

2ND CYCLE

**UNIVERSAL PERIODIC REVIEW
(UPR), BANGLADESH**

COMPILATION OF REPORTS

HUMAN RIGHTS FORUM, BANGLADESH
**(A COALITION OF 19 HUMAN RIGHTS AND
DEVELOPMENT ORGANISATIONS)**

APRIL 2013



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Published by

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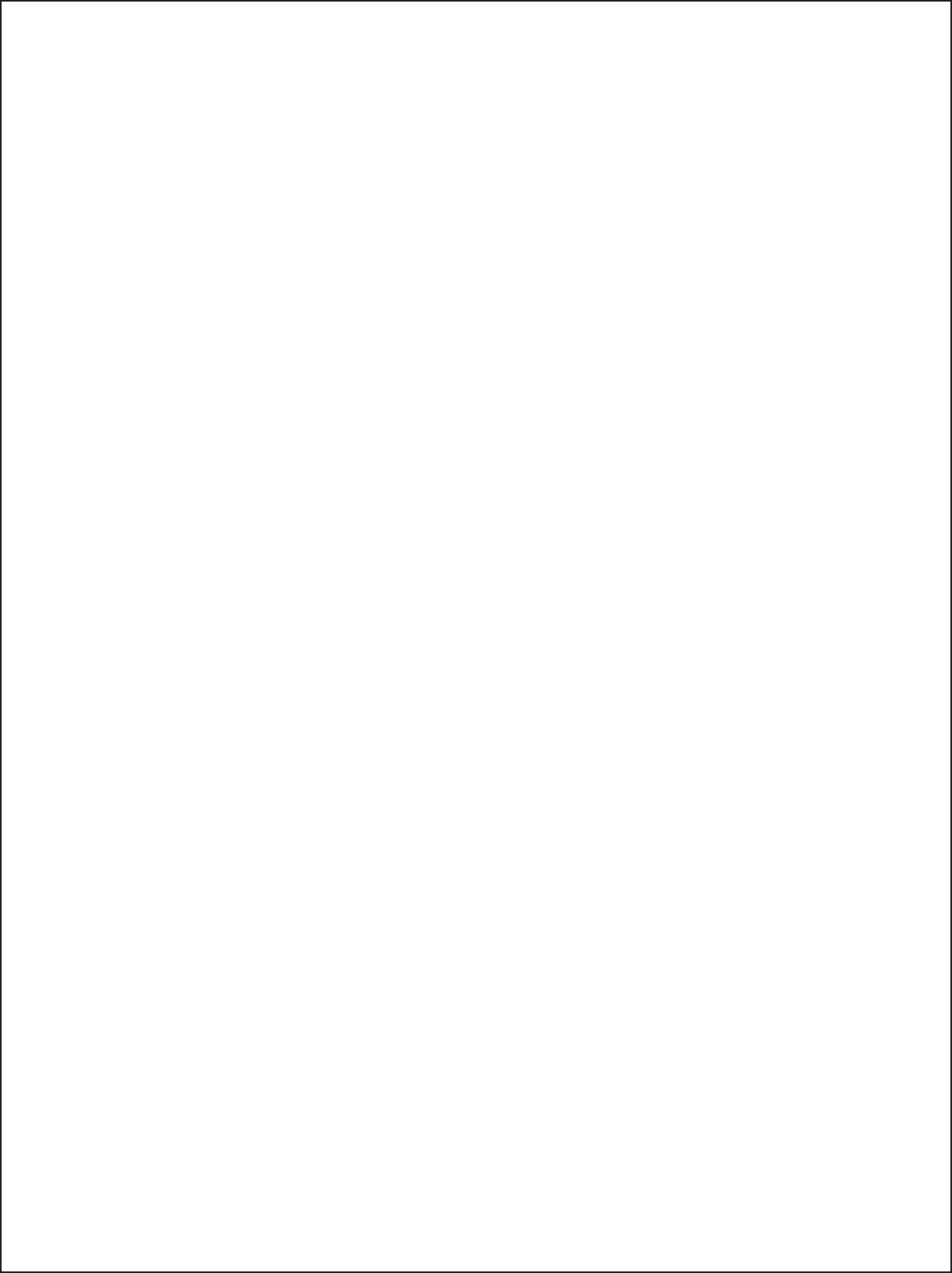
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SUMMARY OF KEY RECOMMENDATIONS

BANGLADESH STAKEHOLDERS' REPORT TO UPR

The stakeholders' report has been prepared by the Human Rights Forum, a coalition of 19 human rights, women's rights and development organisations established in 2007 for the purpose of preparing a combined stakeholder's report for the first universal periodic review of Bangladesh by the UN HRC. The forum comprises Ain o Salish Kendra (ASK), Acid Survivors Foundation (ASF) Bandhu Social Welfare Society (BSWS), Bangladesh Adivasi Forum, Bangladesh Dalit and Excluded Rights Movements (BDERM), Bangladesh Institute of Labor Studies (BILS), Bangladesh Legal Aid & Services Trust (BLAST), Bangladesh Mohila Parishad (BMP), Boys of Bangladesh (BOB), FAIR, Karmojibi Nari (KN), Kapaeeng Foundation, Manusher Jonno Foundation (MJF), National Alliance of Disabled Peoples' Organizations (NADPO), Nagorik Uddyog, Nari Pokkho, Nijera Kori, Steps Towards Development (Steps) and Transparency International Bangladesh (TIB). Its secretariat is at ASK.

The report has been prepared in consultation with Forum members, other NGOs and civil society, and disseminated in the media, and presented at public consultations involving the National Human Rights Commission and the Ministry of Foreign Affairs of the Government of Bangladesh. The report has also been reviewed with a wide cross section of society across the country, including government officials and civil society, with four consultations held to date in Barisal, Chittagong, Khulna and Sylhet divisions between January and February 2013.

1. ESCR: Right to Health	
Issue	Misuse, mismanagement and corruption in the health sector deny people's rights to access to proper health care facilities, and staff-patient ratio remains high
Summary	Maternal and child mortality rates have been considerably reduced, although the former remains high. Reviving of community health centers is another positive development. However, general health services remain largely inaccessible. Health related laws, regulations and policy are not uniformly enforced. Misuse, mismanagement and corruption pervade the health system. Staff-patient ratio remains high. Health facilities, and public awareness of them, are limited, especially in rural areas. Reproductive health services are inadequately addressed. Malnutrition among children is still high. Lack of occupational health and safety in workplaces is widespread.
Question	Recommendation
Is there any specific mechanism to engage stakeholders in designing health related policies and programs?	The GoB should deepen and widen community based health services and ensure accountability in such services and rural health complexes.

2. ESCR: Right to Food	
Issue	Lack of food security for all, food adulteration, lack of application of relevant laws and adequate monitoring, corruption on safety net programs and impact of climate change.
Summary	Bangladesh is close to attaining food security due to farmers' contributions, especially women. Many poor households lack food security as they cannot afford a minimum basket of food items through their own production. Climate change poses an additional burden on food security, especially in vulnerable areas. ¹ Food adulteration is an increasing concern. Food security and food safety remain unrealized due to lack of application of relevant laws and adequate monitoring. There is inadequate implementation of the National Food Policy 2006. Corruption in safety net programs is pervasive. In 2010 the World Health Organization found that 60% of Bangladeshi women suffer from a shortage of food.
Question	Recommendation
Is there any initiative to adopt a Social Safety Net Policy?	Adopt a national Social Safety Net Policy providing at least 3% of GDP for basic social security schemes and strengthen distribution and coordination to ensure openness, equity and accountability.

3. ESCR: Land and Property Rights	
Issue	Widespread land-grabbing by powerful sectors affecting the poor and minorities, land occupation in CHT, using agricultural land for commercial purposes are the main concerns. Discriminatory laws continue to prevent women's inheritance of land.
Summary	<p>The Government has in many cases failed to act against widespread land-grabbing by powerful sectors including the military and local powerful elites and corporate interests, in particularly affecting the poor and minorities. The Vested Property (Return) 2011 Act marks an important milestone providing for minorities to reclaim lands which have been expropriated over four decades, but serious problems are being faced in its implementation.</p> <p>Land occupation remains a widespread concern with land conflicts involving indigenous peoples remaining unresolved in the Chittagong Hill Tracts, and the Land Disputes Resolution Commission inactive over fifteen years after the Peace Accord. Agricultural land is being taken away from people for commercial purposes including tobacco, shrimp and housing schemes. Land registration remains convoluted.</p>

¹National Food Policy Plan of Action (2008-2015).

Question	Recommendation
What measures are being undertaken to resolve land disputes in the CHT?	<p>Digitize and simplify land records and the registration system ensuring community participation.</p> <p>Set up dedicated Special Tribunals for Vested Property Act (VPA) cases, and create awareness of judges and land administrators on the VPA.</p>

4. CPR: Rights to Life and Liberty	
Issue	Extra-judicial killings and disappearances with impunity; vigilante attacks with complicity of law enforcing agencies; continuing border killings of Bangladeshi nationals with no redress.
Summary	<p>Reports of disappearances and extra-judicial killings were major concerns. Bodies of some victims bore visible marks of torture. Some families attributed these incidents following arbitrary arrest or detention to law enforcing agencies. ASK documentation² shows, from January 2009 to September 2012, a total of 156 persons had 'disappeared', with 28 corpses found later. Despite a reported decline in numbers, extra judicial killings have continued. According to ASK documentation, 462 persons were allegedly killed by law enforcing agencies from January 2009 until September 2012. No reports were available of action taken against those responsible.</p> <p>Police allegedly instigated vigilante attacks. News reports documented by ASK showed that in seven instances mobs had been instigated by police to inflict violence on petty criminals.³</p> <p>Notwithstanding an agreement between BSF (Border Security Force) and BGB (Border Guard Bangladesh), from January 2009 to June 2012, around 270 Bangladeshi citizens were allegedly killed, 257 tortured and 156 abducted by the BSF (Indian border force) at the border between the two countries, with no apparent redress.</p>
Question	Recommendation
What concrete measures have taken to ensure independent investigation into cases of alleged disappearances and extra-judicial killings and thus make the members of the law enforcing agencies accountable?	<p>Establish an independent commission to ensure transparent and accountable investigation and prosecution of alleged human rights violations by state agencies, and reparations for victims.</p> <p>Take strong diplomatic initiatives to stop border killings of Bangladeshi citizens.</p>

²ASK's documentation is compiled from review & 12 national newspapers and its own investigation.

³195 persons were killed in mob beatings during January 2011 to June 2012.

5. CPR: Right to Freedom of Expression	
Issue	Bans on publication of several newspapers and TV stations; de facto restrictions on TV talk show programmes; control over the internet, including the social media
Summary	<p>Although the media enjoys relatively more freedom than during the Emergency period, there have been cases of bans on publication of newspapers and TV stations,⁴ de facto restrictions on TV talk show programmes, control over the Internet, including the social media and disruptions to transmission of broadcast of rallies organized by the opposition.</p> <p>The draft National Broadcasting Policy may increase impose government control on the media; including through its proposed 44 pre-conditions for broadcast programs and 63 pre-conditions for broadcast advertisements, include barring “derogatory comments” about “national figures”. Several laws undermine freedom of expression, such as those on defamation, contempt of court, sedition.</p>
Question	Recommendation
What plans does the GoB have to review and amend relevant laws and policies including the draft broadcasting policies that undermine freedom of expression?	Ensure journalists can discharge professional duties freely and without harassment and amend laws on contempt and criminal defamation to prevent harassment.

6. CPR: Rights to Freedom of Peaceful Assembly and Association	
Issue	Arbitrary arrests and detention of opposition political activists, trade union activists and garment workers; restrictions on NGOs, human rights activists and foreign journalists in the Chittagong Hill Tracts, stopping Indigenous Peoples from carrying out rallies on UN World Indigenous Peoples’ Day; cancellation of NGO registration without transparency and drafting of an NGO Law that may curtail the independence of NGOs

⁴In April 2010 Channel 1 was shut down by Bangladesh Telecommunications and Regulatory Commission (BTRC) for using rented broadcasting equipment (<http://www.thedailystar.net/newDesign/news-details.php?nid=136195>). Daily newspaper Amar Desh was closed down by the Government in June 2010 saying that it had “no authorised publisher” and its editor Mahmudur Rahman arrested (<http://www.thedailystar.net/newDesign/news-details.php?nid=141097>).

Summary	<p>The Special Powers Act 1974, Anti-Terrorism Act 2009, and Section 54 of the Code of Criminal Procedure 1898 are used to detain or arbitrarily arrest political opposition or trade union activists. Arbitrary arrests of garment workers and trade union activists have been followed by false cases filed against trade union leaders.</p> <p>A number of restrictions were placed on NGOs, human rights activists and foreign journalists in the CHT, IPs and others were prevented from holding rallies on World Indigenous Peoples’ Day following a circular issued by the LGRD Ministry⁵, and three foreigners were deported from the country, after being forced to leave the CHT.</p> <p>GOB cancelled many NGO registrations without a transparent process. The Government drafted a new Act that threatens to drastically curtail the independence of Bangladeshi NGOs and concerns remain until the final version of the Act is enacted.</p>
Question	Recommendation
Is the state party under review planning to make public the draft of the Foreign Donations Act, before it is placed before parliament?	GoB should refrain from enacting any law that affects the work of NGOs without engaging concerned stakeholders, particularly NGOs.

7. Independence of Judiciary

Issue	No criteria for appointment of Supreme Court judges; controversies over appointment of the CJ and promotions/ appointments to the Supreme Court and public prosecutors; mass withdrawal of cases against ruling party members.
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⁵ Please see Annex 20 of the stakeholders report, a translation of the Memorandum sent out by the LGRD Ministry.

Summary	In 2009, GOB formally separated the lower judiciary from the executive, but this has not been fully implemented. There are no criteria for appointment of Supreme Court judges, despite High Court guidelines. The 15th amendment of the Constitution restored the provision of consultation with the Chief Justice but controversies have continued over appointment of the CJ, and appointments to the Supreme Court and of public prosecutors. Concerns relate to reports of High Court judges refusing to hear matters on the grounds of being 'embarrassed,' especially regarding alleged extra-judicial executions and refusal of bail to opposition political leaders, as well as courts approving mass withdrawal of cases against ruling party members, including ministers. Concerns also related to the trial of suspects of the 2009 BDR mutiny including allegations of torture to extract confessions, unexplained custodial deaths and mass trials in a non-transparent manner.
Question	Recommendation
What specific steps is the Government taking to ensure the independence of the judiciary and the unbiased selection/appointment of the judges based on their merit and experience?	Establish an independent secretariat to support the Judicial Services Commission regarding appointments to the lower judiciary and enact and implement specific guidelines for appointing Supreme Court judges eliminating discrimination or partisan influence in all appointments in the justice system.

8. Independence of other National Institutions (NHRC, ACC, RTI)

Issue	Political interference over the independent institutions; inadequate resources hindering independence
Summary	<p>Rules for the National Human Rights Commission (NHRC) have not been enacted; it lacks an effective complaint mechanism and a legal panel and is understaffed. The Anti Corruption Commission (ACC) lacks financial independence, has no code of conduct for staff and no requirement to disclose assets.</p> <p>The Right to Information Commission is yet to prove its effectiveness. In many cases designated Information Commission (IC) officers have refused to provide information or have done so without receiving any RTI application. Lack of proper documentation and the archaic system of documentation is also a major problem for enforcing people's right to information.</p>

Question	Recommendation
Will the state party declare any road map to strengthen the national institutions?	Strengthen watchdog institutions, such as the NHRC and the ACC, and ensure their independence; rigorously monitor enforcement of the RTI Act including nomination of designated offices and adopt RTI implementation Plan of Action engaging stakeholders.

9. Rights of HRDs

Issue	Intimidation from state and non-state actors; extra-judicial executions of labour leader
Summary	HRDs have faced intimidation from both state and non-state actors. Government ministers smeared critics of government policies as 'foreign agents' or threatened sedition charges against them. Law enforcing agencies and non-state actors clamped down on peaceful citizen protests, creating fear among HRDs. Local journalists and activists were threatened, harassed and tortured by influential local ruling party leaders.
Question	Recommendation
What measures will the Government take to prevent harassment of HRDs?	Take effective measures to protect human rights defenders, including journalists

10. Rights of Workers

Issue	Constant labour unrest in the RMG sector over wages and work conditions; inhuman conditions faced by the Bangladeshi migrant workers including sexual harassment, deportation and even execution; deplorable conditions of domestic workers, including long hours, low wages, physical and sexual abuse from employers
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Summary	<p>In 2010-2011 constant labour unrest in the RMG sector continued over wages and work conditions. January to July 2012 saw 87 workplace deaths, 513 workplace injuries, and 19 killings and 140 injuries in violence.⁶ Garment workers' leader, Moshrefa Mishu, was arrested in 2010 on charges associated with garment worker protests and ill-treated in custody. Labour rights activist Aminul Islam was found dead in 2012 with torture marks on his body allegedly following threats from intelligence agents.</p> <p>Bangladeshi migrant workers to Asian and Middle Eastern countries continued facing inhuman conditions, and being overworked and underpaid. In 2011, 40,000 workers were deported from host countries triggering a major crisis. In October 2011, eight Bangladeshi migrant workers were beheaded in Saudi Arabia. Women migrant domestic workers also faced sexual harassment.</p> <p>Wholly unprotected by law, domestic workers face abuse, discrimination, do not get regular work, are paid low wages, and work long hours. Certain workers for example, sex workers, are particularly vulnerable.</p>
Question	Recommendation
What measures will the Government take to ensure compliance with minimum safety standards in the Garments Industry?	Adopt Domestic Workers' Welfare Policy; and include informal sector workers within Labour Laws and ensure effective enforcement.

11. Rights of Women

Issue	Gender-discriminatory personal laws and policies denying equal rights to marriage, divorce, custody and inheritance; inadequate enforcement of laws, prevalence of social stereotypes and stigma, lack of witness and victim protection contribute to continuing violence against women including domestic violence, rape, acid attacks, 'fatwa', stalking and sexual harassment, with limited redress.
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⁶From compilation of media reports by Bangladesh Institute for Labour Studies (BILS).

Summary	<p>New laws have been adopted since 2009 providing civil protections for domestic violence (2010), criminalising and increasing sentences for human trafficking (2012), enabling (optional) registration of marriage under Hindu laws (2012), and enabling Bangladeshi women to transmit citizenship rights to foreign spouses and children (2009). The National Women's Development Policy 2011, expressly refers to CEDAW, and reiterate promises of gender equality in various sectors.</p> <p>High Court directives since 2009 addressed gender discrimination, declaring unconstitutional extra-judicial punishments in the name of 'fatwa' (2010), prohibiting forced veiling in educational institutions and workplaces (2010), framing guidelines against sexual harassment in public places (2010), and directing verification of birth certificates and/or NIDs for marriage registration to prevent early marriages.</p> <p>However, gender-discriminatory personal laws and policies denying equal rights to marriage, divorce, custody and inheritance; inadequate enforcement of law, social stereotypes and stigma, lack of witness and victim protection contribute to continuing violence against women including domestic violence, rape, acid attacks, 'fatwa', stalking and sexual harassment which remain as major concerns.</p>
Question	Recommendation
Does the state party has any plan to review and amend discriminatory personal laws to ensure gender equality regarding marriage, divorce, custody and inheritance?	<p>Adopt plan of action to implement the National Women's Policy, engaging stakeholders.</p> <p>Review and amend discriminatory personal laws to ensure gender equality.</p> <p>Review and amend laws on sexual violence to ensure gender equality.</p>

12. Rights of Children

Issue	<p>Huge numbers of children are employed in hazardous occupations and exploited by low wages, long hours, physical abuse and deprivation from education; children continue to be subjected to corporal punishment at educational institutions and other settings despite Court guidelines prohibiting this.</p>
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<p>Summary</p>	<p>The National Children Policy 2011 adopted on 14 February 2011 reflects the principles of the CRC . Some other new laws and policies have recently been enacted such as the Domestic Violence (Prevention and Protection) Act 2010, Human Trafficking Act 2011, National Child Labour Elimination Policy, 2010 etc. which also placed emphasis on the best interests of the child in determining how to provide care for children.</p> <p>A few other developments include the recognition of mother’s identity through a gazette notification in 2010, directives of the High Court to prevent forced veiling in educational institutions; directives banning sexual harassment, and strengthening controls of birth certificates and/or national ID cards during marriage registration to prevent early marriages. However concern remains on the poor implementation of these directives.</p> <p>Children remain widely employed in hazardous occupations (with undocumented numbers in domestic work) and exploited by low wages, long hours, physical abuse and deprivation from education; they also continue to be subjected to corporal punishment at educational institutions and other settings despite HC guidelines prohibiting this. Furthermore, amendment of the Children Act 1974 has been delayed over the issue of determining the age of a child.</p>
<p>Question</p>	<p>Recommendation</p>
<p>What measures will the Government take to ensure conformity of all laws with the CRC?</p>	<p>Amend the Children Act 1974 reflecting needs-based and rights-based approach; appoint a Children’s Ombudsperson; end child labour and ensure children’s free access to health and education</p>

<p>13. Rights of the Vulnerable Groups (IPs, PWDs, Dalit, Refugee, Linguistic and Sexual Minorities)</p>	
<p>Issue</p>	<p>Non-recognition of the IPs and human rights violations against them; excluding PWDs from national planning and programmes; sporadic attacks on religious minorities; lack of recognition or legal protection of dalits and sexual minorities.</p>

Summary	<p>The 15th amendment to the Constitution (2011) contravenes the equality guarantee by providing that “all residents of Bangladesh are Bangalees,” which undermines the basic right of the indigenous people to self-identification and marginalizes them. IPs were not consulted regarding the terminology of the 2010 Small Ethnic Groups Cultural Institutes Act 2010 which recognizes only 27 “small ethnic groups”, although indigenous activists claim there are about 50 IP communities nationally. Human rights violations against IPs continues, including killings, torture, religious persecution, sexual violence against women and children and land dispossession by Bengali settlers and military personnel in the Chittagong Hill Tracts (CHT) and the plain lands. The CHT Accord remains largely unimplemented despite the lapse of fifteen years.</p> <p>National planning and policy formulation largely excludes PWDs. There is no constitutional or legal prohibition against disability-based discrimination. The Disability Welfare Act 2001 and the National Policy on Disability 1995 remain far from implemented. The national budget allocation is inadequate for PWDs. Widespread discrimination of PWDs includes sexual violence against women with disabilities.</p> <p>The 15th amendment to the Constitution (2011) contravenes the equality guarantee and the fundamental principles of secularism, and renders all religious minorities second-class citizens by making Islam the state religion. Positive measures included employment and promotion of religious minorities in the public sector, enactment of the Vested Property (Return) Act 2011 and the adoption of the Hindu Marriage Registration Act. However, discriminatory personal laws remain in place. Sporadic attacks continue on minorities. Serious concerns related to alleged police inaction in upholding law and order following attacks on temples and houses of Hindu community in response to the verdict of the war crime trial recently. There were several incidents of torture and harassment of Buddhist communities, including monks, including in Sajek, Teknaf and Ramu.</p> <p>Although the Government recognised Dalits and other socially excluded groups and transgendered persons by allotting BDT 146.1 million in the National Budget (2012-13), there are no laws on protect Dalit rights, despite demands from the communities and the NHRC. Some 5.5 million Dalits and socially excluded communities were allegedly omitted from the 2011 census.</p>
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	<p>Widespread discrimination against Dalits includes denial of entry to religious institutions, restaurants, private homes and public places in certain areas. Many Dalits are also denied Government services including getting bank loans, education and health care.</p> <p>The Government has taken practical steps recognizing such minorities by receiving and disbursing funds for MSMs, and by including Hijras in the voter list, providing National IDs and including an ‘other’ option for ‘sex’ in the passport form. In general however, gender and sexual minorities⁷ lack legal recognition and protection and face social marginalization. They are harassed using section 377 of the Penal Code 1898⁸ and section 54 and 55 of the CrPC.</p> <p>There is no mother-language teaching of languages other than Bengali, despite significant linguistic minorities including IPs and Urdu-speakers. The latter face discrimination regarding education and employment. They live in ‘camps’ in precarious conditions, with minimal access to sanitation or other facilities; some face eviction threats. Following a 2008 High Court judgment recognizing the right to citizenship of Urdu-speaking linguistic minorities, National IDs were issued to nearly half of the 300,000 Urdu-speakers; but most are still denied passports as intelligence agencies refuse clearance on grounds of their lacking a “permanent address”.</p> <p>In 2012 the Government refused refuge to Rohingyas from Myanmar (including women and children) and denied access to humanitarian aid following communal attacks, despite repeated appeals from human rights organizations.</p>
Question	Recommendation
<p>What measures will the Government take to ensure recognition of Indigenous Peoples and securing their rights?</p>	<p>Give constitutional recognition to the identity and integrity of IPs.</p>
<p>What measures will the Government take to recognize sexual minorities?</p>	<p>Acknowledge existence of sexual and gender minorities, incorporate the issue in relevant Policies and de-criminalize consensual adult same-sex activities by abolishing section 377 of the Penal Code.</p> <p>Criminalize ‘untouchability’ and discriminatory practices.</p>

⁷Gender and sexual minorities include Kotis, Panthis, Hijras, MSMs, Lesbians, Gay, Bisexuals, Transgenders, Transsexuals, Transvestites and others.

⁸Under section 377 of the Penal Code, ‘unnatural offences’ which has been interpreted as including anal intercourse between two persons, is a criminal offence and is punishable with a maximum of 10 years of imprisonment and a fine.

14. Implementation of CHT Accord	
Issue	No effective initiative to implement CHT Accord despite lapse of 15 years and high level commitments
Summary	Since 2009 the Government reconstituted The National Committee on Implementation of Chittagong Hill Tracts Peace Accord, the Taskforce on Rehabilitation of Chittagong Hill Tracts (CHT) refugees, the CHT Land Dispute Resolution Commission but these committees have made minimal progress on effective implementation of the accord. There have been no elections to the Hill District Councils and the CHT Regional Council since the signing of the CHT Accord. Several departments and subjects including on law and order, police (local), land and land management, environment and forest have not yet been transferred to the Hill District Councils. Amendments demanded to the CHT Land Dispute Resolution Commission Act of 2001 have not yet been made. In 2009, about 35 temporary army camps were dismantled, but more than 300 remain across the CHT. 'Operation Uttoron' remains in force by the military and its mandate and necessity are not transparent. Land disputes remain unresolved. There have been no attempts to rehabilitate the Internally Displaced IPs. Attacks on IPs in the CHT continue.
Question	Recommendation
Does the Government have a time bound action plan to implement the CHT Accord fully?	Develop a time bound action plan for the full implementation of the CHT accord and ensure its early enforcement.

15. Conformity with International Human Rights standards	
Issue	Ratification, withdrawal of reservations and reporting

<p>Summary</p>	<p>Since 2009, the GoB has ratified the ICC Statute (2010) and the CMW (2011). Despite UPR Recommendation 2 (2009), it has not become party to the Refugee Convention, the CED, the OP-CAT, or the ILO Convention No 169 on Indigenous and Tribal Peoples 1989. Despite repeated international commitments, the Government has not withdrawn CEDAW reservations.</p> <p>Bangladesh has not yet submitted initial reports relating to CAT, ICCPR, ICESCR, CRPD, despite delays of over 10 years (ICCPR /ICESCR).</p> <p>Since 2009, two Special Rapporteurs (SRs) have visited Bangladesh, with several visit requests from others receiving no response,⁹ or remaining pending for years.¹⁰ Bangladesh ranks among countries with the maximum pending requests from special procedures.</p>
<p>Question</p>	<p>Recommendation</p>
<p>Will Bangladesh issue a standing invitation to the Special Procedures? When will Bangladesh submit reports that have been overdue by over ten years to the Human Rights Committee and Committee on Economic, Social and Cultural Rights?</p>	<p>Ratify CED, OP-CAT, OP1-ICCPR, OP-2-ICCPR, OP-ESCR, Refugee Convention, OP on Status of Refugees, ILO Conventions 169 and 189 and withdraw reservations to CAT, CEDAW, CERD, CRC, ICCPR and ICESCR.</p> <p>Submit all overdue reports due to treaty bodies and issue standing invitations to the special procedures.</p>

⁹The UN Independent Expert (IE) on Human Rights & Extreme Poverty and the IE on access to safe drinking water and sanitation made a joint mission in December 2009. The visit of the Special Rapporteur (SR) on adequate housing and the SR on Freedom of Religion were agreed in principle but no date was confirmed.

¹⁰See for example pending requests by the SR on the right to freedom of opinion and expression (since 2003), from the Independent Expert on minority issues (since 2006), the SR on extrajudicial, summary or arbitrary executions (request made in 2006, reminder in 2008 and 2009), the SR on independence of judges and lawyers (request made in 2007), the SR on contemporary forms of slavery, the SR on racism (request made in 2008) and the SR on contemporary forms of slavery (request made in Aug 2008 and follow up request in Nov 2008).

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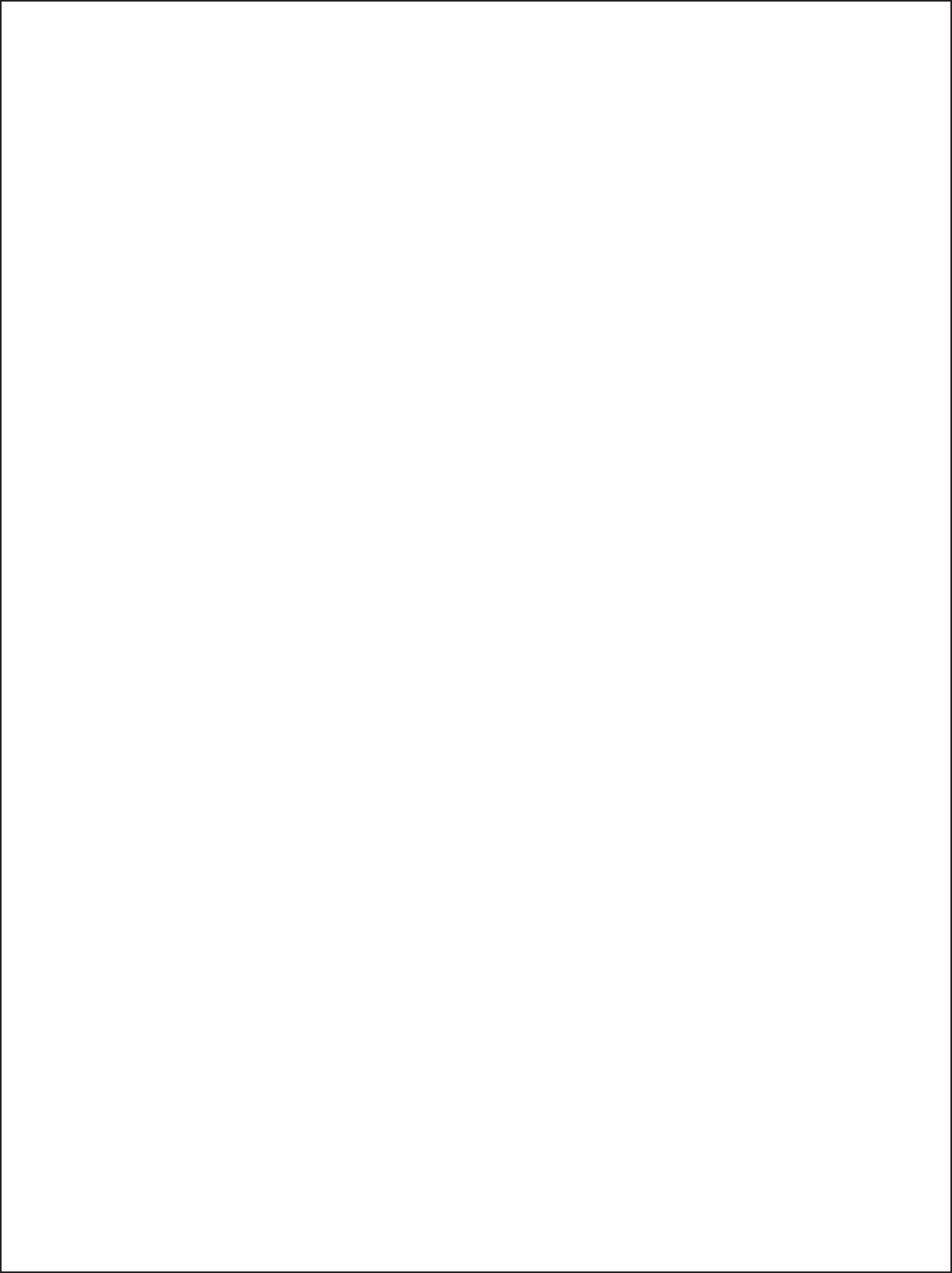
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Geneva, 22 April–3 May 2013

**National report submitted in accordance with paragraph 5 of the annex to
Human Rights Council resolution 16/2110***

Bangladesh

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I. Introduction

1. A nation born of a heroic War of Liberation with the sacrifice of 3 million martyrs and honour of 200,000 women only to realise its aspirations for democracy, development, human rights, secularism and justice, Bangladesh takes pride in its vibrant, pluralistic parliamentary democracy and its multi-faith, multiethnic and multicultural secular society.

2. Having taken office from an un-elected Caretaker Government in January 2009 with an overwhelming mandate, the Awami League led Grand Alliance Government has since worked on a priority basis to bring about the highest number of legislative, institutional and policy reforms in reaffirmation of its electoral pledge to uphold fundamental rights, rule of law, and uplift the nation to a middle income status by 2021. Some of the landmark initiatives ranged from enhancing the enjoyment of civil and political rights, especially civil liberties, to creating new development paradigms for realisation of socio-economic and cultural rights. An unprecedented 196 laws were enacted by the Parliament accelerating the government's pro-people, pro-poor socio-economic development agenda under its Vision 2021. The government's human rights aspirations to empower the people transcended into an international vision for global peace and development embodied in Prime Minister Sheikh Hasina's 'People's Empowerment and Development' model endorsed by the United Nations last year¹.

3. Against steep challenges of resource and capacity constraints, climate change and natural disasters, 'Bangladesh has made noteworthy progress in achieving some key gender and health related MDGs and a higher pace of human development compared to other South Asian countries². Economic prospects for Bangladesh remain favourable in an age of global recession, where economic expansion has been based on strong growth in private investment and consumption, supported by steady increase in remittances³. While this Report seeks to capture progresses made since Bangladesh's last UPR in 2009, it also responsibly acknowledges areas where we need to make further strides in cooperation with national and international partners in realizing for our people greater political, social and economic progress in larger freedoms⁴.

II. Methodology

4. From an early stage of drafting this Report, several broad and inclusive consultations were held by the Government with relevant stakeholders such as statutory bodies, especially the National Human Rights Commission (NHRC), NGOs, CSOs and experts working on human rights and development (Annex B). The Government alternatively participated in the consultation meetings organized by the human rights stakeholders. This Report reflects information received from relevant Government Ministries and agencies that also actively participated in the consultation meetings with stakeholders. This Report has taken into account recommendations and observations

¹'People's Empowerment and Development', A/Res/67/107, A/Res/66/224.

²'Sustainability and Equity: A Better Future for All, 'Human Development Report 2011.

³'World Economic Situation and Prospects', UN/DESA and UNCTAD, 2013.

⁴Annex A contains the list of Acronyms for this document.

of the concerned stakeholders. This report also focuses on updates on implementation of the Recommendations Bangladesh accepted at its 2009 UPR (referenced at various relevant sections) and significant developments and best practices in its overall human rights situation since then.

III. Normative and institutional reforms since 2009 for protection and promotion of human rights

Since 2009, the government undertook unprecedented reforms in order to strengthen its legislative, institutional and policy mechanisms for the protection and promotion of human rights [Recommendation 5].

Strengthening human rights protection framework Constitution

The Constitution of Bangladesh is the supreme law of the land and guarantees all fundamental rights and freedoms as justiciable rights⁵. Any laws in Bangladesh must not be inconsistent with the Constitution⁶. While guaranteeing non-discrimination and equal protection of law for all citizens, the Constitution allows affirmative action favouring betterment of women, children and the underprivileged sections of the citizens. The Constitution also provides the Fundamental Principles of State Policy⁷ requiring the government to ensure democratic, economic, social, and cultural progress of the citizens. During 2009-12, the Parliament in its landmark 15th amendment of the Constitution restored the underlying principles of the 1972 Constitution and incorporated certain realities that have emerged high on the national agenda.

The Parliament, Parliamentary Standing Committees (PSCs) and national legislations

7. The National Parliament, consisting of 350 seats, due to its plenary powers of legislation, remains the most important democratic institution for promotion and protection of human rights. In its first session in 2009, the 9th Parliament constituted 50 PSC that, for the first time in Bangladesh, comprise of opposition bench members as Chairpersons, enhancing pluralism and accountability.

8. Since UPR 2009, the 9th Parliament passed 196 legislations (Annex C) - most of which addressed the political, socio-economic and cultural rights of the people, especially women, children, ethnic minorities, workers, socially marginalised people etc. These national legislations have been enacted with a view to better realisation of international human rights obligations [Recommendation 4]. The most significant new laws are:

- National Human Rights Commission Act, 2009;
- Anti-Terrorism Act, 2009;
- Right to Information Act, 2009;
- Small Ethnic Group Cultural Institutions Act, 2010;
- Domestic Violence (Prevention and Protection) Act, 2010;

⁵Part III of the Constitution.

⁶Article 152 of the Constitution.

⁷Part II of the Constitution.

- National Identity Registration Act, 2010;
- Climate Change Trust Act, 2010;
- Environmental Tribunal Act, 2010;
- Lepers (Repeal) Act, 2011;
- Prevention of Money Laundering Act, 2012;
- Competition Act, 2012;
- Disaster Management Act, 2011;
- Vagrant and Homeless People (Rehabilitation) Act, 2011;
- Hindu Marriage Registration Act, 2012;
- Human Trafficking Prevention and Control Act, 2012;
- Mutual Legal Assistance in Criminal Matters Act, 2012,
- Control of Pornography Act, 2012;
- Prime Minister's Education Assistance Trust Fund Act, 2012.

Supreme Court (SC)

9. The SC is the highest judicial authority and its decisions are binding on all sub-ordinate courts, executives and judicial authorities. Judicial review is the most important power of the SC for the purpose of enforcement of fundamental rights. In a good number of cases, SC has recognised human rights which have not been expressly incorporated in the constitution as fundamental rights and has enforced international treaty provisions into national legal regime⁸.

Policy measures

10. Since UPR 2009, the Government demonstrated its human rights commitment by adopting a number of new policies for promotion and protection of human rights. The major ones are:

- National Child Labour Elimination Policy, 2010;
- National Education Policy, 2010;
- National Child Rights Policy, 2010;
- Domestic Workers Protection and Welfare Policy 2010;
- National Labour Policy, 2011;
- National Skill Development Policy, 2011;
- National Women Development Policy, 2011;
- National Children Policy, 2011.

IV. Strengthening institutional framework for protection and promotion of human rights

National Human Rights Commission (NHRC)

11. Since UPR 2009, the Government prioritised transforming the NHRC into the primary institution that oversees human rights implementation in Bangladesh [Recommendation nos. 6 and 7]. With the appointment of an eminent Chairperson, the NHRC enhanced its credibility, underwent

⁸*Dr. Mohiuddin Farooque vs. Bangladesh (right to healthy environment), Prof. Nurul Islam v Bangladesh (banning tobacco advertisements), BLAST v Bangladesh (safe custody).*

comprehensive reorganisation and secured 'B'-status rating by the International Coordinating Committee of NHRI. The freedom to use its allocated budget and the guarantee of tenure of the Chairman and members of the NHRC ensures its functional independence. The Government is actively considering further enhancement of its budgetary and human resources. The NHRC has set up an online Complaints Management System.

12. The National Human Rights Commission Act, 2009 empowers the NHRC to exercise its investigative power suo moto to probe into any alleged violation of human rights. Its mandate extends, inter alia, to summon explanation from the Law Enforcing Agencies (LEAs) and other public authorities, visit jails, prisons or correctional centres, lodge writ petitions to the High Court Division on behalf of an aggrieved and exercise the powers of a civil court while conducting any inquiry.

Anti-Corruption Commission (ACC)

13. The ACC acts as an independent institution to investigate and prosecute offences related to corruption. The present Government has undertaken significant reforms to ensure independence of ACC [Recommendation 24]. ACC has gained public confidence by summoning ministers, members of parliament, political leaders, high government officials and top businessmen.

14. The Anti-Corruption Commission (Amendment) Act, 2012 remains under consideration of National Parliament to give ACC stronger institutional powers and capacity to combat corruption. The ACC has formed Corruption Prevention Committees in 9 Metropolitan areas, 62 districts and 421 upazillas (sub-districts) with a view to raising awareness and promoting anti-corruption movement among citizens [Recommendation 24].

National Election Commission (EC)

The EC is vested with the task of conducting elections in Bangladesh. The President appointed a new Chief Election Commissioner through a consultative selection process in 2012. The Election Commission Act, 2009 and subsequent reforms have delinked EC from the Executive to guarantee its independence. EC has also been given financial autonomy.

Law Commission of Bangladesh

The Law Commission is a statutory body empowered to recommend enactment, amendment or repealing of laws relating to fundamental rights and values of society. It codifies laws and advises reforms of the judicial system. Before finalising draft laws, the Commission consults, solicits and considers submissions from various stakeholders. Since 2009, the Commission has prepared a number of reports on reform of laws for promotion of human rights, including abolition of corporal punishment, prevention of sexual harassment in educational institutions and workplaces, prevention of violence against women, protection of victims and witnesses to grave offences, ensuring speedy disposal of civil and criminal cases, and reform of Hindu family laws. The Law Commission is currently working on reports on the Protection of the Rights of the Marginalized and Disadvantaged Sections, the enactment of new laws on medical negligence, prevention of torture and death in police custody.

Information Commission (IC)

The IC has been established as per Right to Information Act, 2009 (RIA) with a view to ensuring citizens' access to information under public and private domain. IC retains the power to impose legal sanctions for breach of RIA, including failure of any public or private organization to provide information to anyone who may apply.

National Legal Aid Services Organization (NLASO)

The GOB, through the Legal Aid Act, 2010, has set up the country's first legal aid institution NLASO in order to facilitate poor citizens' access to justice and enforcement of their rights. The NLASO has put in place hotline numbers which are accessible by the people. The NLASO provides service through District Legal Aid Committees (DLAC) operating in all districts. Each DLAC reserves a legal aid fund financed by the Government.

Non-governmental and civil society organizations (NGO/ CSOs)

Bangladesh takes pride in its most vibrant and internationally acclaimed NGOs and CSOs that complement the government's efforts for promoting human rights, development and good governance. The present government has built a strong institutional partnership with NGOs and CSOs that have been contributing actively in human rights law and policy making process in follow-up of UPR 2009 [Recommendation 42]. According to NGO Affairs Bureau, 2,170 NGOs are currently operating in the country. The NGOs are actively engaged in a wide range of activities such as micro-financing, poverty alleviation, disaster management, protection of environment, vulnerable groups such as children, women and persons with physical and mental disabilities, non-formal education and training and advocacy on protection and promotion of civil and political rights and good governance. The government welcomes the tradition of local NGOs and CSOs contributing to strengthening the national human rights regime.

Press and media

A vibrant and vigilant media are considered to be an integral democratic institution to ensure promotion and protection of human rights and strengthen democracy. The Government is vigilant that media can always perform its role in full freedom. The present Government has issued licences to 14 new private television channels, 14 new community radio channels and 7 new private FM radio channels.

Citizens

21. Article 102 of the Constitution empowers citizens to enforce their fundamental rights through the intervention of SC. The SC, by way of interpretation, recognised the right of individuals to institute public interest litigations⁹.

V. International legal obligations and commitments

22. Bangladesh has reaffirmed its commitment to promote and protect human rights through its unequivocal pledge to uphold the principles and purposes of the UN Charter, international peace and security, respect for international law and rejection of colonialism and racism. Bangladesh

⁹*Kazi Mukhlesur Rahman v Bangladesh [1974] 26 DLR (AD) 44.*

is party to 16 international human rights instruments and has enacted domestic laws for their implementation. During 2009-12, Bangladesh has ratified the Rome Statute of the International Criminal Court 1998 (23 March 2010); the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (24 August 2011) and the UN Convention against Transnational Organized Crime 2000 (13 July 2011) and Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Beijing, 3 December 1999 (24 August 2010). Bangladesh is always committed to cooperate with international human rights mechanisms. Since UPR 2009, UN Special Rapporteurs on Housing and Water and Sanitation have visited Bangladesh, while the UN Special Rapporteur on Violence against Women has been invited to visit in early 2013 [Recommendation 12]. During this time, Bangladesh has submitted its periodic reports to CEDAW and CRC Committees and has initiated work, in cooperation with UNDP, to strengthen reporting capacity to other treaty bodies, particularly ICPPR and ICESCR [Recommendation 39, 40].

VI. Best practices and challenges

Bangladesh believes that all human rights are equal, indivisible, inter-dependent and mutually reinforcing. Civil and political rights cannot truly be enjoyed by those who do not have access to economic, social, and cultural rights. It is in this spirit that the Government of Bangladesh (GOB) focuses on a balanced approach to instituting best practices for the promotion and protection of both sets of rights.

VII. Civil and political rights

Consolidation of democracy

Bangladesh has drawn important lessons from the political and social evils that ensued from illegal overthrow of democratically elected governments. The 15th Amendment to the Constitution has expressly declared act of abrogation or suspension of Constitution as sedition and made it punishable with the highest punishment provided by law.

Free and fair election

25. During 2009-12, EC held 5,509 elections in all tiers of governance, including 15 Parliamentary by-elections and several city corporation elections. Each of these elections was free, fair and credible, and there was no allegation regarding their conduct or results. As part of preparation for next Parliamentary elections, EC is holding consultations with all major political parties and is currently updating the electoral voter list with photo ID, in which about 7 million new voters are to be enlisted.

Local government

26. Bangladesh considers a strong local government system to be critical for development at the grass root level. In 2009, the Election Commission held elections for 481 upazilla (sub-district) councils. The District Councils have been infused with dynamism with the appointment of administrators after a long hiatus. Three new City Corporations have been formed where elected representatives are discharging their functions.

27. During 2009-12, 57,373 chairmen and members in 4,421 union councils, 1,443 chairmen and vice chairmen in 481 upazillas, 3,782 Mayors and Councillors in 282 municipalities, as well as four Mayors and 171 Councillors in four City Corporations got elected. A total of 63,194 peoples' representatives got elected during this period.

Ensuring justice and rule of law

Judicial independence

28. Since UPR 2009, the Government separated Judiciary from Executive by amending the Code of Criminal Procedure (CrPC), 1898 to make the lower and upper judiciary fully independent [Recommendation 25]. To further strengthen administration of justice, a separate Judicial Service Commission, a Judicial Service Pay Commission and a Judicial Administration Training Institute have been established.

Access to and delivery of justice

29. During 2009–12, 46,737 people, including 234 children, who sought national legal aid, received legal aid under the aegis of NLASO. A total 18,625 legal aid supported cases have been disposed of. The NLASO is actively encouraging its clients to settle their disputes through Alternative Dispute Resolution (ADR) mechanism. Since 2010, full-time legal aid staff have been assigned in all 64 Districts and have been trained on effective utilisation of the legal aid funds. Village courts in rural areas and municipal conciliation boards in the urban areas are empowered to decide civil and criminal cases of petty nature.

30. 71 judges have been appointed in upper court and 125 judges in sub-ordinate courts to reduce backlog of cases. Justice delivery system in upper and lower judiciary has been digitalized.

Ending the culture of impunity

31. The GOB has initiated a number of trials to bring to justice the perpetrators of some heinous crimes that continue to blight the national psyche and socio-political fabric [Recommendation 10].

Bangabandhu murder trial

32. The Father of the Nation and the then President of Bangladesh, Bangabandhu Sheikh Mujibur Rahman and 18 members of his family were killed on 15 August 1975. Martial law was imposed in the country and an Indemnity Ordinance was promulgated by the then military-backed President, later declared usurper by SC. Government providing immunity from prosecution to the self-confessed killers of Bangabandhu. After 34 years, the nation was relieved of this ignominy when, in November 2009, the Appellate Division of SC gave its verdict on the killing. Significantly, this judgement emerged through an independent and transparent judicial system following all due process, rather than by any special tribunal or special courts. The trial demonstrates the Government's resolve to strengthen the democratic culture by deterring those who try to change the course of politics through assassinations.

Trial of genocide and crimes against humanity

33. In order to bring the perpetrators of genocide, war crimes, crimes against humanity and other international crimes committed during the Liberation War of 1971 to justice, a long cherished aspiration of citizens of Bangladesh, the GOB in 2010, has established the International Crimes Tribunal, Bangladesh (ICTBD). It is notable that one of the most heinous genocides and crimes against humanity of the 20th century is being tried in a domestic tribunal with a mandate to try internationally defined crimes under the International Crimes Tribunal Act, 1973. This trial is being conducted in independent, open tribunals, witnessed by media and independent observers, to ensure the requirements of fair trial in compliance with international standards and following due process. The prosecution and defence procedures are digitalized. The Rule of Procedures of the Tribunals provide for victim and witness protection measures. Currently, there are eleven cases under trial, two cases at final stage, and one already disposed of with conviction.

Trial of Bangladesh Rifles (BDR) Mutiny

34. The trial of the BDR Mutiny, that took place in February 2009 causing 78 deaths and other casualties, has been conducted in open courts ensuring fair treatment of the accused. The trial of 6,041 BDR personnel for committing mutiny has been completed. Of them, 5,926 have been awarded imprisonment for different terms. Trials of 850 personnel for committing murders and other offences are under process. Following the Mutiny, the Parliament enacted the Border Guard of Bangladesh Act, 2010 to reconstitute the force.

VIII. Transparency and governance

Parliamentary oversight and accountability

35. The 50 PSCs have emerged as an effective oversight mechanism, thereby providing greater scope for participation of citizens in governance. They examine draft Bills and other legislative procedures and review and monitor enforcement of legislations. The PSCs investigate activities of and serious complaints in respect of a Ministry falling within their respective jurisdictions, and may seek explanations from all concerned, including Ministers and public officials.

Anti-corruption measures

36. During 2008-12, the ACC investigated 4,790 complaints and filed 1,213 cases for alleged corruption. ACC has submitted charge sheets in 2,087 cases and ensured speedy disposal of cases. Very recently, ACC has been able to bring illegally laundered money back to Bangladesh. ACC has also formed 14,097 Integrity Alliances in educational institutions across the country. Each year, it observes International Anti-Corruption Day on 9 December and Corruption Prevention Week from 26 March to 1 April.

National integrity strategy

37. The Cabinet has approved the National Integrity Strategy in October 2012 for a comprehensive and coordinated initiative to eliminate corruption in all spheres of national life.

Right to information

38. During 2010-12, the IC has received 306 complaints, among which 138 were taken into

cognizance, 135 resolved and 146 addressed through communications. Only in 2011, 7,808 applications were made to various authorities seeking information under the RIA of which 97 percent were disposed of. Since 2009, IC has organized public sensitization meetings and trainings in divisional and district towns. 2,299 designated officers received training on RIA by the IC. Mobile service operators sent millions of SMSs on the RIA to raise public awareness.

Citizens' Charter

39. Most Government Ministries and agencies have formulated their respective Citizen's Charters to better inform citizens of the services they provide, and also the remedial steps in case those services are not duly provided. The Citizens' Charters are available on websites.

Protection of whistleblowers

40. Bangladesh encourages whistleblowers to report on corrupt practices to appropriate authorities. The Parliament has enacted the Disclosure of Public Interest Related Information (Protection) Act, 2011 to protect whistleblowers who may inform public authorities about activities prejudicial to law and order and security.

E-Governance

41. The GOB has established a new Ministry of Information & Communication Technology and has adopted the National ICT Policy, 2009 to materialize the present Government's vision to build a 'Digital Bangladesh'. The Parliament has also enacted the National ICT Act, 2009. Bangladesh has now e-service centres in all districts, 147 upazillas and about 4,700 unions. Approximately, 8,000 rural post offices and 500 upazilla post offices are in the process of being converted into e-centres. People in remote areas are using these centres for accessing government forms and information, results of public examinations and information on agriculture, education, health and law. Currently, tele-density in the country has increased to 61 percent and internet density to 21.3 percent. Public procurement is increasingly being brought under e-Tendering system. A programme has been undertaken for digitalising land registration system.

IX. Right to life and liberty

Law enforcing agencies and human rights

42. The GOB continues to maintain its 'zero tolerance' policy towards violation of human rights by LEAs. A Police Reform Act with stringent code of conduct is in place, while pro-people policing has been introduced through establishment of model police stations and victim support centres in key police stations. According to existing laws, there is no scope for impunity for human rights violations by armed forces and LEAs [Recommendation 10]. Wherever criminals resort to use of firearms during regular operations against them, LEA members may have to resort to use of force or exchange of fire only as the last means of protection of public life and property and to exercise the right of self-defence, as per the provisions of the PC. The LEAs follow their respective Codes of Conduct and Rules of Engagement. This cannot be conflated with 'extra-judicial killing' since there is no legal basis for this term in the laws of Bangladesh [Recommendation 10 and 20].

43. After every incident of use of force or exchange of fire by police, RAB or other LEAs, even though occurred in the course of authorised duty, a series of inquiries and investigations are conducted by competent authorities. If it is found through inquiry that any LEA member has breached Code of Conduct and human rights, appropriate legal and disciplinary actions are taken against such persons. For instance, during 2010-12, more than 1,600 RAB members have been brought to justice, including imprisonment, dismissal and removal from service for committing various offences and human rights violations. [Recommendation 26] An Internal Enquiry Cell, a special team trained and organised with the US Government support, investigates any incident of use of force or exchange of fire by RAB members.

44. During 2009-12, the number of criminals that died during exchange of fires with RAB has marked a sharp decline compared to previous five years (from 546 to 188). In case of casualties during any operations, prompt and proper medical treatment has been ensured for the injured persons. On the other hand, a total of 77 RAB members died and another 250 sustained vital injuries during such incidents.

Detention and torture

45. Article 33 of the Constitution provides that no person shall be arrested or detained in custody without being informed of the grounds for such arrests. In *BLAST vs. Bangladesh and others*¹⁰, the Supreme Court laid down safeguard measures against arbitrary arrests by the police under section 54 of CrPC. Whenever any criminal or suspect is brought into custody, such person is treated as per the applicable legal provisions under the CrPC; PRB, 1860 and relevant laws. As per CrPC, any death incidents occurring in police custody is enquired by a magistrate.

46. Article 35 of the Constitution stipulates that no person shall be subjected to torture or cruel, inhumane or degrading punishment or treatment. The PRB also provides certain safeguards for protecting prisoners from torture. Any incident or allegation of torture in imprisonment is dealt with seriously and departmental actions are ensured against those responsible. As per the Jail Reform Commission's recommendation, corporal punishment in prison had been abolished. The GOB, in collaboration with ICRC, is carrying out advocacy and training programmes for LEAs and prison authorities on international safeguards against torture [Recommendation 10, 20].

Prison reform

47. The number of prisoners exceeds the official capacity of prisons in Bangladesh leading to overcrowding. During 2009-12, the GOB has taken steps to construct new prison facilities in spacious, healthy conditions. Four new central jails have already gone into operation while construction work is ongoing for two more central jails for under-trial prisoners [Recommendation 20].

48. The prison authorities are making sustained efforts to turn jails into correctional homes where prisoners would get opportunity to go through corrective measures and a disciplined lifestyle, and also learn new skills to pursue gainful employment upon release. In every jail, there are enclosed,

¹⁰65 DLR [2003] 363.

protected accommodation arrangements for female prisoners, where children up to 6 years of age are allowed to stay with their mothers.

Kidnapping/abduction of citizens

49. The existing legal regime does not contain any reference to 'disappearance'/ 'enforced disappearance'. The legally recognised term for it under the PC is 'kidnapping/abduction'. According to CrPC, it is a cognizable offence and an officer in charge of a police station is bound to lodge a case and investigate on receipt of any abduction related information. From January 2009 to June 2012, a total of 2,941 abduction cases were recorded with the police through out the country. In more than 50% cases, the LEAs were able to recover the victims and, in some instances, recovered the abandoned dead bodies. For instance, RAB has recovered more than 1,400 abducted persons and arrested 800 abductors.

50. In recent times, there has been a tendency to use the name of RAB and other LEAs in relation to cases of kidnapping/ abduction. RAB has, so far, arrested more than 500 criminals disguised as LEAs, including those involved in abduction.

Death penalty

51. Even if there is provision for death penalty in Bangladesh laws, its application is restricted to very selective cases of the most serious and heinous crimes and is applied with due legal process and judicial safeguards. The convicts sentenced to death penalty have option to seek Presidential clemency. Bangladesh maintains an extremely low rate of execution of death sentences. During 2009-12, death sentence has been carried out against 19 people. In the case *BLAST vs. Bangladesh*¹¹, the Supreme Court held that any provision of law which provides that a law providing for mandatory death penalty as punishment without exploring other options is not in accordance with the Constitution. [Recommendation 19]

Combating human trafficking

52. The GOB attaches the highest priority to eliminating human trafficking, people smuggling and other related crimes. The GOB has enacted a comprehensive anti-trafficking legislation titled Human Trafficking Deterrence and Suppression Act, 2012, and the National Plan of Action 2012-2014 to combat human trafficking [Recommendation 16, 23].

53. An Inter-ministerial Committee has been formed under the Ministry of Home Affairs (MHA) to coordinate ongoing efforts in preventing human trafficking. Similar committees have been formed at district, upazilla and union levels. A monitoring cell has been established at the Police Headquarters and in each district to monitor, in particular, criminal prosecution of human trafficking. The MHA has also set up a Taskforce for rescue, recovery, repatriation and reintegration of victims of trafficking, especially women and children. Owing to all these initiatives, Bangladesh has graduated from "Tier 2 Watch List" to "Tier 2" in the US State Department Report on Trafficking in Persons.

¹¹63 DLR (2011) 10.

54. At the regional level, Bangladesh has ratified the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002. Bangladesh and India have set up a joint task force for prevention of trafficking in children and women. Bangladesh is an active member of the Bali Process on Human Trafficking, People Smuggling and other related crimes. Ratification of Palermo Protocol on Human Trafficking is under consideration.

Fight against terrorism

56. The present Government has taken an uncompromising stance on combating terrorism and extremism. As such, during last four years, Bangladesh has been successful in destroying most of the known terrorist networks and outfits within its borders. The Parliament has enacted the Anti Terrorism Act, 2009 and Money Laundering Prevention Act, 2012 in line with UN Global Counter Terrorism Strategy. The GOB has finalized a comprehensive national counter terrorism strategy. The MHA has set up a core committee to coordinate work on prevention and suppression of terrorism.

57. As a state party to all 13 UN counter-terrorism instruments, Bangladesh is working on necessary legal reform to ensure national compliance. Bangladesh has ratified the SAARC Convention on Mutual Assistance in Criminal Matters as reflection of its commitment to counter-terrorism efforts at the regional level. The GOB has taken a host of measures to combat money laundering and terrorist financing, including proscribing terrorist individuals and organisations listed by the UN Security Council 1267 Committee.

Road safety

58. To minimize road accidents, the Government has taken measures to develop a National Road Safety Strategic Action Plan after every three years. The Parliament has enacted the National Road Transport and Traffic Act, 2012. The GOB has deployed highway police to enforce road safety measures and set up trauma centres on the national highways.

Freedom of assembly

59. The Constitution guarantees the right to every citizen to assemble and to participate in public meetings and processions peacefully and without arms, subject to reasonable restrictions imposed by law. According to CrPC, the provision of restriction on any Assembly is imposed by the District Magistrate, except in metropolitan areas. However, the police can legally intervene in any Assembly when it turns into an unlawful gathering posing threat to public life and property.

Freedom of expression

60. Pursuant to the constitutional guarantee for freedom of expression, conscience and press, the GOB has encouraged a vibrant media and free flow of information across the country. The provisions of Special Powers Act, 1974 relating to the control of media have been withdrawn to make the media free from any form of control. The provision of CrPC regarding issuance of warrant of arrest for defamation cases has been withdrawn to the effect that journalists would not be arrested or harassed without being notified well ahead about the allegations brought against them [Recommendation 8].

61. The new agencies and media outlets are entirely free to disseminate news and information. The GOB is currently working on drafting a National Broadcasting Policy through a committee comprising media and civil society representatives. The Government has been earnest in bringing to justice any criminals involved in the murder or assault on journalists. Any print or electronic media that were closed was due to court decisions concerning their ownership disputes or bank loan defaults.

62. As of April 2012, the total number of countrywide print media is 463. The Government formed the 8th Wage Board in June 2012 to review the payment and allowances for journalists.

63. The Bangladesh Telecommunication Regulatory Commission imposed a temporary moratorium on Youtube for uploading derogatory videos and comments that would have hurt the religious sentiments of the majority population. The GOB remains committed to free and independent functioning of print, electronic and social media as a means to consolidate democracy.

X. Human rights education and awareness

64. The National Education Policy, 2010 has made provision for imparting knowledge of human rights at all education levels. The judiciary, armed forces, police and other law enforcing agencies have undertaken various reforms and training programmes aimed at improving observance of human rights among their members [Recommendation 27]. The GOB supports NHRC's human rights awareness initiatives. Since 2009, the NHRC has regularly organized interactive dialogues with stakeholders to increase public awareness about human rights and in 2011 conducted a comprehensive baseline survey on citizen's perception of human rights. [Recommendation 9]

XI. Economic, social and cultural rights

Poverty reduction

65. Economic constraints being one of the major root causes of violation and non-fulfilment of human rights, Bangladesh has adopted a multi-pronged approach aimed at alleviating human poverty on one hand and ensuring human rights of its citizens on the other. The GOB's inclusive economic growth strategy has resulted in impressive poverty reduction from 40.0 percent in 2005 to 31.5 percent in 2010. The recent Household Income and Expenditure Survey, 2010 reveals that incidence of poverty has declined at an annual rate of 2.46 percent in Bangladesh during 1992-2010 against the MDG target of 2.12 percent. Bangladesh has already met one of the indicators of Target-1 by bringing down the Poverty Gap Ratio to 6.5, against MDG target of 8. If this trend continues, Bangladesh would achieve the MDG target of halving population living under poverty line from 56.6% to 29% ahead of 2015. The GDP per capita has doubled in the past two decades. Bangladesh has maintained a steady growth rate of above 6 percent during last five years. [Recommendations 30, 36]. However, despite these achievements, poverty reduction still remains one of the major challenges for Bangladesh.

Employment generation

66. During 2009–12, the GOB has created employment opportunities for 450,000 people in public sector. 600,000 unemployed youth have been given training for self-employment and 55,254 young people have been provided temporary employment under the National Service Scheme.

Collateral free loans to the tune of Tk. 100,000 are being disbursed among the youth from the Employment Bank. The Government remains committed to generate employment opportunities and train people for self-employment. [Recommendation 30]

Food security

67. Since Independence, Bangladesh has tripled its food production. The country now produces over 34 million tons of food grains each year and it is near self-sufficient in rice. There is a reserve of record 1.5 million tons of food grains. The GOB aims to achieve the three dimensions of food security, i.e. availability, access and utilization, through implementation of the National Food Policy and its Plan of Action (2008–15) and the Country Investment Plan (2010–15).

68. In order to ensure food security of poor people, the present Government has enhanced the scope and allocation of the Open Market Sale, Vulnerable Group Development, Vulnerable Group Feeding, Test Relief and Food for Work programmes. The number of beneficiaries rose from 30 million to 40.17 million. The Government has also introduced a fair price card which provides 20 kilogram food grain to per person per month at subsidized rate.

69. Per capita daily calorie intake has increased from 2238.5 K.cal in 2005 to 2318.3 K.cal in 2010. Protein consumption has also increased from 62.5 grams in 2005 to 66.26 grams in 2010. In northern parts of the country, the near-famine situation that used to prevail during the pre-harvest season earlier has been alleviated through concerted action by Government and NGOs. [Recommendation 30, 31, 36]

Universal healthcare

70. The GOB has undertaken a “Health, Population and Nutrition Sector Development Programme” (2011-16). The Government has so far launched 13,000 community clinics, each with a catchments area of 6,000 people, to reach health care services to all citizens. Bangladesh has developed a very good health and family planning infrastructure network at the grass root level with 3,500 Union Health and Family Welfare Centre and 407 Maternal Child Health-Family Planning units operating in the upazilla Health Complexes. During 2009–12, the GOB has upgraded 2,722 upazilla Health Complexes, and appointed 5,700 physicians, enhancing doctor-patient ratio.

71. Bangladesh has made considerable progress (50 per 1,000 live births in 2009 from 146 in 1990) in child survival over the last several decades. Bangladesh is among the 16 countries in the world that are on track to achieve MDG 4 on child mortality. In 2010, in recognition of the success in reducing child mortality rate, Prime Minister Sheikh Hasina received MDG Award 2010. Maternal mortality declined from 322 in 2001 to 194 in 2010, a 40 percent decline in 9 years. In 2011, Bangladesh Prime Minister received the South South Award for successful utilization of ICT for improving women and child health. The HIV/ AIDS prevalence rate remains less than 1 percent. The prevalence rate of Malaria has decreased from 776.9 per 100,000 persons in 2008 to 475 in 2011. The population growth rate is 1.34 percent and contraceptive prevalence rate 61 percent. In last two decades, life expectancy of Bangladeshis has increased from 59 years to 69 years. [Recommendation 32]

Food safety

72. The Consumer Rights Protection Act, 2009 provides for setting up consumer rights protection committees to address adulteration in food and other commodities for profit making. The GOB conducts regular mobile courts to ascertain food safety standards and prosecute those found guilty of food adulteration. The GOB has taken further initiatives to make kitchen markets in metropolitan areas free from chemical contamination of food.

Water and sanitation

73. The Government has built 130,823 arsenic free water sources throughout the country. Currently for every 95 people in rural areas, there is at least one source of safe drinking water. Disregarding the arsenic contamination, around 97.8 percent population of Bangladesh is using improved drinking water source, while arsenic adjusted figure is about 86 percent.

74. The GOB has initiated an extensive programme of National Sanitation Campaign to ensure 100 percent sanitation. The GOB has adopted a National Sanitation Strategy to achieve universal sanitation coverage. About 63.5 percent of population is using improved sanitation across the country.

Housing and rehabilitation

75. Giving special attention to the landless and marginal poor, the GOB has rehabilitated 109,000 families under the Asrayan Project in two phases. 1.038 families have benefited from the present Government's flagship One House, One Farm programme. The Ghorey Phera (Back to Home) programme has been designed to reverse rural-urban migration. Around 52,000 acres of agricultural khas land has been distributed among 1,11,673 landless families. About 2,600 floating families have been rehabilitated in the capital city. The Parliament enacted the Vagrants and Homeless (Rehabilitation) Act, 2011 to provide shelter and rehabilitation to distressed persons. The GOB is building 41,000 plots and 25,500 flats in the capital and other districts to provide housing facilities for low and middle income people.

Education for all

76. The GOB has attached top priority to education for all with the highest allocation in national budget. The National Education Policy, 2010 has set the ground for far-reaching qualitative changes in the country's education sector. Primary education is compulsory and free for all children aged between 6 and 10. All children attending primary and secondary schools receive textbooks free of cost on the first day of the year in a festive atmosphere. The education of girls up to grade XII in public institutions is free of cost. 7.8 million students, particularly girls in rural areas, are given stipends in secondary schools. It has set up an Educational Assistance Trust Fund to the tune of Tk. 10 billion to give financial support to poor and meritorious students. [Recommendation 33]

77. The Government conducts food-for-education programme in support of students from underprivileged families. Between 2004 and 2011, 'Reaching Out-of-School Children' project provided primary education to more than 750,000 dropouts in 22,000 learning centres, popularly known as Ananda schools. Bangladesh has already achieved the MDG-2 target of gender parity in primary and secondary school enrolments and school enrolment rate has reached up to 99.64%.

78. A total of 3,047 ICT laboratories have been set up in the Upazilla Service Centres and educational institutions. The introduction of multi-media classrooms in 20,500 educational institutions and converting 106 textbooks into e-Books have helped move towards digitalization of education. As part of the initiative to modernise religious education, vocational courses have been introduced in 100 madrassas and graduation courses in four different disciplines has been introduced in 31 madrassas each.

79. During 2009–12, 63,000 teachers have been appointed in government primary and secondary schools. 4,500 Government and registered primary schools have been constructed and rebuilt. In January 2013, the GOB nationalised 26,193 private primary schools all over the country. Because of this decision, 103,845 teachers will draw their salaries and wages from government exchequer.

Environmental protection

80. The 15th amendment to the Constitution obliges the government to protect environment, bio-diversity, wetlands, forests and wildlife. The Parliament has enacted the Environment Tribunal Act, 2010 and Environment Conservation (Amendment) Act 2010. The proportion of land area covered by forests has reached to 19.42 percent in 2012. During 2009-12, seven new national parks and eight wildlife sanctuaries have been set up to protect the country's bio-diversity. Bangladesh has earned international recognition for its social forestry programme. The present Government has initiated a major river dredging initiative to enhance the navigability of the waterways. The Cabinet has recently approved the draft National River Protection Commission Act, 2012.

81. The GOB has declared ship breaking as an industrial sector and formulated the Bangladesh Ship Breaking and Recycling Rules, 2011 to regulate exposure to hazardous substances and ensure application of labour law provisions, including occupational health and safety measures.

Climate change adaptation

82. Despite Bangladesh's almost no contribution to global warming, it is one of the most vulnerable countries to climate change. Currently, Bangladesh loses 1.5% of its GDP due to increased frequency and intensity of climate induced natural disasters. Available estimates suggest that a 1 meter sea-level rise will inundate 15-20% of the costal region of Bangladesh. This may result in displacement of about 30 million people by the mid-21st century.

83. The GOB has adopted Bangladesh Climate Change Strategy and Action Plan, 2009. It has undertaken various adaptation measures including developing flood, drought and salinity tolerant crop varieties, construction of embankments, polders and cyclone shelters, and coastal afforestation projects. The Parliament has enacted the Climate Change Trust Act, 2010, whereby the GOB has set up a Climate Change Trust Fund with its own resources and Climate Change Resilience Fund with support from development partners. In 2011, Bangladesh assumed the Chair of the Climate Vulnerable Forum and organized the launching of the Climate Vulnerability Monitor 2012.

84. In 2012, Bangladesh, along with the Philippines, steered the negotiations and adoption of a resolution on Climate Change and Human Rights at the Human Rights Council with a view to underlining the human rights dimension of climate justice and promoting better interface between climate change and human rights communities. [Recommendation 41]

Disaster management

85. The GOB has taken measures for disaster risk reduction, preparedness and management. The Parliament has enacted the Disaster Management Act, 2010 and the GOB has developed a National Disaster Management Policy. The Comprehensive Disaster Management Programme promotes active community involvement and the Cyclone Preparedness Programme helps mobilize around 42,000 community-based volunteers in the coastal areas in emergency situations. During 2009-12, 500 multi-purpose cyclone shelters have been built for emergency evacuation and early warning and forecast system has been strengthened through enhanced capacity building of meteorological and space research agencies. Necessary machinery and equipment have been purchased to further equip the Fire Service and Civil Defence to respond to fires, earthquakes and other disasters.

Social Safety Net Programmes (SSNP)

86. In FY 2012-13, the GOB allocated Tk. 2, 27, 505.5 million which is 2.18% of the estimated GDP and 11.87 percent of the budget. The present Government has significantly increased the number of beneficiaries for the old age, widows and destitute women allowances, freedom fighters' allowance and other SSNPs introduced during its first term. About 25.3 percent of all families in the country has been brought under the coverage of SSNP.

87. The GOB through the Palli Karma Shahayak Foundation (PKSF) has disbursed micro-finance loans to the tune of USD 2404.97 million up to June 2011 among 6,631,870 borrowers, out of which, 91.29 percent have been women. [Recommendation 30, 35]

Sharing of best practices

88. Bangladesh has been sharing its pro-people best practices, including home-grown methods of poverty reduction, education, healthcare and food security, with countries in comparable milieu. [Recommendation 35]

XII. Groups in need of special protection

Children

89. During 2009–12, the GOB has adopted the National Children Policy 2011, strengthening and incorporating the principles of non-discrimination, best interest of children, respecting children's opinions and ensuring children's participation for realization of child rights. The GOB is drafting a National Child Protection Policy and finalizing the Early Childhood and Care Development Policy. The National Children Act, 2012 remains at the last stage of finalization. The National Children Policy defines a 'child' as any person under the age of 18 years with a view to ensuring the rights of children in line with CRC [Recommendation 16].

90. For effective oversight of implementation of the National Children Policy, 2011, a provision for the appointment of an Ombudsman for children has been created [Recommendation 13]. As regards reservation to Article 21 of the CRC, the GOB is of the view that the purpose of the Article is served through existing domestic laws, particularly the Guardians and Wards Act, 1860.

91. The GOB has adopted the National Child Labour Elimination Policy (NCLEP), 2010. The NCLEP aims at, inter alia, withdrawing working children from different forms of occupations, especially

hazardous works and the worst forms of child labour by 2016. A National Plan of Action has already been formulated to implement NCLEP and the list of hazardous works has been finalized through the Tripartite Consultative Committee. [Recommendation 22] A Child Labour Unit (CLU) has been established in the Ministry of Labour and Employment (MOLE) to plan and monitor implementation of all child labour related interventions.

92. The Supreme Court passed judgment in Writ Petition No. 5684/2010 prohibiting all forms of punishment in all primary and secondary educational institutions. Accordingly, the GOB has prohibited, by issuing a circular, all forms of corporal punishment in all educational institutions. In Writ Petition No. 5916/2008, the Supreme Court has issued a guideline on protection of children from sexual harassments. [Recommendation 16, 21, 23]

93. The draft National Children Act addresses the issue of the minimum age for criminal responsibility to improve juvenile justice in line with CRC. Juveniles up to 18 years of age are kept in separate wards in prisons and are most often sent to juvenile development centres under supervision of the Department of Social Welfare. [Recommendation 16]. A programme for empowering boys and girls is being implemented in 7 divisional cities to bring about positive attitudinal changes towards adolescents.

Women

94. The present Government has demonstrated unwavering commitment to women's empowerment. In the National Parliament, 50 seats are reserved for women. Women can also contest and get elected in the remaining 300 seats. The Prime Minister, the Deputy Leader of Parliament, the Leader of Opposition and a number of ministers with important portfolios are women. In local government bodies, one third seats are reserved for women for direct election. [Recommendation 37]

95. The National Women Development Policy, 2011 aims at creating further enabling environment for women's empowerment and development and eliminating all forms of violence and discrimination against women. The Domestic Violence (Prevention and Protection) Act, 2010 contains strict legal provisions to protect women and children from all forms of domestic violence. The Control of Pornography Act, 2012 prohibits production, marketing and dissemination of all forms of pornographic items, with focus on protection of women and children. [Recommendation 23]

96. For women entrepreneurs, the GOB has extended collateral free credit for up to Tk. 2.5 million. The GOB has established a sales centre in the capital to promote direct market access for women entrepreneurs. The growing participation of women in the formal labour sector has significantly increased. The GOB has formed monitoring teams to ensure non-discrimination in wages, access to maternity benefit and implementation of gender-sensitive labour law provisions [Recommendation 13]. The GOB has extended maternity leave for all government employees up to six months with full pay [Recommendation 15]. The private sectors are encouraged to follow suit. During 2011-12, 101,200 working women, particularly lactating and pregnant women, received maternity allowances.

97. The Citizenship (Amendment), Act, 2009 ensures that Bangladeshi women married to foreigners can confer citizenship rights to their children. In 2010, the GOB made it mandatory to include mothers' identity in all documents related to children [Recommendation 15].

98. Withdrawal of reservation to Article 2 of CEDAW remains under active consideration of the Government and the implication of withdrawal of reservation to Article 16.1(c) is being examined further in consultation with all religious and ethnic groups [Recommendation 3].

Violence against women

99. The GOB gives priority to ensuring protection of women against violence. The MOWCA operates a Central Cell to ensure coordination of work on prevention of violence against women and children and extend necessary support to the victims of violence. The MOWCA now maintains a helpline (10921) to provide legal, medical, rehabilitation and counselling help to victims of violence.

100. One stop crisis centres in each of the 7 divisional cities for providing medical services, legal support, shelter, and rehabilitation of women victims of violence have been set up. A national trauma counselling centre has also been established for providing psycho-social counselling to such victims. The MoWCA provides skills development and legal assistance training to facilitate rehabilitation of victims of violence.

101. A 'Special Cell' comprising female police personnel has been set up at the Police Headquarters and four police stations to receive complaints and help women and children victims of violence. As per the directives of the Supreme Court, complaint committees have been set up in all government Ministries/ Divisions, educational institutions and other workplaces to receive and address allegations of sexual harassment against women. The MHA has set up an 'Acid Cases Monitoring Cell' for effectively monitoring progress of legal proceedings prosecuting acid attacks against women and girls. The GOB has created a special fund to assist victims of Acid attacks. In order to address the social evil of harassment of young women, particularly students, the GOB has inserted it as an offence in the Mobile Court Act, 2009 which provides for a summary trial procedure. The National DNA Profiling Laboratory provides services to victims of rape and other violent crimes. [Recommendation 15, 21]

102. In May 2011, the Appellate Division of SC passed a judgment declaring the imposition of Fatwas illegal for punishing any individual. The GOB has initiated review of the Early Marriage Restraint Act, 1929. The GOB has sent directives to all marriage registrars to make it a mandatory provision to consult Birth Registration Certificates and/ or National ID Cards for any girls or boys getting married on their own. Due to stringent enforcement of the Dowry Prohibition Act, 1980, cases of dowry are hard to come by. [Recommendation 15, 16] [Annex D]

Religious minorities

103. The 15th Amendment to the Constitution has restored Secularism as a fundamental principle and ensures equal status and equal right in the practice of Hindu, Buddhist, Christian and other religions. The main festivals of all religions are public holidays and are celebrated at State level. The GOB provides budgetary allocations for development of religious minority groups

through separate Religious Welfare Trusts for the Hindus, Buddhists and Christians. The present Government promotes the value of ‘Each unto his or her own religion, but Festivals are for All’. [Recommendation 29]

104. The Parliament has passed the Vested Property Return (Revised) Act, 2010 to specify time periods for preparation and dissemination of list of vested properties to be reinstated to Hindu community members. The Parliament has enacted the Hindu Marriage Registration Act, 2012 to provide legal safeguards to married Hindu women, including through marriage registration.

105. The incumbent Government set up a Judicial Probe Commission to investigate the incidents of assault, looting, rape, and arson committed against religious minorities following the 2001 Parliamentary elections. The GOB has already initiated legal proceedings to bring the perpetrators to justice as per findings of the Commission’s report. [Recommendation 17]

106. The GOB denounced in the strongest terms the attacks in November 2012 on Buddhist households and religious sites in Ramu in Cox’s Bazar District and its nearby areas. The Government immediately set up an inquiry committee, deployed extra security personnel in the area, arrested the perpetrators and took action against the negligent duty bearers. The GOB extended financial and other assistance to the affected families for their rehabilitation and took early steps to reconstruct religious sites destroyed during the attacks. As advocated by Prime Minister Sheikh Hasina, Inter-faith Committees have been formed at the local level to guard against recurrence of such crimes.

Ethnic minorities

107. The 15th amendment to the Constitution has inserted Article 23A that stipulates that the State shall undertake responsibility to protect and develop the unique local culture and tradition of tribal and ethnic communities. In follow-up, the GOB has enacted the Small Ethnic Groups Cultural Institutions Act, 2010 to preserve and promote the cultural heritage, language, religious practices and traditional lifestyle of all ethnic communities living in the hill districts and plain lands. Five percent quota is maintained for ethnic minority candidates for recruitment in the public sector. Again, 325 seats are reserved for ethnic minority students in higher educational institutions. The GOB has taken measures to provide primary education in mother tongues of various ethnic groups. In recognition of these initiatives, Prime Minister Sheikh Hasina has been awarded the ‘Cultural Diversity Medal’ by UNESCO in 2012.

108. Bangladesh is a State Party to the ILO Convention no. 107 on Indigenous and Tribal Populations. The GOB takes part in consultations on the ILO Convention no. 169 on Indigenous and Tribal Peoples 1989.

Implementation of CHT Accord

109. In order to establish peace, stability and development in the three hill districts, the Government of Prime Minister Sheikh Hasina, during its previous term, signed the CHT Accord 1997 with the Parbottyo Chottogram Jonosonghoti Shomity, representing all citizens of CHT. The present Government remains firmly committed to further accelerate the implementation of the

Accord. The CHT Accord Implementation Monitoring Committee has been reconstituted in 2009, with the Deputy Leader of the Parliament as Chair. The CHT Regional Council, three Hill District Councils and CHT Development Board are working in tandem to coordinate various development activities in CHT.

110. Till date, 48 out of the 72 clauses of the Accord have been implemented, while 15 have been partially implemented and 9 remain under process of implementation. Till date, two thirds (up to 23) of the departments out of the mandated 32 have been transferred to the three CHT District Councils. 238 army camps have already been withdrawn. The present Government has taken initiative to further review and amend the Land Commission Resolution Act, 2001 in consultation with the CHT Regional Council. Currently, the per capita development expenditure in CHT is two and a half times higher compared to national average. Since 1997, the CHT Affairs Ministry has received Tk. 16,470 million in the Annual Development Programme. 3,500 neighbourhood centres have been set up to provide education, healthcare and sanitation services, even in remote and difficult terrains. [Annex E on CHT Accord Implementation Status] [Recommendation 34].

Persons with disabilities

111. Prime Minister Sheikh Hasina has attached special priority to protection and care for persons with disabilities (PD), including children affected with Autism Spectrum Disorder and other developmental disorders and associated disabilities. The Government has conducted the National Disability Survey 2011 and, among other initiatives, established 35 specialized assistance and service centres during the last three years. The draft Protection of Rights of Persons with Disabilities Act, 2012 is expected to be adopted soon. So far, 13,000 disabled students have been trained and rehabilitated through 55 specialized schools. For the first time, 1 percent quota in all first class Government services has been reserved for the disabled. The GOB through the Department of Social Services has introduced an interest free loan up to Tk. 25,000 for self-employment of PDs. During 2009-12, 3 million poor disabled have been ensured pension and 20,000 disabled students given monthly stipend. Decision has been taken to construct a national complex to provide multi-pronged support to PDs. To support PDs in remote areas, a mobile therapy program has been introduced. [Recommendation 8]

112. The Government has initiated autism screening through all community clinics and developed a National Action Plan for Autism and developmental disabilities. The JPUF has introduced a special resource centre for Autism and is currently operating 48 schools for children with developmental disorders, including 7 inclusive schools. Bangladesh launched the first Global Autism Public Health Initiative and tabled the first ever UNGA Resolution on Autism and other developmental disorders in 2012, adopted by consensus.

Elderly persons

113. The present Government has given increased attention to the protection and welfare of elderly persons, especially the poor and destitute. Only in FY 2011-12, the GOB allocated Taka 89.10 million for old age allowances targeting 4.76 million beneficiaries (65 years and above). Priority is given to the physically and mentally challenged, homeless and landless, widows, divorcees and those abandoned by their families. 99.5% of the funds have been successfully disbursed among the beneficiaries. [Recommendation 30]

Rights of workers

114. The Government has prioritized for protection and well-being of workers in both formal and informal sectors. During 2009-12, the GOB has re-fixed wages of workers in 38 private industrial sectors. In particular, the minimum wage in ready-made garments (RMG) sector has been increased up to Taka 3,000 per month.

115. The Parliament has enacted the EPZ Labour Welfare Association and Industrial Relations Act, 2010 to ensure EPZ workers' well-being. According to Labour Act, 2006, there is no bar in setting up trade unions in RMG sector, and the Government remains committed to promoting trade union activities in the sector. Currently, there are around 136 registered trade unions in RMG industries.

116. The Government, in collaboration with ILO, has initiated implementation of the preparatory phase of the "Better Work Programme". A National Plan of Action has been developed under the Programme to promote freedom of association and collective bargaining in RMG sector. The National Industrial Health and Safety Council has drafted an Occupational Safety and Health Policy which remains at the final stage of approval. A tripartite Statement of Commitment on fire safety at workplaces has been signed recently. The Civil Defence and Fire Service is working closely with RMG sector for developing an integrated inspection guideline and providing fire safety training to factory managers.

Migrant workers

117. As a leading migrant worker origin country, the government has made protection of rights of migrant workers a policy priority during the last four years. Since 2009, the number of migrant workers employed abroad has doubled to 2.04 million with US \$48 billion in remittances contributing to socio-economic development. The Parliament has enacted the Expatriates Welfare Bank Act, 2010, whereby the Bank provides collateral free easy loan to aspirant migrant workers as well as expatriates and returnees for investment and self-employment.

118. The GOB is working with destination countries on reducing migration costs with particular emphasis on preventing exploitation, enhancing minimum wage levels and ensuring safe and decent working and living conditions of migrant workers abroad, particularly women. In 2012, the GOB instituted a Government-to-Government mechanism with Malaysia for legal migration of low-skilled workers with minimum wage and safe migration provisions. A Model Employment Contract with built-in enforcement mechanisms is being developed with certain Middle Eastern destination countries. Bangladesh Embassies abroad are providing welfare and legal aid services to migrant workers abroad. The Government has set up the first resource centre for aspirant women migrants to help them obtain proper information.

119. The GOB, in collaboration with UN agencies and IOM, is working at further mainstreaming migration in national development process. Bangladesh actively participates in the Global Forum on Migration and Development and is the current Chair of the Colombo Process, a regional forum of Asian major labour origin countries. Bangladesh will co-host with Switzerland a global

roundtable on population dynamics in the context of post-2015 development agenda in March 2013. [Recommendation 36, 38, 39, 41]

Socially marginalised groups

120. During 2009-12, the GOB has taken initiatives to protect various marginalized segments (Dalits, Harijans) of the population from discrimination and stigmatization. The Prime Minister's Office has instructed concerned authorities to reserve minimum 80% quota for their employment in special positions in Government, autonomous and private agencies and special quota in educational institutions. They have also been included in the SSNP and free housing scheme for vulnerable groups [Recommendation 18].

121. In FY 2012-13, the GOB has allocated Taka 167.5 millions to the Ministry of Social Welfare for promoting the well-being of the trans-gendered people [Recommendation 27], the gypsies and others. The GOB has sustained and focused HIV/ AIDS intervention programme for commercial sex workers, men who have sex with men and injecting drug users. The GOB is working with NGOs to sensitise the wider section of the populations about the rights of the socially marginalized groups.

Refugees

122. Bangladesh is not a party to the 1951 Refugee Convention and its 1967 Protocol, and yet been hosting refugees from Myanmar for the last three decades with full respect to the international protection regime. Under an agreement with UNHCR, the Government has been hosting approximately 29,000 refugees in two refugee camps in Cox's Bazar district with a total expenditure of US\$47.5 million per year. Earlier the Government, in close consultation with the Myanmar Government had achieved, with support from the UNHCR, voluntary repatriation of 250,000 refugees to Myanmar during 1991-2005. During 2009-12, the present government took a number of initiatives to deepen dialogue with the Myanmar government to arrange voluntary repatriation of the remaining refugees [Recommendation 18]. Owing to its socio-economic, environmental and demographic challenges, Bangladesh is constrained to accept any further influx of Rohingyas from Myanmar.

XIII. Structural challenges

123. As an LDC, Bangladesh is beset with certain structural challenges that pose persistent impediments to ensuring the full enjoyment of all human rights by all its people. Some of the key challenges include: poverty and income inequality; resource constraints; capacity deficit; gap between national priorities and donor policies; climate change impacts; socio-cultural mindset; lack of human rights awareness; inadequate protection of migrant workers; and legal enforcement gaps.

124. The Government will continue its unremitting efforts, in partnership with local NGO, CSOs and the international community, to overcome these challenges and progressively realize the human rights aspirations of its people, as enunciated in its Vision 2021.

XIV. Future pledges

125. In pursuance of its commitment to the UPR process, Bangladesh will:

- continue to enact national legislations to implement international human rights instruments to which it is a party;
- continue to cooperate with Special Procedures and mechanisms and consider extending invitations to Special Rapporteurs;
- continue to give particular attention to empowerment of women, children and other vulnerable sections of the population;
- further strengthen institutions that promote human rights, democracy, good governance and the rule of law;
- strengthen human rights training and awareness programmes for Parliamentarians, judges, civil servants, LEAs, lawyers and journalists;
- particularly promote realization of the right to development, as an inalienable right, and support ongoing efforts to further develop the concept and its operationalization;
- continue to pursue the issue of human rights and climate change at national and international levels;
- continue to fully involve NGOs, CSOs and private sector in the follow up to this UPR and in promoting human rights at all levels.

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Bangladesh ***

National human rights institution

NHRC : The National Human Rights Commission, Dhaka-Bangladesh.

Civil society

AI : Amnesty International, London, United Kingdom;

ARTICLE 19 : ARTICLE 19, London, United Kingdom;

AYGUSC : Association of Young Generation of Urdu Speaking community & Council of
Minorities, Bangladesh;

CHRI : Commonwealth Human Rights Initiative's, New Delhi-India;

CIVICUS : World Alliance for Citizen Participation, JHB, South Africa;

ERT : The Equal Rights Trust, London, UK;

GHRD : Global Human Rights Defence, The Hague, the Netherlands;

GIEACPC : Global Initiative to End All Corporal Punishment of Children, London, UK;

**The present document was not edited before being sent to United Nations translation services.*

HRW	: Human Rights Watch, Geneva, Switzerland;
ICJ	: International Commission of Jurists, Geneva-Switzerland;
JN	: Jumma Net, Tokyo, Japan;
JS1	: Kapaeeng Foundation, Coalition of Indigenous Peoples Organisations Dhaka- Bangladesh;
JS2	: Child Rights Governance Assembly (CRGA), a civil society advocacy network of 17 organizations;
JS3	: Band of Boys the Sexual Rights Initiative (SRI) and Creating Resources through Empowerment and Action (CREA) and Sexual Rights Initiative, New Delhi-India;
JS4	: Bangladesh National Woman Lawyers Association (BNWLA) &100 members in Coalition focusing on the woman and child rights issues, Dhaka, Bangladesh;
JS5	: Association of Young Generation of Urdu Speaking community (AYGUSC) and Council of minorities, Bangladesh;
JS6	: ODHIKAR, and Asian Legal Resource Centre (ALRC), Hongkong, China;
JS7	: International Dalit Solidarity Network (IDSN), Bangladesh Dalit and Excluded Rights Movement (BDERM), Bangladesh Dalit and Excluded Women Federation (BDEWF) and Nagorik Uddyog (Citizen's Initiative) Dhaka- Bangladesh;
JS8	: Oxfam GB in Bangladesh and Campaign for Sustainable Rural Livelihood (CSRL)-an alliance of 250 local-national-international development and civil society organizations-, Dhaka- Bangladesh;
JS9	: Action for Disability and Development International in collaboration with Disabled Peoples International and the International Disability Alliance, networks of organizations of persons with disabilities, Dhaka- Bangladesh;
JS10	: Human Rights Forum, a coalition of 19 human rights and development organizations, Bangladesh;
ODI	: Open Doors International, Harderwijk - The Netherlands;
RWB	: Reporters without Borders, Geneva, Switzerland;
UNPO	: Unrepresented Nations and Peoples Organizations, The Hague, Netherlands;
UBINIG	: Policy Research for Development Alternative, Dhaka- Bangladesh;
WV	: World Vision International, Châtelaine, Switzerland.

The present report is a summary of 27 stakeholders' submissions¹⁰ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

¹⁰The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

I. Information provided by other accredited national human rights institutions and other stakeholders

A. Background and framework

1. Scope of international obligations

1. ICJ recommended ratification of the ICCPR-OP 1, ICCPR-OP 2, OP-ICESCR and OP-CRC-IC.¹¹ ICJ, and JS6 recommended acceding to CPED and OP-CAT and removing its reservation to CAT.¹² HRW recommended ratification of OP-CAT and removing reservations to CEDAW.¹³ JS10 recommended ratification of the 1951 Refugee Convention, CPED, OP-CAT, ICCPR-OP 1, ICCPR-OP 2, OP-ICESCR, OP on Status of Refugees, ILO Conventions No.169 and 189, the withdrawal of reservations to CAT, CEDAW, CRC, ICCPR and ICESCR.¹⁴
2. ERT recommended ratifying and implementing the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.¹⁵
3. NHRC suggested withdrawing reservations to CEDAW and CRC. JS2, BNWLA and JS4 recommended withdrawing reservations to articles 14(1) and 21 of CRC.¹⁶
4. JS1 recommended to the government to declare its endorsement of the UN Declaration of the Rights of Indigenous Peoples without delay and to ratify ILO Convention No. 169.¹⁷

2. Constitutional and legislative framework

5. NHRC and JS2 suggested incorporating treaty obligations into domestic law.¹⁸ CHRI recommended strengthening its national human rights mechanisms and continuously upgrade its laws, policies and institutions in compliance with international standards.¹⁹ JS2 recommended finalizing amendments to the Children Act 1974 determining children's age as 18 years.²⁰
6. HRW called for repeal of all legal provisions that shield public officials from prosecution and punishment, and revising military laws particularly the Armed Police Battalion Act to ensure the jurisdiction of the civilian criminal justice system over members of the armed forces for violations of human rights.²¹
7. JS6 recommended criminalising torture by adopting the Torture and Custodial Death (Prohibition) Bill-2011 immediately.²² CIVICUS recommended amending the 15th constitutional

¹¹International Commission of Jurists (ICJ), P. 4.

¹²ODHIKAR AND Asian Legal Resource Centre (JS6), p.11.

¹³Human Rights Watch (HRW), p.5.

¹⁴Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p. 26.

¹⁵The Equal Rights Trust (ERT), p.7.

¹⁶National Human Rights Commission of Bangladesh (NHRC), p.2 and Child Rights Governance Assembly (CRGA), a civil society advocacy network of 17 organizations (JS2), p.3 and Bangladesh National Woman Lawyers' Association (BNWLA) and various Grass root level coalition members (JS4), p.10.

¹⁷Kapaeng Foundation and 16 other members of a Coalition of Indigenous Peoples Organisations (JS1), p. 11.

¹⁸National Human Rights Commission of Bangladesh (NHRC), p.2.

¹⁹Commonwealth Human Rights Initiative (CHRI), p. 4, 5.

²⁰Child Rights Governance Assembly (CRGA), a civil society advocacy network of 17 organizations (JS2), p.2, 5.

²¹Human Rights Watch (HRW), p.5.

²²ODHIKAR AND Asian Legal Resource Centre (JS6), p.11.

amendment and the draft Foreign Donations Regulation Act of 2011.²³

8. JS1 recommended the implementation of ILO Convention No. 107.²⁴

9. JS4 called on passing the draft Children Rights Bill of 2010 with necessary corrections and providing uniform legal definition for juveniles and “age” into all Laws relating to the rights of children. It also recommended reviewing and amending discriminatory personal laws to ensure gender equality.²⁵ HRW recommended the reform of personal laws to ensure equality during marriage, divorce or separation.²⁶

10. JS10 recommended giving constitutional recognition to the identity and integrity of Internally Displaced Persons and establishing a Land Commission for them and activating Chittagong Hill Tracts (CHT) Land Commission after amending relevant laws.²⁷

3. Institutional and human rights infrastructure and policy measures

11. The NHRC demanded additional resources and staff to strengthen its institutional functions, revise its Act, ensure its financial and administrative independence and allow it to investigate violations by law enforcement agencies. NHRC recommended operationalising the constitutional provisions for the establishment of an Ombudsman and called upon the government and opposition to fulfil its legislative, accountability and representative functions in this aspect,²⁸ JS1 and JS10 made similar recommendations on NHRC’s capacity and investigative powers.²⁹ JS2 noted with concern the predominance of the executive in the selection committee for the NHRC; and the Commission’s limited jurisdiction to investigate cases already pending before a Court, Ombudsman or Administrative Tribunal.³⁰

12. The NHRC and JS2 recommended taking necessary measures to establish a Children’s Ombudsman and to provide remedies and amend laws while ensuring effective law enforcement.³¹

13. ODI recommended developing programmes of human rights education in the official school curriculum, particularly to improve awareness in rural areas. It also recommended taking decisive steps against any act of religious intolerance and discrimination and/or harassment of religious minorities and women.³²

14. JS10 recommended adopting a plan of action to implement the National Women’s Policy,³³ while JS4 recommended creating an independent National Women’s Commission.³⁴

²³World Alliance for Citizen Participation (CIVICUS), p.7,8.

²⁴Kapaeeng Foundation and 16 other members of a Coalition of Indigenous Peoples Organisations (JS1), p. 11.

²⁵Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p. 10,11,16.

²⁶Human Rights Watch (HRW), p.5.

²⁷Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p. 22.

²⁸National Human Rights Commission of Bangladesh (NHRC), p.1.

²⁹Kapaeeng Foundation and 16 other members of a Coalition of Indigenous Peoples Organisations (JS1), p. 11 and Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p. 13.

³⁰Child Rights Governance Assembly (CRGA), a civil society advocacy network of 17 organizations (JS2), p.3.

³¹National Human Rights Commission of Bangladesh (NHRC), p.3. Child Rights Governance Assembly (CRGA), a civil society advocacy network of 17 organizations (JS2), p.5,6,7.

³²Open Doors International, (OD), p. 3.

³³Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p. 16.

³⁴Bangladesh National Woman Lawyers’ Association (BNWLA) and various Grass root level coalition members (JS4), p.1,5,6.

B. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

15. ICJ and JS8 noted the Government's lack of adherence to periodic reporting deadlines to treaty bodies with initial reports under the ICCPR and the ICESCR pending for a decade.³⁵ JS8 also recommended taking measures to implement recommendations of the ICESCR.³⁶

16. JS7 urged the government to comply with its reporting obligations to the Treaty Bodies, and to include information on Dalits and disaggregated data based on caste in its periodic reporting to the Treaty Bodies.³⁷

17. JS10 recommended the government submit its due reports to Treaty Bodies.³⁸

2. Cooperation with special procedures

18. CHRI, ICJ, JS10, and JS7 recommended issuing a standing invitation to the Special Procedures (SP). CHRI recommended clearing the backlog of previously and newly requested SP visits before Bangladesh's next UPR, to ensure that, in the future, all requests to visit Bangladesh by SP are responded to and accepted at the earliest.³⁹

19. ICJ and JS7 recommended accepting the requests of the Special Rapporteur (SR), on extrajudicial, summary or arbitrary executions, the SR on independence of judges and lawyers, the SR on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the SR on the human rights of internally displaced persons and the IE on minority issues to undertake official missions at the earliest possible opportunity.⁴⁰ JS1 reminded that the SR on the Rights of Indigenous Peoples has made a visit request, but no positive response has been given.⁴¹ Similar recommendations were made by CIVICUS and GHRD.⁴² GHRD recommended that the mission of the UN Special Rapporteur on Religious Freedom takes place before the elections in 2013.⁴³

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

20. NHRC while noting progress in respect of developing laws and policies in relation to women's rights, pointed that women continue to face discrimination in both the public sphere and their family life. NHRC noted that domestic and sexual violence and dowry continue despite being illegal. NHRC recommended implementing laws and policies to protect the rights of women.⁴⁴

21. JS4 noted that various forms of gender discrimination exist in society, workplace and

³⁵International Commission of Jurists (ICJ), P.3,4.

³⁶Oxfam and a national alliance (Campaign for Sustainable Rural Livelihood) in Bangladesh (JS8), p.10,11.

³⁷Bangladesh Dalit and Excluded Rights Movement, Bangladesh Dalit and Excluded Women Federation, Nagorik Uddyog (Citizen's Initiative) in association with the International Dalit Solidarity Network (JS7), p.4.

³⁸Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p. 26.

³⁹Commonwealth Human Rights Initiative (CHRI), p. 2 and Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p. 26.

⁴⁰International Commission of Jurists (ICJ), P.3,4.

⁴¹Kapaeeng Foundation and 16 other members of a Coalition of Indigenous Peoples Organisations (JS1), p. 2.

⁴²World Alliance for Citizen Participation (CIVICUS), p.7,8 and Global Human Rights Defence (GHRD), p.7.

⁴³Global Human Rights Defence (GHRD), p.7.

⁴⁴National Human Rights Commission of Bangladesh (NHRC), p.3.

educational institutions. Media continues to reinforce gender stereotypes and biases. It was concerned over the Citizenship Rules of 1978 and the Hindu Marriage Registration Act that does not make marriage registration mandatory, and no initiatives has been undertaken to enact the Directives on Sexual Harassment and in relation to equal rights to property for women in Muslim and Hindu Laws, as well as introducing divorce rights of Hindu women.⁴⁵

22. JS7 noted that despite constitutional guarantees, political, economic and social exclusion on the basis of caste is practiced. It noted that the worst affected are the Dalit women who suffer from multiple forms of discrimination, with more than 80% of Dalits experiencing discrimination in admission to school or equal treatment and legal protection when a crime is committed against them. Access to adequate housing and land remained another barrier, the majority is landless. JS7 called for enforcing the law and setting a comprehensive national action plan to eliminate discrimination.⁴⁶ JS10 recommended giving quotas for Dalits in public education, employment and housing, criminalize 'untouchability' and discriminatory practices.⁴⁷

2. Right to life, liberty and security of the person

23. AI reported that over 1,000 people are on death row. However, very few are likely to be pardoned or have their death sentence commuted. AI recommended building on the positive development of no executions in 2012 to immediately establish a moratorium on executions with a view to abolishing the death penalty, and ensure that all death sentences are commuted to terms of imprisonment.⁴⁸

24. NHRC informed that extrajudicial killing, disappearances and torture continue to be practiced, allegedly by law enforcement officials with impunity.⁴⁹ JS10 noted that despite a reported decline in numbers, extra judicial killings have continued with bodies of some victims bearing visible marks of torture.⁵⁰

25. HRW noted that despite commitments to bring to an end all extra-judicial executions by law enforcement agencies, and bringing officials responsible for such actions to justice, more than 200 people have been killed by the Rapid Action Battalion (RAB) since January 2009, many victims were executed while in the custody of RAB, and their bodies often carried marks indicating torture. In 2011 HRW documented RAB involvement in illegal detentions, killings, and torture of suspects in the 2009 mutiny by the Bangladesh Rifles border guards (BDR). Given the government's continued failure to reform RAB, HRW called for the force to be disbanded and to be replaced by a civilian force.⁵¹

26. AI reported that torture and other ill-treatment are widespread in Bangladesh and committed with virtual impunity by all security agencies - the police, the Rapid Action Battalion (RAB), and the army - acting alone or together. Rape in custody is common in Bangladesh. Victims usually decline to report the crime for fear they will not be taken seriously or of angering their attacker

⁴⁵ *Bangladesh National Woman Lawyers' Association (BNWLA) and various Grass root level coalition members (JS4), p.1,5,6.*

⁴⁶ *Bangladesh Dalit and Excluded Rights Movement, Bangladesh Dalit and Excluded Women Federation, Nagorik Uddyog (Citizen's Initiative) in association with the International Dalit Solidarity Network (JS7), p.3,4.*

⁴⁷ *Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p. 24.*

⁴⁸ *Amnesty International (AI), p. 2.*

⁴⁹ *National Human Rights Commission of Bangladesh (NHRC), p.5.*

⁵⁰ *Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p. 8.*

⁵¹ *Human Rights Watch (HRW), p.1.*

or having to face further harassment by the police.⁵²

27. JS10 noted that in May 2012, the total number of prisoners was about 72,000 against jail capacity of 30,630. Overcrowding, malnutrition, unhygienic conditions, and absence of medical care cause spread of contagious diseases. Physical and sexual abuse by prison staff is common. JS10 recommended ending custodial torture, and other human rights abuses of prisoners and detainees; promoting prison reforms including systematic monitoring of prisons, repealing the Special Powers Act, and other reforms as relevant⁵³

28. HRW noted that violence against women and girls including rape, dowry-related assaults, acid attacks and their discriminatory treatment under personal status laws persist. HRW noted that the implementation of related laws to those violations remains poor, and illegal punishments in the name of “fatwas” and sexual harassment continue.⁵⁴

29. GIEACPC noted that corporal punishment in schools is unlawful under the 2011 Supreme Court ruling, though explicit prohibition in legislation is yet to be enacted, however it is not prohibited at home, penal system and care settings. GIEACPC and WV noted that corporal punishment is also commonly ordered by traditional village mediation councils (shalish), particularly against girls and women. WV recommended strengthening and enforcing legal instruments to protect children from corporal punishment.⁵⁵ NHRC urged the government to adopt an action plan to end corporal punishment and child marriage.⁵⁶

30. NHRC highlighted the need to end the endemic practice of child labour. The vast majority of child workers are engaged in informal employment where occupational health and safety protections, wages, legal and social protection are either absent or inadequate.⁵⁷

3. Administration of justice, including impunity, and the rule of law

31. JS6 noted that the appointment of judges to the higher judiciary continued to be highly politicised. The judiciary does not enjoy independence and there is a serious lack of judicial competence. JS6 also noted that the present government deployed mobile courts under the Mobile Court Act, 2009 in the name of preventing ‘anarchy’ during general strikes. The mobile courts, which operate under the Executive arrested and sentenced people after summary trials.⁵⁸ ODI and JS6 recommended a reform to its dysfunctional criminal justice institutions and to ensure independence of judiciary.⁵⁹

32. ICJ recommended establishing an independent secretariat to work with the Independent Judicial Service Commission; implement the 2009 Supreme Court decision in Idrisur Rahman v Bangladesh; and amend Article 95 of the Constitution.⁶⁰

33. HRW reported concerns about mass trials, with as many as 800 accused being tried at one

⁵²Amnesty International (AI), p. 1, 2.

⁵³Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p. 9.

⁵⁴Human Rights Watch (HRW), p.4.

⁵⁵Global Initiative to End All Corporal Punishment of Children (GIEACPC), London, United Kingdom, p. 2,3 and World Vision (WV), p.2.

⁵⁶National Human Rights Commission of Bangladesh (NHRC), p.3.

⁵⁷National Human Rights Commission of Bangladesh (NHRC), p.3.

⁵⁸ODHIKAR AND Asian Legal Resource Centre (JS6), p.5,11.

⁵⁹Open Doors International, (OD), p. 3.

⁶⁰International Commission of Jurists (ICJ), P.2,4.

time, in one courtroom, and recommended halting of mass trials for accused in the 2009 BDR Mutiny.⁶¹

34. ICJ expressed concerned that the repeated granting of presidential pardons to persons convicted of serious crimes frustrated or interfered with the victims' rights to effective legal remedy and reparations.⁶²

35. NHRC supported action to bring all officials involved in extra-judicial killing and torture to justice.⁶³

36. CHRI recommended adopting measures to fight impunity and acts of torture and harassment of civilians, including those by law enforcement officials.⁶⁴ JS6 stated that RAB in practice operates above the law and is effectively immune from investigations. In the last four years there was no visible punishment against any RAB perpetrator allegedly involved in matters of extrajudicial killings, enforced disappearance, illegal detention and torture.⁶⁵ HRW recommended establishing an independent investigative and prosecutorial task force to rigorously investigate and, where appropriate, prosecute all allegations of unlawful deaths, torture, and mistreatment of suspects in the 2009 mutiny; and ensure that all human rights violations committed by members of the security forces, including RAB, are promptly and thoroughly investigated and prosecuted.⁶⁶

37. NHRC suggested that the new Children Act 2012 define a child as a person under 18 years of age and that the minimum age of criminal responsibility be raised from 9 to 12 years.⁶⁷

38. The NHRC welcomed the establishment of the International Crimes Tribunal Bangladesh (ICTB) in 2010. They noted that it is important for bringing those responsible for crimes against humanity during the Liberation War of 1971 to justice and for ending the culture of impunity following those crimes.⁶⁸ HRW noted that the trial process fails to meet international fair trial standards, although amendments were made to the ICT Act in mid-2011 to address some of these shortcomings, and recommended amending the ICT Act to ensure that the definitions of the enumerated crimes conform to international standards.⁶⁹ AI viewed the setting as a historic opportunity the potential to end more than 40 years of impunity for the mass-scale human rights violations. It noted that the shortcomings in the conduct of these trials including a constitutional ban on the right of defence to challenge the jurisdiction of the Tribunal. AI recommended the government to ensure that all perpetrators are brought to justice regardless of what party they supported or what political affiliation they had at that time; and to ensure that the constitutional bar against challenging the jurisdiction of the Bangladeshi court, International Crimes Tribunal, is removed.⁷⁰

⁶¹Human Rights Watch (HRW), p.3.

⁶²International Commission of Jurists (ICJ), P.2,4.

⁶³National Human Rights Commission of Bangladesh (NHRC), p.2.

⁶⁴Commonwealth Human Rights Initiative (CHRI), p. 4.

⁶⁵ODHIKAR AND Asian Legal Resource Centre (JS6), p.7.

⁶⁶Human Rights Watch (HRW), p.5.

⁶⁷National Human Rights Commission of Bangladesh (NHRC), p.3.

⁶⁸National Human Rights Commission of Bangladesh (NHRC), p.4.

⁶⁹Human Rights Watch (HRW), p.3.

⁷⁰Amnesty International (AI), p. 3,4.

4. Right to privacy, marriage and family life

39. JS2 noted the directives banning sexual harassment, and strengthening control of birth certificates and/or national ID cards during marriage registration to prevent early marriages, however expressed concern about the poor implementation of these directives.⁷¹

40. JS3, JS10, GHRD and CHRI recommended repealing Article 377 of the Penal Code, which criminalizes sexuality against the 'order of nature' and "decriminalize same-sex activity between consenting adults" and adopt further measures to promote tolerance in this regard. JS3 and JS10 noted that gender and sexual minorities lack legal recognition and protection and face social marginalization and recommended to acknowledge and accept the existence of the sexual and gender minorities.⁷²

41. GHRD recommended amending the Penal Code, Section 375, so that the crime of rape is defined as gender neutral.⁷³

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

42. CIVICUS recorded between January and September 2012, 78 instances of the imposition of Section 144 of the Criminal Procedure Code, which prohibits assembly of five or more persons and the holding of public meetings. A ban on student protests in certain areas of Dhaka, issued by the Dhaka Metropolitan Police in 2010 citing traffic concerns, remained in effect throughout 2011. The government is currently championing a new law to restrict the ability of civil society groups to access funding from international sources which drastically enhances the discretionary powers of the NGO Affairs Bureau. HRW raised similar concerns.⁷⁴

43. JS6 noted that, the climate in which human rights defenders work remains extremely difficult.⁷⁵ CIVICUS, JS10 and Article 19 noted concerns involving harassment, threats and attacks against civil society activists and human rights defenders, as well as allegations of torture and disappearance of local journalists, opposition members and political activists.⁷⁶

44. RWB noted that although the constitution guarantees media freedoms, a series of draconian laws enable the government to control the media.⁷⁷ CIVICUS and RWB considered RAB responsible for acts of intimidation against journalists.⁷⁸ AI noted that journalists who write about corruption, judicial irregularities, and human rights violations, including extrajudicial executions, rape in custody, and other gender-based violence, are particularly at risk of being harassed by police or security agencies, detained on politically motivated charges and tortured or otherwise ill-treated. AI recommended the government ensure that all journalists and editors

⁷¹ Child Rights Governance Assembly (CRGA), a civil society advocacy network of 17 organizations (JS2), p. 4.

⁷² Commonwealth Human Rights Initiative (CHRI), p. 6 and Boys of Bangladesh, Creating Resources through Empowerment and Action, Sexual Rights Initiative (JS3), p. 3, 8, 9.

⁷³ Global Human Rights Defence (GHRD), p.8.

⁷⁴ Human Rights Watch (HRW), p.2.

⁷⁵ ODHIKAR AND Asian Legal Resource Centre (JS6), p.7,8.

⁷⁶ World Alliance for Citizen Participation (CIVICUS), p.1,2, Article 19, p. 1 and Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p.15.

⁷⁷ Reporters without Borders, (RWB), p.1,6.

⁷⁸ World Alliance for Citizen Participation (CIVICUS), p.7,8.

are free to express their views and opinion peacefully without fear.⁷⁹

45. JS6, JS10 and Article 19 reported that during the period under review, 11 journalists have been killed, 240 threatened, 188 assaulted, 497 injured, five arrested, three were kidnapped, 75 attacked and 80 sued,⁸⁰ Article 19 observed that only three perpetrators have been tried and only one convicted.⁸¹ CIVICUS noted that in 2011, there was an increase in security forces and members of the ruling party harassing, arresting or assaulting journalists perceived to be critical of the government and/or aligned with the opposition.⁸² RWB called upon the authorities and judiciary to react quickly and to take measures to stop violence and harassment, and to comply with the obligation to protect freedom of information and release all journalists and citizens currently held in detention.⁸³ CIVICUS and Article 19 recommended that an impartial and effective investigation into all cases of attack, harassment, intimidation and disappearance of civil society activists and journalists should be conducted and perpetrators should be brought to justice.⁸⁴

46. Article 19 urged the upholding of freedom expression and opinion on the Internet and removal of any provisions that fail to comply with international standards.⁸⁵

47. JS10 noted that the 1974 Special Powers Act, Anti-Terrorism Act 2009, and Section 54 of the Code of Criminal Procedure were used to detain trade union activists. The government cancelled many NGO registrations without a transparent process. JS10 noted that although the media enjoys relatively more freedom there have been cases of bans on publication of newspapers and TV stations, restrictions on TV talk show programmes, control over the Internet, including the social media and disruptions to transmission of broadcast of rallies organized by the opposition.⁸⁶

48. JS6 reported that the law-enforcing agents are routinely used to arrest and detain political dissidents in a large scale prior to any political programmes announced by the opposition parties. According to Odhikar's documentation, 764 persons were killed and 55,906 were injured in political violence under the current government.⁸⁷

6. Right to work and to just and favourable conditions of work

49. JS10 and HRW noted that in 2010-2011 labour unrest in the Ready –Made Garments sector continued over wages and work conditions.⁸⁸ HRW reported that workers regularly face poor working conditions, low wages, and excessive hours, recommended taking immediate and sustained action to enforce compliance with provisions of the Labour Act (2006).⁸⁹

⁷⁹Amnesty International (AI), p. 4.

⁸⁰ODHIKAR AND Asian Legal Resource Centre (JS6), p.7 and Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p.10-12.

⁸¹Article 19, p. 1.

⁸²World Alliance for Citizen Participation (CIVICUS), p.5.

⁸³Reporters without Borders, (RWB), p.1,6.

⁸⁴World Alliance for Citizen Participation (CIVICUS), p.7,8.

⁸⁵Article 19, p. 4.

⁸⁶Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p.10-12.

⁸⁷ODHIKAR AND Asian Legal Resource Centre (JS6), p.8,9.

⁸⁸Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p.10, 18.

⁸⁹Human Rights Watch (HRW), p.2.

50. JS4 and JS10 noted that about 80 percent of all workers are in the informal sector, unprotected by law, and face abuse, discrimination, do not get regular work, are paid low wages, and work long hours. Rights of Domestic and agricultural Workers are not included into the present Labor Law of 2006 and limits are placed upon union participation in factories.⁹⁰ JS10 recommended adoption of Domestic Workers' Welfare Policy, inclusion of informal workers within Labour Laws, and effective enforcement.⁹¹

7. Right to social security and to an adequate standard of living

51. JS8 noted that despite Bangladesh's firm commitment to create provisions for food for its citizens, the state of food security is still not satisfactory.⁹² It recommended adopting a legal framework on right to food and revisions to the National Agriculture Policy; updating and implementing the land use policy and adoption of a unified policy on a right based Social Safety Net or Social Protection programs.⁹³ JS8 noted that investment in agriculture is found to be falling much shorter than the needs.⁹⁴

52. JS10 recommended adopting a national Social Safety Net Policy providing at least 3% of GDP for basic social security schemes and strengthen distribution and coordination to ensure openness, equity and accountability.⁹⁵

53. UBINIG recommended that legal provisions should be created through enactment of appropriate laws and regulations to ensure people's right to have access to adequate, safe and nutritious food.⁹⁶

54. JS10 noted that no plans have been adopted for adequate shelter for the 2.3 to 3 million slum dwellers in the capital city. Despite High Court guidelines for prior rehabilitation/ resettlement of slum dwellers, forced evictions have continued.⁹⁷

8. Rights to health

55. WV noted that the prevalence of malnutrition in Bangladesh is still among the highest in the world. On an average, about 3.2 per cent of GDP is spent on health, population and nutrition (HPN) sector, of which about one per cent of GDP is allocated by the public sector. WV recommended increasing budget for child health and nutrition services, particularly for the poor and excluded.⁹⁸

56. JS2 reported that more than 22 per cent of the infants born annually (2006 to 2010) have low birth weight; about 36 per cent of children under-five are stunted; and 46 per cent of them are underweight. Health improvements have not yet reached the most vulnerable children. JS2

⁹⁰Bangladesh National Woman Lawyers' Association (BNWLA) and various Grass root level coalition members (JS4), p.9. Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p.10-12,19.

⁹¹Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p.10-12,19.

⁹²Oxfam and a national alliance (Campaign for Sustainable Rural Livelihood) in Bangladesh (JS8), p.3.

⁹³Oxfam and a national alliance (Campaign for Sustainable Rural Livelihood) in Bangladesh (JS8), p.10,11.

⁹⁴Oxfam and a national alliance (Campaign for Sustainable Rural Livelihood) in Bangladesh (JS8), p.4, 6.

⁹⁵Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p.4.

⁹⁶UBINIG, p.5.

⁹⁷Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p.5.

⁹⁸World Vision (WV), p. 2-5.

recommended increasing access to free primary health services.⁹⁹

57. JS10 noted that maternal and child mortality rates have been considerably reduced, although the former remains high. However, general health services remain largely inaccessible. Health related laws, regulations and policy are not uniformly enforced. Misuse, mismanagement and corruption pervade the health system. Health facilities, and public awareness of them, are limited, especially in rural areas. Reproductive health services are inadequately addressed. Its recommendations included widening community based health services, ensuring accountability in such services and rural health complexes.¹⁰⁰

9. Right to education

58. JS2 noted that Bangladesh has made significant progress towards MDG 2 and Education for All in terms of gender parity and enrolment in primary education. There is no constitutional obligation to fulfil citizen's demand of education. JS2 recommended formulating an Integrated Education Act by 2013 under which the right to primary education would be ensured and amendment of the Compulsory Primary Education Act 1990.¹⁰¹

59. JS10 noted that a report on Primary Education in Bangladesh issued by Bangladesh Bureau of Education Information and Statistics and Bangladesh Ministry of Women and Children Affairs, that the majority of children living in isolated rural communities, or homeless, or from marginalized communities lack proper access to education. Primary education is not recognized as a right in the draft education law. It recommended the enactment of a law on right to education to ensure universal access including incentives for poorer families to send children to school and to develop adequate educational infrastructure and human resources.¹⁰²

10. Cultural rights

60. NHRC noted progress on the implementation of the CHT Accord (1997) in the reporting period. Bangladesh adopted the Small Ethnic Cultural Institutions Act 2010.¹⁰³

61. JS1 noted that the Small Ethnic Cultural Institutions Act 2010, passed without consulting indigenous peoples, and recognized only 27 out of more than 54 "small ethnic groups" thus excluding them from the 2011 population census and development facilities provided by the Special Affairs Division which looks after the welfare of indigenous peoples in the plains.¹⁰⁴

11. Persons with disabilities

62. JS9 noted that there is no law specifically on the rights of persons with disabilities and recommended the Government to ensure the accessibility of government and public buildings, infrastructure, roads, transportation, and access to information in line with CRPD and the new Building Code of 2008. It also recommended that all laws, including labor laws, contract laws, and employment laws be revised and amended to ensure non-discrimination against persons with disabilities in employment and education. Reserved seats for persons with disabilities

⁹⁹ Child Rights Governance Assembly (CRGA), a civil society advocacy network of 17 organizations (JS2), p.7,8.

¹⁰⁰ Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p.3,4, 5.

¹⁰¹ Child Rights Governance Assembly (CRGA), a civil society advocacy network of 17 organizations (JS2), p.7,8.

¹⁰² Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p.5.

¹⁰³ National Human Rights Commission of Bangladesh (NHRC), p.4.

¹⁰⁴ Kapaeeng Foundation and 16 other members of a Coalition of Indigenous Peoples Organisations (JS1), p. 7.

should be provided in all the elective bodies in the national election commissions; and steps taken to ensure that all persons with disabilities can participate in elections.¹⁰⁵

63. JS9 noted that indigenous persons with disabilities face financial problems, preventing them from starting a business, and there is a lack of development training. Poverty and unemployment are major issues for indigenous persons with disabilities. JS9 recommended providing health services including specific services for persons with disabilities, disability workers and rehabilitation clinics, access to education, accessible transportation, increase income support and make available business loans for persons with disabilities, and make sign language education available for deaf persons with disabilities¹⁰⁶

12. Minorities and indigenous peoples

64. JS1 noted continuing human rights violations by state and non-state actors have been perpetrated on the indigenous population. These include rape and sexual assault against women and children, killings, arson, grabbing of lands, unlawful arrest and torture, and structural forms of discrimination based upon ethnicity, religious affiliation and gender.¹⁰⁷

65. GHRD acknowledged that some legal and administrative improvements with regard to the Hindu minority have been made.¹⁰⁸ However, GHRD investigated in 2011- 2012 numerous large scale and organised attacks against Hindu and Buddhist (including indigenous) villages, involving assault, arson, looting, destruction of temples and sexual assault of women. The attacks were often fuelled by extremist propaganda and hate speeches. There were allegations of involvement by politicians and frequently, the police stood passively or acted wrongly.¹⁰⁹

66. Violence against the Jumma in the CHT escalated steadily in 2011/2012. Indigenous peoples continue to be dispossessed of their ancestral lands by Bengali settlers, with law enforcement agencies protecting the settlers.

67. GHRD recommended giving constitutional recognition to the indigenous peoples and to closely monitor implementation of the Vested Property Return Act, and enact the Hindu Marriage Registration Bill; dismantle all temporary military camps in the CHT and demilitarise the region; and conduct independent judicial investigations into human rights violations.¹¹⁰

68. JS10 recommended amending Art 6(2) of the Constitution to recognize minorities and to ensure reintegration and rehabilitation of Urdu-speaking minorities with dignity.¹¹¹

69. AYGUSC&CM noted that Bihari camp dwellers are not treated as linguist minority and recommended that the word “language” should be incorporated in Article 28 of the Constitution; the Government should stop eviction of Bihari Camps and provide them quota in education and public services.¹¹² JS5 reported that, due to poverty and state discrimination,

¹⁰⁵*Action for Disability and Development International office in collaboration with Disabled Peoples International and the International Disability Alliance and others (JS9), p. 1-6,7.*

¹⁰⁶*Action for Disability and Development International office in collaboration with Disabled Peoples International and the International Disability Alliance and others (JS9), p.7.*

¹⁰⁷*Kapaeeng Foundation and 16 other members of a Coalition of Indigenous Peoples Organisations (JS1), p. 5.*

¹⁰⁸*Global Human Rights Defence (GHRD), p.1.*

¹⁰⁹*Global Human Rights Defence (GHRD), p.7.*

¹¹⁰*Global Human Rights Defence (GHRD), p.7.*

¹¹¹*Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p.25.*

¹¹²*Association of Young Generation of Urdu Speaking Community & Council of Minorities (AYGUSC&CM), p.1-6.*

Bihari camp dwellers don't have access to education, health care and economic development. JS5 considered that water and sanitation issues are one of the problems for every camp.¹¹³ JS5 reported that Bihari are Bangladeshi according to the citizenship law as well as Constitution of Bangladesh and several court verdicts. Due to their camp address and undefined status and wider discrimination in the job market, equal access to employment remains a prime concern. Although no formal restriction prevents access to government schools, camp addresses do cause problems for 'Bihari' children seeking admission, although this appears to be changing. There are no quota for the Bihari for education and public jobs like other minorities and indigenous people. The Government and the civil society should refrain from calling the Bihari community as non-locals, non-Bengalis or stranded Pakistanis. They should be encouraged to study in their mother tongue along with Bangla.¹¹⁴

70. JS8 and UNPO recommended taking appropriate legal and administrative steps and policies to ensure land rights of the indigenous people while recognizing their traditional rights to land or other forest areas.¹¹⁵ AI recommended the government to ensure that there is an effective mechanism in place to address land disputes between Indigenous Peoples and Bengali settlers.¹¹⁶ UNPO recommended the withdrawal of the army from the region and prosecuting military officials while taking measures to bring to justice the perpetrators accused of committing crimes against the local people by forced evictions, attacks, murder, and rape. UNPO urged Bangladesh authorities to consider respecting the freedom of expression, speech, and peaceful assembly of the Jumma people, especially that of human rights defenders and formally endorse and ratify the United Nations Declaration on the Rights of Indigenous Peoples.¹¹⁷ JN noted the UPR recommendation 17, 21 and 35 concerning indigenous Jumma peoples of CHT, and recommended among others to announce a time-bound roadmap for full implementation of the CHT accord during the tenure of the present government and to end the culture of impunity regarding official complicity with rape, religious persecution and other human rights violations.¹¹⁸

13. Migrants, refugees and asylum-seekers

71. HRW highlighted concerns with the government's response in 2012 to the influx of Rohingya refugees fleeing sectarian violence in Arakan state in Myanmar, including pushing Rohingyas back at the border, regardless of the risk to them on return to Arakan state, and denying critical humanitarian assistance to the long-term Rohingya population in a bid to deter other refugees from entering.¹¹⁹

72. ERT noted that there are currently approximately 29,000 registered Rohingya refugees and more than 300,000 unregistered persons of concern without adequate protection. ERT recommended calling on Bangladesh to respect, protect and fulfil the human rights of stateless Rohingya persons subject to its jurisdiction and to refrain from refoulement or

¹¹³Association of Young Generation of Urdu Speaking Community & Council of Minorities (JS5), p. 2,3.

¹¹⁴Association of Young Generation of Urdu Speaking Community & Council of Minorities (JS5), p. 3-6.

¹¹⁵Oxfam and a national alliance (Campaign for Sustainable Rural Livelihood) in Bangladesh (JS8), p.10,11.

¹¹⁶Amnesty International (AI), p. 2.

¹¹⁷Unrepresented Nations and Peoples Organization (UNPO), p.5.

¹¹⁸Jumma Net (JN), p. 1-3, 6.

¹¹⁹Human Rights Watch (HRW), p.3.

forcible return of all refugees, asylum seekers and persons of concern.¹²⁰ ERT raised concerns, particularly their treatment, lack of access to a regularised status, security of the person and protection and susceptibility to arbitrary detention and labour exploitation and especially lack of access to protection and humanitarian aid for those arrived since the June 2012 violence in Myanmar.¹²¹

14. Right to development and environmental issues

73. NHRC reported that corruption is a major impediment to development and the realisation of human rights and undermines effective policy and legislative settings. Effective policy and legislative settings are undermined by ineffective and corrupt implementation. Corruption impedes access to government services and therefore can be a significant impediment to the realisation of ESC rights especially where services particularly targeted at vulnerable groups. Tackling corruption would allow proper implementation of birth registration, health care, and education.¹²²

74. HRW found that local residents, including poor families living in Hazaribagh slums in Dhaka (one of the most polluted urban sites in the world), complain of a variety of health problems. HRW recommended taking immediate and sustained action to enforce compliance by all tanneries in Hazaribagh with provisions of the Labour Act (2006), Bangladeshi environmental and labor law. HRW also recommended closing tanneries operating without an environmental clearance certificate and in full compliance with environmental and labor law.¹²³

15. Human rights and counter-terrorism

75. JS6 noted that the present government approved the Anti-Terrorism Bill on February 19, 2009, without any public consultation. On February 16, 2012, the Parliament of Bangladesh adopted the amendment of the Bill which widened the scope of sanctions by approving the death penalty as the maximum penalty for financing terrorist activities. The vague definition of 'terrorist activities' provided under the ATA is open to abuse, and documentation shows it is being used to repress political opponents, journalists and other dissenting voices.¹²⁴

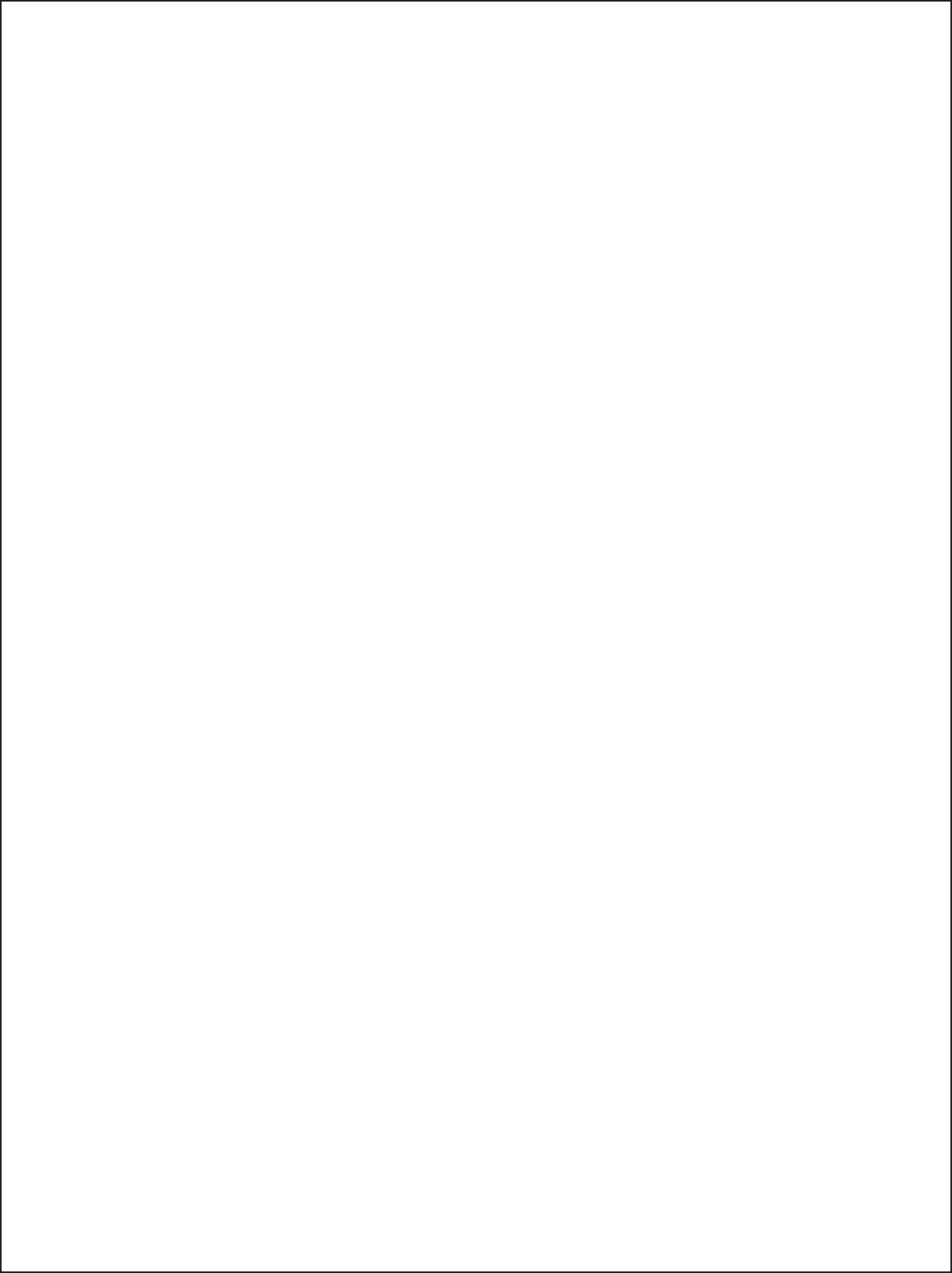
¹²⁰*The Equal Rights Trust (ERT), p.7.*

¹²¹*The Equal Rights Trust (ERT), p.1.*

¹²²*National Human Rights Commission of Bangladesh (NHRC), p.2.*

¹²³*Human Rights Watch (HRW), p.4.*

¹²⁴*ODHIKAR AND Asian Legal Resource Centre (JS6), p.3.*



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in accordance with paragraph 5 of the annex to Human Rights Council
resolution 16/21**

Bangladesh

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

I. Background and framework

A. Scope of international obligations¹

International human rights treaties²

	Status during previous cycle	Action after review	Not ratified/not accepted
Ratification, accession or succession	ICERD (1979) ICESCR (1998) ICCPR (2000) CEDAW (1984) CAT (1998) CRC (1990) OP-CRC-AC (2000) OP-CRC-SC (2000)	ICRMW (2011) CRPD (2007)	ICCPR-OP 2 OP-CAT CPED

¹Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Bangladesh from the previous cycle (A/HRC/WG.6/2/BDG/2). abar naki quotation invite korte hobe?

²The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

Reservations, declarations and/or understandings	<p>ICESCR (Declaration, arts. 1, 2, 3, 7, 8, 10, 13, 1998)</p> <p>ICCPR (Reservation, arts. 14.3(d); declaration, art. 10.3, 11, 14.3(d) and 14.6, 2000)</p> <p>CEDAW (Reservation, arts. 2, 13(a) and 16.1(c) and (f); withdrawal of reservation, arts. 13(a) and 16(1)(f), 1997)</p> <p>OP-CEDAW (Reservation, arts. 8 and 9, 2000)</p> <p>CAT (Reservation, art. 14.1, 1998)</p> <p>CRC (Reservation, arts. 14.1 and 21, 1990)</p>		
Complaint procedures, inquiry and urgent action ³	CAT, art. 20 (1998)	OP-CRPD, art. 6 (2008)	<p>ICERD, art. 14</p> <p>OP-ICESCR</p> <p>ICCPR, art. 41</p> <p>ICCPR-OP 1</p> <p>OP-CEDAW, art. 8</p> <p>OP-CRC-IC</p> <p>CAT, arts. 21 and 22</p> <p>ICRMW, arts. 76 and 77</p> <p>CPED</p>

Other main relevant international instruments

Status during previous cycle	Action after review	Not ratified
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³Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.

Ratification, accession or succession	Convention on the Prevention and Punishment of the Crime of Genocide Geneva Conventions of 12 August 1949 and Additional Protocols I and II ⁴ ILO fundamental conventions, except No. 138 ⁵	Palermo Protocol ⁶ Rome Statute of the International Criminal Court	Conventions on refugees and stateless persons ⁷ Additional Protocol III to the 1949 Geneva Conventions ⁸ UNESCO Convention against Discrimination in Education ILO Conventions Nos. 169 and 189 ⁹ ILO Convention No. 138
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⁴Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁵International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁶Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁷1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁸Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III).

⁹International Labour Organization Conventions No.169 concerning Indigenous and Tribal Peoples in Independent Countries and No.189 concerning Decent Work for Domestic Workers.

1. In 2009 and in 2011, the Committee on the Rights of the Child (CRC)¹⁰ and the Committee on the Elimination of Discrimination against Women (CEDAW),¹¹ respectively, welcomed the ratification of CRPD and OP-CRPD.
2. CRC urged Bangladesh to ratify ICRMW, ICERD, OP-CAT, OP-ICESCR and OP-ICCPR.¹² CEDAW urged the ratification of ICRMW and ICERD.¹³ The Special Rapporteur on extreme poverty and human rights reiterated her recommendation that Bangladesh ratify OP-ICESCR.¹⁴
3. CEDAW¹⁵, CRC¹⁶ and UNHCR urged Bangladesh to consider ratifying Refugee Conventions 1951 and 1967¹⁷ and consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.¹⁸
4. CRC urged Bangladesh to consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.¹⁹
5. CRC and the Independent Expert on human rights and extreme poverty urged Bangladesh to consider ratifying the ILO Convention No. 138 concerning Minimum Age for Admission to Employment.²⁰
6. CRC appreciated that Bangladesh has reviewed its reservations to articles 14.1 and 21 of the Convention, and urged it to accelerate this process.²¹ UNICEF recommended accession to CRC-OP-IC and withdrawal of reservations to articles 14 (1) and 21 of CRC, as UNICEF considers that adoption does not contradict religious law.²²
7. CEDAW welcomed Bangladesh's willingness to consider withdrawing its reservations to articles 2 and 16.1(c) of the Convention.²³
8. UNESCO called on Bangladesh to ratify the 1960 Convention against Discrimination in Education.²⁴

B. Constitutional and legislative framework

9. CEDAW urged Bangladesh to pursue its law review process with the view to harmonizing its domestic legislation with its obligations under the Convention within a clear time frame, and enhance its law reform through partnership and collaboration with religious leaders, lawyers and

¹⁰CRC/C/BDG/CO/4, para. 5.

¹¹CEDAW/C/BGD/CO/7, para. 6.

¹²CRC/C/BDG/CO/4, para. 96.

¹³CEDAW/C/BGD/CO/7, para. 43.

¹⁴A/HRC/20/25, para. 64.

¹⁵CEDAW/C/BGD/CO/7, para. 38.

¹⁶CRC/C/BDG/CO/4, para. 79.

¹⁷UNHCR submission to the UPR on Bangladesh, p. 3.

¹⁸*Ibid.*, p. 5.

¹⁹CRC/C/BDG/CO/4, para. 89.

²⁰*Ibid.*, para. 83 and A/HRC/15/55, para. 126(d).

²¹*Ibid.*, paras. 10-11.

²²UNICEF submission to the UPR on Bangladesh, p. 1.

²³CEDAW/C/BGD/CO/7, para. 11.

²⁴UNESCO submission to the UPR on Bangladesh, p. 9.

civil society organizations including women’s non-governmental organizations.²⁵

10. UNICEF noted that a draft Pornography Control Act has been approved by the Cabinet and is awaiting Parliamentary deliberation and enactment; it urged Bangladesh to expedite the enactment.²⁶

11. CRC urged Bangladesh to define and incorporate the principle of best interests of the child into national legislation.²⁷

12. CRC urged Bangladesh to incorporate the Convention on the Rights of the Child into domestic legislation; revise the 1974 Children’s Act²⁸ and define the child as any person below 18 years old.²⁹

C. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions³⁰

National human rights institution	Status during previous cycle	Status during present cycle ³¹
National Human Rights Commission of Bangladesh	N/A	B (May 2011)

13. CRC urged Bangladesh to ensure the independence of the NHRC and provide it with resources and capacity to address child rights issues; establish the Children’s Ombudsman to deal with complaints of violations of children’s rights and to provide remedies for such violations; and ensure that complaints mechanisms are easily accessible and child-sensitive.³²

14. CRC urged Bangladesh to consider enhancing the capacities of the Ministry of Women and Children’s Affairs through the provision of human and financial resources and to clarify the roles and mandates of the National Council for Women and Child Development (NCWCD).³³

15. UNICEF noted positive developments through the adoption of the 2011 National Child Development Policy, the 2010 National Child Labour Elimination Policy, the National Education Policy, and the establishment of the Child Rights Committee under the NHRC and recommended the revision of the draft law on the establishment of the Children’s Ombudsperson to provide independent and child-specific monitoring of the implementation of the CRC.³⁴

²⁵ CEDAW/C/BGD/CO/7, para. 16.

²⁶ UNICEF submission to the UPR on Bangladesh, p. 1.

²⁷ CRC/C/BDG/CO/4, para. 35.

²⁸ *Ibid.*, para. 13.

²⁹ *Ibid.*, para. 31.

³⁰ According to article 5 of the rules of procedure for the International Coordination Committee (ICC) Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination); C: No Status (not in compliance with the Paris Principles).

³¹ For the list of national human rights institutions with accreditation status granted by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/20/10, annex.

³² CRC/C/BDG/CO/4, para. 19.

³³ *Ibid.*, para. 15.

³⁴ UNICEF submission to the UPR on Bangladesh, p. 1.

16. The Special Rapporteur on extreme poverty noted that no progress has been made on the appointment of an Ombudsman in accordance with the Constitution.³⁵

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies³⁶

1. Reporting status

Treaty body	Concluding observations included in previous review	Latest report submitted since previous review	Latest concluding observations	Reporting status
CERD	March 2001	–	–	Twelfth to fourteenth reports overdue since 2006
CESCR	–	–	–	Initial and second reports overdue since 2000 and 2005, respectively
HR Committee	–	–	–	Initial report overdue since 2002
CEDAW	July 2004	2010	January 2011	Eighth report due in 2015
CAT	–	–	–	First to fourth reports overdue since 1999, 2003, 2007 and 2011, respectively
CRC	October 2003 January 2006 June 2007	2007	June 2009	Fifth report due in 2012
CRPD	–	–	–	Initial report overdue since 2010
CMW	–	–	–	Initial report overdue since 2012

³⁵A/HRC/20/25, para. 65.

³⁶The following abbreviations have been used for this document:

CERD Committee on the Elimination of Racial Discrimination

CESCR Committee on Economic, Social and Cultural Rights

HR Committee Human Rights Committee

CEDAW Committee on the Elimination of Discrimination against Women

CAT Committee against Torture

CRC Committee on the Rights of the Child

CRPD Committee on the Rights of Persons with Disabilities

CED Committee on Enforced Disappearance

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

Treaty body	Due in	Subject matter	Submitted in
CERD	–	–	–
HR Committee	–	–	–
CEDAW	2013	Violence against women and girls; withdrawal of reservations to arts. 2, 16.1(c) ³⁷	–
CAT	–	–	–

17. The Special Rapporteur on extreme poverty reiterated her recommendation that Bangladesh submit its initial report to the CESCR.³⁸

B. Cooperation with special procedures³⁹

	Status during previous cycle	Current status
Standing invitation	No	No
Visits undertaken	Religious intolerance (2000) Violence against women (2000) Right to food (2002)	Water and sanitation and Extreme poverty and human rights, joint mission (2009)
Visits agreed to in principle	Freedom of religion	Freedom of religion (dates to be agreed)
Visits requested	Adequate housing (2005) Minority issues (2006) Extrajudicial, summary or arbitrary executions (2006) Independence of judges and lawyers (2007) Contemporary forms of slavery (2008)	Racism (2008) Extrajudicial, summary or arbitrary executions (reiterated 2008 and 2009) Internally displaced persons (2012) Independence of judges and lawyers (reminder 2012) International solidarity (2012) Violence against women (2012)

³⁷ CEDAW/C/BGD/CO/7, para. 44.

³⁸ A/HRC/20/25, para. 64.

³⁹ For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.

Responses to letters of allegations and urgent appeals	During the period under review, 30 communications were sent. The Government replied to 27 of these communications.
Follow-up reports and missions	Extreme poverty and human rights. ⁴⁰

III. Implementation of international human rights obligations

A. Equality and non-discrimination

18. CEDAW remained concerned at discriminatory laws and provisions, including laws relating to marriage, divorce, nationality, guardianship and custodial rights that deny women equal rights with men. The Committee called on Bangladesh to pursue its law review process with the view to harmonizing its domestic legislation with its obligations under the Convention within a clear time frame.⁴¹

19. CEDAW urged Bangladesh to design and implement strategies to eliminate discriminatory stereotypes and practices.⁴² The Independent Expert on water and sanitation called on Bangladesh to eliminate discriminatory attitudes and stereotypes concerning girls and women, which place the primary burden of collecting water on them and hinder their safe access to sanitation.⁴³

20. CEDAW urged Bangladesh to extend in the Constitution and relevant legislations the application of the guarantees of equal rights between women and men to the private sphere.⁴⁴

21. CEDAW was concerned that women and girls are discriminated against, especially with regard to access to education, employment, health care, housing and justice.⁴⁵

22. Noting the adoption of the Sixth Five-Year Plan (SFYP), UNICEF stated that girls and particular groups of children, including refugee children, children with disabilities, children of ethnic and religious minorities, and children in slums and rural areas, continue to face discrimination and disparities. It recommended that Bangladesh conduct a national campaign and education on non-discrimination, and ensure full implementation of the SFYP.⁴⁶ CRC expressed similar concerns⁴⁷ and urged Bangladesh to address these issues.⁴⁸

23. The Special Rapporteur on extreme poverty noted that the situation of the most vulnerable groups has not changed significantly since her visit in December 2009. She reiterated the need to actively tackle discrimination against those groups and ensure their access to services and adequate social protection, particularly the Rohingya refugees.⁴⁹

⁴⁰A/HRC/20/25.

⁴¹CEDAW/C/BGD/CO/7, paras. 15-16.

⁴²*Ibid.*, para. 18.

⁴³A/HRC/15/55, para. 125(e).

⁴⁴CEDAW/C/BGD/CO/7, para. 14.

⁴⁵*Ibid.*, paras. 37-38.

⁴⁶UNICEF submission to the UPR on Bangladesh, p. 2.

⁴⁷CRC/C/BDG/CO/4, para. 32.

⁴⁸*Ibid.*, para. 33.

⁴⁹A/HRC/20/25, paras. 66- 67; see also A/HRC/15/55.

B. Right to life, liberty and security of the person

24. UNICEF noted that the death penalty and life imprisonment without parole can be imposed on children aged between 16 and 18.⁵⁰ CRC urged Bangladesh not to impose life sentence for offences committed by persons under 18 years of age;⁵¹ to halt the imposition of the death penalty on persons below 18 years and abolish the death penalty.⁵²

25. CRC was concerned that prevention-based policies are lacking and that certain conditions in Bangladesh undermine the enjoyment of the right to life, survival and development of the child.⁵³

26. In 2012, the Working Group on enforced or involuntary disappearances noted that it had transmitted to the Government allegations received according to which enforced disappearance is frequently used as a tool by the country's law-enforcement agencies, paramilitary and armed forces, mainly Rapid Action Battalion (RAB), to detain and even extrajudicially execute individuals.⁵⁴

27. CRC was concerned about children being held in adult jails; their ill-treatment in police custody; the length of police detention and the absence of juvenile courts.⁵⁵ Noting that children are kept in prison with adults while awaiting trial,⁵⁶ UNICEF recommended that they be released without delay.⁵⁷

28. CRC urged Bangladesh to limit the length of pretrial detention of children; separate children deprived of liberty from adults; review the decision of children's detention with a view to its withdrawal; promote alternative measures to detention and establish an independent body to monitor detention conditions.⁵⁸

29. CEDAW remained concerned at violence against women and girls, including domestic violence, rape, acid throwing, dowry-related and fatwa-instigated violence.⁵⁹ CEDAW and UNHCR urged Bangladesh to adopt a national action plan and criminalize violence against women and girls; prosecute perpetrators; remove impediments faced by women in accessing justice; and adopt legislation on sexual harassment.⁶⁰

30. UNICEF noted that despite steps taken to address sexual abuse and exploitation of children by enacting new laws, including the Prevention of Domestic Violence Act (2010) and the Anti-Human Trafficking Act (2012), sexual abuse and exploitation of children continues. UNICEF recommended that Bangladesh ensure full implementation of laws and strengthen efforts to arrest and prosecute perpetrators.⁶¹ CRC urged that legislation to address sexual abuse and exploitation of children be strengthened, including through criminalization and prosecution; training be provided for law enforcement officials, social workers, judges and prosecutors on how to handle complaints with

⁵⁰UNICEF submission to the UPR on Bangladesh, p. 2.

⁵¹CRC/C/BDG/CO/4, para. 93.

⁵²Ibid., para. 47.

⁵³Ibid., para. 36.

⁵⁴A/HRC/19/58/Rev.1, annex I, para. 53.

⁵⁵CRC/C/BDG/CO/4, para. 92.

⁵⁶UNICEF submission to the UPR on Bangladesh, p. 2.

⁵⁷Ibid., pp. 2-3.

⁵⁸CRC/C/BDG/CO/4, para. 93.

⁵⁹CEDAW/C/BGD/CO/7, para. 19.

⁶⁰Ibid., paras. 19-20; see also UNHCR submission to the UPR on Bangladesh, p. 8.

⁶¹UNICEF submission to the UPR on Bangladesh, pp. 1-2.

confidentiality⁶² and support for child victims of abuse and neglect be strengthened in order to ensure them access to services for recovery, counselling and other forms of rehabilitation.⁶³

31. UNICEF noted that the Constitution, Penal Code, Women and Children Repression Prevention Act, and Children Act prohibit corporal punishment in all settings. However, violence against children and the widespread practice of corporal punishment in families, communities, schools, care and juvenile justice institutions continues. UNICEF and CRC encouraged Bangladesh to enforce existing laws to prohibit and eliminate corporal punishment in schools.⁶⁴

32. CEDAW requested adopting a comprehensive action plan to address trafficking and sexual exploitation and ensure its effective implementation.⁶⁵ CRC reiterated its concern over the rising number of children living or working in urban centres who are prime targets of organized child trafficking rings.⁶⁶ UNHCR welcomed the ongoing work on a new anti-trafficking law, however, noted that unregistered Rohingya women and children have not truly benefitted from the Prevention of Oppression Against Women and Children Act (2000, amended 2003).⁶⁷ The ILO Committee of Experts on the Application of Conventions and Recommendations requested the Government to take necessary measures to strengthen law enforcement mechanisms in order to effectively investigate and prosecute cases of trafficking in persons, both for sexual and labour exploitation.⁶⁸

33. CRC reiterated its recommendation to combat the sale and trafficking in children and urged Bangladesh to strengthen partnerships with all stakeholders so as to provide child victims with recovery and social reintegration services and programmes.⁶⁹

34. CRC recommended that no child under the minimum age of conscription be enrolled in the army and that recruitment at the age of 16 and 17 be based on an informed decision and only occurs with prior consent of the parents or legal guardians.⁷⁰

35. UNICEF noted that economic exploitation, including child labour, is prevalent in Bangladesh.⁷¹ CRC was concerned at the high incidence of child workers in five selected worst forms of child labour, and the lack of mechanisms to enforce specific laws to protect child workers.⁷² CRC and CEDAW were concerned that girls engaged as child domestic workers are more vulnerable to violence and exploitation than boys.⁷³

⁶²CRC/C/BDG/CO/4, para. 87.

⁶³Ibid., para. 56.

⁶⁴UNICEF submission to the UPR on Bangladesh, p. 2 and CRC/C/BDG/CO/4, para. 49.

⁶⁵CEDAW/C/BGD/CO/7, paras. 21-22.

⁶⁶CRC/C/BDG/CO/4, para. 84.

⁶⁷UNHCR submission to the UPR on Bangladesh, p. 6; also CEDAW/C/BGD/CO/7, para. 20.

⁶⁸ILO Committee of Experts on the Application of Conventions and Recommendations, *Observation concerning Forced Labour Convention, 1930 (No. 29), adopted 2011, published 101st ILC session (2012), sixth paragraph, available at http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO::P13100_COMMENT_ID:2698219.*

⁶⁹CRC/C/BDG/CO/4, para. 89.

⁷⁰Ibid., para. 81.

⁷¹UNICEF submission to the UPR on Bangladesh, p. 2.

⁷²CRC/C/BDG/CO/4, para. 82.

⁷³Ibid., para. 82-83 and CEDAW/C/BGD/CO/7, para. 30.

C. Administration of justice, including impunity, and the rule of law

36. CEDAW remained concerned over the on-going application of illegal penalties rendered through shalish rulings to punish “anti-social and immoral behaviour”⁷⁴ and urged Bangladesh to ensure that shalish decisions do not lead to extrajudicial penalties.⁷⁵

37. UNICEF noted positively the establishment of a juvenile court/ bench in all districts and national and municipal task forces to ensure that children are not sent to adult prisons and that those already held are released. The new draft Children Act, approved by the Cabinet in 2010 and awaiting Parliamentary deliberation and enactment, will ensure that deprivation of liberty is used as a measure of last resort. It also prohibits the death penalty and life imprisonment without parole.⁷⁶ CRC recommended that the juvenile justice system be brought into line with the Convention.⁷⁷ CRC and UNICEF were concerned that the legal age of criminal responsibility remains low at 9 years,⁷⁸ and urged that it be raised to at least 12.⁷⁹

38. The special rapporteurs on extrajudicial, summary or arbitrary executions and on the independence of judges and lawyers expressed concern about a death sentence passed by the Bangladesh International Crimes Tribunal, following a trial conducted in absentia, and noted that given the historic importance of these trials and the possible application of the death penalty, it is vitally important that all defendants before the Tribunal receive fair trials. Concern was also expressed regarding questions raised about the impartiality of the judges and prosecution services of the Tribunal, as well as their independence of the executive. The Bangladesh International Crimes Tribunal, established in March 2010, is in fact as a domestic court with the jurisdiction and competence to try and punish any person accused of committing atrocities, including genocide, war crimes and crimes against humanity in Bangladesh, including during the country’s 1971 liberation war.⁸⁰

D. Right to privacy, marriage and family life

39. CEDAW remained concerned that the foreign spouse of a Bangladeshi woman could apply for citizenship after being a resident in the country for five years, whereas the residential requirement for a foreign woman married to a Bangladeshi man is two years only.⁸¹ It urged the amendment of the citizenship legislation.⁸² CRC recommended that children having one parent who is a Bangladeshi national be recognized as Bangladeshi nationals.

40. UNICEF was concerned at the falsification of identity documents in order to “legalize” early marriages or involve children in prostitution, which is a legal activity for adults in possession of a government certificate.⁸³ CRC recommended ensuring that every child has a valid birth certificate,

⁷⁴ CEDAW/C/BGD/CO/7, para. 19.

⁷⁵ *Ibid.*, para. 20.

⁷⁶ UNICEF submission to the UPR on Bangladesh, p. 2,3.

⁷⁷ CRC/C/BDG/CO/4, para. 39 and 93.

⁷⁸ *Ibid.*, para. 92.

⁷⁹ *Ibid.*, para. 93.

⁸⁰ OHCHR, Press release, “Bangladesh: Justice for the past requires fair trials, warn UN experts” (Geneva, 7 February 2013), available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12972&LangID=E>

⁸¹ CEDAW/C/BGD/CO/7, para. 25.

⁸² *Ibid.*, para. 26.

⁸³ UNICEF submission to the UPR on Bangladesh, p. 3.

as also highlighted by the independent experts on extreme poverty and on water and sanitation, and that children are protected from early and forced marriages.⁸⁴

41. UNICEF noted that the minimum age for marriage for men and women is 21 and 18 years respectively, but although prohibited in law, child marriage continues.⁸⁵ CRC urged Bangladesh to prohibit early and forced marriages and traditional practices, including the dowry.⁸⁶ CEDAW urged Bangladesh to end child marriage which is practiced particularly in rural areas.⁸⁷

42. CEDAW welcomed Bangladesh's readiness to regulate a uniform family code that eliminates discrimination between Muslims, Hindu, Christians and other religious groups, and to establish clear and non-discriminatory provisions on marriage, divorce, inheritance, distribution of property and child custody, in compliance with the Convention.⁸⁸

43. UNICEF noted that there is currently no national policy on alternative care for children who are deprived of parental care, as adoption is viewed as contradictory to religious law.⁸⁹

E. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

44. Despite the adoption of the Fourteenth Amendment to the Constitution, which provided for the increase in seats reserved for women from 30 to 45 and the appointment of six women ministers in 2009, CEDAW remained concerned about women's underrepresentation in public, political and professional life.⁹⁰ It urged Bangladesh to adopt laws and policies that promote women's participation in decision-making positions.⁹¹

45. The Special Rapporteur on human rights defenders remained concerned about the reported restrictions on the freedoms of opinion, expression and association, acts of violence, ill-treatment and intimidation compromising the physical and psychological integrity of human rights defenders in Bangladesh.⁹² In 2011, the special rapporteurs on freedom of expression and on human rights defenders sent communications regarding allegations, among others, of threats and other acts of intimidation to a human rights organization and individuals because of their work, including cooperation with the United Nations system and an international human rights NGO.⁹³ UNESCO noted that self-regulatory mechanisms of the media exist in Bangladesh. The Director-General of UNESCO condemned the killing of journalists Sagar Sarwar and Mehrun Runi in February 2012 and Jumal Uddin in June 2012. UNESCO stated that reporting in Bangladesh continues to pose a danger for journalists, due to the high instance of harassment and attacks against journalists and major news outlets. It encouraged Bangladesh to ensure that journalists can operate in a safe environment; prosecute cases of murder of journalists and attacks against media outlets;

⁸⁴CRC/C/OPSC/BGD/CO/1, paras. 22-25; see also A/HRC/15/55, para. 20.

⁸⁵UNICEF submission to the UPR on Bangladesh, p. 3.

⁸⁶CRC/C/BDG/CO/4, para. 68.

⁸⁷CEDAW/C/BGD/CO/7, paras. 39-40.

⁸⁸*Ibid.*, paras. 39-40.

⁸⁹UNICEF submission to the UPR on Bangladesh, p. 3.

⁹⁰CEDAW/C/BGD/CO/7, para. 23.

⁹¹*Ibid.*, para. 24.

⁹²A/HRC/19/55/Add.2, paras. 33-34.

⁹³A/HRC/18/19, paras. 25-27; A/HRC/18/51, p. 66 and A/HRC/19/44, p. 13.

decriminalize the defamation law and subsequently incorporate it into the Civil Code.⁹⁴

46. The ILO Committee of Experts called for measures to repeal or amend the Special Powers Act, under which penalties of imprisonment may be imposed on people who publish prejudicial reports or contravene orders for prior scrutiny and approval of certain publications or for the suspension or dissolution of certain associations. It noted that penalties of imprisonment may involve an obligation to perform prison labour.⁹⁵

F. Right to work and to just and favourable conditions of work

47. The Independent Expert on extreme poverty recommended that Bangladesh ensure respect for labour standards and revise relevant legislation, including the 2006 Labour Act to ensure it complies with international human rights standards, adding that the Government should significantly strengthen the mechanisms that enforce labour standards and increase efforts to prevent and respond to child labour, especially in its worst forms.⁹⁶ CEDAW was concerned about discrimination against women in the labour market and regretted that the 2006 Labour Act does not cover workers in the informal sector, where a large population of women are employed. CEDAW urged Bangladesh to apply the principle of equal remuneration and equal opportunities at work.⁹⁷

48. CRC urged Bangladesh to prohibit employment of children under 18 years in hazardous work and consider approving the National Child Labour Policy (2008).⁹⁸ UNICEF noted that while the national minimum age for employment is 14 years, for light work it is 12 years and for hazardous work 18 years. It recommended reviewing those ages in accordance with the internationally accepted standards.⁹⁹

G. Right to social security and to an adequate standard of living

49. The independent experts on extreme poverty and on water and sanitation found that the separate treatment of economic and social issues in the Constitution reflected a misunderstanding that economic, social and cultural rights are not claimable and enforceable, with serious implications for the full enjoyment of economic, social and cultural rights.¹⁰⁰

50. The Independent Expert on extreme poverty noted widespread poverty and increased socioeconomic disparity despite improvements in economic and social indicators. Around 40 per cent of the population is still poor, at least 25 per cent of which live in extreme poverty, and the majority of the population living in poverty remains uncovered by any social assistance measures. Acknowledging Bangladesh's limited budget, the Expert noted with concern the decline in financing of social assistance programmes. She recommended adopting comprehensive long-term social protection strategy and increasing coordination among various stakeholders; taking all

⁹⁴UNESCO submission to the UPR on Bangladesh, p. 9.

⁹⁵ILO Committee of Experts, *Observation concerning the Abolition of Forced Labour Convention, 1957 (No. 105)*, adopted 2011, published 101st ILC session (2012), first paragraph, available at http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:269931.

⁹⁶A/HRC/15/55, para. 126 (d).

⁹⁷CEDAW/C/BGD/CO/7, para. 30.

⁹⁸CRC/C/BDG/CO/4, para. 83.

⁹⁹UNICEF submission to the UPR on Bangladesh, p. 1.

¹⁰⁰A/HRC/15/55, para. 9.

necessary measures to ensure that support to the poorest is a priority; and strengthening efforts to fight corruption.¹⁰¹

51. CEDAW was concerned that women are exposed to difficulties in accessing second generation micro-finance and have limited access to land and other property due to customary and traditional stereotypes.¹⁰² It urged Bangladesh to implement gender-sensitive poverty reduction and development programmes, amend discriminatory laws limiting women's ownership,¹⁰³ establish legislative framework to protect women's rights of inheritance and ownership of land; and eliminate negative customs and traditional practices which affect enjoyment of women's right to property.¹⁰⁴

52. CRC was concerned at child poverty and inequality and urged Bangladesh to implement the legislation and plans of action aimed at reducing child poverty and improving children's living standards.¹⁰⁵ CRC was concerned about the weak monitoring and accountability mechanisms for budgetary expenditure at different levels of the administration.¹⁰⁶

53. The independent experts on extreme poverty and on water and sanitation indicated that water quality is a serious problem, and noted estimates that more than 1 million people are at risk of death from decades of exposure to arsenic.¹⁰⁷ The Expert on water and sanitation recommended undertaking nationwide water-quality testing in a systematic, regular and coordinated fashion, including testing for pollutants, in addition to arsenic; and implement plans to use alternative sources of water.¹⁰⁸

H. Right to health

54. CRC was concerned about the growing inequity in access to health services and the dependence on donor funds for the procurement of vaccines. CRC was concerned that the public sector only provides 40 per cent of health services and that 85 per cent of birth deliveries happen at home in the absence of skilled birth attendants.¹⁰⁹ CRC urged Bangladesh to increase access to free primary health services.¹¹⁰

55. CEDAW urged Bangladesh to improve women's access to health-care facilities and services and to reduce maternal mortality rate.¹¹¹ CRC remained concerned at the high rate of neonatal mortality and child malnutrition.¹¹² The independent experts on extreme poverty and on water and sanitation were troubled by the high infant mortality rate (43 infants per 1,000 live births) and that 51,200 children reportedly die annually as a result of diarrhoea which is frequently caused by

¹⁰¹*Ibid.*, paras. 77, 106, 108, 126 (a), (b) and (c).

¹⁰²CEDAW/C/BGD/CO/7, para. 33.

¹⁰³*Ibid.*, para. 34.

¹⁰⁴*Ibid.*, para. 36.

¹⁰⁵CRC/C/BDG/CO/4, para. 71, 72.

¹⁰⁶*Ibid.*, para. 20.

¹⁰⁷A/HRC/15/55, paras. 59-60.

¹⁰⁸*Ibid.*, para. 125 (b).

¹⁰⁹CRC/C/BDG/CO/4, paras. 59 and 62.

¹¹⁰*Ibid.*, para. 60.

¹¹¹CEDAW/C/BGD/CO/7, para. 32.

¹¹²CRC/C/BDG/CO/4, para. 59.

lack of sanitation and safe drinking water.¹¹³

56. CRC urged Bangladesh to develop a comprehensive policy on issues affecting the rights of adolescents and to provide separate and appropriate sanitary facilities for adolescent girls and boys.¹¹⁴

57. CRC urged Bangladesh to strengthen preventive efforts by raising awareness of HIV/AIDS and the use of contraceptives, and to establish guidelines to address parent-to-child transmission, prenatal care, care during labour, breastfeeding and child care.¹¹⁵

58. CRC was concerned that drug abuse is growing and urged Bangladesh to prevent and end drug use among children.¹¹⁶

I. Right to education

59. UNESCO called on Bangladesh to enshrine the right to education in its Constitution.¹¹⁷

60. CRC urged Bangladesh to consider extending the length of compulsory schooling; raise the budget allocation for expansion of the educational system and improvement in the quality of education; address early childhood development; increase enrolment in primary schools; prevent school dropout; consider making multilingual education available for minority and indigenous children; increase the transition rate to secondary school; level out disparities in access to and quality of education and better equip schools with educational materials and adequate sanitation facilities.¹¹⁸

61. CEDAW urged Bangladesh to ensure de facto access by girls and women, especially those living in rural areas, to all levels and fields of education; retain girls in schools and provide a safe educational environment free from discrimination and violence.¹¹⁹

62. UNICEF appreciated the adoption of the National Education Policy, implementation of which is constrained by a lack of adequate resources, as less than 2.5 per cent of the country's GDP is spent on education. UNICEF appreciated the progress made in increasing enrolment; reducing dropout from primary level and achieving gender parity in primary and secondary levels. However, despite the increased coverage of the stipend programme, disparities exist in primary education completion.¹²⁰

63. UNESCO called on Bangladesh to adopt measures to combat discrimination in education; protect minority groups; combat illiteracy and promote gender equality.¹²¹

64. UNICEF encouraged the Government to take appropriate measures to provide mother-tongue education to those children whose mother language is not Bangla.¹²²

65. The independent experts on extreme poverty and on water and sanitation welcomed the increased enrolment of children in schools, but expressed concern at the high overall dropout

¹¹³ A/HRC/15/55, para 19.

¹¹⁴ CRC/C/BDG/CO/4, para. 64.

¹¹⁵ *Ibid.*, para. 70.

¹¹⁶ *Ibid.*, paras. 65-66.

¹¹⁷ UNESCO submission to the UPR on Bangladesh, p. 9.

¹¹⁸ CRC/C/BDG/CO/4, para. 75.

¹¹⁹ CEDAW/C/BGD/CO/7, para. 28.

¹²⁰ UNICEF submission to the UPR on Bangladesh, p. 3.

¹²¹ UNESCO submission to the UPR on Bangladesh, p. 9.

¹²² UNICEF submission to the UPR on Bangladesh, p. 3.

rate, with official data indicating that almost half of children in primary school do not finish Grade 5. Poor children are more likely to drop out of school, and girls have a higher dropout rate once they reach adolescence.¹²³

J. Cultural rights

66. UNESCO noted the lack of coherent policies in safeguarding and managing tangible and intangible cultural heritage.¹²⁴

K. Persons with disabilities

67. UNICEF, noting developments, including the draft Persons with Disabilities Rights Act, encouraged the government to adopt effective measures that ensures education of children with disabilities.¹²⁵

68. CRC was concerned that children with disabilities, in particular girls, experience discrimination and prejudicial treatment throughout their development.¹²⁶

69. The independent experts on extreme poverty and on water and sanitation stated that people living in extreme poverty were more vulnerable to becoming disabled because of aggravating factors. They encouraged the Government to actively combat discrimination against persons with disabilities and progressively ensure their access to basic services.¹²⁷

L. Minority groups and indigenous peoples

70. UNICEF noted that indigenous and minority children living in remote areas of Chittagong Hill Tracts and Char areas often lack access to basic and specialized services. UNICEF recommended that Bangladesh adopt specific measures to combat discrimination and inequity and ensure that basic and specialized services are available to indigenous and minority children.¹²⁸ CRC urged Bangladesh to ensure that minority and indigenous children are not discriminated against in the enjoyment of their right to access basic and specialized health services.¹²⁹

71. The independent experts on extreme poverty and on water and sanitation were informed that Dalits suffer discrimination in all areas of life, including segregation in accessing housing. Most live beneath the poverty line; earn less than the minimum wage; have no access to education; suffer from numerous diseases; lack access to safe drinking water and sanitation and face discrimination in accessing public-health facilities.¹³⁰ The Independent Expert on water and sanitation recommended that Bangladesh adopt an explicit policy to address the situation of Dalits; eliminate discrimination against them, and improve the situation of sweepers by ensuring protection of their health while at work and their access to safe drinking water and sanitation in homes.¹³¹

¹²³A/HRC/15/55, para 18.

¹²⁴UNESCO submission to the UPR on Bangladesh, p. 7.

¹²⁵UNICEF submission to the UPR on Bangladesh, p. 4.

¹²⁶CRC/C/BDG/CO/4, paras. 57-58.

¹²⁷A/HRC/15/55, paras. 21-23.

¹²⁸UNICEF submission to the UPR on Bangladesh, p. 4.

¹²⁹CRC/C/BDG/CO/4, para. 60.

¹³⁰A/HRC/15/55, para. 25.

¹³¹*Ibid.*, para.125 (d).

72. The independent experts noted that Urdu-speaking communities living in the slum in Mirpur, Dhaka, sometimes referred to as Biharis, live in very difficult conditions, with inadequate housing and poor access to sewage disposal and drainage – problems that are exacerbated during the flood season.¹³² The independent experts welcomed the 2008 High Court decision that recognizes Urdu speakers as Bangladesh nationals, but were concerned about the lack of its full implementation. They urged the Government to design and implement a comprehensive programme to integrate Biharis into Bangladeshi society, including by ensuring that poverty-reduction programmes specifically address their situation.¹³³

73. CRC was concerned about refugee children such as Biharis who have difficult or no access to services in Bangladesh.¹³⁴ While noting the 2008 High Court decision on Biharis, UNHCR highlighted administrative hurdles which prevent the Urdu-speaking community from fully benefiting from their rights and entitlements as citizens of Bangladesh, including access to passports.¹³⁵

M. Migrants, refugees and asylum-seekers

74. UNHCR commended Bangladesh for hosting the Rohingyas, notably approximately 30,000 registered refugees.¹³⁶ UNICEF noted, however, that their movement is restricted, and that they have limited access to education and health services. Refugees outside the camps do not have access to refugee status determination and are subject to arrest and deportation. Children of refugees are not eligible for birth registration.¹³⁷ CRC recommended that Bangladesh address the concerns of approximately 100,000–200,000 Rohingya, including children, not registered as refugees in Bangladesh, and to provide them with, at a minimum, legal status, birth registration, security and access to education and health-care services.¹³⁸ UNHCR acknowledged a number of positive developments since the 1st UPR in 2009, but noted with concern Bangladesh's response to the Rakhine State crisis in June 2012 (which led to several thousand persons trying to flee Rakhine State) by closing its border and returning some 4,000 persons to its neighbouring country as of October 2012.¹³⁹ UNHCR maintained that the Government should ensure unhindered access to its territory by persons in need of international protection; fully comply with the principle of non-refoulement, take measures to prevent arbitrary and/or indefinite detention of unregistered Rohingya, particularly “released prisoners” who have already served their sentences.¹⁴⁰

75. UNHCR recommended that Bangladesh draft and adopt refugee legislation.¹⁴¹ CRC reiterated its recommendation to establish legislation and procedures to allow access to procedures determining refugee status to all refugee children and their families.¹⁴²

¹³² *Ibid.*, para. 27; see also UNHCR, “Note on the nationality status of the Urdu-speaking community in Bangladesh” (December 2009), available at www.unhcr.org/refworld/pdfid/4b2b90c32.pdf.

¹³³ A/HRC/15/55, para 28.

¹³⁴ CRC/C/BDG/CO/4, para. 78.

¹³⁵ UNHCR submission to the UPR on Bangladesh, p. 2.

¹³⁶ *Ibid.*, p. 1.

¹³⁷ UNICEF submission to the UPR on Bangladesh, p. 4.

¹³⁸ CRC/C/BDG/CO/4, para. 79.

¹³⁹ UNHCR submission to the UPR on Bangladesh, pp. 1-2.

¹⁴⁰ *Ibid.*, pp. 1 and 4.

¹⁴¹ *Ibid.*, p. 1.

¹⁴² CRC/C/BDG/CO/4, para. 79.

76. UNHCR noted that there is no national legislation guiding prevention and reduction of statelessness or protection of stateless persons.¹⁴³

77. The independent experts on extreme poverty and on water and sanitation noted that despite improvements in the conditions of the camps, registered refugees do not fully enjoy freedom of movement, the right to work or the right to education, which leaves them extremely vulnerable to abuse and exploitation.¹⁴⁴ The Special Rapporteur on extreme poverty called on Bangladesh to prioritize improving the situation of the Rohingya refugees; finalize its refugee policy and take measures to reinstate the resettlement programme, and encouraged the Government to seek out resettlement options that prioritize and protect the rights and interests of refugees.¹⁴⁵

78. In 2010, the special rapporteurs on health, on migrants, on food and on racism sent a joint communication to the Government drawing attention to allegations received regarding the situation of unregistered Rohingya asylum seekers, refugees and migrants. According to reports received, some 220,000 unregistered Rohingyas were not permitted to receive official relief and were reportedly victims of violence and attempted deportation by both State and non-State actors.¹⁴⁶

N. Right to development and environmental issues

79. In 2012, special procedures mandate holders on adequate housing, on extreme poverty, on food, on freedom of expression, on indigenous peoples, on freedom of peaceful assembly and of association, and on water and sanitation urged the Government to ensure that any policy concerning open-pit coal mining includes robust safeguards to protect human rights. They noted that the Phulbari coal mine was expected to cause massive disruptions and that if this open-pit mine is permitted, it could displace hundreds of thousands of people.¹⁴⁷

80. The independent experts on extreme poverty and on water and sanitation noted that Bangladesh is considered the most vulnerable country in the world to tropical cyclones, and the sixth most vulnerable country to floods.¹⁴⁸ They called on the Government to continue to pay special attention to the effects of climate change on the poorest segments of society and to provide social protection measures to alleviate the impact on them.¹⁴⁹

¹⁴³ UNHCR submission to the UPR on Bangladesh, p. 2.

¹⁴⁴ A/HRC/15/55, para.31.

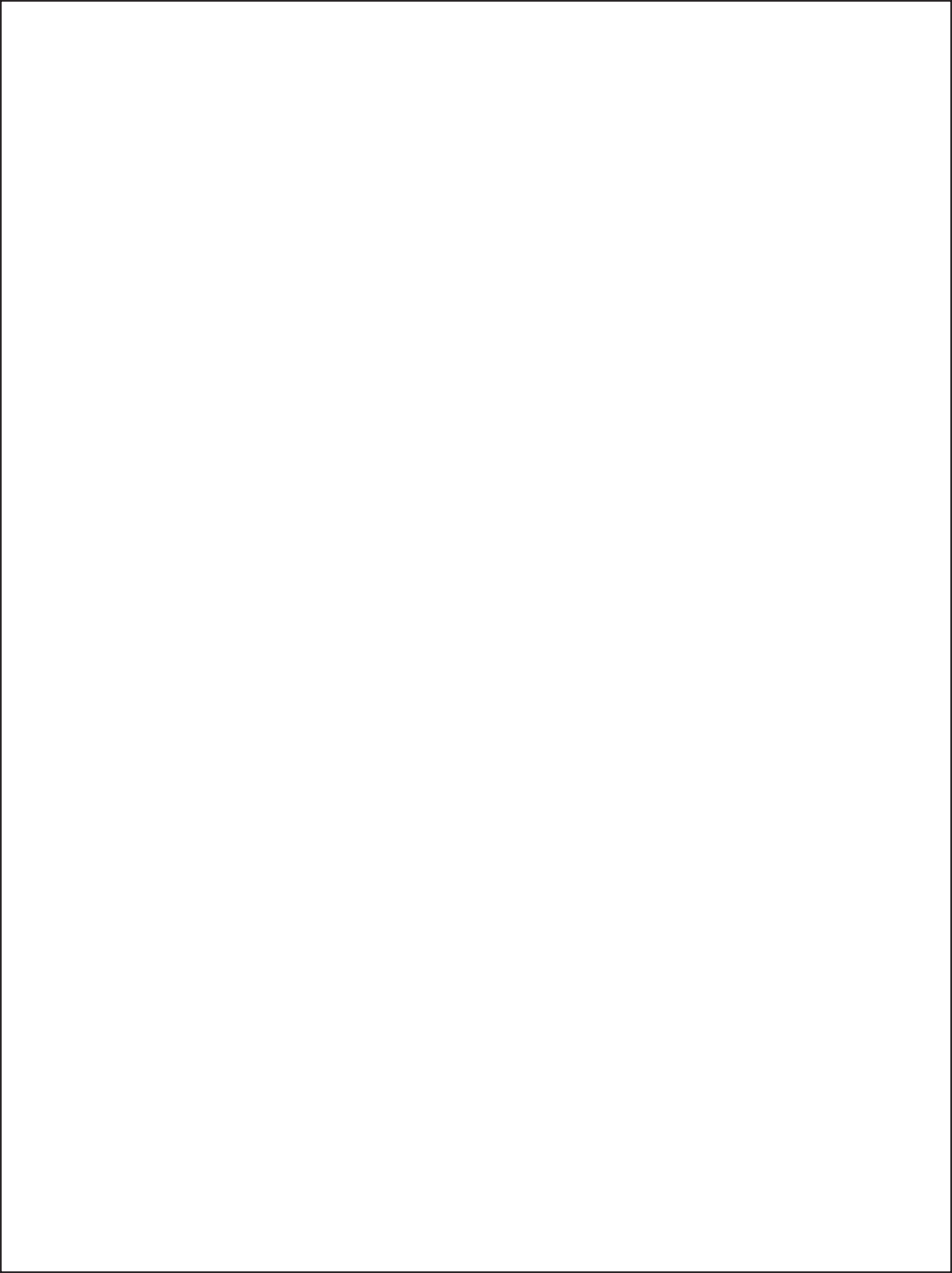
¹⁴⁵ A/HRC/20/25, paras. 67-68.

¹⁴⁶ A/HRC/17/25/Add.1, paras. 23-28.

¹⁴⁷ A/HRC/20/30, p. 24; A/HRC/21/47/Add.3, paras. 12-16; also OHCHR, Press release, "Bangladesh open-pit coal mine threatens fundamental rights, warn UN experts" (Geneva, 28 February 2012), available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11878&LangID=E>.

¹⁴⁸ A/HRC/15/55, para. 39.

¹⁴⁹ *Ibid.*, para. 42.



Human Rights Forum, Bangladesh

(A coalition of 19 human rights and development organisations)

Ain o Salish Kendra (ASK); Acid Survivors Foundation (ASF); Bandhu Social Welfare Society (BSWS); Bangladesh Adivasi Forum; Bangladesh Dalit and Excluded Rights Movements (BDERM); Bangladesh Institute of Labor Studies (BILS), Bangladesh Legal Aid & Services Trust (BLAST), Bangladesh Mahila Parishad (BMP), Boys of Bangladesh (BOB) FAIR; Karmojibi Nari (KN); Kapaeeng Foundation; Manusher Jonno Foundation (MJF); National Alliance of Disabled Peoples' Organizations (NADPO); Nagorik Uddyog; Nari Pokkho; Nijera Kori; Steps Towards Development (Steps); Transparency International Bangladesh (TIB)