



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the fifth periodic report of Bangladesh¹*

I. Introduction

1. The Committee considered the fifth periodic report of Bangladesh (CRC/C/BGD/5) at its 2028th and 2029th meetings (see CRC/C/SR.2028 and 2029), held on 15 and 16 September 2015, and adopted the following concluding observations at its 2052nd meeting (see CRC/C/SR.2052), held on 2 October 2015.

2. The Committee welcomes the submission of the fifth periodic report of the State party and the written replies to the list of issues (CRC/C/BGD/Q/5/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in 2011.

4. The Committee also notes with appreciation the adoption of the following legislative measures:

- (a) Children Act (Act No. 24), in 2013;
- (b) Rights and Protection of Persons with Disabilities Act (Act No. 39), in 2013;
- (c) Birth and Death Registration (Amendment) Act, in 2013;

¹ * Adopted by the Committee at its seventieth session (14 September-2 October 2015).

- (d) Domestic Violence (Prevention and Protection) Act, in 2010;
- (e) Law on the marketing of breast-milk substitutes, in 2013;
- (f) Prevention and Suppression of Human Trafficking Act, in 2012.

5. The Committee also welcomes the establishment or adoption of the following institutional and policy measures:

- (a) Comprehensive Early Childhood Care and Development Policy, in 2013;
- (b) Domestic Violence (Prevention and Protection) Rules, in 2013;
- (c) National strategy on Myanmar refugees and undocumented Myanmar nationals, in 2013;
- (d) National Children Policy, in 2011;
- (e) Plan of action for the period of 2011-2016 for adolescent reproductive and sexual health;
- (f) Child helpline, in 2011;
- (g) National Child Labour Elimination Policy, in 2010.

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6))

Reservations

6. The Committee takes note of the information provided by the State party that it is reviewing the possibility of withdrawing its reservations to article 14 (1) (freedom of thought, conscience and religion) and article 21 (adoption) of the Convention. However, it is concerned that no progress has been made towards this since the consideration of the previous report.

7. The Committee reiterates its previous recommendations to the State party to accelerate the review process with a view to withdrawing the reservations to articles 14 (1) and 21 of the Convention in accordance with the Vienna Declaration and Programme of Action.

Legislation

8. The Committee welcomes the enactment of the Children Act in 2013 and notes that a number of child-related bills are still in the process of discussion and study. It is however concerned about the considerable delay in adopting the Education Act. It is also concerned about the limited implementation of child-related laws.

9. The Committee urges the State party to expedite the process of adoption of child-related laws, ensuring their full compatibility with the provisions of the Convention. It recommends that the State party accelerate the adoption of the Education Act. The Committee also recommends that the State party allocate sufficient human, technical and financial resources for the full dissemination of child-related laws and develop institutional capacity for their effective implementation.

Coordination

10. The Committee welcomes the establishment of the children's wing in the Ministry of Women and Children Affairs, but it is concerned that this department is not yet functional. It also notes the information about a proposal to set up a new department of children affairs, with a presence at the *upazila* level. However, the Committee remains concerned about the lack of effective coordination and monitoring of the implementation of the rights of the child under the Convention.

11. The Committee, recalling its previous recommendation (see CRC/C/BGD/CO/4, para. 15), recommends that the State party establish an effective interministerial body with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention at the cross-sectoral, national, regional and local levels. The State party should ensure that the said coordinating body is provided with the human, technical and financial resources necessary for its effective operation.

Allocation of resources

12. The Committee notes the State party's progressive increase of budget allocations for the Ministry of Women and Children Affairs and the establishment of public child-focused budgeting. However, it is concerned about the mismanagement of the allocation of resources, which is exacerbated by corruption, and the lack of effective monitoring and evaluation systems.

13. In the light of its day of general discussion on resources for the rights of the child and the responsibility of States, held in 2007, and with emphasis on articles 2-4 and 6 of the Convention, the Committee recommends that the State party:

(a) **Substantially increase budget allocations to all social sectors, in particular education, health and child protection, including resources earmarked for children in disadvantaged or vulnerable situations who may require affirmative social measures;**

(b) **Strengthen its efforts in the implementation of public child-focused budgeting;**

(c) **Establish mechanisms to monitor and evaluate the adequacy, efficacy and equity of the distribution of resources allocated for the implementation of the Convention at all levels;**

(d) **Take all measures necessary to prevent and combat corruption and strengthen institutional capacities to effectively detect, investigate and prosecute corruption.**

Data collection

14. The Committee notes the State party's initiatives to improve data collection mechanisms, including the project to collect data in the nine districts using smart phones and mobile applications. The Committee, however, remains concerned at the lack of reliable disaggregated data necessary for effective evaluation of the implementation of the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography. It also reiterates its previous concern about the lack of coordination and collaboration among government agencies in data collection and the inadequate technical capabilities for data collection, analysis and reporting.

15. In the light of its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee urges the State party to expeditiously improve its data collection system. The data should cover all areas of the Convention and should be disaggregated by, among others, age, sex, disability, geographic location, ethnic origin and socioeconomic background in order to facilitate

analysis on the situation of all children, particularly those in situations of vulnerability. The Committee recommends that the data and indicators be shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention. In this context, the Committee also recommends that the State party strengthen its technical cooperation with, among others, the United Nations Children's Fund (UNICEF) and regional mechanisms.

Independent monitoring

16. The Committee notes with appreciation the establishment of the Child Rights Committee within the National Human Rights Commission to receive complaints of violations of children's rights. However, it is concerned about the lack of resources allocated to this body to monitor and investigate such violations. It also reiterates its previous concern about the little progress made towards the establishment of a children's ombudsperson (see CRC/C/BGD/CO/4, para. 18), despite the provisions of the National Children Policy calling for the enactment of the law to appoint a children's ombudsperson.

17. In the light of its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, the Committee recommends that the State party:

- (a) **Ensure that adequate human, technical and financial resources are allocated to the Child Rights Committee;**
- (b) **Expedite the establishment of a children's ombudsperson in the State party.**

Dissemination, awareness-raising and training

18. The Committee notes the efforts made by the State party in disseminating the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography through training and the publication of child rights-related stories. However, the Committee remains concerned that the general awareness of the Convention remains low, in particular in rural and remote areas and among vulnerable groups of society.

19. The Committee reiterates its previous recommendations (see CRC/BGD/CO/4, para. 27), and urges the State party to strengthen its efforts to disseminate the Convention and its Optional Protocols and raise awareness among the public, in general, and children, in particular, about children's rights through programmes, including campaigns, and all forms of communication, such as the media, as well as through targeted interventions to raise awareness in rural and remote areas and among vulnerable groups of society. The Committee recommends that the State party take all measures necessary to ensure the availability of child-friendly versions of the Convention in local languages.

Cooperation with civil society

20. The Committee notes the State party's efforts to strengthen its cooperation with civil society. It is, however, concerned that coordination remains weak, limiting the participation of civil society organizations and non-governmental organizations in formulating and monitoring policies and strategies to implement the Convention.

21. The Committee calls upon the State party to systematically involve communities and civil society, including non-governmental and children's organizations, in planning, implementing, monitoring and evaluating all State-supported policies, plans and programmes relating to children's rights.

B. Definition of the child (art. 1)

22. The Committee notes with appreciation that the Children Act of 2013 sets the minimum age of marriage at 18. Despite the assurances given by the delegation, the Committee is concerned about a new draft law that, without specifying the minimum age, would grant judges discretion to authorize marriages of children below the age of 18.

23. The Committee urges the State party to refrain from taking any legislative measure likely to reduce the age of 18 as the minimum age of marriage, as well as to prosecute violators who authorize the marriage of persons below 18 and those who forge official documents to raise the age of the child.

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

24. While noting the State party's efforts to combat discrimination, the Committee reiterates its previous concern that discrimination against certain groups of children, particularly girls, children with disabilities, children of ethnic and religious minorities, in particular Dalit and indigenous children, children living in rural areas, refugee and asylum-seeking children and children in street situations still exists in practice (see CRC/C/BGD/CO/4, para. 32).

25. The Committee reiterates its previous recommendation (ibid., para. 33) and urges the State party to adopt a comprehensive strategy to eliminate de facto discrimination against all groups of children in marginalized and disadvantaged situations and ensure the implementation of all legal provisions in full compliance with article 2 of the Convention.

26. The Committee recognizes the rich culture and traditions of the State party and their importance in daily life. However, it expresses its serious concern at the persistence of adverse cultural norms, practices and traditions, as well as deep-rooted stereotypes regarding the roles and the place of children, in particular girls, in society. Such stereotyping contributes to the persistence of violence against children and harmful practices, including child marriage.

27. The Committee recommends that the State party take measures to eliminate stereotypes that discriminate against children. Such measures should include concerted efforts, within a clear time frame and in collaboration with civil society, the education system, the media and traditional and religious leaders, to educate and raise awareness at all levels of society.

Best interests of the child

28. The Committee welcomes the explicit inclusion of the principle of the best interests of the child in the National Children Policy and the Children Act. The Committee is, however, concerned that despite this legal recognition, the right of the child to have his or her best interests taken into account as a primary consideration is not adequately and systematically interpreted or applied by administrative, legislative and judicial bodies.

29. In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party:

(a) **Strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to and have an impact on children;**

(b) Develop procedures and criteria to provide guidance to all relevant persons in authority on determining the best interests of the child in every area and on giving due weight to those interests as a primary consideration.

Right to life, survival and development

30. The Committee notes with appreciation the progress made by the State party in achieving the Millennium Development Goals related to survival of women and children. However, it is concerned:

(a) That, despite the provisions of the Comprehensive Early Childhood Care and Development Policy, only 21 per cent of children between the ages of 6 and 23 months receive a minimum acceptable diet;

(b) About the number of children who died or were seriously injured during political demonstrations in the State party in 2013;

(c) That drowning is the major cause of death among children between the ages of 1 and 10;

(d) About the high incidence of accidents, including road accidents, and injury-related death of children in the State party;

(e) About the situation of children of parents employed in the garment industry, in particular at reports of children dying in the childcare facilities of garment factories during fire accidents.

31. The Committee recommends that the State party:

(a) Expedite the development and adoption of an operation plan for overall early childhood programming that targets the survival and development of children in early years;

(b) Take measures to prevent injury, road accidents and drowning;

(c) Fully investigate all cases of the use of children in political demonstrations and ensure that perpetrators are brought to justice and that victims are provided with adequate redress and reparations;

(d) Ensure safe childcare facilities, in particular in garment factories.

Respect for the views of the child

32. While noting the positive steps taken by the State party to implement the principle of respect for the views of the child, such as the Children's Opinion Poll: Children's Views and Expectations from Political Aspirants and Leaders in Bangladesh initiative of 2013, the Committee remains concerned about the lack of information regarding the practical implementation of the right of the child to express his or her views in judicial and administrative proceedings and to participate in the preparation and implementation of policies and programmes affecting him or her. The Committee is further concerned that the persistence of such practices may impede the consideration of the views of child within the family and alternative care settings.

33. In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

(a) Ensure the incorporation of this right into all laws, policies and programmes relating to children, particularly regarding education, health care, alternative care and administration of justice;

(b) Guarantee that children and young people are actively consulted and involved in the preparation and implementation of laws, policies and programmes affecting them, and pay particular attention to the active involvement of children in

vulnerable situations, including children with disabilities, minority children, refugee children, and children in street situations;

(c) **Develop awareness-raising programmes, including campaigns to promote the meaningful and empowered participation of all children in judicial proceedings and in school, community, family and alternative care settings.**

D. Civil rights and freedoms (arts. 7, 8 and 13-17)

Birth registration

34. While noting with appreciation the amendment to the Birth and Death Registration Act, which provides for the establishment of the Office of the Registrar General, the Committee is concerned that this permanent structure is not yet functional. It also remains concerned that despite the introduction of an online birth registration system the registration rate in 2013 remained at 37 per cent for children under the age of 5, and at less than 2 per cent for the registration of children within 45 days from birth as required by the law.

35. **The Committee urges the State party to:**

(a) **Expedite the operation of the Office of the Registrar General, in order to guarantee birth registration and the prompt issuance of birth certificates;**

(b) **Take all measures necessary to increase the birth registration rate, including by establishing mobile registration offices, in particular in rural areas, and undertaking a campaign aimed at registering all children who have not yet been registered and who do not have birth certificates;**

(c) **Promote awareness of the importance of birth registration among parents and relevant authorities through regular mass campaigns and provide information on the procedures for birth registration and the rights and entitlements deriving from such registration.**

Access to appropriate information

36. The Committee notes with appreciation the recent legislative measures taken to protect children from harmful information, materials and marketing practices, and the training provided to journalists on ethical reporting on children. However, it is concerned that not all children have equal access to information, in particular, children living in poverty and marginalized children, and that the new legislation may impose restrictions on the right of children to access appropriate information.

37. **The Committee reiterates its previous recommendation (see CRC/C/BGD/CO/4, para. 43) and recommends that the State party strengthen its efforts to fully guarantee equitable access to appropriate information for all children, especially for those who live in poverty and in remote areas, and in conformity with their age and maturity.**

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Corporal punishment

38. The Committee notes with appreciation the information provided by the State party that the High Court Division of the Supreme Court has given a directive to ban corporal punishment of children and to enact a law to prohibit corporal punishment of children in all educational institutions and workplaces. However, the Committee remains concerned about the high number of cases of violence reported in families, schools and institutions, alternative care settings, day care and penal institutions and as a sentence for crime.

39. **In the light of its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to promote positive, non-violent and participatory forms of child-rearing and discipline, conduct awareness-raising programmes on this prohibition and create mechanisms for its fulfilment. The Committee also recommends strengthening the training of officials responsible for law enforcement on children's rights.**

Abuse and neglect

40. The Committee notes the establishment of a child helpline in 2011 to respond to the emergency needs of child victims of abuse and neglect. Nevertheless, it remains concerned at the reports of violence and abuse, including sexual abuse and neglect, of children in the State party in public and private institutions, the family, alternative care institutions, schools and the community, and that in many cases such abuse remains underreported. The Committee is also concerned at the lack of information on the number of cases of abuse and neglect of children that have been investigated and that have led to prosecutions.

41. **The Committee urges the State party to take firm measures to tackle abuse and neglect of children effectively and to:**

(a) **Accelerate the nationwide extension of the child helpline through the provision of sufficient human, technical and financial resources;**

(b) **Eliminate cultural taboos discouraging complaints of violence, abuse and neglect and adopt a comprehensive strategy to inform the general public about the inadmissibility of violence and abuse in any context;**

(c) **Develop teaching materials on the subject, train teachers accordingly and ensure that children are trained from an early age on the inadmissibility of violence and abuse;**

(d) **Establish an independent mechanism to which children can address complaints about all forms of violence, abuse and neglect;**

(e) **Effectively investigate reported cases of abuse and neglect of children, prosecute those responsible and issue appropriate sentences, and report on those cases in the next periodic report.**

Sexual exploitation and abuse

42. The Committee is deeply concerned about the increase in prostitution in general, and that the prohibition of involvement in prostitution applies only to children under the age of 10.

43. **The Committee recommends that the State party prohibit and criminalize the involvement of children in prostitution and all forms of exploitation and take measures to prevent such exploitation, monitor the implementation of such measures and provide victims with rehabilitation and care.**

Harmful practices

44. The Committee is deeply concerned that although the minimum age for marriage is set at 21 for boys and 18 for girls, child marriage, especially of girls, remains highly prevalent in the State party.

45. **The Committee urges the State party to ensure that the minimum age of marriage set in the Children Act is applied. It also recommends that the State party:**

(a) **Develop awareness-raising campaigns and programmes on the harmful effects of early marriage on the physical and mental health and well-being of girls, targeting households, local authorities, religious leaders and judges and prosecutors;**

(b) **Establish protection schemes for victims of child and forced marriage who file a complaint;**

(c) **In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014), take active measures to put an end to harmful practices against children in the State party.**

F. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20-21, 25 and 27 (4))

Family environment

46. The Committee welcomes the introduction, through the Children Act, of the provision to facilitate the referral of parents to programmes providing counselling and financial and other types of assistance to prevent the unnecessary institutionalization of children in vulnerable situations. However, it is concerned about the limited number of probation officers and social workers to perform this task. It also remains concerned about the situation of children from single-parent families and those from disadvantaged and marginalized groups.

47. The Committee reiterates its previous recommendation (see CRC/C/BGD/CO/4, para. 52) and encourages the State party to expand the resources for family support, in particular for single-parent families, and to allocate sufficient human, technical and financial resources for family support and proactive social work in the community.

Children deprived of a family environment

48. The Committee notes with appreciation that the Children Act reaffirms that in decisions related to the placement of the child, family or extended family options are given priority if in the best interests of the child. It is, however, concerned about the continued widespread use of institutionalization and the poor conditions of a number of children placed in alternative care centres. The Committee is also concerned at the lack of an independent complaint mechanism for children placed in alternative care centres and reports of several violent incidents that occurred in institutions.

49. Drawing the State party's attention to the Guidelines for the Alternative Care of Children, the Committee emphasizes that financial and material poverty, or conditions directly and uniquely attributable to such poverty, should never be the sole justification for removing a child from parental care, for receiving a child into alternative care or for preventing a child's social reintegration. In this regard, the Committee recommends that the State party:

(a) **Support and facilitate family-based care for children wherever possible, with a view to reducing the institutionalization of children;**

(b) **Ensure periodic review of the placement of children in foster care and institutions, and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying the maltreatment of children;**

(c) **Ensure that adequate human, technical and financial resources are allocated to alternative care centres and relevant child protection services, in order to facilitate the rehabilitation and social reintegration of children resident therein to the greatest extent possible.**

Children in prison with their mothers

50. The Committee is concerned about the situation of children in prison with their mothers, including with respect to the lack of childcare services and deficiencies in sanitation.

51. The Committee recommends that the State party seek alternative measures to institutional confinement for pregnant women and mothers with young children wherever possible, and ensure adequate living conditions for children in prison with their mothers.

G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1-3) and 33)

Children with disabilities

52. While noting with appreciation the State party's efforts to put in place an online database to store data and information on persons and children with disabilities and provide reports for planning and programming, the Committee is concerned:

- (a) At the lack of reliable disaggregated data on children with disabilities in the State party;
- (b) At the absence of specific information on initiatives and programmes for the rehabilitation and reintegration of children with disabilities, particularly for those children suffering from multiple and intersecting forms of discrimination;
- (c) At the persistence of negative attitudes and discrimination against children with disabilities;
- (d) At the deprivation of a high number of children with disabilities of education and that most schools are not accessible and lack adapted education;
- (e) That children with disabilities face major obstacles in accessing appropriate social and health-care services.

53. In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and:

- (a) **Expedite the launch of the online database on persons and children with disabilities and take other necessary measures;**
- (b) **Develop an efficient system for diagnosing disability, which is necessary for putting in place appropriate policies and programmes for children with disabilities, including rehabilitation and reintegration programmes for children suffering from multiple and intersecting forms of discrimination;**
- (c) **Undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of and prejudice against children with disabilities and promote a positive image of such children;**
- (d) **Set up comprehensive measures to develop inclusive education and ensure that such education is given priority over the placement of children in specialized institutions and classes;**
- (e) **Train specialized teachers and professionals in inclusive education and assign them to integrated classes providing individual support and all due attention to children with learning difficulties;**

(f) **Immediately take measures to ensure that schools are accessible and that educational services are tailored to children's needs;**

(g) **Immediately take measures to ensure that children with disabilities have access to health care, including early detection and intervention programmes.**

Health and health services

54. The Committee notes with appreciation the initiatives undertaken by the State party, namely, the development of a national immunization policy, the establishment of the special care unit for sick newborns and the adoption of laws on oil fortification and banning of marketing of breast-milk substitutes in 2013. It remains, however, concerned that only one third of women deliver with the support of a skilled attendant, and about regional disparities in the provision of health services. The Committee is also concerned about the prevalence of anaemia and malnutrition among children, in particular in slums and rural areas.

55. The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party:

(a) **Allocate sufficient financial and human resources to health services in all regions and *upazilas* to eliminate regional disparities in the provision of health services;**

(b) **Implement and apply the technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31) and pay specific attention to anaemia and malnutrition, in particular in rural and remote areas and in slums;**

(c) **Develop and implement policies to improve health infrastructures, and intensify training programmes for all health professionals.**

Adolescent health

56. While noting the adoption of a comprehensive plan of action for 2011-2016 for adolescent reproductive and sexual health, the Committee is concerned about the high prevalence of adolescent pregnancy and the lack of adolescent-friendly health services and menstrual hygiene management facilities and services.

57. In the light of its general comment No. 4 (2003) on adolescent health and development in the context of the Convention, the Committee recommends that the State party:

(a) **Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention paid to preventing early pregnancy and sexually transmitted infections;**

(b) **Improve access to adolescent-friendly health services;**

(c) **Raise awareness in schools and communities about improving hygiene practices, while ensuring access to menstrual hygiene management facilities and services.**

58. The Committee reiterates its previous concern about the lack of adequate facilities and counselling services for mental health for adolescents (see CRC/C/BGD/CO/4, para. 63), and expresses concern at the reported increased number of suicides among adolescents.

59. The Committee recommends that the State party take urgent action to strengthen its efforts to prevent suicide among children and youth, including by increasing

psychological counselling services and social workers in schools and communities, and ensure that all professionals working with children are adequately trained to identify and address early suicidal tendencies and mental health problems.

Drug abuse

60. The Committee remains concerned about the increase in drug abuse among children and the lack of drug prevention services that address the needs of those children.

61. The Committee recommends that the State party provide children and adolescents with accurate and objective information and life-skills education on preventing substance abuse, including the abuse of tobacco and alcohol but especially hard drugs, as well as glue and solvent sniffing, through public school programmes and media campaigns, and protect children from harmful misinformation and models. The Committee also recommends that the State party develop accessible and anonymous drug dependence treatments and harm reduction services for children and young people.

HIV/AIDS

62. The Committee remains concerned about the 25 per cent rise in the number of new cases of HIV/AIDS between 2001 and 2011 and the insufficient measures taken by the State party to address the pandemic effectively. The Committee is also concerned about the absence of initiatives to reach adolescents through existing HIV/AIDS services or to establish special services.

63. In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party:

(a) Promote the measures in place to prevent mother-to-child transmission of HIV/AIDS and develop a road map to ensure the implementation of effective preventive measures;

(b) Improve follow-up treatment for HIV/AIDS-infected mothers and their infants to ensure early diagnosis and early initiation of treatment;

(c) Improve access to and coverage of antiretroviral therapy and prophylaxis for pregnant women infected with HIV;

(d) Improve access to quality, age-appropriate HIV/AIDS, sexual and reproductive health services.

Standard of living

64. The Committee remains concerned that the existing social protection programmes aimed at reducing child poverty are not adequately addressing children's age-specific vulnerabilities and deprivations. It is also concerned about the limited access to safe drinking water and adequate sanitation, particularly in rural areas and slums.

65. The Committee recommends that the State party take all measures necessary to combat poverty and to eliminate urban/rural, social and other disparities in children's standard of living through, inter alia, social protection and targeted programmes for children and families who are particularly vulnerable to poverty, and prioritize the provision of safe drinking water and environmental sanitation.

H. Education, leisure and cultural activities (arts. 28-31)

Education, including vocational training and guidance

66. The Committee welcomes the adoption of the National Education Policy in 2010. However, it is concerned about:

- (a) The limited implementation of the policy due to the lack of adequate resources;
- (b) The quality of education, in particular in madrasas, not being up to national standards;
- (c) The lack of access to education for refugee children;
- (d) The low level of stipends provided by the State party to children;
- (e) The persistent dropout rate due to fees and other costs, such as for books and uniforms, to violence and harassment on the way to and from and at school, and to the lack of sanitation facilities that are separate for girls and boys and accessible for children with disabilities.

67. **Building on its previous recommendations (see CRC/C/BGD/CO/4, para. 75) and in the light of its general comment No. 1 (2001) on the aims of education, the Committee urges the State party to:**

- (a) Increase the State budget dedicated to education and the implementation of the National Education Policy;**
- (b) Ensure that education is available to all children in the State party, including asylum-seeking and refugee children;**
- (c) Address the barriers faced by out-of-school children, particularly the direct and indirect costs of education, violence, in particular against girls, harmful traditional practices and negative attitudes towards children in vulnerable situations, including children with disabilities, children in street situations, refugee children and children belonging to minority groups;**
- (d) Take the measures necessary to improve the accessibility and quality of education, including by providing stipends, and provide high-quality training for teachers, with particular emphasis on rural areas;**
- (e) Provide guarantees that schools remain a safe and secure environment for the educational and personal development of every child, by prosecuting violence against and sexual abuse of children;**
- (f) Develop and promote high-quality vocational training for all children and adolescents, in particular children and adolescents who drop out of school, and strengthen the training programmes for children, particularly in rural and remote areas.**

Rest, leisure, recreation and cultural and artistic activities

68. The Committee notes with appreciation that the National Children Policy includes as part of its objectives the participation of children in cultural and artistic life and the provision of appropriate and equal opportunities for sports, physical exercise and cultural, recreational and leisure activity. However, it reiterates its previous concern about the limited number of leisure, recreational and cultural facilities for children of all ages, including playgrounds and sports facilities (see CRC/C/BGD/CO/4, para. 76).

69. **In the light of the Committee's general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the**

Committee reminds the State party of children's right to rest, leisure and cultural activities and recommends that it allocate all necessary human, technical and financial resources to initiatives that promote and facilitate children's playtime and other self-organized activities in public places, schools and children's institutions and at home.

I. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d) and 38-40)

Asylum-seeking, refugee and unaccompanied children

70. The Committee welcomes the adoption in 2013 of a national strategy on Myanmar refugees and undocumented Myanmar nationals, which acknowledges for the first time that undocumented Rohingya from northern Rakhine State in Myanmar who are currently in Bangladesh, many of whom are children, have fled persecution and need humanitarian assistance. However, despite the decision to provide birth certificates to children born inside two refugee camps in the State party, the Committee is concerned that refugee children born outside the camps do not have birth certificates and have limited access to basic services, education and recreation. It is also concerned at reports that Rohingya asylum-seeking children from Myanmar and their families are routinely detained because of illegal entry into the State party.

71. **In line with its general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin, the Committee recommends that the State party:**

(a) **Provide birth registration and access to basic rights, such as to health and education, for all undocumented Rohingya children and their families on the State party's territory, irrespective of their legal status;**

(b) **Release asylum-seeking and refugee children held in detention centres and enable them to access the Office of the United Nations High Commissioner for Refugees;**

(c) **Ensure that unaccompanied, separated, refugee and asylum-seeking children are not detained because of illegal entry or stay in the State party;**

(d) **Grant unaccompanied, separated, refugee and asylum-seeking children the right to seek asylum and to stay in the State party until the completion of asylum procedures;**

(e) **Consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.**

Children belonging to minority or indigenous groups

72. The Committee is concerned that children from minority groups, in particular Dalit children and indigenous children face discrimination and violence and lack access to quality education, in particular to education in their mother tongue. The Committee is also concerned about the lack of recognition by the State party of indigenous identity of the Adivasi indigenous peoples.

73. **In the light of its general comment No. 11 (2009) on indigenous children and their rights under the Convention, the Committee recommends that the State party:**

(a) **Take all measures necessary to protect minority and indigenous children from discrimination and violence;**

(b) **Establish a standardized system for the collection and analysis of data on minority and indigenous children related to all areas covered by the Convention and its Optional Protocols;**

(c) **Adopt comprehensive measures, including affirmative measures to ensure that minority and indigenous children enjoy all their rights, in particular in the areas of health and education.**

Economic exploitation, including child labour

74. While noting the adoption of the National Child Labour Elimination Policy in 2010, in which the minimum age for employment was set at 14 years and the engagement of children below the age of 18 in hazardous work was prohibited, the Committee remains concerned about the weak and insufficient implementation of the legislation on child labour. It is further concerned about the significant number of children being engaged in labour, many of them in hazardous conditions, and in domestic work where they are vulnerable to violence and sexual abuse.

75. **The Committee urges the State party to enforce its national legislation to ensure that child labour, including in the informal sector and family businesses, is in full compliance with international standards in terms of age, working hours, working conditions, education and health, and to ensure the full protection of children against all forms of sexual, physical and psychological harassment. The Committee also recommends that the State party:**

(a) **Establish programmes to reintegrate into mainstream education children who have been involved in labour, seeking the assistance, among others, of the International Programme on the Elimination of Child Labour of the International Labour Organization;**

(b) **Strengthen the implementation of labour laws by establishing labour inspections, including in the informal sector, and ensuring that anyone violating legislation on child labour be held accountable;**

(c) **Address the root causes of economic exploitation by increasing poverty eradication efforts;**

(d) **Consider ratifying the International Labour Organization Domestic Workers Convention, 2011 (No. 189).**

Children in street situations

76. While welcoming the State party's programme on the minimum package of child protection services in urban slums, the Committee reiterates its previous concern (see CRC/C/BGD/CO/4, para. 84) about the significant number of children working and living in the street and their vulnerability to various prevalent risks, including drug abuse, sexual abuse and economic exploitation.

77. **The Committee recommends that the State party:**

(a) **Undertake a systematic assessment of the conditions of children in street situations in order to obtain an accurate picture of the root causes and magnitude of the phenomenon;**

(b) **Develop and implement, with the active involvement of children themselves, a comprehensive policy that addresses the root causes of the phenomenon in order to prevent and reduce it;**

(c) **In coordination with non-governmental organizations, provide children in street situations with the necessary protection, including access to nutrition and shelter, adequate health-care services, the possibility of attending school and access to**

other social services, as well as protection from drug abuse, sexual abuse and economic exploitation;

(d) Support family reunification programmes when that is in the best interests of the child;

(e) Allocate all human, technical and financial resources necessary to implement all policies and programmes on children in street situations.

Sale, trafficking and abduction

78. The Committee notes with appreciation the enactment of the Prevention and Suppression of Human Trafficking Act and the inclusion of life skills-based education on adolescent reproductive health, including in relation to sexual abuse and exploitation, as part of the school curriculum from classes 6 to 10. However, it remains concerned about the prevalence of trafficking and exploitation of children in the State party.

79. The Committee recommends that the State party:

(a) Establish a comprehensive and systematic data collection mechanism on the sale, trafficking and abduction of children, and ensure that the data are disaggregated by, inter alia, sex, age, national and ethnic origin, geographical region, rural or urban residence and indigenous or socioeconomic status, with particular attention paid to children living in the most vulnerable situations;

(b) Conduct awareness-raising activities in order to make parents and children aware of the dangers of internal and external trafficking;

(c) Further strengthen its cooperation with South Asian countries to combat trafficking in children across States, including through the conclusion of bilateral and multilateral agreements.

Administration of juvenile justice

80. The Committee welcomes the reform of the administration of juvenile justice, which sets the upper age limit for juvenile justice at 18, provides for the appointment of a child affairs police officer in each police station and the establishment of one Children Court in every district. However, the Committee is concerned that owing to the large difference in population numbers among various districts, the number of juvenile courts on a per capita basis is limited. The Committee reiterates its previous concern that the minimum age of criminal responsibility (9) is still very low (see CRC/C/BGD/CO/4, para. 92).

81. In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:

(a) Increase the number of juvenile courts in the State party, on a per capita basis;

(b) Ensure that such new courts are adequately staffed by trained judges and the relevant support staff, especially probation and social welfare officers;

(c) Provide accurate and updated disaggregated data on children serving prison terms and those on remand awaiting trial, as well as on the reasons for their detention;

(d) Raise the minimum age of criminal responsibility to an internationally acceptable standard.

Follow-up to the Committee's previous concluding observations and recommendations on the Optional Protocol on the sale of children, child prostitution and child pornography

82. The Committee regrets the lack of information on the implementation of its concluding observations of 8 June 2007 on the State party's initial report under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/BGD/CO/1) and urges the State party, in particular, to ensure that the sale of children is prohibited in all cases listed under article 3 (1) (a) of the Optional Protocol and to adopt and implement specific legislation adequately defining and punishing child pornography and child prostitution in accordance with articles 3 (1) (b) and (c) of the Optional Protocol.

Follow-up to the Committee's previous concluding observations and recommendations on the Optional Protocol on the involvement of children in armed conflict

83. The Committee regrets the lack of information on the implementation of its concluding observations of 27 January 2006 on the State party's initial report under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/BGD/CO/1) and urges the State party, in particular, to ensure that no child under the age of 16 be enrolled in the army or in the police forces, by establishing and systematically implementing safeguards to verify the age of volunteers on the basis of objective elements such as birth certificates and school diplomas and, in the absence of documents, a medical examination to determine the exact age of the child.

J. Ratification of the Optional Protocol on a communications procedure

84. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol on a communications procedure.**

K. Ratification of international human rights instruments

85. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the International Covenant on Civil and Political Rights, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**

L. Cooperation with regional bodies

86. **The Committee recommends that the State party cooperate with, among others, the Association of Southeast Asian Nations Commission on the Promotion and Protection of the Rights of Women and Children.**

IV. Implementation and reporting

A. Follow-up and dissemination

87. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the fifth periodic report, the written replies to the list of issues of the State party and the present concluding observations be made widely available in the languages of the country.

B. Next report

88. The Committee invites the State party to submit its combined sixth and seventh periodic report by 1 March 2021 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

89. The Committee also invites the State party to submit a core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.