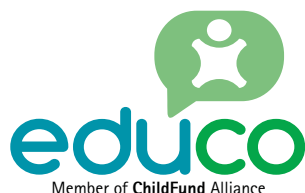


Report

Child Rights Situation Analysis (CRSA) in Bangladesh





Educo, April, 2016

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Abbreviations and Acronyms

APSC	Annual Primary School Census
BBS	Bangladesh Bureau of Statistics
BDHS	Bangladesh Demographic and Health Survey
BSAF	Bangladesh Shishu Adhikar Forum
CAMPE	Campaign for Popular Education
CRGA	Child Rights Governance Assembly
CRSA	Child Rights Situation Analysis
CSO	Civil Society Organization
DPE	Directorate of Primary Education
ECCE	Early Childhood Care and Education
EDUCO	Education and Development Foundation
EFA	Education for All
FGD	Focus Group Discussion
GDP	Gross Domestic Product
GoB	Government of Bangladesh
HIES	Household Income and Expenditure Survey
ILO	International Labour Organization
INGO	International Non-government Organization
KII	Key Informant Interview
LBW	Low Birth Weight
LGED	Local Government Engineering Department
MDG	Millennium Development Goal
MICS	Multiple Indicator Cluster Survey
MoE	Ministry of Education
MoLGRDC	Ministry of Local Government, Rural Development and Co-operatives
MoLJPA	Ministry of Law, Justice and Parliamentary Affairs
MoPME	Ministry of Primary and Mass Education
MoSW	Ministry of Social Welfare
MoWCA	Ministry of Women and Children Affairs
NCLEP	National Child Labour Elimination Policy
NCTF	National Children's Task Force
NER	Net Enrolment Rate
NGO	Non-government Organization
NHRC	National Human Rights Commission
NNPS	Newly Nationalized Primary School

NPA	National Plan of Action
NSA	National Student Assessment
PECE	Primary Education Completion Examination
PEDP	Primary Education Development Program
PIC	Project Implementation Committee
PSC	Project Steering Committee
SFYP	Sixth Five Year Plan
SMC	School Management Committee
UNCR	United Nations Convention on the Rights of the Child
VAC	Violence against Children
WFFC	World Fit for Children



Executive Summary

In line with the global common framework and its Strategic Plan 2015-18, Educo Bangladesh has initiated a Child Rights Situation Analysis (CRSA) in order to explore the situation of child rights in Bangladesh by understanding the major violations and barriers and causes that hinder the enjoyment of the rights to education, rights in education and rights through education and child protection issues. Educo's education approach is embodied in a framework that adapts the three dimensions of education as a right, in order to make education accessible, acceptable and adaptable. Rights to Education mainly concern availability and accessibility and involve the promotion of equitable access to quality education. Rights in Education include the aspect of acceptability and are based on the dimension of adaptability. It aims at building an educational space and environment based on the exercising of rights and showing respect for the principles of non-discrimination, participation and the best interest of the child. Rights through Education include part of the dimension of adaptability and comprise of two fundamental elements. On one hand, it concerns the integration of human rights in the curriculum and in school culture; on the other hand, it fosters education that lays the foundations for the enjoyment of other rights.

Specifically the CRSA was aimed to— (i) identify the rights that are being and not being enjoyed by children; (ii) identify the rights holder groups facing major violations of the Right to Education, Rights in Education and Rights through Education; and (iii) identify the opportunities and constraints for the organization to make a significant contribution to the fulfilment of children's education rights in Bangladesh in general, Educo's program areas in particular. Additionally, CRSA also carried out an analysis of child protection to identify the situation of children engaged in child labour (including domestic work) and those that are the victims of child trafficking, child prostitution and child marriage.

The methodology was confined in two sources— secondary document review and primary data analysis. Eighty percent of the information was generated through reviewing of secondary sources while twenty percent information was gathered from primary sources. Secondary review was focused on reviewing the national policies, strategies, research reports

and documents on child rights, human rights, poverty, gender, education, etc. Primary data was gathered through Focus Group Discussions (FGD) with children, parents, community groups and Key Informants Interviews (KII).

Over the last ten years, Bangladesh has made impressive gains in key human development indicators. Even though Bangladesh has taken considerable steps towards poverty alleviation, many challenges remain. According to the updated statistics of Bangladesh Bureau of Statistics (BBS), the poverty rate is 25.6 percent till June 30 of 2015. Still around 26.5 million of the 63 million children in Bangladesh live below the national poverty line, regardless of the measurement method used. Around 58 per cent of all children are severely deprived of any one of the six deprivation indicators: shelter, sanitation, water, information, education and health². Although child mortality rate has come down significantly to 46 per thousand live births, 36 percent of children under 5 are considered to be short for their age or stunted, while 12 percent are severely stunted. On the other hand, reproductive health is not accessible to all adolescents, resulting in the world's highest rates of adolescent motherhood, based on the proportion of women younger than 20 giving birth every year. The discrimination issues also prevail regarding health care among the poor children in rural areas and urban slum settlements. Moreover, the investment in children, especially regarding health, education, and social protection, continues to be too low to ensure the full exercise of all the rights by all children.

The government and child rights NGOs have taken some initiatives to invite children to share their views in the policy making process. Additionally, the GoB introduced children forums in primary and secondary schools and is also currently nurturing the National Children's Taskforce (NCTF) that has its presence in all 64 districts of Bangladesh.

In spite of government's efforts in formulating policies, strategies and plan of actions, according to alternative report submitted by CSOs, a huge number of children still remain out of school, drop out of education, suffer from malnutrition and become victims of child labor, child marriage and violence. The alternative reports and UNCR Committee observation also revealed that the effective participation of children in development process is not recognized properly, resulting in the non-recognition of the best interest of children in related issues. Bangladesh has established the National Human Rights Commission (NHRC) for promoting and monitoring human rights, including child rights, and redressing complaints of rights

1 Prothom Alo (2014). *Country's poverty rate now 25.6%*. Retrieved from <http://en.prothom-alo.com/bangladesh/news/51338/Country-s-poverty-rate-now-25.6%25>

2 UNICEF (2009). *National Report Bangladesh - Global Study on Child Poverty and Disparities*. Retrieved from [http://www.unicef.org/bangladesh/National_Report_Bangladesh_\(Web_Version\).pdf](http://www.unicef.org/bangladesh/National_Report_Bangladesh_(Web_Version).pdf)

violation. Despite the commitments made by the Government on several occasions and the repeated observations made by the UNCR Committee, the GoB has failed to recruit an Ombudsperson for children.

Several key issues were revealed throughout the CRSA process. Steady progress has been made to provide access to all the children in primary education. The current net enrolment rate is 97.7 percent in primary school³. According to Bangladesh Primary Education Annual Sector Performance Report-2014, 23 percent of children aged 6–10 years are not going to school; among those, about 11 percent have never been to school, about 10 percent have entered school late, while about 2 percent children dropped out of school⁴. Percentage of children who are out of school is higher in the urban slum areas compared to rural areas. The primary net attendance rate in slums in Bangladesh's city corporations averaged only 65 percent, compared to 81 percent nationally. The drop-out rate is much higher for urban slums — 7.1 percent for boys and 8.6 percent for girls⁵. These 'out of school' children are more in number among the ethnic communities — one in every five ethnic minority children (6-15 years) were out of school, the rate that is double for the tea garden children⁶. Children with disabilities have also just started coming to the schools. Within the school going age, only 11 percent of the children with disabilities have gained access to education so far, with a simple majority of boys over girls⁷. Primary data also showed that household poverty, lack of awareness/negligence by the parents, corporal punishment, inadequate inclusive learning environment, children's involvement in work, inadequate number of schools in slums, child marriage, children abuse and violence, hidden educational expenditure are the major reasons causing children to drop out of school.

The different types of schools, the lack of minimum standards and a common core curriculum are what reinforce the disparities in society and undermine quality. Students' learning is influenced by various factors, including schools, teachers, and household background. The Student Teacher Ratio was 40:1 in the year 2014 for all types of schools, but it is 46:1 for

3 General Economics Division (GED), Planning Commission Government of the People's Republic of Bangladesh (2015). *The Millennium Development Goals: Bangladesh Progress Report 2015*. - UN BD. Retrieved from http://www.un-bd.org/Docs/Publication/MDGs-Bangladesh-Progress-Report_-PDF_Financial_September-2015.pdf

4 Bangladesh Institute of Development Studies (BIDS), Bangladesh Bureau of Statistics (BBS), and UNICEF Bangladesh (2014). *Out-of-school children in Bangladesh*. Retrieved from http://www.unicef.org/bangladesh/Out-of-School_children_in_Bangladesh.pdf Reprint July 2015.

5 Cameron, S. (2010). *Access to and Exclusion from Primary Education in Slums of Dhaka, Bangladesh*. Create Pathways to access, Research Monograph No45. Retrieved from http://r4d.dfid.gov.uk/PDF/Outputs/ImpAccess_RPC/PTA45.pdf

6 Nath, S. R., Yasmin, R. N., & Shahjamal, M. M., BRAC. (2005). *Out of School Children in the Tea Gardens and Ethnic Minority Communities*. Retrieved from http://research.brac.net/reports/out_of_school.pdf

7 Khan, A. N., Anisuzzaman, D. M., Rahman, D. N., & Choudhury, R. K., Campaign for Popular Education (CAMPE) (2011). *The status of un-served children in education. Children with Disability in Bangladesh*. Retrieved from https://www.google.com/url?sa=t&rc=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKewih6Ynbjr3LAhWLCI4KHdP8DB8QFggdMAA&url=http%3A%2F%2Fwww.campebd.org%2FFiles%2F16032014020857pm-Children_with_Disability_in_Bangladesh.pdf&usq=AFOjCNGSJFWlTC4jSPkYilo720SjgPGzQQ

the Government Primary Schools⁸. This problem is especially acute in urban areas, where the size of the classes often exceeds 100. Thus, many of the children who complete primary education do not attain the acceptable standards of literacy and numeracy set through the competency based curriculum⁹. Also regional differences exist in students' learning outcomes in Bangladesh.

Majority of teachers lack necessary skills, knowledge, experiences and education. Consequently, children are not getting quality education in the schools. Bangladesh government has taken several initiatives under the Primary Education Development Program (PEDP) III in order to improve the necessary skills, knowledge and experiences for the Teachers. According to the information derived from the primary sources, some of the reasons for the lacking quality in education are— large class sizes, double shifts in several primary schools, low student teacher contact hours, shortage of trained teachers with adequate teaching capacity, lack of supplementary education materials, and inadequate monitoring mechanisms from local education authority.

Though the School Management Committees (SMCs) of primary schools have high potential in improving governance of primary schools in Bangladesh, the SMCs in rural areas are not functioning well. Most of the SMC members are not well aware of their roles and responsibilities.

Numbers of policies and acts have been approved to fulfil Government's commitment towards Child Protection, but the implementation of them is not properly realized yet. According to the latest child labour survey conducted by the BBS in 2015 (the findings were available in January 2016), there are 3.45 million working children (aged 5-17 years) in Bangladesh, of which 2.10 million are considered as child labourer, and among them 1.02 million are engaged in hazardous labour. However, many civil society organizations dealing with child labour issues raised questions regarding the reality of this information¹⁰. The key reasons of child labour found in the primary data are financial hardships, lack of literacy and awareness in parents, price hike of daily commodities, unaffordable educational expenditure of children, etc. Sometimes, parents compel the children to engage in work for earning purposes to meet the family expenditures. Majority of the working children and their parents

8 Government of the People's Republic of Bangladesh, Ministry of Primary and Mass Education (2014). *Annual Primary School Census 2014 - Monitoring & Evaluation Division Directorate of Primary Education Mirpur-2, Dhaka-1216*. Retrieved from http://dpe.portal.gov.bd/sites/default/files/files/dpe.portal.gov.bd/publications/35332e71_7177_43e4_acad_69855daff795/APSC-2014_for%20National%20Committee_11032015.pdf

9 Monitoring & Evaluation Division Directorate of Primary Education Ministry of Primary & Mass Education (2013). *National Student Assessment 2013 for Grades 3 and 5*. Retrieved from http://mopme.portal.gov.bd/sites/default/files/files/mopme.portal.gov.bd/page/485eacef_5746_4c37_b88f_f01f0a1250b7/NSAFinal%202013%20Report%2019012015.compressed.pdf

10 Bangladesh Bureau of Statistics (BBS) (2015). *Child Labour Survey Bangladesh 2013*. Retrieved from <http://www.bbs.gov.bd/WebTestApplication/userfiles/Image/LatestReports/ChildLabourSurvey2013.pdf>

are not aware of the existing laws and policies related to child labour. They believe that there are no laws in the country to prevent and eliminate child labour.

The prevalence of child marriage is still high in Bangladesh. 64 percent of all women (aged 20–24) get married before the age of 18. Level of education is strongly associated to child marriage; 86 percent of the women with no education were married before 18 years of age, but only 26 percent of women who had completed secondary or higher education were married before 18 years of age. Besides, a correlation was found between location (urban/rural) and child marriage; the rate of child marriage among all women aged 20-24 years was 54 percent in urban areas, compared to 71 percent in rural areas¹¹. Recently the GoB has taken an initiative to amend the Child Marriage Restraint Act 1929, where the review committee kept a provision to reduce the minimum marriage age for girls at 16 years, while the old Act made the provision of 18 years. On the other hand, there are weaknesses in enforcing the laws related to child marriage; in most cases, people involved in early or child marriage are never penalized. Through primary data, the role of the local government representatives and marriage registrars was found as a contributing factor towards child marriage.

The Ministry of Women and Children Affairs (MoWCA) is widely viewed as a coordinating rather than an implementing ministry for children issues. The MoWCA faces challenges in terms of human and financial resources. On the other hand, as an emerging issue supported by the observation from the UNCR Committee, the separate Directorate for children has not been set up yet. The Ministry of Primary and Mass Education is responsible for taking care of primary level education. This Ministry always lacks adequate amount of resources to build the required number of schools, recruit adequate number of teachers and provide with the required level of training for the teachers. More importantly, the government of Bangladesh have enacted the Education Act 2013, but is yet to be implemented in full swing with allocation of adequate financial and human resources. Lack of capacity for monitoring and supervising the activities of the primary education is another important factor. There is a strong link between child labour and education. Bringing children in schools is considered as one of the most appropriate means to prevent and eliminate child labour. However, there is hardly any coordination between the Ministry of Labour and Employment and Ministry of Primary and Mass Education to prepare joint initiatives.

NGOs have been playing a vital role in promoting child rights in Bangladesh. However, the capacity of these NGOs is very limited compared to the number of children living under difficult circumstance. In addition, the life spans of the NGO run education and child

11 iccdr,b (2013). *Child Marriage Findings from a National Survey in Bangladesh*. Retrieved from <http://www.icddrb.org/component/news/?id=622>

protection related projects are very short and they can provide education services only up to a certain level. Community based organizations are also not very strong and active in Bangladesh to promote child rights. The employers' and workers' organizations have very little commitment towards fulfilling the rights of the children. The right holders are not fully aware about the rights themselves that they are entitled for. As a result, often they fail to claim their rights in a very strong manner. On the other hand, the right holders are not often organized, living under the poverty level, not having adequate level of literacy and thus being unable to raise their voices to make the duty bearers accountable.

Key Recommendations

1. Efforts should be made to ensure education in urban slums and areas geographically hard to reach (like tea garden, haor, hill tracks), with particularly focusing on ethnic minority children.
2. Primary education should be inclusive in terms of accessibility and learning facilities.
3. Considering the importance of Early Childhood Care and Development (ECCD), initiatives can be taken to create access in ECCD activities at a community level for the children aged 0 to 5 years.
4. Efforts may be taken to arrange training/orientations for SMC members in order to ensure school governance.
5. Efforts should be made to attract qualified people in teaching profession through increasing remuneration and other incentives.
6. Efforts may be taken to strengthen the monitoring and supervision support for the teachers with adequate materials.
7. Despite making various efforts by the government, corporal punishment is still a big issue in the educational institutions. In this regard, a strong measure would be required to implement the GoB's circular on prohibiting corporal punishment. In addition, awareness raising campaigns could be arranged to change the mind-set of the parents and teachers.
8. Initiative could be required to create awareness among the children, adolescents, parents and caregivers regarding food and nutrition to address malnutrition

among children.

9. The GoB formulated the National Child Labor Elimination Policy (NCLEP) in 2010 and adopted a National Plan of Action (NPA). However, a single strategic objective has not been implemented due to inadequate resources allocation. Therefore, strong advocacy is required to allocate adequate resources to implement the NPA.
10. Strong advocacy effort would be required to properly implement policies and recognize them as hazardous work. Additionally, efforts should be made to create awareness among parents and employers regarding the negative effects so that both parents and employers feel discouraged to engage children for domestic work.
11. Support is needed for the vulnerable families who are unable to send their children to school through livelihood initiatives and linkage with social safety net program.
12. The GoB has recently taken an initiative to amend the Child Marriage Restraints Act 1929 with a provision of lowering the marriage age of girls under special circumstances. Strong advocacy would be required to finalize the draft of the Child Marriage Restraints Act by keeping the minimum age of marriage for girls 18 years without any condition.
13. The GoB has taken an initiative to establish National Child Protection System. However, this system is yet to be fully functional. Initiatives may be taken to strengthen the Community Based Child Protection System, linking it with National Child Protection System.
14. Initiatives could be taken to influence duty bearers and caregivers on importance of children's participation in development activities. In addition, to ensure the meaningful participation of the children, integrated programming can be undertaken by the GoB and NGOs at all levels.
15. Efforts are required to monitor the implementation of law and policies at local and national levels. Moreover, it should be monitored that delivered services are non-discriminatory.



Chapter 1: Introduction

Background of the CRSA

Education and Development Foundation-Educo is an international cooperation for development, founded in 24th February 1994 in Barcelona of Spain, which acts on behalf of children and defends their rights, especially, the right to a quality equitable education.

Since 1999 Educo, formerly named as Fundacion Intervida, has been working in Bangladesh and implementing integrated development projects in the marginalized urban areas of Dhaka, Narayangonj (Rupganj) and in rural areas of Gazipur (Kaligonj) and Mymensingh (Bhaluka).

Educo works with children and their communities to promote just and equitable societies which will guarantee their rights and wellbeing, with special focus on education. Educo is developing a child rights based approach in all its work to contribute in ensuring the effective fulfilment of child rights within the framework of the international convention.

In line with the global common framework and its Strategic Plan 2015-18, Educo Bangladesh has initiated a Child Rights Situation Analysis (CRSA) in order to explore the child rights situation in Bangladesh by understanding the major violations and barriers and causes that hinder the enjoyment of the rights to education, rights in education and rights through education and child protection.

Educo's education approach is embodied in a framework that adapts the three dimensions of education as a right, in order to make education accessible, acceptable and adaptable. Right to Education mainly concerns availability and accessibility and involves the promotion of equitable access to quality education.

Rights in Education include the aspect of acceptability and are based on the dimension of adaptability. It aims at building an educational space and environment based on the exercising of rights and showing respect for the principles of non-discrimination, participation and the best interest of the child. It includes aspects regarding the contents of education, teacher training, methods of teaching, methods of learning and the educational environment.

Rights through Education include part of the dimension of adaptability and comprise of two fundamental elements. On one hand, it concerns the integration of human rights in

the curriculum and in school culture; on the other hand, it fosters education that lays the foundations for the enjoyment of other rights. The integration of rights in the curriculum not only involves conveying to children what their rights are but also involves supporting them and the relevant stakeholders of the community in developing their awareness and building their capacities to demand and defend the children's' rights.



This CRSA also provides an opportunity to map the roles and assess the capacities of the duty bearers to fulfil children's rights – be the parents, state institutions or other significant civil society, private sector or international actors.

Objectives of the CRSA

General Objective

The general objective of the CRSA was to explore the situation of child rights in Bangladesh by understanding the major violations and barriers and causes that hinder the enjoyment of the rights to education, rights in education and rights through education.

Specific Objectives

- Identify the state of enjoyment of rights by different groups of children, and their knowledge, capacities and attitudes in relation to claiming these rights.
- Identify the rights holder groups who are facing major violations of the Right to Education, Rights in Education and Rights through Education.
- Identify the rights holder groups who are facing major violations of the right to protection.
- Identify the opportunities and constraints for the organization to make a significant contribution to the fulfilment of children's education rights in Bangladesh in general, Educo's program areas in particular.
- Identify the specific duty bearer who is accountable for upholding child rights, their knowledge, capacities and attitudes in relation to this accountability.
- Facilitate the learning process of Educo CRSA Team in Bangladesh

Methodology

The methodology was confined in two sources— secondary document review and primary data analysis. Eighty percent of the information was generated through reviewing of secondary sources while twenty percent information was gathered from primary sources. Secondary review was focused on reviewing the national policies, strategies, research reports and documents on child rights, human rights, poverty, gender, education, etc. Primary data was gathered through Focus Group Discussions (FGD) with children, parents, community groups and Key Informants Interviews (KII). A total of 40 FGDs and 10 KIIs were conducted to collect information from the primary sources. A total of three workshops and one training were organized for the CRSA Team to facilitate the total process.

Geographic coverage

Primary data were collected from the existing intervention areas of Educo, namely Dhaka, Narayanganj, Gazipur, Mymensingh district. On the other hand, nationwide situation of children's rights was explored through secondary data analysis.

Chapter 2: Rights Climate

2.1 General context

Bangladesh forms the Bengal delta region in the Indian subcontinent, where civilization dates back to more than 4,300 years. The borders of the present-day Bangladesh were established during the British-partition of Bengal and India in 1947, when this region became East Pakistan, part of the newly formed state of Pakistan. After independence from Pakistan in 1971, the People's Republic of Bangladesh was founded as a constitutional, secular, democratic, multiparty, parliamentary republic. Bangladesh endured periods of poverty and famine, as well as political turmoil and military coups. The restoration of democracy in 1991 has been followed by economic progress and relative political calm.

Over the last ten years, Bangladesh has made impressive gains in key human development indicators. Even though Bangladesh has taken considerable steps towards poverty alleviation, many challenges remain. According to the updated statistics of Bangladesh Bureau of Statistics (BBS), the poverty rate is 25.6 percent till June 30 of 2015. This data indicates that there is a gradual decrease in the rate of poverty reduction. In 2000 the rate of poverty was 48.9 percent. Over the next five years this fell by 8.9 percent to 40 percent in 2005. And in 2010 the poverty rate was 31 percent. From 2005 to 2010, there was a decreasing trend in the poverty reduction rate. In the last four years (2010 to 2014), poverty fell by only 5.9 percent. According to the BBS estimation, around 26.5 million of the 63 million children in Bangladesh live below the national poverty line, regardless of the measurement method used. Poverty increases as the number of children in a household increases. Around 58 per cent of all the children are severely deprived of any one of the six deprivation indicators: shelter, sanitation, water, information, education and health.

In the field of health the child mortality rate has come down significantly from 146 per thousand live births to 46 per thousand live births¹². Beyond this achievement, according to the Bangladesh Demographic and Health Survey 2014, 36 percent of children under age 5 are considered to be short for their age or stunted, while 12 percent are severely stunted. The prevalence of stunting increases with age— from 14 percent of children under age of 6 months to 46 percent of children of age 18-23 months; and decreases to 38 percent

¹² General Economics Division (GED), Planning Commission Government of the People's Republic of Bangladesh (2015). *The Millennium Development Goals: Bangladesh Progress Report 2015*. - UN BD. Retrieved from http://www.un-bd.org/Docs/Publication/MDGs-Bangladesh-Progress-Report_-PDF_Final_September-2015.pdf

among children of age 48-59 months. Rural children are more likely to be stunted than urban children (38 percent compared with 31 percent).

Bangladesh has one of the world's highest rates of adolescent motherhood, based on the proportion of women younger than 20 giving birth every year. One in three teenage girls in Bangladesh is already a mother¹³. Early pregnancy causes many difficulties as both age and weight of the adolescent girls are not conducive to giving birth. On the other hand, discrimination issues are found especially among women and girls to access health care. Also, the poor children in rural areas and urban slum settlements are particularly deprived of health care. Discrimination against the poor, distance of the facility from home, lack of information on sources of care, lack of awareness on the value of services, perceived poor quality of care in health centers are the reasons in background of not getting proper health care for the poor children.

In Bangladesh, the rate of birth registration of children under five increased significantly; from 12 per cent in 2006 to 31 per cent in 2011. This improvement was prompted by a range of advocacy and programmatic actions, development of a legislative framework and the strengthening of institutions. Despite that, nearly 10 million children under the age of five have never been registered in Bangladesh¹⁴. These children are from socially excluded and marginalized groups, such as the children whose father— or both father and mother— are unknown, children born to single mothers, children born out of wedlock and refugee children. The rights of mainly the children who belong to socially excluded and marginalized groups are being violated.

In Bangladesh, children rarely have opportunities to express themselves. Social norms with regard to childhood make the realization of children's rights to participation especially challenging in Bangladesh. The government and child rights NGOs have taken some initiatives to invite children to share their views in the policy making process. The GoB has introduced two formal structures at primary and secondary school level for promoting children's participation in a formal way. At primary school level a seven member Student Council have been formed. Members of this council are elected by the students through election. Student Cabinets have been formed at the secondary level and the members of the cabinet are also elected by the general students. In addition to these two structures, the GoB is also nurturing the National Children's Taskforce (NCTF) that has its presence in all 64 districts of Bangladesh. The NCTF was initiated and facilitated by a couple of child rights NGOs and the Ministry of Women and Children Affairs (MoWCA) has been

13 UNICEF (n.d.). *Maternal Health in Bangladesh*. Retrieved from http://www.unicef.org/bangladesh/MATERNAL_HEALTH.pdf

14 UNICEF (2013). *EVERY CHILD'S BIRTH RIGHT - Inequities and trends in birth registration*. Retrieved from http://www.unicef.org/gambia/Every_childs_birth_right_-_inequities_and_trends_in_birth_registration_-_2013_report.pdf

promoting this children's body through Bangladesh Children Academy. Still children from the areas hard to reach and children from the minority communities do not have the opportunity to express their views and opinions.

Bangladesh as a state is far behind in ensuring an acceptable child rights governance system. Children's issues are still hyphenated with women's issues in governmental structures but they are now more widely recognized than ever before in the GoB policy and programs. However, limited public resources, structural weaknesses, problems of human resource development and management and the public participation remain as major constraining factors for the implementation and realization of children's rights.

The investment in children, especially regarding health, education, and social protection, continues to be too low to ensure the full exercise of all the rights by all children. With regard to budgetary allocations, in its Fifth State Party Periodic Report under the CRC, the GoB recognized that a pro-child budgeting framework is yet to be in place; however, considerable attention has been paid in allocating budget for education, health, nutrition and protection.

A study jointly done by UNICEF and Center for Policy Dialogue (CPD) shows that the share of resources devoted to children from the national budget has remained dismally low. This study estimates that the total budget directly allocated for children, including allocations for children's social safety net programs, amounted to a mere 4.1 percent of the GDP despite the substantial increase of national budget in the recent past.



2.2 General measures of implementation of the UNCRC

2.2.1 Law reform and enforcement

Upon ratification of the UNCRC and its Optional Protocols, the States parties have an obligation to bring their domestic laws in conformity with the Principles and standards set by the UNCRC and the Protocols. However, as of today, Bangladesh has not signed and ratified the Optional Protocol 3 (Complaint response mechanism) of the UNCRC. As far as the law reforms are concerned, Bangladesh has played a positive role, however the enforcement of the laws is still in minimal level due to inefficient and ineffective governance structure which is inevitably resulting in violation of rights of children.

2.2.2 Developing a detailed, comprehensive national strategy or agenda for children

A comprehensive National Plan of Action (NPA) was developed to implement the provisions of the UNCRC. Side by side, the Sixth Five Year Plan (SFYP) 2011-15 appropriately underscored the importance of children's advancement and their rights and included a separate chapter with specific vision and actions. However, there are still challenges in implementation of the NPA and the provisions made in the Sixth Five Year Plan. In addition, based on the guidelines of country level action points, a National Strategy Paper for Bangladesh on Prevention of All Forms of Violence against Children (VAC), 2011 has been prepared by MoWCA. The consultative process continued through the GO-NGO-INGO, which is a national working group, that works to map-out requirements as well as to layout propositions for possible way forward.

2.2.3 Capacity building for implementing authority

Capacity building for the pertinent people involved in implementation of UNCRC is still an issue of concern. Majority of the duty bearers are not fully aware of the provisions made in the UNCRC because it was never widely disseminated. A few training sessions were held for the Government officials on CRC. The CRC Committee has recommended carrying out evaluations of its dissemination activities as well as training of relevant professionals to assess the outcomes and impact. There are challenges that remain because no formal assessment was carried out to evaluate the impact of various trainings and awareness raising campaigns to understand whether the relevant stakeholders and duty bearers were fully sensitized to the best interest of children in delivering their responsibilities.

2.2.4 Making children visible in budgets and carrying out adequate budget analysis for children

In light of the growing demand for a separate allocation for children in the national budget, the Bangladeshi government has initiated a move to have the country's first-ever children's budget in this Fiscal year 2015-2016. Five Ministries— the Health and Family welfare Ministry, the Ministry of Education, the Ministry of Primary and Mass Education, the Ministry of Social Welfare and the Ministry of Women and Children Affairs are directly involved with the children budgeting process. There are three considerations that prompted the finance minister to do so. These are i) investment in child health, ii) investment in child education and iii) investment for protection, welfare and development of children.

2.2.5 Ensuring awareness on CRC among adults and children

According to the progress review of the NPA findings (conducted by MoWCA), the GoB has taken efforts to raise social awareness about the CRC by disseminating its Bangla version to a wide range of audience including the Parliament, Government, Educational Institutions, NGOs and the Media.

The Convention has been translated into Bangla, including a child friendly version, and was widely distributed among all stakeholders at sub-district, district and national level. The Convention was also translated in Marma, Chakma and Tripura languages so as to reach the ethnic minority groups.

Side by side, national and international NGOs and UN agencies, especially UNICEF and International Labor Organization (ILO) have taken enormous efforts in disseminating the provisions of the Conventions among its staff members, partner organizations, relevant Govt. Officials, community leaders, religious leaders, people's representatives, media activists, employers' and workers' organizations, children's organizations and members of the civil society.

But the challenge still remains in terms of creating awareness among all the relevant stakeholders on the CRC. Majority of the primary and secondary duty bearers are still not aware regarding the CRC and their responsibilities.

2.2.6 Promoting cooperation and coordination with civil society

The Government's attitude toward the NGO sector, as manifested in its successive 5-year plans and other official documents, has generally been positive. The Government acknowledges that NGOs can play creative roles in overcoming gaps in delivering services to poor people. Among other things, NGO service delivery creates competition between government organizations and NGO programs addressing poverty and bringing in sharper focus issues such as cost-effectiveness, transparency, and accountability for the use of public funds.

International assistance was received as grant during the reporting period related to the implementation of the CRC provided by UNICEF. At present there are a number of projects under implementation by different ministries related to right to life, survival and development and improving living standard of children.

2.2.7 Creating statutory independent institutions/ombudsperson for children's rights

The GoB does not have a separate Ministry or Directorate fully dedicated for children. Ministry of Women and Children Affairs (MoWCA) has been mandated with the responsibility of children. MoWCA with its present capacity is already overloaded in dealing with women related issues. Therefore, they have very little space to take care of the children related issues.

Bangladesh has established the National Human Rights Commission (NHRC) under the National Human Rights Act 2009 for promoting and monitoring human rights including child rights and redressing complaints of rights violation. Despite the commitment made by the Government on several occasions and the repeated observations made by the UNCR Committee, GoB has failed to recruit an Ombudsperson for children. Although according to the child rights experts, the NHRC can never be an alternative to Ombudsperson for children.

2.3 Application of the general principles of the UNCRC

2.3.1 Non-discrimination

In the fifth state party report, the GoB has proposed specific strategy and policy initiatives in its Sixth Five Year Plan (SFYP) with initiatives like reforming the policy and legal framework, creating an enabling environment for girls, eliminating health and education disparities, prioritizing girls and women in social protection programs, mainstreaming gender issues, improving access to health services for women and girls, incorporating topics on health needs for both male and female and their impact on gender disparities in school curricula, integrating gender issues in planning and budgetary processes and ensuring female participation in economic decision making. The Ministry of Education (MoE) reviewed relevant text books with a particular focus on gender. The stipend program for the girl students created a special interest in them to get enrolled in schools and continue their education.

In alternative reports, Civil Society organizations (CSO) stated that the fifth state party report has listed a range of plans and programs but is lacking analysis of the impact of those initiatives. Although the female secondary stipend program has contributed to raising girls' enrolment rates, it has not strengthened the quality of education. Despite commitments made by the government, the indigenous children are yet to have an opportunity to get education in their own language. Besides, children living in the slums, children dropped out from school, working children and street children are often exposed to discriminatory behavior in the community and society as a whole.

2.3.2 Best interest

The UNCR committee recommended incorporating the principles of best interests of the child into the national legislation. They also emphasized on strengthening awareness-raising campaigns and training for policy makers, judges, law enforcement officials, social workers and parents, and assessing the impact of actions and decisions taken by the GoB and civil society organizations.

According to the Fifth Periodic Report, the GoB has undertaken efforts that include all the issues raised by the UNCR committee. But the Civil Society Organization notes in their alternative report that the Fifth Periodic Report did not state the definition of 'Best interest of child' as per the national legislation and also did not provide the qualitative assessment

on the measures taken by the GoB. This may be because in Bangladesh, very few initiatives have been taken using a systematic assessment process such as a Child Impact Assessment (CIA)¹⁵. It also notes that the legal provisions with regard to ‘Status offences’ do not fully comply with the principles of the ‘Best interest of child’. ‘Status offences’ include truancy, running away, violating curfew laws or possessing alcohol or tobacco. Such conduct would not be a criminal offence if committed by an adult but a child can be arrested and detained simply on the basis of their age. Status offences focus disproportionately on regulating actions of girls as well as boys who are poor, disadvantaged or who work or live on the streets and therefore spend much of their time outside home. The Vagrant and Shelter-less People (Rehabilitation) Act, 2011 grants the police broad powers to arrest those engaged in begging, but children are not specifically referred to in the Act. Moreover, no formal assessment was carried out to understand whether the relevant stakeholders and duty bearers are fully sensitized to the best interest of the children.

2.3.3 Survival and Development

The survival and development of many Bangladeshi children are still threatened by malnutrition, disease, poverty, abuse, exploitation and natural disaster.

In the concluding observation, the Committee expressed that the prevention-based policies are lacking in manner and that certain conditions in the state like poverty, high neonatal mortality and child malnutrition rates, high drop-out rates from school, high incidence of accident and injury-related deaths (including drowning) undermine the enjoyment of this right. The Committee recommends that the State party needs to adopt comprehensive preventive measures when formulating public policies to guarantee the rights of all children so that the children’s right to life, survival and development are reinforced; and also, the state needs to use all available resources to set the appropriate conditions for the enjoyment of these rights for children.

The GoB claimed that it has taken various measures to guarantee the life, survival and development of children. The social protection programs (SPP) address the basic needs of the poor and vulnerable people, including children. The GoB has been implementing a number of social protection programs such as, Food for Work (FFW), Vulnerable Group Development (VGD), Vulnerable Group Feeding (VGF), Allowances for Widow and Distressed Women, etc.

¹⁵ CIA is a tool which examines the existing and proposed policies, legislation or changes in administrative services for their impact on children and for how they support the implementation child’s fundamental rights; best interest, survival, protection and participation.

Civil Society Organizations mentioned in their alternative report that the national poverty rates still remain high, with poverty in households entailing children particularly high; much higher than the national level. The achievement of reducing child mortality rate is remarkable but is still quite high. Even the National Health bulletin 2013 prepared by the Directorate General of Health Services has acknowledged a total of 21,567 deaths among children below age 5 in 2012 in the government hospitals. The government faces an unfinished agenda in providing women and girls with equal access to health care, lowering maternal mortality, and creating equal chances for girls to survive childhood and reach primary school in a good health status. The existing health system is not in a position to respond to these challenges and effectively meet the needs of the poor and disadvantaged. The public health services are plagued by substantial governance problems, manpower imbalances and a range of management challenges that obstruct the efficient use of funds and the capacity of giving an adequate response to the service needs of the poor.

2.3.4 Participation

In regards to the observation of the UNCR committee, the Government of Bangladesh (GoB) has claimed that they took initiatives to involve children in the process of formulating national laws and policies related to children. It was found that GoB facilitated formation of National Children's Task Force (NCTF) that represent children from all categories and express opinions on formulation of various laws, policies and actions initiated by the GoB. The concerned Ministries for both Primary and Secondary Education initiated formation of Student Council and cabinet in primary and secondary schools respectively to ensure children's participation in school activities.

The civil society organizations are concerned about GoB's efforts and mechanisms to meaningfully accommodate children's views, opinions and suggestions in the policy-making processes, especially where such policies and laws affect the lives of children. Moreover, there are concerns regarding "post-voice threats" for the children, which means that whenever they say something expressing own opinions that may be contrary to their elders' choices or the existing social norms, they risk being belittled or criticized. While acknowledging the increasing space for child related issues in media, the civil society organizations draw attention to the findings that the media have allotted very little time and space for children. It was also found that only three percent or less of the total news coverage by these outlets was dedicated to child-related issues and reports rarely sought the views of children — even on issues or events directly concerning them.

2.4 State of the Civil Society

In Bangladesh, a good number of local, national and international NGOs work for the betterment of the children. Besides, there are a few NGO networks and child led organizations that are also working for the realization of the rights of children. Bangladesh Shishu Adhikar Forum (BSAF) has linkages with government organizations and is the biggest network entailing 263 child rights organizations engaged in complementing and supplementing the government efforts to promote child rights. Campaign for Popular Education (CAMPE) is one of the most important coalitions involving of about 700 NGOs engaged with literacy and education purposes in the country. It promotes the movement of people's participation in literacy and non-formal education. The recently established Child Rights Governance Assembly (CRGA) is another civil society advocacy network involving of 17 development organizations (including children and youth organizations, with a dedicated mandate for promoting child rights governance. National Children's Task Force (NCTF) is a child-led organization. The NCTF has its presence in all 64 districts and has been conducting local level forums and higher level consultations with the media. It has also been advocating child rights at the policy making levels and contributing to researches on important issues relating to children.

The main strength of these NGOs and NGO networks is that all the existing NGOs and NGO networks have been working on child rights related issues for a long period of time and thus have gained an adequate experience and skill to address the child rights issues. Besides they also have long term experiences advocating child rights related issues.

However, many of the NGO networks in Bangladesh are not in a position to perform their responsibilities due to lack of capacity, weak management structure and lack of financial resources. One of the weaknesses of the existing NGOs is that there is hardly any coordination in implementing activities at the field level. Therefore, duplication of efforts is found in many ways. Small geographical coverage is another weakness of these NGOs. As a result, they often fail to mobilize a bigger community to create a social movement for child rights. Another significant weakness of these NGOs is the short term project approach. These days, majority of the donors have a tendency to not to fund NGO networks due to a number of factors such as shortage of fund flow, advocacy by the donor organizations themselves, lack of strong organizational structure and leadership of the networks and so on.

Chapter 3: Situation of fulfilment of the rights to education and protection

3.1 Education

Bangladesh has been making a steady progress to provide access to primary education for all children. Due to a number of initiatives taken by Government and NGOs, there has been an increment of 60.5 percent (in 1990) to 97.7 percent (in 2015) in the enrolment of children¹⁶ in all types of primary schools since 2008. To promote education for all, the Govt. has introduced a stipend program for poor girls, distributing free text books up to the secondary level. Besides, Govt. is encouraging children's participation through developing Students Council in primary and Student Cabinets in secondary level with a view to take the children's opinions in school management.

Despite several efforts of Govt., there are several issues withholding. In some areas, many children are still out of school, the teacher students' ratio is high, the capacity of teachers for quality education is alarming and the role of the school management committee is not up to the mark.



16 General Economics Division (GED), Planning Commission Government of the People's Republic of Bangladesh (2015). *The Millennium Development Goals: Bangladesh Progress Report 2015*. Retrieved from [http://www.un-bd.org/Docs/Publication/MDGs-Bangladesh-Progress-Report -PDF Final September-2015.pdf](http://www.un-bd.org/Docs/Publication/MDGs-Bangladesh-Progress-Report-PDF-Final-September-2015.pdf)

3.1.1 Right to education

3.1.1. (a) All children of eligible age do not have access to Pre-school

The National Plan of Action (2003-2015) identified Early Childhood Care and Education (ECCE) as one of the major components of basic education. It spelled out a comprehensive and a detailed plan for ECCE to be implemented through an integrated approach for providing health, nutrition, sanitation, and education services with the involvement of major ministries, stakeholders and development partners.

The Govt. recognized the value of pre-schools and included one year of pre schooling for children aged 5 and above in the Education policy 2010. However, the Govt. has no Early Childhood Development (ECD) initiative for the children below 5 years of age. Only few NGOs and some private schools have ECD/ECCD/ECCE interventions. However, according to the primary data, as of today only half the population have access to the pre-school facility. The other half does not have access to pre-schools due to two reasons— the schools' lack of capacity of accommodating all the children in the catchment area (2 kilometres) and the long distance between schools and the targeted communities. Lack of availability of adequate number of pre-schools precludes attendance for a majority of pre-school aged children. Children from the poor households are less likely to be engaged in early learning than the children from the rich households.

3.1.1. (b) A large number of children are still out of school

Bangladesh is one of the countries where the proportion of out-of-school children is alarmingly high (almost one in four) despite the fact that the GoB has adopted the Compulsory Primary Education Act in 1990, which made primary education free for all children in the following years. The latest available information from Bangladesh Primary Education Annual Sector Performance Report-2014 estimates that 23 percent of children aged 6–10 years are not going to school, and among those, about 2 million (11 percent) have never been to school, about 1.9 million (10 percent) entered school late, while about 0.4 million (2 percent) children dropped out of school¹⁷.

¹⁷ Bangladesh Institute of Development Studies (BIDS), Bangladesh Bureau of Statistics (BBS), and UNICEF (2014). *Out of School Children in Bangladesh*. Retrieved from http://www.unicef.org/bangladesh/Out-of-School_children_in_Bangladesh.pdf

Percentage of out of school children is high in the urban slum areas compared to the rural areas. A significant number of out of school children is migrated from rural areas to urban areas with their families for alternative livelihood opportunities, who end up in slums. As the opportunity of education in slum areas is very limited, these children remained out of school.

Information received through FGD showed that household poverty, lack of awareness/negligence in parents, fear of corporal punishment, inadequate pedagogic materials, child labour, peer pressure, schools situated in distance, lack of disability-friendly schools, social insecurity for girls, negligence of the teacher towards students and high educational expenditure are all major reasons for drop out from schools. On the other hand, because both the parents stay engaged in work nowadays, it has forced the school aged children to stay at homes and look after their siblings and do household chores.

The data and information extracted from primary and secondary sources revealed that due to the lack of commitment and capacity on the part of the primary duty bearers towards ensuring the right to education for all children, adequate amount of budget and resources are not being allocated. As a result, the implementation of existing laws, policies and plans related to child education is not being prioritized. Consequently, a large number of children remain out of school.

3.1.1. (c) Children living in slums are being deprived of their right to education

One of the key factors for children being out of schools is migration. Rapid urbanization has been accompanied by a high increase in the slum population, a population which is mostly deprived of basic social services such as education, health, water, and sanitation facilities. The net attendance rate for primary education in the slums of Bangladesh's city corporations average of only a 65 percent, compared to that of 81 percent nationally. Attendance rate for secondary education was much lower (18 percent) in slum areas, compared to that of 49 percent nationally. The drop-out rate from primary school is below 2 percent for both rural and urban areas, but is much higher for urban slums— 7.1 percent for boys and 8.6 percent for girls. Repetition rates were also much higher in urban slums. In metropolitan slums in Bangladesh, children are 2.5 times more likely to be excluded from school than the national average. Data suggests that 6.5 percent of children (10-12 years) in slums in cities are working and confirms that the rate is higher for older children (12-14 years), especially for female adolescents, among whom many find themselves working in the city's garment industry. Girls are also withdrawn from school to be married

off at an early age¹⁸. Also, lack of a joyful learning environment, traditional curriculum and methods of teaching, inadequate educational facilities and teachers' qualification, lack of capacity to deal with the disadvantaged group, lack of awareness related to child labour are also reasons for this exclusion. Large number of working children living in urban streets and slums provide another dimension for the problems of education and poverty.



According to the primary data derived from FGDs with slum children and their parents, some of the significant reasons for slum children being out of school include domestic violence, frequent migration from one slum to another due to slum eviction, involvement in domestic work, participation in income generating activities using micro credit to support adult members, and forced involvement of children in political activities by the local political leaders. However, almost all the respondents mentioned that inadequate educational institutes and expensive private education are the main causes for deprivation of access to education for slum children.

It was found by analyzing the data and information of primary and secondary sources that due to lack of commitment and capacity of primary and secondary duty bearers towards ensuring right to education for slum children, required number of schools are not being established in slum areas. Besides, there are no effective necessary development initiatives which would lead sustainable socio-economic and cultural development for the people of slum areas. Consequently, the slum children either never enroll or drop out from school due to a lack of availability of schools.

18 Cameron, S. (2010, September). *Access to and Exclusion from Primary Education in Slums of Dhaka, Bangladesh*. Create Pathways to access, Research Monograph No45. Retrieved from http://r4d.dfid.gov.uk/PDF/Outputs/lmpAccess_RPC/PTA45.pdf

3.1.1. (d) Opportunity for education of children with disabilities is very limited

Bangladesh has made significant gain in terms of enrolment of children into schools over the last few years; however, children with disabilities have just started coming to the schools. Only 11 percent of the children with disabilities within the school going age have gained access to education so far, with a simple majority of boys over girls¹⁹.

The GoB claimed that children with disabilities are being admitted into general schools, but in reality they face a lot of barriers to get admission in these mainstream schools. There is a lack of suitable infrastructure for them in schools. Abuse against students with disabilities is also present in schools. One of the major challenges for ensuring education for children with disabilities is the lack of inclusive teaching-learning materials. Children with disabilities in some schools and *Madrrasah* are still subjected to physical punishment. Many guardians are taking away their children from the schools due to this physical abuse. In addition, lack of awareness among parents, teachers and community members regarding the rights of the children with disabilities is another obstacle towards ensuring education for children with disabilities. The community and civil society organizations (NGOs) have limited capacity for economic and non-economic support for the children with disabilities.

3.1.1. (e) Ethnic children do not have equal access to education

There are many ethnic communities in Bangladesh, with a population of around four million. According to the latest available research report done by the NGO BRAC in 2005²⁰, one in every five ethnic minority children (6-15 years) was out of school, a rate that was double for the tea garden children. In some tea gardens, over 90 percent of the children were out of school. In the Chittagong Hill Tracts (CHT) the dropout rate for ethnic children is much higher than the estimated national rate, with more than 60 percent of children dropping out especially in the early years. Also, gender gap in access to school was observed in the ethnic communities. Specifically, the ethnic minorities in the tea gardens, the *Chakmas* and others in the Chittagong Hill Tracts showed gender disparity against the girls in case of school enrolment.

19 Khan, A. N., Anisuzzaman, D. M., Rahman, D. N., & Choudhury, R. K., Campaign for Popular Education (CAMPE) (2011). *The status of un-served children in education. Children with Disability in Bangladesh*. Retrieved from [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKewih6Ynbjr3LAhWLCI4KHdP8DB8QFggdMAA&url=http%3A%2F%2Fwww.campebd.org%2Ffiles%2F16032014020857pm-Children with Disability in Bangladesh.pdf&usq=AFOjCNGSjFWtC4jSPkYilo720SjgPGzQQ](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKewih6Ynbjr3LAhWLCI4KHdP8DB8QFggdMAA&url=http%3A%2F%2Fwww.campebd.org%2Ffiles%2F16032014020857pm-Children%20with%20Disability%20in%20Bangladesh.pdf&usq=AFOjCNGSjFWtC4jSPkYilo720SjgPGzQQ)

20 Nath, S. R., Yasmin, R. N., & Shahjamal, M. M., BRAC (2005). *Out of School Children in the Tea Gardens and Ethnic Minority Communities*. Retrieved from http://research.brac.net/reports/out_of_school.pdf

It has also been found that ethnic children do not have access to primary education because teachers and the school administrators deny them admission since they often do not speak fluent *Bangla*. Most ethnic communities are located in more remote areas, separate from the Bengali communities due to socio-religious attitudes and discrimination. This also means that they are far from government schools. The percentage of ethnic children who complete a full basic education is far less than the other children in Bangladesh. The education that ethnic children receive is of a lesser quality than that the other children in Bangladesh receive through the primary education system. The education system has failed to recognize the specific learning needs for ethnic children, especially the need of education in their mother tongue. The result is that the schools are providing an education that is not relevant, appropriate, flexible or inclusive for them. The government's system of teachers' posting does not take into consideration the ethnicity of the teacher or of the host communities.

3.1.1. (f) Children and adolescents are malnourished

Malnutrition is the result of complex interactions between food consumption, overall health status and care practices. In an individual level, inadequate or inappropriate feeding patterns lead to malnutrition. The prevalence of under-nutrition among children in Bangladesh has declined over the past two decades, but about two-fifths of children under five years of age are still underweight, and nearly half suffer from chronic malnutrition (stunting). 14 percent of the children are considered to be wasted or too thin for their height and 3 percent are severely wasted. However, rural children are more likely to be stunted than urban children (38 percent compared with 31 percent) and children of mothers with no education are much more likely to be stunted (40 percent)²¹. Malnutrition also continues throughout the adolescence; 42 percent of adolescent girls in Bangladesh are exposed to malnutrition due to their economic insolvency and to some extents, their lack of awareness²². Therefore, malnutrition travels from generation to generation because the malnourished mothers give birth to malnourished babies. If they are girls, these children often become malnourished mothers themselves, and this how the vicious cycle continues. There are many factors which accelerate malnutrition. Non-exclusive breast feeding, delayed and faulty weaning practices and prolonged breast feeding are the most crucial factors among these. In addition, a high burden of diarrhea and other diseases exert

21 National Institute of Population Research and Training (NIPORT) - Ministry of Health and Family Welfare, Government of Bangladesh (2016) Bangladesh - *Demographic and Health Survey 2014*. Retrieved from <http://www.dhsprogram.com/pubs/pdf/PR56/PR56.pdf>

22 Dhaka Tribune Publication. (2013). *53,000 die from malnutrition every year in Bangladesh*. Retrieved from <http://www.dhakatribune.com/health/2013/dec/19/53000-die-malnutrition-every-year-bangladesh#sthash.HGlanEaN.BvtpeSzv.dpuf>

a serious toll on the nutritional status and other developments like school performance and academic results for a child.

The Ministry of Health and Family Welfare established 12,527 community clinics (CCs) in ward levels for delivering primary healthcare services— like EPI, treatment for common diseases (pneumonia, fever, cough, etc.), family planning services, health education and first-aids etc. But there is a lack in systematically placing the structures to make public health care system operational in urban slums, basically because these are in rural areas²³. An assessment report on community clinics revealed that the services provided by the community clinics were of poor quality and the experiences of users were not good²⁴.

From the FGD findings, it was also revealed that out of the studied Community Clinics, only one tenth were working well, one third were partly satisfactory, and more than half were not even really functioning. Overall, people were not satisfied, and that was justified by the physical facilities, lack of timely service delivery, shortages of drugs and equipment, poor skills of staff and low morale.

3.1.1. (g) Expenditure of education hinders children's schooling

Primary education is free and compulsory in Bangladesh, but in reality, there are substantial family expenses for children's schooling. These costs include examination fees, private tuition, uniforms, and paying for guidebook in the upper grades of primary school. Students from the households with surplus food security status had much higher expenditures than those from the households with a private or breakeven food security status. Parents, irrespective of educational status, had no private time to oversee their children's educational up-keeping. Some parents chose private tutors as a strategy for better control, as they say their children are 'naughty'. Some thought that it would help their children to compete well. While a significant burden of the schooling costs falls on all parents, parents must consider the actual and opportunity costs of primary schooling. Parents and teachers at government-funded schools reported that many students remain absent in class due to not having adequate school materials, such as pens and notebooks.

23 M. Showkat Gani, Malabika Sarker, Bulbul Ashraf Siddiqi, Ilias Mahmud, Yamin Tauseef Jahangir, Sally Theobald, Hermen Ormel, Salauddin Biswas, Kuhel Faizul Islam, Suborna Camellia, Sabina Faiz Rashid Reach Out: Linking Communities & Health Systems (2014). *Context Analysis: Close-To Community Health Care Service Providers in Bangladesh*. Retrieved from <http://www.reachoutconsortium.org/media/1825/bangladeshcontextanalysisjuly-2014compressed.pdf>

24 C Normand, Iftekar, M. H., & Rahman, S. A. Health Systems Development Programme, funded by the UK Department of International Development. This work was funded by the World Health Organization. (n.d.). *Assessment of the community clinics: Effects on service delivery, quality and utilization of services*. Retrieved from http://r4d.dfid.gov.uk/PDF/Outputs/HealthSysDev_KP/bang_comm_clinics_web_version.pdf

Compared to NGO schools, students of the government schools spend three times as much and students of Kindergarten spend 8.8 times as much in the pre-primary education cycle. The instances of private tuition is much higher among the students of kindergartens and high schools (over 50 percent) but much lower among those in NGO operated and mosque based schools (<10 percent).

3.1.1. (h) Poverty strikes to children education

Poverty is considered as one of the biggest challenges for Bangladesh, mainly aggravated by frequent natural disasters and high population density. The proportion of the population living under the poverty line came down from 48.9 percent in 2000 to 25.6 percent in 2015 because of consistent economic and remittance growth²⁵. Despite this advancement, around 26.5 million of the 63 million children in Bangladesh live below the national poverty line, regardless of the measurement method used. Poverty increases as the number of children in a household increases. Around 58 per cent of all children are severely deprived of any one of the six deprivation indicators: shelter, sanitation, water, information, education and health. Moreover, 13 per cent of all children aged 5 to 14 years are engaged in child labour and 97.5 per cent of them are unpaid²⁶.



A number of factors are correlated with Child poverty. These are,-drop out from schools, low academic achievement, teenage pregnancy and childbearing, poor mental and physical health, delinquent behavior and unemployment in early adulthood. The longer children live in poverty, the lower their educational achievement and the worse their social and emotional

25 Prothom Alo (2014). *Country's poverty rate now 25.6%*. Retrieved from <http://en.prothom-alo.com/bangladesh/news/51338/Country-s-poverty-rate-now-25.6%25>

26 UNICEF (2009). *National Report Bangladesh - Global Study on Child Poverty and Disparities*. Retrieved from [http://www.unicef.org/bangladesh/National_Report_Bangladesh_\(Web_Version\).pdf](http://www.unicef.org/bangladesh/National_Report_Bangladesh_(Web_Version).pdf)

development will be. Children living in childhood poverty are exposed to not only to more psychosocial stressors but also to more impoverished physical living conditions²⁷.

The available primary data also validate the existence of poverty in the Educo intervention areas. It was found that the Monthly Households Income of the families in the intervention areas is lower than World Class Standard PPI (Purchasing Power Parity-standard for measuring poverty line developed by World Bank)²⁸.

3.1.2 Rights in Education

3.1.2. (a) Learning inequality and regional differences



Many of the children who complete primary education do not attain the acceptable standards of literacy and numeracy set through the competency based curriculum²⁹. Students' learning is influenced by various factors, including schools, teachers, and household background. According to the report of National Student Assessment (NSA) 2013 for Grades 3 and 5, the learning inequalities start from early grades (class 1-3). Also, regional differences exist in students' learning outcomes in Bangladesh.

The NSA 2013 results show that there are statistically significant differences in the learning achievements of boys and girls. In Bangla, girls tend to perform marginally better in both grades 3 and 5, and in math boys tend to perform marginally better. However, there are practically no differences between these two groups in learning outcomes in

27 Shohel, M. Marhuf C., UNICEF (2012). *Childhood Poverty and Education in Bangladesh, Policy implications for disadvantaged children*, Innocenti Working Papers no. 2012-10. Retrieved from <http://www.unicef-irc.org/publications/670>

28 Educo Bangladesh (2011) *Socioeconomic Conditions of Educo Beneficiaries*

29 Monitoring & Evaluation Division Directorate of Primary Education Ministry of Primary & Mass Education (2013). *National Student Assessment 2013 for Grades 3 and 5*. Retrieved from http://mopme.portal.gov.bd/sites/default/files/files/mopme.portal.gov.bd/page/485eacef_5746_4c37_b88f_f01f0a1250b7/NSAFinal%202013%20Report%2019012015.compressed.pdf

both grades and in both subjects. Based on the statistical comparison, performance of indigenous groups is much lower than non-indigenous groups in both subjects and in both grades. There are stark and statistically significant differences in achievements for Bangla or Mathematics in both grades 3 and 5.

Some of the reasons for the existence of learning inequality include lack of child friendly teaching capacity of teachers, recruitment of teachers without considering their teaching capacity, low educational qualification of the teachers and lack of training for the teacher of non-government (NGO, Private) schools, etc. Moreover, many of the teachers who receive training do not implement obtained knowledge and skills from the training. It was also found that in many schools, teachers have to take too many classes. More importantly, the issue of accountability of teachers is not being properly addressed due to weak monitoring mechanism. On the other hand, great performance results have been observed where the school management and the teachers' quality are relatively better.

3.1.2. (b) Inadequate capacity of teachers hinders achievements of learning outcomes

There is a substantial variation in teaching quality in Bangladesh. There exists a common phenomenon of appointing teachers in every school without considering their teaching capacity. As a result, majority of the teachers lack necessary skills, knowledge, experiences and education. Consequently, children do not get quality education in the school. This is one of the factors responsible for a good number of students being compelled to leave the school and get involved in income generating activities.

The Bangladesh government has taken several initiatives in order to improve necessary skills, knowledge and experiences of Teachers. Under the Primary Education Development Program (PEDP)-II, Assistant and Head Teachers were being provided three types of in-service training which were recorded in the annual school census: (1) subject-based, (2) classroom learning methods and (3) sub-cluster training. Teacher differ in their teaching practices by behaviors, teaching models, teaching strategy and standards in the following areas— knowledge of contents, lesson objectives, presentations, lesson structure and pacing, activity feedbacks, questions, thinking, grouping and motivating children and classroom environment.

According to the information derived from the primary sources, both teachers and students found teachers' training as one of the most important factors for ensuring quality education. They shared that only qualified and skilled teachers can ensure a joyful teaching and learning environment in the classrooms. Most of the teachers of Government primary schools have

received training; on the other hand, the teachers of *Madrasah* and Kindergarten Schools do not have this training opportunity. The teachers also felt the need of subject based training (especially English), refreshers training and creative method training as these are new to them. School teachers also shared that they can apply 70 to 80 percent of their training knowledge in real life. According to Key Informants, the teachers who received training do not implement their training effectively in the classroom. Even after receiving training, they follow traditional methods of class conduction. They mentioned that lack of motivation and accountability for the teachers, lack of use of teaching materials, lack of teachers' preparedness and inadequate monitoring from the local education office and weak SMC are the key problems.

3.1.2. (c) Quality education is yet to be achieved

Bangladesh has a variety of Government-supported schools, private schools, NGO operated schools, unrecognized *Madrasahs*, and non-formal education programmes. The different types of schools, lack of minimum standards and a non-existence of common core curriculum reinforce the disparities in society and therefore undermine quality. Children are rarely provided opportunities to develop critical thinking and extra-curricular interests and skills. The most alarming issue is that the relevant government officials do not fully address the existing lack of quality in education.

Some of the reasons lacking quality education are large class size, double shifts in many primary schools, low student teacher contact hours, shortage of trained teachers with adequate teaching capacity, lack of supplementary education materials and inadequate monitoring mechanisms from local education authority.

The Student Teacher Ratio was 40:1 in the year 2014 for all type of schools, but it was 46:1 in GPS and NNPS, which meets the national target (46:1)³⁰. This problem is especially acute in urban areas, where class sizes often exceed 100. Many primary schools run on double shifts to accommodate large numbers of students in small classrooms. Student-teacher contact hours in the primary schools of Bangladesh are among the lowest in the world. It is the communities that have the duties to build a coherent, organized, and well informed demand for quality education for all the children of the community. In many cases, however, communities do not recognize the importance of their role in demanding and contributing to quality education, particularly early learning. They also often lack the organizational capacity

30 Government of the People's Republic of Bangladesh, Ministry of Primary and Mass Education (2014). *Annual Primary School Census 2014 - Monitoring & Evaluation Division Directorate of Primary Education* Mirpur-2, Dhaka-1216. Retrieved from http://dpe.portal.gov.bd/sites/default/files/files/dpe.portal.gov.bd/publications/35332e71_7177_43e4_acad_69855daff795/APSC-2014_for%20National%20Committee_11032015.pdf

to motivate effective demand. The centralized system of government undermines communities' role in children's right to education.

Most schools lack playgrounds and other recreational facilities, and schools are rarely accessible to children with disabilities. Basic supplies and quality inputs such as teaching aids, libraries, and laboratories are often unavailable or in poor condition. Primary school textbooks were recently revised and distributed, but their quality has drawn criticism. With support from the UNICEF, the Government is gradually providing supplementary reading materials and teaching aids for primary schools and rolling out a school-level planning process that aims to enable improvements in infrastructure and other local priorities.

3.1.2. (d) Corporal punishment at educational institutions is rampant in Bangladesh

The corporal punishment at educational institutions is rampant in Bangladesh. A 2009 report by UNICEF shows that 91 percent of the children surveyed faced various levels of physical abuse at school, while 74 percent were abused at home, and 25 percent at workplace. This reports widespread and pervasive use of corporal punishment in Bangladesh, with nearly 88 percent of schools using switches or sticks for disciplinary purposes. The report claims that poor children are more likely to experience corporal punishment and with greater severity and frequency than wealthier students; 5.6 percent of children in rural areas do not go to school or drop out of school for the fear of punishment by the teacher³¹.

The primary data showed that the social and cultural norms in Bangladesh still recognize corporal punishment as one of the important means of disciplining children. Many parents encourage teachers to use corporal punishment for the “betterment” of their children. At the same time, a good number of teachers strongly believe that the corporal punishment could significantly contribute towards ensuring the bright future of the children.

It has been observed in the primary data that educational institutions do not follow the guidelines to prohibit Corporal and Psychological Punishment in All Educational Institutions, issued by the Ministry of Education in 2011. School going and non-school going children from the urban and rural areas mentioned that Corporal Punishment is one of the major reasons for dropping out of school. Many school and *madrassah* (religious schools) teachers believes that corporal punishment helps disciplining students. However, they agreed with the fact that corporal punishment creates fear among students', which leads to low attendance and eventually drop outs from school.

31 UNICEF (2009). *Opinions of Children of Bangladesh on Corporal Punishment*. Retrieved from http://www.unicef.org/bangladesh/Opinion_Poll_2009.pdf

3.1.2. (e) Primary Education Completion Examination creates additional pressure on students

In Bangladesh, historically there were two public examinations, one after the completion of 10 years of schooling and the other at the end of 12 years. However, two new public examinations were introduced in 2009 at the end of grade V and grade VIII. Despite the fact that most examinees pass in these examinations (98 percent in PECE and 92 percent in JSC, Directorate of Primary Education, 2015), the education experts question their justification and added value. Most reservations and concerns have been raised regarding the examinations that happen at the end of grade V for children aged 10 years. The way this examination is conducted and the consequences it create for children are also parts of the concern.

According to the findings of the Education Watch 2014 report, the introduction of the Primary Education Completion Examination (PECE) at the end of the primary cycle has made some positive changes such as, forcing students, parents and teachers to give more attention to the students' study. However, this was achieved at a certain cost. The study found that the primary education is more 'exam-centric' as opposed to 'learning-centric' and is depriving young children of the joy of learning and opportunities to be creative. According to the report, majority of the children are depending on coaching for preparing them for the PECE, which has created an additional burden on the families. On average, 81.1 percent of examinees participated in school arranged coaching, 77.1 percent received private tutoring and 47.4 percent received tutoring help from family members.

The stakeholders of primary education had a mixed experience and opinion about PECE. Some of the stakeholders believed that PECE increased pride and awareness among the students and parents about education. School teachers became more serious about studying more and the certification of students at the end of grade V was seen as inspiring to young learners.

Another group of stakeholders observed various types of pressure on examinees, which has arisen specifically due to PECE. These were related to the curriculum burden, the burden of school-based coaching and private tutoring. Stakeholders raised their concern about the increase of private expenditure for education due to PECE and the implication for equity and right to education.

3.1.3 Rights through Education

3.1.3. (a) Role of School Management Committee (SMC) is not satisfactory

School Management Committee (SMC) plays an important role by engaging local people in the educational and development activities of primary schools. Thus it is a bridge between the school and the local community. The SMC also plays vital roles in the schools as both leaders and decision makers. Improving the performance or increasing the effectiveness of SMC unparalleled for strengthening the primary school governance. SMCs, as a governing body, need to influence other stakeholders to accomplish the objective of the school and to direct the school in a way that makes it more cohesive and coherent. Considering the effectiveness of the SMCs, in Bangladesh, their role is very poor in case of improving governance of primary schools. Two thirds of the SMC members did not receive training on their roles and responsibilities. Formation of the SMC with dominant people is a regular phenomenon and politically and economically influential people of the community usually become the members of SMC. Moreover, there is a culture in the community that people who can afford to make a donation to school funds become more likely to be the members of the SMC. As a result many times the development of schools is hampered by unjustifiable interferences of the dominant SMC members. However, Government is currently reviewing the structure and functions of the SMC to make it a more effective body with responsiveness and accountability to the school community.



On the other hand, children and parents have inadequate space to participate in school management system and process. But for promoting student leadership, responsibility and democratic practices in primary school, government took initiatives to form ‘Student Councils’, though it is yet to be functional.

3.2 Right to Protection

Numbers of policies and acts have been approved to fulfil the government's commitment towards Child Protection, but the implementation of those is not properly realized yet. A large number of children in Bangladesh are subjected to physical, verbal, humiliating, and threatening forms of discipline or punishment. Child marriage and child labour are very common issues in the country. The underlying factors influencing child protection include low family income, social insecurity, lack of awareness among parents, weak enforcement of law, inadequate awareness and reluctance of the duty bearers, legal and policy framework for child protection, poor reporting system and institutional capacities for child protection. However, the above situations demand a national child protection system which is, to some extent, stated in children act 2013, but is yet to be implemented.

3.2.1 A Large number of children are engaged in labor at an early age

Many children get forced out of school and get involved in labour work at an early age to help their families. These are the children that are denied the opportunity of acquiring the knowledge and skills needed for a lucrative future employment. As far as social and cultural context is concerned, child labor is accepted by the society as a whole due to ignorance. Employers also hire children because of their lower wage rate and higher obedience than adults.

According to the latest child labor survey conducted by the BBS in 2015 (the findings has been available in January 2016), there are 3.45 million working children (5-17 years) in Bangladesh, of which 2.10 million are considered as child laborers and among them 1.02 million are engaged in hazardous labor. However, many civil society organizations dealing with child labor issues raised questions regarding the authenticity of these data³². The issue of child labour has been incorporated in all major national development plans, including the Sixth Five Year Plan (2011-2015), the National Plan of Action to combat human trafficking (2012-2014), the National Child Labour Elimination Policy (NCLEP) 2010, the National Education Policy (2010), the National Plan of Action for Education for All (2003-2015), the National Skills Development Policy (2011), and the National Children Policy (2011). The Ministry of Labour and Employment has adopted the National Child Labour Elimination Policy, 2010 followed by a National Plan of Action that provides a framework to eliminate all forms of child labour by 2015. However, not a single strategic

³² Bangladesh Bureau of Statistics (BBS) (2015). *Child Labour Survey Bangladesh 2013*. Retrieved from <http://www.bbs.gov.bd/WebTestApplication/userfiles/Image/LatestReports/ChildLabourSurvey2013.pdf>

objective has been implemented as of today, the legal protections remain limited and the capacity to enforce child labour laws remains weak. In addition, adequate human and financial resources are yet to be allocated to implement activities set out in the National Plan of Action to implement NCLEP 2010. As a result, a large number of working children are exposed to abuse and economic exploitations.

Many reasons for child labor were identified during the CRSA process. The key reasons for child labor are— financial hardships, lack of literacy and awareness in parents about child labor, price hike of daily commodities and unaffordable educational expenditure of children. Sometimes, parents are compelled to make their children engage in work for earning purposes to meet the family expenditure. Majority of the working children and their parents are not aware about the existing laws and policies related to child labour. They believe that there is no law in the country to prevent and eliminate child labour. One of the FGD participants said “*Had there been a law in the country to eliminate child labour, children would not have engaged in labour*”.

3.2.2 Children in domestic work are not protected by the law of the country

According to the UNICEF-ILO joint national survey on domestic child labour conducted in 2007, more than 400,000 children are engaged in domestic work. Majority of the domestic child workers are between 12-14 years of age and around 90 percent of them are girls. Thus, they are extremely vulnerable to all forms of abuse and exploitations.

It is important to mention that the country does not have any legal provision at the moment to protect the rights of the child domestic workers. Domestic child labourers are excluded from the labour law 2006 (amended in 2013). Child domestic work was also not included in the list of hazardous work for children prepared by the Ministry of Labour and Employment in 2013. Therefore, the rights of thousands of children engaged in domestic labour are completely unprotected.

The study shows that a large numbers of domestic child workers are subject to physical, verbal, mental and sexual abuse. The highest number of child workers received verbal abuse (95 percent), seventy three percent children received physical abuse and a significant number of children (17 percent) stated that they were exposed to sexual abuse. 52 percent child domestic workers stated that they abused on a regular basis³³.

33 M. Rezaul Islam, PhD, Bangladesh Shishu Adhikar Forum (BSAF) (n.d.). *A Child in the Family but Imprisoned. Study on The Situation of Domestic Child Workers in Dhaka City*. Retrieved from http://globalmarch.org/sites/default/files/Study%20on%20Domestic%20Child%20Workers_0.pdf

Majority of the children were forced by their parents to enter into domestic works due to economic vulnerability of the families, sickness of parents, separation of parents and death of parents. Besides, family debts and natural disasters also push children to domestic work. In addition, many parents send their girls to domestic work because of social insecurity (violence, abuse, eve teasing etc.)

3.2.3 Prevalence of child marriage is still high in Bangladesh

Girl children continue to be victims of child marriage and the rate of dowry increases with her age. This practice prevails mostly in rural areas, slums, and remote or areas hard to reach, i.e. Char areas (island areas). According to a study conducted by Plan International, the prevalence of child marriage is still high in Bangladesh. 64 percent of all the women aged from 20–24 were married before the age of 18. Level of education is strongly associated with child marriage; 86 percent of the women with no education were married before 18 years of age, compared to 26 percent of women married before 18 years of age who had completed secondary or higher education. Besides, a correlation was found between location (urban/rural) and child marriage; the rate of child marriage among all women aged 20-24 years was 54 percent in urban areas, compared to 71 percent in rural areas³⁴. On the other hand, a study³⁵ done by Save the Children shows that, nearly 80 percent of the girls living in slums, and 46 percent of the boys living in slums are married before reaching 18 years. Poverty and fear of sexual harassment accounted for 20 percent and 19 percent of these marriages respectively.



34 iccdr,b (2013). *Child Marriage Findings from a National Survey in Bangladesh*. Retrieved from <http://www.icddr.org/component/news/?id=622>

35 Tazlina Zamila Khan, Dhaka Tribune (2014). *Study: 80% slum girls victims of child marriage*. Retrieved from <http://www.dhakatribune.com/bangladesh/2014/may/23/study-80-slum-girls-victims-child-marriage>

The UNICEF Report titled ‘Ending Child Marriage – Progress and Prospects’, published in July 2014 has mentioned that Bangladesh has one of the highest numbers of under-15 child marriages in the world. According to this report, 74 percent of the girls aged below 18 years who are married off and over 20 percent girls who are married off before reaching 15 years have three or more children before reaching 24 years³⁶. One of the alarming issues is that recently the Government of Bangladesh, through the Ministry of Women and Children Affairs, has taken an initiative to amend the Child Marriage Restraint Act 1929 in order to make it consistent with the present time. However, the review committee recommended the minimum marriage age for girls to be 16 years, while the old Act made the provision to be 18 years. There is a weakness in enforcement of the laws related to child marriage. In most cases, perpetrators involved in early or child marriage are never penalized. Through primary data the negative roles of the local government representatives and marriage registrars were found as contributing factors toward child marriage. One of the respondents said that “*The members of the Union Council help the parents/guardians to get fake birth certificates from the local birth registration authority*”.

3.3 Responsibility Analysis

3.3.1 Responsibilities and capacities of the primary duty bearers

The Ministry of Women and Children Affairs (MoWCA) is widely viewed as a coordinating rather than an implementing ministry for children issues. The MoWCA faces challenges in terms of human and financial resources. On the other hand, as an emerging issue supported by the observation from the UNCR Committee, a separate Directorate for children has not been set up yet. Ministry of Social Welfare, Ministry of Labor and Employment, Ministry of Primary and Mass Education, Ministry of Education, Ministry of Home Affairs, Ministry of Cultural Affairs, Ministry of Youth and Sports and Ministry of Local Government and Rural Development are other Government structures to support the implementation of children issues. Still, there are scopes of working in a coordinated manner and realizing their responsibilities to fulfill children rights. The Ministry of Primary and Mass Education is responsible for taking care of primary level education. This Ministry always lacks adequate amount of resources to build required numbers of schools, recruit adequate numbers of teachers and provide them with required level of training etc. More importantly, the government of Bangladesh had enacted the Education Act 2013, which is yet to be implemented in full swing with the allocation of adequate financial and

³⁶ UNICEF(n.d.). *Ending Child Marriage: Progress and Prospects*. Retrieved from http://www.unicef.org/media/files/Child_Marriage_Report_7_17_LR..pdf

human resources. Lack of capacity for monitoring and supervising the activities of the primary education is another important factor.

There is a strong link between child labour and education. Bringing children in schools is considered as one of the most appropriate means to prevent and eliminate child labour. However, there is hardly any coordination between the Ministry of Labour and Employment and Ministry of Primary and Mass Education to prepare joint initiatives. The Ministry of Social Welfare is partly responsible to look after the rights of the children, especially street children and children in contact with law. However, in reality they are often mandated to formulate laws and policies with implementation of only a few projects. They are not only responsible for children but also for other citizens of the country who need social welfare related support. Therefore, child rights related issues are not always a priority for this ministry. Moreover, this ministry also lacks adequate number of human resources as well as financial resources compared to the needs of a large number of vulnerable people of the country.

In order to ensure coordination among the ministries responsible for child rights, an inter-ministerial CRC Committee was formed a few years back. The inter-ministerial CRC Committee is chaired by the Secretary of MoWCA and comprises of representatives from other relevant ministries who deal with various aspects of children's rights. However, the coordination and the reporting process have not been as smooth as envisaged, because the constituent ministries have their own mandates and thus focal points for children's rights are not always effective in performing their tasks due to frequent turnover and other reasons. More importantly it is inadequate capacity of the concerned authority rather than political will that often prevents the implementation of the CRC.

3.3.2 Responsibilities and capacities of the secondary duty bearers

The secondary duty bearers include families/parents of the children, NGOs, community based organizations, Employers' and Workers' organizations, and the media.

Parents/families have a vital role in realizing the rights of children. However, they are not fully aware of their responsibilities towards their children from the perspective of rights. As a result, the decisions they take for their children do not always bring out positive results. Moreover, they do not have adequate capacity to fulfill the rights of their children due to lack of education, financial ability, lack of access to information, etc.

NGOs, especially child rights NGOs, are mandated to play a proactive role for realizing the rights of the children and they indeed have been playing a vital role to promote children's rights through implementing various programs and projects. However, the capacity of these NGOs is very limited compared to the number of children living under difficult circumstances. In addition, the life spans of the NGO run education and projects related to child protection are very short and they can provide education only up to a certain level (e.g. grade III). However, NGOs have been playing a significant role in creating awareness among the duty bearers and the rights holders throughout the country.

Community based organizations (CBOs) are not very strong and active in Bangladesh in promoting child rights. They are also not committed to realizing child rights as they do not have adequate capacity to deal with the child rights issues.

The employers' and workers' organizations have very little commitment towards fulfilling the rights of the children, although they can play an important role, especially towards prevention and elimination of child labor. Their focus is mainly on adult workers. Various national and international NGOs and UN agencies have been working with the Employers' and Workers' organizations in order to enhance their capacity to deal with trade union related issues. However, little effort has been given to develop their capacity on child rights related issues.

3.3.3 Responsibilities and capacities of the right holders

In general, the right holders are not fully aware of the rights they are entitled to. As a result, often they fail to claim their rights in a very strong manner. On the other hand, the right holders are often not organized and living under the poverty level, not having adequate level of literacy and thus are unable to raise their voices to make the duty bearers accountable. More importantly, due to absence of good governance and a democratic environment, the right holders are prevented by the vested interest groups from speaking up.

Chapter 4: General Conclusions

Despite making significant economic growth over the last decade, Bangladesh as a country is still far behind in terms of realizing the rights of all the children through the country. It has been failing to create a conducive environment for children in difficult circumstances till now, such as children out of school, children engaged in labor, slum children, and children from minority communities. Children's rights to education and protection are being denied in every corner of the society despite the fact that the country has created a legal framework by formulating compulsory primary education act, national education policy and national skill development policy.



The Government of Bangladesh has signed and ratified almost all international conventions and treaties that are related with the rights of the children. The country also formulated a good number of laws and policies in alignment with the principles and provisions of the UNCRC and other international child rights instruments. However, the enforcement status of these laws and policies is very poor due to the lack of strong commitment on the part of the primary duty bearers which has resulted in inadequate resource allocation, lack of coordination among the various ministries, departments and civil society and poor child rights governance.

Children's right to education are threatened by various factors. These are— inadequate number of pre- schools and primary schools (especially in urban slums and other geographical areas that are hard to reach), hidden cost of education, lack of inclusive education and corporal punishment in educational institutions. Lack of awareness in parents regarding the importance of education and in many cases poverty and malnutrition prevent the children's enrollment in and continuation of schools. Children's rights in education are also threatened by multiple factors. These include learning inequality due to a lack in the capacity of the teachers, inadequate pedagogic materials, lack of quality education in primary schools, etc. Moreover, the poor school governance system results from the non-functioning of SMC and an inadequate participation of the community in school activities.

Children's rights to protection are grossly violated because of the lack of appropriate laws and policies and the poor enforcement of the existing laws. For example, children engaged in domestic labor are not protected by any laws of the country. On the other hand, the existing laws and policies to protect the rights of the children engaged in general labor are also not being enforced. The newly proposed Child Marriage Act is taking the country hundred years back, which is not at all an indication that the country really committed to protect children from child marriage.

Absence of strong inter-ministerial coordination and low realization of responsibilities by individuals hinder the fulfillment of children's rights. In some cases, inadequate training and orientations on child rights issues make the duty bearers reluctant. The secondary duty bearers do not have the capacity and the required resources to address the rights of the children. The rights holders are not fully aware of their entitlements as there is a very limited scope of getting information— either from families or from educational institutions. As a result, they often fail to demand their rights before the primary and secondary duty bearers.

Under the above-mentioned backdrop, it can easily be concluded that the children of Bangladesh are yet to receive necessary support and services from the state in terms of education and protection in order to realize their full potential. The country still has to do a lot to ensure the rights of the children under the spirit of the UNCRC. And the NGOs have an important role to play for creating a pressure on the government so that the government fulfills its commitments made nationally and internationally.

Chapter 5: General Recommendations and opportunities for Educo

5.1 General recommendations

1. Most of the children who are out of school live in urban slums and geographically hard to reach areas (e.g. tea gardens, haor areas and Chittagong Hill Tracts). Therefore, efforts should be made to ensure education in these urban slums and geographically hard to reach areas. Special provision should also be made for providing education intervention to ethnic minority children through ensuring their social safety and security.
2. Inclusive education is a process to address the right to education of all learners. So, it is needed to increase the readiness of all schools in terms of accessibility, teachers' capacity building, learning materials, participation of the learners and other relevant stakeholders.
3. In many occasions, poor households do not have the capacity to bear indirect educational costs like private tuition fees, fees for buying guide books, etc. As a result, a good number of children drop out of school despite the provision of free primary education. Therefore, efforts are required to make education really free by removing all these indirect costs.
4. The GoB has introduced one year pre-school activities in primary schools. But no Early Childhood Care and Development (ECCD) initiatives exist in the communities. Taking ECCD initiatives is an important factor to support the sequential growth and development of the children of early age. Therefore, initiatives can be taken to create access in ECCD activities at a community level for the children of 0 to 5 years of age.
5. Ensuring school governance is one of the key roles of the SMC members. However, experiences show that in most cases, SMC members are not being able to perform their roles and responsibilities in an effective manner. Under these circumstances, it is important to explore alternative options for community engagement so that school governance is ensured; efforts may be taken to arrange training/orientations for SMC members.

6. Primary education sector of Bangladesh lacks professional, trained and qualified teachers, as teaching profession fails to attract qualified human resources. Therefore, efforts should be made to attract qualified people in the teaching profession through increasing remuneration and other incentives.
7. Majority of the primary school teachers have received training. However, there is a strong absence of the application of these skills into classrooms due to poor motivation of the teachers, improper supervision and monitoring support and insufficient teaching learning materials. Therefore, efforts may be taken to strengthen the monitoring and supervision support with adequate materials.
8. Two public exam in grade V and VIII have been introduced by the GoB which became a source of anxiety for students and parents. In that context, it is important to initiate an advocacy effort with the relevant government authority to change this high stake nature of completion examination and find an alternative assessment system for the children. .
9. Despite the various efforts by the government, corporal punishment is still a big issue in the educational institutions. In this regard, a strong measure would be required to be implemented by the GoB on prohibiting corporal punishment. In addition, awareness raising campaigns could be arranged to change the mind set of parents and teachers.
10. It is widely known that the global budget for education is 4 to 6 percent of the GDP or 15 to 20 percent of the total national budget. However, in Bangladesh the percentage is 1.8 percent of the GDP and 10.71 percent of the total national budget. Therefore, it is very crucial to increase the budget for education.
11. It has been found through secondary and primary data that a large number of children and adolescents have been suffering from malnutrition. Initiatives are required to create awareness among the children, adolescents, parents and caregivers regarding food and nutrition.
12. The GoB formulated the National Child Labour Elimination Policy (NCLEP) in 2010 and adopted a National Plan of Action (NPA). However, not a single strategic objective has been implemented due to inadequate resource allocation. Therefore, strong advocacy is required to allocate adequate resources to implement the NPA.

13. Millions of children are engaged in domestic work and are exposed to all forms of abuse and exploitations. The GoB has approved the Domestic Workers Protection and Welfare Policy in 2016 but is not recognizing it as hazardous work. In that context, strong advocacy effort would be required to properly implement this policy and recognize the domestic labour as hazardous work. In addition, efforts should be made to create awareness among parents and employers regarding the negative effects so that both the parents and employers feel discouraged to engage children for domestic work.
14. To support the vulnerable families who are unable to send their children to school due to poverty, initiatives can be taken to enhance their livelihood status or they could be linked with social protection program.
15. The GoB has recently taken an initiative to amend the Child Marriage Restraints Act 1929 with a provision for lowering the marriage age of girls in a special circumstance. Strong advocacy would be required to finalize the draft Child Marriage Restraints Act keeping the minimum age of marriage for girls at 18 years without any condition.
16. The GoB has taken an initiative to establish National Child Protection System. However, this system is yet to be fully functional. Initiatives may be taken for strengthening the Community Based Child Protection System linking with National Child Protection System.
17. Initiatives could be taken to influence duty bearers and caregivers on importance of children's participation in development activities. In addition, to ensure the meaningful participation of the children, integrated programming can be undertaken by the GoB and NGOs at all levels. Efforts are required to monitor the implementation of laws and policies at a local and national level. Moreover, it should be monitored that services delivered are non-discriminatory.

5.2 Recommendations for Educo

1. Educo may consider extending its education intervention to areas hard to reach such as tea garden, haor and hilly areas to ensure education for the most excluded children.
2. For the comprehensive development of children, Educo may demonstrate community based ECD program.
3. Educo should invest its efforts to enhance the capacity of the teachers to achieve the quality education in close collaboration with the GoB.
4. It would be interesting for Educo to work on school governance through providing training to the SMC members on their roles and responsibilities. Educo may also consider the involvement of children, parents and community people in school governance.
5. To stop the practice of corporal punishment in all settings, Educo may initiate awareness raising campaigns to change the mind set of parents, teachers and the SMC.
6. Educo may work with the vulnerable families who are unable to send their children to school, through livelihood initiatives and linking these families with social safety net programs.
7. Educo could address health and nutrition issues of children and adolescents for smooth continuation of education.
8. Educo should consider integrated programs having children's participation as one of the core component.
9. Advocacy efforts should be strengthened on Child Rights and Protection issues like child marriage, Child labor, ECD, quality education and health and nutrition.

Appendices

Annex 1. List of topics³⁷ and number of participants of FGDs

SI No	List of Topics	Total NO of Participants	Date (y/m/d)	Place
1	Child Labor	73	15-08-03, 15-08-04 & 15-08-09	Dhaka
2	Malnutrition	38	15-08-04 & 15-08-17	Dhaka, Kaligonj & Bhaluka
3	Malnutrition and Child Marriage	78	15-08-04, 15-08-05, 15-08-09, 15-08-10, 15-08-12 & 15-08-17	Dhaka, Kaligonj & Bhaluka
4	Out of School Children	77	15-08-03, 15-08-05, 15-08-09 & 15-08-10	Kaligonj & Bhaluka
5	Education for slum children	59	15-08-05, 15-08-10 & 15-08-11	Dhaka
6	Quality of Education and Corporal Punishment	40	15-08-04, 15-08-11 & 15-08-18	Dhaka, Kaligonj & Bhaluka
7	Quality of Education and Role of SMC	20	15-08-10	Kaligonj & Bhaluka
8	Quality of Education	39	15-08-03 & 15-08-18	Dhaka, Kaligonj & Bhaluka
9	Capacities of the Rights Holders	14	15-08-26	Dhaka
10	Child marriage	33	15-08-10	Dhaka, Kaligonj & Bhaluka

Annex 2. List of Key Informants Interview (KII)

SI No	Issues	NO of key informants
1	Enforcement of laws and policies, Capacity of primary duty bearers and child participation	02
2	Out of school children and quality of education	05
3	Malnutrition	03

³⁷ Information is available upon request.

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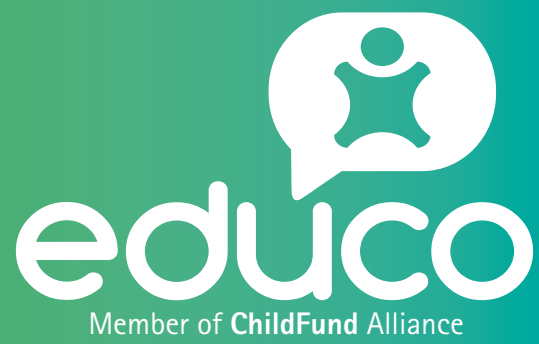
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