

Rights of the Child

Signed: 26 January 1990; ratified: 3 August 1990.

Bangladesh's second periodic report was due 1 September 1997.

Reservations and Declarations: Paragraph 1 of article 14 and article 21.

The Committee on the Rights of the Child considered Bangladesh's initial report and supplementary information (CRC/C/3/Add.38; CRC/C/3/Add.49) at its May 1997 session. The report prepared by the government includes demographic data related to the land and people, an overview of the general legal framework, commentary on the national policy on children and the Action Plan for the South Asian Association for Regional Cooperation Decade of the Girl Child (SAARC) and information on the proposed National Council for Children. The report also includes legal and other information on the main areas set out in the Convention, including: the definition of the child; civil rights and freedoms; family environment and alternative care; basic health and welfare; education leisure and cultural activities; and special protection measures.

The Committee's concluding observations and comments (CRC/C/15/Add.74.) noted that the additional information provided was in response to questions prepared by the Committee (CRC/C/Q/Ban.1).

The Committee welcomed the establishment of a Ministry of Women and Children's Affairs in 1994 and the adoption of a National Policy for Children, as well as the establishment of the National Children's Council in August 1995. Also welcomed were: the adoption of a plan of action to create task forces on law reform, juvenile justice and the girl child; adoption in 1995 of the Repression against Women and Children (Special Provision) Act; the active participation of Bangladesh in the SAARC Decade of the Girl Child; the adoption of a law establishing the post of Ombudsperson; and the establishment of a National Human Rights Commission. Other initiatives noted were Bangladesh's increase in social expenditures since it had ratified the Convention, and the fact that a higher proportion of resources were being devoted to the development of a primary health-care network, the provision of safe water supplies, sanitation and disease control. The Committee acknowledged the progress made in significantly reducing the child mortality rate over the last decade, improving access to basic education and providing family planning programmes.

Obstacles and difficulties to full implementation of the Convention identified included: the fact that Bangladesh is one of the poorest countries in the world; a large percentage of its population is young and lives below the poverty level; natural disasters and structural adjustment have had a negative impact on the situation of children; and, there is a persistence of certain traditional practices and customs which have had a negative impact on the enjoyment by some children of their rights under the Convention.

The Committee expressed concern on a number of subjects, including: the fact that the status of the Convention in the domestic legal framework is unclear; the insufficient steps taken to bring existing legislation into full conformity with the Convention; the lack of conformity between existing legislative provisions and the Convention with respect to the

various age limits set by law — the lack of a definition of the child, the age of criminal responsibility, the possibility of imposing the death penalty on and/or imprisoning children 16–18 years old in ordinary prisons; inadequate enforcement of many laws; and, the fact that most children's lives are governed by family customs and religious law rather than by state law.

The Committee also expressed concern over: the insufficiency of measures to promote widespread awareness of the principles and provisions of the Convention; the lack of adequate and systematic training for professional groups working with and for children; the insufficient attention given to establishing an effective integrated system of data collection covering all children; the fact that the National Policy for Children only covers children up to the age of 14; the failure to establish a comprehensive monitoring and coordinating mechanism for all areas covered by the Convention and in relation to all groups of children; the persistence of discriminatory attitudes and harmful practices affecting girls; the persistence of harmful practices such as dowry and early marriage; discriminatory attitudes towards children born out of wedlock; and, the situation of children who are living and/or working on the street, child victims of sexual exploitation, children with disabilities, refugee children and children belonging to tribal minorities; the failure to ensure that the views of the child are sufficiently taken into account, especially within the family, the school and the juvenile justice system; the fact that the births of most children in Bangladesh are not registered; the lack of appropriate measures to combat and prevent ill-treatment and abuse, including sexual abuse and the lack of awareness about and information on child abuse; the persistence of corporal punishment and its acceptance by the society; instances of violence committed by law enforcement officials against abandoned or "vagrant" children; the inadequacy of measures to assist parents in fulfilling their common child-rearing responsibilities and the lack of assistance or child support for many children living in single-parent families or other particularly vulnerable children; the inadequacy of provisions in legislation and practice for alternative care for children deprived of a proper family environment; the high maternal mortality rates, lack of access to prenatal care and, more generally, limited access to public health-care facilities; the lack of a national policy to ensure the rights of children with disabilities; the absence of programmes addressing the mental health of children and their families; and, malnutrition; the low level of school enrolment, the high drop-out rates, the very high child/teacher ratios, and the shortage of trained teachers; the weak legal protection for refugee children and difficulties in ensuring family reunification; the large number of children who work, including in rural areas, in the informal sector; the occurrence of trafficking and sale of children; the administration of juvenile justice and the low age of criminal responsibility (7 years); and the inadequate measures taken to ensure the protection and promotion of the rights of children belonging to minorities, including children from the Hill Tracts.

The Committee recommended that the government:

- ▶ review its reservations to the Convention with a view to withdrawing them and ensure full compatibility of national legislation with the Convention;