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CHILD RIGHTS  
ADVOCACY  
COALITION *in*  
BANGLADESH




*Ain o Salish Kendra (ASK)*  
আইন ও সালিশ কেন্দ্র (আসক)

**AN ASSESSMENT  
ON  
THE IMPACT OF UPR AND UNCRC  
MECHANISMS IN PROMOTION AND  
PROTECTION OF CHILD RIGHTS IN  
BANGLADESH**

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**An Assessment on  
the Impact of UPR and UNCRC  
Mechanisms in promotion and protection  
of child rights in Bangladesh**

**Lubna Yasin**

Consultant, Conducting Research Study on the Impact Assessment of UPR & UNCRC at the National level context



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The research study on the ‘**An Assessment on the Impact of UPR and UNCRC Mechanisms in promotion and protection of child rights in Bangladesh**’ seeks to assess the impact and effectiveness of the involvement with the Universal Periodic Review (UPR) and the United Nations Convention on the Rights of the Child (UNCRC) in advancing child rights in the country. The study elaborates on the initiatives that have translated broad and abstract human rights norms, standards, principles and recommendations, into the vernacular of everyday life of the children in Bangladesh as well as identifies the remaining challenges, gaps and proposed concrete recommendations to address the gaps. It is a great opportunity to be part of this assessment and demonstrate both known and unknown information and facts, contribute to the future planning and programme adoption.

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# Executive Summary

**‘An Assessment on the Impact of UPR and UNCRC Mechanisms in promotion and protection of child rights in Bangladesh’** is an assessment of the compliance, effectiveness and overall impact of the recommendations of Universal Periodic Review (UPR) and the Concluding Observations of the Committee on the Rights of the Child (CRC) at the national level in the promoting and protecting child rights in Bangladesh. It illustrates information, data, insights, thoughts and observations from the primary and secondary sources on evaluating the child rights situation. It made an analysis of the findings and assessed the impacts of UPR recommendations and the Concluding Observations of the CRC. The analysis allowed identifying and demonstrating the challenges and systematic gaps of materializing the UPR recommendations and Concluding Observations of the CRC. However, this report is not an assessment of progress on implementation of recommendations from UPR cycles or Concluding Observations of the CRC.

## Key Findings and Analysis

### Institutional Framework

- **Lack of coordination among the ministries is one of the key findings in terms of institutional engagement.** The Ministry of Women and Children Affairs is the main ministry concerned with the welfare and rights of children also bears primary responsibility for coordinating with line ministries, implementation of the UNCRC. A key finding has been made that there is a lack of coordination between the ministries i.e. MoWCA (the lead ministry for the implementation of the Concluding Observations of CRC, engagement with the review and reporting), and MoFA (responsible for the liaison relating to treaties and convention) and other ministries that impacts the effective implementation of the recommendations and Concluding Observations as well as reporting.
- **Dependency on the external sources for the reporting with the international human rights mechanisms:** The methodologies of UNCRC State party report and UPR National report reflects the dependency on the external sources for the preparation of the report as well as absence of regular systematic plan and tracking of progress on the implementation status of the recommendations.
- **Absence of a systematic approach for the implementation and follow-up of the recommendations and/or Concluding Observations:** Bangladesh has been actively engaged with the UNCRC since last thirty years and with the UPR process for fourteen years and have stepped into the fourth cycle UPR. Despite that there is no systematic approach for tracking the implementation, systematic follow-up and reporting of the recommendations and/or Concluding Observations.
- **No Permanent Human Rights Focal Desks or/and a UPR Focal Desks is appointed for ensuring consistency:** Despite the engagement of the government of Bangladesh with the UNCRC, UPR process and other human rights mechanisms, the Human Rights

Focal Desks or/and a UPR Focal Desks have not yet been made permanent. This causes loss of institutional memory and consistency with the engagement with the human rights mechanisms and UPR process.

- **No Separate agency - Directorate of Children Affairs to deal with children issues:** The Ministry of Women and Children Affairs has only one Directorate - that of Women Affairs. There is no separate Directorate of Children Affairs to strengthen the implementation of programmes for children and focus on child rights issues. This leads to the child issues overshadowed.
- **Reservation to the article 14 & 21 of UNCRC cast doubt about the honest intention of the government:** One key identical problem is either making reservations to certain fundamental provisions of international conventions to which Bangladesh is a party or not signing the Optional Protocol/s to many of these international human rights instruments have cast some doubts about the otherwise honest intention of the Government to improve the human rights situation in the country. Bangladesh ratified UNCRC with reservation to the article 14 and 21 without which a full development of all children is a challenge.
- **The District Child Affairs Officer has not been effectively involved for the protection of children:** There is a District Child Affairs Officer appointed in the districts of Bangladesh only to engage children with cultural activities and sports. District Child Affairs Officer has not been engaged with the activities for the protection of children. It is further noted that the Deputy Director, of the Ministry of Women and Children Affairs (*Mohila-o-Shishu Bisoyok Kormokorta*) at the district level is more involved with the tasks and interventions for the protection of women and not able to focus on children affairs.
- **The role of the National Human Rights Commission in the promotion and protection of child rights is below the expectation of the stakeholders:** The key role of the NHRC is the promotion and protection of human rights and interaction with international human Rights mechanisms. The NHRC has a Committee on Child Rights and Child Labour with three members of NHRC and representations from the government, CSOs, INGOs and UN agencies in this platform to oversee child rights related issues. NHRC has been engaged in the legislative, policy reform and practices relating to child rights including contribution to Children Act 2013, Child Marriage Restraint Act 2017, formulating Child Marriage Restraint Rules 2018 under the Act, adoption of campaign for the elimination of child marriage etc. Despite that the stakeholders view that the engagement of NHRC in the promotion of child rights is not satisfactory.
- **Low Engagement at the grassroots and local levels:** In relation to the engagement at the grassroots and local levels it has been observed that the both UPR and UNCRC have not been taken to the door steps nor much positive impacts are visible in the lives of the people and children.
- **Inadequate Child Participation in the decision making process:** It has been carefully noted that the child participation is limited to day observance, occasional and cultural events by the government.

## Legislative & Policy Framework and Practices

- **Non-implementation of legislations and policies properly and effectively due to lack of coordination:** It has been noted that and undertaking a number of measures to protect child rights, penalise the incidents of violence against children and women, child abuse and torture, rape, and murder, child marriage, child trafficking and commercial sexual abuse and exploitation, corporal punishment (High Court Directives), and child labour. In recent years there have been increasing laws enacted or reformed and policies adopted that address Bangladesh's obligations of compliance with the UNCRC as well as respond to the UPR recommendations. A large number of provisions of the Children Act 2013 conform to some of the Concluding Observations of the CRC and/or UPR recommendations. However, it is regrettable that due to the lack of coordination, communication and cooperation between the different agencies, departments and ministries effective and proper implementation of laws and policies is not seen. For instance, the Rules under the Children Act 2013 have not been adopted due to the lack of coordination and cooperation.
- **Inconsistency in the national legislations, policies relating to child rights and practices:** The Children Act 2013 defines a child as anyone up to the age of 18 years (Section 4). Notwithstanding that there are other laws that regulate the legal issues and consequences of actions by children or relating to children, and several laws have been revised by the government. However, there are still some legislation that are not consistent with the definition of children as stipulated in Children Act 2013.

## Key Thematic Issues relating to Child Rights

Few key thematic issues those has been selected and discussed since there are repeated recommendations during UPR cycles (1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup>) and in the Concluding Observations (first-fifth) of CRC relating to children:

- **Violence against children:** Bangladesh adopted the National-Action-Plan-to-Prevent-Violence against-Women-and-Children 2018-2030<sup>1</sup> to address violence against children. Notwithstanding that many forms of child abuse or violence against children, including sexual abuse, physical and humiliating punishment (corporal), child abandonment, kidnapping, and trafficking, continued to be widespread. During 2022 ASK reported 1,088 incidents of violence against children occurred, with an additional 516 children killed.<sup>2</sup>
- **Child Marriage:** The government enacted the Children Marriage Restraint Act 2017 and the Child Marriage Restraint Rules-2018 has been adopted clarifying the procedures to apply the special provisions of Child Marriage Restraint Act-2017 and prevent its misuse. Despite significant progress in recent years, Bangladesh has the highest prevalence of child marriage. About 51% of girls in Bangladesh are married before the age of 18.<sup>3</sup>
- **Child Labour:** In 2022 Bangladesh ratified fundamental ILO's Minimum Age Convention, 1973 (No. 138) is a milestone towards ensuring decent work and social

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<sup>1</sup> <https://mospvaw.gov.bd/images/contain/pdf/1680565136.pdf>

<sup>2</sup> Violence Against Children (Jan-Apr 2023) | Ain o Salish Kendra(ASK) (askbd.org)

<sup>3</sup> <https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/bangladesh/>

justice in Bangladesh with the minimum age of entry into all work set at 14 years of age.<sup>4</sup> The government adopted a National Plan of Action (NAP) to Eliminate Child Labour (2021-2025)<sup>5</sup> to eliminate child labour. However, according to UNICEF nearly 7 per cent of children aged between 5 and 17 years old are involved in some form of child labour, and very young children continue to be employed in hazardous conditions.<sup>6</sup>

- **Birth Registration of Children, age determination, identity of children and social safety network:** Children are entitled to age appropriate treatment and for ensuring that it is needed to ascertain the number of children as well as ensure birth registration of children. While there is no reliable recent data, the number of children in street situations (living on the street or spending the majority of their time working on the street) is alarmingly high. UNICEF data reveals only 56 per cent of children under the age of 5 were registered at birth, which means millions have been denied their right to identity.<sup>7</sup>

## Summary of Recommendations

A set of concrete, relevant recommendations has been suggested to overcome the gaps and challenges:

- **Adopt a Comprehensive Human Rights Framework** for tracking the progress of implementation of UPR recommendations, Concluding Observations of the treaty bodies including CRC, the achievements of the Sustainable Development Goals (SDGs), reporting, and address implementation gaps.
- **Adopt a sustainable process by establishing an effective Inter-ministerial Coordinating Body** making the Ministry of Foreign Affairs of Bangladesh (UN Wings with Research and reporting Unit) the lead with a clear mandate and sufficient authority to coordinate all activities relating to the international human rights mechanisms by amending the Allocation of Business among Different Ministries and Divisions.
- **Appoint permanent Human Rights Focal Desks/Officials** (1st class gazetted officer) for all Ministries for ensuring better institutional memory, consistency and smooth coordination with the Inter-ministerial Coordinating Body.
- **Expedite the establishment of a separate Directorate of Children's Affairs** under the Ministry of Women and Children's Affairs with appropriate legal and regulatory power to look after child related matters. Assign the Directorate for the Inter-ministerial Coordination Body on child issues, as the nodal to give broad direction and ensure better coordination and appoint officials from other ministries as co-lead. The officials representing the different ministries may not be lower than the rank of Joint Secretary.
- **Make the District Child Affairs Officer responsible for the child affairs and coordinate with other departments** to strengthen promotion and protection of child rights

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<sup>4</sup> [Bangladesh ratifies fundamental ILO Convention on child labour](https://mole.gov.bd/site/project/2d595381-24de-45f8-94c6-2df0279da5b4/%E0%A6%B6%E0%A6%BF%E0%A6%B6%E0%A7%81-%E0%A6%B6%E0%A7%8D%E0%A6%B0%E0%A6%AE-%E0%A6%A8%E0%A6%BF%E0%A6%B0%E0%A6%B8%E0%A6%A8)

<sup>5</sup> <https://mole.gov.bd/site/project/2d595381-24de-45f8-94c6-2df0279da5b4/%E0%A6%B6%E0%A6%BF%E0%A6%B6%E0%A7%81-%E0%A6%B6%E0%A7%8D%E0%A6%B0%E0%A6%AE-%E0%A6%A8%E0%A6%BF%E0%A6%B0%E0%A6%B8%E0%A6%A8>

<sup>6</sup> <https://www.unicef.org/bangladesh/en/child-protection>

<sup>7</sup> <https://www.unicef.org/bangladesh/en/child-protection>

including in the area of birth registration, ending child marriage, elimination of child labour, address violence against children/child abuse and better coordination.

- **Make a specific and time-bound commitment to withdraw its reservations on the articles: 14 and 21 of UNCRC.** Introduce a tracking and monitoring system for a family/community-based-integration/adoption to avoid exploitation with lead of the Ministry of Women and Children Affairs in coordination with the Ministry of Home Affairs.
- **The National Human Rights Commission should be instrumental** for the adoption of a Comprehensive Human Rights Framework, establishment of an effective Inter-ministerial Coordinating Body, appointment of Permanent Human Rights Focal Desks/Officials, establishment of a separate Directorate of Children's Affairs, and withdrawal of reservations on the articles: 14 and 21 of UNCRC by making appropriate recommendation to the government. It should continue playing its role by acting as a 'watch-dog' to assess the extent to which the government has implemented the pledges and recommendations made during UPR mechanisms for positive change.
- **Formulate Rules under the Children Act 202 urgently**, as without them many of the new concepts, such as diversion, family conferencing, alternative care and dispute resolution cannot be put into practice. The most important matters for the government to address in order to activate the 2013 Act are: setting up the Child Affairs Desks, appointing Child Affairs Police Officers in police stations, establishing a sufficient-numbers of safe homes and Certified Institutes, publishing a Gazette notification setting up the Children's Courts, allocation of financial, human and technical resources and framing Rules.
- **Reform national legislation for harmonizing with the principles and provisions of the UNCRC, child rights related laws and policies where applicable.** And the Children Act 2013 being a special law with overriding effect, anything contained in any other existing law, the provisions of this Act shall prevail (Section 3) should be widely practiced.
- **Ensure proper education and awareness by the government** on the reproductive health i.e. the disadvantages of exposure to early sexual intercourse and the negative consequences and long-term causal effects and the mental health.
- **Undertake a systematic assessment of the conditions of children and ensure birth registration** of all children including vulnerable and marginalized groups to determine their age as and when required.
- **Extend the social safety net schemes to withdraw the vulnerable and marginalized children from child labour.**
- **The CRACB should extend its involvement at the local and grassroots levels.** The engagement should be cohesive, consistent and the number of divisions and districts should be increased. The coalition should lobby with the government for ensuring child participation in designing actions, plans and programmes as well as with the human rights reporting relating to children.

The impact assessment concludes with the aspiration that the UPR recommendations, i.e., a global priority and the Concluding Observations of the UNCRC should be translated more effectively and efficiently that it would bring more benefit to the children in everyday life, where they can truly achieve their transformative potential. It is expected that UPR



recommendations and the Concluding Observations of UNCRC should be seen as reinforcing each other. It is viewed safeguarding child rights and fostering holistic development of children is not a choice but an obligation. And adhering to the commitments of international legal obligations will bring more positive impacts in the lives of the children and people when it is accompanied with systematic approaches, consistencies and cooperation. Considering the spirit and fundamental principles of UNCRC the best interest of child should be paramount in the initiatives for the promotion and protection of child rights.

## **Acronyms and Abbreviations**

ASK	Ain o Salish Kendra
CRACB	Child Rights Advocacy Coalition Bangladesh
CRC	Committee on the Rights of the Child
CSO	Civil Society Organizations
HRC	Human Rights Council
MoFA	Ministry of Foreign Affairs
MoLE	Ministry of Labour and Employment
MoSW	Ministry of Social Welfare
MoWCA	Ministry of Women and Children Affairs
NHRC	National Human Rights Commission
NGO	Non-governmental Organizations
SDGs	Sustainable Development Goals
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNHRC	United Nations Human Rights Council
UPR	Universal Periodic Review

## Methodology and Approach

- Desk review of relevant documents, secondary data including the 1<sup>st</sup> in 2009, 2<sup>nd</sup> in 2013 and 3rd Cycle 2018<sup>8</sup> UPR Report of the Working Group on the UPR, CRC Concluding Observations on the fifth periodic report of Bangladesh in 2015, Concluding Observations on the combined third and fourth periodic report of Bangladesh in 2009 and Concluding Observations on the second periodic report of Bangladesh in 2003 and Concluding Observations on the initial report of Bangladesh in 1997 on the UNCRC, the State party's reports fifth periodic in 2014, third and fourth periodic 2008, second periodic 2003, initial report in 1995 and stakeholder's report (CSO and NHRC) on UPR,<sup>9</sup> Annual reports of CSO, NGO and INGOs, situation reports and any other related publications.
- In depth interviews and FGDs with the stakeholders including children on 8 August 2023, CSOs, coalitions, child rights experts, UN agencies, Government, local administration, State institution, local representatives etc. (FGDs with the children was conducted following Child Safeguard and Risk Management Process: Orientation on Child Safeguard on 3 August 2023).
- Information and views collected by organization of consultation and workshop at national and divisional level (Dhaka, Rajshahi 17 August 2023 and Khulna, Satkhira 6 August 2023) with the stakeholders.
- Draft report was shared with the stakeholders at the National Sharing Meeting on 26 October 2023 where representatives from Ministry of Women and Children Affairs, National Human Rights Commission and UN Resident Coordinator Office, children, Child Rights Advocacy Coalition in Bangladesh (CRAC,B), CSOs, NGOs and INGOs participated and provided input and feedback that has been reviewed and incorporated before finalization of the report.

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<sup>8</sup> <https://www.ohchr.org/en/hr-bodies/upr/bd-index>

<sup>9</sup> OHCHR, UN Treaty Body Database: [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=BGD&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=BGD&Lang=EN)

# **An Assessment on the Impact of UPR and UNCRC Mechanisms in the promotion and protection of child rights in Bangladesh**

## **Introduction**

1. ‘An Assessment on the Impact of UPR and UNCRC Mechanisms in Promotion and protection of Child Rights in Bangladesh’ conducted by the Child Rights Advocacy Coalition, Bangladesh (CRAC,B), seeks to assess the compliance, effectiveness and overall impact of the UPR and the UNCRC at the national level in the promoting and protecting child rights. It is expected that the impact assessment will enable the CRAC,B to better understand the impacts of the UPR recommendations and the Concluding Observations of the Committee on the Rights of the Child (hereinafter CRC) and identify the remaining challenges. The objective is to contribute in determining next steps, planning, programmes, and continue advocacy of CRAC, B for the systematic engagement of the stakeholders on the promotion and protection of child rights making best use of UPR and UNCRC.

2. Bangladesh population reaches 165 million in 2022<sup>10</sup> and there is an estimate that there are 56.9 million children aged 0-17 years. The population below 18 years constitutes around 49.6% of the population. The healthy development of this large number of children is crucial to the future well-being of any society because they are still developing, children are especially vulnerable to poor living conditions such as poverty, inadequate health care, nutrition, safe water, housing and environmental pollution. The government of Bangladesh is committed to uphold the rights of children and has been undertaking a number of measures for the protection of child rights. Bangladesh has made remarkable gains in poverty reduction over recent years, significant improvements in the child development as evident from a number of social indicators, including reduction of under-five mortality rates and infant mortality rates, improvement in school enrolment, reducing dropout of students of primary and secondary level school, minimizing the number of underage marriages especially of girls, immunization coverage, and vitamin.<sup>11</sup> Despite significant achievements the incidents of violence against children and women, child abuse and torture, rape, and murder, child marriage, child trafficking and commercial sexual abuse and exploitation, corporal punishment, and child labour are still a matter of concern in Bangladesh.<sup>12</sup>

3. Human rights are guaranteed as fundamental rights in Part III of the Constitution of the People’s Republic of Bangladesh that are justiciable.<sup>13</sup> The Constitution of Bangladesh had also emphasised to make provisions for the progress of the children in Article 28(4) which spells out that, "Nothing in this article shall prevent the State from making special provision in

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<sup>10</sup> Preliminary Report on Population and Housing Census 2022, page 5  
[http://bbs.portal.gov.bd/sites/default/files/files/bbs.portal.gov.bd/page/b343a8b4\\_956b\\_45ca\\_872f\\_4cf9b2f1a6e0/2022-07-28-14-31-b21f81d1c15171f1770c661020381666.pdf](http://bbs.portal.gov.bd/sites/default/files/files/bbs.portal.gov.bd/page/b343a8b4_956b_45ca_872f_4cf9b2f1a6e0/2022-07-28-14-31-b21f81d1c15171f1770c661020381666.pdf)

<sup>11</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G23/178/07/PDF/G2317807.pdf?OpenElement>

<sup>12</sup> <https://www.unicef.org/bangladesh/en/child-protection>

<sup>13</sup> <http://bdlaws.minlaw.gov.bd/act-367.html>

favour of women or children or for the advancement of any backward section of citizens". Bangladesh has taken different initiatives to improve human rights situation and remains committed, on principle, to protect human rights of people. One remarkable piece of legislation was relating to the protection and safeguard of the children in Bangladesh, namely, the Children Act, 1974 was well ahead of time. The Children Act, 1974 and the Rules of 1976 were progressive at the time of enactment. The Act was not only the pioneer domestic legislation for protecting children rights in the then contemporary world but also a model legal instrument for many international treaties. After fifteen years of the enactment of this law, the United Nations (UN) adopted the United Nations Convention on the Rights of the Child (UNCRC).

4. Bangladesh is a party to 8 out of 9 core human right treaties including the United Nations Convention on the Rights of the Child (UNCRC) and a good number of Optional Protocols.<sup>14</sup> Bangladesh has made numerous efforts to fulfill the international human rights obligations. Bangladesh was one of the first two countries in the region and one of the first countries worldwide to sign and ratify the United Nations Convention on the Rights of the Child (UNCRC) on 26 January 1990 and ratify on 3 August 1990, demonstrating the country's commitment to children's rights. However, with a reservation to articles 14(1) and 21 of the UNCRC which concern the right of the child to freedom of thought, conscience and religion, as well as system of adoption respectively. It submitted its Initial Report in 1995. Bangladesh has also been responding to its convention legal obligations and commitment to children through its development programmes, policies, legal provisions and practices. In recent years there have been increasing laws and policies has been enacted and adopted that address Bangladesh's obligations of compliance with the UNCRC as well as respond to the UPR recommendations. It is also noted that some provisions of the Children Act 2013 conforms to some of the Concluding Observations of the CRC and UPR recommendations as well as the enactment of Child Marriage Restraint Act 2017 is a positive steps towards eliminating child marriage. But Bangladesh has not ratified the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OP3) as yet that allows a child to seek justice through the CRC Committee if it cannot get justice at home, although it was recommended in the UPR and Concluding Observations of the CRC in 2015.

5. The Ministry of Women and Children Affairs is implementing various programmes and projects for ensuring physical and mental well-being of children. Children's issue being cross cutting in nature, other ministries also undertake and implement programmes for materializing child welfare. The government has taken a number of initiatives that include legislative reform including policy, enacting new laws and policies, strengthening coordination among various ministries, departments and institutions, strengthening capacity of the Ministry of Women and Children Affairs.

6. The civil society organizations (hereinafter CSOs) has been working and collaborating with the government and other stakeholders for the promotion and protection of human rights including child rights. The CSOs have been engaged and contributed in the harmonization of the domestic legislations, policies and practices with the international human rights standards and principles, awareness on thematic human rights issues including child rights.

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<sup>14</sup> UN Treaty Body Database: [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=14&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=14&Lang=EN)

7. The government of Bangladesh and the stakeholders including the civil society organizations (here in after CSOs), individually or jointly within coalitions or forums, the National Human Rights Commission, Bangladesh (hereinafter NHRC) has been engaged with the UPR since the 1st Cycle review in 2009. Since 2009, the country has been reviewed by the Human Rights Council (HRC) thrice, i.e. 2009, 2013 and 2018 and the number of recommendations has increased in every cycle. In the first cycle, it was 42, and subsequently, it was 161 during the 2nd cycle and 251 in the 3rd cycle. The government of Bangladesh and stakeholders submitted the fourth cycle UPR report<sup>15</sup> as well and awaits review in November 2023. Periodic progress reports/State reports or stakeholders' reports do not necessarily assess the overall impact of the engagement of the processes but a narration of the achievements.

8. An effective UPR mechanism is expected to enhance the promotion and protection of human rights across the world. It is therefore, essential to the key players to understand and advance the UPR process including at the implementation phase. The government of Bangladesh has been proactively adhering to international reporting obligations including UPR and UNCRC for many years. However, no systematic assessment has been conducted to understand the impact of the UPR recommendations and/or Concluding Observations of the CRC in improving the child rights situation in the country as yet. It is important to analyse how effectively Bangladesh has been able to implement the conventional legal obligations. It will help understand how the international human rights mechanisms are contributing to the improvement of the human rights of the people in Bangladesh.

## II. Key Findings and Analysis

### Institutional Framework

9. **Lack of coordination among the ministries:** The Ministry of Women and Children Affairs is the main ministry concerned with the welfare and rights of children. The Ministry of Health and Family Welfare, is responsible for providing for nutrition, immunisation and other health needs of children. The Ministry of Education deals with primary, secondary and tertiary education, the Ministry of Labour and Employment is responsible for issues of child labour; while the Ministry of Home Affairs has a major role to play regarding cross border trafficking, drug control and street children. MoWCA also bears primary responsibility for coordinating with line ministries, implementation of the UNCRC, both between different ministries and between the national and subnational levels. Under the Convention on the Rights of the Child, Bangladesh has submitted the Fifth periodic report stating the measures taken by the government to realize its commitments on the children rights was reviewed and received the Concluding Observation by the Committee on the Rights of the Child in 2015.<sup>16</sup> However, the Sixth Periodic report is overdue since 1 March 2021<sup>17</sup> during the time when the world was devastated by the unprecedented crisis of COVID-19 which has been referred by the stakeholders to interrupt the preparation and submission of the report. A key finding has been made that there is a lack of coordination between the ministries i.e. MoWCA (the lead ministry for the implementation of the Concluding Observations of CRC, engagement with the review

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<sup>15</sup> <https://www.ohchr.org/en/hr-bodies/upr/bd-index>

<sup>16</sup> UN Treaty Body Database: Reporting Status of Bangladesh:  
[https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=BGD&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=BGD&Lang=EN)

<sup>17</sup> [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=BGD&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=BGD&Lang=EN)

and reporting), and MoFA (responsible for the liaison relating to treaties and convention) and other ministries. An Inter-Ministerial Committee was formed to ensure effective coordination in 1998 that was responsible for coordination among the ministries that involves the consolidation into a report of information collected from all relevant ministries on progress towards realizing children's rights.<sup>18</sup> It has been noted that apparently this Inter-Ministerial Committee (formed in 1998) is not functional at present. It is noted that had there been an effective coordination between MoWCA and MoFA the preparation and submission of the Sixth Periodic Report would not have been delayed till date.

**10. Dependency on the external sources for the reporting with the international human rights mechanisms:** The methodology for the Fifth Periodic Report<sup>19</sup> and previous Periodic Reports indicated that the MoWCA continued to collaborate or receive technical support from external source like UNICEF. The methodology of the fourth cycle UPR National report of Bangladesh states that a National Consultant was appointed by the UNDP for facilitating the drafting of the report and four inter-ministerial meetings were held to track the progress and collect the input on the implementation status.<sup>20</sup> This reflects the dependency on the external sources for the preparation of the report as well as absence of regular systematic plan and tracking of progress on the implementation status of the recommendations. The stakeholders also view that that the State reports/Periodic reports are mostly narratives of achievements and do not reflect the remaining tasks, shortcomings and challenges.

**11. Absence of a systematic approach for the implementation and follow-up of the recommendations and/or Concluding Observations:** Bangladesh has been actively engaged with the UNCRC since last thirty years and with the UPR process for fourteen years and have stepped into the fourth cycle UPR. Despite that it is yet to adopt a systematic approach for the implementation, follow-up and reporting of the recommendations and/or Concluding Observations. The assessment of implementation of the recommendations and/or Concluding Observations is still seen as the report preparation methodology. For instance, the government of Bangladesh responded to the list of issues by the CRC that it is reviewing the issue of possible withdrawal of the reservation to Article 14 and 21 preparing the societal mind-set and develop favourable public opinion.<sup>21</sup> It is noted that in absence of a leading coordinating body for the follow-up on the implementation and reporting this response has not been acted on.

**12. No Permanent Human Rights Focal Desks or/and a UPR Focal Desks is appointed for ensuring consistency:** Despite the engagement of the government of Bangladesh with the UNCRC and UPR process, the Human Rights Focal Desks or/and a UPR Focal Desks have not yet been made permanent. It has been observed that UPR Focal Desks are appointed and/or nominated when prompted by the Ministry of Foreign Affairs for the preparation of the UPR reports. But with the transfer of the positions of the government officials in the ministries who had been responsible as the UPR/Human Rights Focal Desks, become vacant with no

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<sup>18</sup> Second periodic report para 24

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2F65%2FAdd.22&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2F65%2FAdd.22&Lang=en), Fifth State Party Report on CRC page 7:

<file:///C:/Users/JONY/Documents/ASK%20UPR%20Assignment%20Folder/State%20party%20report%20UN%20CRC%202012.pdf>

<sup>19</sup> <file:///C:/Users/JONY/Documents/ASK%20UPR%20Assignment%20Folder/State%20party%20report%20UN%20CRC%202012.pdf>

<sup>20</sup> National Report Bangladesh, Methodology, para 3, page 2,

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G23/178/07/PDF/G2317807.pdf?OpenElement>

<sup>21</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FBGD%2FQ%2F5%2FAdd.1&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FBGD%2FQ%2F5%2FAdd.1&Lang=en)

institutional memory a very little memory. Once again with the entrance of the new UPR cycle (4<sup>th</sup> cycle) reporting process, prompted by the Ministry of Foreign Affairs, new Focal Desks get appointed or nominated, and it is presumed that they would also be changed without an institutional memory. It is also observed that while the UPR Focal points who engaged with the inter-ministerial coordination may not necessarily be available for the engagement with other stakeholders and Junior Officials without prior engagement with UPR process are nominated or assigned for wider stakeholders' discussions on different instances.

**13. No Separate agency - Directorate of Children Affairs to deal with children issues:** The Ministry of Women and Children Affairs has only one Directorate - that of Women Affairs. It is worth mentioning that in the Second Periodic Report<sup>22</sup> the government itself stated that it is considering creating a Directorate of Children Affairs to strengthen the implementation of programmes for children and monitoring of the Convention. While Bangladesh was welcomed by the UNCRC<sup>23</sup> for the establishment of the Children's wing with a designated Official in the Ministry of Women and Children Affairs it recommended establishing a separate Directorate/department of children affairs, with a presence down to the upazila (sub-district) level. It has been learned from the discussions with the stakeholders although there was an initiative towards establishing a separate Directorate of Children's Affairs it was interrupted by the shocks of COVID-19. It is sought to conclude with the observation that despite engagement with the UNCRC for more than thirty years and commitment made by the state itself, the establishment of a separate Directorate of Children's Affairs remains unfulfilled. Hence, the assessment concludes with the view that despite long engagement with the UNCRC and UPR and being recommended for establishment of a separate Directorate is not evident – the positive impact in this regard is yet to be seen.

**14. Reservation to the article 14 & 21 of UNCRC cast doubt:** One key identical problem is either making reservations to certain fundamental provisions of international conventions to which Bangladesh is a party or not signing the Optional Protocol/s to many of these international human rights instruments have cast some doubts about the otherwise honest intention of the Government to improve the human rights situation in the country. Moreover, with regard to the reservation to article 21, the government reported in the Fifth Periodic report is of the view that the Guardian and Wards Act 1890, already addresses the purpose through exhaustive legal process in Bangladesh. According to the section 7 of the Guardian and Wards Act 1890, where the Court is satisfied that it is for the welfare of a minor, an order should be made to appoint a guardian of his/her personal protection or property or both or declaring a person to be such guardian, the Court may give an order accordingly. Therefore, the State party believes that even without withdrawing its reservation to article 21 the purpose can be served under the existing domestic laws.<sup>24</sup> This position is viewed as contrary to the positive steps towards fulfilment of the commitments and conventional legal obligations. It is strongly viewed that since there is existing legislations, i.e. Guardian and Wards Act 1890 and the Children Act 2013 that supports community/family based reintegration, there is no point in withdrawing reservation to article 21. It is further noted that the Children Act 2013 (S: 84, 89) is that it

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<sup>22</sup> Second Periodic Reports para 23,

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2F65%2FAdd.22&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2F65%2FAdd.22&Lang=en)

<sup>23</sup> Concluding Observations of UNCRC on the fifth periodic report, para 10

[https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=BGD&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=BGD&Lang=EN)

<sup>24</sup> Fifth Periodic Report, para 25, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G23/178/07/PDF/G2317807.pdf?OpenElement>



prioritise family based solutions over institutional care. The Section 84(4) of the Act stipulates for an alternative care of children including disadvantaged children including children living in the street, with appropriate person for the purpose of community-based-integration.

**15. The District Child Affairs Officer has not been effectively used for the protection of children:** There is a District Child Affairs appointed in the districts of Bangladesh mainly to engage children with cultural activities and sports. And the Children Act 2023 provides for the National, District and *Upazila* (sub-district) Child Welfare Boards. The District Child Welfare Boards lack effective operation and regular functions as the Chairpersons or members are overwhelmed with perhaps more than fifty other committees and boards. It is apparent that even if meetings are being organized but the detail discussion for the welfare of the children do not take place as a few committees meetings are scheduled on the same day. It is further noted that the Deputy Director, of the Ministry of Women and Children Affairs (*Mohila-o-Shishu Bisoyok Kormokorta*) at the district level is more involved with the tasks and interventions for the protection of women and not able to focus on children affairs. To overcome the situation it is recommended to engage the District Child Affairs Officer more effectively with the child welfare of the district concern and involve in day-to-day discharge of the duties and functions of the District Child Welfare Board<sup>25</sup>.

**16. The role of the National Human Rights Commission in the promotion and protection of child rights is below the expectation of the stakeholders:** The key role of the NHRC is the promotion and protection of human rights and interaction with international human Rights mechanisms. The NHRC is also mandated to inquire into any allegation of human rights violations including violation of child rights and recommend government to take proceeding or any other legal action as well as raise public awareness on human rights issues.<sup>26</sup> The NHRC has been engaged in the promotion and protection of child rights. The NHRC has a Committee on Child Rights and Child Labour with three members of NHRC and representations from the government, CSOs, INGOs and UN agencies in this platform to oversee child rights related issues. NHRC has been engaged in the legislative, policy reform and practices relating to child rights including contribution to Children Act 2013, Child Marriage Restraint Act 2017, formulating Child Marriage Restraint Rules 2018 under the Act, adoption of campaign for the elimination of child marriage etc. The NHRC has been engaged with the UPR stakeholders reporting in the 2<sup>nd</sup> cycle and 3<sup>rd</sup> cycle UPR<sup>27</sup>, arranging mock UPR and recommending the government for the implementation of the UPR recommendations and participating with the coordination meetings with the government, mainly organised by the MoFA. NHRC is collaborating with an INGO, World Vision, to eliminate child marriage by raising awareness on the drawbacks of it. 218 villages have been declared as ‘child marriage free’ and leveraging that NHRC has been engaged in raising awareness on 8 divisions of the country as a whole. Despite that the stakeholders view that the engagement of NHRC in the promotion of child rights is not satisfactory. The NHRC has been recently criticized for deterioration<sup>28</sup> and the performance of NHRC is below the expectation and has been

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<sup>25</sup> Children Act 2013: Section 8, <http://bdlaws.minlaw.gov.bd/act-details-1119.html>

<sup>26</sup> Section 12(h): The National Human Rights Commission Act 2009: <http://bdlaws.minlaw.gov.bd/act-1023.html>

<sup>27</sup> [https://www.upr-info.org/sites/default/files/documents/2018-04/nhrbc\\_upr30\\_bgd\\_e\\_main.pdf](https://www.upr-info.org/sites/default/files/documents/2018-04/nhrbc_upr30_bgd_e_main.pdf)

<sup>28</sup> OHCHR Annual Report 2022, page 240: <https://www.ohchr.org/sites/default/files/documents/publications/ohchr-reports/ohchr-report-2022.pdf>

recommended to follow-up on the implementation of the UPR and other recommendations.<sup>29</sup> The NHRC, government, local representatives and NGOs need to work in close connection and collaboration to raise awareness on child marriage as well as on human rights. The media should continue playing their effective role by raising awareness in the media as their social responsibility.

17. **Low Engagement at the grassroots and local levels:** In relation to the engagement at the grassroots and local levels it has been observed that the both UPR and UNCRC have not been taken to the door steps nor much positive impacts are visible in the lives of the people and children. Although there are engagement of the stakeholders at the national level, but the stakeholders at the grassroots or local level are yet to be made aware of or involved by the government with the UPR process or UNCRC or any other UN mechanisms. It is worth mentioning that the Child Rights Advocacy Coalition, Bangladesh has been engaged with the CSOs and children<sup>30</sup> at the national and local levels (divisional) for the preparation of the UPR stakeholders' report or UNCRC reports<sup>31</sup>.

18. **Inadequate Child Participation in the decision making process:** Regarding the child participation in the decision making process for their betterment it has been found that the government has been able to effectively engage them. The government of Bangladesh celebrates World Children's Day every year on the first Monday of October. At the same time, the Children's Rights Week is being observed from October 4 to 11 with the aim of making all those involved in child rights, protection and development and development more proactive and aware.<sup>32</sup> An active Children's Parliament, National Children's Task Force (NCTF) is the platform is facilitated by an INGO, Save the Children<sup>33</sup>, representation from all 64 districts where children can directly advocate and influence duty-bearers and policymakers to take action that supports fulfilling their rights. It has also found that UNICEF's Generation Parliament platform established in 2018 brought together 300 "child parliamentarians" representing all constituencies in Bangladesh to debate climate issues, policies, and actions to safeguard their future World Children's Day, 20 November 2020.<sup>34</sup> It is worth mentioning that it has been found from the FGDs that children who are engaged with CRAC,B are effectively involved in the awareness for education, stopping child marriages, violence against children and child labour by effectively using the helpline numbers 109<sup>35</sup> and 1098<sup>36</sup> (for children only) for reporting abuse or exploitation. There are some good practices of the NGOs and INGOs in engaging with the children in policy-makings, designing actions, plans and programmes on the human rights reporting including UPR and UNCRC reports for their input, information, recommendations and review that support fulfilling their rights contributing to the meaningful participation of children in the decision-making processes. However, it has been carefully noted that the child participation is limited to day observance, occasional and cultural events by the government.

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<sup>29</sup> Anni report 2023 p 34, 35: [https://www.forum-asia.org/wp-content/uploads/2023/10/Anni\\_report\\_2023-10-27-0100-1.pdf](https://www.forum-asia.org/wp-content/uploads/2023/10/Anni_report_2023-10-27-0100-1.pdf)

<sup>30</sup> [https://www.askbd.org/ask/wp-content/uploads/2017/10/Child\\_Focused\\_UPR\\_Submission.pdf](https://www.askbd.org/ask/wp-content/uploads/2017/10/Child_Focused_UPR_Submission.pdf)

<sup>31</sup> FGDs and interviews with the stakeholders held at Rajshahi and Khulna Division

<sup>32</sup> <https://observerbd.com/details.php?id=387520>

<sup>33</sup> <https://bangladesh.savethechildren.net/what-we-do/child-protection-child-rights-governance>

<sup>34</sup> <https://www.unicef.org/bangladesh/en/stories/bangladeshi-children-raise-their-voices-and-call-climate-action-world-childrens-day>

<sup>35</sup> <https://mowca.gov.bd/>

<sup>36</sup> <https://www.thedailystar.net/news/bangladesh/news/1098-helpline-godsend-children-distress-3191081>

## Legislative & Policy Framework and Practices

**19. Non-implementation of legislations and policies properly and effectively:** It has been found that there is lack of effective and proper implementation of laws and policies due to the lack of coordination, communication and cooperation between the different agencies, departments and ministries. To illustrate on the point of proper and effective implementation of law, policies and practices and lack of coordination it is intended to refer to the Children Act, 2013 (‘the officially known as the *Shishu Ain*, 2013 amended in 2018<sup>37</sup> that has led to a ten years or more wait for the Rules under the Children Act 2013 to be adopted. The preamble states that it has been enacted for the purpose of implementing the United Nations Convention on the Rights of the Child (UNCRC). The new law reflects some of the provisions of the UNCRC making the child protection system up-to-date. But it has been noted that even after ten years of the enactment of the law led by the Ministry of Social Welfare (who are not solely responsible for the children affairs but undertakes initiatives relating to the welfare of the children) the Rules has not been framed. Non adoption of the Rules has impacted the implementation of its provisions, for instance, family/community-based-integration. On the contrary, the Rules detailing the family/community-based-integration would have supported Bangladesh to fulfil its international human rights obligations<sup>38</sup> by withdrawing reservation on article 21 of UNCRC as well as implementing the UPR recommendations relating this. In addition, had there the Rules under the Children Act 2013 adopted, a community-based child protection committee could have been established at the Union Council, *Upazila* (sub-district) level, city corporation including children also, that could contribute to the awareness on education, stop hazardous child labour, prevention of child marriage etc.

**20. Inconsistency in the national legislations, policies relating to child rights and practices:** The Children Act 2013 defines a child as anyone up to the age of 18 years (Section 4). Notwithstanding that there are other laws that regulate the legal issues and consequences of actions by children or relating to children, and several laws have been revised by the government. All legislations should consistently define all children as under the age of 18, mainly, Bangladesh Labour Act 2006 defines 0-14 child and 14-18 youth, Prevention of Suppression of Women and Children Act 2000 (as amended 2003, 2020). For harmonizing the national legislation with the principles and provisions of the CRC, child rights related laws needs to be reviewed. The assessment concludes on this point that despite having an advanced legislation Children Act 1974 (repealed), being early signatory to UNCRC, enactment of Children Act 2013 in compliance with UNCRC and no adoption of Rules under this Act is a failure towards ensuring child protection and rights.

## Key Thematic Issues relating to Child Rights

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<sup>37</sup> <http://bdlaws.minlaw.gov.bd/act-details-1119.html>

<sup>38</sup> Concluding Observations of UNCRC on the fifth periodic report, para 6  
[https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=BGD&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=BGD&Lang=EN)

Few key thematic issues those has been selected and discussed since there are repeated recommendations during UPR cycles (1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup>) and in the Concluding Observations (first-fifth) of CRC relating to children:

**21. Violence against children:** Bangladesh was recommended in the 3<sup>rd</sup> Cycle UPR<sup>39</sup> as well as in the 2<sup>nd</sup> and 1<sup>st</sup> Cycle UPR, to strengthen existing law and practice to guarantee effectively rights of the children, in particular by combating violence against children, child labour, forced marriages, and by improving access to education. In response to that Bangladesh adopted the National-Action-Plan-to-Prevent-Violence against-Women-and-Children 2018-2030<sup>40</sup> to address violence against children. Notwithstanding that many forms of child abuse or violence against children, including sexual abuse, physical and humiliating punishment (corporal), child abandonment, kidnapping, and trafficking, continued to be widespread. Many children in Bangladesh are exposed to violence, abuse and exploitation, often by the people meant to protect them. UNICEF data reveals nine out of 10 children have suffered physical punishment or psychological aggression from caregivers, including their parents and teachers.<sup>41</sup> During 2022 ASK reported 1,088 incidents of violence against children occurred, with an additional 516 children killed.<sup>42</sup> However, Amnesty International's Human Rights Report on Bangladesh states that a culture of impunity persisted for gender-based violence and the lack of official data on violence against women and girls made it difficult to assess the true extent of its prevalence.<sup>43</sup>

**22. Child Marriage:** The government enacted the Children Marriage Restraint Act 2017 and the Child Marriage Restraint Rules-2018 has been adopted clarifying the procedures to apply the special provisions of Child Marriage Restraint Act-2017 and prevent its misuse. Bangladesh was recommended in 3<sup>rd</sup> Cycle UPR to formulate Rules of Procedures for the use of the 2017 Child Marriage Restraint Act<sup>44</sup>, and it is apparent that the UPR recommendation has been acted on. An IT system has been launched to check the age of bride and groom using birth certificate, NID, SSC, or HSC certificates to prevent child marriage<sup>45</sup>. Bangladesh has further recommended strengthening its measures in preventing child marriages.<sup>46</sup> A National Action Plan to End Child Marriage 2018-2030<sup>47</sup> has been adopted by the government to completely eliminate child marriage by 2041. Despite significant progress in recent years, Bangladesh has the highest prevalence of child marriage. About 51% of girls in Bangladesh are married before the age of 18, and 22% child before the age of 15 and common in rural areas.<sup>48</sup> Child marriage threatens girls' lives and health and leads to child marital rape which although has not been criminalized in Bangladesh as yet<sup>49</sup> limits their future prospects. Birth registration is vital for the determine the age for marriage, hence, low birth registration or false birth certificate or change of age in the birth registration certificate pave the way for child marriages. Nevertheless, an amendment to the Birth and Death Registration Act 2004 (section

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<sup>39</sup> <https://www.ohchr.org/en/hr-bodies/upr/bd-index>

<sup>40</sup> <https://mspva.gov.bd/images/contain/pdf/1680565136.pdf>

<sup>41</sup> <https://www.unicef.org/bangladesh/en/child-protection>

<sup>42</sup> [Violence Against Children \(Jan-Apr 2023\) | Ain o Salish Kendra\(ASK\) \(askbd.org\)](https://www.unicef.org/bangladesh/en/press-releases/plan-action-launched-eliminate-child-marriage-bangladesh)

<sup>43</sup> <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/bangladesh/report-bangladesh/>

<sup>44</sup> <https://www.ohchr.org/en/hr-bodies/upr/bd-index>

<sup>45</sup> Fourth Cycle National Report UPR, para 33 <https://daccess-ods.un.org/tmp/7039192.91496277.html>

<sup>46</sup> [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=BGD&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=BGD&Lang=EN)

<sup>47</sup> <https://www.unicef.org/bangladesh/en/press-releases/plan-action-launched-eliminate-child-marriage-bangladesh>

<sup>48</sup> <https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/bangladesh/>

<sup>49</sup> Section 9(1) Prevention of Women and Child Repression Act 2000 (as amended in 2003), Section 375 of the Penal Code 1860

15)<sup>50</sup> provides an additional safeguard by making strong scrutiny by the local officers for changing the date of birth of a child. The stakeholders in the FDGS at the divisional levels (Rajshahi and Khulna) informed that there is a growing tendency of solemnization of marriages secretly by the religious leaders without a registration with the *Nikah* (marriage) Registrars. Regrettably it has also been found that the widely discussed special provision (section: 19) Children Marriage Restraint Act 2017, in reality not being recourse to.

23. **Child Labour:** In 2022 Bangladesh ratified fundamental ILO's Minimum Age Convention, 1973 (No. 138). Ratification of this convention recognised as a milestone towards ensuring decent work and social justice in Bangladesh with the minimum age of entry into all work set at 14 years of age.<sup>51</sup> This is considered as a milestone towards taking steps to eliminate child labour. The Ministry of Labour and Employment is the lead ministry for the implementation of the NAP and there are 8 other ministries who are in co-lead. It has been noted that the coordination among the ministries and the transfer of officials with remaining with low institutional memory are the main challenges for the effective implementation of the NAP. While important achievements in the fight against child labour continue to be made in Bangladesh, child labour in its worst forms is rampant in Bangladesh. According to UNICEF nearly 7 per cent of children aged between 5 and 17 years old are involved in some form of child labour, and very young children continue to be employed in hazardous conditions.<sup>52</sup> The government adopted a National Plan of Action (NAP) to Eliminate Child Labour (2021-2025)<sup>53</sup> that states that child labour continues to affect 6.8% (estimate) of children aged 5-17 in 2018 in Bangladesh.

24. **Birth Registration of Children, age determination, identity of children and social safety network:** Children are entitled to age appropriate treatment and for ensuring that it is needed to ascertain the number of children as well as ensure birth registration of children. While there is no reliable recent data, the number of children in street situations (living on the street or spending the majority of their time working on the street) is alarmingly high. There is an anecdotal estimate that more than 600,000 children live on the streets in Bangladesh, of whom 75% are in the capital of Dhaka.<sup>54</sup> Despite the Concluding Observations by the Committee on the Rights of the Children (CRC) in 2015 that recommended undertaking a systematic assessment of the conditions of children living in street situations to support the development, there is no assessment of the number of children living in the streets as yet. However, a recent Survey on street children in 2022 by UNICEF and BBS reveals that 30.1 per cent children surveyed live and sleep in public or open spaces (streets, stations, terminals, fields and parks) without the most basic needs. Poverty and hunger seem to be the major driving factor for children living in street situations along with rapid urbanization as families move to urban areas search of work. However, this survey did not provide a national estimate of children living in street situations, but it does provide a snapshot of the living conditions and experiences of the survey of 24,860 children.<sup>55</sup> Another UNICEF data reveals only 56 per cent of children under

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<sup>50</sup> <http://bdlaws.minlaw.gov.bd/act-921/section-27693.html>

<sup>51</sup> [Bangladesh ratifies fundamental ILO Convention on child labour](https://www.unicef.org/bangladesh/en/child-protection)

<sup>52</sup> <https://www.unicef.org/bangladesh/en/child-protection>

<sup>53</sup> <https://mole.gov.bd/site/project/2d595381-24de-45f8-94c6-2df0279da5b4/%E0%A6%B6%E0%A6%BF%E0%A6%B6%E0%A7%81-%E0%A6%B6%E0%A7%8D%E0%A6%B0%E0%A6%AE-%E0%A6%A8%E0%A6%BF%E0%A6%B0%E0%A6%B8%E0%A6%A8>

<sup>54</sup> [https://en.wikipedia.org/wiki/Street\\_children\\_in\\_Bangladesh](https://en.wikipedia.org/wiki/Street_children_in_Bangladesh)

<sup>55</sup> Survey on Street Children 2022, published in 2023, conducted by UNICEF and BBS:

<https://drive.google.com/file/d/1apJea0tZaw9KBjWHwHRqec5fVLMj15bg/view>

the age of 5 were registered at birth, which means millions have been denied their right to identity.<sup>56</sup> Age appropriate treatment can only be possible for children living in streets, slums, with disabilities, or from any vulnerable and marginalized groups if their age is ascertained and the officials concerns are meticulous in their approach. Despite the concern raised by CRC for the systematic assessment of the children,<sup>57</sup> the complex and bureaucratic nature of the birth registration system<sup>58</sup> unwillingness and inability (who born and live in street and people from marginalized communities) results in low birth registration. And the impact is many children are deprived from development and get the benefits of the recommendations made for them.

### III. Recommendations and Conclusion

**A set of concrete relevant recommendations has been suggested to overcome the gaps and challenges:**

25. A systematic approach has been suggested with the aim of strengthening coordination, communication and collaboration among the ministries, to keep records, track progress systematically and engage with the international human rights mechanisms effectively. The proposed framework is expected to align the tasks of the ministries and government agencies, national institutions and other stakeholders with the international human rights obligations including UPR recommendations, Concluding Observations of treaty bodies and SDGs. It is expected that it will systemize the stakeholders' engagement with the UPR and the treaty bodies including UNCRC. This will result in proactive monitoring, tracking progress of implementation of UPR recommendations, Concluding Observations of the treaty bodies including CRC, and the achievements of the Sustainable Development Goals (SDGs). The framework will enable to track mutually reinforcing SDGs achievements and the implementation of human rights commitments of Bangladesh or its conventional legal obligations.

In this context it is recommended to:

- **Adopt a Comprehensive Human Rights Framework for tracking the progress of implementation of UPR recommendations, Concluding Observations of the treaty bodies including CRC, and the achievements of the Sustainable Development Goals (SDGs) reporting accordingly and address implementation gaps.**

26. A sustainable process is proposed by establishing an effective Inter-ministerial Coordinating Body making the Ministry of Foreign Affairs of Bangladesh (UN Wings with a Research and Reporting Unit)<sup>59</sup> for ensuring smooth coordination. This is proposed to be done by amending the Allocation of Business among Different Ministries and Divisions by the Cabinet Division of the Government of the People's Republic of Bangladesh which is understood to be a fairly less complex process.

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<sup>56</sup> <https://www.unicef.org/bangladesh/en/child-protection>

<sup>57</sup> [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=BGD&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=BGD&Lang=EN)

<sup>58</sup> fourth cycle of the Universal Periodic Review, this report has been prepared jointly by the Child Rights Advocacy Coalition in Bangladesh (CRAC,B) and Joining Forces Bangladesh

<sup>59</sup>Ministry of Foreign Affairs: United Nations Wings: Director UN-HR was appointed in 2022.

[https://mofa.gov.bd/site/view/officer\\_list\\_category/%E0%A6%9C%E0%A6%BE%E0%A6%A4%E0%A6%BF%E0%A6%B8%E0%A6%82%E0%A6%98%20%E0%A6%85%E0%A6%A8%E0%A7%81%E0%A6%AC%E0%A6%BF%E0%A6%AD%E0%A6%BE%E0%A6%97](https://mofa.gov.bd/site/view/officer_list_category/%E0%A6%9C%E0%A6%BE%E0%A6%A4%E0%A6%BF%E0%A6%B8%E0%A6%82%E0%A6%98%20%E0%A6%85%E0%A6%A8%E0%A7%81%E0%A6%AC%E0%A6%BF%E0%A6%AD%E0%A6%BE%E0%A6%97)

In this context it is recommended to:

- **Take on a sustainable process by establishing an effective Inter-ministerial Coordinating Body (UN Wings with Research and reporting Unit) making the Ministry of Foreign Affairs of Bangladesh the lead with a clear mandate and sufficient authority to coordinate all activities relating to the international human rights mechanisms. The proposed Inter-ministerial Coordinating Body should be provided with financial, human, technical resources with and financial resources necessary for its effective operation.**

27. An appointment of Permanent Human Rights Focal Desks/Officials in the ministries is suggested considering the nature of the transfer/promotion of the Officials of the government. And it is also noted that Bangladesh is in the upward economic growth<sup>60</sup> assumed to be capable of allocating financial resources for the appointment of Permanent Human Rights Focal Desks/Officials for all ministries, who may not necessarily Cadre of the Bangladesh Civil Service but 1st class gazetted officer, responsible for coordination and support the Inter-ministerial Coordinating Body. The ministries should also be provided with human, technical and financial resources necessary for its effective operation and functions.

In this context it is recommended to:

- **Appoint Permanent Human Rights Focal Desks/Officials (1st class gazetted officer) for all Ministries as with defined Terms of Reference responsible for coordination with the Inter-ministerial Coordinating Body lead by Ministry of Foreign Affairs (UN Wings).**

28. The Ministry of Women and Children Affairs is responsible for the adoption and implementation of plans, programmes and policies related to child development and protection. There are several other ministries are separately and jointly responsible for the implementation of specific laws which impact different aspects of children's welfare. To ensure close cooperation and strengthened coordination between the ministries through an Inter-ministerial Coordination Body lead by MoWCA is proposed for the better protection of the rights of the children.

In this context it is recommended to:

- **Expedite the Establishment of a Separate Directorate of Children's Affairs under the Ministry of Women and Children's Affairs with appropriate legal and regulatory power to look after child related matters. Assign the Directorate as the Inter-ministerial Coordination Body to give broad direction and ensure coordination among other ministries on the child rights issues. Appoint representatives for the Inter-ministerial Coordinating Body for Child Rights from different ministries who may not be lower than the rank of Joint Secretary. In addition, it is suggested to ensure the allocation of the national budget and a tracking system that make spending on children visible throughout the budget.**

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<sup>60</sup> <https://www.bb.org.bd/pub/annual/anreport/ar2021/chap2.pdf>

- **Rules under the Children Act 2013 are most urgently needed to be adopted, as without them many of the new concepts, such as diversion, family conferencing, alternative care and dispute resolution cannot be put into practice. At present the most important matters for the government to address in order to activate the 2013 Act are: setting up the Child Affairs Desks, appointing Child Affairs Police Officers in police stations, establishing a sufficient-numbers of safe homes and Certified Institutes, publishing a Gazette notification setting up the Children's Courts, allocation of financial, human and technical resources and framing Rules.**
- **Reform all national legislations and policies relating to children where applicable for harmonizing with the principles of the UNCRC and provisions of the Children Act 2013. Ensure that the Children Act 2013 being a special law with overriding effect, anything contained in any other existing law, the provisions of this Act shall prevail (Section 3) is widely practiced.**
- **The government should ensure proper education and awareness on the reproductive health i.e. the disadvantages of exposure to early sexual intercourse and the negative consequences and long-term causal effects and the mental health.**
- **Undertake a systematic assessment of the conditions of children in street situations as well as other vulnerable and marginalized groups by Ministry of Women and Children Affairs and ensure birth registration for all.**
- **Extend the social safety net schemes to withdraw the vulnerable and marginalized children from child labour.**

29. Withdrawal of the reservation on article 14 and 21 of UNCRC by the government is recommended. An introduction of a regulated system of adoption with set criteria and if needed limiting to only nationals to avoid maltreatment, exploitation and deculturation, checks and balances, and stern tracking, monitoring, follow-up and remedying any maltreatment of children would create a larger pool from where to find welcoming families for abandoned/street or orphan children. This would contribute to the development of disadvantaged children as well as support the removal of the reservation on article 21 of UNCRC. It is suggested to engage participation of children in policy-makings, designing actions, plans and programmes that support fulfilling their rights contributing to the meaningful participation of children in the decision-making processes.

In this context it is recommended to:

- **Make a specific and time-bound commitment to withdraw its reservations about the articles: 14 and 21 of UNCRC by the government. Introduce a tracking and monitoring system for a family/community-based-integration/adoption with lead of the Ministry of Women and Children Affairs in coordination with the Ministry of Home Affairs. An appropriate budget for resource allocation including human resources and technical resources.**

30. District Child Affairs Officer should be engaged and strengthen for ensuing child protection.

In this context it is recommended to:



- **Make the District Child Affairs Officer responsible for the child affairs and coordinate with other departments at the district levels to strengthen promotion and protection of child rights including birth registration, ending child marriage, elimination of child labour, address violence against children/child abuse and better coordination.**

31. NHRC should continue playing significant role in engaging with the government and other stakeholders to translate the UPR recommendations and the Concluding Observations of the treaty bodies at the domestic level. In addition, the stakeholders should continue supporting NHRC with the capacity development and technical assistance for remediating human rights violations including violation of child rights as the national body for securing redress when human rights violations occur.

In this context it is recommended to:

- **NHRC should be instrumental for the adoption of a Comprehensive Human Rights Framework, establishment of an effective Inter-ministerial Coordinating Body and appointment of Permanent Human Rights Focal Desks/Officials, establishment of a separate Directorate of Children’s Affairs, and withdrawal of reservations on the articles: 14 and 21 of UNCRC by making recommendation to the government.**
- **NHRC should continue playing its role by acting as a ‘watch-dog’ to assess the extent to which the government has implemented the pledges and recommendations made during UPR mechanisms for positive change.**

32. The government should also outreach to the divisional and district levels for the implementation, follow-up, tracking, and reporting on the recommendations of UPR and the Concluding Observations of the treaty body’s including CRC’s to increase the engagement at the local and grassroots levels:

In this context it is recommended:

- **The CRACB should extend its involvement at the local and grassroots levels. The engagement should be cohesive, consistent and the number of divisions and districts should be increased.**
- **The CRACB should lobby with the government to engage with the children in designing actions, plans and programmes as well as with the human rights reporting relating to children.**

**The CRACB should lobby with the government for adoption of a Comprehensive Human Rights Framework, establishment of an effective Inter-ministerial Coordinating Body and appointment of Permanent Human Rights Focal Desks/Officials, establishment of a separate Directorate of Children’s Affairs, and withdrawal of reservations on the articles: 14 and 21 of UNCRC.**

33. There has been a growing concern that simply signing or ratifying or legislating human rights conventions or engagement with the reporting, review and receiving Concluding Observations of the concerned committees, do not necessarily lead to the effective enjoyment

of human rights in the daily lives of millions of individuals including children. The UPR is not just about being reviewed by the United Nations Human Rights Council (UNHRC) in Geneva. So, it should not be forgotten that UPR mechanism and process involves engagement of stakeholders during the preparation phase of the UPR, during the review, during the follow-up of the implementation of recommendations. And considering the spirit and fundamental principles of UNCRC the best interest of child should be paramount in the initiatives for the promotion and protection of child rights.

34. The impact assessment concludes with the aspiration that the UPR recommendations, i.e., a global priority and the Concluding Observations of the CRC should be translated more effectively and efficiently that it would bring more benefit to the children in everyday life, transplanting the human rights norms, principles and standards into ordinary human relations where they can truly achieve their transformative potential. It is expected that UPR recommendations and the Concluding Observations of UNCRC should be seen as reinforcing each other. To advance the cause of safeguarding child rights and fostering holistic development of children is not a choice but an obligation. Adhering to the commitments of international legal obligations will bring more positive impacts in the lives of the children and people when it is accompanied with systematic approaches, consistencies and co-operation. The government of Bangladesh should keep its focus on the future pledges stated in the fourth cycle UPR report that Bangladesh will continue engaging with the UN, its treaty bodies and other human rights mechanisms of the UN as well as international partners for improvement of human rights in Bangladesh as well as promotion of human rights worldwide.<sup>61</sup>

#### **IV. Secondary Data: List of Relevant Documents**

- 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Cycle UPR Report of the Working Group on the UPR and State reports on UPR, Stakeholders report: CSO (focus on the Child Rights Advocacy Coalition) and NHRC's report: [Universal Periodic Review - Bangladesh | OHCHR](#)

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<sup>61</sup> Future pledges: para 132, page 20, <https://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=A/HRC/WG.6/44/BGD/1&Lang=E>

- Concluding Observations of the Committee on the Child Rights and the State report: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en)
- Child Rights Advocacy, media reports, CSO, NGO and INGOs annual reports, situation reports and any other related publications.
- Study Report: Ain o Salish Kendra (ASK): Analysis of the Root Causes of Child Marriage in Bangladesh (June 2022) pp, 10, : <https://www.askbd.org/ask/2022/08/14/analysis-of-the-root-causes-of-child-marriage-in-bangladesh/>

## V. Primary Data: Focus Group Discussions & Interviews

Focus Group Discussions	
Orientation on Child Safeguard	03.08.2023
Consultation with CRAC,B shared proposed methodology	20.06.2023
Consultation with CRAC,B draft report	17.07.2023
FGD_01_Dhaka Division with the Children working with the CRAC,B	08.08.2023
FGD_02_Khulna Division Satkhira District with CSOs including Deputy Director, MoWCA, Representative from the law enforcement agencies: Child Desk, Union Parishad Chairman and member, local NGOs, Children, Media, Religious leaders	06.08.2023
FGD_03_Rajshahi Division with Deputy Director, MoWCA, District Child Affairs Officer, Local Administration, Chief Community Development Officer, Rajshahi City Corporation, Representative from the law enforcement agencies, local NGOs, Children, Media, Religious leaders, School and Madrasa representatives	17.08.2023
National Sharing Meeting: Participants attended from Ministry of Women and Children Affairs, National Human Rights Commission, UN Resident Coordinator Office, children, Child Rights Advocacy Coalition in Bangladesh (CRAC,B), CSOs, NGOs and INGOs	26.10.2023
Local NGOs	
Breaking the Silence, Satkhira_Khulna Division	
Lofs, Rajshahi_Rajshahi Division	
International Organizations (INGOs) & Non-governmental Organizations	
Bangladesh Legal Aid and Services Trust	
Incidin Bangladesh	
Plan International	
Save the Children International	
SEEP	
UNICEF	
UN Resident Coordinator Office	
World Vision	
Civil Society Organizations and Coalitions	
Child Rights Advocacy Coalition in Bangladesh (CRAC,B) (Ain o Salish Kendra (ASK), Action Aid Bangladesh, Bangladesh Shishu Adhikar Forum (BSAF), Child Rights Governance Assembly (CRGA), Education and Development Foundation – Educo, SOS Children’s Villages, National Girls Child Advocacy Forum (NGCAF), Plan International Bangladesh, Save the Children, Terre des Hommes Netherlands, World Vision Bangladesh	