

Bangladesh

Violations ²¹	International Data 2019-2023	Outcome of the research 2013-2023
Killing and maiming	N/A	1,363 (killings in the period 2013-2017) – only data available 17 killings after rape (2023)
Abduction	N/A	N/A
Attack on schools and hospitals	N/A	N/A
Physical punishment/psychological aggression		55.7% of children facing physical punishment in their houses (period 2021-2023) 49.2% of children facing physical punishment in their educational institutions (period 2021-2023)
Sexual violence	1,491 (in 2019) 274 raped (11% girls and 12% boys) (in 2023) 48 sexually assaulted (in 2023)	1,383 (in 2019)

²¹ For certain types of violations data are not available because normally collected in situations of armed conflict. Other types of violations specific to the country context are added to the table.

Online sexual harassment		21% of rural children reported having received sexually explicit messages, and 17% reported receiving videos or pictures with sexual content (in 2021) 86% female and 91% male use the internet where the most common pattern of abusive events include receiving vulgar friendship request from unknown persons (47%), online sexual propositions (35%), receiving pornographic texts or audios (29%), receiving pornographic videos (29%), requests for inappropriate images or videos (19%), and requests to send naked or half-naked images or videos (18%) (in 2023)
Child marriage	15% of girls married by 15 51% of girls married by 18 4% of boys married before 18 (period 2021-2023)	60% of girls married before 18 years (in 2019)

Child trafficking	30,000 girls (estimated) in 2023 20,000 boys (estimated) in 2023 Estimations indicate that children are 40% of Bangladeshi sex trafficking victims exploited abroad NOTE: Important exploitation of Rohingya refugees	Between 40,000 and 50,000
Child labour	40,000 (estimated in 2023)	7% of children - aged between 5 and 17 (period 2021-2023)
Denial of humanitarian access	Data are not available. However, UNICEF indicates that, in 2023, 3 million children are in need of humanitarian assistance (estimated 1.3 million in Rohingya settlement in Cox Bazar)	

Challenges met during the research

Typology	Challenges	Comment
Quantitative	Data collection	Access to data is extremely challenging due to the fact that there is no national database and the reluctancy of national/ international organisations/stakeholders in the field to share information.

Qualitative	Cross reference and verification of data	See comment supra. Obtaining qualitative sources on children in armed conflict in Bangladesh can pose several challenges: access Restrictions; safety concerns; stigmatization and fear of Reprisal:
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1. Country Analysis

Bangladesh (“Land of the Bengals”) is one of the most densely populated countries in the world, and its people are predominantly Muslim. As the eastern portion of the historical region of Bengal, the area once formed, along with what is now the Indian state of West Bengal, the province of Bengal in British India. With the partition of India in 1947, it became the Pakistani province of East Bengal (later renamed East Pakistan), one of five provinces of Pakistan, separated from the other four by 1,100 miles (1,800 km) of Indian territory. In 1971 it became the independent country of Bangladesh, with its capital at Dhaka. The vast majority of the population of Bangladesh is Bengali - a term describing both an ethnic and a linguistic group. The Bengali people are historically of diverse origin, having emerged from the confluence of various communities that entered the region over the course of many centuries.²²

1.1. Conflict

The proclamation of independence in March 1971 led to the nine-month long Bangladesh Liberation War, that culminated with East

²² For this section see also: Tinker, H. Russell and Husain, Syed Sajjad (2024). Bangladesh. Encyclopedia Britannica. <https://www.britannica.com/place/Bangladesh>

Pakistan emerging as the People’s Republic of Bangladesh. The reasons of the conflict were rooted in the creation of the province East Pakistan during independence from the British empire in 1947. At that time, the South Asian subcontinent was partitioned into two countries: India (including lands with a Hindu majority) and Pakistan (lands with a Muslim majority). The people and territory of East Bengal became East Pakistan. East and West Pakistan were geographically, culturally, and ideologically distant and distinct. An independence movement for East Pakistan grew up based on Bengal ethnic concerns, the right to use the Bengali language, and a desire for local political control and self-rule. On 7 December 1970, the Awami League won the Pakistan’s elections. The League was a political party led by Sheikh Mujibur Rahman, who had campaigned for autonomy for East Pakistan. However, they encountered immediate opposition from General Agha Muhammad Yahya Khan and Zulfikar Ali Bhutto of the Pakistan People’s Party, which attempted to prevent the Awami League from forming the next government. After months of fruitless negotiations, the Pakistani army was deployed in East Pakistan on 25 March 1971. It pursued a policy of reprisal, targeting supporters of Bangladesh liberation and perceived enemies of the state like the significant Hindu minority. Deploying weapons such as fighter jets, tanks, and napalm—and creating radical religious militias to participate in the systematic murder and deportation of the population —the army of Pakistan committed egregious war crimes (the “Bangladesh genocide”). What began as an internal conflict soon became an international one. A Bangladesh independence militia called the Mukti Bahini, which drew support from the government of India, often engaged in guerrilla operations in East Pakistan from bases on the Indian side of the border. With as many as 15 million refugees crossing into its territory by autumn 1971, India decided to intervene militarily in the autumn for “purely humanitarian reasons” according to Prime

Minister Indira Gandhi. Pakistan pre-empted Indian action, however, by attacking northern India from West Pakistan on December 3. The subsequent Indo-Pakistani War involved fighting on two fronts; with air supremacy achieved in the eastern theatre, and the rapid advance of the Allied Forces of Mukti Bahini and the Indian military, Pakistan surrendered in Dhaka on 16 December 1971, in what remains to date the largest surrender of armed personnel since the Second World War (Strahorn, 2021).

In 1971, Bangladeshi independence was declared by Sheikh Mujibur Rahman. Bangladesh's constitution of 1973 provided for a secular state, a parliamentary form of government, a bill of rights, and a strong commitment to local government. Acceptance by the international community, however, presented a challenge. The initial application of Bangladesh to join the United Nations was vetoed by China; it was not until 1974 that Bangladesh was admitted to the organization. The new country confronted many other problems as well, including the restoration of transportation, communication, and international trade networks; the rehabilitation of the power supply; the revitalization of education, health, and population programs; and the resumption of agricultural and industrial production. In the 1973 elections, Mujibur won.

Prices escalated, and in 1974 scarcities were exacerbated by a great famine with a massive death toll. Faced with crisis, Mujib abridged freedoms and became a virtual dictator; corruption and nepotism reached new depths. On August 15, 1975, Mujib was assassinated along with most of his family. Another coup, in November 1975, brought Maj. Gen. Zia ur-Rahman into power. A series of further military coups ensued, which eventually saw General Hossain Mohammad Ershad emerge on top. Opposition to the Ershad regime grew steadily in the late 1980s and he eventually resigned after weeks of violent demonstrations in December 1990. In 1991, former first lady Khaleda Zia led the

Bangladesh Nationalists Party and was elected as the first female Prime Minister in the country's history. Her tenure as prime minister was hampered, however, by strikes instigated by the Awami League and other opposition parties and by a cyclone in 1991 that killed some 130,000 people. In February 1996 general elections were held and the Bangladesh Nationalist Party (BNP) won an overwhelming victory. The political situation did not improve and the country was also beset in 1998 by a disastrous monsoon that flooded some two-thirds of Bangladesh's territory for two months and left more than 30 million people homeless. Khaleda Zia remained prime minister until 2006. The Awami League prevailed in the elections held in late December, and in January 2009 Hasina again became prime minister. A tribunal to try war crimes cases from the 1971 war of independence was set up in March 2010. The tribunal tried several leaders of the Awami League's opposition, especially those of the Jamaat-e-Islami party, whose supporters and allies demonstrated in protest against what they saw as political targeting. In 2013 a court barred the party from participating in elections, saying its opposition to secularism was unconstitutional. General elections in 2014 and in 2018 were won by the Awami League and Hasina remained Prime Minister. Anti-government protests broke out in Bangladesh in December 2022 and general elections are to be held in 2024.

1.2. Post-conflict situation

More recently, the influx of Rohingya people across the borders from Myanmar has led to a humanitarian crisis in Bangladesh. The Rohingya crisis reached epic scale after Myanmar 'militia', which refers to a wide range of armed organisations and paramilitary groups, launched an operation on 25 August 2017 in Rakhine State, following attacks on several security force posts. Hundreds

of thousands of the Rohingya have fled mass killings, mass gang rape of women and children, brutal beatings, enforced disappearances, and other serious human rights violations and sought refuge in the Cox's Bazar region of Bangladesh. Consequently, the is currently struggling to support nearly 1 million Rohingya. Most of them have fled Myanmar to escape persecution in successive waves of displacement since the late '70s. Bangladesh has no obligation to admit Rohingya refugees as such. However, it is bound by the 'principle of non-refoulement', which is now considered to be part of customary international law. The majority of a large number of Rohingya resides in the Kutupalong-Balukhali camp, which has become the largest refugee settlement in the world. The camp consists of 34 numbered sites built adjacent to each other. UNICEF estimates that 60% of refugees are children. Reports indicate that in the camps the most reported concerns are child labour, neglect, child marriage and risk of trafficking (UNICEF & Child Protection, 2021). Due to the Rohingya crisis Bangladesh is facing and will face grave economic, social and environmental challenges. Bangladesh is a small country with a large population struggling with unemployment and lack of resources.

1.3. Social, cultural and religious aspects

Bangladesh is a collectivistic society, which means that many Bangladeshis are community or family oriented. Individuals often understand themselves as members of their village, family or religion rather than an individual and autonomous actor. The interests of the family or community are expected to come before those of the individual. Where strong social connections are created, there is an expectation that they will be long-lasting and reliable. Indeed, Bangladeshis can almost always trust in their social ties for assistance in virtually any activity. When interacting with others,

a calm and serious demeanour is the norm. Many Bangladeshis consider this conduct to be a sign of maturity. One's behaviour varies based on the other person's position within the social hierarchy. Age and social position are key determinants in the level of respect required for an individual. For example, elders often are viewed as wise and are granted a high amount of respect. Hence, one would adopt a slightly more formal attitude and give precedence to an elder.

Religion plays a fundamental role in Bangladeshi society. Indeed, Bangladeshis tend to be religiously oriented, and their religious heritage helps form their understanding of themselves as a people and others. For example, someone's nationality may be considered secondary to their religious identity. Those of differing religious affiliations tend to peacefully coexist as there is a cultural tradition of tolerance and acceptance of difference. The majority of the Bangladeshi population identifies as Muslim (89.1%), while the second largest religious group being Hinduism (10.0%). A remaining 0.9% of the population identifies with some other religion (including Buddhism and Christianity). While Bangladesh's population is predominantly Muslim, 70.5% of those residing in West Bengal (located in India) identify as Hindu. Religion often serves to reinforce the distinction between Hindu West Bengal and Islamic Bangladesh despite the two sharing common cultural elements. Islam plays a significant role in the personal and political lives of the vast majority of the Bangladeshi population. Islam was made the official religion of Bangladesh in a 1988 constitutional amendment, but the right to religious freedom is defended by the state.

The family is central to one's social life in Bangladesh, forming the basis of individuals' support networks. The typical household in Bangladesh, especially in villages, often includes several generations. Indeed, if individuals do not live in a village, they will usually still have relatives (such as their parents) who reside in their home

village. People living in urban areas and cities often try to make at least one trip per year to their village – particularly men that work in different locations to provide for their family. The general approach to family ties is communal, and people often act in the best interests of the community rather than based on their individual preferences. Generally, children are expected to consult their parents on major life choices such as their education and marriage. This is slowly changing, with some people making decisions without deliberating with their parents. Women tend to be in charge of household affairs. Most of their economic and social lives revolve around the home, children and family. Although women are gradually gaining more mobility and roles outside of the domestic sphere, men continue to have greater access to education and paid labour as well as acting as the primary source of authority. The oldest woman may have considerable authority within the household, but ultimately it is the patriarch who makes most decisions.

1.4. Implementation of human rights

Significant human rights issues include reports of unlawful or arbitrary killings, including extrajudicial killings; forced disappearance; torture or cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary arrests or detentions; political prisoners or detainees; transnational repression against individuals in another country; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; punishment of family members for offenses allegedly committed by a relative; serious restrictions on free expression and media, including violence or threats of violence against journalists, unjustified arrests or prosecutions of journalists, censorship, and enforcement of or threat to enforce criminal libel laws to limit expression; serious

restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental organizations and civil society organizations; restrictions on refugees' freedom of movement; serious and unreasonable restrictions on political participation; serious government corruption; serious government restrictions on or harassment of domestic and international human rights organizations; lack of investigation of and accountability for gender-based violence, including domestic and intimate partner violence, sexual violence, workplace violence, child, early, and forced marriage, and other forms of such violence; crimes involving violence or threats of violence targeting members of ethnic minority groups or Indigenous people; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; laws criminalizing consensual same-sex sexual conduct between adults; significant restrictions on independent trade unions and workers' rights to freedom of association and collective bargaining; and existence of the worst forms of child labour. There were numerous reports of widespread impunity for security force abuses and corruption. The government took few measures to identify, investigate, prosecute, and punish officials or security force members who committed human rights abuses or engaged in corruption. The law only prohibits rape of girls and women by men and physical spousal abuse, but the law excludes marital rape if the girl or woman is older than 13. Conviction of rape is punishable by life imprisonment or the death penalty. Human rights organizations found rape remained a serious issue in the country. According to human rights monitors, many survivors did not report rapes due to lack of access to legal services, social stigma, fear of further harassment, and the legal requirement to produce witnesses. The burden is on the rape survivor to prove a rape oc-

curred, using medical evidence. NGOs reported violence against women related to disputes concerning dowries, despite dowry demands being illegal. Incidents of vigilantism against women occurred, sometimes led by religious leaders enforcing fatwas. The incidents included whipping, beating, and other forms of physical violence. Assaultants threw acid in the faces of survivors, usually women, leaving them disfigured and often blind. Acid attacks were frequently related to a woman's refusal to accept a marriage proposal or were related to land or other money disputes.

Many forms of child abuse, including sexual abuse, physical and humiliating punishment, child abandonment, kidnapping, and trafficking, continued to be serious and widespread. Children were vulnerable to abuse in all settings, including home, community, school, residential institutions, and the workplace. The law prohibits child abuse and neglect with the penalty for conviction of up to five years' imprisonment, a fine, or both. According to Bangladesh Shishu Adhikar Forum, a network of child rights NGOs, the law was not fully implemented, and juvenile cases – like many other criminal cases – often lagged in the judicial system. The Department of Social Services, under the Ministry of Social Welfare, operated “Child Helpline – 1098,” a free telephone service designed to help children facing violence, abuse, and exploitation. The hotline received approximately 80,000 calls a year on average and was accessible from anywhere in the country. The hotline centre provided services such as rescue, referral, and counselling (US Dep. Of State, Reports on Human Rights Practices, 2023).

2. Level of adequacy to international law

Bangladesh has ratified most of the core international human rights treaties including:

- Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment and its Optional Protocol (CAT);
- International Covenant on Civil and Political Rights (CCPR) and its Second Optional Protocol aiming to the abolition of the death penalty;
- Convention for the Protection of All Persons from Enforced Disappearance (CED);
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD);
- International Covenant on Economic, Social and Cultural Rights (CCPR);
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW);
- Convention on the Rights of the Child (CRC) and its Optional Protocols on the involvement of children in armed conflict and on the sale of children child prostitution and child pornography;
- Convention on the Rights of Persons with Disabilities (CRPD) (UN Treaty Body Database, 2023).

In total Bangladesh has signed 817 treaties.

Bangladesh follows a dualistic common law tradition according to which international laws need to be incorporated and codified into the domestic legislation to have effect. Otherwise, national laws shall prevail in its form even though inconsistent with international laws. While Bangladesh has signed and ratified many treaties, only a few implementing laws have been passed. Except in respect of matters falling within the area that can be broadly described

as international economic law (covering financial institutions, investment, tax, etc.), Bangladesh has failed to adopt implementing legislation. In the areas of human rights and environment, it has rarely implemented international obligations in domestic laws (Oxford Public International Law, 2019). Many organizations in the past have voiced their concerns over non-application of treaty rules in national laws of Bangladesh. For example, in 1990, Bangladesh ratified the Convention on the Rights of Children. However, full implementation of the treaty remains unseen till today. In 2019, the Committee Against Torture (CAT) in the concluding observations on the initial report of Bangladesh expressed its concern “that the State party has not outlawed corporal punishment in all settings and that it continues to take place on a broad scale, including in schools”. The Committee also recommended taking legislative action including to introduce additional amendments in the Children Act, the Penal Code and other national legislation in order to explicitly and clearly prohibit corporal punishment (Committee Against Torture, 2019). Bangladesh is also a Party to the Rome Statute of the International Criminal Court (ICC).

On 14 November 2019, Pre-Trial Chamber III authorised the ICC Prosecutor to proceed with an investigation for the alleged crimes within the Court’s jurisdiction in the Situation in the People’s Republic of Bangladesh/Republic of the Union of Myanmar. This authorisation followed the request to open an investigation submitted on 4 July 2019 by the Prosecutor. The Chamber accepted that there exists a reasonable basis to believe crimes against humanity of deportation, across the Myanmar/Bangladesh border, and of persecution, on grounds of ethnicity and/or religion, against the Rohingya population may have been committed. These alleged crimes, noting their scale - an estimated 600,000 to one million Rohingya were forcibly displaced from Myanmar to neighbouring Bangladesh – are of sufficient gravity for the ICC to investigate them. The ICC has juris-

isdiction over crimes where at least part of the criminal conduct takes place on the territory of a State Party. In this situation, while Myanmar is not a State Party, Bangladesh ratified the ICC Rome statute in 2010 (ICC website, 2023). Accordingly, since part of the alleged criminal conduct takes place on the territory of Bangladesh for the crime of forced displacement, the ICC has territorial jurisdiction.

Bangladesh adopted the United Nations Security Council Resolution 1325 (UNSCR 1325) on Women, Peace, and Security in the year 2019-2022 (National Action Plan 2019-2022) calling for increased participation of women in conflict prevention, resolution, and peacebuilding efforts, as well as the protection of women’s rights during armed conflicts. Bangladesh also recognised the need and the value women brought to the community with counter narratives, positioning of women in society, deeper understanding of inter communal and interethnic conflict and bringing in a gender perspective that was important to conflict prevention. The National Action Plan included:

- Promoting Women’s Participation: increasing the representation of women in decision-making roles related to peace and security, both within the government and in peacebuilding efforts.
- Protection of Women and Girls: including measures to ensure the protection of women and girls in conflict areas, including preventing and responding to gender-based violence and ensuring access to essential services.
- Gender Training and Awareness: incorporating training for military and security personnel on gender issues, as well as awareness-raising campaigns to highlight the importance of gender equality in peace and security.
- Legal Reforms: to reviewing and revising relevant laws and policies to align them with UNSCR 1325 and to address gender disparities and discrimination.

- **Monitoring and Evaluation:** for monitoring and evaluating the implementation of the NAP to ensure progress and accountability.

Although Bangladesh has been proactive with regards to the NAP and WPS agenda, the expiration of the national Plan in 2022 renders uncertain the continued support needed with regards to funding activities mapped out in the NAP and critically on two fronts: gender-based violence (50% of women have faced physical or sexual violence from male counterparts during their lifetimes in Bangladesh) and the humanitarian crisis pertaining to Rohingya communities.

3. National legislation

Bangladesh's legal system is based on a combination of English common law and Islamic law, with some elements of Hindu law and traditional tribal customs also present. One of the distinctive features of Bangladesh legal system is the presence of Islamic law, which is governed by the Islamic Family Law Ordinance. This law deals with marriage, divorce, inheritance and other matters related to family and personal laws. The Islamic law is only applicable to the Muslim population of Bangladesh, while the non-Muslims are governed by their respective personal laws. Another distinctive feature of the legal system in Bangladesh is the application of traditional and customary laws. This is particularly prevalent in rural areas, where traditional tribal customs and practices often govern disputes over land and other property. These traditional laws are not always recognized by the formal court system, and disputes may be resolved through informal, community-based mechanisms. The civil and criminal court systems, as

well as the specialized tribunals, provide a formal mechanism for resolving disputes and enforcing the law. However, the presence of Islamic law and traditional and customary laws also play an important role in shaping the legal system, particularly in rural areas. Concerning children, the 1972 Constitution provides the right to basic needs and free and compulsory education (Constitution of Bangladesh, 1972). In 1974, Bangladesh promulgated the Children Act, replaced by a new Act in 2013. It provides a comprehensive legal framework for prevention and response to abuse, violence, exploitation and justice for children. The law is based on the CRC and a child in Bangladesh is now identified as any person around the world below the age of 18 years (Bangladesh Legal Aid and Services Trust & Penal Reform International, 2013). In 1994, Bangladesh published the National Child Policy, updated in 2011 which includes fundamental principles such as elimination of all forms of abuses and discrimination against children; child health and education; alleviate poverty. It also gives specific attention to girl children (Ministry of Women and Children Affairs, 2011). In 2000, Bangladesh issued the Prevention of Cruelty to Women and Children Act (Parliament of Bangladesh, 14 February 2000) concerning punishments for sexual offence, women and children trafficking, causing death for dowry, sexual oppression and other sexual violence crimes.

In recent years, the government has formulated a wide number of policies concerning early childhood care, education, health, child labour, and child marriage among others. Moreover, government has recently added a segment titled 'children budget' in the national reflecting government's commitment to finance on the well-being of children. While the Ministry of Women and Children Affairs (MOWCA) coordinate all issues related to children, safety and protection of children are ensured and enforced by the law enforcing agencies and by the courts. The National Council

for Women and Children Development (NCWCD) provides policy guidance and monitors the implementation of critical policy decisions on women's and children's development.

Concerning women, Articles 27, 28 and 29 of the 1972 Constitution lay down the general principles regarding the protection of women from all forms of discrimination and promotion of their equal participation (Constitution of Bangladesh, 1972). In the aftermath of the Liberation War, in 1972, Bangladesh created the Women Rehabilitation Board for Relief and Reconstruction of War Affected Women. Another commendable effort was the Chittagong Hill Tracts Peace Accord, a peace agreement signed in 1997 between the Government of Bangladesh and the Parbatya Chattagram Jana Sanghati Samiti (PCJSS), the political organization that controlled the Shanti Bahini militia. The accord aimed to end a long-standing armed conflict between the Bangladesh Army and the tribal people of the Chittagong Hill Tracts, who demanded autonomy and recognition of their rights. The accord covered various issues such as land rights, local governance, demilitarization, rehabilitation, development and cultural identity of the indigenous people. However, the accord has faced many challenges in its implementation, such as political opposition, bureaucratic delays, land disputes, violence, human rights violations and lack of trust.

The Government has adopted several legal and policy measures to promote and protect the rights of women in the country. This includes the Domestic Violence (Prevention and Protection) Act 2010, and the Domestic Violence Prevention and Protection Rules 2013, Prevention and Suppression of Human Trafficking Act 2012, Hindu Marriage Registration Act 2012 National Acid Crime Prevention Act (amended) 2010, and the Pornography Control Act 2012, National Children Policy 2011, Child Marriage Restraint Act, 2017, DNA Act, 2014 and Dowry Prohibition Act 2018 etc. Other laws also given sufficient attention to women's rights wherever rel-

evant. In 2011, the Government adopted the National Women Development Policy and the Action Plan to implement it, committing to help build productive capacities of women; increase employment opportunities; enhance the number of women in public and private jobs; operationalize gender-sensitive planning and budget; ensure equal pay for female workers in all sectors; facilitate enhanced women leadership in the political arena; and increase the number of women at all stages of administration. In this regard, article 65(3) of the Constitution provides reservation of seats in the national Parliament (UN Women Bangladesh, 2022).

The National Action Plan to Prevent Violence against Women and Children, 2013-2025 has prioritized ending physical violence, sexual violence and exploitation, trafficking, and child marriage. Bangladesh Penal Code (Section 375) and the Prevention of Women & Children Repression Act 2000 (as amended in 2003) stipulate measures against sexual abuse and violence. Bangladesh introduced the Child Marriage Restraint Act, 2017 forbidding early marriage under the age of 18 for men and women. However, it has been criticized for Section 19 which allows for child marriage under specific circumstances.

Despite the legal framework, the situation of children and women is concerning. They face different forms of violence; child labour and child marriage is still common. Traditional practices impedes a full respect of women's and girls' rights. In fact, despite constitutional provisions, the implementation of laws and policies promoting gender equality has been weak. A lack of awareness, societal resistance, and inadequate resources are some of the factors contributing to this challenge. Deep-rooted gender biases and patriarchal norms within Bangladeshi society pose significant obstacles to achieving gender equality. These cultural norms and values can undermine the effectiveness of constitutional provisions. Bangladesh has been grappling with high rates of violence against women, including

domestic violence, dowry-related abuse, and acid attacks. While the constitution provides a framework to address these issues, the challenge lies in effective enforcement and societal change to eliminate violence against women. Women in Bangladesh continue to face economic disadvantages, Limited access to education, unequal wages, and discriminatory practices in the workplace hinder women's economic empowerment. There is an underrepresentation of women in political decision-making positions. This disparity hampers gender-sensitive policy-making and implementation.

4. Judicial system

Bangladesh is a common law-based jurisdiction. Many of the basic laws of Bangladesh such as penal code, civil and criminal procedural codes, contract law and company law are influenced by English common laws. However, family laws such as relating to marriage, dissolution of marriage and inheritance are based on religious scripts, and therefore differ between religious communities.

The justice system in Bangladesh is historically dominated by the executive branch which exercises inordinate control over the judiciary through court administration, judicial appointments, promotions, and dismissals as well as the training of judges through the Ministry of Law, Justice, and Parliamentary Affairs (MOLJA). The MOLJA has the greatest responsibility on issues related to the rule of law and justice system including legal policy and legislative drafting, legal representation of the Government; supervision of civil litigation, administrative adjudications, criminal prosecutions, and funding and overall supervision of legal aid services.

Bangladesh Supreme Court is the highest court. It has the power to interpret laws made by the Parliament, as well as to declare them null and void. It also has the authority to enforce the fun-

damental rights of citizens. It consists of two divisions, the High Court Division and the Appellate Division.

The Chief Justice is the chief amongst the judges of the Supreme Court, and head of the whole judicial establishments, including subordinate courts. The chief justice is appointed by the President of Bangladesh, sits in the Appellate Division of the Supreme Court with other judges to hear and decide cases, presides over meetings of the full Supreme Court to transact business relating to administration of the court, and supervises the discipline of the judges and magistrates of the subordinate courts.

The Appellate Division hears both civil and criminal appeals from the High Court Division. The Appellate Division may also decide a point of law reserved for its decision by the High Court Division, as well as any point of law of public interest arising in the course of an appeal from a subordinate court to the High Court Division, which has been reserved by the High Court Division for the decision of the Appellate Division. The High Court Division consists of Civil courts, Criminal courts and some Special courts. Article 101 of the Constitution provides that the High Court Division shall have such original, appellate and other jurisdictions, powers and functions as are or may be conferred on it by the Constitution or any other law. There exists Civil Courts, Criminal Courts and Special Courts dealing with specific matters such as labour, insolvency, etc.

The judiciary suffers from widespread perceptions of lack of independence, impartiality, and inefficiency. Increased politicization of judicial appointments at both levels, widespread judicial corruption, and a large and growing backlog of cases are reported as the main causes for weak public trust in the formal court system (International Federation for Human Rights, 2021). The formal justice system remains insufficiently accessible and user friendly, especially for women and other vulnerable communities. These significant challenges have made the constitutional promises of

equality under the law and respect for human rights an elusive concept for most citizens of Bangladesh (USAID, 2022).

5. Crimes against and affecting children: quantitative and qualitative results

Violence against children is a common problem in Bangladesh but is rarely reported to the relevant judicial authorities. Official data and media reports provide little information about the types and levels of violence experienced by children. Child abuse takes place at home, at school, in the workplace, at work, and in public places. There is no specific report on the six grave violations concerning Bangladesh. There is no data available concerning recruitment or use of children (Child Soldiers Global Report - Bangladesh, 2004); abduction; attacks against schools or hospitals since Bangladesh is not in a conflict situation, despite the tension at the border with Myanmar.

The overall national trend reveals an alarming prevalence of violence experienced by the children. The Multiple Indicator Cluster Survey 2019 reported that proportion of children aged 1-14 years experienced any physical punishment and /or psychological aggression by caregivers is 88.8% in 2019 - which is 6.5% higher compared to 2012-13. Save the Children and Bangladesh Legal Aid and Services Trust (BLAST) conducted a survey ‘Stop Tolerating Violence Against Children’ in 2018 revealed that 69.62% parents and caregivers think that it is either justifiable or strongly justifiable to punish a child when they make any mistake. 55.7% among the children who participated in the research mentioned that they faced physical punishment in their house while 49.29% children said they faced physical punishment in their educational institutions.

Child Rights Advocacy Coalition in Bangladesh (CRAC,B) reported in third cycle of Universal Periodic Review on child rights that 1141 children were killed during the period of 2013-2016 and 222 children were killed during the first eight months of 2017 (Jan-August). In 2019, Bangladesh Shishu Adhikar Forum (BSAF) found that a total 4,381 children experienced different forms of violence and exploitations of whom 1383 children have been subjected to sexual violence. BSAF also indicated that 365 children have been subjected to different forms violence every month on an average in the last year. National data collected mainly via NGOs confirm the trends shown by international data available.

5.1. Sexual violence

The comparative scenario between 2018 and 2019 indicate that the incidents of sexual violence increased (by 70.32%) alarmingly in 2019.

COMPARATIVE SCENARIO OF SEXUAL VIOLENCE - 2018 & 2019		
Types of Sexual Violence	2019	2018
Rape	1005	571
Gang Rape	108	94
Attempt To Rape	128	96
Beating by pervers	28	18
Sexual harassment	203	130
Victim of pornography	19	15
Total	1491	924

BSAF maintains a Data Hub which indicates that between January and October 2023, 274 children were raped (11% girls and 12% boys), 48 sexually assaulted; 231 subject to corporal punishment; 68 subject to torture. 17 children were killed after being raped (Child Rights Advocacy Coalition in Bangladesh, 2023).

There is an emerging trend of **online sexual harassment**, experienced particularly by young girls. According to CRAC, B in Bangladesh, young girls are increasingly falling victim to online sexual harassment and abuse. Police reportedly receive 10-12 online harassment complaints every day. 90% of the victims are pre-teen and teenage girls. Girls are increasingly being tricked into sharing sexual photographs and video footage that is later used for blackmailing. For many reasons the real number of incidents are not being reported in most cases. Lack of awareness and technical knowledge among relevant stakeholders are among the major obstacles to combating such incidents.

Girls often face gender discrimination, which puts them at risk of poverty, violence, poor health, poor education, and the loss of basic human needs. They are more vulnerable to trafficking, sexual violence, rape, acid throwing, and other forms of exploitation, including child labour and child prostitution. Many of them married at the age of 15 and their families had to pay a hefty dowry. Dowry violence, such as murder and assisted suicide, remains a real threat to girls in Bangladesh. Health Bangladesh and the Injury Survey reports that more than 2,200 children commit suicide in one year and suicide is the leading cause of death in this age group (Mutabbar and Arifuzzaman, 2022).

Eve teasing being mocked is a form of sexual harassment that is prevalent among girls in Bangladesh and which undermines social stability. Almost all the girls are ridiculed, especially by the teaser teens. Eve teasing helps to hold on to girls' status and prevents them from participating in the workplace. Teasers wait

in school, college, or outside the front door and as soon as the girls pass them, they start teasing them with saucy words, obscene jokes, humour, subtle whistles, and even annoying things. Many girls commit suicide to save themselves from teasers. As a result of the jokes made in the past day, girls will drop out of school, and the number of drop-outs of students is increasing every day. Because parents are concerned about their daughter's future honour or protection sometimes keep their daughters at home and/or force them to marry at an early age before they are physically or mentally ready (Mutabbar and Arifuzzaman, 2022). The government took action against eve teaser and started prosecuting it through mobile courts but the media should make a social change against Eve teaser. June 13 is called 'Eve Teasing Protection Day' by the Ministry of Education of Bangladesh. UNICEF and its partners are working to create awareness by creating and supporting a group of teenagers called the "Kshoshori Club". The club aims to provide a place where girls and boys can come together and socialize positively. Congregation members participate in various programs and forums and are also empowered to become agents of change. There are now almost 3,000 Kishori clubs operating in about 30 regions of Bangladesh.

Bangladesh Demographic and Health Survey (BDHS) 2017-18 revealed that 60% of girls get married before their 18th birthday in Bangladesh. The survey found **child marriage** situation remain unchanged compared to 2014, in 2014 it was 59%. Social attitudes and many factors are main challenges to stop child marriage analysis found. On the other hand, the Multiple Indicator Cluster Survey 2019 stated, compared to 2012-13, child marriage decreased in 2019. It reported 51% child marriage in 2019. Girls not Brides reported that the average age of marriage for girls living in the poorest household in Bangladesh is 15,

compared for those living in the richest households and who have no education is 15 compared to 20 for those who have completed secondary schools or higher. Despite a law against child marriage, Bangladesh has one of the highest rates of child marriage in the world. More than half (51%) of Bangladeshi women aged between 22 and 24 were married before 18. Child marriage and early pregnancy have serious, lifelong implications for the health and wellbeing of girls. Child brides are more likely to drop out of school, suffer poor nutrition, die due to complications from pregnancy and childbirth, and face increased violence in the home compared with women who marry later.

5.2. Other forms of abuse

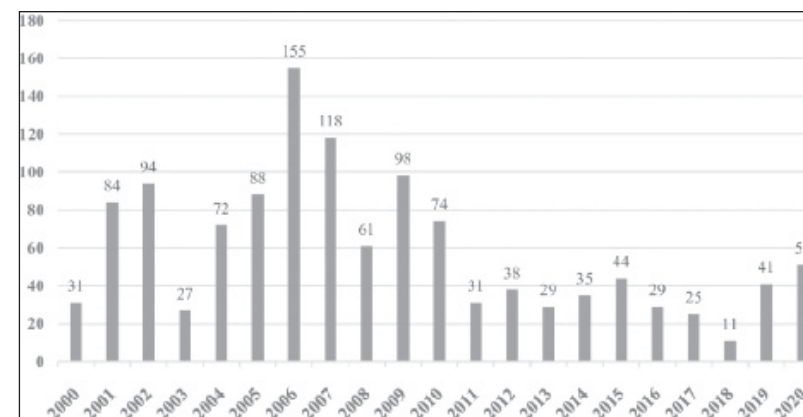
Bangladesh children are also exposed to **trafficking**. It is estimated that about 40,000 to 50,000 girls and boys are trafficked from Bangladesh every month. About 600,000 women and children are trafficked each year to India, Pakistan, the Middle East, Africa (especially Libya), Europe, and the United States looking for work and they are quickly becoming exploited and exploited illegally. Many are forced to work for low wages, while others are sold for sex work to promote tourism or forced marriage, which is often a form of slavery (Mutabbar and Arifuzzaman, 2022).

According to UNICEF, adolescent boys and girls are often sent to work or married off as part of their families' survival strategy. Nearly 7% of children aged between 5 and 17 years old are involved in some form of **child labour**, and very young children continue to be employed in hazardous conditions.

Millions of children do not even have a roof over their heads but are living on the street and out of school. Children with disabilities are often excluded from education and face dis-

crimination, stigma and isolation. The struggle for child rights can start at birth. Only 56% of children under the age of 5 were registered at birth, which means millions have been denied their right to identity. Access to justice is another challenge. While there are 102 children's courts in Bangladesh, more than 23,000 cases involving children are pending trials in the juvenile justice system. The current overall situation of children's well-being in Bangladesh is less than what is ideal as disparities in terms of class, gender, ethnicity and locality are vividly present. Despite many initiatives, the government is still struggling to ensure quality education at pre-primary, primary, and secondary level. Moreover, many children are deprived of access to safe drinking water, sanitation and hand-washing facilities which has serious health implications (UNICEF Bangladesh, 2022).

Killings of children were reported also at the Bangladesh-India border between 2000 and 2020. However, the statistics include the total number of murders without expressly indicating the number of children affected (Shahriar, 2021).



5.3. *Rohingya refugee children*

UNHCR estimates that, in 2022, 55% of the Rohingya refugees were younger than 18 years of age.

Rohingyas live in shelters situated in refugee camps, which are highly unsanitary. This causes the Rohingyas to be more prone to catch illnesses and diseases and puts children particularly at risk (Médecins Sans Frontières, 2020); (UNCHR, 2022). To make it even worse, uncontrollable fires and the heavy rainfall of the monsoon render the living situation in these camps to be unbearable and highly hazardous (UNCHR, 2022).

In addition, Rohingya children are not registered when they are born in refugee camps and are not provided with a legal identity, or refugee status (UNICEF, 2019). This continued lack of identification hinders the basic human rights of children such as access to education and to health services.

Furthermore, the Bangladeshi Police are targeting and committing assaults, extortion, arbitrary arrests, and harassment on the Rohingya refugees (Human Rights Watch, 2023) which falls in line with Bangladesh's inability to handle the refugee crisis and its inhospitable policy to induce the repatriation of Rohingyas refugees to Myanmar. Indeed, the authorities fail to take adequate measures to protect refugees in the camps from surging violence from armed groups and criminal gangs. Between January and April 2023, NGOs documented at least 26 cases of violence, including kidnapping, rape, sexual assault and forced marriage. However cases are under-reported because of victims face layers of barriers to police, legal, and medical assistance. No criminal justice system is available to the refugees and they cannot go to the police to file a complaint. Instead, they must approach Bangladesh administrative authorities or security forces in the camps. The research found that several families could not get the required

approval from the camp-in-charge (CiC), a Bangladesh official, to file a report with the police. Others obtained permission to bring a complaint to the Armed Police Battalion (APBn) but could go no further, as the entity has no civilian investigative function. In cases in which refugees did manage to register their case at a local police station there was no follow-up, often because they could not cover the bribes and legal fees demanded. Children (aged 13 and older) are recruited by armed groups in the camps with bribes. Sexual violence and forced marriage is a reality in the camps. Girls as young as 6 are raped. Children disappear from the camps and many of the disappearances are linked to human trafficking for labour or sexual exploitation (Ferguson, 2020). In 2023, armed groups have increasingly kidnapped children for human trafficking. Children are also forced into labour both inside and outside the camps (Hoque, 2021).

Reports also show that access to education and schooling is limited also due to the fact that the local government prohibits aid groups in the refugee camps in the Cox's Bazar district from providing Rohingya children with accredited or formal education. There is no secondary-level education, and groups are barred from teaching the Bengali language and using the Bangladesh curriculum. Rohingya children have no opportunity to enrol in or continue their education at private or public schools outside the refugee camps (Human Rights Watch, 2023). In January 2019, UNICEF led the development of a newly structured learning program known as the Learning Competency Framework and Approach (LCFA) (Shohel et al., 2023). The LCFA defines learning competencies (along with the approach to achieving them) comparable to those children would achieve through a formal school curriculum. The learning framework covers the following subjects: English and Burmese language, mathematics, life skills, and science across levels 1 to 5. The Education Sector in Cox's Bazar has

provided informal education opportunities to 324,000 Rohingya children aged 4 to 14 years based on the LCFA (Reid, 2020). In addition, over 10,000 Rohingya adolescents aged 15 to 18 years have received literacy, numeracy, life-skills, and vocational-skills training. The children of the UNICEF-supported learning centres are now enrolled based on their competency level, whereas previously they were placed in temporary learning centres according to their age. In 2023, the government of Bangladesh has agreed to allow the Rohingya refugee children access to formal education under UNICEF leadership (Shohel et al., 2023). This is crucial to ensure access to learning for the Rohingya children and adolescents and equip them with the right skills and capacities for their future and their return to Myanmar when conditions allow.

6. Conclusions and Recommendations

Protecting children against all forms of violence and torture is of critical importance to the achievement of all Sustainable Development Goals. Considering the prevalence of violence against children in Bangladesh, it is essential to ensure access to justice for all children and establish effective, accountable and inclusive policies and institutions at all levels.

In this context, it is essential to enhance the legislation to prohibit the use of corporal punishment and to undertake public awareness campaigns led by the Ministry of Women and Children Affairs to sensitize parents, teachers and caregivers on the negative impact of corporal punishment on children's cognitive development and in general on violence against children.

Actions to fight the practice of child marriage are also necessary in the form of increasing investment in fighting sexual violence against children and women, including raising awareness amongst

the community members, parents, teachers, religious leaders; establish a mechanism to monitor and review the status of child marriage; ensure education for girls.

National legislation should also be enhanced to fight child labour and trafficking.

Basic rights for Rohingya children shall also be upheld, in particular right to education and humanitarian assistance..

Recommendations:

- Enhance the legislation protecting children's rights in relation to physical punishment/aggression; child marriage; child exploitation and child trafficking.
- Raise awareness amongst the community members, parents, teachers, religious leaders about children's rights and the prohibition of practices such as physical punishment/aggression; child marriage; child exploitation and child trafficking.
- Strengthen the judicial capacity to respond to children's violations.
- Strengthen social services to support children via counselling and psychological support.
- Create educational programs to explain their rights to children.
- Enhance gender equality in education.
- Create mechanisms to collect data about children's violations to be able to monitor the situation and design adequate responses.
- Strengthen educational opportunities for Rohingya children.
- Fight impunity in Rohingya camps and held responsible of violations accountable.
- Strengthen security in the Rohingya camps and provide formal mechanisms to file complaints about violations and abuse.
- Raise awareness amongst the general public about the Rohingya situation and their need for protection.

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