

# *Violence against Girls in Bangladesh*

## *A Report to the Committee on the Rights of the Child*

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## 1. Preliminary Observations

The submission of specific information on violence against girls to the Committee on the Rights of the Child in tandem with the submission of a global alternative report on the Rights of the Child in Bangladesh by the World Organisation Against Torture (OMCT), forms part of the Violence Against Women Programme of OMCT, which focuses on the integration of a gender perspective into the work of the United Nations human rights treaty monitoring bodies.

The Convention on the Rights of the Child (hereinafter “Convention”) establishes standards for the protection of girls from physical and psychological violence in the home, in the community and at the hands of State officials. The Convention uses both feminine and masculine pronouns in its provisions and it stresses in Article 2(1) that : “*State parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s ... sex.*” Among the rights that States Parties must protect regardless of sex, are: the right to life; the right to be free from violence, mistreatment and exploitation while under the care of a parent or other guardian; the right to be free from harmful traditional practices; the right against sexual exploitation and abuse; and the right against torture.

Bangladesh has ratified the Convention on the Rights of the Child (September 2, 1990) and its two Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography (February 12, 2002 and January 18, 2002 respectively).

Bangladesh has also ratified the Convention on the Elimination of All Forms of Discrimination Against Women (November 6, 1984). However, Bangladesh registered several reservations at that time, particularly to articles 2, 13(a), 16.1(c) and (f). On July 24, 1997 Bangladesh removed the reservations from articles 13(a) and 16.1(f), but the reservations on articles 2 and 16.1(c) are continuing.<sup>1</sup> Additionally, Bangladesh has ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women which allows individuals or groups of people – after they have exhausted all national remedies – to

present communications to the Committee concerning violations of the Convention. This Protocol also enables the Committee to investigate severe or systematic violations of the Convention occurring in countries that are parties to the Convention and its Optional Protocol.

Bangladesh has also ratified the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination, and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Despite these international obligations, OMCT notes with concern that human rights violations, including torture, take place on a wide scale in Bangladesh. Women and girls suffer from violent attacks in the domestic and community spheres, including rape, murder and acid throwing. The authorities seldom order a judicial inquiry into such attacks, and if they do, they do not publish the findings or punish the perpetrators. OMCT is concerned about corruption, poor governance and the lack of independent investigation bodies in Bangladesh.

## **2. General Observations concerning the Position of Girls and Women**

Bangladesh has a colonial historical background and achieved her independence in 1971 under the leadership of Bangabandhu Sheikh Mujibur Rahman. The economy is mainly agrarian and the population is approximately 140.4 million.<sup>2</sup> Women form over 50 percent of the total population and the growth rate is 1.75 percent per annum. The population of persons below 15 years is around 43 percent of the total population; and women of reproductive age (15 – 49 years) represent 46 percent of the total female population. The maternal and infant mortality rates are reported to be 4.5 and 78 per thousand live births respectively. Life expectancy has increased to 58.1 years for male and 57.6 for female compared with the 1991 level of 55 and 54.5 years respectively.

Women's rights to equality are guaranteed in the Constitution, which was written in 1972. Article 27 of the Constitution states, "*All citizens are equal before the law and are entitled to get equal protection of law.*"

Similarly, article 28(1) states that “*the State shall not discriminate against any citizen on the grounds of religion, race, caste, sex or place of birth.*” Article 28(2) states, “*Women shall have equal rights with men in all spheres of the state and of public life.*” Additionally, article 28(4) provides that “*Nothing shall prevent the State from making special provisions in favor of women or for the advancement of any backward section of the population.*” Article 29(1) provides, “*There shall be equality of opportunity for all citizens in respect of employment or office in the service in the republic.*”

The Constitution further advances and incorporates the principle of special representation of women in local self-governing bodies (article 9) and provision has also been made to reserve thirty seats for women in the Parliament (article 65(3)). But unfortunately, the ten-year term of the women’s reserved seats has expired with the ending up of the Seventh Parliament in 2001. In order to reinstate these special measures, a constitutional amendment is required by the government.

On March 8, 1997, the Bangladeshi Government, for the first time, introduced the National Policy for the Advancement of Women. The policy aims at improving women’s fate recognizing that they have been oppressed and neglected for decades. Some of the major goals of this policy are i) to establish equality between men and women in all spheres of national life; ii) to eliminate all forms of discrimination against women and girls; iii) to establish women’s human rights; iv) to establish equality between men and women in administration, politics, education, culture, sports and all other economic activities; and v) to provide support services in the advancement of women. The government has also developed a National Policy for the advancement of the girl child, which includes the following aims:

- i. Eliminate all forms of discrimination against girl-child and enact necessary new laws.
- ii. Strict enforcement of laws against early-marriage, rape of girl-child, oppression, trafficking and prostitution.
- iii. Treat girl-child without any discrimination both in the family and the world outside and project a positive image of the girl-child.

- iv. Take into consideration the needs of the girl-child like food, nutrition, health, education, sports, culture and vocational training.
- v. Give special attention on the implementation of programs aiming at eliminating child labor, especially that of the girl-child.<sup>3</sup>

In spite of the declaration of equality in the Constitution regarding their rights as citizens and the development of the National Policies, women and girls are deprived of many rights such as the right to social security, freedom of expression, as well as rights to education, health, nutrition, and shelter. In most cases, women are also deprived of participation in any decision-making process in family, political, economic and cultural contexts. With respect to the family, women have little say in such decisions as children's education, marriage, divorce and guardianship of child, their own reproductive rights and even with respect to choosing a job.<sup>4</sup>

In education also, traditional socio-cultural practices limit women and girls' opportunities, skill development, employment and participation in the overall development processes. There is a large gender gap in relation to education in Bangladesh which is largely due to ancient tradition and common mentality. Ideas about the appropriate roles for women in the labour market or in society, about biological unsuitability of women for science, and about the gender division of work in the household and on the farm influence decisions about schooling. Accordingly, there is a disparity in the literacy rates of women and men, with rates of 29 percent and 52 percent in the year 2000 respectively.<sup>5</sup>

Violence against women and girls has not declined significantly though a number of laws have already been enacted. Oppression of women and girls, murder of women and girls for dowry, abduction, trafficking in women, rape, acid throwing on girls and other forms of violence against women are almost regular phenomena. Incidents like burning to death and stoning to death in a pit have also taken place in the country based on religious misinterpretation given by village arbitration councils. Additionally, state sponsored violence has been manifest through recent cases of rape and murder of women and girls by the police.

### 3. Violence against Girls in the Family

#### *3.1 Wife Battering*

Girls, when married before the age of 18, are at greater risk of physical and psychological violence perpetrated by their husbands or other members of their extended families. It should be noted that wife battering at home constitutes by far the most common form of violence against women and girls and is a significant cause of injury. Wife battering remains hidden, it is not the type of act that dominates headlines as it happens behind closed doors and victims fear speaking out. It is not often recognized as a crime and remains one of the biggest threats to women's security. In 1998, murders of wives by their husbands accounted for over 70 percent of reported domestic violence cases involving girls 13 – 18 years old.<sup>6</sup> Woman battering includes various methods of torturous physical violence. Women victims who have survived woman battering report violence such as slapping, punching, kicking, beating with fists or objects, biting, strangling, burning, raping with body parts or objects, stabbing and shooting. In the most extreme cases, woman victims die as a result of their injuries.

The law called 'Woman & Child Repression Prevention Act – 2000' (Bangla name – Nari O Shishu Nirjatan Damon Ain – 2000) deals specifically with women and children and includes measures against domestic violence against women and children. However, the Penal Code does not deal specifically with domestic violence.

Despite the Woman & Child Repression Prevention Act – 2000, domestic violence continues to go unpunished. Women are often reluctant to report the crime out of shame, and when the crime is reported, the investigation and prosecuting officers can be insensitive to the difficulties faced by victims of domestic violence. There is an apparent lack of due diligence in the investigation, prosecution and punishing of domestic violence. Although some shelters exist in the capital city of Bangladesh, the rural areas do not have many shelters.

### ***3.2 Marital Rape***

In Bangladesh, marital rape is excluded from the Penal Code and it is never treated as rape. Cultural and legal attitudes consider that wives should be always ready to meet the sexual “needs” of their husbands. In the Bangladesh Penal Code 1860, section 375, the definition of rape is provided and the exception of marital rape is clearly stated: “*Sexual intercourse by a man with his own wife, the wife not being under 14 years of age is not rape.*”

### ***3.3 Early and Forced Marriage***

Early marriages, especially without the consent of the girl, are very common in Bangladesh. Early marriage is intended for several reasons, such as to guarantee financially well-established husbands, relieve her family of the burden of a mouth to feed and at the same time ensure a long cycle of fertility to produce a number of sons.

In Bangladesh, under the Child Marriage Restraint Act 1929, a girl cannot be married until the age of 18 and boys not before 21. The differing legal ages of marriage for girls and boys is facially discriminatory. Additionally, it appears that even this discriminatory law has had little impact on the prevalence of early marriage in Bangladesh as it is estimated that half of women there are younger than 18 when they marry. The lack of birth registration and lack of awareness of the parents about the bad effects of early marriage makes enforcement of this law difficult.

The survey entitled, a Baseline on Grassroots Distress Women conducted by Naogaon Human Rights Development Association in 2000, shows that more than 50% of women do not know the minimum age of marriage. Additionally, although it is legally required to register marriages, 65.88% of marriages are not registered, which leaves many women unable to avail themselves of the rights associated with a legally recognized marriage, such as post-divorce payments. Moreover, about 54% of the respondents did not know how the legal system could help them and about 91% of respondents were unaware of the legal aid given by the government.<sup>7</sup>

Additionally, early marriage can lead to early childhood/teenage pregnancy. Childbearing during early or middle adolescence, before girls are



biologically and psychologically mature, is associated with adverse health outcomes for the both mother and child. A study analyzing the causes of maternal mortality in Matlab in Bangladesh during the period of 1976 – 1985 found a much higher maternal mortality rate among females age 15 – 19 years compared to those in the low-risk age group of 20 – 34 years.<sup>8</sup>

### ***3.4 Dowry-related Violence***

Dowry-related violence is particularly problematic in Bangladesh. A survey conducted by Naogaon Human Rights Development Associations (NHRDA) revealed that 84% percent of the cases it received in 2000 were dowry related wife battering cases. In 2001, 173 girls and women were killed due to dowry demand with 79 of these victims below the age of 18.<sup>9</sup>

The term ‘dowry’ has been defined by the ‘Joutuk Nirodh Ain 1980’ or the Dowry Prohibition Act – 1980, as “*property or valuable security given or agreed to be given as consideration for the marriage of the parties*” and it is generally offered by the wife’s family to the husband before the marriage. The Dowry Prohibition Act of Bangladesh provides that payment or demand for payment of dowry by any one is punishable with imprisonment for up to five years or a fine or with both. The law was amended in 1983, 1995 and 2000 to provide for a sentence of death or life imprisonment and financial penalty to a husband or any of his relatives who causes or attempts to cause death or grievous injury to a wife on account of dowry.<sup>10</sup> OMCT stresses that in addition to being opposed to the death penalty as an extreme form of cruel, inhuman and degrading punishment and a violation of the right to life, as proclaimed in the Universal Declaration of Human Rights and other international human rights instruments, it fears that the death penalty would rather function as a deterrent for prosecution and punishment of the crime.

Despite the legal prohibition, the practice of paying a dowry has not stopped or diminished in Bangladesh, neither in rural nor in urban areas. Repression of women for their inability to bring adequate or repeated instalments of dowry from their poor parents and resultant deaths or grievous injuries is rather disquietingly frequent.

The negative aspects of dowry i.e. the bitter negotiations, threats, extortion, and repercussions for unmet dowry demands are not generally manifest in middle and upper class families. It is the poor who really suffer economically and socially as a result of the practice of dowry. The economic consequences are that, the money of dowry is often raised by the sale or mortgaging of land at low prices. It also includes livestock, trees, household goods and family jewelry and as well as loans from NGOs and moneylenders at high rates of interest. Despite these economic consequences, payment of dowry is prevalent as shown by the abovementioned survey, which found that 77% respondents gave dowry during their marriage and only 23% of marriages were held without dowry.<sup>11</sup>

There are many severe consequences resulting from the payment of dowries. First, failure to meet the dowry demands or the new demands often results in verbal and physical abuse of the wife. Physical abuse includes beating, burning with cigarettes, withholding food, sleep deprivation and denial of medical treatment. The abuse may be meted out by the husband or members of his family, especially his mother. Verbal abuse may include starting rumors about the character or behavior of the wife and often the girls feel unable to disclose the situation to her parents. If the physical abuse continues and worsens, this may lead to the wife committing suicide.

Additionally, a common result of unmet dowry is sending the girl or woman back to her parent's house. When this happens everyone considers that it must be the fault of the girl or woman saying such things as: "*She could not adapt to her husband*" or "*She cannot look after her husband properly*". So, once again both the girl and her parents suffer from rumours and criticism. This also affects the reputation of the younger sisters.

Apart from the social stigma attached to the girls being returned to live with her parents there are other problems. Her brothers and their wives may resent her presence, particularly if she has brought children with her. She is seen as a drain on the household resources and may be verbally, and even physically, abused by her own family.<sup>12</sup>

### *3.5 Honour Crimes - Acid Throwing*

OMCT is gravely concerned over the increase in the number of reports regarding acid attacks against women in Bangladesh. The victims of acid throwing are usually young girls between 10 and 18 and the perpetrators are usually jealous boyfriends, spurned suitors, neighbourhood stalkers, and sometimes, angry husbands in search of more dowry or permission to enter into a polygamous marriage. The crime of acid throwing is particularly prevalent in rural areas and smaller towns, although there are some incidents in large cities among factory/garment workers and the slum dwelling population. Most victims of acid throwing are seriously burned on their faces and even after extensive treatment, the scars usually remain, making reintegration into society difficult.

Acid throwing is a type of “honour crime” which is perpetrated when a woman allegedly steps out of her socially prescribed role, especially, but not only, with regard to her sexuality or her relationship towards men. For example, in Bangladesh the reasons for the acid throwing attacks include the refusal of an offer of affair or marriage or illegal physical relations, dowry disputes, domestic fights and arguments over property. In 2002, 362 people were burnt through acid violence, among that number, 138 were girls and 188 were women, and with respect to these incidents, only 172 cases were filed.<sup>13</sup>

The Women and Children Repression Prevention Act 2000 provides for the death penalty for whoever causes the death of any woman or child by any poisonous, combustible or corrosive substance. Offence of grievous hurt that is caused by using the above substances resulting in permanent deprivation of the sight, disfiguration of head or face, deprivation of hearing, permanent destruction of any member or joint of the body of a woman or child has been made punishable with death, imprisonment for life, or imprisonment up to 14 years with a minimum of 7 years imprisonment.<sup>14</sup>

There are problems with the implementation of this law, caused by under-reporting of the crime out of shame on the part of the victim, and a lack of willingness on the part of the police to take this crime seriously when it is reported. In some instances, police reportedly attempted to convince the victims to withdraw their complaints. OMCT stresses again that in addition to being strongly opposed to the death penalty as an extreme form of

cruel, inhuman and degrading punishment and a violation of the right to life, it fears that the death penalty would rather function as a deterrent for prosecution and punishment of the crime.

## **4. Violence against Girls in the Community**

### ***4.1 Rape and other forms of Sexual Violence***

In the last few years, incidents of rape and other sexual offences has increased alarmingly. According to the Human Rights Situation Report by Bangladesh Institute of Human Rights (BIHR) in 2000 and 2001, the rape victims were accordingly 749 and 586 and most of the victims were minor and adolescent girls. The State Minister of Peoples Republic of Bangladesh informed the Parliament that in 2002, 4106 rapes occurred all over the country and in January 2003, 232 incidents of rape occurred.<sup>15</sup>

The daily newspaper ‘Daily Janakantha’ published two rape-incidents on April 30, 2003. One of these was in Manikgonj, 70 kilometers from the capital, where the perpetrators tied up the parents of the victim, a teenage girl of a minority (Hindu) family, and then raped her in front of her parents. Another was in Thakurgaonl, about 500 kilometers from the capital, where a teenage girl was gang raped. A representative of the local neighbourhood arranged a mediation concerning the incident of rape, but when the victim went to the mediation, she was then raped by the representative.

Earlier, two terrible rape incidents occurred in the capital city: one was rape and murder of 14/15 years girl Shazneen in the her bedroom at Gulshan and another rape case was that of Tania, a six year old child, who was raped in the police control room within the courthouse premises.

Many rape cases go unpunished for various reasons, including lack of cogent evidence, improper and poor forensic examination of the victim, corruption by police and some judicial officials, witnesses’ fear reprisal by the accused, and legal complexity.<sup>16</sup>

The Sexual Offence Act 1976 defines rape as “*unlawful sexual intercourse with a woman who at the time of the intercourse does not consent*

*to it.” According to the Bangladesh Penal Code 1860, section 375 “if a man has sexual intercourse with a woman or a minor girl against her consent or with her consent obtained by threat of death, hurt or fraudulence, he is said to commit rape. Sexual intercourse falling under any of the five following descriptions would be treated as rape: (1) against the woman’s will, (2) without her consent, (3) with her consent when her consent has been obtained by putting her in fear of death or of hurt, (4) with her consent when the man knows that he is not her husband and that her consent is given because she believes herself to be lawfully married, and (5) with or without her consent when she is under 14 years old. Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape. Sexual intercourse by a man with his own wife, the wife not being under 14 years of age is not rape.”*

The narrow definition of rape provided by the laws of Bangladesh is problematic. Firstly, it appears that rape only encompasses penetration by a man of a woman. Furthermore, the burden of proof to show lack of consent is on the victim, making it even more intimidating for victims of rape to report the crime.

It is often extremely difficult when the woman herself has to prove that she has been raped, rather than the culprit to prove the contrary. To prove a rape case, a victim has to produce medical evidence in court. The victim has to be examined by a doctor of her local government hospital as soon as possible after being raped and a doctor will in general be supportive for the victim if he or she notes that the clothes of the victim are stained with semen and blood. But in reality, it is found that, women who are raped in rural areas are not willing to come to the hospital. In most cases, rape victims feel ashamed of being violated and do not want to be checked by a male doctor and female doctors are often not available in the health complexes. In many cases, rape victims wash themselves and their clothes after the incident thereby doing away with vital evidence. Women are often unaware that a medical report is the concrete proof of rape. When a case is reported at the police station, the police show negligence and fail to get a medical examination for the victim in adequate time. As a result the case again becomes weak.

The law also demands the evidence of an eyewitness. While it is possible that a third party is present during the commission of rape, in general

rapes are not witnessed by a third party and if they are, the third party usually becomes a party to the crime. Where a rape is witnessed by a third party, the witness is often reluctant to testify against the accused out of fear or insecurity.<sup>17</sup>

When a rape victim comes to a police station to file a case, generally the male police officers interrogate her, as a result she feels ashamed and the First Information Report (FIR) will be very weak. The police often do not pay proper attention to allegations of rape and generally only intervene in such cases where the rape is followed by murder.

Rape of any woman or child has been made punishable with imprisonment for life with financial penalty. If any woman or child dies as a result of raping, the offender would be punished with death or imprisonment for life with financial penalty of 100,000 taka. Causing the death of a woman or child by gang rape is also punishable with death or imprisonment for life with financial penalty of 100,000 taka. Attempt to cause death or injury by raping a woman or child is also punishable with death or imprisonment for life with financial penalty. The penalty for attempt to rape a woman or child is a maximum of 10 years imprisonment and a minimum of 5 years imprisonment with financial penalty. Rape in police custody is also punishable with a maximum of 10 years imprisonment and a minimum of 5 years imprisonment with financial penalty.

Nari O Shishu Nirjaton Domon Ain 2000 (Women and Children Repression Prevention Act, 2000), section 10 includes the punishment of other forms of sexual violence, which are not considered rape, but rather are considered molestation. The punishment for these crimes is less than the punishment for rape. To be a rape, the act must fulfil one of the five conditions mentioned in article 375 of the Penal Code.

On a positive note, recently, due to awareness drives by NGOs the reporting on rape has increased. Journalists are also playing important role through front paging rape incidents and carrying out follow-up reports.

#### ***4.2 Prostitution and Trafficking in Girls***

Bangladesh is considered a zone where many children and women are trafficked and there is little government control. Due to their low socio-

economic status women and children are particularly vulnerable to trafficking and sexual exploitation. Religious and cultural taboos perpetuate conditions that make women and children vulnerable to exploitation. Lured by promises of good jobs or marriage, trafficked victims are mainly forced into prostitution. Traffickers arrive in a village and convince a child's family to let the child leave with the trafficker.

There have been several research studies undertaken in recent years on the issue of trafficking in women and children. Some were national surveys, while others were studies done in pocket areas or based on media coverage of incidents being reported to the police or found during investigative report writing.

According to an Indian Researcher Dr. K.K Mukherjee, 20 percent of sex slaves in Indian brothels were trafficked from Bangladesh and Nepal. A review of UNICEF indicated that 200,000 women and children were trafficked to Pakistan from Bangladesh. The report further said that the figure might be below the real number, as all trafficking cases were not duly reported.<sup>18</sup> According to Center for Women and Children Studies (CWCS) about 100 children and 50 women are being trafficked to foreign countries every month from Bangladesh. Since independence at least 1,000,000 women and children have been trafficked from Bangladesh and of them about 400,000 were young women forced into the sex business in India.

According to the Consultation Meeting on Trafficking And Prostitution in 1997 organized by the CWCS, there are a variety of reasons leading to the trafficking of children, including the break up of traditional joint family system and the emerging nuclear families, child marriage or marriage problems, dowry demand, acute poverty forcing parents to sell their children, unequal power relations and discriminations in the family by gender and age.

Traffickers are able to lure parents into selling their children by promising employment and greater earning power for the children, who would send money back to the parents. Another scheme is to arrange fake marriages in order to gain control over children and women. In these arrangements, the women or girls are married and then sold into trafficking. Once children are trafficked, they are often forced into prostitution or domestic service.

The grievance nature and the magnitude of trafficking in women and children have led the policy makers to incorporate the issue in the various acts and laws over time. The Penal Code 1860, modified in 1991, contains provisions of kidnapping, abduction, slavery and forced labor.

Section 360 of the Penal Code states, “*Whoever conveys any person beyond the limits of Bangladesh without the consent of that person or of some persons legally authorized consent on behalf of that person, is said to kidnap that person from Bangladesh*”.

Section 361 of the Penal Code states, “*Whoever takes or entices any minor under fourteen years of age if a male, or under sixteen years of age, if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardian*”.

Section 363 of the Penal Code states that the punishment of kidnapping in each case is imprisonment for up to seven years, and possible financial penalty.

Furthermore, there are several aggravating factors to kidnapping warranting more punishment, such as intent to murder, kidnapping a child under the age of 10, intention to unlawfully confine the victim, or intention to force the victim to marry or to engage in sexual intercourse. Additionally, the Penal Code prohibits slavery.

Due to the increasing rate of trafficking in women and children, the Women and Children Repression Prevention Act, 2000 was enacted with more stringent punishment.

Section 06 states-

- (1) *Whoever brings from abroad or sends or traffics or buys or sells, or otherwise keeps a child in his/her possession, care or custody with the intention of using the child for any unlawful or immoral purpose shall be punished with death sentence or life imprisonment and shall also be liable for fine.*
- (2) *Whoever steals a newborn baby from a hospital, child or maternity hospital, nursing home, clinic etc, or from the custody of concerned guardian shall be punishable accordance with sub-section (1).*



Section 07 states, “*Whoever kidnaps or abducts any woman and child except with the intention of using them for any unlawful purpose mentioned in section-5 shall be punishable with life imprisonment or rigorous imprisonment for at least fourteen years and shall also be liable to a monetary fine.*”

However, the implementation of the above national laws seems to be insufficient. The low number of court cases and convictions regarding trafficking in Bangladesh illustrates the lack of enforcement of the Bangladeshi laws concerning trafficking. During the last five years, only 53 such cases were placed before the court, out of which 35 had to be dropped for lack of adequate evidence. Only 21 culprits have been convicted, the highest punishment being 10 years rigorous imprisonment.<sup>19</sup> So far, there has been no uniform law on slavery and trafficking of women and children in the region, especially the sending and receiving countries.

## **5. Violence against Women Perpetrated by the State**

The Constitution of Bangladesh forbids torture under Article 35(5), which states: “*No person shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment.*”

Torture is also a criminal act under the Penal Code, which provides in section 330 that: “*Whoever voluntarily causes hurt, for the purpose of extorting from the sufferer or any person interested in the sufferer, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.*”

Governments in Bangladesh have shown no determination to enforce the law, which is there to protect the population. Charges of torture are rarely brought against police officers even in cases where allegations of torture have been substantiated.

On April 7, 2003, the High Court announced its judgment on a writ petition in public interest filed before the court in November 1998 by three

Bangladeshi human rights organizations and five concerned individuals following the death of a man in police custody in July 1998. The petition sought mandatory guidelines to prevent torture in custody after arrest under Section 54.<sup>20</sup> The judgment restricts arbitrary use of administrative detention law including the Special Powers Act. It makes it mandatory for the police to inform the family members of anyone arrested; for the accused to be interrogated by an investigation officer in prison instead of police interrogation cell, and behind a glass screen so that his/her family members and lawyers can observe whether or not he or she is being tortured; and for the detainee to receive medical examination before and after remand into police custody. It empowers the courts to take action against the investigating officer on any complaint of torture if it is confirmed by medical examination. It directs the government to amend relevant laws, including Section 54, within six months to provide safeguards against their abuse, and recommends raising prison terms for wrongful confinement and malicious prosecution.

While the constitution of Bangladesh guarantees fundamental human rights and specifically forbids torture and while torture is a criminal act under the Penal Code, a number of laws in Bangladesh create conditions that facilitate torture. The most commonly used of these is Section 54 of the Code of Criminal Procedure. Section 54 enables the police to arrest anyone without a warrant of arrest and keep them in detention for up to 24 hours on vaguely formulated grounds. In all cases of detention under Section 54 of the Code of Criminal Procedure reported to Bangladesh Institute for Human Rights, the detainees claimed that they had been tortured and that torture began from the moment of their arrest.

On January 9, President Iajuddin Ahmed issued “The Joint Drive Indemnity Ordinance 2003” which provided impunity to “members of the joint forces and any person designated to carry out responsibilities in aid of civil administration during the period between October 16, 2002 and January 9, 2003”. Under the ordinance, no civil or criminal procedure could be invoked against “disciplinary forces” or any government official for “arrests, searches, interrogation and other steps taken” during this period. The Ordinance related to “Operation Clean Heart” which started on October 17 as a campaign against crime carried out jointly by army and police forces. The campaign was the government’s response to growing concern within Bangladesh and the international community about the

continuing deterioration in law and order, including a rise in criminal activity, murder, rape and acid throwing. At least 40 men reportedly died as a result of torture after being arrested by the army. The government acknowledged only 12 deaths and claimed they were due to heart failure. Families of the victims and human rights activists, however, claimed that the deaths resulted from severe torture while in army custody.

The failure of successive governments to address human rights violations in a consistent and effective manner points to the desperate need for an independent, impartial and competent human rights watchdog in the country - such as a National Human Rights Commission (NHRC). Human rights defenders and the international community have been urging Bangladeshi governments to set up a NHRC. The present government has acknowledged the necessity for its formation, but the government has failed to take the appropriate action to establish it.

Following the elections in October 2001, Bangladesh witnessed unprecedented levels of political persecution and violence against supporters of the Awami League, which opposed the ruling party, the Bangladesh National Party (BNP). A new and frightening dimension has been added to the form of this violence, specifically the targeting of women and girls based on the political affiliations of their families. Although this violence is generally not committed directly by police officers or other State agents, the perpetrators are generally supporters of the ruling party, while the victims are generally supporters of the opposition party, and crimes appear to be politically motivated. The police often do not offer any help to the victims as they are controlled and influenced by the ruling party and thus not sympathetic to crimes committed against these victims, resulting in a lack of due diligence.

According to article 27 of the Constitution of the Peoples Republic of Bangladesh, "All citizens are equal before the law and are entitled to get equal protection of law". Similarly, article 28(1) states that "the State shall not discriminate against any citizen on the grounds of religion, race, caste, sex or place of birth." But the reality is different than the constitutional rights. Violence against minorities, particularly minority girls, is prevalent in Bangladesh.

With respect to violence against girls, there are many documented cases. For example, on October 6, 2001, a 16 year old girl from the Azimnagar,

Bhanga Faridpur family was gang raped twice by BNP supporters, allegedly because her family supported the opposition party. The incident took place about 200 kilometers from the capital in the victim's home where the perpetrators forced her mother to watch the crime. They looted her house and she has not filed any complaint out of continuing fear of the perpetrators.

Another minority girl was raped due to her family's support of the opposition on October 8, 2001. On that day, the perpetrators entered the family's house and tortured all of the family members and then took Purnima, the 14 year old daughter, outside and gang raped her. Although the police initially refused to accept this case, despite clear evidence of the rape, a case was eventually filed with respect to this incident.

OMCT issued an urgent appeal on July 28, 2003 on a case where three Hindu women were raped on 5 July 2003. According to the information received, a gang of men attacked the homes of Hindu families in the village of Biswanathpur in the sub district of Kaligaonj in Satkhira, Bangladesh. During the course of the attack three women were raped and several houses were destroyed. The report indicates that the attack was politically motivated and targeted the Hindu minorities in an effort to drive them from their land.

According to the information received, the three women were released from the hospital on July 21. The doctors and police allegedly did not cooperate and the victims did not receive an official medical examination. The police reportedly warned the victims not to undergo a medical examination and threatened harm to the victims' husbands if they did have such an examination. The victims have reportedly been threatened and although a complaint has been filed, it was apparently drafted by the police and has no merit.

OMCT expresses concern that several hundreds of minority persons have been killed, thousands of minority women and girls have been raped, and thousands have been forced to flee Bangladesh since October 2001, when the current government came to power.

## 6. Concluding Observations and Recommendations

Although the Constitution prohibits discrimination based on sex, there is considerable divergence between the constitutional provisions and practice. Girls in Bangladesh face many obstacles to the realisation of their human rights. Traditional and customary malpractices and patriarchal society disenfranchise women from the equal right of men and women to the enjoyment of all their political, civil, economic, social and cultural rights. Their low status in all spheres of life renders women and girls vulnerable to violence in the family, the community and by the State.

OMCT notes with concern that although wife battering is a common practice in Bangladesh, this crime continues to go unpunished. Many wife battering cases are dowry related. Another crime which has increased at alarming rates is acid throwing, of which the victims are usually girls between 10 and 18 and the perpetrators are usually jealous boyfriends, spurned suitors, neighbourhood stalkers, and sometimes, angry husbands in search of more dowry or permission to enter into a polygamous marriage. The specific legal prohibition of domestic violence, acid throwing and dowry has not resulted in a diminishing of the violence.

OMCT is very concerned that the Government has yet to develop a comprehensive policy and legislative response to the problem of domestic violence. OMCT would recommend that effective measures be taken with respect to the enactment of legislation on domestic violence along the lines of the guidelines submitted by the United Nations Special Rapporteur on violence against women to the fifty-second session of the United Nations Commission on Human Rights (U.N. Doc. E/CN.4/1996/53, Add.2). The measures that the government could envisage incorporating within domestic violence legislation would include; the establishment of a system for the enforcement of *ex-parte* restraining and protective orders that would have the effect of ensuring that the perpetrator could not approach the victim and other witnesses and that the perpetrator be obliged to vacate the family home; and provisions on the rights of victims to receive appropriate legal, medical and other assistance including alternative shelter and reparations.

In addition, greater attention must be paid to the factors that currently prevent girls in Bangladesh from lodging complaints in relation to domestic

violence. These factors include traditional social beliefs concerning the subordinate status of women in family relationships. Moreover, claims are often dealt with in an insensitive manner by the police and seldom result in punishment of the perpetrator. OMCT would recommend the development of broad-based public awareness campaigns concerning domestic violence, if possible in conjunction with local human rights organisations. Comprehensive programs of action to promote non-discriminatory treatment of girls and boys and to eradicate harmful traditional practices, including acid throwing and dowry payments, should be established. Recent initiatives amongst health care professionals and members of the NGO community to establish hotline facilities for victims of domestic violence should be encouraged and expanded and more shelters should be set up. Moreover, OMCT would insist on the necessity of training for law enforcement officials and members of the judiciary in relation to the investigation, prosecution and punishment of cases of family-based violence.

OMCT also notes with grave concern that marital rape is not a crime in Bangladesh and it would recommend that the government take steps to explicitly criminalise rape occurring within the context of marriage.

OMCT is very concerned about the early and forced marriage of girls in Bangladesh. Under the Child Marriage Restraint Act, the legal minimum marriage age for a woman is 18 and for a man 21. This law, which is facially discriminatory has little impact in Bangladesh where half of the girls are younger than 18 when they get married. Early marriage has been shown to render girls more vulnerable to domestic violence and, by prolonging their reproductive lives, it can also lead to other serious health consequences. OMCT would strongly encourage the government to encourage birth registration and raise awareness among the people about the bad effects of early marriages on girls.

OMCT expresses concern about the increase in trafficking in women and girls and the high incidence of prostitution. The criminal justice system should engage in serious efforts to prevent, investigate, prosecute and punish traffickers. Furthermore, the government should guarantee the social welfare of trafficking victims who want to be rescued by providing them with alternative ways of living, including strong health policies and activities directed at the problem of HIV/AIDS among women who have been trafficked for prostitution.

To prevent girls from being trafficked, emphasis should be laid on awareness-raising programmes, adequate legislation and better law enforcement, and the establishment of regional mechanisms. Other preventative measures include provision of health services, quality education and training i.e. more access to basic education and life skills; more information campaigns on reproductive and sexual health, HIV/AIDS, and counseling. Desperation to leave their home country makes women and girls easy victims to trafficking. Providing women with income earning opportunities and ways to become economically independent is another strategy to prevent trafficking.

OMCT expresses its concern over politically motivated human rights violations in Bangladesh. Women and girls belonging to religious minorities or who are political opponents or family members of political opponents are at risk of sexual abuse, including rape. The perpetrators are generally not state agents but they are often supporters of the ruling party and the human rights violations are generally not investigated, prosecuted and punished with due diligence. OMCT would insist that the government provide adequate redress, including compensation, to child victims of human rights violations, aimed at their rehabilitation and reintegration into society.

OMCT is concerned about corruption, poor governance and the lack of independent investigation bodies in Bangladesh. The failure of successive governments to address human rights violations in a consistent and effective manner points to the desperate need for an independent, impartial and competent human rights watchdog in the country – such as a National Human Rights Commission. Moreover, the Government of Bangladesh should repeal the Special Powers Act as it has pledged to do.

Finally, OMCT would insist upon the need for the Government to fully implement the Beijing Rules and Platform for Action, the Declaration on the Elimination of Violence Against Women and to withdraw the reservations to the Convention on the Elimination of All Forms of Discrimination Against Women as these instruments provide detailed protection for women against violence in the family, in the community and at the hands of State officials.

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1 “The Government of the People’s Republic of Bangladesh does not consider as binding upon itself the provisions of articles 2, [.....] and 16 (1) (c) and [.....] as

- they conflict with *Sharia* law based on Holy Quran and Sunna.”  
[http://www.unhchr.ch/html/menu3/b/treaty9\\_asp.htm](http://www.unhchr.ch/html/menu3/b/treaty9_asp.htm)
- 2 Population Census, 2001, Bangladesh Bureau of Statistics.
  - 3 The National Policy for the Advancement of Women, Government of Bangladesh.
  - 4 A Baseline Survey on Grassroots Distress Women conducted by Naogaon Human Rights Development Association, 2000.
  - 5 UNICEF, statistics by country, available at [http://www.unicef.org/infobycountry/bangladesh\\_statistics.html](http://www.unicef.org/infobycountry/bangladesh_statistics.html).
  - 6 Ministry of Women and Children Affairs, Government of Bangladesh.
  - 7 Baseline on Grassroots Distress Women, *Ibid*.
  - 8 Ministry of Women and Children Affairs, Government of Bangladesh.
  - 9 Library and Documentation Centre, Bangladesh National Women’s Lawyers Association, 2002.
  - 10 BANGLAPEDIA: National Encyclopedia of Bangladesh- vol. 3.
  - 11 Baseline on Grassroots Distress Women, *Ibid*.
  - 12 Dowry – Poor People Perspective, a study conducted for UNDP by PromPT, 1996.
  - 13 Human Rights Situation Report 2002, Bangladesh Institute of Human Rights, Bangladesh Institute for Human Rights.
  - 14 BANGLAPEDIA: National Encyclopedia of Bangladesh- vol. 8.
  - 15 Editorial, Daily Janakantha, May 03, 2003 issue.
  - 16 Bangladesh National Women’s Lawyers Association, Violence against Women in Bangladesh 2001.
  - 17 A research on Rape and Burden of Proof on Women and Children, 1999 by BNWLA.
  - 18 Anti-trafficking Programs and Promoting Human Rights – A Grassroots Initiative by Rights Jessore 2002.
  - 19 Study on the Socio-economic Dimension on Trafficking Girl Child by INCIDIN, 2000.
  - 20 “54(1) Any police officer may, without an order from a Magistrate and without a warrant, arrest-firstly, any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists of his having been so concerned;  
secondly, any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house-breaking;  
thirdly, any person who has been proclaimed as an offender either under this Code or by order of the [Government];  
fourthly, any person in whose possession anything is found which may reasonably be suspected to be stolen property [and] who may reasonably be suspected of having committed an offence with reference to such thing;  
fifthly, any person who obstructs a police-officer while in the execution his duty, or who has escaped, or attempts to escape, from lawful custody;



sixthly, any person reasonably suspected of being a deserter from [the armed forces of Bangladesh];

seventhly, any person who has been concerned in, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in, any act committed at any place out of Bangladesh, which, if committed in Bangladesh, would have been punishable as an offence, and for which he is, under any law relating to extradition or under the Fugitive Offenders Act, 1881, or otherwise, liable to be apprehended or detained in custody in Bangladesh;

eighthly, any released convict committing a breach of any rule made under section 565, sub-section (3);

ninthly, any person for whose arrest a requisition has been received from another police-officer, provided that the requisition specified the person to be arrested and the offence or other cause for which the arrest is to be made and it appears there from that the person might lawfully be arrested without a warrant by the officer who issued the requisition.”

# *Committee on the Rights of the Child*

**THIRTY-FOURTH SESSION – 15 SEPTEMBER - 3 OCTOBER 2003**

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

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**CONCLUDING OBSERVATIONS BY THE COMMITTEE ON THE RIGHTS OF THE  
CHILD: BANGLADESH**

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

## **A. Introduction**

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

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

3. The Committee welcomes the positive developments in the area of human rights such as the formulation of a revised National Plan of Action for Children; the adoption of the National Policy for Safe Water Supply and Sanitation; the 2002 National Plan of Action to combat sexual abuse and exploitation, including trafficking; the 2000 Suppression of Violence against Women and Children Act; the 2002 Acid Control Act; the 2002 Acid Crimes Prevention Act; the 2002 law safeguarding the speedy progress of trials; and the withdrawal of the 2002 Public Safety Act.
4. The Committee recognizes with appreciation that the State party has made clear and visible progress, in some fields to a remarkable extent, in the field of child nutrition, health, education and labour. It also notes that the State party strengthened its cooperation with non-governmental organizations (NGOs).
5. The Committee welcomes the ratification by the State party of the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.
6. The Committee also expresses its appreciation to the State party for having ratified ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour of 1999, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 1966, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984.

## **C. Factors and difficulties impeding the implementation of the Convention**

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

## **D. Principal subjects of concern, suggestions and recommendations**

### *1. General measures of implementation*

The Committee's previous recommendations

8. The Committee regrets that some of the concerns it expressed and the recommendations it made (CRC/C/15/Add.74) after its consideration of the State party's initial report (CRC/C/3/Add.38), particularly those contained in paragraphs 28-47, regarding the withdrawal of the reservations (para. 28), violence against children (para. 39), the review of legislation (para. 29), data collection (para. 14), birth registration (para. 37), child labour (para. 44) and the juvenile justice system (para. 46) have been insufficiently addressed. Those concerns and recommendations are reiterated in the present document.
9. The Committee urges the State party to implement the previous recommendations that have not yet been implemented, as well as the recommendations contained in the present concluding observations.

### *Reservations*

10. The Committee remains deeply concerned about the reservations to articles 14, paragraphs 1 and 21 of the Convention, which might impede the full implementation of the Convention, but welcomes the information from the delegation that the State party is willing to continue to review those reservations with a view to their withdrawal.
11. In light of the Vienna Declaration and Programme of Action (1993), the Committee reiterates its previous recommendation that the State party withdraw its reservations to the Convention (art. 14, paras. 1 and 21) and recommends that the State party take into account the experience of other States parties in this regard.

### *Legislation*

12. The Committee notes with appreciation the legislative measures that have been undertaken by the State party in order to ensure the imple-

mentation of the Convention. Nevertheless, the Committee remains concerned that domestic legislation and customary law are not fully compatible with all the principles and provisions of the Convention and that laws implementing the Convention are frequently not applied, particularly in rural areas.

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

#### *Coordination*

14. The Committee notes that the Ministry of Women and Child Affairs was given the mandate to coordinate the implementation of the Convention. It welcomes the reactivation of the Inter-ministerial Committee, which includes representatives from civil society and which will coordinate the efforts of the various ministries contributing to the implementation of the Convention. The Committee further welcomes the continued endeavour of the Ministry of Women and Child Affairs to establish within this Ministry a Directorate for Children's Affairs for, inter alia, the promotion and coordination of the implementation of the Convention. However, the Committee remains concerned that policies, and the bodies implementing them, may be insufficiently coordinated.
15. The Committee recommends that the State party take all necessary measures to improve coordination at the national and local level among the different bodies involved in implementing the Convention by:
  - (a) Providing the Ministry of Women and Child Affairs, including the Directorate of Children's Affairs, with a clear mandate and adequate human and financial resources to carry out its coordination functions;
  - (b) Expediting the establishment of the Directorate for Children's Affairs.

*Independent monitoring structures*

16. The Committee welcomes the information from the delegation concerning the intention to establish a National Human Rights Commission and an Ombudsperson; however, it remains concerned at the absence of an independent mechanism with a mandate to monitor regularly and evaluate progress in the implementation of the Convention and which is empowered to receive and address complaints, including from children.
17. The Committee recommends that the State party:
  - (a) Expedite the process to establish an independent and effective mechanism in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles, General Assembly resolution 48/134, annex) and the Committee's general comment No. 2 on the role of independent human rights institutions;
  - (b) Ensure that it is provided with adequate human and financial resources and is easily accessible to children with a mandate:
    - To monitor the implementation of the Convention;
    - To deal with complaints from children in a child-sensitive and expeditious manner;
    - To provide remedies for violations of children's rights under the Convention;
  - (c) Consider seeking further technical assistance in this regard from, among others, the United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

*National plan of action*

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

19. The Committee recommends that the State party:
- (a) Complete its activities for the drafting of a national plan of action by the end of 2003;
  - (b) Involve a broad spectrum of civil society groups, including children, in the formulation and the implementation of the national plan of action;
  - (c) Ensure that the national plan of action includes all rights enshrined in the Convention, and the millennium development goals, as well as the plan of action foreseen in the outcome document, “A World Fit for Children” of the General Assembly special session on children;
  - (d) Provide the National Children Council with the necessary resources for an effective implementation and monitoring of the national plan of action;
  - (e) Create an executive committee within the National Children Council.

*Resources for children*

20. The Committee notes that budgetary allocations to the social sector, including education, health, family and social welfare, has increased over the past two years, and that the State party is preparing a Poverty Reduction Strategy Paper (PRSP) which includes children’s concerns and rights. However, the Committee remains concerned that resources are insufficient for the full implementation of the provisions of the Convention, in particular those relating to the economic, social and cultural rights of children, in accordance with article 4 of the Convention.
21. The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to economically and geographically disadvantaged groups, including tribal children, to the maximum extent of available

resources (at the national and local levels) and continue and strengthen its efforts to receive additional funding within the framework of international cooperation. In addition, the National Plan of Action for Children should be integrated into its PRSP.

*Data collection*

22. The Committee welcomes the annual Multiple Indicator Cluster Survey that allows for the systematic collection of data on a sample of children to analyze their standard of living and to provide national estimates. However, the Committee is concerned at the lack of an adequate data collection mechanism within the State party to allow for the systematic and comprehensive collection of disaggregated quantitative and qualitative data with respect to all areas covered by the Convention and in relation to all groups of children.
23. The Committee recommends that the State party:
  - (a) Further develop the Multiple Indicator Cluster Survey in order to gain a deeper insight into the situation of children and their families;
  - (b) Strengthen its efforts to establish a comprehensive and permanent mechanism to collect data, disaggregated by sex, age, and rural and urban area, incorporating all the areas covered by the Convention and covering all children below the age of 18 years, with emphasis on those who are particularly vulnerable, such as minority and tribal children;
  - (c) Develop indicators to effectively monitor and evaluate progress achieved in the implementation of the Convention and assess the impact of policies that affect children;
  - (d) Continue and strengthen its collaboration, inter alia, with the United Nations Statistics Division and UNICEF.

*Training/dissemination of the Convention*

24. The Committee takes note of the measures undertaken by the State party to disseminate the principles and provisions of the Convention,



such as translation of the Convention into the national language, the distribution of the Convention to relevant authorities and media campaigns. However, the Committee remains concerned that the public awareness of the Convention remains low and that many relevant authorities, for instance within the juvenile justice system, do not receive adequate training on children's rights.

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

## ***2. Definition of the child***

26. The Committee is concerned about the various legal minimum ages, which are inconsistent, discriminatory and/or too low. The Committee is also deeply concerned at the fact that the Majority Act 1875, setting the age of majority at 18 years, has no effect "on the capacity of any person in relation to marriage, dowry, divorce and adoption or on the religion and religious customs of any citizen" (CRC/C/65/Add.22, para. 45). The Committee is particularly concerned at the very low age of criminal responsibility (7 years).
27. The Committee strongly recommends that the State party:
  - (a) Raise the minimum age of criminal responsibility to an internationally acceptable level;
  - (b) Fix a minimum age for admission to employment, in line with internationally accepted standards;
  - (c) Ensure that domestic legislation on minimum ages is respected and implemented throughout the country.

### **3. General principles**

#### *Non-discrimination*

28. The Committee welcomes the measures undertaken by the State party to enhance the situation of girls, especially in relation to education. It remains deeply concerned about persistent discriminatory attitudes towards girls, which are deeply rooted in traditional stereotypes and limit access to resources and services. The Committee is also concerned about discrimination against children with disabilities, street children, child victims of sexual abuse and exploitation, tribal children and other vulnerable groups.
29. The Committee recommends that the State party take adequate measures to ensure implementation of the principle of non-discrimination in full compliance with article 2 of the Convention, and strengthen its proactive and comprehensive efforts to eliminate discrimination on any grounds and against all vulnerable groups. The Committee also recommends that the State party undertake an education campaign for boys and men on gender issues and sex discrimination.
30. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking into account the Committee's general comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).

#### *Best interests of the child*

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

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

*Right to life*

33. Despite the information that the death penalty has never been carried out against juvenile offenders in the State party, the Committee remains seriously concerned that capital punishment may be imposed for offences committed by persons from the age of 16 years and over, contrary to article 37 (a) of the Convention.
34. The Committee strongly recommends that the State party take immediate steps to ensure that the imposition of the death penalty for crimes committed by persons while under 18 is explicitly prohibited by law.

*Respect for the views of the child*

35. The Committee notes that, in practice, children are given a voice in some legal proceedings, subject to the discretion of the judge. However, while the National Plan of Action 1997-2002 emphasizes children's participation, the Committee is concerned that traditional attitudes impede full respect for the views of the child, especially within families, educational institutions and the juvenile justice system.
36. The Committee recommends that the State party:
- (a) Promote and facilitate respect for the views of children and their participation in all matters affecting them in all spheres of society, particularly at the local levels and in traditional communities, in accordance with article 12 of the Convention;

- (b) Provide educational information to, inter alia, parents, teachers, government and local administrative officials, the judiciary, traditional and religious leaders and society at large on children's right to participate and to have their views taken into account;
- (c) Amend national legislation so that the principle of respect for the views of the child is recognized and respected, inter alia in custody disputes and other legal matters affecting children.

#### ***4. Civil rights and freedoms***

##### *Birth registration*

- 37. The Committee welcomes the efforts undertaken by the State party regarding the registration of births, but remains concerned at the lack of a functional birth registration system as well as the low public awareness of the obligation to register children after birth.
- 38. In light of article 7 of the Convention, the Committee urges the State party to continue and strengthen its efforts to ensure a coordinated system for registration of all children at birth, covering the whole of the country, including through awareness-raising campaigns, as well as to continue its cooperation in this regard with, inter alia, UNICEF and relevant international NGOs.

##### *Name and nationality*

- 39. In light of article 7 of the Convention, the Committee is concerned at the apparent discrimination in respect of nationality, and that a child's name and nationality are derived solely from her/his father and not her/his mother.
- 40. The Committee recommends that the State party amend its legislation so that citizenship can be passed on to children from either their father or their mother. It also encourages the State party to introduce proactive measures to prevent statelessness.

*Torture and other cruel, inhuman or degrading treatment or punishment*

41. While taking note of the efforts by the State party to raise public awareness of the ill-treatment of children, the Committee is concerned at reports of ill-treatment and violence against children in State institutions such as orphanages and rehabilitation centres, including by law enforcement agents, as well as at the solitary confinement of juvenile and child prisoners. The Committee is also concerned at reports of violence against street children. Furthermore, the Committee expresses its deep concern at the reported inhuman and degrading punishment carried out by order of traditional village councils (“shalishes”) as well as at the increasing incidents of acid attacks on women and girls.
42. The Committee strongly recommends that the State party:
  - (a) Review its legislation (inter alia, Code of Criminal Procedure, 1898) with the aim of prohibiting the use of all forms of physical and mental violence, also within educational and other institutions;
  - (b) Conduct a study to assess the nature and extent of torture, ill-treatment, neglect and abuse of children, to assess the inhuman and degrading treatment of children attributable to “shalishes”, and effectively to implement policies and programmes as well as to amend and adopt laws to address these issues;
  - (c) Establish effective procedures and mechanisms to receive, monitor and investigate complaints, including intervening where necessary, and investigate and prosecute cases of torture, neglect and ill-treatment, ensuring that the abused child is not revictimized through legal proceedings and that his or her privacy is protected;
  - (d) Undertake all necessary measures to prevent and punish police violence;
  - (e) Take all necessary effective measures to ensure the implementation of the 2002 Acid Control Act and of the 2002 Acid Control Prevention Act;

- (f) Provide care, recovery, compensation and reintegration for victims;
- (g) Take into consideration the recommendations of the Committee adopted at its day of general discussion on the theme “Violence against children” (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745);
- (h) Seek assistance from, inter alia, UNICEF and the World Health Organization (WHO).

### *Corporal punishment*

- 43. The Committee expresses its profound concern at the prevalence of corporal punishment in schools, as well as at the fact that corporal punishment is still legal and widely practised within the legal system, in educational and other institutions and in the family.
- 44. The Committee recommends that the State party, as a matter of urgency, review existing legislation and explicitly prohibit all forms of corporal punishment in the family, schools and institutions, as well as carry out public education campaigns about the negative consequences of ill-treatment of children, and promote positive, non-violent forms of discipline as an alternative to corporal punishment, particularly at the local level and in traditional communities.

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

### *Children deprived of family environment*

- 45. The Committee is concerned that the current facilities for alternative care of children deprived of their family environment are insufficient, do not provide enough protection and that large numbers of children do not have access to such facilities.
- 46. The Committee recommends that the State party urgently take measures to increase alternative care opportunities for children and, in line with article 25 of the Convention, conduct periodic reviews of the placement of children and ensure that institutionalization is used only

as a measure of last resort. The Committee also recommends that the State party take effective measures to prevent abandonment of children, inter alia, by providing adequate support to families.

*Adoption*

47. In light of article 21 of the Convention, the Committee is concerned about the lack of a uniform adoption law in the State party.
48. The Committee recommends that the State party establish uniform legal provisions for domestic as well as intercountry adoption, and reiterates its previous recommendation that the State party consider becoming a party to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

*Abuse, neglect and violence*

49. The Committee is concerned at the high incidence of abuse, including sexual abuse, within the State party, and at the lack of effective measures to combat this phenomenon. The Committee is particularly concerned that existing legislation, notably the Suppression of Violence against Women and Children Act 2000, is rarely implemented and that the prosecution of abuse against women is rare even in very serious cases because of societal attitudes. The Committee is further concerned that the current legislation protects children from abuse only up to the age of 14 years. In addition, the Committee is concerned that child victims of abuse and/or exploitation are placed in “safe custody”, which may result in depriving them of their liberty for as long as 10 years.
50. The Committee recommends that the State party:
  - (a) Continue and strengthen its efforts to address the issue of child abuse, including through ensuring there is public awareness of the relevant legislation;
  - (b) Assess the scope, nature and causes of child abuse, particularly sexual abuse, with a view to adopting a comprehensive strategy and effective measures and policies and to changing attitudes;

- (c) Provide adequate protection and assistance to child victims of abuse in their homes, whenever possible, and take appropriate measures to prevent the stigmatization of victims;
- (d) Ensure that all children below the age of 18 years are specifically protected under domestic legislation against abuse and exploitation;
- (e) Ensure that the placement of children victims of abuse and exploitation in institutions for reasons of protection and treatment is used only as a measure of last resort and for the shortest possible period of time;
- (f) Take into consideration the recommendations of the Committee adopted at its days of general discussion on the issue of “Violence against children” (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745).

## ***6. Basic health and welfare***

51. The Committee notes with appreciation the efforts undertaken and the achievements made by the State party to reduce infant and under-5 mortality rates, as well as the eradication of polio and the improved immunization coverage. Nevertheless, the Committee remains deeply concerned:
- (a) That infant and under-5 mortality rates remain high, and that stunting, wasting and severe malnutrition among both children and their mothers are extremely widespread;
  - (b) At the unhygienic practices surrounding childbirth, which results in, among other things, tetanus, and at the lack of prenatal care;
  - (c) At the low level of exclusive breastfeeding, which contributes to malnutrition;
  - (d) At the low level of awareness among the population, particularly in rural areas, of the need to use hygienic, sanitary practices;
  - (e) At the high rate of children dying as a result of accidents, such as drowning, and that little is done by the State party to prevent these deaths;



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

52. The Committee recommends that the State party:

- (a) Ensure that appropriate resources are allocated for the health sector and develop and implement comprehensive policies and programmes for improving the health situation of children;
- (b) Facilitate greater access to free primary health services throughout the country as well as prevent and combat malnutrition, paying particular attention to pre- and antenatal care for both children and their mothers;
- (c) Enhance its efforts to promote proper breastfeeding practices;
- (d) Enhance the efforts to educate the population in hygienic, sanitary behaviour, notably through awareness-raising campaigns and programmes;
- (e) Explore additional avenues for cooperation and assistance with the aim of improving child health with, inter alia, WHO and UNICEF.

*Environmental pollution*

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

54. The Committee urges the State party:

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

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

*Children with disabilities*

- 55. The Committee is concerned at the situation of children with disabilities, and societal discrimination against these children, including their exclusion with the exception of the visually impaired, from the educational system.
- 56. The Committee recommends that the State party:
  - (a) Undertake studies to determine the causes of, and ways to prevent, disabilities in children;
  - (b) In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the issue of "The rights of children with disabilities" (CRC/C/69, paras. 310-339), further encourage their integration into the regular educational system and inclusion into society, including by providing special training to teachers and by making schools more accessible to children with disabilities;
  - (c) Undertake an awareness-raising campaign to sensitize the public to the rights and special needs of children with disabilities;
  - (d) Take the necessary measures to provide children with disabilities with appropriate care and services, and ensure that they are registered at birth;
  - (e) Seek technical assistance cooperation for the training of professional staff working with and for children with disabilities from WHO, among others.

*HIV/AIDS*

- 57. The Committee is concerned at the lack of systematic data collection

on the prevalence of HIV/AIDS, making it more difficult to address the issue and to provide victims with care and support. It also notes that national estimates of the prevalence of the pandemic are significantly lower than those presented by UNAIDS and WHO.

58. The Committee recommends that the State party:

- (a) Undertake a study to estimate the prevalence of HIV/AIDS within the country;
- (b) Undertake appropriate measures to prevent HIV/AIDS, taking into account the Committee's general comment No. 3 on HIV/AIDS and the rights of children;
- (c) Seek further technical assistance from, inter alia, UNICEF and UNAIDS.

*Adolescent health*

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

60. The Committee recommends that the State party:

- (a) Undertake a comprehensive and multidisciplinary study to assess the scope and nature of adolescent health problems, including the negative impact of sexually transmitted infections, and continue to develop adequate policies and programmes;
- (b) Increase its efforts to promote adolescent health policies;
- (c) Strengthen the programme of health education in schools;
- (d) Undertake further measures, including the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education, in particular as regards reproductive health, and to develop youth-sensitive and confidential counselling, care and rehabilitation facilities that are accessible without parental consent when this is in the best interests of the child;

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

*Harmful traditional practices*

61. The Committee is deeply concerned at the existence of harmful traditional practices, such as child marriages and dowry-related violence, which are widespread and pose very serious threats, in particular to the girl child.
62. The Committee recommends that the State party continue and intensify its efforts to eradicate harmful traditional practices, by strengthening awareness-raising programmes and enforcement of the law.

*7. Education, leisure and cultural activities*

63. The Committee welcomes the progress made by the State party in the field of education, notably with regard to increases in primary and secondary enrolments, the reduction in gender disparities in enrolment and improvement in the literacy rates. The Committee also notes with great appreciation the abolition of tuition fees for primary schools and the establishment of a Tk 500 million stipend programme, of the “food for education” programme, and the pilot project on early childhood education. However, the Committee is concerned that challenges remain in the above-mentioned areas, that free compulsory education ends after grade 5, that the school dropout rate is high and that gender-based discrimination persists within schools. Other concerns include reports of abuse and sexual molestation, especially of girls, inaccessibility to schools, inadequate sanitation and the misuse of allocated resources.
64. The Committee notes with appreciation the efforts made by the State party to monitor the quality of education in the madrasas. However, it is concerned about the narrow content of the education provided within these schools.
65. The Committee recommends that the State party:
- (a) Take effective measures to raise the maximum age of compulsory

- education, and to increase enrolment rates through, inter alia, raising awareness of the importance of education and taking measures to improve the provision and quality of education;
- (b) Continue to address gender-based discrimination and other difficulties encountered by girls within the educational system and school environment;
  - (c) Monitor and evaluate existing programmes on early childhood education and development, and extend services, especially parenting education and education for caregivers to all regions;
  - (d) Provide appropriate sanitation facilities, especially for females, in all schools;
  - (e) Provide appropriate training for teachers in order to create a more child-friendly school environment;
  - (f) Encourage the participation of children at all levels of school life;
  - (g) Seek assistance from UNICEF, the United Nations Educational, Scientific and Cultural Organization and relevant NGOs.
66. The Committee also recommends that the State party continue and strengthen its efforts to streamline the education given in the madrasas to ensure more compatibility with formal public education.

## ***8. Special protection measures***

### *Refugee and internally displaced children*

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

68. The Committee recommends that the State party:

- (a) Adopt a national refugee legislation and accede to the Convention relating to the Status of Refugees of 1951 and its Protocol of 1967;
- (b) Grant all refugee children and their families immediate access to relevant procedures determining refugee status;
- (c) In collaboration with and with support from international agencies, undertake effective measures to improve the living conditions of refugee families and children, particularly with regard to educational and health-care services;
- (d) Provide unaccompanied refugee children with adequate care, education and protection;
- (e) Register all refugee children born in Bangladesh.

*Economic exploitation, including child labour*

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

- (a) At the high prevalence of child labour and the fact that the phenomenon is widely accepted in society;
- (b) At the wide variety of minimum ages for admission to employment in different economic sectors, several of which do not adhere to international standards;
- (c) That many child labourers, notably children working as domestic workers, are very vulnerable to abuse, including sexual abuse, completely lack protection and are deprived of the possibility to maintain contact with their families.

70. The Committee recommends that the State party:

- (a) Continue and strengthen its efforts to eradicate child labour, including in the informal sector, in particular by addressing its root causes through poverty reduction programmes and strengthening of the children's component in the new PRSP, and facilitation of access to education;
- (b) Ratify and implement ILO Convention No. 138 concerning the Minimum Age for Admission to Employment;
- (c) Increase the number of labour inspectors and develop a comprehensive child labour monitoring system in collaboration with NGOs, community-based organizations and ILO/IPEC;
- (d) Undertake a study of child labour in the agricultural and informal sectors with a view to developing policies and programmes to eradicate this phenomenon.

*Sexual exploitation, including prostitution*

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

72. The Committee recommends that the State party:

- (a) Fully and effectively implement the National Plan of Action against sexual abuse and exploitation, in order to ensure appropriate policies, laws and programmes for the prevention, protection, recovery and reintegration of child victims, in line with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;

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

*Sale, trafficking and abduction*

73. The Committee is deeply concerned at the high incidence of trafficking in children for purposes of prostitution, domestic service and to serve as camel jockeys and at the lack of long-term, concentrated efforts on the part of the State party to combat this phenomenon.
74. The Committee recommends that the State party:
- (a) Undertake all necessary efforts to prevent and combat domestic and cross-border child trafficking, including through international cooperation;
  - (b) Take all necessary measures for the recovery and reintegration of children victims of trafficking;
  - (c) Investigate, prosecute and sentence perpetrators of trafficking, including through international cooperation;
  - (d) Seek assistance from, among others, UNICEF and the International Organization for Migration.

*Children living and/or working on the streets*

75. The Committee notes the efforts undertaken by the State party to provide children living or working on the streets with access to health services and education. However, the Committee is concerned at the large population of children living or working on the streets and at the extremely difficult conditions under which this very



marginalized group is living, and at the lack of sustained efforts to address this phenomenon. The Committee is further concerned at the incidence of violence, including sexual abuse and physical brutality, directed at these children by police officers.

76. The Committee recommends that the State party:

- (a) Ensure that children living or working on the streets are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development;
- (b) Ensure that these children are provided with recovery and reintegration services for physical, sexual and substance abuse; protection from police brutality; and services for reconciliation with families;
- (c) Undertake a study on the causes and scope of this phenomenon and establish a comprehensive strategy to address the high and increasing numbers of children living or working on the streets with the aim of preventing and reducing this phenomenon.

*Administration of juvenile justice*

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

- (a) The minimum age of criminal responsibility (7 years), which remains far too low;
- (b) The sentencing to life imprisonment of children from the age of 7 years and to the death penalty of children from the age of 16 years;
- (c) The absence of juvenile courts and judges in some parts of the State party;

- (d) The extensive discretionary powers of the police, reportedly resulting in incarceration of street children and child prostitutes;
  - (e) The use of caning and whipping as a sentence for juvenile offenders;
  - (f) The failure to ensure full respect for the right to a fair trial, including legal assistance for alleged child offenders and the very long periods of pre-trial detention;
  - (g) The detention of children with adults and in very poor conditions, without access to basic services.
78. The Committee recommends that the State party ensure the full implementation of juvenile justice standards, in particular articles 37, 39 and 40 of the Convention, and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, the Vienna Guidelines for Action on Children in the Criminal Justice System, in the light of the Committee's day of general discussion on the administration of juvenile justice, held in 1995. In particular, the Committee recommends that the State party:
- (a) Raise the minimum age of criminal responsibility to an internationally acceptable level;
  - (b) Ensure that the imposition of the death penalty, of life imprisonment without possibility of release, and of caning and whipping as sanctions for crimes committed by persons while under 18 is explicitly prohibited by law;
  - (c) Ensure the full implementation of the right to a fair trial, including the right to legal or other appropriate assistance;
  - (d) Protect the rights of children deprived of their liberty and improve their conditions of detention and imprisonment, including by guaranteeing separation of children from adults in prisons and in pre-trial detention places all over the country;

- (e) Establish an independent child-sensitive and accessible system for the reception and processing of complaints by children;
- (f) Request technical assistance in the area of juvenile justice and police training from, inter alia, OHCHR and UNICEF.

*Minorities*

- 79. The Committee is deeply concerned about the poor situation of children of the Chittagong Hill Tracts, and other religious, national and ethnic minorities, tribal groups or similar marginalized groups and the lack of respect for their rights, including the rights to food, to health care, to education and to survival and development, to enjoy their own culture and to be protected from discrimination.
- 80. The Committee urges the State party to gather additional information on all minorities or similar marginalized groups of the population, and to elaborate policies and programmes to ensure the implementation of their rights without discrimination, taking into account the Committee's recommendations adopted at its day of general discussion on the theme "The rights of indigenous children".

## **9. Dissemination of the report**

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

## **10. Next report**

82. The Committee, aware of the delay in the State party's reporting, wishes to underline the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. Children have the right that the committee in charge of regularly examining the progress made in the implementation of their rights, does have the opportunity to do so. In this regard, regular and timely reporting by States parties is crucial. As an exceptional measure, in order to help the State party catch up with its reporting obligations so as to be in full compliance with the Convention, the Committee invites the State party to submit its third and fourth periodic reports in one consolidated report by 1 September 2007, the date on which the fourth report is due. The consolidated report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.