevent maternal death and disability. Utilization of emergency obstetric care (EOC) services will be enhanced by addressing the "3 Delays" model through the decentralization and strengthening of basic and comprehensive EOC facilities and the mobilization of communities. In the upgraded system, all district hospitals plus a proportion of Upazila Health Complexes (UHCs) and Maternal and Child Welfare Centres will be equipped to provide comprehensive EOC, while the remaining UHCs will offer basic EOC only. Antenatal care, safe birth practices and post-natal care will be emphasized. Health workers in community clinics will be trained in basic EOC to enable them to provide obstetric first aid and normal delivery care. Health facilities will be improved to make them women-friendly. Services - curative and counselling - related to violence against women will be provided.

### **Family planning**

208. Bangladesh has scored a number of notable successes through its health and family planning programmes over the past decade or so. The contraceptive prevalence rate among married women increased from 31 per cent in 1990 to 54 per cent in 2000, while the total fertility rate came down from 4.3 in 1990 to 3.3 in 1999. The continuing practice of early marriage and childbearing is illustrated by the current fertility rate for the 15-19 age group of 144 per 1,000 females. By the age of 19, 58 per cent of girls are either pregnant or have already given birth. Among married adolescents, 26 per cent of 10-14-year-olds and 38 per cent of 15-19-year-olds use some form of contraception, indicating a significant unmet need for family planning.

209. Family planning and adolescent care are included in the reproductive health-care component of ESP. A strategic focus of interventions aimed at fertility reduction will be on delaying the age of first birth. HPSP recognizes adolescents as a priority target group and includes the first-ever government health initiative to cater exclusively for the needs of adolescents.

210. The programme for adolescent care aims to strengthen three different aspects of adolescent reproductive health: education, nutrition and clinical treatment. Behaviour change communication messages will be developed to inform adolescent girls and boys about reproductive health issues. Topics to be covered include the reproductive process, safer sex, STDs, HIV/AIDS, proper nutrition and hygiene, proper sibling care, contraception and the disadvantages of early marriage and pregnancy. Micronutrient deficiencies in girls will be addressed through iron and folic acid supplementation, and treatment will be given for minor gynaecological problems, for example those relating to menstruation. Services will be provided in schools and community clinics.

211. Adolescents' awareness of reproductive health issues is being expanded through a Department of Youth Development (DYD) project supported by UNFPA. DYD skill development programmes and 500 youth clubs registered with DYD are being used as vehicles for disseminating information on reproductive health and gender issues. The project works with youth clubs serving hard-to-reach groups in under served areas and which have at least 30 per cent female members.

212. Reproductive health education is not part of the school curriculum, although the Population Education Unit of the National Curriculum and Textbook Board has outlined plans to introduce reproductive health/sex education at the higher secondary level in 2000. MoHFW is also considering producing a new adolescent family life education curriculum for secondary schools.

### **Health education**

213. There are a number of channels through which health-related information is imparted to children and families. In many cases, this is done under the health education or communication component of a larger project, such as the school health programme, water and sanitation programme (HAPIC) and the National Nutrition Project.

214. The Ministry of Information regularly disseminates information on health-related issues through different activities, such as radio and television broadcasts. It has produced a publication called *Facts for Life* in collaboration with other Ministries, NGOs and United Nations agencies, which contains information on ways of protecting children's and mothers' lives and health. The following subjects are covered: timing births, safe motherhood, breastfeeding, child growth, immunization, hygiene and water, diarrhoea, coughs, colds and

difficult breathing, tuberculosis, leprosy, malaria, HIV/AIDS, iodine deficiency disorders and child development. Approximately 500,000 copies of *Facts for Life* have been distributed to teachers, health and NGO workers, imams and the mass media, who have shared the messages with families.

215. Broad promotional activities relating to breastfeeding are undertaken by the Bangladesh Breastfeeding Foundation, including the coordination of the Baby-friendly Hospital Initiative. Assistance with breastfeeding is also a part of neonatal care under ESP. There are plans to integrate nutrition education and counselling into the existing HPSP health service delivery system at district hospitals, upazila health complexes and union family welfare centres.

## **HIV/AIDS**

216. The lack of systematic surveillance in Bangladesh to date makes it impossible to provide accurate estimates of the current prevalence of HIV and AIDS in the country, although the country has all the elements of a high-risk area where an epidemic could break out. According to official figures in December 2000, there are only 157 HIV-infected individuals and a cumulative total of 17 AIDS cases (11 fatal), but this is likely to be a serious underestimate: at the end of 1997, UNAIDS and WHO had put the likely number of HIV-infected individuals at 21,000 and the cumulative total of AIDS cases at 4,200.

217. The principal mode of transmission of HIV in Bangladesh is unsafe heterosexual sex, although infection is also passed through the blood and from mother to child. High-risk behaviour groups include STD patients, commercial sex workers, truck drivers and intravenous drug users. A 1998 national surveillance study found HIV infection rates of 25 per 1,000 among intravenous drug users, 6 per 1,000 among commercial sex workers and 2 per 1,000 among males having sex with other males. Studies indicate a fairly low level of knowledge among adolescents about AIDS and the ways in which it can be transmitted and prevented, although unmarried adolescents (both female and male) appear to be better informed than their married counterparts.

218. The Government's HIV/AIDS programme started in 1985 with the formation of the National AIDS Committee whose role is to advise MoHFW and recommend policies and strategies for the prevention and control of HIV/AIDS. In 1997, a policy and programme framework was created through the approval of the National Policy on HIV/AIDS and STD-related Issues and the launch of a five-year Strategic Plan for National AIDS Programme of Bangladesh. The National HIV/AIDS Policy highlights the importance of providing adolescents with access to correct and relevant information about sexual health and safer sex practices. Educational institutions at all levels are urged to include HIV/AIDS in their curricula in order to ensure that all students receive the best possible education on AIDS and STDs by the time they leave school. Stress is also laid on the need to provide sexual health services, including treatment of STDs, to adolescents without stigmatization. Overall, the emphasis is on a multisectoral response, with high-risk behaviour (as opposed to high-risk groups) being the main target for intervention.



219. HPSP outlines the health sector's response to HIV/AIDS and STDs both under ESP and as an "emerging disease". The principal activities of the National AIDS Prevention and Control Programme, which is implemented by the Directorate-General of Primary Health Care, are: advocacy; epidemiological surveillance; behaviour change support; promotion of condom use; safe and appropriate use of blood transfusion; control and management of STDs; care and counselling; and legislation.

220. An STD/AIDS Network was established in 1993 and now has around 115 member organizations comprising NGOs (the vast majority), donor agencies and one government agency. The network was originally formed to enable NGOs, in cooperation with the Government, to share and coordinate information and a plan of action on STD/AIDS education and prevention. This exchange of information continues. A significant number of NGOs implementing programmes for adolescents include HIV/AIDS awareness in their health education activities.

### **Traditional prejudicial health practices**

221. There are a number of traditional practices in Bangladesh which are prejudicial to the health of children, especially girls. These include early marriage, dowry and deep-rooted son preference. On the positive side, though, awareness of these issues in society is increasing and many measures have been put in place to address them.

222. Under Bangladeshi law, the minimum age at which girls and boys can marry is 18 and 21 years, respectively. National survey data show, however, that 5 per cent of 10-14-year-olds and 48 per cent of 15-19-year-olds are currently married. The median age at first marriage for women aged 20-24 is 15.3 years. A significantly higher age at first marriage is found among women living in urban areas (19 years) and those with some secondary education (19.6 years), compared to those in rural areas (15 years) and with no education (14.1 years).

223. Dowry has been illegal in Bangladesh since the passing of the Dowry Prohibition Act in 1980. It is also an offence under the Suppression of Violence against Women and Children Act 2000 for a husband or a member of his family to cause injury (punishable with 5-14 years' imprisonment) or death (punishable with life imprisonment) to the wife in connection with dowry demands. The practice still persists, as revealed by newspaper reports.

224. The issues of son preference and early marriage are both addressed by the strong gender focus that now forms an essential part of Bangladesh's development programming. The new Empowerment of Adolescent Girls Project, due to be launched by MoWCA in 2001, focuses directly on the issue of early marriage and aims to raise awareness among adolescent girls and communities of the negative consequences of the practice. MoWCAs campaign to promote marriage registration is also expected to contribute to the reduction of early marriage.

**Budget allocation**

225. Under the Fifth Five-Year Plan, 55 per cent of the health sector's total allocation is for primary health care. This figure, which is much higher than the allocations for secondary- and tertiary-level health care, shows the importance accorded to primary health care by the Government.

**3. Social security and childcare services and facilities (arts. 26 and 18 (3))**

226. Under article 15 of the Constitution, Bangladesh recognizes its obligation to secure the right of its citizens to social security, namely, to public assistance in cases of "undeserved want" arising, for instance, as a result of unemployment, illness or disablement, or among vulnerable groups such as orphans or widows. In practice, however, State-provided social security benefits are minimal. Formal sector employees may be entitled to various types of insurance, but no such protection is available to the vast majority of working people who are engaged in the informal sector. The Ministry of Social Welfare provides accommodation and some skill training to a limited number of orphaned, abandoned and destitute children. For other children in need, the only form of social security is the extended family system.

227. Day-care facilities for the children of working mothers are available only on a very small scale, despite explicit statutory provisions requiring, for instance, factory owners employing more than 50 women to provide these facilities. Such facilities as do exist are mostly centre-based, although home-based approaches are also being developed.

228. MoWCA provides day-care facilities under two different projects: (a) 12 centres for low-paid working women in Dhaka and divisional cities (close to slums); and (b) 4 centres for women service-holders (i.e. of higher socio-economic status) in Dhaka. The cost of sending a child to either kind of centre and the standard of the environment and food is different, but otherwise they are run along the same lines. Each centre can take up to 80 children, who are divided into three groups: crèche (6 months to 2 years), playgroup (2 to 4 years) and pre-school (4 to 6 years). A trained member of staff is in charge of each group. The main facilities/activities in the centres include keeping the children neat and clean, providing balanced food and primary health care, and organizing indoor games, recreational activities and pre-school education.

229. NGOs are collaborating with employers and communities to set up crèches for very young and pre-school children of poor mothers. Employers are beginning to realize the economic benefits to them of providing crèche facilities, thereby reducing employee absenteeism and its attendant costs and increasing productivity, while working mothers and their children are enjoying the benefits of spending more time together.

**4. Standard of living (art. 27, paras. 1-3)**

230. Article 15 of the Constitution acknowledges the State's fundamental responsibility "to attain a steady improvement in the material and cultural standard of living of the people" in order to secure the provision of the basic necessities of life, including food, clothing and shelter.

231. The Government and NGOs work side by side to support the full development of children in Bangladesh. Efforts to improve the nutritional status of children form part of the Government's health programme and specially targeted interventions (such as the National Nutrition Project) described under article 24. Poverty alleviation programmes aimed at parents also have a positive impact on children by increasing the family income and improving the family's overall standard of living. Various initiatives have also been taken by the Government to improve the housing situation of the poor, for example, through schemes to rehabilitate slum dwellers and provide housing for landless and low-income families.

## **G. Education, leisure and cultural activities**

### **1. Education, including vocational training and guidance (art. 28)**

#### **International commitment**

232. Following Bangladesh's participation in the 1990 World Conference on Education for All, a National Plan of Action for Basic Education was adopted in 1993. This set national goals of 95 per cent gross enrolment and 70 per cent completion of primary education to be achieved by the year 2000.

#### **Legal and policy framework**

233. Bangladesh is committed under article 17 of the Constitution to take steps to (a) establish a uniform, mass-oriented and universal system of education; (b) to extend free and compulsory education to all children (up to a level laid down by law); (c) to relate education to the needs of society and produce properly trained and motivated citizens to serve those needs; and (d) to eradicate illiteracy.

234. Primary education was made compulsory for children aged 6 to 10 years by the Compulsory Primary Education Act 1990.

235. A National Policy on Education has been formulated and is awaiting approval by the Cabinet. The Fifth Five-Year Plan outlines the education strategy of the Government. The Government's declared policy is to achieve education for all at the earliest possible time. The strategy places the highest emphasis on primary education, namely, to bring all villages and *mahallas* (in urban areas) under the cover of compulsory, uniform and free primary education. Massive and continuous training of teachers at primary and secondary levels throughout the country will be undertaken. Local government bodies will be increasingly involved in the management of primary and secondary education. Appropriate steps will be taken to reduce the dropout rate and minimize its incidence at the primary and secondary levels. Actions will be taken to reduce the gender gap and regional imbalances. Efforts will be made to enhance the participation of women in every sphere of education as well as to reduce the gap between facilities provided for males and females.

**Table 3**

**Stage of general education and age of student**

Stage of general education	Duration	Official age
Early childhood education		4-5 years
Primary education Grades 1-5	5-year course	6-10 years
Junior secondary education Grades 6-8	3-year course	11-13 years
Secondary education Grades 9-10	2-year course	14-15 years
Higher secondary education Grades 11-12	2-year course	16-17 years

Source: *Education for All: National Plan of Action, GoB, 1995.*

**Primary education**

236. Following completion of the General Education Project in 1996, the Government developed a comprehensive Primary Education Development Programme (PEDP) for the period 1998-2003 to address the main issues affecting primary schools. PEDP has three major components:

(a) *Ensuring universal coverage and equitable access to quality schooling.* This will include the construction of new schools and classrooms, repair and rebuilding of schools, provision of tubewells and latrines, financial support for the poorest students, and awareness and social mobilization activities:

(b) *Improving school quality and system efficiency.* This will be achieved through the enhancement of teacher training and academic supervision, monitoring of revisions to curriculum and teaching materials, provision of textbooks (and other teaching and learning materials), regular national assessments of learning achievement and strengthening of the two national institutions responsible, respectively, for teacher training (National Academy of Primary Education) and the design, production and distribution of learning materials (National Curriculum and Textbook Board);

(c) *Strengthening institutional capacity and management.* This will enhance the ability of those responsible for primary education management and implementation of PEDP at central, regional, district, upazila and school levels to adequately plan for, implement and facilitate the provision of quality primary education.

Policies and activities that support these components cover both government and non-government schools.

## **Enrolment**

237. Gross primary school enrolment has increased dramatically from 76 per cent in 1991 to 97 per cent in 1998. At 98 per cent, gross enrolment of boys exceeds that of girls by 3 per cent. The achievement of near gender parity in enrolment marks significant progress from the 1990 and 1995 girl:boy enrolment ratios of 45:55 and 47:53, respectively. Initiatives to bring girls to school include the recruitment of more female teachers (following the introduction of a 60 per cent female quota), the location of schools near to girls' homes and the provision of sanitary facilities.

238. The overall rise in participation in primary education in recent years is largely due to the increase in the number of government, non-government, community and satellite schools. More than half of the total PEDP budget is devoted to efforts to achieve universal coverage and equitable access to primary schooling, especially through the building of new schools and classrooms and the repair and reconstruction of old ones. New facilities are being provided in underserved areas, as identified through school mapping and needs assessment exercises.

239. Social mobilization activities raise awareness amongst parents and guardians of the importance and benefits of education with a view to increasing enrolment and reducing dropout rates.

### *Attendance/dropout/completion*

240. A significant proportion of children who enrol in primary schools do not attend regularly. Across the board, girls' attendance rates are higher than boys': 75 per cent compared to 71 per cent in the country as a whole, 74 per cent against 70 per cent in rural areas and 78 per cent against 76 per cent in urban areas.

241. The proportion of children dropping out before the end of the five-year primary cycle has fallen from 59 per cent in 1991 to an estimated 35 per cent in 1998. A recent study found that primary school dropout is closely linked to poverty and the need for the child to work in the household, on family land or to supplement the family income. Inaccessibility of schools, poor teacher conduct and early marriage of girls are also contributory factors.<sup>9</sup>

242. The Government recognizes that, although tuition and textbooks are free, many poorer families are unable to send their children to school because they lack the means to meet the additional costs of education, such as stationery and clothing. To address this issue and ensure poor children's access to primary education, various kinds of financial incentives and support are provided. These include: for the poorest 40 per cent of pupils, a Food (monthly ration of wheat or rice) for Education Programme in just over a quarter of rural unions of the country and a Primary Education Stipend Programme in the remaining rural unions; and free stationery for the poorest 25 per cent. The recently introduced stipend programme seeks to encourage regular attendance and effective learning at the same time as empowering mothers, who will receive the stipend in a bank account in their name.

*Learning achievement*

243. Under PEDP a biannual national assessment of schools will be carried out, focusing on Bengali and mathematics in Grades 3 and 5.

244. Research in the early nineties on the learning achievement of children at the end of the primary cycle revealed low levels of competence: a 1992 study found that less than one third of 11- and 12-year-olds had satisfactory reading, writing and arithmetical skills<sup>10</sup>. There has been a significant increase in achievement levels in the intervening years, according to the findings of a study conducted in 1999<sup>11</sup>. The mean score of Grade 5 pupils in tests in five subjects was 45 per cent. Boys' achievement levels were approximately 2 per cent higher than girls' at 46 per cent and urban pupils did marginally better than rural pupils. There was a considerable variation in the level of passes in different subjects: over 50 per cent in mathematics, science and social science and 30 per cent or less in Bengali and English. Attendance, home study and higher educational level of parents were found to have a positive impact on achievement, while a high pupil-teacher ratio had a negative effect. Pupils' learning achievement is also closely linked to the quality of education they receive.

*Quality education*

245. The quality of education provided has a significant impact on pupil enrolment, retention and learning outcomes. One of the main initiatives taken by the Government to address the issue of quality is the IDEAL (Intensive District Approach to Education for All) Project, currently being implemented in 134 upazilas of 24 districts (to be expanded to all 64 districts by 2005). This introduces new, interactive teaching-learning methods and improved classroom/school management through the training of teachers and supervisors and support regarding teaching-learning materials. The system for assessing learning achievement is also being strengthened. The core innovation of the IDEAL Project is Multiple Ways of Teaching and Learning, a child-centred teaching-learning methodology based on the theory of human beings' multiple intelligences. This varied and flexible approach is replacing the traditional, didactic style of teaching, thereby making learning more effective and enjoyable.

246. The outcome of the strengthening of the National Curriculum and Textbook Board under PEDP will be the evaluation of all existing textbooks and redesign of textbooks for Grades 1 and 2 by the end of the programme.

*Teachers*

247. According to the latest figures, there are 309,000 primary school teachers, just under a third of whom are women. Strictly speaking, education up to Grade 12 is required for female teachers, but those who have reached Grade 10 are accepted in practice. For male teachers, the minimum qualification is a Certificate-in-Education<sup>12</sup> or a Bachelor's degree. The current reality though is that applicants with much higher qualifications are being recruited to teaching posts because of a highly competitive job market. Effectively, all women teachers meet the minimum academic and certification requirements, whereas only just over half of male teachers do. Efforts are being made to give non-government school teachers the opportunity to obtain a Certificate-in-Education at one of the Primary Training Institutes.

248. Despite programmes to recruit more teachers, Bangladesh is constrained by pressure on its resources in meeting the existing need for teachers, especially given recent increases in enrolment: teachers' salaries are paid from the Government's own funds and are not covered by international assistance. Consequently, recent improvements in the pupil-teacher ratio have been marginal. Compared to a ratio of 61:1 in 1991, the current national figure stands at 59:1. If the situation in different types of schools is examined, public schools are found to be in the worst position, with 76 pupils per teacher, while the pupils in private schools fare better, with only 43 to each teacher. Considerable regional variations also exist, with schools in Chittagong division having a ratio of 74:1, compared to 44:1 in Barisal division. The Government's intention is to achieve a maximum pupil-teacher ratio of 40:1 per class through the operation of a two-shift system.

*Facilities (including environment)*

249. There are currently 37,710 government primary schools, 9,684 non-government registered primary schools and 1,412 community schools. A wide range of other institutions meet the primary education needs of children in Bangladesh, namely, unregistered schools, primary section of secondary high schools, madrasahs, kindergarten schools, satellite schools, NGO learning centres and Primary Training Institutes' experimental schools.

250. Under PEDP, classrooms, furniture, latrines and tubewells will be repaired or new ones provided, as necessary. The intention is to ensure that, by the end of the programme, all schools have tubewells and separate latrines for girls and boys. A community-based school maintenance programme is being introduced (including an increased grant for annual maintenance) and all schools will be monitored for minimum facility standards.

251. Classrooms in IDEAL schools where pupils are taught according to the Multiple Ways of Teaching and Learning approach undergo a physical transformation. The usual rows of tables and benches are reorganized or replaced by mats on the floor to allow pupils to sit in a semi-circle or form smaller groups to work, and the walls are attractively decorated with pictures and other graphic teaching aids. These changes assist the learning process as well as making the whole experience of being at school more enjoyable for children.

252. A negative aspect of the school environment for many girls is the continuing existence of gender stereotypes and gender-biased classroom practices based on traditional attitudes.

**Literacy rate**

253. There has been a substantial increase in literacy amongst the population of 15 years and over, from 35 per cent in 1991 to 47 per cent in 1995 and 56 per cent in 1998. During this period, adult female literacy had risen from 26 per cent to 48 per cent and male literacy from 44 per cent to 63 per cent. For both sexes, literacy in urban areas is more than 40 per cent higher than in rural areas. Data on literacy among adolescents show comparable figures for females and males: 49 per cent for female and male 10-14-year-olds and 59/61 per cent for female/male 15-19-year-olds, respectively.

254. The Government is striving to achieve total literacy by 2006. Literacy classes are organized under the Government's non-formal education (NFE) programme.

### **Non-formal education**

255. The NFE system is intended to supplement and complement the formal system, especially in providing education for unenrolled primary school-age children and dropouts, illiterate adolescents and adults. Approximately 1.5 million children attend non-formal learning centres run by the Government and NGOs.

256. Following the success of the Integrated Non-formal Education Programme (1991-1997), NFE has been institutionalized. It has been the responsibility of the Directorate of Non-formal Education (DNFE) since 1995. DNFE currently has four projects, each of which includes children in its target group. Three of the projects are rural-based and cater for 15-24-year-olds (one project) or 11-45-year-olds (two projects). The other project, based in Bangladesh's six divisional cities, provides learning opportunities for working children aged 8-14 from urban slums.

257. The Basic Education for Urban Working Children (BEUWC) project aims to provide high-quality basic education through a two-year course which uses child-centred and participatory teaching-learning methods. Learning centres, each for 30 children, are set up and managed by around 150 NGOs under the supervision of DNFE. School hours are flexible and the course content is made relevant to the children's lives. Post-literacy skills training will be introduced on a pilot basis in 2001. As of December 2000, a total of 3,375 centres had been established in all six divisional cities with approximately 100,000 learners, over half of whom were girls. The project plans to cover approximately 350,000 working children in total. High-achieving children from the BEUWC project or one of the established Child Welfare Primary Schools are eligible for stipends to support their studies at primary and secondary level.

258. The ARISE project, which started in 1998 (see article 20), aims to improve the educational and vocational training facilities available to street children as a contribution to the overall fulfilment of their rights. This will involve the provision of learning opportunities in non-formal settings.

### **Early childhood development/education services**

259. The concept of young children's holistic development and the kinds of actions that are required to support their optimal overall development are fairly new to Bangladesh. In terms of learning, the focus has tended to be on a centre-based, pre-academic approach rather than on a broader notion of providing stimulation to a young child and encouraging him or her to learn through play, exploration and discovery.

260. There is no organized government early childhood development/education programme, but an extensive system of infant classes attached to government and registered non-government primary schools has grown up over recent decades. The system is fairly ad hoc, with no extra teachers or classroom facilities being provided. In 1997, the Ministry of Education stated that, to



reduce stress on the primary education system, such programmes would be independent of the formal school programme and would be managed separately by School Management Committees, other community groups or NGOs. In 1998, a primer was produced for use with these classes by the National Curriculum and Textbook Board.

261. NGOs play an important part in the provision of pre-primary education for underprivileged children. Other facilities for this age group include kindergarten schools, religious schools, day care and other centres. A little more than 20 per cent of children aged 3 to 5 years participate in some kind of organized educational activity.

262. The Government has recently decided to develop a community-based school preparedness programme for young children under the IDEAL Project. In addition, the Government's new Early Childhood Development project will identify ways of enhancing existing community-based centres for young children in order to promote their cognitive, emotional and social development.

### **Secondary and higher education**

263. There are a total of 15,447 schools and colleges and 5,778 secondary-level madrasahs offering secondary education in Bangladesh. Gross secondary enrolment is 41 per cent for girls and 48 per cent for boys, a very substantial increase from the 1991 enrolment rates of 17 and 32 per cent for girls and boys, respectively. At higher secondary level, enrolment rates drop to 15 and 30 per cent for girls and boys, respectively. Though still very low, these rates are also a significant improvement on the situation in 1991, when only 7 per cent of girls and 17 per cent of boys enrolled.

264. Dropout rates are generally higher at secondary than primary level, especially among girls in Grades 6 to 10. At this level, 48 per cent of girls give up their studies, compared to 38 per cent of boys. In Grades 11 and 12 the dropout rate is 36 per cent for girls and 40 per cent for boys. Financial hardship in the family combined with a lack of awareness of the value of education prevent many pupils from completing their secondary education. For girls, there are the additional pressures of early marriage, fears for their safety and sociocultural restrictions on their mobility.

265. The Government has made a concerted effort to increase secondary enrolment among girls by waiving tuition fees for girls up to Grade 10 and introducing a nationwide stipend programme.<sup>13</sup> Stipends are available to girls studying in Grades 6 to 10 of government secondary schools and madrasahs in all 460 rural upazilas of the country. As at the end of 1998, a total of 4.25 million girls had received assistance under this programme. There is evidence that the stipend programme has contributed to increased female enrolment at secondary level at the same time as changing attitudes to girls' education and helping to defer marriage.

266. The secondary school curriculum is fairly academic, while the madrasah curriculum (especially at the lower level) has a strong religious bias. Secondary-level vocational education and training has historically been provided at special institutions but, in 1996, the Government

introduced a combined general education/skills training course leading to a vocational Secondary School Certificate (SSC) for Grade 9 and 10 pupils in 500 non-government secondary schools under a pilot project.

267. The main institutions offering vocational training at secondary level are the country's 51 Vocational Training Institutes<sup>14</sup> (VTIs) and 12 Technical Training Centres (TTCs). At present, there are a little under 11,000 students attending these institutions, just over 10 per cent of whom are female. Both VTIs and TTCs offer training in basic trades outside school hours as well as a residential SSC (Vocational) course. Most students have completed Grade 8, but out-of-school applicants with lower qualifications are accepted for basic trades training. Fees are payable for the basic trades course. For the SSC (Vocational) course only nominal fees are charged and stipends are available.

268. At higher secondary level, Government Polytechnic Institutes<sup>15</sup> (20), Commercial Institutes (16), other single-purpose institutions and affiliated non-government institutions offer a variety of courses leading to diplomas in technical and other vocational subjects. An SSC is required for entry. Places are very limited and girls' participation is low, except in nurses' and teachers' training courses. A recent initiative has been taken to introduce a Higher Secondary Certificate in business management in 200 schools, intermediate and degree colleges and other independent institutions in order to expand the vocational training opportunities for this age group.

### **School discipline**

269. One of the objectives of the National Plan of Action for Children is to help teachers to ensure that no corporal punishment is used against children and that discipline in school respects the dignity of the child.

270. In a speech during Child Rights Week 2000, the Prime Minister requested the Education Ministry to create a policy for schools prohibiting the use of corporal punishment against children. Notwithstanding this, there are reports of physical abuse of children, especially poor children, by teachers. Procedures do exist, however, for monitoring the exercise of discipline in schools, reporting specific incidents and lodging complaints.

### **Public expenditure on education**

271. Public expenditure on education increased substantially during the 1990s. Between 1995 and 2000 expenditure on education as a whole increased by 46 per cent and expenditure on primary education by 29 per cent. In 2000, 43 per cent of the total public expenditure on education was devoted to primary education. When calculated as a proportion of GDP, public expenditure on primary education shows a slight downward trend between 1995 and 2000, from 1.5 to 1.2 per cent.

**Table 4**  
**Public expenditure on education**

Year	Public expenditure on education (in million taka)	Public expenditure on primary education (in million taka)
1990	13 287.9	6 179.8
1995	35 262.6	17 237.5
2000	51 450.0	22 175.0

272. Between 1995 and 2000, the proportion of both the development and revenue budgets allocated to the education sector fell, from 13.6 to 12.4 per cent and from 19.5 to 18.1 per cent, respectively. Similarly, the proportion of the education sector's share of development and revenue budgets allocated to primary and non-formal education dropped, from 58.8 to 57.6 per cent and from 43.1 to 41.4 per cent, respectively.

### **International assistance**

273. The Government's primary and mass education programmes have been generously supported by the following international development partners:

- (a) United Nations agencies - UNICEF, UNDP, UNESCO and UNFPA;
- (b) Financial institutions - World Bank, Islamic Development Bank and Asian Development Bank;
- (c) Bilateral donors - DFID, GTZ, KfW, OPEC, Saudi Fund for Development, Norway, Sweden, SDC, JICA, CIDA and USAID.

While increasing in absolute terms, the proportion of total expenditure on primary and mass education contributed by foreign donors had fallen from 22.9 per cent in 1994-95 to 14.5 per cent in 1998-99.

274. National and local NGOs also receive assistance from international and bilateral donors for their education programmes.

## **2. Aims of education (art. 29)**

275. In recent years there has been a thorough revision of the primary curriculum and new textbooks have been developed. As part of this exercise, gender biases have been removed and concepts of environmental awareness and sustainable development introduced.

276. The terminal competencies on which the current primary curriculum is based reflect many of the aims of education set out in article 29. These competencies include:

- (a) Respect for the right to freedom of expression;

(b) Respect for parents, pride in Bengali tradition and culture and interest in the lives of children from other countries;

(c) Active participation in decision-making concerning school programmes, awareness and fulfilment of family, social and civic responsibilities, respect for all regardless of gender, tolerance of others' opinions and religious tolerance;

(d) Avoidance of wastage of resources and understanding and appreciation of the natural environment.

277. In addition to acquiring basic literacy and numeracy skills, primary school pupils have classes in science, social studies, religion, physical education and art and craft. The social studies curriculum includes material on basic human rights, child rights and gender issues. Child rights also form part of the child-to-child and Safe Learning Environment approaches to teaching life skills to children currently being piloted in selected IDEAL schools.

278. The Multiple Ways of Teaching and Learning (MWTL) methodology used in IDEAL schools is based on a recognition of the fact that each individual child has many intelligences through which he or she knows and learns, including one or two that are particularly strong. Under this approach, teachers adopt varied teaching techniques in order to maximize children's learning through their strongest intelligences, while at the same time developing the weaker ones. Traditional patterns of lecture and rote learning are thus replaced by learning through objects, pictures, stories, dance and music. Teachers receive special training on MWTL.

279. Both enrolled and unenrolled children in IDEAL schools participate in the development of the school through the annual school planning process. They, along with other stakeholders, describe their future vision for the school and list desirable activities and steps required to improve the school's performance. The final school plan evolves from a group discussion of all stakeholders' ideas.

### **3. Leisure, recreation and cultural activities (art. 31)**

280. The State's obligations under this article are clearly spelled out in Part II of the Constitution. The State is responsible for ensuring the right of citizens to reasonable rest, recreation and leisure. It is also obliged to adopt measures to "conserve the cultural traditions and heritage of the people" and to "foster and improve the national language, literature and the arts" so as to give all sections of the population an opportunity to contribute towards and participate in the enrichment of the national culture.

281. The rights dealt with under this article of the Convention are enjoyed mostly at an informal level in families and communities. Because of the available space and general environment, children in rural areas have more scope for play and recreation than those living in urban areas. In terms of access to recreational and cultural facilities, children from families of higher socio-economic status are in a much better position than those from disadvantaged families. This is qualified, however, by the excessive pressure on many such children to study hard to achieve academic success, which leaves them with little leisure time.

282. Working children (especially child domestics) are often deprived of opportunities for leisure, recreation and even rest because of their long working hours and irregular holidays. One of a number of television spots recently produced by the Government aims to sensitize employers of child domestics to the latter's right to take time off from work to play. This point is also emphasized in social mobilization activities under non-formal education programmes for working children.

283. In addition to their work in family enterprises, many children (especially girls) are kept busy for a large part of the day with domestic chores. Older girls from all social strata have limited opportunities for participation in recreational or cultural activities outside the home because of social norms and fears for their safety which restrict their mobility. For the large numbers of adolescent girls who get married, play is a thing of the past.

284. Families have a limited understanding of the importance of different kinds of play for a child's physical, social and cognitive development. This lack of knowledge prevents them from taking appropriate steps to encourage and facilitate children's play, including during the critical early childhood period. The Government's new Early Childhood Development project includes a caregiver education component which is designed, inter alia, to raise caregivers' awareness of the importance of play and to assist them in creating a stimulating environment to promote their young children's all-round development.

285. Community facilities for play and recreation are limited, especially in urban areas where, for many children, the only amenities are the municipal parks. Most children have to travel for more than an hour to reach the nearest playground. Recreational clubs in rural and urban areas of the country offer games, sports and some cultural activities. Schools play an important part through their sports programmes, cultural functions and the celebration of important national days.

286. In towns and cities, the Bangladesh Shishu (Children's) Academy organizes cultural programmes, including painting, drama, poetry recitation, dance, singing and playing musical instruments. Children also have access to national cultural institutions such as the National Museum and Academy of Fine Arts. Access to these facilities is more or less limited to the higher socio-economic groups.

287. Recognizing that the Government cannot by itself realize the rights of all children in these areas, the National Plan of Action for Children has identified the following goals:

(a) To enhance public sector investment in order to encourage the private sector to invest in the promotion of sports and cultural activities for children;

(b) To recognize and encourage NGO involvement in cultural activities.

## H. Special protection measures

### 1. Children in situations of emergency

#### (a) Refugee children (art. 22)

288. Bangladesh is not a party to any international or regional refugee instruments and has no domestic laws or administrative procedures governing refugees. A model national law for refugees (for use in five South Asian countries) was drafted in 1997 by an Eminent Persons Group sponsored by UNHCR. This proposed establishing the office of Commissioner for Refugees and a three-person Refugee Committee. The Government is considering the idea of such a law.

289. The Government permits UNHCR to recognize asylum-seekers under its statutory mandate on the understanding that UNHCR will assist them financially and find durable solutions for them outside Bangladesh. At present, there are 125 urban refugees (from Myanmar, Somalia, the Islamic Republic of Iran, Sierra Leone, Afghanistan and Sri Lanka) under the mandate of UNHCR, 18 of whom are children. UNHCR provides protection and assistance to them on a needs basis. Financial assistance helps to meet the cost of day-to-day necessities, children's education, medical expenses plus capital to start a small business. The Government allows these refugees to live temporarily in Bangladesh and to work and be educated in the same way as Bangladeshi citizens.

290. The Government has also in recent years provided temporary protection to approximately 250,000 Rohingya refugees who crossed the Bangladesh-Myanmar border from the State of Rakhine in 1991 and 1992. The vast majority have been repatriated to Myanmar but, at the end of September 2000, a total of 21,534 refugees were still living in two camps located near Cox's Bazar. The Government is responsible for the overall running of the camps, including maintaining infrastructure, through the Ministry for Disaster Management and Relief, which has appointed a Refugee Repatriation and Relief Commissioner in Cox's Bazar.

291. Table 5 below gives a breakdown of child refugees in the two camps, by age and sex, in January 2000.

**Table 5**  
**Rohingya refugee children, by age and sex, January 2000**

Age group/sex	Number
0-4 years:	
Female	2 510
Male	2 550
Both	5 060
5-17 years:	
Female	4 108
Male	4 095
Both	8 203

Source: UNHCR.

292. In July 2000 there were 15 unaccompanied children in the camps living with foster parents or guardians. Special care is taken to monitor the well-being of such children. As far as tracing family members is concerned, UNHCR is extremely cautious where there is any fear of persecution in the country of origin. Assistance is obtained from UNHCR field officers in Myanmar and the International Committee of the Red Cross.

293. The Rohingya refugees do not have the right to settle permanently in Bangladesh, to work or to use local educational and health services. They do, however, enjoy certain basic rights under the Constitution, including the right to life and personal liberty, to freedom of thought and conscience, to safeguards regarding arrest/detention and trial/punishment and to protection against forced labour.

294. Health matters in the camps are the responsibility of the district-level Civil Surgeon. Two NGOs provide health services for children up to 10 years and women. These health services include immunization, family planning, antenatal care, screening for malnutrition, supplementary and therapeutic feeding, vitamin A distribution, curative health services, deworming and health education. Food rations are provided by World Food Programme (the aim being to achieve a daily calorie intake of 2,122 per person) and distributed by the Bangladesh Red Crescent Society. The nutritional status of children in the camps is cause for concern. A supplementary feeding programme targets children under 5 and pregnant/lactating mothers, while a therapeutic feeding programme supports low-birthweight babies and severely malnourished children. Around 480 children are assisted under these programmes.

295. UNHCR provides shelter to refugees in sheds comprising approximately six rooms, each of which houses a separate family of not more than six people. Latrines and washing facilities are constructed and maintained by NGOs. There is one latrine for every 24 refugees and one bathing cubicle for every 33. The Department of Public Health Engineering ensures that each refugee has 22 litres of safe water per day for drinking and washing utensils used for cooking and eating. Clothing is distributed once a year to all refugees.

296. Since 1996, a non-formal education programme for children under 12 has been implemented in the camps. There are a total of 14 schools, each staffed by a head teacher and around four teachers. At present, 1,304 girls and 1,943 boys are attending the schools. Girls' attendance has shown an increase as a result of intensive mobilization efforts by NGOs and UNHCR over the past year. Children are taught in Burmese using textbooks from Myanmar. All children study Burmese, mathematics and English, with geography and history being added for older children. Other school activities include health education and physical exercise. Volunteer teachers, recruited from among the refugees, attend a two-week foundation teachers' training course. Classes are also being introduced for adolescent girls teaching mainly literacy skills.

297. The Government maintains law and order in the camp through a Camp-in-Charge in each camp, supported by security forces,<sup>16</sup> and local magistrates. They take disciplinary action where necessary and settle disputes between refugees. NGOs also ensure a presence in the camps at all times. Refugees' awareness of protection issues, such as domestic and sexual violence and

trafficking, is being raised through workshops. In addition, the building of a total of five women's centres in both camps has provided women with a place to meet and talk about such matters. In case of any incident of violence or abuse children can complain directly to UNHCR or NGO field staff. Counselling is also given where appropriate.

298. The Refugee Repatriation and Relief Commissioner registers all children born to refugee mothers.

299. UNHCR, which coordinates the process of repatriation, ensures that refugees are repatriated on a strictly voluntary basis. Between January 1997 and August 2000 a total of 2,300 families (12,353 persons) were repatriated to Myanmar. This includes a period of more than a year when the repatriation process came to a standstill after a deadline imposed by the Government of Myanmar for completion of repatriation expired.

300. UNHCR organizes ad hoc training workshops for camp officials focusing on laws relating to refugees and the protection of their rights. These sessions include discussions about special protection for children and women.

**(b) Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39)**

301. Bangladesh is a party to the following instruments of international humanitarian law concerning armed conflicts which are relevant to children:

- (a) Geneva Convention relative to the Protection of Civilian Persons in Time of War;
- (b) Additional Protocol I to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts;
- (c) Additional Protocol II to the Geneva Conventions relating to Protection of Victims of Non-International Armed Conflicts;
- (d) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

302. At present, Bangladesh is not involved in any kind of international or internal armed conflict. Paragraphs 1 and 4 of article 38 are therefore not relevant at this time.

303. There is no compulsory recruitment to military service. The minimum age for voluntary recruitment is 16 years with parental consent. Commissioned officers have to complete two years' training and non-commissioned officers six months' training before they are sent to conflict situations.



## **2. Children involved with the system of administration of juvenile justice**

### **(a) Administration of juvenile justice (art. 40)**

#### **Rehabilitative aims of juvenile justice**

304. The Children Act 1974 and the Children Rules 1976 are the principal legislative instruments governing the administration of juvenile justice in Bangladesh. They were designed to consolidate and amend previous legislation and to create a framework for juvenile justice which is based more on protection and rehabilitation than on punishment. One of the underlying principles of the Act and Rules is the promotion of the child's sense of dignity and worth. Efforts have been made over recent years by the Government, UNICEF, bilateral development agencies and NGOs working in the area to increase awareness about the existing juvenile justice laws in order to strengthen implementation.

305. The legislation strives to remove the stigma attaching to conviction for children in various different ways. One strategy is to replace the terms "conviction" and "sentence" with "a finding of guilty" or "an order made upon such a finding". Another prevents a guilty finding against a juvenile from disqualifying him or her from any employment or office. One of the factors the Court has to take into consideration before passing any order under the Children Act is the age of the child in question.

#### **Criminal law not to be applied retroactively**

306. Article 35 of the Constitution protects individuals against conviction for an offence under a law which was not in force at the time the act charged as an offence was committed.

#### **Minimum guarantees**

307. Extensive guarantees exist for children who come into contact with the criminal law under various provisions of the Constitution, Children Act, Code of Criminal Procedure and common law, namely:

- (a) Presumption of innocence;
- (b) The right to be informed as soon as possible of the grounds of arrest (as precondition for detention following arrest);
- (c) Immediate notification of a child's arrest to parent/guardian;
- (d) Immediate notification of a child's arrest to probation officer (who starts to gather information<sup>17</sup> concerning the child);
- (e) The right (following arrest) to consult and be defended by a legal practitioner of the child's choice;

- (f) The right to a speedy and public trial by an independent and impartial court or tribunal established by law;
- (g) Attendance in court of parent/guardian during proceedings under the Children Act;
- (h) The right not to be compelled to give confession while in police custody or to give evidence in court (including against himself/herself);
- (i) The right to examine witnesses for the defence and prosecution;
- (j) The right to appeal against a decision of the Juvenile Court;
- (k) The right to translation of evidence given in a language not understood by the accused or his/her representative;
- (l) Attendance in the Juvenile Court restricted to those directly involved with the case and officers of the Court;
- (m) Prohibition against identifying the child in the case report under the Children's Act and publishing the child's photograph.

308. In 1995, district-level Legal Aid Committees, presided over by a District Judge, were established by the Government. Each Committee has an annual fund of Tk 300,000. Applications for assistance have to be approved by the union parishad chairperson. Quite a number of NGOs provide assistance to disadvantaged persons, including children, to pursue or defend legal proceedings.

### **Child-oriented juvenile justice system**

309. Through the introduction of the Children Act and Children Rules Bangladesh has, since the mid-1970s, had a justice system part of which is fairly well oriented to the special needs of children. Recent administrative measures taken to further protect the position of children include directives issued by the Ministry of Home Affairs requiring the police to identify children in the General Diary by underlining their age in red, adding their comments regarding the child's age and making a note of the need for trial under the Children Act.

310. There are two integrated juvenile justice centres in Bangladesh, each comprising a permanent Juvenile Court, remand home and correction centre. These are located at Tongi in Gazipur (just north of Dhaka) and Phulerhat in Jessore (in the south-west of the country). They have a combined capacity of 350 boys. Plans for the construction of two centres for girls have been approved. For those areas where no juvenile court has been established, the powers of a Juvenile Court can be exercised by the High Court, a Court of Session, Court of Additional/Assistant Sessions Judge, a sub-divisional Magistrate and a Magistrate of the first class. Children and adults must be charged and tried separately. The Children Rules require that children be tried in a simple, informal manner in a home-like atmosphere. Probation officers for children exist in each of the country's 64 districts.

311. One major inconsistency between Bangladesh's juvenile justice system and the Convention on the Rights of the Child concerns the exclusion of 16- and 17-year-olds from the protection provided under the Children Act and Rules. The Government is aware of this anomaly. It plans to establish a committee to review the laws relating to juvenile justice which will consider this along with other priority issues. Moreover, the lack of available proof of children's ages due to the non-functioning birth registration system constrains efforts to ensure protection even for those children who do fall within the purview of the Children Act. This situation creates loopholes which are open to abuse.

312. Under the Penal Code 1860, children in Bangladesh have full criminal responsibility from the age of 12. Regarding children aged 7 to 11 years, there is a rebuttable presumption of capacity to infringe the criminal law, the relevant test being whether a child has "attained sufficient maturity of understanding to judge of the nature and consequences" of his or her conduct. Although cases involving children in this age group are rare, the legislature wishes to retain the flexibility to impose criminal responsibility in exceptional cases (taking account of the child's age when deciding on an appropriate sentence). Three children are currently being held in Tongi Correction Centre who were found guilty of crimes committed when they were aged between 7 and 11 years.

#### **Alternatives to institutional care**

313. Where a Juvenile Court finds a child guilty of an offence, it has the discretion instead of ordering the detention of the child to order that he or she be:

- (a) Discharged after due admonition; or
- (b) Released on probation of good conduct and committed to the care of a parent, guardian or other "fit" person for a period of up to three years.

The parent, guardian or other person to whose care the child is committed is required to execute a bond to be responsible for the good behaviour of the child. The child may also be placed under the supervision of a probation officer. Probation orders can be made in respect of first offences by 16- and 17-year-olds under the Code of Criminal Procedure.

#### **Training**

314. Training for police officers and judges in child rights has recently been introduced under a pilot initiative by UNICEF. To date, more than 1,100 police officers from the Detective Training School and 400 judges have taken part in the training. There are plans to institutionalize the training throughout the country under a joint UNICEF-MoWCA programme over the next five years by incorporating a child rights module into the curricula of all training institutions for police, magistrates and judges. A programme of police visits to NGOs working with children in conflict with the law has also been started in a pilot initiative with the Detective Training School, with the aim of increasing police officers' understanding of the problems faced by such children and establishing links for future referral.

**(b) Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37, paras. (b), (c) and (d))**

**Arrest**

315. The Dhaka, Chittagong and Khulna Metropolitan Police Ordinances (1976, 1978 and 1985 respectively) give police officers the power to arrest without warrant “any person committing in his presence or within his view”: any offence punishable under the Ordinance or under any other current law. In addition, the police are authorized under the Code of Criminal Procedure 1898 to make arrests without warrant on the basis, inter alia, of reasonable suspicion of involvement in a criminal act. These laws are sometimes used to arrest street children and girls suspected of engaging in prostitution.

**Detention following arrest**

*Detention before charges brought*

316. The Constitution affirms the right of every person not to be unlawfully deprived of his or her personal liberty. Both the Constitution and the Code of Criminal Procedure protect persons who have been arrested and detained in custody by requiring that they be brought before a magistrate within 24 hours of the arrest and that an order be obtained for their further detention. The law also permits the detention of individuals for extended periods on a wide variety of grounds, including the following:

(a) A magistrate can order that a person be detained in custody for up to 15 days without charges (Code of Criminal Procedure);

(b) Persons “found under suspicious circumstances between sunset and sunrise” can be imprisoned for a term which may be extended up to one year (Metropolitan Police Ordinances);

(c) The Special Powers Act 1974 permits preventive detention without charges on wide-ranging grounds, including the commission of acts intended or likely to endanger public safety or the maintenance of public order, or to interfere with or encourage or incite interference with the administration of law or the maintenance of law and order.

317. For persons arrested or detained under any law providing for preventive detention, the fundamental rights to know the grounds of arrest and receive legal assistance, together with the requirement to obtain a magistrate’s order for further detention after 24 hours, are replaced by other constitutional safeguards. These provisions include the right to be informed as soon as possible of the grounds on which the order for detention has been made and to be given an opportunity to make an immediate representation against the order. Moreover, a maximum period of six months’ preventive detention is provided for, unless an Advisory Board (after hearing the detainee) decides before the expiry of the six-month period that there is sufficient cause for continued detention.

*Detention after charges brought*

318. Children who are charged with bailable offences are generally released on bail. Even when a child is charged with a non-bailable offence, the police are empowered under the Children Act (if the child cannot immediately be brought before a court) to release him or her on bail if sufficient security is provided. Bail will not be given, however, where release would bring the child into contact with any reputed criminal, expose him or her to moral danger or “defeat the ends of justice”. A child who is not released on bail should be detained in a remand home or “place of safety”, which means - apart from a remand home - another suitable place/institution or a police station (for boys only, provided they are kept separately from other offenders).

319. For children not released on bail the period from arrest until trial can be long, although somewhat less so for those charged under the Suppression of Violence against Women and Child Act 2000, which lays down special expeditious procedures.

**Detention following conviction**

320. Under the Children Act, where a child is found guilty of an offence punishable with death, transportation or imprisonment, Juvenile Courts have the power to commit the child for detention in a certified (training/education) institute. Such detention must be for a minimum of 2 and a maximum of 10 years’ duration and will in any case come to an end when the child reaches the age of 18. Boys who are committed to the Tongi Correction Centre, in practice, tend to serve sentences of three to four years for theft and other minor crimes, and five to six years for more serious crimes such as arms possession, bombing or theft with force.

321. Before deciding on an appropriate sentence the Court must consider a number of different factors relating to the child, namely:

- (a) The child’s character and age;
- (b) The circumstances in which he or she is living;
- (c) Probation officer’s reports;
- (d) Any other matters which the Court believes should be taken into consideration in the interest of the child.

These factors influence the Court in its decision whether to impose a custodial sentence, release the child on probation, or discharge him or her “after due admonition”.

322. Only in exceptional circumstances defined by the Children Act is it permissible to impose a prison sentence on a child under 16. The basic rule is that no child can be sentenced to imprisonment, but there are two exceptions, namely:

- (a) When a child is found to have committed an offence of such seriousness that the Court takes the view that no punishment authorized under the Act is sufficient; or

(b) When the Court is satisfied that the child is “of so unruly or of so depraved character” that he or she cannot be committed to a certified institute and none of the other available methods for dealing with the case is suitable.

In these circumstances, the Court can impose a prison sentence on the child or order him or her to be detained “in such place and on such conditions as it thinks fit” (although the period of detention may not exceed the maximum statutory sentence for the offence in question). The Court has the power to vary the detention order at a later date and direct that the child be moved from any place of detention to a certified institute until he or she reaches the age of 18.

323. The shortage of special facilities for children (only two correction centres/remand homes for boys and none for girls) means that in a large number of cases there is no alternative to placing children in ordinary prisons.

#### **Placement in custodial setting (non-juvenile justice cases)**

324. The powers of the Juvenile Court extend to dealing with children whom parents or guardians claim they cannot control. In such cases, the Court may commit the child to a certified institute or approved home or place him or her under the supervision of a probation officer, in either case for a maximum period of three years. Figures for the period from 1978 to 1997 show that more than 85 per cent of the boys held at the Tongi Correction Centre, both on remand and following conviction, were “uncontrollable children” cases. Such children are usually detained for between 6 and 12 months.

325. The Court is also empowered to deal with children perceived to require care and protection, for instance, because they are homeless, destitute, begging, engaged in any deleterious activity for money, associating with criminals or prostitutes, not under the care of a parent or guardian or neglected/ill-treated by a parent or guardian. A child<sup>18</sup> who falls within any of these categories may be sent to a certified institute or approved home or committed to the care of a willing relative or other “fit” person for any period up to when the child reaches the age of 18.

326. Children who are or may become victims of offences can also be detained as a protective measure under two different sets of Children Act provisions. Certain authorized persons can take any child who they reasonably believe is or is likely to be the victim of an offence to a “place of safety” for an initial period of 24 hours before bringing the child before the Court. The Court can subsequently make such order “as circumstances may admit and require for the care and protection of the child” if it considers such action to be in the interests of the child. The detention will continue at least until the proceedings against the person alleged to have committed the offence are disposed of.

327. In addition, any court which deals with criminal proceedings involving a child victim must have the child in question sent to a Juvenile Court, which can order that the child be committed to a certified institute or approved home. The child will normally be ordered to stay there until he or she reaches 18 but may, in exceptional cases, stay for a shorter period. Alternatively, the child may be committed to the care of a parent, guardian, relative or other person capable of providing proper care, control or protection.

328. The Government can at any time order an absolute or conditional discharge of a youthful offender or other child from a certified institute, approved home or from the care of any person ordered under the Children Act.

329. The Suppression of Violence against Women and Children Act 2000 contains a more flexible provision for the detention in safe custody of child victims of offences under the Act. The Tribunal can, if deemed necessary, order such a child to be kept in safe custody in a place (excluding prisons) determined for this purpose or committed to the custody of a suitable individual or organization while the trial of the offence is in progress.

### **Treatment of children deprived of liberty**

#### *Separation from adults*

330. A number of different provisions exist under Bangladeshi law which are designed to ensure the separate detention in prisons of persons of different ages and status. These include the following:

(a) The Children Act prohibits youthful offenders from associating with adult prisoners;

(b) Under the Prisons Act 1894 male prisoners who are under/over 21 years and those who have/have not reached puberty must be kept apart, as must unconvicted/convicted and criminal/civil prisoners of both sexes;

(c) The Jail Code 1894 additionally requires that juvenile prisoners (up to the age of 21) convicted of serious crimes be separated from other juvenile prisoners and that females up to the age of 21 be separated from other females.

331. The shortage of special facilities for boys and lack of juvenile justice institutions for girls lead to the detention of significant numbers of boys and girls in adult prisons. This includes children who are in safe custody, awaiting trial and those convicted of offences.

#### *Contact with family*

332. The Children Rules guarantee the right of children in detention to maintain contact with their families. In practice, many children find it difficult to make contact with their families, particularly where they had become separated and the family has to be traced.

#### *Right to prompt access to legal and other assistance*

333. Under the Constitution (supported by the Code of Criminal Procedure) every child has the right following arrest to consult and be defended by a legal practitioner of his or her choice. In practice, children from low-income families who are deprived of their liberty frequently have no legal representation.

*Right to challenge the legality of deprivation of liberty*

334. A child who believes he or she has been unlawfully deprived of his or her liberty may make a habeas corpus application to the High Court under article 102 of the Constitution. When considering the application, the Court will decide whether any lawful authority exists for holding the child in custody and whether he or she is being detained in a lawful manner.

*Conditions in detention institutions*

335. The conditions of detention and rules governing the rights of detainees vary between different institutions. The Children Rules prescribe the appropriate treatment and facilities for children detained under the Children Act with respect to diet, clothing, toilets, medical care and primary/vocational education. Similar provisions exist in the Jail Code.

336. Scant resources, which have led to a shortage of facilities and serious overcrowding, are a major constraint on the Government's efforts to maintain the standards laid down by these Rules. In addition, the harsher aspects of life in prison, such as hard labour, make the experience of detention hard for children.

337. There is no independent body with the authority to monitor detention in prisons and other institutions. Members of Parliament are, however, authorized to visit jails; and certified institutes and approved homes are liable to thorough inspections at least every six months and to separate health/sanitation checks by inspectors appointed under the Children Act. The situation of individual children dealt with under the Children Act is monitored by staff of the certified institute, if the child is detained, and by the child's probation officer.

**(c) The sentencing of children, in particular the prohibition of capital punishment and life imprisonment (art. 37, para. (a))**

338. The Children Act prohibits the use of capital punishment against children under 16 years of age. The very limited circumstances in which imprisonment can be imposed on a child of this age have already been described in the previous section. In the event that either of the special circumstances described there exists and the offence of which the child has been found guilty is punishable with life imprisonment, then a sentence of life imprisonment<sup>19</sup> can be imposed on such a child. In practice, on account of children's age and immaturity, the courts rarely impose life sentences on children under 18 or death sentences on children aged 16 and 17 years. In January 2000, there were four children under 15 years serving life sentences in Tongi Correction Centre.

**(d) Physical and psychological recovery and social reintegration of the child (art. 39)**

339. Consistent with the underlying aims of the Children Act and Children Rules, certified institutes and approved homes are run in such a way as to prepare children, as far as possible, to return to society when their period of detention comes to an end. This is ensured through ongoing monitoring of each child's situation, a system of education and vocational training and the work of probation officers.



340. For the first 14 days after the start of a child's detention, his or her mental disposition, conduct, aptitude and other matters are closely monitored for the purposes of formulating an effective treatment plan. A separate file is created for each child where this information is recorded by the superintendent of the institution where the child is detained.

341. The Children Rules require primary education and vocational training facilities to be provided to children in detention. The Tongi Correction Centre has an on-site school offering education up to Grade 5. Arrangements can also be made for children to continue their education up to a higher level outside the Centre. Vocational training in car maintenance, welding, tailoring, woodcutting and house wiring is available. There is also the possibility under the Children Act of children detained in a certified institute or approved home being released, on licence, to live outside the institution on certain conditions with a person who will give him or her a vocational training. A non-formal basic education scheme has been introduced in nine central jails and nine district jails for which children are eligible.

342. Probation officers are guided in their work by the Juvenile Court or, where there is no Juvenile Court, the Court of Session. Their duties include maintaining contact with the child through regular visits, advising, assisting and befriending the child and, where necessary, making efforts to find him or her suitable employment.

### **3. Children in situations of exploitation, including physical and psychological recovery and social reintegration**

#### **(a) Economic exploitation of children, including child labour (art. 32)**

##### **International commitments**

343. Bangladesh has ratified the following ILO Conventions relevant to children:

- (a) Night Work of Young Persons (Industry) Convention No. 6;
- (b) Minimum Age (Trimmers and Stokers) Convention No. 15;
- (c) Forced Labour Convention No. 29;
- (d) Abolition of Forced Labour Convention No. 105;
- (e) Minimum Age (Industry) Convention (Revised) No. 59;
- (f) Night Work of Young Persons (Industry) Convention (Revised) No. 90.

Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour has been signed but not ratified by the Government.

344. In the 1996 Rawalpindi Resolution, the Government of Bangladesh joined the other Governments of South Asia in making a commitment to eliminate child labour in hazardous occupations by 2000 and child labour as a whole by 2010. However, the necessary additional resources have not been available to fulfil this commitment to date.

### **Technical cooperation/international assistance**

345. In 1994, a programme of cooperation was established between the Government and ILO-IPEC. Under this programme, ILO is helping to strengthen the capacity of the Government, NGOs, trade unions, employers' organizations and others to improve the social, economic and cultural conditions in Bangladesh in order to progressively prohibit, restrict and regulate child labour with a view to its elimination. The programme targets children working in many different occupations in both the informal and formal sectors.

346. Since 1994, several studies have been carried out to obtain quantitative and qualitative data on the child labour situation in Bangladesh, including hazardous work. In addition, a series of action programmes have been implemented by the Government, trade unions and NGOs with ILO-IPEC support. One of the major achievements of this period has been the signing in 1995 of a Memorandum of Understanding between the Bangladesh Garment Manufacturers' and Exporters' Association (BGMEA), ILO and UNICEF (described in Bangladesh's supplementary initial report to the Committee). The implementation of this agreement led to the placement of approximately 10,000 former child garment workers in nearly 340 learning centres and a drastic reduction of child labour in the export-oriented BGMEA member factories by the end of 1996.

### **Multidisciplinary strategy**

347. Following a National Workshop in 1997, an intersectoral National Plan of Action was prepared by a consultative group consisting of various government ministries and agencies, employers' associations, trade unions, NGOs, ILO-IPEC and UNICEF. Six areas of intervention are outlined in the National Plan of Action, namely:

- (a) Situation analysis;
- (b) Child labour policy, legislation and enforcement;
- (c) Institutional development;
- (d) Social security and rehabilitation of working children;
- (e) Education;
- (f) Raising awareness.

### **Extent and nature of child labour**

348. In 1995-1996, the Bangladesh Bureau of Statistics carried out the first ever comprehensive national household survey on child labour, covering children aged 5 to 14 years.

According to the survey, there are 6.6 million child workers in Bangladesh (including those looking for work but excluding students). Of these, 14 per cent work as child domestics. A higher proportion of boys (22 per cent) than girls (16 per cent) work, and the proportion of child workers in rural areas (20 per cent) is higher than in urban areas (15 per cent). More than 90 per cent of working children operate in the informal sector. Two thirds of children work in agriculture, the other main occupations being domestic service, selling, collecting waste, construction work and work in small workshops and factories. The future regular collection of data on working children is proposed through the incorporation of a child labour component in the two-yearly labour force survey and 10-yearly national census.

349. A study on hazardous child labour in urban areas was conducted by the Department of Labour in 1996 with technical assistance from ILO-IPEC to ascertain the nature and extent of the hazards involved in 47 different occupations. Excessive heat, dust, dirt and a lack of safe drinking water in the workplace were found to be a problem for over a third of children, in addition to inadequate sanitary/washing facilities, insufficient ventilation and light and a lack of safety precautions. The main work-related hazards identified were long periods of standing, handling waste without gloves, heavy work, work with sharp instruments, work with flames or other hot objects and electrical work without proper protection. Work-related injuries to hands and feet emerged as a common occurrence, in addition to burns, eye injuries and electrical accidents. Working days were long, with a substantial proportion of children working for more than 10 hours a day.

### **Policy and legislation**

350. At present, Bangladesh has no national policy on child labour, but ILO is providing support for the formulation of a child labour policy. A draft is expected to be ready by 2001. Existing legislation is antiquated and fragmented and deals only with children working in the formal sector. There is no single code or law dealing with this area. Cooperation between the Ministry of Labour and Employment and ILO-IPEC will include a review of existing child labour laws with a view to removing anomalies, fixing a uniform minimum age for admission to work at 14 years (18 years for hazardous occupations) and prohibiting the employment of children in hazardous operations in shops and other establishments.

#### *Minimum age for admission to employment in the formal sector*

351. There are a number of statutes which stipulate the minimum ages at which children can legally work in certain sectors. These are:

- (a) Mines (Mines Act 1923) - 15 years (with medical certificate of fitness);
- (b) Shops and other commercial establishments (Shops and Establishments Act 1965) - 12 years;
- (c) Factories (Factories Act 1965) - 14 years (with medical certificate of fitness);
- (d) Railways and ports (Employment of Children Act 1938) - 15 years;

(e) Workshops where hazardous work performed (Employment of Children Act 1938) - 12 years;

(f) Tea gardens (Tea Plantation Labour Ordinance 1962) - 15 years.

#### *Regulation of hours and conditions of employment*

352. Broadly speaking, the existing legislation requires that non-prohibited work by children in factories, on the railways, in ports, shops, commercial and industrial establishments and mines take place between the hours of 7 a.m. and 7 p.m. The Factories Act additionally imposes a limit of five hours' work per day for children and prohibits work in more than one factory on a given day.

#### *Hazardous work*

353. The Employment of Children Act prohibits children under 12 years from working in workshops where any of a number of listed processes is carried on. Though not explicitly described as such, these processes are all hazardous. They include weaving, tanning and the manufacture of bidi, soap, carpets, matches, explosives or fireworks. However, an important exemption to this prohibition is made in the case of family-owned and family-run workshops not using outside hired labour. The Factories Act prevents children under 18 years from working on dangerous machines without proper instruction about the dangers and necessary precautions, in addition to training or supervision. All forms of forced labour are prohibited under the Constitution. Unlawful compulsory labour is also an offence under the Penal Code 1860.

#### **Inspection mechanism**

354. Implementation of the child labour laws in the formal sector is the responsibility of the Inspectorate of Factories and Establishments under the Ministry of Labour and Employment. A shortage of manpower - 102 inspectors for over 180,000 registered factories, establishments, ports and mines - prevents proper inspection. Between 1997 and the end of 1999 there were no recorded cases of violations of labour laws relating to children. There are plans to strengthen inspection capacity through, inter alia, training workshops with factory inspectors which focus on the implementation and enforcement of child labour law.

355. Export-oriented garment factories are regularly inspected by government/ILO/BGMEA inspection teams to verify compliance with the 1995 Memorandum of Understanding. A BGMEA arbitration committee is responsible for imposing fines on factories violating the child labour ban. Only a small proportion of factories have underage workers: 5 per cent in 1998, down from 43 per cent in 1995.

#### **Preventive/remedial action**

356. Improving the quality of formal primary education and further increasing access are important strands in the Government's strategy to provide an attractive alternative option to

children who are prone to work. Non-formal education programmes, on the other hand, which accept the reality of “learning and earning”, play a crucial role in empowering working children to make positive choices, for instance, against hazardous and exploitative work.

357. Efforts of the Primary and Mass Education Division in this area, especially through the Basic Education for Urban Working Children project, are complemented by the work of a host of NGOs, which attract large numbers of working children through the relevance of the education they provide and their flexible timing. High priority is given to consultation with children about their needs and problems, and their views are taken into account in the development of strategies and programmes. There will be increased emphasis in the future on mainstreaming children from non-formal schools into the formal system and expanding access to pre-vocational and vocational training.

358. Measures have been adopted to change social attitudes towards child labour in order to remove any complacency about the issue and sensitize families and communities to the negative consequences of child labour. The rights of child workers, especially child domestics, have been an important focus of the MoWCA child rights communication campaign. Television spots developed in 1998 and 1999 were designed to increase the understanding of employers of child domestics of the need to give these children an opportunity to study, allow them to play, facilitate contact with their families and refrain from using physical punishment. Another television spot conveys the harmful effect on children’s development of heavy work. The drive to raise awareness about child labour has included government education officers and other civil servants as well as teacher trainers through child labour training programmes in the relevant training institutions.

**(b) Drug abuse (art. 33)**

359. Bangladesh is a party to the following international conventions on this subject:

- (a) Single Convention on Narcotic Drugs of 1961 (as amended by Protocol of 1972);
- (b) Convention on Psychotropic Substances of 1971;
- (c) Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

360. The relevant domestic legislation is the Narcotics Control Act 1990, which punishes drug abuse and illicit drug trafficking with a minimum prison sentence of six months and a fine. Children are also protected by the Juvenile Smoking Act 1919, which prohibits the sale or giving of tobacco products to a child under 16, and by provisions of the Children Act 1974 which make it a punishable offence:

- (a) To give intoxicating liquor or dangerous drugs to a child in a public place;
- (b) To take a child to, or permit a child to enter, a place where intoxicating liquor or dangerous drugs are sold.

361. Data on the incidence of drug abuse come from studies conducted from time to time by individual researchers, by NGOs, and by (or with the support of) international organizations. Accurate rates of drug use among children are not available, but the total number of drug abusers in Bangladesh has been estimated to lie somewhere between 100,000 and 2,000,000. Moreover, there are clear signs that drug abuse is on the increase. The main drugs of abuse are alcohol, cannabis, phensedyl (a codeine-based cough syrup), sedatives, heroin and buprenorphine (a cheaper alternative to heroin which is injected).

362. Available information on smoking by children reveals much higher rates among boys than girls. Among 15-19-year-olds, less than 1 per cent of girls smoke, compared to 13 per cent of boys. An urban-based study of secondary school boys found that 12 per cent of 10-16-year-olds were current smokers, with the rate rising to 23 per cent in the 15-16 year age group.

363. The Department of Narcotics Control has overall responsibility for controlling the trafficking and abuse of drugs in Bangladesh. The United Nations Drug Control Programme (UNDCP) is supporting government anti-drug efforts in three areas: law enforcement, preventive education and information and treatment/rehabilitation.

364. One of the main objectives of law enforcement activities - within and beyond national borders - is to reduce the supply of available drugs. Existing manpower levels are, however, inadequate. There are only 1,274 sanctioned Department of Narcotics Control posts across the country, of which around 350 are currently vacant. The present focus is on enhancing the capacity of law enforcement agencies and establishing coordination between them.

365. The aim of preventive education and information is to raise public awareness about the dangers of drug use. Secondary school students in Grades 6 to 10 are being targeted through social science, general science and religious studies lessons. Educational materials have been prepared and teacher training is nearly complete. UNDCP is also supporting a community awareness initiative under which information about drugs is being disseminated to young people aged 14 to 29 years around the country. More than 60 NGOs from all over Bangladesh are taking part in the project.

366. In terms of treatment and rehabilitation, government hospitals have no special care units for drug users. Five beds in each district hospital are supposed to be allocated for the treatment of drug abusers, but they get taken up for other purposes. In practice, patients found to be suffering from drug-related problems tend to be admitted to centres set up by the Government in the four largest cities and information materials on the subject of treatment and rehabilitation have been produced for patients and their families. A detailed training package has also been developed for the Central Drug Addiction Treatment Centre in Dhaka. Training for officials of the Department of Narcotics Control and other relevant government departments is ongoing.

367. Bangladesh has 10 NGO-run de-addiction centres (with a total of 196 beds) and two rehabilitation centres. There are fewer female than male patients since female drug users in Bangladesh are less inclined to seek treatment for drug addiction. There are four special treatment centres for drug addicts (with 55 beds) specializing in demand reduction.

368. Bangladesh has two anti-drug NGO forums. The Bangladesh Anti-Drug Federation of NGOs, recognized as the apex body by the Department of Narcotics Control, was formed in 1990. The National Coordination Council of Anti-drug NGOs, Bangladesh, was established in 1996. It has a total of 175 member NGOs. Both bodies are involved in networking, advocacy, communication and institution-building activities related to drug control and treatment.

**(c) Sexual exploitation and sexual abuse (art. 34)**

369. Until recently, the problems of sexual exploitation and sexual abuse have been accorded a lower priority than some other child protection issues in Bangladesh, due in part to a lack of awareness and understanding in society of the causes of these problems and the situation and needs of child victims.

370. Latterly, however, important steps have been taken to break down the taboos surrounding domestic sexual abuse, especially through NGO advocacy and social mobilization efforts and the MoWCA child rights communication campaign.

371. The most prevalent form of sexual exploitation affecting children in Bangladesh is child prostitution. No hard data on the numbers of children involved are available, although recent research by ILO/IPEC and UNICEF on child labour and small-scale NGO studies concerning child prostitutes have yielded information on the factors that push children into prostitution and the kind of conditions under which they work and live. Child prostitutes fall into one of two categories: those who work in one of Bangladesh's 16 registered brothels and "floating" or street prostitutes. A significant proportion of the former are bought from outside by the brothel *sardarni* ("madams"). These girls undergo a period of bondage which generally lasts between two and three years, during which their earnings are paid to the *sardarni*. Girls work both in registered brothels and as floating prostitutes; significant numbers of boys are engaged in sex work on the streets.

372. Bangladesh is a party to the following international agreements relevant to this area:

(a) Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;

(b) Convention on the Elimination of All Forms of Discrimination against Women;

(c) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

The Government has signed ILO Convention No. 182 on the Worst Forms of Child Labour. It is also a signatory to the Declaration and Agenda for Action of the 1996 World Congress against the Commercial Sexual Exploitation of Children.

373. The State is committed under article 18 of the Constitution to adopting effective measures to prevent prostitution. Prostitution is illegal for girls under 18 although, in practice, a girl who has reached puberty can obtain the necessary permission to operate by paying a fee and having her name entered in the thana (police station) register.

374. The Suppression of Immoral Traffic Act 1933, the Children Act 1974 and the Suppression of Violence against Women and Children Act 2000 protect children (especially girls) by punishing those who play a part in their sexual exploitation by, for instance:

- (a) Allowing a child over 4 years to live in, or frequently visit, a brothel;
- (b) Causing, encouraging or abetting the seduction or prostitution of a girl under 16 (1974 Act) or under 18 (1933 Act);
- (c) Causing or encouraging any person other than the husband of a girl under 16 to have sexual intercourse with her;
- (d) Detaining a girl under 18 against her will in any house, room or place in which prostitution is carried on;
- (e) Importing/exporting, buying/selling and taking possession/keeping in custody a child for any immoral purpose;
- (f) Exposing a child to the risk of seduction, sodomy, prostitution or other immoral conditions, having secured the child ostensibly for other work, and the use by a person of such a child for their immoral gratification;
- (g) Touching the sex organ of a woman (of any age) or child (up to 14 years) by a man with any part of his body or any object to gratify his sexual desire illegally.

375. The Penal Code 1860 also contains a number of offences relating to the sexual exploitation of children, for example, kidnapping or abducting a female of any age, procuring a girl under 18 or importing a girl under 21 for the purpose of forced illicit intercourse and buying or selling a child under 18 for the purpose of prostitution.

376. Additional protection is afforded to girls under these Acts in the form of action to remove girl victims from the locus of sexual exploitation and the enforcement of parents'/guardians' supervisory responsibilities. The Suppression of Immoral Traffic Act gives senior police officers the power to remove any girl under 18 who is detained against her will in a house, room or place in which prostitution is carried on, or who is a victim of seduction or prostitution. Until she can be brought before the Court or Magistrate, such a girl must be detained in "a place prescribed by the Government". Thereafter, the Court/Magistrate may order that she be further detained or handed over to the care of a suitable person until her case is disposed of. When finally disposing of the case, the Court/Magistrate can order her to be placed in "suitable" custody until she reaches 18 (or for a shorter period) or hand her over to the care of a suitable person.



377. Under the Children Act, Juvenile Courts have the power to make various orders for the care and protection of child victims of criminal offences, including those listed above, and children:

- (a) Generally found in the company of a prostitute (except the child's mother);
- (b) Living in or frequenting a house used by a prostitute (except the child's mother) for the purpose of prostitution;
- (c) Otherwise likely to be exposed to moral danger.

Such orders include detaining the child in a place of safety, committing the child to a certified institute or approved home and committing him or her to the care of a parent, guardian, relative or other person capable of providing proper care, control or protection (for further details, see article 37). Under a separate provision, the Court can direct the parent or guardian of a girl under 16 who is exposed to the risk of seduction or prostitution to enter into a bond to exercise due care and supervision of the girl.

378. A "safe custody" order may be made under the Suppression of Violence against Women and Children Act in respect of child victims of trafficking or sexual harassment (discussed under article 37).

379. Increasing interest is being shown in the situation of children of prostitutes who live with their mothers in brothels. These children are a seriously disadvantaged group who are deprived of many of their rights. Not only are they denied the basic right to education and access to health services by reason of their social isolation, they also grow up in an environment characterized by exploitation, abuse and neglect, which is highly injurious to all aspects of their development. Moreover, a large proportion of girls inevitably follow their mothers into prostitution. Research has recently been conducted in registered brothels by the Government's Department of Social Services<sup>20</sup> and an NGO to obtain baseline information in order to design appropriate interventions which will broaden the life choices available to such children.

380. At present, support for the recovery and social reintegration of child victims of sexual exploitation is limited. There are a small number of places in government and NGO shelter homes. Here the children are given food, lodging and vocational training, together with some medical care and counselling. NGO drop-in centres for "floating" child prostitutes in Dhaka City offer facilities for health care, rest, recreation and advice. Some brothel children have been rehoused in safe homes run by NGOs. Satellite clinics run in six different areas of Dhaka City under a joint NGO programme provide reproductive health education and services to "floating" prostitutes, and include a peer education component.

**(d) Sale, trafficking and abduction (art. 35)**

381. The Government has identified trafficking as a pressing social issue in Bangladesh and is taking action on many different fronts to combat it. The National Plan of Action for Children

outlines an anti-trafficking strategy which involves establishing a mechanism for coordinating regular reviews of the situation, a programme for the prevention of child trafficking and the penalization of perpetrators.

382. A major focus of early collaborative efforts between the Government, NGOs and international organizations has been an assessment of the situation through research. Because of the underground nature of trafficking, reliable statistics on the number of children who fall victim to such activities are not available. The magnitude of the problem can, however, be surmised from the data generated by NGOs working in this area. According to these data, an estimated 13,220 children were trafficked out of Bangladesh between 1992 and 1997.<sup>21</sup> During 1998, reports routinely collected from 11 national daily newspapers revealed 1,373 incidents of trafficking. In 80 per cent of cases no age was given, but 14 per cent of cases involved persons aged 18 years or below. Among the latter, nearly 75 per cent were aged 12 years or less and the ratio of boys to girls was approximately 3:2.<sup>22</sup> Available data are insufficient to estimate the number of children trafficked within the country.

383. In the context of trafficking networks in South Asia and further afield, Bangladesh is both a sending and a transit country. Children are trafficked principally to India, Pakistan and the Middle East to work in prostitution, domestic service and (in the case of young boys only) as jockeys in camel races. The numbers of Bangladeshi children in the brothels of India and Pakistan are estimated to number, respectively, 300,000<sup>23</sup> and 200,000.<sup>24</sup> Children are procured in many different ways, but promises of work and abduction are the principal methods. Sometimes parents who are looking for a way out of poverty for their children knowingly hand them over to traffickers or their agents.

384. Bangladesh is a party to the following international treaties which are relevant to this area:

- (a) Forced Labour Convention;
- (b) Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;
- (c) Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery;
- (d) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

The Government has also signed ILO Convention No. 182 on the Worst Forms of Child Labour.

385. At the regional level, Bangladesh, together with other members of SAARC, has made a commitment:

- (a) To combat inter- and intracountry trafficking in children and evolve administrative, legal and rehabilitative structures within and between member States (Rawalpindi Resolution, 1996);

(b) To coordinate efforts and take effective measures to address the problem of trafficking within and between countries through the strengthening and strict enforcement of legislation (including simplifying repatriation procedures) and consideration of the possibility of a regional convention on combating trafficking in women and children for prostitution (Declaration of the Ninth SAARC Summit, Male, 1997).

A SAARC Convention on the Trafficking of Women and Children now exists in draft form. It has not yet been finalized due to the lobbying of NGOs for further amendments (including a widening of the definition of trafficking and the separation of children and women) and the postponement of the tenth SAARC Summit, which was scheduled to take place in 1999.

386. Trafficking in and the abduction or sale of children are criminal offences under Bangladeshi law. The main legislation in this area is the newly passed Suppression of Violence against Women and Children Act 2000, which repeals a 1995 Act containing similar provisions. The 2000 Act contains separate sections on trafficking in children (defined as persons up to 14 years), trafficking in women (defined as women of any age) and kidnapping of women and children. Trafficking in children covers the import/export, buying/selling and taking possession/keeping in custody of a child for any immoral or illegal purpose as well as the theft of a newborn baby. The penalty on conviction is capital punishment or rigorous imprisonment for life and a fine.

387. The offence of trafficking in women is framed in similar terms, but it also covers the delivery of a woman for hire or the handing over of a woman for oppression, and includes the additional purpose of engaging a woman in prostitution. Persons who supply women to prostitutes and those running brothels are prima facie guilty of an offence under this provision. The penalty for trafficking in women is capital punishment, life imprisonment or a sentence of rigorous imprisonment of between 10 and 20 years, in addition to a fine. Kidnapping a child or woman other than for trafficking is punishable with life imprisonment or a minimum of 14 years' rigorous imprisonment and a fine. The Suppression of Violence against Women and Children Tribunals, which try cases under the Act, have the power to award the amount of the fine as compensation to the victim.

388. Other relevant offences under Bangladeshi law include:

(a) Those under the Penal Code 1860, such as kidnapping or abducting a child under 10 for various defined purposes, kidnapping a boy under 14 or a girl under 16 from his or her lawful guardian, kidnapping a person from Bangladesh (and taking them beyond Bangladesh's borders), buying or selling a child under 18 for the purposes of prostitution;

(b) Importing females for prostitution (Suppression of Immoral Traffic Act 1933);

(c) Making agreements pledging the labour of a child (defined as a person under 15 years) or employing such a child (Children (Pledging of Labour) Act 1933).

389. Despite the existence of these laws, few of those involved in trafficking can be brought to justice. Although the severe penalties imposed by the 2000 Act (and its 1995 precursor) are intended to have a deterrent effect, it seems that this may not be serving the best interests of children. Reports from members of the judiciary suggest that there are few cases in which available evidence supports a guilty verdict and the imposition of the draconian sentences laid down by statute.

390. A three-year integrated project aimed at eliminating the trafficking of children (with special emphasis on cross-border trafficking) has been drawn up. The project tackles the problem by: raising awareness of child trafficking throughout society; improving implementation of the relevant laws by the police and the courts; and developing child-friendly procedures for rescuing and repatriating victims, together with programmes for their rehabilitation and reintegration. It is a collaborative effort between the Government, the Norwegian Embassy and NGOs, with the latter playing a central role in implementation and monitoring.

391. Over the past few years, public information campaigns carried out by the Government, NGOs and international organizations - supported by increased media reporting of trafficking incidents - have significantly enhanced awareness of the problem of trafficking. This has given the issue a higher profile and priority on the national agenda. At the law enforcement level, training has been given to border police by the Ministry of Home and NGOs. Existing and further planned initiatives to train the police, magistrates and judges in child rights are expected to improve current levels of implementation and enforcement.

392. In their efforts to rescue children from trafficking, NGOs attempt to reach them before they leave Bangladeshi soil. In cases where children have already crossed the border, for instance to India, support for their rescue has been received from human rights and women's organizations in the receiving country. It is estimated that 4,700 children were rescued from traffickers between 1992 and 1997.<sup>25</sup> A lack of identification papers proving their nationality has proved an obstacle to obtaining assistance from Bangladesh's foreign missions in receiving countries in the rescue and repatriation of children.

393. Both the Government and NGOs provide support to rescued victims of trafficking to aid their recovery and the difficult process of reintegration into society. Services offered include shelter accommodation, medical care, counselling, vocational training, legal aid for action against traffickers and assistance in tracing families. Planned training in psychosocial counselling for staff in urban-based government and NGO shelter homes will enhance the limited arrangements for counselling that exist at present.

394. Vigorous activity by NGOs in this field has led to the emergence of NGO networks, including Action against Trafficking and Sexual Exploitation of Children (ATSEC), which has chapters in Bangladesh, Nepal and West Bengal. Formed in 1998, ATSEC engages in cross-border activities to facilitate advocacy, research, social mobilization, technical assistance and programme support at the national and regional levels with support from UNICEF. It also aims to develop the capacity of the Government, NGOs and other development groups to plan and implement advocacy programmes. There are plans to establish linkages with Pakistani NGOs on this issue.

**(e) Other forms of exploitation (art. 36)**

395. Given the extent of poverty in Bangladesh, substantial numbers of people, including children, exist by begging. Begging is known to be a well-organized business run by gangs who share out the money they receive between their members, though rarely on an equitable basis. Children are often used in the front line. In addition to the basic fact of using a child for begging, a number of exploitative practices exist, which are designed to trigger sympathy or revulsion in those approached for money and therefore to increase the amount given. These include women carrying another woman's baby and the deliberate maiming of persons (including children) used for begging.

396. Both the Children Act 1974 and the Suppression of Violence against Women and Children Act 2000 contain provisions which protect children against their exploitative use by others for the purposes of begging. The Children Act makes it an offence to employ a child for the purpose of begging or to use a child as an "exhibit" for the same purpose. A new offence is also included in the 2000 Act - that of maiming, crippling or disfiguring a child for the purpose of begging (or to sell their body parts). This offence carries a severe penalty of capital punishment or rigorous imprisonment and a fine.

**4. Children belonging to a minority or an indigenous group (art. 30)**

397. Citizens are protected under article 28 of the Constitution against discrimination by the State on the grounds of religion, race, caste, sex or place of birth. The Constitution also affirms that citizens may not on these grounds be subjected to any disability, liability, restriction or condition regarding access to public places or educational institutions.

**Ethnic and linguistic groups**

398. According to the latest population census (1991), more than 98 per cent of the population of Bangladesh belong to the homogeneous ethnic group known as Bengali. The remainder is composed of indigenous tribal peoples, together with a small number of migrants from various parts of India.<sup>26</sup>

399. Tribal peoples, consisting of at least 27 different groups, number approximately 1.2 million. Over 40 per cent of the country's tribal population is concentrated in the three districts that make up the Chittagong Hill Tracts area. In these districts, approximately half the population are of tribal origin, a much lower proportion than several decades ago. The largest tribal groups are the Chakma, Marma and Tripura. Outside the Hill Tracts, two other tribal groups are found in significant numbers: the Santal, mainly in the north-west of Bangladesh (Rajshahi division), and the Garo, mainly in the north-central area of the country (Dhaka division).

400. Bengali, declared to be the State language under article 3 of the Constitution, is the mother tongue of the vast majority of people in Bangladesh. Amongst the tribal peoples, however, a large number of different languages are spoken. These mainly belong to the Tibeto-Burman and Austric-Asiatic subfamilies and the Dravidian family. Quite a number of the tribal languages have no written form. The languages spoken by those segments of the population who originally came from India include Urdu, Hindi, Bihari and Oriya.<sup>27</sup>

### Religious groups

401. In Bangladesh, 88 per cent of the population are Muslim, 11 per cent Hindu, 0.6 per cent Buddhist, 0.3 per cent Christian and 0.3 per cent “others”, comprising mainly animists. The picture is quite different among the tribal population, where the main religion is Buddhism, but significant numbers of Hindus, Christians, Muslims and animists are also found.

### Chittagong Hill Tracts

402. The above statistics demonstrate that, from the point of view of ethnic background, language and religion (and therefore culture also), the Chittagong Hill Tracts are quite distinct from the rest of Bangladesh. The recent history of the region has also been different from the rest of the country due to a two decade-long conflict waged there from the mid-1970s by a tribal insurgency group, the armed wing of the Parbattya Chattagram Jano Sanghati Samity (PCJSS) - Chittagong Hill Tracts People’s Solidarity Association.

403. The allocation of land, including land to which tribal groups claimed ownership, to Bengali settlers together with a resistance to assimilation into the majority culture of Bangladesh were at the root of the insurgency. The conflict led to the departure of tens of thousands of tribal people for refugee camps across the border in the Indian State of Tripura and to the internal displacement of large numbers within the Hill Tracts. On 2 December 1997, the conflict was brought to an end by the signing of a Peace Accord between the Government and PCJSS. The terms of the Peace Accord include:

- (a) The establishment of a Regional Council (comprising the Councils of the three Hill Districts) as the coordinating and supervisory body of the Hill Tracts;
- (b) The settlement of land disputes;
- (c) The allocation of additional funds by the Government and implementation of development projects, especially enhancing infrastructure, in the Hill Tracts;
- (d) A reduction in the military presence in the Hill Tracts;
- (e) The preservation of tribal culture and support for its expression at the national level;
- (f) The expansion of educational stipends for tribal students;
- (g) Education for children of PCJSS members and acceptance of academic certificates obtained while refugees in India;
- (h) A compensation package (including a substantial lump sum payment) for returning tribal families;
- (i) The establishment of a Ministry of Chittagong Hill Tracts Affairs.

By early 1998, more than 60,000 tribal refugees had returned from India. The process of rehabilitating and reintegrating the returnees is still continuing.

404. The Hill Tracts people have historically had a lower level of access to basic services than the rest of the population because of the difficult terrain, scattered communities and protracted conflict. Furthermore, strategies and service delivery systems developed for the rest of the country are often inappropriate for the Hill Tracts. The advent of peace in the region has been followed by a strong expression of interest from international development partners and national NGOs in implementing programmes that will significantly improve the quality of life for Hill Tracts children and the enjoyment of their rights. International development partners who currently support or are interested in supporting programmes in the region include UNDP, UNICEF, World Food Programme, World Bank, Asian Development Bank and DANIDA. In conformity with its obligations under the Peace Accord, the Government has made a special allocation of funds for projects in the Hill Tracts, with an emphasis on improving local infrastructure.

405. One of the strategies that has been adopted to increase access to basic services is the establishment from 1997 of nearly 2,000 small *para* (community) centres, each serving 25 to 30 households in a UNICEF-supported initiative. Each centre has one *para* worker, who provides pre-school education to young children and promotes public health messages. There are plans to increase the number of *para* centres and to expand their role to include additional health and educational services, such as immunization, demonstration of safe water and sanitation facilities, multi-grade teaching for school dropouts and parenting education.

### **Culture and language**

406. Bangladesh is committed under article 23 of the Constitution to taking the necessary steps to “conserve the cultural traditions and heritage of the people”. The preservation of tribal culture in the Hill Tracts region is expressly provided for in the Peace Accord. The education sector provides a number of examples of measures that are being adopted to this end. In the pre-primary classes run by *para* centres, for instance, *para* workers speak to tribal children in their mother tongue in order to ease the children’s transition from home to school life. At the primary level, special teaching and learning materials are being developed for tribal communities under the PEDF.

407. A number of Bangladesh’s tribal groups have faced problems in preserving their cultural traditions as a result of loss of land due to deforestation of their natural habitat, encroachment by surrounding communities and settlement of families from other areas. This has led to a substantial dilution of tribal populations and the displacement of communities.

### **Rights of religious minorities**

408. The measures taken to protect the right of Hindu, Buddhist, Christian and animist children to profess or practise their religion are described under article 14. No specific examples have come to light of children being denied this right.

### Notes

- <sup>1</sup> The next population census is due to be carried out in January 2001.
- <sup>2</sup> However, for minors in respect of whom or whose property a guardian is appointed or in respect of whose property the Court of Wards assumes superintendence, the age of majority is 21 years.
- <sup>3</sup> ARISE stands for Appropriate Resources for Improving Street Children's Environment.
- <sup>4</sup> Ain o Salish Kendro Documentation Unit, 2000, *Violence against Women, 1999*.
- <sup>5</sup> An "abandoned child" was defined in the repealed Bangladesh Abandoned Children (Special Provision) Order 1972 as "a child which, in the opinion of the Government, is deserted or unclaimed or born out of wedlock".
- <sup>6</sup> A boy or girl under 18 years of age who has lost his or her father or has been abandoned by his or her parents or guardians.
- <sup>7</sup> The Government has six shelter homes, one in each of the six divisions.
- <sup>8</sup> Ed. Naila Z Khan, *Destroying Our Children's Brains with Lead Pollution, 2000*.
- <sup>9</sup> Directorate of Primary Education/GoB, 1999, *A Study of Unenrolled Children and Dropouts at Primary Level in Four Districts*.
- <sup>10</sup> GoB/UNICEF/BRAC, 1992, *Assessment of Basic Competencies of Children in Bangladesh*.
- <sup>11</sup> GoB, 1999, *An Assessment of the Achievement of Pupils Completing Grade 4 of Primary Education*.
- <sup>12</sup> The one-year Certificate-in-Education course covers the following subjects: education policy, child psychology, primary education and modern educational theory, Bengali, maths, English, environmental studies, art and craft, physical education and religion. Trainee teachers also learn about child rights.
- <sup>13</sup> Stipends are available under four different projects: Female Secondary Stipend Project, Female Secondary School Assistance Project, Secondary Education Development Project and Female Secondary Education Stipend Project. The first project is funded by the Government alone, the other three are supported, respectively, by the World Bank, Asian Development Bank and Norway.
- <sup>14</sup> Thirteen additional VTIs are to be established in district headquarters with no VTI or TTC.
- <sup>15</sup> The Government plans to establish a further 20 Polytechnic Institutes.
- <sup>16</sup> The security forces in the camps include Bangladesh Police, Bangladesh Police Rifles, Armed Force Battalion and Ansar Forces.



<sup>17</sup> Information obtained by the probation officer includes the child's antecedents, family history and other material circumstances likely to assist the court in making any orders.

<sup>18</sup> Brought before the court by a probation officer, senior police officer or any other person authorized by the Government.

<sup>19</sup> Under the Penal Code 1860 "imprisonment for life" means rigorous imprisonment for 30 years. In every case where life imprisonment is imposed, the Government has discretion to commute the sentence to a term of imprisonment not exceeding 20 years.

<sup>20</sup> Under the UNDP-supported project Capacity-Building, Poverty Alleviation and Sustainable Livelihood of the Socially Disadvantaged Women and Their Children.

<sup>21</sup> Bangladesh National Women Lawyers Association Documentation Cell.

<sup>22</sup> Ain o Salish Kendro Documentation Unit.

<sup>23</sup> Bangladesh National Women Lawyers Association Documentation Cell.

<sup>24</sup> Lawyers for Human Rights and Legal Aid, Pakistan.

<sup>25</sup> Bangladesh National Women Lawyers Association, *Survey in the Area of Child and Woman Trafficking*, 1997.

<sup>26</sup> Haroun Er Rashid, *Geography of Bangladesh*, 1991.

<sup>27</sup> Ibid.

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### **Acronyms**

AIDS	Acquired immunodeficiency syndrome
ARI	Acute respiratory infection
ARISE	Appropriate Resources for Improving Street Children's Environment
BGMEA	Bangladesh Garment Manufacturers' and Exporters' Association
BMS	Breastmilk substitute
CIDA	Canadian International Development Agency
DANIDA	Danish International Development Assistance
DFID	Department for International Development
DNFE	Directorate of Non-formal Education
DYD	Department of Youth Development
EPI	Expanded Programme on Immunization
ESP	Essential Services Package
GDP	Gross domestic product
GNP	Gross national product
GoB	Government of Bangladesh
GTZ	Gesellschaft für Technische Zusammenarbeit
HAPIC	Hygiene Awareness and Product Information Campaign
HIV	Human immunodeficiency virus
HPSP	Health and Population Sector Programme
HPSS	Health and Population Sector Strategy
IDD	Iodine deficiency disorder
IDEAL	Intensive District Approach to Education for All
ILO	International Labour Organization
IMCI	Integrated Management of Childhood Illness
IPEC	International Programme on the Elimination of Child Labour
JICA	Japanese International Cooperation Agency
KfW	Kreditanstalt für Wiederaufbau
MOHFW	Ministry of Health and Family Welfare
MoWCA	Ministry of Women and Children Affairs

NFE	Non-formal education
NGO	Non-governmental organization
OPEC	Organization of Petroleum Exporting Countries
ORT	Oral rehydration therapy
PCJSS	Parbattya Chattagram Jano Sanghati Samity
PEDP	Primary Education Development Programme
SAARC	South Asian Association for Regional Cooperation
SDC	Swiss Development Corporation
SSC	Secondary school certificate
STD	Sexually transmitted disease
TTC	Technical training centre
UHC	Upazila Health Complex
UNDCP	United Nations Drug Control Programme
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UPHCP	Urban Primary Health Care Programme
USAID	United States Agency for International Development
VTI	Vocational training institute
WATSAN	Water and sanitation
WHO	World Health Organization

### **Glossary**

bidi	a kind of indigenous cigarette
char	small island created from alluvial deposits
Jatiyo Sangsad	National Parliament
mahalla	neighbourhood (urban)
para	community
shalish	traditional village mediation council
sardarni	“madam” (in a brothel)
thana	police station
union parishad	union council
upazila	administrative subdistrict
zila	administrative district

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