



**Convention on the  
Rights of the Child**

Distr.  
GENERAL

CRC/C/OPSC/BGD/1  
23 December 2005

Original: ENGLISH

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 12 (1) OF THE OPTIONAL PROTOCOL TO THE  
CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF  
CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

**Initial reports of States parties due in 2005**

**BANGLADESH\***

[12 December 2005]

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\* In accordance with the information transmitted to States parties concerning the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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### **List of abbreviations**

AIDS	Acquired Immune Deficiency Syndrome
BGMEA	Bangladesh Garments Manufacturers Exporters Association
BRAC	Bangladesh Rural Advancement Committee
CBOs	Community Based Organizations
CEDAW	Convention on the Elimination of All Forms of Discriminations against Women
CRC	Convention on the Rights of the Child
GOB	Government of Bangladesh
HIV	Human Immuno Deficiency Virus
ILO	International Labour Organization
MICS	Multiple Indicator Cluster Survey
MOU	Memorandum of Understanding
MOWCA	Ministry of Women and Children Affairs
NPA	National Plan of Action for Children
NGO	Non-Governmental Organization
OCC	One Stop Crisis Center
SAARC	South Asian Association of Regional Cooperation
SEACT	Sexual Exploitation and Abuse of Children including Trafficking
STI	Sexually Transmitted Infections
UK	United Kingdom
UN	United Nations
UNCRC	United Nations Conventions on the Rights of the Child
UNFPA	United Nations Populations Fund
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNDP	United Nations Development Programme
USAID	United States Agency for International Development

## I. INTRODUCTION

1. The Convention on the Rights of the Child and its two optional protocols are significant achievements in International Child Law and important tools for the enforcement of domestic laws aimed at eliminating offences regarding the sale of children, child prostitution and child pornography as well as all forms of sexual exploitation of children. Bangladesh signed and ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography on 6 September 2000. It was one of the first ten countries to ratify this instrument.

2. This is the initial report by the State Party on the status of the implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography under article 12, paragraph 1, of the Optional Protocol for consideration by the UNCRC Committee. The report has been prepared by the Ministry of Women and Children's Affairs, Government of the People's Republic of Bangladesh, in consultation with concerned ministries and agencies working for children in Bangladesh following the general guidelines issued by the Committee on the UNCRC (CRC/OP/SA/1). The measures that have so far been taken by the Government of Bangladesh to implement the provisions of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (hereinafter referred to as "Protocol") are highlighted in the report.

### **1. Measures taken for implementation of the Optional Protocol**

#### **1.1 Legal status of the Optional Protocol in domestic law and its applicability in domestic jurisdictions**

3. This Protocol holds similar status to other international covenants, conventions, treaties i.e. ICCPER, CRC, CEDAW. Also, the State Party has taken steps to review the existing laws and policies pertaining to children. At present there are about forty-six laws to protect the rights and interests of children (list enclosed). Hence, the existing obligations of the protocol are well covered by existing national laws. Moreover, the Constitution of Bangladesh and its listed fundamental rights reinforces the State's responsibility to protect children's well-being and rights.

#### **1.2 Withdrawal of existing reservation**

4. Bangladesh has not made any reservation to this Protocol.

#### **1.3 Key ministries, departments and bodies and their coordination with regional and local authorities as well as the civil society, the business sector and the media**

5. The Ministry of Women and Children's Affairs (MOWCA) is the focal point and is responsible for coordinating implementation of the Protocol both between different ministries and at the national and sub-national levels.

6. The other line ministries that are extending support and bearing responsibility for achieving the commitments made under this protocol are the Ministry of Foreign Affairs,

Ministry of Health and Family Welfare, Ministry of Social welfare, Ministry of Home Affairs, Ministry of Law, Justice and Parliamentary Affairs. The Ministry of Home Affairs is playing an active role in the rescue and repatriation of trafficked victims in collaboration with the authorities of the receiving countries, while the Ministry of Social Welfare provides care, protection and reintegration of children that are at risk and vulnerable.

7. There is an Implementation and Monitoring Committee for the NPA against the Sexual Abuse and Exploitation of Children including Trafficking (SAECT) supported by a number of sub-working groups for coordinating the implementation of the NPA SAECT in association with NGOs and civil society representatives.

8. The Shishu Academy (Academy for Children), an implementation wing of MOWCA, is coordinating with the public and civil society with a mandate to implement the CRC and its Optional Protocols through its cultural/extra curricular activities.

9. A large number national and international NGOs are coordinating with the government by delivering various services such as health, non-formal education, income-generating activities, creation of livelihood skills, awareness raising, networking, policy advocacy and so on.

#### **1.4 Dissemination of the Optional Protocol**

10. Many committees at local level led by the Shishu Academy are responsible for this task, however the State Party has also taken comprehensive measures, developed strategies and has taken a holistic approach across the country for disseminating the Protocol. During the preparation of the NPA SEACT, the Government of Bangladesh has developed a document outlining good practices in relation to combating sexual abuse and the exploitation of children in line with this protocol. It should also be noted that NGOs are playing important role in disseminating the Protocol to the various segments of society.

#### **1.5 Mechanism and procedures used for periodical evaluation of implementation**

11. MOWCA has constituted a Standing Committee to monitor the implementation of all issues related to ensuring the rights of children in line with the CRC and its two Optional Protocols. The monitoring committee developed a chart based on recommendations and observations made in the concluding observations by the UNCRC Committee and has distributed it to the all line ministries, agencies and local level bodies to ensure that they perform their roles and responsibilities accordingly.

### **2. Implementation of the Protocol in line with the General Principles of the Convention on the Rights of the Child**

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

12. Article 28 of the Constitution of the State Party guarantees non-discrimination by the State on the grounds of religion, race, caste, sex or place of birth. It also guarantees 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 Children Act, 1974 ensures care, protection and custody of children who are marginalized, at risk, destitute or neglected. Gender discrimination and disparity reduction is one of the overarching strategies of the National Plan of Action for Children. The State Party is also committed 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 a 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 of Bangladesh in terms of both policies and programs, as reflected in the following examples:

- 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;
- 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 have been produced under the Meena South Asian Communication Initiative. Meena played a positive role as model for girls and as 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;
- 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 film shows adolescent girls participating in work and recreation activities and enjoying unrestricted mobility.

## **2.2 Best interest of the child (art. 3)**

13. Derived from constitutional guarantees, the Government of Bangladesh has introduced the concept of the best interests of the child as one of its objectives in the context of ensuring "the best interests of children in all national, social, family or personal situations". The activities identified to achieve this objective are:

- Giving priority to the interests of children in all circumstances;
- Collecting information on children from institutions and conducting research on child related issues;



- Publication and broad dissemination of annual reports showing improvements in the situation of children;
- Observing Universal Children's Day and National Children's Day;
- The Children Act, 1974 stipulates specific measures for protecting the best interests of children, e.g. maintaining confidentiality, restricting public access to complaints concerning children, the special role of police and probation officers in ensuring children's best interests and well-being as well as the best interests of children in judicial decisions regarding custody, care and protection.

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

14. Apart from the constitutional guarantees in its chapters on Fundamental Rights and the Fundamental Principles of State Policy, the Children's Act of 1974 is one of the instruments that ensures the rights to life, liberty and natural development of children at risk and vulnerable. Other laws that protect children from harm are mentioned below. The National Children's Policy also seeks to ensure children's right to survival after birth through the provision of health, nutrition and physical security. There are health policies and programs of the State Party for the benefit of children, including those concerning immunization, disease control, nutrition interventions, health education and emergency obstetric care. Water and sanitation programs 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.

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

15. The principle of child participation in this form is a relatively new concept and is not commonly in practice. However, to ensure the best interests of children, this concept has been incorporated in legislation e.g., The Family Court Ordinance of 1985. This ordinance directed judges to consult children before taking any decision in the matter of his/her custody. The Guardians and Wards Act of 1890, for example, provides that 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.

16. 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 in the organization and management of activities affecting their lives, and will not be treated just as passive beneficiaries or recipients of services." Children's views were also taken into consideration in the course of the development of the PRSP.

17. The State Party has been increasingly adopting participatory approaches in its programs 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 children in *Kishore Unnayan Kendra* (*KUK-child development center*, formerly known as a juvenile correctional center) formed a children's council to raise their concerns in management and decision-making in the KUK. The media has been involved in raising awareness among parents/guardians, and a number of NGOs are developing innovative projects and activities based on the principle of child participation.

### **3. The process of preparation of the report**

18. Prior to preparation of this report, various consultations were organized with the representatives of different ministries, departments, international agencies and NGOs as well as civil society members to assess the implementation progress and discuss the steps undertaken to address the issues of the sale of children, child prostitution and child pornography. A sub-committee was formed within MOWCA to prepare the initial report. The draft report was sent to the Ministry of Home, the Ministry of Law, Justice and Parliamentary Affairs, the Ministry of Social Welfare, as well as the Shishu Adhikar Forum (a forum of child rights organizations), the Save the Children Alliance and UNICEF Bangladesh. The MOWCA incorporated their feedback in the document and finalized the report.

19. The MOWCA is the principal and lead ministry for coordinating and monitoring the implementation of the optional protocol. The present report illustrates the efforts of the government to fulfill the commitment to combat the sale of children, child prostitution and child pornography.

### **4. The gaps and challenges**

20. Although the State Party adopted the NPA against Sexual Abuse and Exploitation of Children including Trafficking in 2002, the incidence of violence, including acid attacks, sexual abuse and exploitation of children, continues to plague the realization of the rights of the child. Sexual abuse and the exploitation of children and adolescent girls is a significant problem but remains largely hidden due to the stigma attached to the victims of such offences. Trafficking of children both within and across international borders is another serious concern. Various means are being applied in committing these crimes, for example abduction, false promises of marriage and promises of jobs abroad are used in the trafficking of children. Children of sex workers, orphans and other ostracized groups of children are especially vulnerable. Generally, poor children are vulnerable to sexual exploitation, especially during times of family disintegration; they are often left to feed for themselves and also have to support smaller siblings. These destitute children are often victims of sexual exploitation. Moreover, the lack of effective birth registration encourages child marriage and over-reporting of age, which also leads to the sexual exploitation of children within the family. Given this context, apart from social stigma the lack of implementation of the laws and policies is the major problem.

21. Lawlessness is still a factor, for example denying rights to children born out of wedlock or to the children of sex workers. The law only allows transmitting citizenship (natural) through the male line, which leads children to becoming completely invisible and therefore more vulnerable to exploitation. Also, contradictory and conflicting laws concerning the age of consent to sexual acts has led to further victimization of children, e.g. children can consent to sexual acts from the age of 16. This encourages pimps to use children in the sex trade and to traffick young girls since they can consent to sexual acts before 18. Likewise, although a girl can give consent to sex at 16 she cannot marry before 18, also leading to exploitation, abuse, pregnancy, abortion and even unwanted childbirth.

22. There are also challenges confronting the education sector concerning the empowerment of girl children. The problems of primary education revolve around issues of access, equity and quality. Although gender parity has been achieved in terms of enrollment, at least one third of those who enter primary education still do not complete it, and those who do take an average of over 6 years to complete the 5-year cycle (UNICEF, 2003). Working children remain one of the main groups excluded from formal education.

### **5. Budget allocation**

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

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

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

24. In Bangladesh, social sectors that 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 the social sectors increased from 13.8 per cent in 1990 to 25.5 percent 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.

25. An amount of taka 13.2 million has been allocated for undertaking various activities for children with disabilities. This includes activities relating to care, protection, media services, special education training and rehabilitation services as well as for running 5 schools for visually impaired children, 7 schools for hearing impaired children, training and rehabilitation of the physically handicapped and integrated education for the blind (visually impaired).

## 6. Disaggregated data according to gender, age and location

26. The Government of Bangladesh, as well as many other sources such as MICS, routinely collects information on the situation of children in the areas of health and education. This collection process is designed to identify disparities through the disaggregation of data on various bases. The survey yields data for each district that 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. Education, health and child labour-related gender disaggregated data are as follows.

### (a) Education

27. The government has undertaken diverse strategies to expand access, engender equity, bring equality and improve the quality of education. Gender parity has been achieved at the primary and secondary levels. The gross enrolment rate of girls was 98% in 2002 (MOWCA 2005). The net enrolment rates were 81% for boys and 84 % for girls (UNICEF 2003). The ratio of boys to girls in school was 50.3:49.7 in 2002 (MOWCA 2005). A study conducted for the Education for All-2000 Assessment for the Bangladesh Country Report found that 50 percent of girls and 53 percent of boys achieved a minimum level of expected primary school competencies.

28. The gross and net enrolment of female students is higher than male students in junior secondary levels (grade 6-8) and secondary levels (9-10). To provide support and assistance to the eligible female students at secondary levels (grades 6-20), education was made free for girls up to the 10th grade in 1994. In July 2002, the government decided to make education for girls free up to grade 12. The rate of completion in secondary schools is around 61.86 percent and in the case of females it is around 62.16 percent. Drop out rates for male students were higher at the junior level.

### (b) Health and nutrition

29. In Bangladesh, adolescents are provided with health care services under the integrated national health care program. No separate information and disaggregated data are available on the adolescent health care program.

30. There has been a steady decline in the infant mortality rate from 92 per thousand live births in 1991 to around 51 per thousand in 2001. Significantly, maternal mortality rate has also registered a gradual decline from 4.8 per 1000 childbirths in 1990 to 4 in 2001 (Human Development Report 2003).

31. The expanded program of Immunization (EPI) has been administered against six killer diseases. The number of fully immunized children stands close to 70 percent of the total.

32. Bangladesh has made substantial progress in reducing child malnutrition in recent years, especially in addressing micro-nutrient deficiencies. From 1990 to 2000 the number of

children below six suffering from moderate and severe forms of stunting decreased from 65.5 to 48.8 percent. The prevalence of night blindness in children in rural areas has come down from 1.78 percent in 1989 to 0.62 percent in 1997.

**(c) Child labour**

33. The estimated number of children in labour in Bangladesh is 6.7 million, of which males constitute 59.5 percent and females 40.5 percent. The government is providing policy and legislative support for education and for the eventual elimination of child labour.

**II. PROHIBITION OF THE SALE OF CHILDREN, CHILD PORNOGRAPHY AND CHILD PROSTITUTION**

34. The Constitution of Bangladesh recognizes the fundamental right to equality before the law and to equal protection by the law. The following provisions of the constitution are relevant to protecting the rights of victims of trafficking and sexual exploitation:

- Right to equality and equal protection of law (Article 27);
- Freedom from discrimination on the basis of religion, race, caste, sex or place of birth (Article 28);
- Right to protection of Law (Article 31);
- Right to life and personal liberty (Article 32);
- Prohibition against all forms of force labour (Article 34), torture and cruel, inhuman or degrading treatment (Article 35);
- Freedom of movement (Article 36).

35. Moreover, a number of laws are in force in Bangladesh dealing with the protection, maintenance and well being of children. The laws most relevant to the Sale of Children, Child Prostitution and Child Pornography are as follows.

**1. Sale of children**

**1.1 The Suppression of Violence Against Women and Children Act, 2000**

36. As amended in 2003, this law defines a child as a person under the age of 16 years. According to the provision of section 6 of the Act, any person who buys or sells any child for any unlawful or immoral purpose or takes possession of or keeps the child in his/her custody for that said purpose, that person shall be punishable by death or rigorous

imprisonment for life and shall also be liable to a fine. The same punishment has been provided for stealing any newborn baby from hospitals or clinics or from the custody of his/her guardian. The law also provides life imprisonment or rigorous imprisonment for the kidnapping of children.

37. Section 12 provides, *inter-alia*, if any person cuts or impairs the hand, leg, eye or any organs of a child, with the intention to sale, shall be punishable by death or imprisonment for life and shall also be liable to a fine.

## **2. Child prostitution**

### **2.1 The Penal Code, 1860**

38. Section 366 prohibits the procurement of a minor girl; this offence makes it illegal for a person to intend or know that it was likely that a girl below 18 years of age might or would be seduced to have illicit intercourse with another person. The two subsections, 366A and 366B contain parallel provisions that prohibit: (1) inducing a girl under 18 years of age to “go from any place or to do any act with the intent” that she will be forced or seduced into having illicit intercourse; and (2) importing a girl under 21 years of age into Bangladesh with the intent that she will be forced or seduced into having illicit intercourse. Although there have been cases filed under these provisions, no convictions have resulted. 366A and 366B were added to support the International Convention for the Suppression of Traffic in Women and Children, and to punish the export and import of girls for purposes of prostitution.

39. A provision of section 372 of the Penal Code says that whoever sells, lets to hire or otherwise disposes of any person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with person or for unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished by imprisonment of either description for a term which may extend to ten years and shall be liable to fine.

40. Section 373 of the Penal Code states that whoever buys, hires or otherwise obtains possession of any person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years and also be liable to a fine.

### **2.2 The Suppression of Violence Against Women and Children Act, 2000**

41. The Suppression of Violence Against Women and Children Act, 2000, is designed to address a variety of common offences against women and children, such as the sale of children, prostitution and child pornography. In many cases these three offences are dealt with together. For example, the Act provides the following punishments for offences related to prostitution as a result of trafficking in women and children:

42. Punishment for trafficking:

(1) If any person, with the intention of engaging in prostitution or illegal or immoral acts, brings in from abroad, or sends women out of the country, or deals in the purchase and sale of women, or delivers women on hire, or hands her over for oppressing them otherwise, or for such other purpose keeps women in his/her possession or custody, the said person shall be liable for the punishment of death or imprisonment for life or imprisonment not exceeding 20 years but not less than 10 years of rigorous imprisonment and also shall be liable to a fine;

(2) If any woman is sold, given on hire or handed over otherwise to any prostitute, keeper or manager of a brothel, the person who so handed over the said woman, unless proved otherwise, shall be deemed to have sold the said woman to engage her in prostitution and shall be liable to the punishment stipulated in sub-section 1;

(3) If any keeper of a brothel or any person engaged in the management of a brothel, buys or hires any woman, or takes possession otherwise, or keeps in his/her custody in that case, unless otherwise proven, shall be deemed to have bought or hired or possessed or have taken into custody with the intention of using the said woman as a prostitute and the said person shall be liable to the punishment stipulated in sub-section 1.

43. Punishment for child trafficking: If any person brings in from abroad or sends out of the country any child, or deals in buying and selling children with any illegal or immoral purpose, or takes possession of, keeps in his/her own custody with the said purpose, he/she shall be liable for the punishment of death or rigorous imprisonment for life and also shall be liable to a fine.

### **2.3 The Children's Act, 1974 and The Children's Rules, 1976**

44. The Childrens Act, 1974, addresses a wide range of care and protection issues related to destitute and neglected children including juvenile offenders and offences related to the commercial sexual exploitation of children.

45. Section 32 of the Act states that a Probation Officer or Police Officer can intervene and bring the child before the juvenile court if any child is found in the company of a sex worker or living in or frequenting a brothel and who is not the child of any sex worker there or is likely to fall into bad associations. The court may send the child to the care of a relative or any other fit person or to an approved home. Sections 42, 43 and 44 of the Act state that encouraging or exposing or causing a child under 16 years to become involved in sexual intercourse or sex work is a punishable offence, although the Children's Rules 1976 was framed for the protection of accused children.

### **2.4 Metropolitan Police Laws**

46. The Metropolitan Police Ordinance, first enacted in 1976 in Dhaka, prohibits soliciting for prostitution. Later, the cities of Chittagong, Khulna and Rajshahi made the similar provisions.

### **3. Child pornography**

#### **3.1 The Penal Code, 1860**

47. (1) Section 292 of the Penal Code states that whoever:

(a) Sells, lets to hire, distributes of sale, hire, distribution, public exhibition of circulation, or for purposes of sale, hire, distribution, public exhibition of circulation makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure of any others obscene object whatsoever; or

(b) Imports, exports or conveys any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed or publicly exhibited or in any manner put into circulation; or

(c) Takes part in or receives profits from any business in the courses of which he knows or has reason to believe that any such obscene objects are, for any of the purposes aforesaid, made produced, purchased, kept, imported, exported, conveyed, publicly exhibition in any manner put into circulation; or

(d) Advertises or makes known by any whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such obscene object from or through any person; or

(e) Offers or attempts to do any act that is an offence under this section shall be punished by imprisonment of either description for a term which may extend to three months, or with a fine, or both.

48. (2) Section 293 pf penal Code states that whoever sells, lets to hire, distributes, exhibits or circulates to any person under the age of twenty years any such obscene object as is referred to in the preceding section, or offers or attempts to do so, shall be punished with imprisonment of either description for a term which may extend to six months, or with a fine, or both.

#### **3.2 The Emigration Ordinance, 1982**

49. The Emigration Ordinance 1982 (EO) regulates Bangladeshi emigration by prohibiting any person from recruiting or attempting to recruit any citizen for overseas employment unless the person possesses a valid demand, valid travel documents, a letter of appointment or work permit or has been selected for emigration by a foreign employer through or by a government recognized recruiting agent.

50. Fraudulently inducing a person to emigrate by means of intoxication, coercion, or fraud is also prohibited. The government may prohibit the departure of any person based



on their occupation, profession, vocation or qualifications if the government believes that it is not in the public interest. For example, in 1997 the government banned the emigration of unskilled women as a protective measure against trafficking and sexual exploitation.

### **3.3 The Child Marriage Restraint Act, 1929**

51. Child Marriage is a punishable offence. A child is defined as a male under 21 years of age and a female under 18 years of age. The Act provides punishment for the people who are directly involved in solemnizing a child marriage and the parents or legal guardians who permit a child marriage.

### **3.4 The laws relating to birth registration**

52. Under the Births and Deaths Registration Act of 1873, and the Births, Deaths and Marriages Registration Act of 1886, the government may appoint a registrar to register births and deaths in a specific area. Upon receiving notice of a child's birth, the registrar must enter the birth into a registry book; the child's mother, father, guardian or any person present at the birth may provide notice of the child's birth to the registrar.

53. Recently both these laws were replaced by a new law called the Births and Deaths Registration Act of 2004 which made strict provision for births and deaths registration.

54. Besides these laws there are some other laws in Bangladesh that may be relevant to the commercial sexual exploitation of children such as the Bangladesh Passport Order, 1973, the Vagrancy Act, 1943, and the Employment of Children Act, 1938, The Probation of Offenders Ordinance, 1960, The Minimum Wages Ordinance, 1961, The Shops and Establishment Act, 1965, The Factories Act, 1965, Guardians and Wards Act, 1890, Bangladesh Abandoned Children (Special Provision) Order, 1972, The Muslim Marriage and Divorce Registration Act, 1974 and The Christian Marriages Act, 1872.

## **III. PENAL/CRIMINAL PROCEDURE**

55. Offences mentioned in the Women and Children's Repression Prevention Act of 1995, reformed in 2000 (Act VIII of 2000) and again amended in 2003, if committed within the territory of Bangladesh, are subject to trial by the special tribunal according to a special procedure as constituted under section 26 of the said Act. When a Bangladeshi, even outside the territory of Bangladesh, commits the offences, he or she is subject to trial and punishable under the penal code of 1860.

56. The relevant sections of the Penal Code of 1860 are quoted below. Section 3 explains that any person subject to trial, under Bangladeshi law for an offence committed beyond the territory of Bangladesh shall be dealt with according to the provisions of this code in the same manner as if such act had been committed within Bangladesh.

57. Section 3 of this Code applies also to any offence committed by:

- (1) any citizen of Bangladesh in any place without and beyond Bangladesh;
- (2) any person on any ship or aircraft registered in Bangladesh wherever it may be.

Explanation: In this section the word “offence” includes every act committed outside Bangladesh which, if committed in Bangladesh, would be punishable under this Code.

58. The existing extradition law is called Extradition Act 1974, (Act No. LVIII of 1974), which is not limited to specific offences but can be extended to cover any offence agreed upon between the treaty/member states. Moreover, “it shall apply in relation to the return of persons returned from:

- (a) a treaty state, subject to a declaration under section 3, if any; and
- (b) a foreign state not being a treaty state, subject to a direction under section 4”.

#### **Section 4 of the Act provides the following**

59. “Application of the law to non-treaty states, - (1) where the Government considers it expedient that the person who, being accused or convicted of offences at places within, or convicted of offences at places within, or convicted of offences at places within, or under the jurisdiction of, foreign states, or are suspected to be in Bangladesh and where there is no extradition treaty with that state, it may, by notification in the official Gazette, direct that the provisions of this Act shall, with respect to such offences and subject to such modifications, exceptions, conditions and qualifications, if any as may be specified therein, have effect in relation to that state, 2) where a direction under sub-section (1) in relation to a Foreign state is in force, the provisions of this Act shall, with respect to the offences specified in that direction, have effect in relation to such state as if it were a treaty state.”

60. Though the schedule of the Act comprising a list of extradition offences does not include all the offences referred to in article 3, paragraph 1, optional protocol as such, but serial no 4 of the schedule identifies an extradition offence in the following words, which almost cover the offences referred to in article 3, paragraph 1 of the Optional Protocol. Serial no 4 provides the following:

#### **Procuring or trafficking in women or young persons for immoral purpose**

61. The above paragraph shows the extradition policy of the State Party to the Protocol in a nutshell. The nature of penalty/punishment for the offences discussed earlier is already mentioned along with the nature of the offence therein. Under the Women and Children Repression Prevention Act, 2003, a fine imposed on the accused may be realized from his/her own property or from the property to be inherited by him/her in future.

#### **IV. PROTECTION OF THE RIGHTS OF THE CHILD VICTIMS**

62. The Children's Act of 1974 provides safeguards for any child who needs care and protection. The Department of Social Services (DSS) under the Ministry of Social Welfare provides assistance for the children who are victims/accused of any offence. The Department of Women Affairs under MOWCA operates safe homes in different areas in the country. The centers across the country are offering psychosocial counseling, legal aid, recreation, basic education/life skills training and medical treatment as well rehabilitation and reintegration.

63. Besides these, several national NGOs provide various services for children in need of protection from abuse, exploitation and trafficking. A number of NGOs operate residential safe homes for children victim of commercial sexual exploitation and abuse. Many NGOs are involved in raising awareness, sex education, child sexual abuse/exploitation, awareness on HIV/AIDS and STIs, drugs and substance abuse.

64. The Suppression of Violence Against Women and Children Act of 2000 was amended in 2003 and restricts publication of the identity of a victim, whether women or children, in any media. The legal provisions securing the interests of children are mentioned in different laws, which are as follows:

(a) The Children Act, 1974 defined role and responsibilities of juvenile courts to ensure protection of all kinds for the children either as offenders or victim;

(b) The Employment of children Act, 1938 regulates the employment of children in specified industries and factories and provides for punishment for contravening the provisions of the Act;

(c) Guardians and Wards Act, 1890 is one of the major laws of the country that defines a person below 18 years of age as a child broadly and imposed guardians to ensure full care and protection of the children;

(d) Bangladesh Abandoned Children (Special Provision) Order, 1972.

#### **V. PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

65. Bangladesh is a signatory to the Declaration and Agenda for Action of the 1996 World Congress against the Commercial Sexual Exploitation of Children and is thus committed to protect and assist child victims and to facilitate their recovery and reintegration into society. At the regional level the SAARC Convention on Prevention and Combating Trafficking in Women and Children for Prostitution of 2002 and the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia of 2002 promote cooperation amongst member states so that they may effectively deal with various aspects of prevention, interdiction and suppression of trafficking in women and Children.

## **1. Regional level initiatives**

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

- Combating inter- and intra-country trafficking in Children and evolve administration legal and rehabilitative structures within and between member states (Rawalpindi Resolution, 1996);
- Coordinating efforts and taking effective measures to address the problem of trafficking with and between countries through strengthening and strict enforcement of legislation by signing the SAARC Convention on Combating Trafficking in Women and Children for Prostitution of 2002.

## **2. Nationwide activities**

67. As a signatory to the CRC and its optional protocols, the Government of Bangladesh has undertaken legal, administrative, social and economic measures to implement the provisions of the optional protocol such as:

### **(a) Policies and legislative measures**

68. In recent years a significant achievement has been the development of a National Action Plan (NPA) for children. The NPA is a tool for the Government to use in establishing children's rights in Bangladesh. The commitment of Bangladesh is manifested in the following laws and policies:

- National Plan of Action against Sexual abuse and Exploitation of Children, including Trafficking, in 2002: Implementation and Monitoring Committees have been established to ensure coordination and monitoring of the NPA. PRSP is about to be approved;
- An Inter-Ministerial committee has been established under the chairmanship of the Principal Secretary to the Hon'ble Prime Minister for the protection of children in conflict with the law. The Government recognizes the need to harmonize national laws on juvenile justice in conformity with the CRC;
- The Government has enacted the Suppression of Violence Against Women and Children Act, 2000, the Law and Order Disruption Crimes (Speedy Trial) Act, 2002 and the Births and Deaths Registration Act, 2004;
- Child labor laws have been strictly enforced in the garment industries, which are the largest formal employers of girls. Attempts are being made to eliminate child labor in informal sectors and to protect children from sale, prostitution and pornography through non-formal education. A MOU on the placement of child workers in school programs and the elimination of child labour was signed by BGMEA, ILO and UNICEF on 4 July 1995;

- The Ministry of Home Affairs has formed an inter-ministerial committee to prevent trafficking in women and children. The committee is regularly reviewing and monitoring (a) the cases of trafficking in women and children, (b) the prevention of potential trafficking victims from being trafficked out the country, (c) rehabilitation of the trafficked victims and (d) awareness and motivation campaign undertaken by various ministries and agencies. Another committee to coordinate activities with the NGOs working in this field has also been formed by the Ministry of Home Affairs.

**(b) Programs and projects to eliminate sale of children, child prostitution and child pornography**

*Data base on violence against women*

69. The Ministry of Women and Children's Affairs is maintaining a database on violence against children of the country. The Ministry collects data from district commissioners, district offices of Department of women Affairs and Ministry of Home Affairs. Moreover, as a focal body MOWCA maintains a regular liaison with the Ministry of Home Affairs to collect information on legal cases relating to commercial sexual abuse of children and women.

70. A study on child abuse has been completed by the MOWCA together with UNICEF and the Save the Children Alliance. Some NGOs have conducted surveys and studies to learn the nature and extent of commercial sexual exploitation of children in Bangladesh. Action against Trafficking and Sexual Exploitation of Children (ATSEC) prepared two study reports on this, giving in-depth insight into the Trafficking sector and Emerging Good Practices of Bangladesh NGOs. The government and NGOs are regularly collecting information about children who were trafficked and returned.

71. The Ministry of Social Welfare has been playing a vital role in combating the sale of children and child prostitution and extending services through training and development centers. This ministry has undertaken a coordinated effort with other selected NGOs to improve the situation of street children and children of sex workers.

*Education program for girl child*

72. Girls are most vulnerable to various forms of sexual exploitation through sale, prostitution and pornography. To empower and protect them the State Party has placed a high priority on girl's education. A girl's education campaign focuses on the value of girl children and their right to education at primary and post primary levels. Girl children are also receiving life skills and livelihood trainings to improve their ability to meet their own needs, especially to access legislative protection. Special measures have been taken to bring all girls of primary age to school. Financial and other incentives are being provided to girls at the secondary school level. The Government has instituted a stipend program for girls in which tuition fees are waived for girls up to the 12th grade.

**Student enrolment at primary level (1995-2002)***In lakh-One hundred thousand*

Year	Total	Boys	Girls
1995	172.8	90.9 (52.6)	81.9 (47.4)
1996	175.8	92.2 (52.4)	83.6 (47.6)
1997	180.3	93.6 (51.9)	86.7 (48.1)
1998	183.6	95.7 (52.1)	87.8 (47.8)
1999	176.2	90.6 (51.4)	85.6 (48.6)
2000	176.7	90.6 (51.3)	86.1 (48.7)
2001	176.6	89.9 (50.9)	86.7 (49.1)
2002	176.8	89.3 (50.0)	87.5 (49.5)

*Source:* Bangladesh Economic Review, 2003 Figure in parentheses indicate percent.

*Safe motherhood of adolescent girls under HNPSP (2004-06)*

73. The Government has introduced a program for safe motherhood for all mothers, including girls or women under 18 years of age who are already living in prostitution or have been sold, by introducing an Essential Obstetrics Care (EOC) program through Maternal and child welfare centers since early 1990s. Subsequently, a more holistic approach was adopted through the National Maternal Health Strategy of 2000, which essentially takes a rights-based approach to maternal health with safe motherhood as its central theme. The strategy has been integrated in to the health, nutrition and population sector program HNPSP (2004-06). Interventions such as safe motherhood, providing iron, folic acid and vitamin A supplements to the target population, have been included in HNPSP and aim to reduce maternal malnutrition below 20% by 2015 under MDG. Other interventions under the HNPSP program include training programs for Skilled Birth Attendants (SBA), antenatal care, safe delivery parental care, EOC and family planning services (World Bank – UNICEF funded.).

*Adolescent reproductive health and HIV/AIDS*

74. Several Life skill-based training and awareness creation campaigns on HIV/ AIDS for adolescents have been conducted for various target group/stakeholders.

*PRSP and children*

75. The poverty reduction strategy paper (PRSP) has included issues related to sale of children, child prostitution and child pornography in the PRSP report. The vision and long term goal of the PRSP for children's advancement and protection of their rights is encapsulated in the slogan "A World Fit for Children" The vision is to attain pro-poor growth and economic development that is child-centered and ensures both basic rights and livelihood needs of children.

### **GOB best achievement on children's advancement during 2001-04**

- ❑ Formulation of “National Plan of Action against the Sexual and Exploitation of children including Trafficking ( SEACT) in the year 2002 with a view to protecting children from all sorts of sexual exploitation.”
- ❑ Making education free for girls’ up to Grade X11 outside the four metropolitan cities from January 2002 with a view to promoting girls education and reducing the drop-out rate.
- ❑ National policy for Women’s Advancement includes girl child concerns.
- ❑ National Action Plan for Children’s Advancement (2004-09).
- ❑ The cycle of vulnerable group development (VGD) food subsidy for women and children has been very effective and provide suitable tools for women beneficiaries.
- ❑ To combat acid attack two laws have been passed: the “Acid” Control Act 2002 and the Acid Crimes control Act 2002.
- ❑ The Suppression of Violence against Women and Children Act 2000 has been amended in the year 2003.
- ❑ Establishment of a special tribunal in all districts under anti-violence laws protecting children and women, including acid attack.
- ❑ Establishment of a **One Stop Crisis Centre** providing medical, legal and police assistance to women and child victims of violence, especially of rape and acid violence.
- ❑ A DNA test lab for identifying perpetrators of sexual violence has been established in Dhaka Medical College Hospital.
- ❑ Formulation of the Counter-Trafficking Framework Report: Bangladesh perspective, in consultation with border countries, all sharing an objective to combat these crimes as a top priority. MOU has been signed.
- ❑ Since 2001 The Honorable Minister of MOWCA has personally participated in a countrywide Road March, “Jagoron Padojatra”, along with people from all walks of life, to raise people’s awareness about resisting violence against women and children.
- ❑ Intervention in the proposed Poverty Reduction Strategy Paper of the country from gender and child perspectives.

### 3. Preventive measures by NGOs

#### Life skill education

76. The State Party, with its partner NGOs, is helping children by providing life skills education, especially to adolescents. This education is empowering children to participate in social life. The life skill-based education develops adolescents' interpersonal communication skills, confidence and self-esteem. One of the more renowned NGOs, BRAC (Bangladesh Rural advancement committee) along with the NGO CMES (Center for Mass Education and Science) are imparting life skills-based education to the children. The focus of the education program is to make children aware of gross violation of children's rights, deprivation of liberties of children, sexual abuse, sexual exploitation and consequences of early marriage. They are following two strategies to empower children to build their capacity as follows:

(a) Peer education: Peer education is one of the important strategies in intervention, aiming at preventing child prostitution through decreasing the vulnerability of adolescents, especially girls, by empowering them and building their capacities. The government of Bangladesh, through its partner NGOs, is giving training to adolescents in rural areas and to adolescents in prostitution (floating and hotel based) to promote safe sex practices and life skills among their peers and to empower them against sexual exploitation, abuse discrimination as well as make them aware of children and women's rights and to teach them interpersonal communication skills, including negotiation skills;

(b) Child Participation: The state parties encourage child participation in many ways. The government is adopting participatory approaches to empower children. The NPA against SEACT has a strong focus on child participation. Although child participation is still a relatively new concept in Bangladesh, it is increasingly acknowledged that involving children and adolescents as agents in policy planning and programming is essential for ensuring ownership and sustainability. Children and adolescents are important change makers for their peers and for the community at large.

#### Awareness-raising activities

77. Several NGOs organize discussions with journalists to sensitize them on issues around child rights, sexual abuse, exploitation and trafficking. Various trainings were organized for newspaper reporters on ethical reporting. A draft code of conduct on ethical reporting has been prepared. The journalists' Forum on Human Trafficking, a group of Dhaka-based journalists reporting on issues of sexual exploitation and trafficking of children and women, is also raising awareness of the issues and the legal provisions relating to disclosure of information. The Forum has expressed an interest in drafting a nation-wide Code of Conduct for journalists on reporting on sexual exploitation and trafficking of children and women. Informal discussions have started with a number of organizations and lawyers, after which the forum intends to organize a workshop for senior journalists, reporters, lawyers, NGOs and victims in order to draft a Code. A government circular has been issued to counsel avoiding using pictures of sexually abused children in the daily newspapers. The Suppression of Violence against Women and Children Act 2000 provides for the right to privacy of victims of violence, giving restrictions as to the disclosure of information about the victim's identity in the media.



78. ATSEC, Girls Child Advocacy Forum and Bangladesh National Women's Lawyers Association (BLWLA) are engaged in awareness-raising activities on child abuse, child sexual abuse and child prostitution. About 35 NGO's, under the banner of Girl Child Advocacy Forum, celebrate September 30<sup>th</sup> as National Girl Child Day. They organize rallies, hold discussions and print posters to mark the day. Distribution of different prevention campaign materials like posters; flip charts; brochures for children, adolescents and parents; and logo stickers are increasing understanding among stakeholders at grassroots levels regarding techniques of involving children in prostitution and how to protect against them. Street drama and film shows are the approaches for the nationwide campaign. These have raised people's awareness foconcerning the prevention of child abuse and child sexual exploitation among working children, garment workers and children from rural areas.

79. Advocacy seminars were organized by ATSEC to introduce a prevention campaign package to officials of the Government, donors and media as well other stakeholders and potential users. At the district level, NGO's in traffic-prone districts of Bangladesh are working against child prostitution and child trafficking. NGO's are organizing district level workshops, parent/teachers meetings and orientation for students, meetings with the media, campaign rallies and so on. Following are examples of some specific activities of NGOs that are addressing sexual abuse and exploitation, including trafficking of children:

- Building the capacity of community-based associations and organizations;
- Mobilizing vulnerable groups like adolescent girls and women;
- Mobilizing influential community leaders;
- Awareness-raising on relevant issues;
- Strengthening the capacity of Government officials and NGOs to develop cooperation and coordination.

### **Micro-credit program**

80. Micro-credit activities under the Grameen Bank initiative have been an important tool for poverty alleviation and empowerment, especially of women, and for the well-being of their children. This has had an immensely positive impact on the welfare of children in Bangladesh.

## **VI. INTERNATIONAL ASSISTANCE AND COOPERATION**

81. The government of Bangladesh has achieved a great deal through working closely and effectively with development partners in international organizations and UN agencies for the elimination of the sale of children, child prostitution and child pornography. Partner organizations are working to address these issues through technical and financial assistance. Stockholm, Yokohama and South Asia strategies on sexual abuse and exploitation of children were affirmed by the government of Bangladesh, which participated in and anticipated these commitments throughout the country by setting up a number of programs. Different

UN agencies like UNDP, UNICEF and UNIFEM have extended their support by supplying information and data through sharing good practices. Various collaborative initiatives between the government and NGO's are being implemented. The government is trying to create an environment where every child's rights are ensured. Recent increases in the allocated budget for MWCA after the signing of the Optional protocol in 2002 show that the government's priority has been placed on the rights of children.

82. The State Party is receiving support from many donors. The government of the Netherlands, Germany, and the UK continued their support for prevention of crimes against children and protection of children's rights. National UNICEF committees are also providing significant support for the implementation of various programs of the State Party. Different INGO/NGOs and CBOs have extended partnerships with other donors to ensure the rights of the child in line with convention Articles No. 1,11,21,32,34,35, and 36. For example, USAID, UNFPA, UNICEF and BRAC are working together to implement the provisions of the optional protocol. Partnerships have also been developed with various professional organizations. Private sector and the media were involved in the implementation of activities for children.

83. The South Asian Association for Regional Cooperation (SAARC) was the first forum in South Asia that made a commitment to extend regional cooperation to combat the commercial sexual exploitation of children and women. A declaration was adopted recognizing the need to coordinate efforts. As a result, a SARRC Convention on the Prevention and Combat of Trafficking in Women and Children for Prostitution, 2001, was developed. All member countries are determined to combat poverty by actively promoting partnerships among national and non-governmental organizations/ agencies. Signing of the SAARC social charter in January 2004 has had far-reaching impact on the lives of millions of poverty stricken people in South Asia. Moreover, Bangladesh is a signatory of the Declaration and Agenda for Action of the 1996 World Congress against the Commercial Sexual Exploitation of Children and is committed to protect and assist child victims and to facilitate their recovery and reintegration into society. The state party emphasizes assisting the victims of trafficking and preventing the use of women and children in international prostitution networks.

84. Finally, in Bangladesh there are plenty of laws and procedures to protect the rights of children, but due to poverty and lack of awareness it is very difficult to realize these legislative protections.

### **Financial and other assistance**

85. Bangladesh is receiving financial, technical or other assistance through existing multilateral or other programs. UNICEF is the main international body helping in protecting 'child rights' and related programs. It works in coordination with MWCA and other relevant national bodies in areas of concern for children's well-being.

86. Action against Trafficking and Sexual Exploitation of Children (ATSEC), a non-governmental organization with a network in Bangladesh, Nepal and West Bengal is encouraging cross-border activities to facilitate advocacy, research, social mobilization and offer technical assistance.

87. Under the Meena South Communication Initiative, a series of films have been produced to raise awareness among all people and to raise the self-esteem of children, especially on girl children's issues.

## **VII. OTHER LEGAL PROVISIONS ON DEFINITION OF CHILDREN**

88. The State Party has taken some other initiatives to ensure the rights of children. A committee was formed under the Chairmanship of the Secretary for the Ministry of Law and Parliamentary Affairs to make more national laws in line with the UN Convention on the Rights of the Child. The Secretary of the Ministry of Home Affairs, MOWCA, the Ministry of Social Welfare, the Ministry of Labour, the Ministry of Education and the Ministry of Land were the other members of the committee. The committee conducted various meetings with other members and finally the members consented to increase the age of the child to 18 years in the following three existing Laws:

- The Courts of Wards Act, 1879;
- The Juvenile Smoking Act, 1919; and
- The Mines Act, 1932.

89. The decision of the committee has already been approved by the cabinet and concerned ministries have done the necessary preparation for sending the bill to the parliament for amendment. Other areas of legal concern are:

90. Admission to Work: Presently there are laws for admission to work where the age minimum varies from 12 to 18 years depending on the nature of the work. Hence, the present government is actively considering the formulation of a Child Labour policy commensurate with the relevant international conventions.

91. Administration of Juvenile Justice: The Juvenile court was established under the Children's Act of 1974. It deals with juvenile delinquents below the age of sixteen years. The said Act relates to the custody, protection, and treatment of children and trial and punishment of youthful offenders as mentioned earlier under the heading of the Children's Act, 1974.

92. To facilitate the administration of juvenile justice, the National Legal Aid organization (NLAO) has included the matter with its other activities on a priority basis. The National Board of Direction of the NLAO has decided to provide legal aid services to children in the certified institute (Correctional Centre).

93. A project has been undertaken to improve the protection of children's rights within the justice system of Bangladesh under the Ministry of Law, Justice and Parliaments Affairs. It highlights the main issues in juvenile justice, all of which are organized to remove the impediments towards an efficient, humane and fair system for dealing with youthful offenders and destitute children.

94. Strengthening monitoring activity at the district level for immediate disposal of the cases related with women and children is also being done. All district administrations are submitting reports during the 1st week of every month regarding the progress of their cases.

95. More security and restrictions have been ensured on the child trafficking road, especially in Dhaka, Chittagong and Sylhet Airport and other border areas against trafficking of children, sale of children, child prostitution and child pornography.

#### **Progress of the proceeding and disposal of the cases**

96. The inter-ministerial committee is monitoring all cases for timely disposal. The committee is fulfilling its responsibilities to implement the provisions of the optional protocols through special instruction to the police-monitoring cell. The committee is identifying long-pending cases and has taken steps to resolve those cases promptly.

97. The police monitoring cell is identifying the obstacles to ensuring the speedy trial of sensitive cases. The committee is also pursuing cases of children's commercial sexual exploitation as early as possible. The police cell is giving feed-back to the inter-ministry committee regularly regarding the disposal of cases. The police monitoring cell has taken the initiative to produce witnesses for special cases and is pursuing these cases' immediate disposal with the solicitor wing.

#### **Measures on recovery and reintegration**

98. The State Party acknowledged that child victims of sexual abuse/exploitation and trafficking need access to a range of support services to aid their physiological and psychological recovery and to prepare them for reintegration. The State Party has extended adequate care and protection of children through residential institutions.

99. The MOWCA, through a subcommittee on recovery and rehabilitation, has decided to develop a set of minimum standards of care for children living outside parental/family care as a priority activity. The government, with its partner NGOs, is working to establish guidelines for rescuing child victims of sexual exploitation.

100. The law enforcement authorities are not skilled nor trained on the rights of the child. The State Party is developing a new curriculum for law enforcement agencies to deal with the issues relating to sexual abuse and exploitation of children.

101. Prosecution of the perpetrators is also problematic because of the absence of witnesses and inadequate child-sensitive court procedures. The government is facing the challenge of eliminating child marriage in cases where it is difficult to determine the children's age. Rescued girls are facing difficulties in returning to their communities due to social stigma, because of which they are compelled to sell sex.

102. The Government of Bangladesh is providing legal assistance to the victims of sexual abuse and exploitation, including trafficking, through a Legal Aid Cell to ensure their access to justice. Besides this, several NGOs have been providing legal assistance that includes legal

counseling, mediation, arbitration and litigation services, observing the situations of victims in jails or *safe custody*, and rescuing and repatriating victims. In 2002 the Government established “one stop centres” in the medical colleges in Dhaka and Rajshahi city corporation where adult and child victims of sexual abuse and trafficking receive medical treatment and examinations and are directly linked with NGOs for legal aid, psycho-social counseling and, if necessary, safe shelter. The one-stop centers are operated by MWCA in cooperation with NGOs.

### VIII. CONCLUSION

103. **The Government of Bangladesh is very much committed to eliminating the sexual exploitation of children through sale, prostitution and pornography. The country has enacted laws and has undertaken various policies, institutional and programmatic measures to serve the best interests of children. The State Party is struggling to combat these heinous crimes against children. The Government is confident in facing this challenge with the united support, cooperation and assistance of national, regional and international bodies.**

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*Source: MOWCA, 2004.*

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