



**General Assembly**

Distr.  
GENERAL

A/HRC/WG.6/4/BGD/3  
24 November 2008

Original: ENGLISH

---

HUMAN RIGHTS COUNCIL  
Working Group on the Universal Periodic Review  
Fourth session  
Geneva, 2-13 February 2009

**SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER  
FOR HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF  
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1 \***

**Bangladesh**

The present report is a summary of 17 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. 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. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

---

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

## **I. BACKGROUND AND FRAMEWORK**

### **A. Scope of international obligations**

1. ODHIKAR and Fédération internationale des ligues des droits de l'Homme (FIDH) stated that Bangladesh should ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, the 1951 Convention relating to the Status of Refugees, the UNESCO Convention against Discrimination in Education, the Optional Protocol to the ICCPR, the Second Optional Protocol to the ICCPR on the abolition of death penalty, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.<sup>2</sup> Asian Indigenous & Tribal Peoples Network (AITPN) stated that Bangladesh should ratify the ILO Convention No. 169 concerning Indigenous and Tribal Peoples.<sup>3</sup> Human Rights Forum on UPR ('the Forum') noted that Bangladesh has accepted the individual communications procedure under only under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).<sup>4</sup>

2. ODHIKAR and FIDH stated that, under the 'Emergency', a host of basic human rights remain suspended, including freedom of movement (Article 36), assembly (Article 37), association (Article 38), thought, conscience and speech (Article 39), profession and occupation (Article 40) and rights to property (Article 42).<sup>5</sup>

### **B. Constitutional and legislative framework**

3. Amnesty International (AI) noted that following a highly polarized political environment with widespread violence, serious human rights violations and fears of election-rigging, the President declared a state of emergency on 11 January 2007 and installed the current caretaker Government with the support of the armed forces.<sup>6</sup>

4. Human Rights Forum on UPR (the Forum) stated that international treaty obligations must be incorporated into national law before they can be directly enforceable. Such incorporation has not taken place with respect to most treaties.<sup>7</sup> The Forum noted that the Constitution of 1972 contains explicit guarantees of a wide range of civil and political rights and secures the right to a remedy for their violation by way of a constitutional petition before the Supreme Court. The Forum also noted that the Constitution sets out the fundamental principles of state policy. Although traditionally considered to be non-justiciable, these fundamental principles have been applied in a number of cases by the Supreme Court in order to protect economic and social rights.<sup>8</sup>

### **C. Institutional and human rights infrastructure**

5. The Forum stated that, despite promulgation of the National Human Rights Commission Act 2007, a national human rights institution has not started functioning to date. Human rights organisations have questioned the capacity of the proposed Commission to function as an effective human rights watchdog, noting the executive predominance in the composition of the selection committee; the lack of any special measures to ensure diversity within the Commission; the Commission's limited jurisdiction to investigate cases already pending before a Court, Ombudsman or Administrative Tribunal; and its limited powers to ensure state compliance with its recommendations and directives. Despite express

constitutional and legislative provisions, the office of the Ombudsman has not been established to date.<sup>9</sup>

6. Bangladesh Dalit and Excluded Rights Movement (BDERM), Nagorik Uddyog (NU) and the International Dalit Solidarity Network (IDSN) recommends that a rapporteur on Dalit rights be appointed within the newly established national human rights commission requesting him/her to make a national study on discrimination on grounds of caste, work and descent.<sup>10</sup>

#### **D. Policy measures**

7. The Forum noted the National Food Policy (NFP) was adopted in 2006 to ensure dependable and sustained food security for all at all times. The Forum also noted that the original National Women's Development Policy 1997 was significantly amended in 2004, in a highly secretive process, in an apparent effort not only to limit women's equal rights and participation in the economy but also to bolster a specific construction of femininity and the role of women in the family. After long and consistent advocacy by women's rights groups, when the present government announced a new National Women's Development Policy (NWDP) on 8 March 2008, it was widely welcomed except by certain Islamist groups, which publicly demonstrated on the streets, threatened women's rights activists, and claimed that the Policy guaranteed equal inheritance rights and thus 'contravened the provisions of the [Holy] Qu'ran'. The Forum noted that the original 1997 Policy's reference to equality regarding inheritance and property was omitted from the final 2008 version.<sup>11</sup> The Forum also noted that Government initiatives on ensuring women's rights included dialogue towards framing a law on domestic violence and review of PRSP guidelines on gender.<sup>12</sup>

## **II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

### **A. Cooperation with human rights mechanisms**

8. ODHIKAR and FIDH noted Bangladesh's failure to comply with its treaty reporting obligation to send periodic reports to treaty bodies. No report has been submitted to the CAT Committee in its first to third rounds, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights. The third report of the ICERD is still pending. According to ODHIKAR and FIDH, Bangladesh has a very poor record of following through recommendations of treaty bodies. They also stated that the 2004 CEDAW Committee recommendations, including the withdrawal of reservations, defining discrimination of women, and adopting uniform family law, remained unfulfilled. Similarly, recommendations of the CERD and the CRC Committees were ignored.<sup>13</sup>

9. The Forum noted that, with regard to the 2003 CRC Committee recommendations, the age of minimum criminal responsibility has been raised from seven to nine, but no steps have been taken to date to fix a minimum age for admission to employment, in line with internationally accepted standards, or to amend legislation to enable transmission of citizenship without gender-discrimination, to prohibit corporal punishment, or to adopt national refugee legislation and accede to the 1951 Convention relating to the Status of Refugees or to establish a child-sensitive complaints system.<sup>14</sup>

10. Commonwealth Human Rights Initiative (CHRI) noted that, Bangladesh did not issue an invitation to the United Nations Special Rapporteur on summary and extrajudicial executions.<sup>15</sup> BDERM, NU and IDSN stated that visits of the Special Procedures mandate holders would offer the Government opportunities to engage in a constructive dialogue with

human rights experts about the ways to overcome challenges and constraints experienced in the country. In particular, the Independent Expert on minority issues would be able to initiate a dialogue about the prevention of discrimination against marginalized communities and minorities, including Dalits.<sup>16</sup>

## **B. Implementation of international human rights obligations**

### **1. Equality and non discrimination**

11. The Forum stated that personal laws based on religion in matters of inheritance, marriage, divorce, maintenance, child custody and adoption discriminate against women. Citizenship laws also discriminate against women. De facto discrimination in opportunities for education and employment as well as access to resources and services, in particular healthcare, further imposes various barriers on women in exercising their rights. Women face discrimination both in public and private spheres. Violence continues to be a significant feature of the everyday experience of many Bangladeshi women.<sup>17</sup>

12. BDERM, NU and IDSN stated that there has been no effective initiative by the Government to eliminate discrimination against Dalits and protect their constitutionally guaranteed human rights. Dalit women suffer from double discrimination and they are yet to be empowered to take an active part in the socio-cultural, economic and political arena in the community and the country. There are a number of challenges and constraints which affect Dalit communities' rights and equal opportunities to enjoy fundamental human rights. Most notably, this concerns the lack of access to education; poverty issues; health, education and housing problems; unequal access to work; discrimination against women; bonded labour and child labour.<sup>18</sup>

13. BDERM, NU and IDSN stated that Dalits are not allowed to rent or build houses outside the designated localities. They are regularly denied entry to the temples and religious activities of non-Dalits, to tea shops and restaurants, to houses of non-Dalits, playgrounds, movie theatres, burial grounds, social gatherings, music concerts, and cultural events. Dalit sometimes also face severe forms of human rights violations, including abduction, rape, torture, destruction of houses, land grabbing, eviction from land, threats and intimidation.<sup>19</sup>

14. Asia Indigenous Peoples Pact Foundation (AIPP) stated that article 28 of the Constitution prohibits discrimination on the grounds of race, religion, and place of birth, but indigenous peoples are the victim of social, racial, religious, cultural and linguistic discrimination.<sup>20</sup> AIPP noted that indigenous women in Bangladesh are victims not only of repression and negligence, but also of violence like rape, kidnap and murder. Rampant violation of women's human rights takes place not only within a home or public but also during police custody.<sup>21</sup>

15. Hindu Buddhist Christian Unity Council (BHBCUC, Ontario) noted that women from the minority communities face double jeopardy and serious violations of their civil rights. Many laws that discriminate against women are still on the statute books. Further, successive governments have turned a blind eye to sexual assaults, rape, forcible confinement and forced conversions of minority women, particularly Hindus. Women victims are faced with inadequate legislative safeguards and uncooperative and more often, hostile police authorities when they seek redress.<sup>22</sup>

16. AYGUSC noted that with respect to the Bihari community, land evictions, encroachment and from time to time the withdrawal of power supply have created further problems, while a severe lack of educational and healthcare facilities hamper community development.<sup>23</sup> AYGUSC further noted that problems experienced with regard to healthcare revolve around social discrimination. Due to unsanitary living conditions, and with very little education in relation to healthcare among the Bihari community, there is an urgent need to provide medical facilities.<sup>24</sup>

17. The Forum noted continuing concerns about the continued application of discriminatory laws (such as the Lunacy Act 1912 which results in gross violations of the rights of persons with intellectual disabilities and persons with mental illness), the lack of enforcement of laws and existing mechanisms, aimed at delivering services as well as changing perceptions and attitudes on people with disabilities. The Forum further noted that the lack of accurate national data on the total number of persons with disabilities and on different areas of disability-based discrimination prevents in-depth analysis and targeted planning.<sup>25</sup>

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

18. Asian Centre for Human Rights (ACHR) stated that actions by the Rapid Action Battalion (RAB) were of deep concern. Formed in March 2002 to combat crime, RAB personnel have been responsible for systematic and widespread “extrajudicial executions” euphemistically described as “cross-fire” killings. 184 persons were killed in 2007 in so-called crossfire killings. The use of torture was routine in Bangladesh.<sup>26</sup>

19. The Forum stated that in both the pre- and post-Emergency periods, continued reports of extra judicial killings by law enforcing agencies, custodial death and torture, including rape demonstrate the vulnerability of the right to life of Bangladeshi citizens. In the vast majority of instances, the state failed to publish any information regarding actions taken to investigate, prosecute or punish those responsible for such killings. Violent attacks, reportedly led by religious extremist groups with virtual impunity for several years, had severely curtailed the right to life, liberty and security of persons.<sup>27</sup>

20. AI also stated that Bangladesh must address a range of human rights violations, including deaths in custody, torture and other ill-treatment, extrajudicial executions, rape and other forms of gender-based violence, and abuse of power by law enforcement agencies committed with impunity.<sup>28</sup> AITPN alleged that the continued presence and expansion of military bases contributes to the ongoing human rights abuses including extrajudicial killings in the Chitagong Hill Tracts (CHTs). Many are reported to have been tortured to death in military custody after arrest.<sup>29</sup>

21. Human Rights Watch (HRW) noted that Bangladesh has failed to uphold its international obligations to respect the right to life and to provide persons effective protection from extrajudicial execution, torture, and cruel, inhuman and degrading treatment. Torture is a routine feature in criminal investigations and is also commonly used by law enforcement officials for the purpose of extorting money from individuals taken into custody.<sup>30</sup>

ALRC alleged that torture is used in order to extract money, to force persons to sign false confessions, to repress the poor, and against persons in opposition to those in power, or their allies. All law-enforcement and intelligence agencies are alleged to operate torture cells, where people are tortured as part of so-called interrogations.<sup>31</sup>

22. The Forum stated that incidents of arbitrary arrest and detention, as well as the reported ‘mass arrests’ continued to occur. Under the Emergency Power Rules (EPR), the law enforcing agencies’ powers of arrest, including to arrest without warrant combined with the restrictions on the right to seek bail in the case of any offence falling within the ambit of the EPR, severely curtailed the right to liberty with a disproportionate impact on the poor and marginalized who were unable to access fast-track procedures for relief and redress in the superior courts.<sup>32</sup> AI noted that the caretaker Government has continued to use preventive detention laws to deny large numbers of individuals their freedom in violation of the prohibition in international law of arbitrary deprivation of liberty provided for in the Bangladeshi Constitution and international law.<sup>33</sup> AI stated that the Special Powers Act (SPA) of 1974 provides for the detention of individuals who might commit “prejudicial acts” against the state and gives sweeping powers to the executive to detain people arbitrarily without having to justify its action before a court of law.<sup>34</sup> AI further noted that detainees are denied the right to legal representation before the non-judicial Advisory Board which the government is required to convene within 120 days of arrest under the SPA. The Advisory Board can recommend withdrawal of an SPA detention order or extend detention indefinitely for successive six-month periods.<sup>35</sup>

23. ALRC noted that arrest warrants and information regarding the charge against the person are rarely produced at the time of arrest. Persons rarely have access to legal counsel following their arrest. Individuals are being detained in police stations or military camp for days, weeks or even months, without any official records being kept or having any access to courts.<sup>36</sup>

24. ODHIKAR and FIDH noted that the number of persons held in prisons is many times over their holding capacity. The problem turns acute during frequently conducted mass-arrests, when all arrestees are simply dumped in prison disregarding rights of prisoners. According to reports the 68 jails of the country contain 87,579 inmates, more than three times the combined capacity of 27,368 of these jails. This resulted in denial of basic needs of food, health, hygiene, recreation and rehabilitation of prisoners.<sup>37</sup>

25. ODHIKAR and FIDH stated that violence against women takes numerous forms, including rape, beatings, torture and murder, both in domestic and public situations. It has also to do with patriarchal, class based, repressive mind-sets and status of women within the family and society.<sup>38</sup> ODHIKAR and FIDH noted that in most cases, victims of rape or their family members remain silent due either to social stigma or fear of the rapist.<sup>39</sup> Sexual Rights Initiative (SRI) stated that Hijra, Kothi and other ‘effeminate’ males are often vulnerable to abduction, arbitrary arrests, detention, beatings and gang rape by the law enforcing agencies and local thugs.<sup>40</sup> SRI noted that there is no law to penalize “male to male” rape.<sup>41</sup>

26. The Forum stated that, under applicable laws the age bar for prohibition of child labour varies from 14 to 18 years and is not effectively enforced. In practice, one in every eight children in the country is a working child. Nearly one-fifth of children from slum and tribal areas are engaged as child labour to earn a livelihood for themselves and their families. A quarter of children engaged in child labour do not attend schools. Between the ages of 5 and 14 years approximately 6.6 million children are engaged in labour force in the country.<sup>42</sup>

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

27. ALRC stated that the judiciary, from the Supreme Court down, has been weakened through politically-motivated appointments made by successive regimes, in order to ensure

that the judiciary acts in the interest of those in power.<sup>43</sup> ODHIKAR and FIDH noted that, due to continued government intervention, the judiciary is in deep crisis despite some formal separation. Weakness of the judiciary perpetuates miscarriage of justice and violation of human rights.<sup>44</sup> The Forum noted that, under Emergency Regulations, the powers of the Supreme Court have been substantially curtailed both de jure and de facto.<sup>45</sup>

28. CHRI stated that policing in Bangladesh remains unreformed and is governed by antiquated laws. The police service is characterised by its failing performance when dealing with social or political unrest, terrorism, extortion or crime against women, poor working conditions and out-dated training and its public reputation is tainted by corruption, abuse of power and impunity and external political interference.<sup>46</sup> CHRI noted that a Police Reforms Programme was initiated in 2006. A draft Bill replacing the colonial-era Police Act was completed in 2007, and was opened for civil society inputs. After collecting data from citizen surveys, the Bill is now with the Ministry of Home Affairs, which will incorporate the data collected into the bill, and then ready it for ratification by the caretaker government.<sup>47</sup> ALRC noted that the militarisation of law-enforcement has taken place through new joint forces, comprising military intelligence agents and the police. The courts suffer from military surveillance and interference.<sup>48</sup>

29. HRW stated that impunity is an institutional and legal problem as law enforcement officers and members of the armed forces are shielded from prosecution by an outdated legal framework that is inconsistent with current international legal standards.<sup>49</sup> AI noted that the caretaker Government's stated commitment to reform is an opportunity to address long-standing barriers to protection of human rights. However, it has failed to end impunity for human rights violations through comprehensive institutional reform to strengthen the rule of law and protect investigative, prosecutorial and judicial proceedings addressing human rights violations from political interference.<sup>50</sup> AITPN stated that, while human rights activists in general remain under surveillance, human rights defenders from indigenous and minority communities or those working with indigenous and minority communities were specifically targeted with impunity. Indigenous rights defenders have disproportionately been victims.<sup>51</sup>

#### **4. Right to privacy, marriage and family life**

30. SRI stated that the Section 377 of the Penal Code criminalizes sexuality against the 'order of nature.' The punishments for crimes perpetrated under this section include fines and an imprisonment of up to ten years. SRI noted that there has not been any case tried or filed under this section. Nonetheless, section '377' is said to have been invoked by the law enforcing agencies to bully Hijra, Kothi and LGBT-identified communities.<sup>52</sup>

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

31. The Becket Fund stated that the Ahmadis have suffered significantly at the hands of extremist Islamic groups, who have targeted them with beatings, murders, destruction of mosques, and homes. Some Muslims regard Ahmadis, who profess to be Muslim, as heretics for certain aspects of their beliefs. The Government continues to obey a court order not to enforce a 2004 government proposal for a ban on Ahmadiyya publications, and has also taken steps to protect the Ahmadi community with higher security. Nonetheless, anti-Ahmadiyyah violence and discrimination remains a high concern for religious freedom in Bangladesh.<sup>53</sup>

32. AITPN stated that Buddhist monks were often harassed, assaulted and Buddhist temples were looted and destroyed.<sup>54</sup>

33. BHBCUC, Ontario stated that the EPR of 2007 remains in effect and is unlikely to be lifted until after upcoming national elections (postponed and now scheduled to take place in December 2008).<sup>55</sup> The Forum stated that the EPR contain wide-ranging provisions that restrict freedom of expression. The reported resort by the Government to covert threats has resulted in extensive self-censorship across the print and broadcast media. The EPR also permit the use of intercepted communications, like previous legislation, the Bangladesh Telecommunications (Amendment) Act 2006.<sup>56</sup> Reporters Without Borders (RWB) stated that the Government and the army control the media firmly in times of crisis. Army intelligence officers summoned editorial heads and threatened them with draconian criminal proceedings, including under Article 5 of the State of Emergency Regulations.<sup>57</sup>

34. The Forum stated that under the Emergency, while several NGOs have continued to face threats, others have faced direct interference in the form of arbitrary arrest and detention, or threats of arrest, of their management. The Forum further stated that the rights to assembly and to association are frequently flouted, and the use of violence and intimidation by law-enforcing agencies to suppress worker protests is not uncommon. Under the Emergency, the express prohibition on public meetings and demonstrations, and on trade union activities, has further hampered an already repressive climate for the enforcement of labour rights.<sup>58</sup>

35. ACHR stated that human rights activists are subject to surveillance but human rights defenders from indigenous and minority communities or those working with indigenous and minority communities were the subject of particular harassment.<sup>59</sup>

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

36. The Forum stated that the most common violations in the industrial sector include failure to provide formal appointment letters, delays in payment of wages, failure to pay for overtime hours, failure to provide maternity leave and inadequate childcare facilities. In recent years, employer negligence has resulted in numerous workplace injuries and deaths.<sup>60</sup>

37. Association of Young Generation of Urdu Speaking Community (AYGUSC) stated that equal access to employment was cited most frequently as the right the Bihari community currently cannot access. Not only are they denied all government positions but due to their camp address and undefined status, wider discrimination in the job market remains a prime concern.<sup>61</sup>

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

38. BDERM, NU and IDN noted that the first PRSP development process, mentioned the following excluded communities: “Bawalies” (woodcutters or those living off forests); Mawalies (honey collectors); Dalits (sweepers, sewerage cleaners and scavengers); Mymal (fishermen in water bodies); and Muchis (cobblers and shoe-makers). However, the final PRSP, entitled “Unlocking the Potential”, makes no explicit reference to Dalits of any kind. The current PRSP development process is more systematic and does involve a measure of genuine civil society input. Such inputs can extend the list of groups of excluded peoples in Bangladesh.<sup>62</sup> AITPN noted that indigenous peoples have been consistently excluded from participation in planning processes and denied access to decision making.<sup>63</sup>

39. UBINIG (Policy Research for Develop Alternative) expressed concerns about the increasingly alarming situation with regard to the failure of the Government to ensure adequate food and nutrition as the rights of the citizens.<sup>64</sup> UBINIG noted that Bangladesh has

created an alarming human rights situation regarding the right to adequate food and nutrition. Disastrous consequences are imminent since Bangladesh does not have any legal regime, policy, mechanism or institution to address human rights to adequate food and nutrition.<sup>65</sup> UBINIG further noted that the rights to food and nutrition are intricately linked with other international covenants related to environment, ecology, biodiversity and genetic resources.<sup>66</sup>

40. SRI noted that the practice of ritual castration popular among the Hijra community involves serious health hazards as they are always surreptitiously performed by ritual cutters in extreme unhygienic conditions.<sup>67</sup>

41. The Forum stated that, notwithstanding existing constitutional and international obligations to prevent forced evictions, as well as High Court judgments directing the Government to provide for proper notice and rehabilitation measures before displacement, there have been repeated instances of slum demolition every year.<sup>68</sup>

42. AYGUSC alleged that the Bihari Urdu speaking community is not recognized by the Government as Bangladeshi citizens and a minority group. Bihari camp dwellers are not included in national Poverty Reduction Strategic Paper (PRSP).<sup>69</sup>

### **8. Right to education and to participate in the cultural life of the community**

43. AYGUSC stated that, 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, rules vary between institutions, and access is dependent on the attitudes of individuals in charge. AYGUSC further noted that there is no access to learning language and to practicing the Urdu culture, due to constitutional barrier.<sup>70</sup> BDERM, NU, and IDSN stated that most Dalits have no formal education.<sup>71</sup>

44. The Forum stated that lack of access to mainstream primary education affects some 96 percent of children with disabilities. Lack of access to buildings remains a serious issue, due to non-compliance with existing laws.<sup>72</sup>

45. SRI stated that most Hijra and Kothi-identified persons who attended schools cite bullying as one of the preeminent reasons for dropout from state sponsored primary schools. Many are reported to have turned suicidal and experienced acute psychological trauma.<sup>73</sup>

### **9. Minorities and indigenous peoples**

46. AITPN stated that there is no constitutional recognition of indigenous peoples in Bangladesh.<sup>74</sup> AIPP noted that there are around 45 distinct groups of indigenous peoples living across Bangladesh. Historically, the indigenous peoples of Bangladesh are one of the most deprived groups in many aspects of economic, social, cultural and political rights mainly due to their status of ethnic minority.<sup>75</sup> AITPN alleged that the Government grabs the lands of indigenous peoples and minorities is the State policy in Bangladesh and allows land grabbing by the mainstream Bengali populations who use different methods, including forging documents and forcibly ousting indigenous peoples from their lands.<sup>76</sup> AITPN further noted that land grabbing is systematic in the Chittagong Hill Tracts (CHTs). The army has renewed its efforts to settle Muslim plain settlers since the imposition of the State of Emergency.<sup>77</sup>

47. Unrepresented Nations and Peoples Organization (UNPO) stated that the signing of the CHT Accord was an important step towards lasting peace and security, and the embodiment of a political desire to ensure justice for Jumma indigenous groups.<sup>78</sup> AIPP

noted that the CHT Accord stipulated the establishment of a Land Commission to resolve the longstanding CHT land disputes in consonance with the law, custom and practice in force in the CHT. The Commission is yet to start its functions. Hence no single land dispute has been resolved even in almost 11 years after the signing of the Accord.<sup>79</sup>

48. ACHR noted that Hindu minorities continued to be targeted and their religious freedoms violated. It is reported that some 1.2 million or 44 per cent of the 2.7 million Hindu households in Bangladesh were affected by the Enemy Property Act, 1965 and the Vested Property Act, 1974 which empowers to identify the Hindus as enemies of the State and seize their properties.<sup>80</sup>

### **10. Internally displaced persons**

49. AITPN noted that the internally displaced persons (IDPs) mainly concentrated in the CHTs. The present number of the Jumma IDPs is not known.<sup>81</sup> AITPN stated that while the Jumma IDPs were not provided any rehabilitation or food aid, educational facilities, health care services, sanitation and safe drinking water, the illegal settler families have been provided free rations and other facilities by the government since 1978.<sup>82</sup> AITPN alleged that in the name of establishing the Eco-Park, successive governments sought to destroy the forest and displace about 25,000 indigenous Garo and Koch peoples in the Modhupur forest area under Tangail district. Many of the indigenous peoples who protested against the Eco-park have been killed by the security forces.<sup>83</sup>

### **11. Human rights and counter-terrorism**

50. ODHIKAR and FIDH stated that the Anti Terrorism Ordinance 2008 promulgated without any public discussion, heightened human rights concerns. With sweeping definition, it covers acts intending to harm the unity, harmony, security and sovereignty of Bangladesh and provides capital punishment. A person can be charged on vaguely defined 'terrorist' activities based only on mere suspicion. Once arrested, the Court cannot grant bail.<sup>84</sup>

## **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

51. AYGUSC identified as an achievement and good practice that the election commission has announced that all camp dwellers are Bangladeshi according to the High court verdict and they will enlist in national ID card and voter scheme. Now most of camp dwellers are including in national ID card and voter listing process. However voter enrolment is not sufficient for camp dwellers.<sup>85</sup>

52. CHRI stated that, in a positive development, the Government has pushed forward a "National Women's Development Policy" in April 2008, which includes reserving of one-third of seats in political parties for women, as well as new laws and increased quotas to ensure equal opportunity and control for women over their earned property.<sup>86</sup>

53. The Forum noted that significant measures to recognize the rights of persons with disabilities were taken, including the establishment of 46 focal points in ministries and departments on disability issues, restructuring of the National Disability and Development Foundation (NDDF) as an autonomous body, and the separate identification in the electoral roll of voters with disabilities.<sup>87</sup>

#### IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

N/A.

#### V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

54. BDERM, NU and IDSN recommended that technical support to implement constitutional protection measures and enact specific legislative measures to promote and protect the human rights of Dalits according to international standards be provided in a number of areas.<sup>88</sup>

55. AITPN recommends that technical cooperation be considered for the establishment of a National Commission for the Rights of Indigenous Peoples.<sup>89</sup>

#### Notes

---

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.)

#### *Civil society*

ACHR	Asian Centre for Human Rights*, New Delhi, India
AI	Amnesty International*, London, UK
AIPP	Asia Indigenous Peoples Pact Foundation, Chiang Mai, Thailand
AITPN	Asian Indigenous & Tribal Peoples Network*, New Delhi, India
ALRC	Asian Legal Resource Centre*, Hong Kong, People's Republic of China
AYGUSC	Association of Young Generation of Urdu Speaking Community, Bangladesh
BDERM, NU and IDSN	Bangladesh Dalit and Excluded Rights Movement, Nagorik Uddyog and the International Dalit Solidarity Network, Bangladesh, Joint Submission
BF	The Becket Fund*, USA
BHBCUC, Ontario	Hindu Buddhist Christian Unity Council, Ontario, Canada
CHRI	Commonwealth Human Rights Initiative
HRW	Human Rights Watch*, New York, United States of America
ODHIKAR and FIDH,	ODHIKAR, Bangladesh, and Fédération internationale des ligues des droits de l'Homme*, Paris, France, Joint Submission
RWB	Reporters Without Borders*, Paris, France
The Forum	Human Rights Forum on UPR, Bangladesh (the Forum), Bangladesh, comprised of the following member organizations: 1) Ain o Salish Kendra (ASK), Secretariat; 2) Acid Survivors Foundation (ASF); 3) Bangladesh Mohila Parishad (BMP); 4) Bangladesh Institute of Labour Studies (BILS); 5) Bangladesh Legal Aid & Services Trust (BLAST); 6) Bangladesh Dalit and Excluded Rights Movement (BDERM); 7) Centre for Rehabilitation of Torture Survivors (CRTS); 8) D.Net (Development Research Network); 9) Karmojibi Nari (KN); 10) Nagorik Uddyog; 11) Nari Uddoyog Kendra (NUK); 12) Nijera Kori; 13) Nari Pokkho; 14) National Forum of Organizations working with the Disabled (NFOWD); 15) Research and Development Collective (RDC); 16) Steps Towards Development (Steps); and 17) Transparency International Bangladesh (TI-B), Joint Submission
SRI	Sexual Rights Initiative, a coalition composed of Mulabi – Latin American Space for Sexualities and Rights; Action Canada for Population and Development, Creating Resources for Empowerment, Action-India and others, Joint Submission
UBINIG	UBINIG (Policy Research for Develop Alternative), Bangladesh
UNPO	Unrepresented Nations and Peoples Organizations

---

<sup>2</sup> ODHIKAR, Bangladesh, and Fédération internationale des ligues des droits de l'Homme (FIDH)\*, Paris, France, Joint Submission, p.4.

<sup>3</sup> Asian Indigenous & Tribal Peoples Network (AITPN)\*, New Dehli, India, p.11.

<sup>4</sup> Human Rights Forum on UPR, Bangladesh (the Forum), Bangladesh, comprised of the following member organizations: 1) Ain o Salish Kendra (ASK), Secretariat; 2) Acid Survivors Foundation (ASF); 3) Bangladesh Mohila Parishad (BMP); 4) Bangladesh Institute of Labour Studies (BILS); 5) Bangladesh Legal Aid & Services Trust (BLAST); 6) Bangladesh Dalit and Excluded Rights Movement (BDERM); 7) Centre for Rehabilitation of Torture Survivors (CRTS); 8) D.Net (Development Research Network); 9) Karmojibi Nari (KN); 10) Nagorik Uddyog; 11) Nari Uddoyog Kendra (NUK); 12) Nijera Kori; 13) Nari Pokkho; 14) National Forum of Organizations working with the Disabled (NFOWD); 15) Research and Development Collective (RDC); 16) Steps Towards Development (Steps); and 17) Transparency International Bangladesh (TI-B), Joint Submission, para. 2.

<sup>5</sup> ODHIKAR and FIDH, p.1.

<sup>6</sup> Amnesty International (AI)\*, London, UK, p.1, para. 1.

<sup>7</sup> The Forum, para. 7. See also Sexual Rights Initiative (SRI), a coalition composed of Mulabi – Latin American Space for Sexualities and Rights; Action Canada for Population and Development, Creating Resources for Empowerment, Action-India and others, Joint Submission, para.7, and Asian Legal Resource Centre (ALRC)\*, Hong Kong, People's Republic of China, para.1.

<sup>8</sup> The Forum, para. 5. See also SRI, para. 4.

<sup>9</sup> The Forum para. 16. See also Human Rights Watch (HRW)\*, New York, USA, p.2; and SRI, para. 5.

<sup>10</sup> Bangladesh Dalit and Excluded Rights Movement (BDERM), Nagorik Uddyog (NU) and the International Dalit Solidarity Network (IDSN), Bangladesh, Joint Submission, para. 11.

<sup>11</sup> The Forum, paras. 11 and 12.

<sup>12</sup> The Forum, para. 36. See also SRI, para. 2.

<sup>13</sup> ODHIKAR and FIDH, p.5.

<sup>14</sup> The Forum, para. 60.

<sup>15</sup> Commonwealth Human Rights Initiative (CHRI), London, UK, para.13.

<sup>16</sup> BDERM, NU and IDSN, para. 15.

<sup>17</sup> The Forum, para. 35.

<sup>18</sup> BDERM, NU and IDSN, paras. 16 and 17.

<sup>19</sup> BDERM, NU and IDSN, para. 10.

<sup>20</sup> Asia Indigenous Peoples Pact Foundation (AIPP), Chiang Mai, Thailand, p.1, para.5.

<sup>21</sup> AIPP, p.4, para.20.

<sup>22</sup> Hindu Buddhist Christian Unity Council (BHBCUC, Ontario), Ontario, Canada, p.2.

<sup>23</sup> Association of Young Generation of Urdu Speaking Community (AYGUSC), Bangladesh, p.3.

<sup>24</sup> AYGUSC, pp. 4 and 5

<sup>25</sup> The Forum, para. 55.

<sup>26</sup> Asian Centre for Human Rights (ACHR)\*, New Delhi, India, p.1, para.4. See also AI, p.6, para. 23., AIPP, p.2, para.7., CHRI, paras.11 and 12, HRW, pp.2 and 3, and ODHIKAR and FIDH, pp.2 and 4.

<sup>27</sup> The Forum, paras. 20 and 21.

<sup>28</sup> AI, p.3, para. 5.

<sup>29</sup> AITPN,, p.7.

<sup>30</sup> HRW, p.1. See also AI, p.5, paras. 12 and 15.,CHRI, para.3. and ODHIKAR and FIDH, p.2..

<sup>31</sup> ALRC, para.14. See also AITPN, p.7., CHRI, para.9 and ODHIKAR and FIDH, p.2.

- <sup>32</sup> The Forum, para. 23.
- <sup>33</sup> AI, p.4, para. 6.
- <sup>34</sup> AI, p.4, paras 9 and 10.
- <sup>35</sup> AI, p.4, para. 11.
- <sup>36</sup> ALRC, para.13.
- <sup>37</sup> ODHIKAR and FIDH, p.2.
- <sup>38</sup> ODHIKAR and FIDH, p.2.
- <sup>39</sup> ODHIKAR and FIDH, p.3. See also AITPN, p.8. and CHRI, para.22.
- <sup>40</sup> Sexual Rights Initiative (SRI), para. 17.
- <sup>41</sup> SRI, para. 15.
- <sup>42</sup> The Forum, para. 37.
- <sup>43</sup> ALRC, para.21.
- <sup>44</sup> ODHIKAR and FIDH, p.4.
- <sup>45</sup> The Forum), para. 14.
- <sup>46</sup> CHRI, para.14. See also ODHIKAR and FIDH, p.3.
- <sup>47</sup> CHRI, para.16.
- <sup>48</sup> ALRC, para.7.
- <sup>49</sup> HRW, p.3. See also The Forum, para. 19.
- <sup>50</sup> AI, p.6, para. 19.
- <sup>51</sup> AITPN, p.10.
- <sup>52</sup> SRI, paras. 12 and 13.
- <sup>53</sup> The Becket Fund,\* p. 4. See also ODHIKAR and FIDH, p.3.
- <sup>54</sup> AITPN, p.8. See also Unrepresented Nations and Peoples Organizations (UNPO), pp.3- 4.
- <sup>55</sup> BHBCUC, Ontario, p.1.
- <sup>56</sup> The Forum, para. 25.
- <sup>57</sup> Reporters Without Borders (RWB)\*, Paris, France, p.1. See also ACHR, p.1, para.7., ALRC, para.19., and ODHIKAR and FIDH, p.3.
- <sup>58</sup> The Forum, para. 41.
- <sup>59</sup> ACHR, p.1, para.10.
- <sup>60</sup> The Forum, para. 40.
- <sup>61</sup> AYGUSC, p.4. See also BDERM, NU and IDSN, paras. 19 and 20.
- <sup>62</sup> BDERM, NU and IDSN, para. 7.
- <sup>63</sup> AITPN, p.4.
- <sup>64</sup> UBINIG (Policy Research for Develop Alternative), p.1.
- <sup>65</sup> UBINIG, p.1.
- <sup>66</sup> UBINIG, p. 4.
- <sup>67</sup> SRI, para. 18.
- <sup>68</sup> The Forum, para. 33.
- <sup>69</sup> AYGUSC, p.3. See also The Forum, para. 45.
- <sup>70</sup> AYGUSC, p.4.

---

<sup>71</sup> BDERM, NU and IDSN, para. 18.

<sup>72</sup> The Forum, para. 57.

<sup>73</sup> SRI, para. 17.

<sup>74</sup> AITPN, p.2.

<sup>75</sup> AIPP, p.1, para.1. Also see CHRI, para.17., BDERM, NU and IDSN, para. 9., and, The Forum, paras. 53 and 54.

<sup>76</sup> AITPN, p.2.

<sup>77</sup> AITPN, p.6. See also The Forum, paras. 46 - 50.

<sup>78</sup> UNPO, p.5.

<sup>79</sup> AIPP, p.4, para.19. See also AITPN, p.1, para.6., ACHR, p.1, para.8., ODHIKAR and FIDH, p.3., and UNPO, pp.1- 2.

<sup>80</sup> ACHR, p.1, para.9. See also BHBCUC, Ontario, p.1 and BDERM, NU and IDSN, para. 12.

<sup>81</sup> AITPN, p.10.

<sup>82</sup> AITPN, p.10.

<sup>83</sup> AITPN, p.3.

<sup>84</sup> ODHIKAR and FIDH, p.4. See also The Forum, para. 9 and UNPO, p.2.

<sup>85</sup> AYGUSC, p.5.

<sup>86</sup> CHRI, para.22.

<sup>87</sup> The Forum, para. 55.

<sup>88</sup> BDERM, NU and IDSN, para. 25.

<sup>89</sup> AITPN, p.11.

-----