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COMMITTEE ON THE RIGHTS OF THE CHILD

Fiftieth session

SUMMARY RECORD OF THE 1412th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 3 June 2009, at 3 p.m.

Chairperson: Ms. ORTIZ (Vice-Chairperson)

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In the absence of Ms. Lee, Ms. Ortiz, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Third and fourth periodic reports of Bangladesh (continued) (CRC/C/BGD/4, CRC/C/BGD/Q/4 and Add.1) (continued)

1. At the invitation of the Chairperson, the delegation of Bangladesh took places at the Committee table.
2. Ms. MAURÁS PÉREZ, noting that there were plans to merge services for adolescents with those for younger children, asked if any measures were foreseen to ensure that data would be available disaggregated by age group, so as to ensure that the problems of adolescents could be properly addressed. She had seen reports according to which laws governing the age of sexual consent and the minimum age for marriage were often ignored. There had also been reports of increases in drug use and suicide among young people in Bangladesh. What efforts were being made to combat such phenomena, for example by providing teenagers with information at school and through clinics, and by increasing the youngsters' ability to deal with stress? Was the Government doing anything to address the lack of specific facilities for girls in high schools? Did it intend to adopt a law prohibiting corporal punishment, or did it carry out activities to raise awareness among parents, teachers and community leaders of the need to avoid using it? Lastly, with respect to HIV/AIDS, what measures were taken to prevent parent-to-child transmission? Did the Government apply the interagency guidelines on HIV and infant feeding?
3. Mr. KRAPPMANN, noting that compulsory education in Bangladesh lasted only five years, asked whether there were any plans to extend the period to bring it into line with practices in other countries. Citing reports that in some regions up to half of students did not complete even the five years of compulsory education, and noting the adverse effects of such a high dropout rate on the economy and on democracy, he asked what the Government was doing to improve the situation. When students did complete five years of schooling, many were still illiterate shortly after leaving school, which indicated that the quality of education was quite poor. Such children, with no educational opportunities and little chance of finding secure employment, often ended up working in the informal sector. The Government should set up programmes to maintain contact between children working in the informal sector and the education system and to facilitate their return to school. Noting that according to one study, just 0.1 per cent of the labour force had undergone vocational training, he asked whether the Government was making an effort to establish more facilities for that purpose and to set up programmes to help young people find work.
4. The CHAIRPERSON asked whether there were any helplines for assistance to children, and whether there were programmes for the promotion of breastfeeding. Noting that there were already some 600,000 street children in Bangladesh and that their numbers were growing with migration to the cities, she asked what social services existed at the local level to assist such children and whenever possible to maintain their relations with their families. Pointing out that it was not always as a result of poverty that children decided to live in the street, and that domestic violence too was a major factor, she asked what was done to prevent situations that compelled

children to leave their families. During the consideration of the previous report, the State party had mentioned that it was undertaking a deinstitutionalization of the approach taken with regard to children deprived of parental care. The delegation should update the Committee on that question. When a child was placed in an institution, was the decision administrative or judicial? Were such decisions periodically reviewed? How many children were currently covered by a kafalah regime, and what was the Government's assessment of how kafalah worked in the country? Lastly, had the Government considered accession to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption?

5. Ms. SULTANA (Bangladesh) said that the Government cooperated with civil society not only for the implementation of programmes, but also in policy formulation. The Government had established an independent anti-corruption commission, which had recently been given more extensive powers, and in addition a parliamentary standing committee served as a watchdog body and monitored the functioning of each Government ministry. Birth registration was currently done manually, but there were plans to introduce an electronic system. In general, the Government was trying to introduce electronic services whenever possible as part of policy known as Digital Bangladesh. The Government had recently carried out an electronic voter registration campaign, which had been an enormous task, but which would facilitate the later introduction of electronic birth registration, as citizens over the age of 18 would already be registered.

6. Bangladesh had been among the first signatories of the Convention on the Rights of Persons with Disabilities. A national foundation for the development of disabled persons and the Department of Social Services provided both integrated and special services for disabled persons, including children, often in cooperation with non-governmental organizations (NGOs) and community-based organizations. While there was much room for improvement, for example in the early detection of disabilities, the Government took the plight of the disabled very seriously. It had identified areas that required further efforts, and would increase the resources devoted to providing services for disabled people in the next budget.

7. The reports of rape in the Chittagong Hill Tracts related to an isolated criminal act which had nothing to do with the fact that the victim belonged to a particular group. The case would be handled in the appropriate manner by the legal system. Under a ruling issued by the High Court, children of Biharis born after independence were citizens. Discrimination against Biharis was based not on the law, but on social and economic factors, and it was hoped that the situation would improve as the country and its economy developed. The Government conducted awareness campaigns to combat such discrimination.

8. Ms. VILLARÁN DE LA PUENTE reiterated her question about the effects of the Vested Property Act on minority groups. She also said that the delegation should explain the status of stateless Biharis and what was being done to ensure that they and people displaced by the situation in Myanmar enjoyed their basic rights and were not the victims of exclusion.

9. Mr. RAHMAN (Bangladesh) said that the Government was considering repealing the Vested Property Act, and that some progress had already been made in that sense. Children born to Biharis enjoyed equal rights, and had the same access to education as all other children. The

Government was working with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other agencies to assist the Rohingya refugees in the Chittagong Hill Tracts. Specific schools and health facilities had been set up for them there.

10. Ms. SULTANA (Bangladesh) said that since ratification of international treaties involved a responsibility on the part of the State party to faithfully implement the provisions of the treaties in question, the Government would ratify international instruments only when it was in a position to give effect to them. It was, however, giving serious consideration to the ratification of a number of instruments. The death penalty was currently applicable only to persons over the age of 16, but there were proposals to amend the law to prohibit the imposition of capital punishment on any person under the age of 18.

11. Mr. FILALI asked whether, pending the change in the law, the courts had been instructed to observe a moratorium on imposing the death penalty on defendants between the ages of 16 and 18.

12. Mr. CITARELLA said that if the Convention were given precedence over domestic legislation, that would automatically prohibit the application of the death penalty on minors. Even if the Convention did not have such a status, then the law allowing the application of the death penalty on minors would still be a breach of the Convention, and the State party should remedy that situation.

13. Mr. RAHMAN (Bangladesh) said that while death sentences were handed down so rarely that the problem would not arise, in theory so long as the law was in force, such a sentence could be handed down. There had been no moratorium. However, the State party was reviewing the relevant legislation with the aim of bringing it into line with the Convention.

14. Ms. MAURÁS PÉREZ expressed concern about the tens of thousands of reportedly stateless Rohingya refugees, who had not become integrated into society and who were often living in refugee camps. Noting that according to the State party report, the Biharis were the largest group of stateless people in Bangladesh, she asked what was being done to provide assistance and services to improve the situation of such people.

15. Mr. RAHMAN (Bangladesh) said that there were no easy solutions to the problems of the stateless Rohingya and Bihari people residing in Bangladesh. Officially some 20,000 to 30,000 Rohingya people were living in refugee camps, and there was a constant flow arriving from Myanmar, where conditions were poor. If living conditions among the Rohingya people living in Bangladesh were too attractive, there would be a massive influx. There were some 80 million Rohingyas, a very large number of whom would go to Bangladesh if the border were completely opened. It should be recalled that Rohingyas were not stateless; they were citizens of Myanmar. Biharis born prior to independence had been given a choice as to whether to become Bangladeshi citizens, and many had chosen not to. The State could not compel people to accept its citizenship. However, the recent High Court ruling did confer the right of citizenship on Biharis born in Bangladesh after independence.

16. Ms. SULTANA (Bangladesh) said that the criteria used for determining entitlement to social programmes were aimed at providing assistance to the poorest of the poor. They targeted people in families that did not own land and those in families headed by destitute women, either

abandoned or widowed. The beneficiaries were selected with the help of committees at the local and union levels, and the Government was careful to ensure that women were given responsibilities on such bodies. While there were some social programmes specifically for children, most targeted destitute families.

17. Ms. AIDOO (Country rapporteur) asked whether the impact of the social programmes had been assessed. Without a proper assessment, it would be difficult to scale up such programmes.

18. Mr. GURÁN asked whether access to such social programmes was guaranteed on an equal basis for all. How were people informed of the possibility of receiving such assistance?

19. Mr. RAHMAN (Bangladesh) said that social programmes were assessed, and that as a result of one such assessment the Government had shifted its emphasis from a food-for-education programme to one geared towards cash-for-education benefits. Accessibility to programmes was ensured by involving local representatives so as to guarantee that no one entitled to such benefits would be excluded.

20. Ms. SULTANA (Bangladesh) said that there was a consensus in Bangladesh about the need to improve the quality of education. The Minister of Education had made numerous appearances in the media to foster a national debate on the subject, which was currently under way, with public participation. Hopefully, the quality of education would improve in the near future. Emphasis had been placed on establishing minimum standards and on finding the right people to train as teachers. It had been found that early childhood development programmes were highly beneficial in reducing dropout rates. There were centres for child development that were working to address the situation of children at risk of dropping out and those serving time in jail or working in tea gardens, with the goal of ensuring that all children would attend primary schools. Stipends and special schools were provided for disabled children. While much progress had been made in addressing certain physical disabilities, much still remained to ensure the right learning environment for children with mental disabilities.

21. There were some bilingual education programmes, and the Government was looking into the possibility of expanding them. Food such as protein-rich biscuits was provided to children at school. The Government placed a great deal of emphasis on school feeding programmes, as it considered that they were essential to improving attendance and performance.

22. Mr. RAHMAN (Bangladesh) said that the impact of the world financial crisis had been somewhat limited. Remittances had so far not declined and exports only slightly.

23. Mr. KRAPPMAN said that the Committee was unsatisfied with the legislation regulating compulsory education: five years were insufficient. Clarifications would be welcome. He would also like more information on vocational training programmes for youth that combined work and education.

24. Ms. SULTANA (Bangladesh) said that the Government planned to raise the age of compulsory education by phases, first for secondary education, then for tertiary, emphasizing assistance for people too poor to pay school fees. Vocational training was indeed a priority, and would help to reduce the high rate of youth unemployment; the Government planned to open more such institutions in future.

25. Mr. ISLAM (Bangladesh) said that the school dropout rate was high in Bangladesh, at 50 per cent for primary schools. Parents often preferred to give girls religious training after they reached puberty. The Government had been discussing the matter of school dropouts with a number of agencies and educational institutions, and hoped to procure funds to create scholarships that would help keep children in school. That programme was already under way on a small scale; it would be expanded in the coming year.

26. The Government also planned to increase the number of night schools in all states, and to assess the results. In addition, it was encouraging teachers to participate in training to prepare them to work in vocational programmes, and was encouraging schools to initiate vocational training programmes.

27. The teacher/student ratio varied from area to area. In rural areas, it was around 1/20; in urban areas it could be as high as 1/100. The national average was 65. The Government was planning to recruit 15,000 new teachers in 2010, with a view to decreasing the average ratio to 30 or 40 in coming years.

28. Ms. AL-ASMAR (Bangladesh) enquired what measures the Government was taking to encourage teachers to participate in training sessions.

29. Mr. ISLAM (Bangladesh) said that teachers who participated in training received two salary increases.

30. As for madrasah education, he said that the Madrasah Education Board monitored all such schools rigorously and that a standard curriculum was being developed.

The meeting was suspended at 4.30 p.m. and resumed at 4.50 p.m.

31. Ms. VILLARÁN DE LA PUENTE said that she had read reports according to which the resources of a police brigade specifically dedicated to combating trafficking in children were being cut back. Was the Government maintaining its efforts to combat such trafficking? What measures were taken to prevent the provision of pornographic materials to children through electronic means such as cell phones or the Internet?

32. Ms. SULTANA (Bangladesh) said that while the prevalence of HIV/AIDS was not particularly high in Bangladesh, the Government was fully aware of the potential danger. The National Strategic Plan for HIV/AIDS was implemented in part with the assistance of the country's development partners. The Government conducted public-awareness campaigns, including use of electronic media, to help reduce transmission. The subject was also taught at professional training institutes. The public was generally aware of the risks of HIV/AIDS.

33. Because of the low prevalence rate, the Government had not yet made a very thorough effort to stop mother-to-child transmission of HIV/AIDS. Breastfeeding was encouraged inter alia through a programme that provided mothers living in poverty with allowances of some 300 taka per month for a period of two years. NGOs also actively encouraged breastfeeding.

34. The CHAIRPERSON said that the Committee had received reports according to which professionals did not receive sufficient training regarding the importance of breastfeeding. How did the Government monitor the effectiveness of its programmes?
35. Ms. SULTANA (Bangladesh) said that there were field motivators who went door-to-door to ensure that newborns were in good health. The Government recognized that there was room for improvement in the training of professionals. The Minister of Health had publically acknowledged the need to improve such training, and measures had been taken to strengthen community clinics in that sense.
36. The CHAIRPERSON, noting that the maternal and infant mortality rates had declined but were still very high, asked what measures were being taken to reduce them further.
37. Ms. SULTANA (Bangladesh) said that since women in rural areas generally preferred to give birth at home rather than in a clinic, the Government assigned birth attendants to assist them. The Ministry of Health issued health vouchers to women living in poverty, who were thus assisted from the time of their pregnancy until their children were 6 months old.
38. Mr. RAHMAN (Bangladesh) said that the Minister of Health was aware that the only way to further reduce maternal and infant mortality rates was by providing trained professionals such as midwives and birth attendants. The Government had a plan to raise their level of training.
39. Ms. SULTANA (Bangladesh), turning to the matter of malnutrition in mothers and children, reiterated that the Government had developed a voucher scheme to give assistance to pregnant and lactating mothers, and social workers were carrying out door-to-door campaigns to raise awareness. Until poverty was alleviated countrywide, the problem of malnutrition would be difficult to resolve.
40. Ms. ORTIZ enquired whether the Government adopted a multisectoral approach to combating malnutrition.
41. Mr. RAHMAN (Bangladesh) said that Bangladesh was the most densely populated country in the world and suffered from a high incidence of poverty. Malnutrition was therefore also high; that was a problem that could not be rapidly resolved.
42. Ms. AIDOO (Country rapporteur), noting that donors provided vaccines in Bangladesh, asked whether the Government intended eventually to use its own budgetary resources to procure them.
43. Ms. MAURÁS-PÉREZ said that more information on the voucher scheme would be welcome; she would like to know, in particular, what organization or entity provided the funding.
44. Mr. RAHMAN (Bangladesh) said that the Government would procure vaccines from its own budget as soon as it was able to do so.

45. Ms. SULTANA (Bangladesh) said that the voucher scheme was a safety-net programme for poor women who could not otherwise afford to visit a doctor. Her delegation would provide more details at a later time.

46. Ms. ORTIZ observed that suicide and family violence, often related to the matter of the dowry, were problems in Bangladesh. She would be glad to know what measures were in place to assist children needing psychological help.

47. Ms. SULTANA (Bangladesh) said that the Ministry of Social Welfare offered programmes for girls and women needing assistance with violence in the home. In addition, there were safe centres for women victims of violence, offering care, counselling and life skills training. There was also a multisectoral programme on violence against women, which in particular ran One-Stop Crisis Centres that offered legal, psychological and medical treatment to victims, and assisted them with the difficult problem of social reintegration. Meetings were arranged with victims, family members and neighbours with a view to preventing the recurrence of violent acts. Special emphasis was paid to the problem of adolescent girls with children.

48. Suicide did occur but was not prevalent. The Ministry for Women's and Children's Affairs was planning to create a comprehensive long-term programme for adolescent girls, based on regional models.

49. Mr. TALUKDER (Bangladesh), turning to the matter of trafficking in children, said that the Government and people of Bangladesh considered trafficking to be a heinous crime and a grave violation of human rights. That was a complex global problem linked with criminal activity and corruption. Young boys were sold to serve as camel jockeys or domestic servants, or to carry out forced labour. Girls were sold for the purpose of sexual exploitation. Children who had been trafficked faced many risks and dangers.

50. With a view to preventing child trafficking, the Government of Bangladesh had created a committee made up of representatives of 12 ministries and 18 NGOs, which held meetings monthly to plan, evaluate and coordinate anti-trafficking programmes. The National Coordination Committee for Trafficking in Women and Children also met monthly. In addition, an anti-trafficking unit at police headquarters monitored cases of trafficking, arrested perpetrators, and saw to the recovery and rehabilitation of victims. Sixty-four district-level anti-trafficking committees had also been established.

51. Furthermore, the Government of Bangladesh had instituted special screening processes at airports and border entry points to check passports, visas, airline tickets and other travel documents. It had also designed a national motivational policy with the aim of creating awareness about the dangers of trafficking at all social levels. The police, the coastguard and other security agencies were under strict instructions to rescue trafficked victims and to apprehend traffickers.

52. Moreover, Bangladesh had special laws establishing the rights of women and children, and had made noteworthy changes in its legal provisions to address trafficking, exploitation and violence. Those included measures for the speedy resolution of long-pending prosecutions of

persons accused of crimes against women and children. Only the previous week the Ministry of Home Affairs and UNICEF had set up a task force to rescue, rehabilitate and reintegrate child victims of trafficking.

53. Lastly, he said that he would like briefly to return to the matter of the Rohingya refugees. It was important to understand that they were not stateless persons, but rather citizens of Myanmar who had been driven out of their country. Bangladesh was a small country, and did not have the space to allow the Rohingya to resettle there. Naturally, the rights of children must be upheld. However, Bangladesh could scarcely care for its own children, so it was very difficult also to protect the rights of children who were refugees. He appealed to the international community to convoke consultations with Myanmar, with a view to resolving the problem of the presence of the Rohingya refugees in Bangladesh.

54. Ms. AIDOO (Country rapporteur) asked to what extent the Government had succeeded in decentralizing the civil services, and whether incentives were offered to encourage civil servants to work in remote or difficult areas. With respect to the National Child Labour Eradication Policy, she said she would like to know whether the Government maintained a list and a national database of hazardous work and hazardous workplaces. She also wondered whether there were plans to extend the child labour action networks to all 64 districts of the country. She would also like information on community-based approaches to combating malnutrition, such as the use of locally grown food.

55. Ms. VARMAH asked what measures the Government of Bangladesh was taking to address the problem of dowry payments.

56. Ms. SULTANA (Bangladesh) said that the existing anti-dowry legislation was stringent, and that awareness-raising and advocacy measures were being carried out. However, the practice of dowry payments was accepted by the culture; attitudes would need to change. The Government was advocating and funding community-based projects to tackle such problems as trafficking, dowry payments and early marriage. In its experience, NGOs and other organizations completed their projects and went home; it was more effective to resolve such problems locally.

57. Ms. VARMAH asked whether punishments were imposed on those who did not comply with the anti-dowry legislation.

58. Ms. SULTANA (Bangladesh) said that those who broke the law were prosecuted, but that the proceedings were lengthy. In some cases, the act was not reported. When a son married, the family received a dowry; when a daughter married, the family paid a dowry. That was an accepted practice.

59. Replying to questions raised about capacity-building, she said that the Ministry for Women's and Children's Affairs was planning to conduct training programmes with emphasis on issues important to women and children.

60. Replying to questions raised about the legal definition of the child, she said that the Children Act, 1974, set the age of majority at 16; efforts were being made to raise that age to 18. The Voter Enlistment Act gave the age of majority as 18. Recently, the age of criminal liability had been raised from seven to nine.

61. Turning to questions raised about the juvenile justice system, she said that Bangladesh had three juvenile codes. The Government strongly discouraged the holding of minors in the same jails as adults. The National Task Force conducted intense monitoring of the prisons; and social welfare officials removed children from adult prisons and placed them in juvenile correction centres. Recently, the number of such officials had been increased and training provided. The Ministry for Women's and Children's Affairs had a violence-against-women unit, which provided monthly reports.

62. Turning to another matter raised, she said that pornography had become a problem owing to the increasing use of cell phones and cybercafés. At present, Bangladesh had no legislation related to the use or possession of pornography.

63. The Government was indeed carrying out awareness and training programmes for police and members of the judiciary in the area of violence against women and girls. Some police stations ran pilot programmes using guidelines related to gender and children's issues, and plans had been made to hire women officers to handle cases involving violence against girls and women. The Ministry for Women's and Children's Affairs was advocating community-based policing with a gender focus.

64. Ms. ORTIZ enquired whether corporal punishment was prohibited and whether programmes existed to eradicate that practice both in the home and in the schools.

65. Ms. SULTANA (Bangladesh) said that corporal punishment was prohibited by executive order. Traditionally, physical punishment had not been viewed unfavourably, but some progress had been made towards changing attitudes.

66. Mr. ISLAM (Bangladesh) said, by way of clarification, that the Constitution stipulated that every executive order had the force of law. Therefore corporal punishment was banned in all parts of Bangladesh.

67. Ms. SULTANA (Bangladesh), referring to questions raised about intercountry adoption, said that adoption was not permitted in Bangladesh, and that the Government had, in fact, entered a reservation to the Convention regarding article 21.

68. The CHAIRPERSON said that, although adoption might be illegal, Bangladeshi children were in fact adopted by foreign families. The Committee would like to know what measures were taken to regulate that practice.

69. Ms. SULTANA (Bangladesh) said that adoption was not prevalent in Bangladesh, and therefore not a government priority. Even where legislation existed, it was difficult to eliminate such a practice completely.

70. The CHAIRPERSON invited the Country rapporteur to present his closing remarks.

71. Mr. KOOMPAPHANT (Country rapporteur) said that the Committee had received a considerable amount of information from the Government of Bangladesh regarding new national agencies for protecting children's rights, the State party's reservations to article 14, paragraph 1, and article 21, and national efforts to harmonize child-related legislation, in particular the

Children Act 1974. It hoped that the Children Act would establish a mechanism for monitoring the status of children and for caring for needy children and children at risk, and would facilitate the interpretation of national law on behalf of children.

72. While the Committee had been glad to learn of the programmes, projects and plans that Bangladesh was carrying out in the areas of nutrition, health, education, alternative care and protection, it was unclear whether all children had access to those services. There were 60 million children in Bangladesh, out of a total population of 140 million. Given that reality, the Committee would like to know what support the Government was seeking from the international community in order to implement the Convention on the Rights of the Child in that country. Finally, he said that he deeply hoped that Bangladesh would achieve the full realization of the rights of the child in coming years.

73. Ms. SULTANA (Bangladesh) thanked the members of the Committee for their pertinent and useful questions and remarks. The Government looked forward to receiving the Committee's constructive suggestions for further improvements on behalf of the children of Bangladesh. She called on the Committee to take into consideration the poverty, underdevelopment and marginalization of Bangladesh; without dealing with those root problems, significant progress in the enjoyment of children's rights would be difficult to attain. The Government would need generous international support in order to achieve the desired level of development.

74. The CHAIRPERSON thanked the delegation of Bangladesh for their frank, informative answers. It was clear that significant progress had been made in the treatment of children and in the status of their rights. Much, however, remained to be done. In particular, changes must be made in the legal framework to allow the Convention on the Rights of the Child and its two Optional Protocols to flourish with a view to improving the well-being of the children of Bangladesh.

The meeting rose at 6 p.m.