



Convention on the Rights of the Child

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Summary Record of the 1248th meeting

Held at the Palais Wilson, Geneva, on Monday, 4 June 2007, at 3 p.m.

Chairperson: Ms. Lee

Contents

Consideration of reports of States parties (item 6 of the agenda) (*continued*)

Initial report of Bangladesh on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (item 6 of the agenda) (continued)

Initial report of Bangladesh on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography [(CRC/C/OPSC/BGD/1); list of issues to be taken up (CRC/C/OPSC/BGD/Q/1); written replies by the State party concerning the list of issues (CRC/C/OPSC/BGD/Q/1/Add.1)].

1. At the invitation of the Chairperson, the delegation of Bangladesh took places at the Committee table.
2. **Ms. Sultana** (Bangladesh) said that the situation of the rights of the child in Bangladesh was very closely linked to the socioeconomic situation. The denial of many rights, including the rights of the child, had its roots in poverty and under-development. Nonetheless, progress had been made in reducing poverty over the previous two decades. Access to primary education had gradually expanded and the school enrolment rate had risen thanks to the increase in the budget allocated to education, the introduction of free primary education and the establishment of school bursary programmes, particularly for girls. The child mortality rate had been in continuous decline.
3. Bangladesh had increased its cooperation with the countries of South Asia. It had ratified the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating the Trafficking in Women and Children for Prostitution, the SAARC Convention on Child Welfare and the SAARC Convention on Regional Arrangements for the Promotion and Protection of Child Welfare in South Asia.
4. Despite the extreme poverty that pervaded the country, the sale of children and child pornography were not widespread in Bangladesh. Child pornography might nonetheless increase with growing Internet use and it would perhaps be wise to take preventive measures in that field. The Government was more concerned by more pressing issues such as child prostitution.
5. Prostitution of girls was a problem. Considerable progress had been made in establishing a mechanism to combat trafficking in women. A police surveillance unit had been given responsibility for collecting information on trafficking in human beings, especially women and children. An inter-ministerial committee led by the Ministry of the Interior monitored progress in that domain, including that made by non-governmental organizations (NGOs). Local committees on the ground reported monthly to the Ministry of Women and Children's Affairs on incidents of violence or trafficking in which women and children were involved.
6. In order to provide better protection for children, the Government had amended certain laws and had enacted some new ones. For example, the Births and Deaths Registration Act of 2004, the Mines (Amendment) Act 2004 and the Wardship (Amendment) Act 2004. The Government had enacted two Acts in 2002 to combat assaults involving the use of acid.
7. Bangladesh was making strenuous efforts to attain the objectives set in the Optional Protocol using the means available to it but still had a great deal to do. The country would

need international support because it was unable to achieve the objectives by itself, especially given that international aid had decreased.

8. **Ms. Smith** hoped that the country's leaders would find inspiration in the action of the entrepreneur Muhammad Yunus, who had been awarded the Nobel Peace Prize in 2006 for inventing microcredit with the aim of eradicating poverty. Microcredit had had a positive impact on child welfare.

9. According to the information available, a large number of children were sold for sexual exploitation purposes, but some were also sold as camel jockeys or servants. Bangladesh was both a source and transit country for the sale of children, boys as well as girls, for purposes of sexual exploitation.

10. She asked whether the Government had data on the actual number of children who were victims of the crimes described in the protocol and, if necessary, whether it was taking any measures to improve the data collection system. One of the reasons behind difficulties in collating information on crimes such as those was the opprobrium to which the victims were subject. It would therefore be interesting to know whether the Government had a strategy to encourage victims to lodge complaints and whether it planned to work with NGOs to set up a special telephone helpline so that child victims could ask for help.

11. Even though the resources allocated to child health and education in recent years had been satisfactory, she asked whether there were plans to increase the budget allocated to child protection.

12. Despite the large number of legal provisions on the sale of children, child prostitution and child pornography, it was difficult to form an overall view of the situation. Did the laws prohibiting the sale of children and violence against women provide for grave penalties in the event of an offence and why were those laws not part of the Penal Code? Was it not the case that the fact of their inclusion in the Penal Code would make them more prominent? It was also a matter of great concern to note that the law did not protect minors between the ages of 16 and 18.

13. The Penal Code provided for penalties for the dissemination of child pornography but made no reference to the process of making it. There was therefore a gap in the country's legislation on the matter.

14. Moreover, the delegation might indicate whether the Government intended to review the legislation on child prostitution to bring it into conformity with the Optional Protocol and thereby criminalize the offences described in the Protocol.

15. Concerning the protection of victims during an investigation and criminal proceedings, the Government provided figures on "juvenile delinquents" who were often accused of immoral conduct and thrown into prison awaiting trial. Instead, the young people concerned should, under the Optional Protocol, be regarded as victims in need of protection.

16. **Ms. Aidoo** welcomed the progress made by the country, especially with regard to the education of girls. She pointed out that despite the Births and Deaths Registration Act, only 10 per cent of births were declared and asked whether the Government intended to take any measures in that regard. She also asked whether any special efforts were being made to register children born as a result of marriages between Bangladeshi nationals and political refugees from the Indian state of Bihar, and what the status in Bangladesh was of child refugees from Bihar.

17. There was little public awareness of the provisions of the Optional Protocol. It would be useful to note whether the Government intended to have the text translated into Bangla. Had the impact of awareness campaigns been assessed?

18. The delegation might describe the measures taken to combat stigmatization of child victims of the crimes described in the Protocol and indicate whether that issue had been addressed at information and training sessions on the Protocol. Given that assistance to child victims of prostitution or trafficking was principally provided by NGOs, it would be interesting to know what resources the State allocated to the children concerned and whether those children received support and psychosocial assistance before being returned to their families.

19. She asked what was being done to help male victims of sexual exploitation in particular. The Penal Code dealt at length with girls under age 18 but did not refer to boys at all. The Children's Act 1974 provided that children under age 16 who were caught in flagrante delicto in the sex trade were able to be arrested by police officers; clarification should be given as to whether that provision applied to boys as well as girls. Care should be taken to ensure that the protection system covered all children.

20. **Mr. Parfitt** asked when the ombudsman service provided for in the Constitution of Bangladesh would be established. An independent body of that kind would be able to monitor the implementation of the Convention and receive complaints from children.

21. It would appear that there was inefficient coordination between the various Ministries, bodies and NGOs providing services and care to children. He asked whether the Government of the State party intended to rectify that situation and to take more vigorous measures to implement the Optional Protocol.

22. Furthermore, it would appear that only one bilateral agreement had been concluded, with Thailand, following the signature by Bangladesh of the SAARC Convention on Preventing and Combating the Trafficking in Women and Children for Prostitution. Most child victims of trafficking were sent to India. The delegation might indicate whether the State party intended to sign other agreements, including with India and Pakistan, on inter alia the repatriation, rehabilitation and reintegration of child victims.

23. Finally, a significant number of social programmes targeting children which had been established in the country were directly financed by foreign contributions. Political instability appeared to discourage such aid. It would be useful to know whether the State party was taking steps towards a return to democracy which would allow flows of foreign aid to enter the country.

24. **Ms. Khattab** asked what the State party intended to do to ensure girls could continue to attend school and were not married at an early age.

25. She would also like the State party to withdraw its reservations to article 14, paragraph 1, and article 21 of the Convention.

26. She enquired how the Ministry of Women and Children's Affairs communicated its points of view to the ministries with which it was working to implement the Optional Protocol and whether those ministries were required to apply its guidelines. It would also be useful if it could supply information on the relationships between the Ministry of Women and Children's Affairs and the Implementation and Monitoring Committee for the National Plan of Action to combat the Sexual Abuse and Exploitation of Children including Trafficking (SAECT), and the follow-up given by the Ministry to the reports submitted to it by that Committee.

27. **Mr. Zermatten** asked whether a child victim of trafficking, prostitution or child pornography was able to lodge a complaint on his or her own behalf, even without his or her parents' or guardians' consent, and enquired what bodies were authorized to receive such a complaint.

28. Given that there was no specific law on victim and witness protection, he asked what the status of the victim was in criminal proceedings, whether all hearings were public, whether it was possible to use audio and video methods during the proceedings and whether Bangladesh was in conformity with the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime adopted by the Economic and Social Council in 2005.

29. **Ms. Ortiz** asked what measures the State party was taking at national and international level when a child disappeared, whether contacts were made with potential countries of destination, whether the identities of children who had disappeared were known, and whether a list of such children was kept up to date.

30. **Mr. Citarella** said that many children who were subject to trafficking were sold in neighbouring countries and he asked what procedures existed to prosecute persons who committed crimes abroad or aliens who committed crimes in Bangladesh, especially in the framework of sex tourism, and whether the law in Bangladesh included provisions which provided for universal jurisdiction.

31. **Ms. Smith** asked how the State party, which was currently led by a temporary Government with only 10 advisers and had no ministry with special responsibility for children, could genuinely defend and protect the rights of the child.

32. **The Chairperson** recalled that according to estimates, 1.8 million children were victims of sexual exploitation in Bangladesh. Those children were not regarded as victims but as criminals and were sometimes imprisoned on grounds of public order. She asked for further information on that situation.

The meeting was suspended at 3.55 p.m. and resumed at 4.15 p.m.

33. **Ms. Sultana** (Bangladesh) said that each of the 10 Government advisers worked for three or four ministries. The fact that they had more than one sphere of authority in no way prevented the adviser attached to the Ministry of Women and Children's Affairs from doing a good job. Moreover, the fact that Bangladesh currently had an interim Government had no negative repercussions for the implementation of the Convention.

34. **Mr. Filali** asked whether the interim Government was empowered to take initiatives to implement the Optional Protocol or if it was able only to pursue activities already under way.

35. **Ms. Sultana** (Bangladesh) explained that the current interim Government did not have a limited mandate, unlike its predecessor. In addition to the fact that it was responsible for organizing free and fair elections, a time-consuming business, it was fully empowered to enter into international commitments and to honour such commitments as had already been made. The major principles of the protection of the rights of the child such as non-discrimination, equality between the sexes, or protection of vulnerable and minority groups were in any event enshrined in the Constitution generally. It should be noted that the approval rating of the Government in place was at its highest level and that the population was nursing great hopes of improvement.

36. Bangladesh had recently decided not only to translate all important international documents into Bangla, including the Convention on the Rights of the Child and the Optional Protocol on the sale of children, child prostitution and child pornography, but also to publish information leaflets highlighting the most important articles.

37. The fact that only 10 per cent of births were registered raised genuine problems for the implementation of the Protocol. Without precise data on age it was difficult to know how many children, principally girls, became involved in commercial sexual activities in the country in order to escape poverty. For the moment the Government was therefore focusing its efforts on combating poverty and improving the population's living conditions; that process should in itself resolve some of the issues.

38. **The Chairperson** expressed concern at the idea that the figure of 1.8 million children working in the sex industry suggested by an NGO in an official public report might be an underestimate in view of the low rate of birth registration.

39. **Ms. Sultana** (Bangladesh) said that the local authorities were responsible for collecting data and that without proper birth registration it was difficult to know whether the data were reliable. A recent study of children involved in prostitution had shown that 90 per cent of them were in the sex industry for economic reasons, because of poverty.

40. **Ms. Ortiz** encouraged the State party to expedite the implementation of the rights of the child as part of its measures to combat poverty and asked what measures were taken to facilitate access by children to an identity and a nationality.

41. **Ms. Sultana** (Bangladesh) stressed that the Government did not have unlimited resources and that it had to establish priorities; that did not mean that poverty had to disappear before children's rights were recognized. In actual fact, the authorities were currently trying to reduce child mortality and ensure children had three meals a day. Campaigns to raise awareness of the issue of birth registration, for which financial investment was a pre-requisite, had also been organized. As a result, as of 2008, in order to enrol a child in school and obtain certain social benefits, parents would have to present the child's birth certificate.

42. **Ms. Aidoo** asked whether the strategic agenda to combat poverty specifically included birth registration given that birth registration was in practice essential in order to be able to organize health and social assistance services.

43. **Ms. Sultana** (Bangladesh) stated that the current Poverty Reduction Strategic Paper (PRSP) had been extended to 2008, at which point it would be assessed and perhaps renewed. It had plenty to say on children's and women's rights.

44. Bangladesh had signed agreements on the extradition of criminals and repatriation of victims of sexual exploitation with Thailand. Other bilateral agreements, including agreements with India and Pakistan, were necessary but the negotiations had not yet been successful.

45. In Bangladesh, child victims of ill-treatment or sexual exploitation were able to lodge complaints, even against their parents' wishes. However, despite an awareness campaign, complaints were rare because of the social stigma prostituted children continued to suffer. Projects to establish a direct telephone help line had come up against technical difficulties.

46. In relation to cooperation between the various bodies dealing with children, reference should be made to the fact that the mandates of the various ministries were clearly defined and that one inter-ministerial committee chaired by the Minister for Women and Children's Affairs coordinated issues relating to women and children. Representatives from other ministries and NGOs were sometimes invited to the meetings.

47. In general terms, international donations were falling, creating budgetary constraints to the realization of programmes. The education budget had, however, been rising for several years.

48. Various programmes to raise awareness of and provide training in the provisions of the Convention had been implemented, sometimes with the support of international partners. Their impact was difficult to assess, however.

49. Bangladesh had borrowed an idea from Malaysia to set up one-stop crisis centres in some of the country's hospitals. Currently the project was still at the pilot stage and was being financed by the Danish International Development Agency (Danida), but the Ministry of Women and Children's Affairs had decided to pursue the initiative further.

50. **Ms. Aidoo** asked whether the State party intended to extend the pilot project to any of the rural areas of the country so that country-dwellers could also benefit from that type of service.

51. **Ms. Ortiz** enquired whether international development aid had regard to the National Plan of Action for Children and to what extent that plan had been included in the PRSP.

52. **Ms. Sultana** (Bangladesh) said that the pilot project to set up one-stop crisis centres in the country was not yet fully operational and that it would have to be assessed minutely and in depth before the decision was taken to open additional centres in areas that were a long way away from urban centres.

53. The provisions in the National Plan of Action, which would be assessed in 2008 and then again in 2010, were in conformity with the PRSP and had been taken into account by the international development aid agencies. For example, the plan allowed a children's academy to be established which organized extra-curricular cultural activities (leisure activities, writing competitions, plays, etc.) It was nevertheless a fact that the Ministry of Women and Children's Affairs was of the view that in the interests of efficiency, its responsibilities should be broadened, strengthened and more closely defined.

54. A Law Commission was currently working with all stakeholders on standardizing the various age limits prescribed in law, especially with regard to access to work.

55. **Ms. Smith** asked what Bangladesh intended to do to combine the provisions of the Optional Protocol on the sale of children, child prostitution and child pornography into a single Act.

56. **Ms. Sultana** (Bangladesh) indicated that Bangladesh would analyse its legislation with a view to bringing it into conformity with the Convention. Three meetings had already been organized with UNICEF support between the Government and representatives from civil society in relation inter alia to harmonizing the law with the Optional Protocol.

57. **The Chairperson** asked to what extent magistrates were able to try matters involving children's rights given that they did not appear to be adequately informed about the content of the Optional Protocol.

58. **Ms. Sultana** (Bangladesh) said that it was precisely to ensure that they were well informed that the Government was trying to incorporate the Protocol into its national law.

59. She also indicated that hitherto it had not been possible to establish a children's rights ombudsman, but that doing so was still an objective of the Government. She recognized that the lack of statistical data was a genuine problem and indicated that the Government had obtained finance from UNICEF to strengthen the capacity of the unit responsible for collecting data, especially with regard to trafficking in children and monitoring the implementation of the Convention.

60. Stigmatization of victims should decrease as awareness efforts bore fruit. The media played a key role in that regard.

61. **Ms. Khattab** asked whether Bangladesh had made contact with other countries to implement joint programmes, as some of the Gulf States had done, to protect and rehabilitate children who were exploited there as camel jockeys.

62. She also enquired why the State party did not use the Optional Protocol to secure the extradition of offenders instead of signing bilateral agreements.

63. **Ms. Sultana** (Bangladesh) said that in any event negotiation with other countries was necessary.

64. With the help of the United Arab Emirates, NGOs and Government representatives, and following reports in the media, children who had been employed as camel jockeys had gone back to their families.

65. **Ms. Ortiz** asked the delegation to describe the initiatives launched among local communities and tribes to prevent violations of rights and provide information on the rights of the child. She stressed that it was at community level that the Government should conduct its investigations into children's true ages and disappearances.

66. **Ms. Sultana** (Bangladesh) said that where the search for missing children was concerned, coordination meetings were held each month at district level involving representatives from Government, civil society and local elites. She reported that the United Nations Development Programme and the United Nations Children's Fund financed projects which specifically targeted ethnic communities.

67. The reservations to articles 14 and 21 of the Convention were currently being scrutinized by the Ministry of Religious Affairs, which was awaiting information on the action taken by other Muslim countries in that field before making a decision.

68. **Ms. Smith** said that the Committee realized that poverty and the natural disasters which regularly struck Bangladesh made it difficult to implement the Optional Protocol. The prostitution and sale of children had nonetheless become serious problems in the country, and the number of cases of child pornography was rising rapidly. It was therefore important to have appropriate legislation in place. The existing provisions only partly covered those matters and were scattered through various texts. The State party ought also to try to improve data collection and birth registration.

69. The establishment of a children's ombudsman and a freephone number would encourage children to lodge complaints and would help to combat stigmatization of individuals whose rights had been violated.

70. **Ms. Aidoo** noted that Bangladesh had proved that it was capable of undertaking a large number of social actions, thanks in particular to partnerships with NGOs. Nonetheless, it had to pursue its efforts to raise awareness so that prejudices would be overcome. In particular, it would have to try to combat the dual victimization faced by children who were sold or prostituted and then treated as social outcasts. Finally, the State party was asked to emphasize prevention in programmes which drew on community and child participation.

The meeting rose at 5.35 p.m.
