

Bangladesh Stakeholders Report to UPR

Human Rights Forum, Bangladesh

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This submission has been prepared by the Human Rights Forum, Bangladesh, a coalition of 18 human rights and development organizations formed to prepare a stakeholders' report under the UPR.	
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EXECUTIVE SUMMARY

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EXECUTIVE SUMMARY

1. Bangladesh was first reviewed under the Universal Periodic Review (UPR) in February 2009. The Awami League-led 14-party Grand Alliance had just come to power after winning the elections in December 2008. The report covers the period of March 2009-September 2012, and refers to continuities of law and practice impacting on human rights, with a focus on incidents and trends.

2. The report first notes some positive changes in the economic and social rights of citizens (food security, health, education). It then discusses serious concerns in terms of civil and political rights, particularly regarding life and liberty (enforced disappearances, extra-judicial killings, impunity of law enforcement agencies, attacks on opposition political leaders and labor rights activists), freedom of association, assembly and expression, independence of institutions (judiciary, ACC, NHRC) and rights of particular groups (HRDs, women, children, workers, IPs, minorities, dalits and PWDs). This report also compares the delivery of the Government against commitments made at the 2009 UPR.

I. METHODOLOGY AND CONSULTATION PROCESS

3. In May 2012, the Human Rights Forum, Bangladesh held a two-day internal consultation to decide the list of issues to address; it the shared report drafts among members and incorporated their comments in the final report, which was shared with the NHRC, NGOs, civil society s, media, and the Ministry of Foreign Affairs.

II. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Right to Health

4. 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 remains 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.¹ Reproductive health services are inadequately addressed. Malnutrition among children is still high. Lack of occupational health and safety in workplaces is widespread.

Recommendations

¹ People's Participation in Health Services: A Study of Bangladesh's Rural Health Complex, by Mohammad Shafiqul Islam and Mohammad Woli Ullah. See link: http://www.bangladeshstudies.org/files/WPS_no7.pdf

- Undertake specific actions including 24 hours access and availability of services, to reduce maternal mortality rate and infant mortality rate.
- Deepen and widen community based health services and ensure accountability in such services and rural health complexes.
- Engage stake holders in designing health related policies and programs.

Right to Food

4. Bangladesh is close to attaining food security due to farmers contributions, especially women. 31.5% of the total population fall under the national upper and 17.6% falls under the lower poverty line.² 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.³ 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 often prevents people from earning a living wage. In 2010 the World Health Organization found that 60% of Bangladeshi women suffer from a shortage of food. According to a GOB 2010 report,⁴ 63% of the country's cultivable land is unusable due to salinity caused by uncontrolled shrimp cultivation.⁵

Recommendations:

- Adopt a national Social Safety Net Policy providing at least 3% of GDP for basic social security schemes⁶; strengthen distribution and coordination to ensure openness, equity and accountability.

Right to Shelter

² Social Safety-Net and Poverty Reduction in Bangladesh, Hossain Zillur Rahman and Liaquat Ali Choudhury

³ [National Food Policy Plan of Action \(2008-2015\)](#).

⁴ Conducted by the Bangladesh Ministry of Agriculture.

⁵ Many people have also reportedly been evicted from their land, without resettlement or rehabilitation, by powerful land-grabbers backed by political leaders, leaving them without the ability to grow food. Shrimp cultivators also filed cases against protesting farmers to harass them.

⁶Planning commission: Sixth Five Year Plan FY-2011-2015; Accelerating Growth and Reducing Poverty, Dhaka: Ministry of Planning of the Government of the People's Republic of Bangladesh, 2011, page: 167

5. Increased migration due to poverty, unemployment, and natural disaster and the demand for labour in urban areas has created congestion in urban settlements with no public housing for low-income groups, who are forced to live in inhuman conditions in slums, squatter settlements or on the pavements.

6. No plans have been adopted for adequate shelter for the 2.3 to 3 million slum dwellers in the capital city.⁷ Despite High Court guidelines for prior rehabilitation/ resettlement of slum dwellers,⁸ forced evictions have continued. In April 2012, approximately 2,000 persons in Korail slum were evicted on less than a day's notice. The 2008 government pilot project to house 60,000 evictees on a 160 acre plot of land, has not yet been executed.

Recommendations

- Comply with the Istanbul Declaration on Right to Shelter 1996.
- Enact a national law in compliance with General Comment 7 of the CESCR and the UN Basic Principles and Guidelines on Development-based Evictions.
- Stop all evictions without alternate arrangement for slum residents.
- Finalize and adopt the draft Urban Sector Policy including time bound measures to ensure tenurial rights for low-income groups and slum-dwellers.

Right to Education

7. The Government has nationalised all registered primary schools, enacted the Private University Act 2010, and adopted the National Education Policy 2010, as well as policies to ban private coaching and corporal punishment in educational institutions. The present Educational Policy decreases the scope for discrimination and provides for the right to mother tongue study for IPs.⁹

8. Although the Government pledged to achieve 100% literacy by 2014, around 9.68 million children in the 6-10 age group remain out of school and 37.35 million people in the 11-45 age-

⁷ Out of the 2.5 to 3 million slum dwellers in Dhaka City, 1 million are garment workers and the rest are rickshaw-pullers and domestic workers (Please see url: <http://www.thedailystar.net/newDesign/news-details.php?nid=68336>).

⁸ H.Hossain (ed), *Human Rights in Bangladesh* 2001, ASK: Dhaka, p 67.

⁹ The Government has introduced review of textbooks from gender perspective. Also, stipend programs have been introduced in every upazilla for 40 percent of all school children (30% beneficiaries are girls, and 10% boys), which has made a positive impact on girl's retention in schools. Note that, through these initiatives, secondary school graduation rate (grade 6 entrants passing grade 10 exams) has increased from 30 to 39 percent, and the ratio of girls in secondary education has increased by 3 percentage points in the last three years (from 0.82 in 2008 to 0.85 in 2011, source: CEDAW Status Report 2012)

group remain illiterate.¹⁰ The majority of children living in isolated rural communities, or homeless, or from marginalized communities lack proper access to education.¹¹ Budget allocations discriminate between rural and urban children.¹² Primary education is not recognized as a right in the draft education law.¹³ Due to high dropout due to early marriage, sexual harassment, lack of transport and infrastructural facilities, gender disparity continues in higher education.

Recommendations

- Enact law on right to education to ensure universal access including incentives for poorer families to send children to school
- Develop adequate educational infrastructure and human resources including well-trained teachers.

Land and Property rights

9. The Government has in many cases failed to the 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. For example, in Rugganj, local protests in 2010 against an Army Housing Scheme involving acquisition of 6000 bighas (2000 acres) of private land led to police firing leaving one person dead, three missing and 50 injured¹⁴ with no redress.

¹⁰ NFE Policy Implementation Plan (2010-2014), Log on: http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CEoQFjAA&url=http%3A%2F%2Fwww.bnfe.gov.bd%2FNFE%2520Policy%2520Implementation_Final.doc&ei=FBP1T9jrHdDrsgae3Yz4BA&usg=AFQjCNHaHKUV36neTO_0mGiTj9PFjvkDfQ

¹¹ Report on Primary Education in Bangladesh:Challenges and Successes, Produced by: Bangladesh Bureau of Education Information and Statistics (BANBEIS) and Bangladesh Ministry of Women and Children Affairs (MWCA), Log on: <http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CEsOFjAA&url=http%3A%2F%2Fih.stanford.edu%2Frosenfield%2Fresources%2FPrimary%2520Education%2520in%2520Bangladesh.pdf&ei=BRX1T6T1J8fXtAbiqJzXBQ&usg=AFQjCNH0Xosegt3p5ZxzWnvvzt7dzPbxqw>

¹² The New Age, April 11, 2012.

¹³ The New age, April 22, 2012.

¹⁴ "Rugganj Housing Scheme, Army acted like land-grabbers, Environmental, human rights bodies tell press", The Daily Star, 7 February 2011.

10. The Vested Property (Return) 2011 Act marks an important milestone providing for minorities to reclaim lands which have been expropriated over four decades.¹⁵ However, the process of returning the property to the rightful owner is yet to start.¹⁶

11. Land occupation remains a widespread concern with land conflicts remaining unresolved in the Chittagong Hill Tracts (see below). Agricultural land is being taken away from people for commercial purposes including tobacco, shrimp and housing schemes. Land registration remains complicated.

Recommendations

- Set up dedicated Special Tribunal for Vested Property Act (VPA) cases, and create awareness of judges and land administrators on VPA.
- Computerize and simplify land records and registration system ensuring community participation.
- Amend the NWDP to ensure women's equal rights to housing, land and property.

II. RIGHT TO LIFE AND LIBERTY

12. Article 32 of the Constitution guarantees right to life and personal liberty of all; the state has accepted its international obligations to protect the right to life and freedom from torture.

Enforced disappearances

13. Reports of disappearances, were major concerns.¹⁷ Bodies of some of the victims bore visible marks of torture. Some families attributed these incidents following arbitrary arrest or detention to law enforcing agencies.¹⁸ According to ASK,¹⁹ from January 2009 to September 2012, a total of 156 persons had 'disappeared', and 28 of their corpses were found later.

¹⁵ Abul Barakat, "An Inquiry into Causes and Consequences of Deprivation of Hindu Minorities in Bangladesh through the Vested Property Act", PRIP Trust, Dhaka, 2000. This study detailed the number of minorities severely affected.

¹⁶ "Appeal within 120 days of gazette: Govt," bdnews24.com, 27 June 2012. Please see url: <http://www.bdnews24.com/details.php?id=227186&cid=2>

¹⁷ Former lawmaker and opposition party BNP's Organizing Secretary M Ilias Ali along with his driver 'disappeared' in April 2012, allegedly picked up by RAB. Aminul Islam, a labour rights activist, also disappeared in April 2012. Two days later his body bearing marks of torture was found (New Age, 13 April 2012).

¹⁸ New Age, 13 April, 2012.

¹⁹ ASK's documentation is compiled from review & 12 national newspapers and its own investigation.

Extra-judicial killings and torture

14. In UPR Recommendation 20 (2009) Bangladesh agreed to bring an end to extra judicial killings by law enforcement agencies, and Foreign Minister Dipu Moni pledged 'zero-tolerance'. But despite a reported decline in numbers, extra judicial killings have continued. According to ASK, 462 persons were allegedly killed by law enforcing agencies from January 2009 until September 2012.²⁰ Police allegedly instigated vigilante attacks.²¹ News reports documented by ASK showed that in seven instances mobs had been instigated by police to inflict violence on petty criminals.²²

Border killings

15. 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,²³ 257 tortured and 156 abducted by the BSF (Indian border force) at the border between the two countries.²⁴

Road safety

16. The government has yet to take strict regulatory measures to prevent accidents by ensuring proper licensing for drivers, improving road conditions, enforcing traffic rules and speed limits. In 2011, the Government issued 10,000 licenses.²⁵ According to official statistics road accidents

²⁰ In March 2011 16-year-old student Limon Hossain was shot and maimed by RAB who claimed he was an "accidental victim of a shootout between RAB and a criminal gang" (Human Rights Watch report "Bangladesh: Drop Charges Against Child Victim of Paramilitary Force Authorities Should Ensure RAB Critics Will Not Be Harmed or Victimized," 11 July 2012. See url: <http://www.hrw.org/news/2012/07/11/bangladesh-drop-charges-against-child-victim-paramilitary-force>). A formal report about the incident is still pending.

²¹ The video tape of a mob beating 16-year-old Shamsuddin Milon shows that police handed him over to the mob instigating them to kill him and then took away his dead body once his death was confirmed. The incident took place on 27 July 2011 at Companygonj of Noakhali district (See url: http://www.thedailystar.net/newDesign/print_news.php?nid=197873). In another case, on 18 July 2011, at Keblar char, Aminbazar in Savar, police instigated local mob to beat six students to death who were suspected to be robbers. A judicial committee to inquire into the incident found that the students were not robbers and the police neglected their duty by not trying to save the lives of the students. It also pointed out that some policemen might have encouraged the mob to kill them (See url: http://www.thedailystar.net/newDesign/latest_news.php?nid=30939).

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

²³ Felani, a 13-year-old girl was shot and killed by Indian Border Guards (BSF) on January 7, when she and her father were trying to cross the border from India to Bangladesh. See Morshed Ali Khan, "One death, many questions," The Daily Star, 1 May 2011. Url: <http://www.thedailystar.net/newDesign/news-details.php?nid=183929>.

²⁴ Data from ASK Documentation. Also see Human Rights Watch released (December 2010) report 'Trigger Happy, Excessive Use of Force by Indian Troops at the Bangladesh Border,' which documents nearly 1,000 killings by the BSF over the last decade (See url: <http://www.hrw.org/reports/2010/12/09/trigger-happy-0>).

²⁵ Staff Correspondent, "No driving licence without test, please, Govt urged," The Daily Star, 21 August 2011. See url: <http://www.thedailystar.net/newDesign/news-details.php?nid=199578>

claimed about 6,146 lives in 2010-2011. In the last 10 years 35,000 people died in road accidents.

Prisoners' rights

17. In May 2012, the total number of prisoners was about 72,000 against jail capacity of 30,630.²⁶ Overcrowding, malnutrition, unhygienic conditions, and absence of medical care cause spread of contagious diseases. Many prisons buildings are more than two centuries old and has unhealthy conditions. Physical and sexual abuse by prison staff is common.

18. The over-crowding results from the fact that almost 72 percent of inmates are awaiting trial and have no access to legal assistance.²⁷ A number of Bangladeshi nationals are detained in overseas jails without trial as are foreigners in Bangladesh jails.²⁸ Consular negotiations are not held regularly to expedite their return.

19. Bangladesh has no general witness protection law, though a 2011 amendment to the Rules of Procedure of the International Crimes Tribunal provides for witness protection.²⁹ Several witnesses at the Tribunal have received threats.³⁰

Recommendations

- Establish an independent commission to ensure transparent and accountable investigation and prosecution of alleged human rights violations by state agencies, and reparations for victims.
- Instigate both criminal and departmental proceedings in case of failure or inaction.
- Ensure “zero tolerance” against extra-judicial killings consistent with official statements.
- Take strong diplomatic initiatives to stop border killings of Bangladeshi citizens.
- End custodial torture, and other human rights abuses, of prisoners and detainees; promote prison reforms including systematic monitoring of prisons.

²⁶ Sangbad , 23 May 2012, Jugantor. 10 June, 2012

²⁷ <http://www.dandc.eu/articles/193104/index.en.shtml>

²⁸ In 2011, 209 foreign nationals were awaiting expatriation from prisons in Bangladesh and about 500 Bangladeshi nationals were imprisoned in Dammam Jail in Saudi Arabia.

²⁹ Human Rights Watch, New York, ‘Bangladesh: Guarantee Fair Trials for Independence-Era Crimes,’ 11 July, 2011; at: <http://www.hrw.org/news/2011/07/11/bangladesh-guarantee-fair-trials-independence-era-crimes>

³⁰ “Witnesses must be protected,” The Daily Star, 18 January 2012. See url: <http://www.thedailystar.net/newDesign/news-details.php?nid=218862>

- Repeal the Special Powers Act, and reform other relevant laws.
- Take urgent road safety measures, prosecute illegal issue of license of vehicles and regulate fitness of public transport.

III. FREEDOM OF ASSOCIATION AND ASSEMBLY

Workers' Rights

20. The Bangladesh Labour Law 2006 does not include agricultural and domestic workers. It also limits union participation in factories. In the EPZ Workers Welfare Association and Industrial Relations Act of 2010, the term “workers welfare society” is used instead of “trade unions”. Laws restrict EPZ workers exercising their rights to freedom of association and collective bargaining.³¹

21. The 1974 Special Powers Act, Anti-Terrorism Act 2009, and Section 54 of the Code of Criminal Procedure are used to detain trade union activists. Arbitrary arrests of garment workers and trade union activists have been followed by false cases filed against trade union leaders. (See Workers Rights section).

Non government Organisations

22. A number of restrictions were placed on NGOs, foreign journalists and human rights activists in the CHT³², including on activities of the International CHT Commission³³, stopping IPs from taking out rallies on World Indigenous Peoples' Day³⁴ following a circular issued by the LGRD Ministry³⁵, and deportation of three foreigners from the CHT.

³¹ Workers have filed several registration applications with the authorities, but due to a very slow and cumbersome process, in addition to anti-union animus, few applications have been acted upon. Workers have also complained that the union registration process requires a list of the names of union supporters to be filed together with the application, which are often handed over to employers which then retaliate against the workers through discipline or dismissal. Please see url: <http://survey.ituc-csi.org/Bangladesh.html?lang=en#tabs-4>

³² See Annex 15 for the International CHT Commission's letter to the Prime Minister protesting continued discrimination and intimidation of indigenous peoples in the CHT.

³³ See Annex 18, [International CHTC's letter protesting restrictions placed on their movement.](#)

³⁴ [Prothom Alo, 11 August 2012 \(See url: http://www.prothom-alo.com/detail/date/2012-08-11/news/280932\).](http://www.prothom-alo.com/detail/date/2012-08-11/news/280932)

³⁵ Please see Annex 20, [a translation of the Memorandum sent out by the LGRD Ministry.](#)

23. GOB cancelled many NGO registrations without a transparent process. The NGO Affairs Bureau³⁶ initially drafted a new NGO Act that drastically curtailed the independence of Bangladeshi NGOs³⁷, and concerns remain until the final version of the Act is enacted.³⁸

Political Parties

24. From 2009 to September 2012, 1564 incidents of political violence took place (with over 228 persons killed and 23,084 injured); 492 orders (Section 144) were issued imposing restriction on assembly; two persons killed and 1102 injured by law enforcing agencies³⁹; 174 clashes between political parties and police took place, and 3,581 persons injured and 7 killed.

Recommendations

- Allow trade unions to operate freely.
- No new laws should be enacted to affect the work of NGOs without engaging concerned stakeholders, particularly NGOs.

IV) FREEDOM OF EXPRESSION

25. Although the media enjoys relatively more freedom there have been cases of bans on publication of newspapers and TV stations,⁴⁰ restrictions⁴¹ on TV talk show programmes, control over the Internet, including the social media⁴² and disruptions to transmission of broadcast of rallies organized by the opposition.⁴³ The High Court issued a contempt rule against two political leaders and a talk show moderator for making derogatory remarks about

³⁶ The NGO Affairs Bureau of the Office of the Prime Minister is the regulating authority for over 2,500 NGOs that receive foreign donations.

³⁷ Although a section of the Government was initially reluctant, the NGO leaders were able to constructively engage with the authority through a series of consultations which by the time of writing this report led to a revised version that appeared to have addressed their key concerns.

³⁸ Any provisions that may be introduced to impose undue restrictions on NGOs would not only adversely affect the potentials of the sector, but also specifically jeopardize the work of NGOs and civil society to protect and promote human rights in Bangladesh.

³⁹ Summary of Human Rights Report -2011 prepared by ASK

⁴⁰ In 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>).

⁴¹ See Annex 16 for prevailing restrictions of free speech and expression.

⁴² In May 2010 Facebook was blocked after satirical pictures of political leaders were posted on the social media site. The person who posted the photos was arrested and jailed. ("Facebook blocked," The Daily Star, 30 May 2010).

⁴³ Star Campus, March 18, 2012

the court.⁴⁴ State television BTV is used as a mouthpiece for the Government's publicity. From 2010 to September 2012, 987 journalists were tortured.⁴⁵

26. The draft National Broadcasting Policy, may unfairly restrict the media and increase Government control; its proposed 44 pre-conditions for broadcast programs and 63 pre-conditions for broadcast advertisements, include barring "derogatory comments" about "national figures".⁴⁶ Several laws undermine freedom of expression.⁴⁷

27. While enactment of the Public Interest Related Information (Protection) Act of 2011 through engaging civil society was positive, no initiative has been taken to enforce it.

Recommendations

- Ensure full autonomy of state-run media
- Ensure journalists can discharge professional duties freely and without harassment.
- Amend laws on contempt and criminal defamation to prevent harassment

VI. INDEPENDENCE OF NATIONAL INSTITUTIONS

Independence of judiciary

28. In 2009, GOB formally separated the lower judiciary from the executive, but this is not fully implemented.⁴⁸ There are no criteria for appointment of Supreme Court judges⁴⁹, despite High Court guidelines.⁵⁰

⁴⁴ The Daily Star, February 2012

⁴⁵ ASK documentation from national newspapers

⁴⁶ "Cancel draft broadcasting policy, speakers urge Government," The Daily Star, 29 September 2011.

⁴⁷ The Official Secrets Act may be used to conceal government information while the Special Powers Act has provisions to impose censorship on the media. Empowered by the Printing Presses and Publications Act, a district magistrate can revoke any publication license and shut down a publication. The Penal Code has provisions to punish anyone including journalists to 'protect national security, law and order and prevent moral decay'. The Code of Criminal Procedure empowers the government to ban any publication which is considered treason and hurts people's religious and social sentiments (AJM Shafiul Alam Bhuiyan, Associate Prof. of Mass Communication and Journalism, DU, in his write-up on Press freedom).

⁴⁸ In 2009 the lower judiciary was formally separated from the executive. However, appointment, transfer, promotion of the judges of the lower judiciary is still administered by the executive, through the Ministry of Law, Justice and Parliamentary Affairs, instead of the office of the Chief Justice. It is alleged that this results in inhibiting judicial independence. There has been controversy over the repeated appointments to the High Court Divisions of the Supreme Court, with allegations regarding political bias and incompetence or lack of qualifications for appointment.

⁴⁹ [Article 95\(2\) of the Constitution of 1972 provides that a person can not be qualified for appointment as a judge unless he or she is a citizen of Bangladesh and has practiced law in the Supreme Court for at least ten years, has held judicial office in the country for at least ten years, or has other such qualifications as may be 'prescribed by law'.](#)

29. The 15th amendment of the Constitution restored the provision of consultation with the Chief Justice but controversies have continued over appointment of the CJ,⁵¹ promotions/appointments to the Supreme Court and public prosecutors.⁵² Concerns relate to reports of High Court judges refusing to hear matters on the grounds of being 'embarrassed,' especially regarding extra-judicial executions⁵³, and refusal of bail to opposition political leaders⁵⁴, as well as mass withdrawal of cases against ruling party members, including ministers.⁵⁵

30. 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.⁵⁶

31. The Government accepted UPR Recommendations 6 and 7 to confer effective powers to strengthen the NHRC. However, NHRC rules have not been enacted, it lacks an effective complaint mechanism and a legal panel and is understaffed.⁵⁷

32. The ACC lacks financial independence, has no code of conduct for staff, and no requirement to disclose assets. The GOB is empowered to provide directives to ACC in case of any ambiguity.

⁵⁰ [Govt gets 4 weeks to explain selection, The Daily Star, June 7, 2010, at: http://www.thedailystar.net/newDesign/news-details.php?nid=141667](http://www.thedailystar.net/newDesign/news-details.php?nid=141667)

⁵¹ The principle of seniority (of Chief Justices) has been repeatedly violated in recent years, with four of the last six appointments seeing the most senior judge of the Appellate Division being superseded.

⁵² Asian Human Rights Commission, 'The State of Human Rights in Bangladesh 2009', at p. 23, at: <http://material.ahrchk.net/hrreport/2009/AHRC-SPR-001-2009-Bangladesh-HRRreport2009.pdf>

⁵³ 'HC judge feels 'embarrassed'', The Daily Star, May 3, 2012.

⁵⁴ [On 16 May 2012, Dhaka Chief Metropolitan Magistrate's court rejected bail petitions of 33 top leaders of 18-party opposition alliance in an arson attack case, and sent them to jail. \("33 leaders of 18-party alliance sent to jail." The Independent, 17 May, 2012, at: http://theindependentbd.com/paper-edition/frontpage/129-frontpage/110159-34-leaders-of-18-party-alliance-sent-to-jail-cmm-court-refuses-to-give-bail.html\).](http://theindependentbd.com/paper-edition/frontpage/129-frontpage/110159-34-leaders-of-18-party-alliance-sent-to-jail-cmm-court-refuses-to-give-bail.html)

⁵⁵ By March 2011, the committee had recommended withdrawal of 4,687 cases, most of which allegedly involved members of the ruling coalition ("Overview of corruption within the justice sector and law enforcement agencies in Bangladesh", Anti-Corruption Resource Centre, p.5). At the same time, the committee appeared reluctant to approve similar applications filed against opposition party leaders or by journalists and human rights activists including journalist Jahangir Alam Akash, whom the caretaker government had reportedly implicated in false criminal cases in retaliation for his protesting extrajudicial killings (Ibid.). In September 2010, President Zillur Rahman granted presidential pardons to 20 death row inmates (some allegedly affiliated to the ruling party) convicted of the murder of an opposition youth group leader ("President pardons 20", The Daily Star, 7 September 2010. See url: http://www.thedailystar.net/newDesign/print_news.php?nid=153988). [Many cases were withdrawn since 2009 when a committee was set up under the Minister for Law to review applications for withdrawal of cases on the grounds of their being politically motivated](#)

⁵⁶ Human Rights Watch report, "The Fear Never Leaves Me": Torture, Custodial Deaths, and Unfair Trials After the 2009 Mutiny of the Bangladesh Rifles," July 2012. Please see url: <http://www.hrw.org/reports/2012/07/04/fear-never-leaves-me>.

⁵⁷ On 29 September 2011, Mizanur Rahman, the Chairman of the National Human Rights Commission went to visit Sylhet Jail, but he had to return after waiting for two hours without visiting the jail, as permission from the jail authority could not be obtained.

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33. In UPR Recommendation 7 (2009) Bangladesh accepted that it would ensure the independence of the ACC.⁵⁸ However, partisan political considerations often seem to influence the ACC's work⁵⁹ as demonstrated by withdrawal of a large number of corruption cases by administrative decision. The Office of the Tax Ombudsman was abolished by a law that nullified the Tax Ombudsman Act.⁶⁰ There have been allegations of corruption in the share market, banking center and funding for infrastructure from the World Bank.

34. The Information Commission (IC) has received 104 complaints. 44 of the complaints were resolved and 66 were discarded in view of 'imperfect application'. In many cases designated 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.

35. There are limitations in the Upazila (sub-district) Parishad Act 1998. According to the Act, MPs will be the advisers of the Upazila Parishad. This restricts the independence of Upazila Parishad.⁶¹ At the municipality and Upazila Parishad level, the standing committees have not been formed. There are not enough women members at these levels and political interference plays a considerable role in the ineffectiveness of local Government bodies.⁶²

Recommendations

- Strengthen watchdog institutions and ensure their independent operations and adequate resources.
- Ensure the ACC's authority and independence is not reduced and it can operate free from political intervention; strengthen capacity
- Adopt NHRC rules, provide adequate human resources and allow it to investigate violations by security agencies Adopt a strategic plan to protect HRDs, including special complaint handling mechanism with dedicated staff and confidentiality.
- Rigorously monitor enforcement of the RTI Act including nomination of designated offices; and adopt RTI Implementation Plan of Action engaging stakeholders
- Establish an independent secretariat to support the Judicial Services Commission regarding appointments to the lower judiciary.

⁵⁸ It was also one of the key electoral commitments of the Government.

⁵⁹ In many instances, laws such as the Money Laundering Prevention Act have been used against political opponents.

⁶⁰ This Act was intended to create an institution aimed to promote transparency and accountability in tax administration.

⁶¹ Habibur Rahman & Nahid Sharmin, *Effective Upazila Parishad-Challenges and Way forward*, TIB, 2011

⁶² Ibid

- Enact specific guidelines for appointing Supreme Court judges, eliminating discrimination or partisan influence in all appointments in the justice system.
- Respect constitutional principles (Art 96, 97) regarding seniority in appointing the Chief Justice of Bangladesh.

VIII. THE RIGHTS OF HRDs

36. In the 2009 UPR, accepting recommendations to protect HRDs including journalists, the GoB responded that it was taking necessary measures. However since 2009 HRDs have faced intimidation from 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.

VIII. WOMEN'S HUMAN RIGHTS

37. The Government adopted the 2011 National Women's Advancement Development Policy expressly referring to CEDAW, and restoring promises of gender equality in various sectors, but retaining discriminatory personal laws, limiting women's rights within the family including inheritance. New laws addressed domestic violence, human trafficking and marriage registration for Hindus, and enabled Bangladeshi women to transmit citizenship rights to foreign spouses and children.⁶³ However gender discriminatory personal laws remained in place. The amended Visa Policy allowed issue of No-Visa-Required (NVR) stamps to foreign husbands of Bangladeshi nationals, following court challenges.

38. High Court directives since 2009 addressed gender discrimination, declaring unconstitutional extra-judicial punishments in the name 'fatwa' (2010), prohibiting forced veiling in educational institutions and workplaces (2010), framing guidelines against sexual harassment in public places (2010), directing verification of birth certificates and/or NIDs for marriage registration to prevent early marriages. But these are not always complied with.⁶⁴ For

⁶³ See the Domestic Violence Prevention and Protection Act 2010, Human Trafficking Prevention and Control Act 2012, the Hindu Marriage Registration Act 2012 (Hindu marriage registration law passed, Bdnews24.com, 18 September 2012 Please see url: <http://www.bdnews24.com/details.php?id=232598&cid=2>), and the Citizenship (Amendment) Act 2009.

⁶⁴ A Gazette notification (2000) requires that the names of the mother and/or father be included in all official documents relating to a child. Contrary to this some schools insisted on names of both parents, but in a 2009 Rule, the High Court Division asked Government Ministries and education boards to ensure that a mother's name be inserted in the school admission form, either alone or with that of the father. Please see url: http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/Citizens_Initiative_Bangladesh_CEDAW48.pdf

example, child marriages continue to take place by bribing marriage registrars and faking birth certificates.⁶⁵

39. Discriminatory policies, ineffective laws or their non-enforcement and social stereotypes contribute to violence against women including domestic violence, dowry related violence, rape, acid attacks, 'fatwa', stalking and sexual harassment. Access to legal redress is limited.⁶⁶ Incidents of violence against indigenous women increased particularly in the last two years.

From January 2009 to September 2012, 267 women were subjected to acid violence, 2,360 women raped, 325 women killed after being raped,⁶⁷ 1,604 women (976 killed and 55 committed suicide) subjected to dowry-related violence.⁶⁸ There were several allegations of custodial violence against women.

Recommendations

- Adopt plan of action to implement the National Women's Policy, engaging stakeholders.
- Review and amend discriminatory personal laws to ensure gender equality.

⁶⁵ Angus Crawford, "The Marriage Breakers of Bangladesh," BBC (http://www.youtube.com/watch?v=zBStWw_rdYQ).

⁶⁶ See Annex 6 for incidents of VAW from 2009 to 2012 compiled from 14 national daily newspaper clippings.

⁶⁷ ASK Documentation from national newspapers.

⁶⁸ ASK Documentation from national newspapers.

IX. CHILD RIGHTS

40. Bangladesh accepted all recommendations made regarding children in UPR Recommendations 8, 13, 16, 22 and 23 (2009).

Child labour

41. Children continue to be employed in hazardous occupations (with undocumented numbers in domestic work) and exploited by low wages, long hours, physical abuse and deprivation from education. The National Child Labour Elimination Policy (NCLEP) 2010 proposes eliminating hazardous child labour by 2016. Bangladesh has not yet ratified ILO Convention 138 (Minimum Age).

The juvenile justice system

42. The Children Act 1974 fails to protect children due to its ineffective implementation. Child victims of crime, witnesses and juvenile delinquents are kept at the same protection services. Arbitrary arrests of child vagrants, school drop-outs, beggars, sex workers and drug addicts are commonplace, and custodial abuse, physical and sexual, is reported. Detained children are kept with adult prisoners exposing them to further violence. The draft Children Act currently defines a child as aged under 16 years.⁶⁹

Corporal punishment

43. A 2009 UNICEF study found that 91% of the children surveyed faced physical abuse at school, 74% at home, and 25% at the workplace.⁷⁰ Following 2011 High Court directives,⁷¹ the Government issued 'Guidelines to Prohibit Corporal and Psychological Punishment in All Educational Institutions 2011'.

Recommendations

- 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.

⁶⁹ The new law now awaits enactment by the Parliament after vetting by the Ministry of Law, Justice and Parliamentary Affairs (MOLJPA).

⁷⁰ UNICEF (2009), *Opinions of Children of Bangladesh on Corporal Punishment: Children's Opinion Poll 2008*, Dhaka: UNICEF & Ministry of Women and Children Affairs. See at: http://www.unicef.org/bangladesh/Opinion_Poll_2009.pdf

⁷¹ Article 111 of the Constitution of Bangladesh states, 'The law declared by the Appellate Division shall be binding on the High Court Division and the law declared by either Division of the Supreme Court shall be binding on all courts subordinate to it.'

X. WORKERS' RIGHTS

Rights of garments workers

44. In 2010-2011 constant labour unrest in the RMG sector continued over wages and work conditions, due, according to government reports, to delayed payment of wages and overtime, low wages, retrenchment, midlevel management actions, and bad worker-employer relations.⁷² January to July 2012 saw 87 workplace deaths, 513 workplace injuries, and 19 killings and 140 injuries in violence.⁷³ 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 allegedly with torture marks on his body following threats from intelligence agents.⁷⁴

Rights of migrant workers

45. Bangladesh ratified the CMW IN 2010,⁷⁵ and remittances from migrant workers formed the second highest source of foreign currency. But migrant workers to Asian and Middle Eastern countries continued facing inhuman conditions, being overworked, 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 faced sexual harassment.⁷⁶

Rights of domestic workers

46. The Government signed ILO Convention 189 (2011) relating to the decent work of domestic workers⁷⁷ and drafted the Domestic Worker Protection and Welfare Policy 2010.⁷⁸ But it has not acted on High Court directions to include domestic workers under the Labour Act 2006, or to provide child domestic workers with primary education.⁷⁹ Approximately two million domestic

⁷² The investigation was carried out by the Ministry of Labour and Employment, reported in the Kaler Kantha, 10 April 2012.

⁷³ From compilation of media reports by Bangladesh Institute for Labour Studies (BILS).

⁷⁴ Jim Yardley, "Fighting for Bangladesh Labor, and Ending Up in Pauper's Grave," The New York Times, 9 September 2012. See url: http://www.nytimes.com/2012/09/10/world/asia/killing-of-bangladesh-labor-leader-spotlights-grievances-of-workers.html?_r=1&smid=tw-share

⁷⁵ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990

⁷⁶ The Daily Jugantor, 14 July 2011.

⁷⁷ http://www.ilo.org/ilc/ILCSessions/100thSession/media-centre/press-releases/WCMS_157891/lang-en/index.htm

⁷⁸ http://www.mole.gov.bd/index.php?option=com_content&task=view&id=438&Itemid=517

⁷⁹ *BNWLA vs. Cabinet Division, Secretariat, Dhaka and others* 17 MLR (HCD) p. 121.

workers, 12.7 percent being children, are low-paid, and forced to work long hours with limited leave. Studies in 2011 indicated 83% of child domestic workers were abused physically and 17% sexually by employers' family members,⁸⁰ 51 domestic workers were killed and 32 were tortured,⁸¹ with no legal redress.

Informal Sector

47. About 80 percent of all workers are in the informal sector.⁸² Despite making an important contribution to the CHT, they are wholly unprotected by law, and 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.

Recommendations

- Adopt Domestic Workers' Welfare Policy; and include informal workers within Labour Laws, and ensure effective enforcement.
- Provide protection for migrant workers and establish specialized training institutions

XI. RIGHTS OF THE INDIGENOUS PEOPLES, MINORITIES AND VULNERABLE GROUPS

Rights of PWDs

48. A Government survey identified that PWDs comprise 9.07 percent of the population.⁸³ The Government's sixth five-year plan for 2011-2015 refers to participation and promotion of rights of PWDs but its poverty reduction strategies lack adequate focus. Public places including polling centers lack minimum access for PWDs. 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.

Rights of the indigenous peoples (IPs)

⁸⁰ The Daily Star, May 24, 2011, <http://www.thedailystar.net/newDesign/news-details.php?nid=186977>

⁸¹ From compilation of media reports by Bangladesh Institute for Labour Studies (BILS)

⁸² Workers in the informal sector include farmers, street vendors or small retailers, construction workers, brick or stone breakers, sex workers, rag pickers, domestic workers, and those working in shrimp cultivation.

⁸³ The 2010 Household Income and Expenditure Survey.

49. 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.⁸⁴ It was adopted rejecting IP demands for constitutional recognition. The Government has also repeatedly denied the existence of IPs, despite its election manifesto commitments.⁸⁵ 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.⁸⁶

50. Several incidents of human rights violations against IPs were reported, 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 plainlands.⁸⁷ Investigations of such allegations involving security forces remained unaddressed by the NHRC.

51. The government is yet to form a Land Commission for plainland IPs. Despite repeated requests the Government has not extended an invitation to the Special Rapporteur on IPs.

52. Adverse effects of climate change, including rising sea-levels, temperatures, monsoon precipitation, and cyclone intensity⁸⁸ is expected to impede development in Bangladesh.⁸⁹ The Wildlife (Protection and Safety) Act 2012 was enacted without consulting IPs the majority of whom are dependent on forests for their livelihoods Environmental activists expressed concerns that this Act would facilitate commercialisation and social forestry endangering wildlife and forests.⁹⁰ IPs were not consulted before drafting amendments to the Forest Act

⁸⁴ Please see Annex 7 for the International CHT Commission’s letter to the Prime Minister about the 15th amendment of the national constitution.

⁸⁵ In March 2012 the Local Government and Rural Development (LGRD) Ministry sent a Memorandum to government officials instructing them not to support celebrating World Indigenous Day.

⁸⁶ Rakib Ahammed, “Most indigenous communities unrecognised,” 31 July 2010. See url: <http://www.thedailystar.net/newDesign/news-details.php?nid=148822>

⁸⁷ The parliamentary Caucus on Indigenous Peoples proposed to enact a ‘Bangladesh Indigenous Peoples’ Rights Act’ and to set up a ‘National Commission on Indigenous Peoples’ under the Act to ensure the rights of indigenous communities on their ancestral lands.

⁸⁸ On 25 May 2009, south-western Bangladesh was struck by Cyclone Aila causing extensive destruction across 11 coastal districts, killing 190 people and affecting more than 3.9 million.

⁸⁹ Saleemul Huq and Jessica Ayers, *Climate Change Impacts and Responses*, International Institute for Environment and Development, 2007.

⁹⁰ Staff Correspondent, “Greens question new wildlife law, Fear some provisions will facilitate commercialisation of forests, The Daily Star, 10 July 2012.

1927.⁹¹ Allegations of abuse of power and corruption relating to use of climate change funds is a concern.⁹²

53. Immediately implement the CHT Accord, provide it with constitutional safeguards, and adopt a time-bound roadmap to approve rules of Business of the CHTRC; hold elections to the three HDCs and CHTRC; transfer subjects to HDCs, prioritizing law and order, police (local), land/land management, environment and forests; withdraw temporary camps and 'Operation Uttaran' from CHT ; and rehabilitate all returned refugees/IDPs.

CHT situation and Accord implementation

54. In UPR Recommendation 34 Bangladesh accepted full implementation of the CHT Accord but the Government has not taken effective measures to realize this commitment and has not provided for any constitutional safeguard for the Accord. It proposed rejection of a study on the status of the implementation of the CHT Accord by Special Rapporteur appointed by the UN Permanent Forum on Indigenous Issues (UNPFII).

55. 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, CHT Land Dispute Resolution Commission and made some appointments to some posts but these committees have made minimal progress on critical clauses. 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 due to be transferred to the Hill District Councils, remain unaddressed. Amendments demanded to the CHT Land Dispute Resolution Commission Act of 2001 have not yet been done. In 2009, about 35 temporary camps were dismantled, but more than 300 remain in the CHT. 'Operation Uttaron' remains in force by the military and its mandate and necessity is not transparent. Land disputes remain unresolved. There have also been no attempts to rehabilitate the Internally Displaced IPs. Attacks on IPs in the CHT continue.

Recommendations

- Give constitutional recognition to the identity and integrity of IPs.

⁹¹ "Draft Wildlife, Forest Acts, Submit objections to NHRC Mizanur asks stakeholders," The Daily Star, 9 July 2012.

⁹² Climate Finance Governance Project, Transparency International Bangladesh, "Challenges of Transparency and Accountability in Climate Finance Governance", May 2012.

- Establish a Land Commission for plains IPs, and activate CHT Land Commission after amending relevant law.
- Conduct impartial enquiries into all IP rights violations and ensure perpetrators are brought to justice.

Right of religious minorities

56. 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.⁹³

57. More 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.⁹⁴ However, discriminatory personal laws remain in place. Sporadic attacks continue on minorities. Law-enforcing agencies have reportedly disrupted Ahmadiyas from building a mosque and holding a public meeting, and a Government agency published an anti-Ahmadi report.⁹⁵ Serious concerns related to alleged police inaction in upholding law and order following attacks on Hindu temples and a church,⁹⁶ incidents of land grabbing and impeding religious programs. There were several incidents of torture and harassment of Buddhist monks including in Sajek, Teknaf and Ramu.⁹⁷

⁹³ Art 2(a) of the Constitution of Bangladesh, amended by the 15th Amendment to the Constitution

⁹⁴ For a fuller discussion see section on Land Rights.

⁹⁵ In June and October 2010 and in 2011 there were attacks in Tangail on Ahmadiyas, in February 2011 the Government cancelled permission to hold the 87th Annual Ahmadiyya Convention in Gazipur. Amid death threats issued by Khatme Nabuwat on Ahmadiyya people, police instead of taking action against the perpetrators, asked Ahmadi leaders to carry out their programs in low-profile (Rashidul Hasan, “Cops dictate terms for Ahmadiyya programmes”, The Daily Star, 20 March 2010). Police also stopped an Ahmadiyya mosque from giving call to prayers. Hindu temples were attacked in Hathazari in February 2012.

⁹⁶ On 20 March 2010, a clash over a land dispute involving a Christian church in the Mithapukur Upazila resulted in injuries to 20 of the involved parties.

⁹⁷ “12 Buddhist Temples Torched, 50 Houses Smashed,” The Daily Star, 1 October 2012. See url: <http://www.thedailystar.net/newDesign/news-details.php?nid=251955>. “Trouble flares in hills again,” The Daily Star, 21 February 2010. See url: <http://www.thedailystar.net/newDesign/news-details.php?nid=127234>. A 200-year-old Buddhist temple of the Rakhaine community was attacked at Teknaf upazila in Cox’s Bazar allegedly by influential local Awami League leaders. See Jagaran Chakma, “AL leader blamed for grabbing Buddhist temple,” The Independent, 29 January 2012. See url: <http://www.theindependentbd.com/paper-edition/backpage/132-backpage/92231-al-leader-blamed-for-grabbing-buddhist-temple.html>

Rights of gender and sexual minorities

58. Regarding UPR recommendations 27, Government representatives reportedly stated these were “out of context”. In July 2011 the Government voted against UN resolution 17/19 proposing a study on discrimination against sexual minorities.⁹⁸ In contrast to these denials, 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 NIDs and including an ‘other’ option for ‘sex’ in the passport form. In general however, gender and sexual minorities⁹⁹ lack legal recognition and protection and face social marginalization. They are harassed using section 377 of the Penal Code¹⁰⁰ and section 54 and 55 of CrPC.

Recommendations

- Acknowledge existence of sexual and gender minorities and incorporate the issue in relevant Policies/Plans.
- De-criminalize consensual adult same-sex activities by abolishing section 377 of the Penal Code.
- Incorporate sex education in the national curriculum, and sensitize relevant agencies on sexuality/ gender issues.

Rights of Dalits

59. The Government recognised Dalits and other socially excluded groups (gypsies and eunuchs) by allotting BDT 146.1 million in the National Budget (2012-13). However, there are no laws on protect Dalit rights, despite demands from the communities and the NHRC,¹⁰¹ and some 5.5 million Dalits and socially excluded communities were omitted from the 2011 census. 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.

Recommendations

⁹⁸ <http://arc-international.net/syp-content/uploads/2011/08/HRC-Res-17-191.pdf>

⁹⁹ Gender and sexual minorities include Kotis, Panthis, Hijras, MSMs, Lesbians, Gay, Bisexuals, Transgenders, Transsexuals, Transvestites and others.

¹⁰⁰ Under 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.

¹⁰¹ “NHRC chief for law protecting Dalit's rights,” The Daily Star, 5 August 5 2012.

- Provide quotas for Dalits in public education,¹⁰² employment and housing.
- Criminalize ‘untouchability’ and discriminatory practices, pursuant to CERD General Recommendation No. 29 (2002).
- Adopt a national action plan to eliminate work and descent-based discrimination

Rights of Linguistic minorities

60. 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, NIDs 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”.

Recommendations

- Amend Art 6(2) of the Constitution to recognize minorities
- Ensure reintegration and rehabilitation of Urdu-speaking minorities with dignity
- Provide quota for linguistic minorities in public education and employment

XII. RIGHTS OF REFUGEES

61. Regarding UPR Recommendation 2, Bangladesh refused to commit to ratifying the 1951 Refugee Convention.¹⁰³ In 2012 the Government refused refuge to Rohingyas from Myanmar (including women and children) and denied access to humanitarian aid following communal attacks,¹⁰⁴ despite repeated appeals from human rights organizations.¹⁰⁵

Recommendations

¹⁰² Letter issued by the Prime Minister’s Office on 29 May 2012

¹⁰³ Bangladesh said, “Although not a party to this Convention, Bangladesh has consistently upheld its principles and objectives. Despite being burdened with a protracted refugee situation originating from a neighbouring country, Bangladesh has not done a single refoulement of the three hundred thousand refugees who came from Myanmar, even in their early stay in Bangladesh, when there was no international presence or support... Accession to this Convention needs to be considered in light of the existing situation and in the overall regional context. This matter remains under regular review by the Government.”

¹⁰⁴ See Equal Rights Trust, A Situation Report on Violence against Stateless Rohingya in Myanmar and their Refoulement from Bangladesh, June 2012.

¹⁰⁵ See letter from Human Rights Watch Executive Director Kenneth Roth to Prime Minister Sheikh Hasina on 15 June, 2012: <http://www.hrw.org/news/2012/06/15/bangladesh-letter-prime-minister-sheikh-hasina-regarding-obligations-not-reject-refu>

- Ratify the 1951 Refugee Convention and deal with refugees from a human rights perspective
- Ensure education opportunities, including to higher education, for officially registered refugee children.
- Allow operation of humanitarian aid agencies, offering life-saving services to refugees/IDPs in crisis-affected areas.

XVI. CONFORMITY WITH INTERNATIONAL HUMAN RIGHTS STANDARDS

Ratification/withdrawal of reservations

62. Since 2009, the Government 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 OP on Status of Refugees, CED, the OP-CAT, or the ILO Convention No 169 on Indigenous and Tribal Peoples 1989.¹⁰⁶ Despite repeated international commitments, the Government has not withdrawn CEDAW reservations.¹⁰⁷

Reporting to treaty bodies

63. Bangladesh has not yet submitted initial reports relating to CAT, ICCPR, ICESCR, CRPD, despite delays of over 10 years (ICCPR /ICESCR).¹⁰⁸

Invitation to Special Procedure mandate holders

64. Since 2009, two Special Rapporteurs (SRs) have visited Bangladesh, with several visit requests receiving no response,¹⁰⁹ and others pending for years.¹¹⁰ Despite Bangladesh's two-

¹⁰⁶ The Government of Bangladesh said, "Though the Convention No. 169 on indigenous and tribal peoples is not yet ratified by Bangladesh, the tribal peoples of CHT are already enjoying most of provisions enshrined in the ILO convention No. 169 through the implementation of the CHT Accord." See Annex 4 for a full list of ratifications by Bangladesh.

¹⁰⁷ CEDAW, Articles 2 and 16.1.c. While welcoming some of the measures taken by the Government for the advancement of women, the CEDAW Committee expressed its continued concerns for (1) remaining reservations; (2) retention of laws that did not conform with CEDAW, particularly discriminatory personal laws; (3) discriminatory practices of polygamy, dowry, fatwa instigated violence; (4) low participation of women in public decision making; (5) low participation rates in higher education and (6) vulnerability of migrants. See Annex 4 for a list of existing reservations by Bangladesh to treaties to which it is party.

¹⁰⁸ See Annex 5 for the status of reports due from Bangladesh under international treaties.

¹⁰⁹ The 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.

time membership of the Human Rights Council and response to UPR Recommendation 12 that it “has been fully cooperating” with Special Procedures,¹¹¹ it ranks among countries with the maximum pending requests.

Domestic incorporation

65. The DV Act 2010 and NWDP 2011 expressly refer to CEDAW, while several High Court judgments on women’s and children’s rights refer also to the CRC, ICCPR and ILO Convention C182.¹¹²

Recommendations

- Ratify CED, OP-CAT, OP1-ICCPR, OP-2-ICCPR, OP-ESCR, Refugee Convention, OP on Status of Refugees, ILO Conventions 169 and 189.
- Withdraw reservations to CAT, CEDAW, CERD, CRC, ICCPR, ICESCR.
- Submit reports due to treaty bodies.
- Accept requests for visits from Special Procedures, and issue standing invitations.

¹¹⁰ See 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).

¹¹¹ Bangladesh further stated that, “Some special rapporteurs have visited in recent years. A few requests are pending. We are in the process of finalizing their requests and we expect the visits to begin very soon. We do not consider that the issuance of a standing invitation is the only way to ensure full cooperation.”

¹¹² These include judgments to take measures against “fatwa violence” (63 DLR 1), prevent sexual harassment in educational institutions (14 BLC 694; 2011 BLD 324), prohibit corporal punishment in schools and madrasahs (63 DLR 643), prohibit child labour (please see <http://www.askbd.org/web/?p=1531>).