



ngo group for the crc

**STATE PARTY EXAMINATION OF BANGLADESH'S INITIAL
REPORT ON THE OPTIONAL PROTOCOL ON THE SALE OF
CHILDREN, CHILD PROSTITUTION AND CHILD
PORNOGRAPHY**

**45TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE
CHILD**

21 May – 8 June 2007

Contents

Opening Comments	1
Definition of a Child	2
Implementation	2
Birth Registration	2
Data Collection	3
Disappearance of Children.....	3
Child Hotline	3
Child Victims	3
Male Victims	4
Dissemination of the Protocol	4
Girls' Education.....	4
Reservations on Articles 14 and 21.....	4
International Aide & the Interim Government	4
Justice	5
Closing Remarks	5

Bangladesh ratified the OPSC in 2000. On 4 June 2007, the Committee on the Rights of the Child (the Committee) examined Bangladesh's Initial Report on the OPSC.

Opening Comments

The delegation was headed by Ms. Sultana, Secretary-in-Charge of the Ministry of Women and Children Affairs. She noted that despite scarce human and financial resources Bangladesh was working hard to protect children's rights. The situation had improved over the past two decades as poverty had decreased, access to education had steadily increased, and the infant mortality rate had steadily declined. Bangladesh had also ratified the South Asian Association of Regional Cooperation (SAARC) convention to improve measures on child welfare and reinforce national endeavours. She stated that the sale of children and child pornography were not widespread in Bangladesh. She cautioned that violations may increase especially as internet use increased, and that perhaps more precautionary measures were needed for child pornography. There was, however, a problem of child prostitution. The government was aware of the situation and progress had been made, including the establishment of a police headquarters in the capital to collect information on the trafficking of

women and children, an inter-ministry committee to review progress, and a monitoring mechanism that included the input of NGOs. Relevant improvements in legislation included the Birth and Death Registration act (2004), and the Acid Crime Prevention and Control Acts (2002). She noted that the state was committed to advancement but it was difficult due to a decline in international assistance.

Definition of a Child

The Committee was concerned that national legislation did not provide a clear and universal definition of a child. It noted that children ages 16-18 were not protected under penal legislation, and asked what the government planned to do to bring the legislation in line with the CRC and the OPSC. The delegation replied that the issue was being reviewed by a committee and amendments were being considered. The delegation offered to provide a more detailed response in writing.

Implementation

Although the Committee applauded the prohibition of the sale of children under the Suppression of Violence Against Women and Children Act, they asked why the legislation was not found in the penal law. The delegation replied that it was not covered in the penal code, but that the penal code did include a Repression Prevention Act. The Committee stated that the OPSC would be more visible if it was in the penal code (especially for the judges), and therefore have more impact. It added that the OPSC had clear requirements as to penal legislation and children between the ages of 16 and 18 were not protected by existing laws. It asked about their plans about the requirements of the OPSC on child prostitution and pornography. The delegation responded that the age is 18 in the penal code. They were amending certain laws to try and bring them in conformity with the CRC. They were working with UNICEF on issues related to juvenile justice and the OPSC would be included in the discussions.

The Committee asked how Bangladesh coordinated measures relating to children, particularly within the Ministry for Women and Children Affairs. The delegation responded that there was good communication within the department and amongst other ministries. They noted that NGOs were present for many decisions upon government invitation. As, the constitution provided for a child's Ombudsman, the Committee asked why such a post did not exist. The delegation responded that although the government would like to create this post, it had not been able to do so. Citing reports that judges were unaware of the OPSC, the Committee asked how this affected their rulings on OPSC violations. The delegation responded that judges were not aware of it, and even if they were, they would be unlikely to invoke it. A more effective strategy would be to have the OPSC presented in domestic legislation. The Committee asked about the connection between the National Plan of Action for Children and the Poverty Reduction Strategy, and how these acts would benefit children. The delegation responded that the acts were mutually reinforcing. A review of the national plan would take place in 2008 and 2010.

The Committee asked about the legislation in place to prohibit the involvement of children in pornography. The Committee asked about the measures in place against child prostitution. It also asked about the measures to detect crimes. The Committee asked about the budgetary resources to implement the OPSC and any plans to increase funding. The delegation did not respond.

Birth Registration

The Committee welcomed the passage of the Birth and Death Registration Act in 2004, but was concerned, that at 10%, the birth registration rate was still very low (Bangladesh ranked very low on the transparency index). Noting that a lack of birth registration led to confusion over a victim's age, the Committee asked about measures to accelerate birth registration. The delegation acknowledged that birth registration was still a great problem, and that better support and financial resources were needed at local level. The Committee noted that with such a low birth registration, the issue of

OPSC cases could be higher than they know. The delegation said that it was difficult to address birth registration due to poverty. The Committee commented that birth registration is a basic benchmark to try and reduce poverty, especially for children, as the Poverty Reduction Strategy Paper (PRSP) and other programmes need this basic data in order to protect children. The delegation noted that with its limited resources, it prioritised the reduction of child mortality and better nutrition. It hoped that measures included in the PRSP would lead to increased birth registration. Programmes for the mandatory presentation of birth registration to enter schools and to obtain other government services were being considered. The Committee asked what was being done to recognise children from marriages between Bangladeshis and Bahrain refugees. The delegation responded that most refugees had become part of local communities, and that they would hopefully become more integrated.

Data Collection

The Committee asked about the lack of data regarding OPSC violations. The data cited in the State party Report was based on a number of reported cases and convictions, which was not the best indicator for the prevalence of OPSC violations. The Committee asked if there were plans to develop a comprehensive data collection system. The delegation acknowledged that data collection was a problem that needed to be addressed. Information was collected from what was reported to field officers. The delegation cited a project funded by UNICEF whose goal was to strengthen the monitoring of the CRC, and hoped the project would also cover the OPSC. The Committee asked if there were any plans to evaluate prevention measures. The delegation did not respond.

Disappearance of Children

The Committee asked whether data was collected on child disappearances. The delegation responded that there was no data, but that the police could be consulted to determine reported cases. However this would not take into account unreported disappearances. The Committee asked how they found disappeared children, and especially whether local initiatives were supported with adequate financial and training support. The delegation suggested that on a district level meetings could be held between NGOs, government officials and the local society to address individual cases.

Child Hotline

The Committee noted that plans for a child helpline were interrupted and asked for an update on the situation. The delegation acknowledged that the hotline was an important plan, but that it was halted due to technical difficulties. It hoped that the difficulties would be resolved and that the initiative would resurface, and offered to provide more information on the situation in writing.

Child Victims

The Committee asked if child victims could register complaints on their own and about the services that were in place to help them. The delegation responded that all persons, children included, could lodge complaints and that children were encouraged to do so. The Committee expressed concern that victims and their families were hesitant to report violations due to stigma attached to the crimes, and asked how they encouraged reporting. It also asked if the stigma issue was addressed in awareness programmes. The delegation responded that stigmatisation was a problem, and that it was hard to change this situation due to cultural beliefs despite their efforts to encourage reporting.

The Committee enquired about counselling services for child victims. The delegation responded that pilot programmes of One Stop Crisis Centres were used to facilitate reporting of violations and provide treatment services. The Committee asked whether the government was considering opening One Stop Crisis Centres in rural areas in addition to the existing pilot programmes in urban areas. The delegation replied that the facilities in urban areas were still not fully utilised, and that their efficiency was being reviewed. If the government deemed the urban programmes successful they would look into opening centres in rural areas. The Committee noted that there were reports of child victims being treated as offenders rather than victims, and asked how they were addressing this

situation. The Committee asked about protection measures regarding child victims involved in court proceedings. The delegation did not respond.

The Committee had the impression that most services for child victims were provided by NGOs, and asked whether the government had sufficient programmes in place with adequate funding to support victims. The delegation replied that they had projects focusing on reintegrating street children, and on improving children safe homes. Juvenile development centres were cited as initiatives to improve victim reintegration into society. Based on research, which suggested that children respond better to other children, more emphasis was placed on using student or child volunteers for counselling. However, counselling was not always effective, as a lot of people did not understand its benefit and were not responsive to it.

Male Victims

The Committee asked about the measures to identify and support boy child victims. The delegation admitted that the issue of male victims was not widely known or considered and that this issue needed to be addressed in future programmes. The Committee asked what prohibitions existed against engaging in sexual relations with boys under 18. The Committee noted that national legislation existed to allow officers to arrest children under the age of 16 who were found in the presence of sex workers, and asked if this legislation applied to boys as well. The delegation did not respond.

Dissemination of the Protocol

The Committee remarked that the public did not seem aware of the OPSC, and that the State party Report stated that the police and other personnel were not well trained on it. It asked about measures to increase public awareness and to provide better training to the appropriate professionals. The delegation responded that resources were devoted to awareness raising and training, but that it was difficult to evaluate the impact of these initiatives. They mentioned bodies to monitor training programme's efficiency and noted that their evaluations and suggestions for improvements would be taken into account in designing future programmes. The Committee asked if there were any plans to translate the OPSC into Bangla. The delegation replied that the OPSC, as well as other key treaties, were translated into Bangla and that a small handbook of important documents (including the OPSC) would be produced to increase to make it more accessible.

Girls' Education

Remarking that enrolment of girls in schools decreased their vulnerability to OPSC crimes, the Committee asked about the measures in place to encourage the education of girls. The delegation responded that the budget for education was increasing, but was still not as much as it could be.

Reservations on Articles 14 and 21

The Committee urged the State party to review its reservations to articles 14 and 21, as many other Muslim countries had done so. The delegation replied that the Ministry of Women and Children's Affairs had sent an inquiry to the religious authorities for more information, and that they would review their reservations to these articles upon hearing their responses.

International Aide & the Interim Government

The Committee asked whether having an interim government was negatively impacting children. The delegation responded that the interim government was not negatively affecting children, as appropriate competent governing bodies were in place. The Committee asked why international aid was declining. The delegation did not respond.

Justice

The Committee asked if cases of extradition were only implemented if there was an extradition agreement with another country. It noted that so far, there only seemed to be an agreement with Thailand, although most children were being trafficked and sold in India. It asked if there were plans to ensure that extradition would always be enacted with all countries. The delegation replied that they could invoke the OPSC, but that it was difficult to force another country to work with them against their will. For instance, children who were used as camel jockeys in the United Arab Emirates were being returned. The Committee asked if there were any plans to enter into bilateral agreements with India. The delegation replied that negotiations to establish bilateral agreements with India and Pakistan were occurring. The Committee asked about the provisions to handle cases where Bangladeshi citizens were either victims or offenders of OPSC violations while travelling abroad. The delegation did not respond.

Closing Remarks

Ms. Smith noted that although the problem of child prostitution and sale of children within the country were recognised as serious problems, the increased use of children in pornography was also worthy of attention. Prohibitions of OPSC violations within national legislation needed to be clearly addressed. Improvements in data collection and birth registration were greatly needed. Awareness of the OPSC was also lacking. Ms. Smith noted good cooperation between civil society, the government and UNICEF and hoped such fruitful cooperation would continue. The establishment of a child helpline and a children's Ombudsman would improve the situation. Noting children and family's hesitation to report violations, Ms. Smith encouraged more focus on detection and monitoring methods. Ms. Aidoo acknowledged cultural restraints which limit the government's ability to stop the stigmatisation of victims alone, but suggested that changes could and must be made to address the issue and increase reporting. She also encouraged more preventative measures which involved community and child participation.

Ms. Sultana thanked the Committee for their pertinent and useful comments. She noted that while the answers given by the delegation may not have always been satisfactory, she hoped that the open dialogue was conducive to good recommendations. She also highlighted a belief in preventative measures, and hoped to improve such measures.