

**Universal Periodic Review  
(44<sup>th</sup> working group session)  
Contribution of UNESCO to Compilation of UN information**

**Bangladesh**

**I. RATIFICATION OF UNESCO CONVENTIONS**

<b>TITLE</b>	<b>Date of ratification, accession, acceptance or succession</b>	<b>Declarations/Reservations</b>	<b>Recognition of specific competences of treaty bodies</b>	<b>Reference to the rights within UNESCO's field of competence</b>
Convention against Discrimination in Education (1960)	Not ratified			The right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Acceptance: 03/08/1983			The right freely to participate in the cultural life of the community
Convention for the Safeguarding of the Intangible Cultural	Ratification: 11/06/2009			The right freely to participate in the cultural life of the community

Heritage (2003)				
Convention on the Protection and Promotion of the Cultural Diversity of Cultural Expressions (2005)	Ratification: 31/05/2007			The right freely to participate in the cultural life of the community

## **II. REVIEW OF LEGISLATIVE, REGULATORY AND POLICY FRAMEWORKS AND IMPLEMENTATION**

### **A. RIGHT TO EDUCATION**

#### Legislative, regulatory and policy framework

1. The Constitution of Bangladesh of 1972, as amended<sup>1</sup>, while not explicitly providing for the right to education, Article 15 states that, by adopting several measures, the State has the responsibility to ensure "(a) the provision of the basic necessities of life, including ... education ...". Article 17(a) provides that the "State shall adopt effective measures for the purpose ... extending free ... education to all children to such stage as may be determined by law." In terms of non-discrimination and equality, Article 28 prohibits discrimination, including in education admission and guarantees equality between men and women.
2. The Primary Education Act of 1990 specifies that primary education "means education for children determined or consented to by the Government ..." (Article 2(c)), children being a boy or girl between 6 and 10 (Article 2(e)) and that according to Article 3, "The Government may, by notification in the official Gazette, declare primary education obligatory in whatever area from whenever onwards". The state may declare primary education compulsory (article 3) and therefore it is not guaranteed by law. The government website states that primary education was made free and compulsory in all the

<sup>1</sup> <http://bdlaws.minlaw.gov.bd/act-367.html>

country from 1993.<sup>2</sup> No legal provision has been identified relating to the free or compulsory nature of pre-primary education nor secondary education. Furthermore, in the last UPR cycle it was recommended to strengthen the legal protection of the right to education (Recommendations N°147.125, N°147.93 and N°147.51).

3. The country recently adopted the following texts:

- National SDG 4 Strategic Framework: ensure inclusive and equitable quality education and promote lifelong learning opportunities for all<sup>3</sup> (2022): Aims to reinforce “the Government’s ongoing efforts implementing education-related policies and plans, the strategic framework takes a holistic and integrated approach, and is in alignment with the principles of inclusive and equitable quality education and lifelong learning opportunities for all” (p. 1).
- Education sector plan (ESP) for Bangladesh Fiscal years 2020/21-2024/25<sup>4</sup> (2020): The ESP aims to “contribute significantly to better planning, coordination and implementation of the education Programmes in alignment with national aspirations” (p. 8).
- COVID-19 response and recovery plan<sup>5</sup> (2020): The plan “provides a framework of strategies and interventions for the school education system to cope with the adverse impacts of COVID-19” (p. 1)
- Fourth Primary Education Development Program (PEDP4) - Environmental Management Framework (EMF)<sup>6</sup> (2018): “The program development objective is to provide quality education to all children of Bangladesh from pre-primary up to grade 5 through an efficient, inclusive and equitable education system” (p. 12).
- Bangladesh Technical Education Board Act, 2018<sup>7</sup>: According to Article 3(2); the Board established by the Act “shall be a body corporate having perpetual succession and a common seal with power, subject to this Act and rules and regulations made thereunder, to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.”

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<sup>2</sup> <https://mopme.gov.bd/site/page/010f38c1-c6e4-4bb8-8f0b-dab4d75c59f3/1>

<sup>3</sup> <https://planipolis.iiep.unesco.org/en/2022/national-sdg-4-strategic-framework-ensure-inclusive-and-equitable-quality-education-and-promote>

<sup>4</sup> <https://planipolis.iiep.unesco.org/en/2020/education-sector-plan-esp-bangladesh-fiscal-years-202021-202425-7052>

<sup>5</sup> [https://planipolis.iiep.unesco.org/sites/default/files/ressources/bangladesh\\_moe\\_covid\\_19\\_response\\_and\\_recovery\\_plan.pdf](https://planipolis.iiep.unesco.org/sites/default/files/ressources/bangladesh_moe_covid_19_response_and_recovery_plan.pdf)

<sup>6</sup> <https://planipolis.iiep.unesco.org/en/2018/fourth-primary-education-development-program-pedp4-environmental-management-framework-emf-6625>

<sup>7</sup> [https://www.dpp.gov.bd/upload\\_file/gazettes/33087\\_49071.pdf](https://www.dpp.gov.bd/upload_file/gazettes/33087_49071.pdf)

### Legal age of marriage

4. The Child Marriage Restraint Act of 2017<sup>8</sup>, prohibits marriage for girls under 18 and boys under 21 (Article 2(1) and Article 7(1)). Article 19, however, does allow for exceptions for minors to marry, without specifying the absolute minimum age nor specifying what the 'special circumstances' are, which would allow them to marry.

### Minimum age of employment

5. In Bangladesh, the Labour Act of 2003<sup>9</sup>, provides that no child, a person who has not completed 14 years of age, is permitted to work (Article 2(63) and Article 34(1)).

### Corporal punishment

6. Corporal punishment has not been explicitly prohibited in the legislation, despite the Recommendation N°147.52 of the previous UPR cycle.

### Non-formal education

7. Recommendation N°147.138 of the previous UPR cycle, invited Bangladesh to develop practical measures to implement the Non-formal Education (NFE) Act of 2014. The 2020 ESP aims to overcome challenges by:
  - "Arriving on a consensus regarding adopting a (sub)sector-wide approach for NFE including the scope and scale of the programme in the medium term.
  - Making the second chance programme for primary education effective, addressing challenges faced in the current second chance primary education initiatives and making second chance education linked directly with a follow up skill development training.
  - Making the youth and adult literacy programmes a first step in a lifelong learning opportunity and adopting an institutional approach that is sustainable, such as creating a network of Community Learning Centers (CLCs) and skills training centers which serve all localities and communities.
  - Encouraging and expanding opportunities for self-learning and learning based on information and communications technology (ICT), creating learning spaces and facilities for which Community Learning Centers can be the hub.
  - Developing and putting in place an organizational structure with stronger capacity for BNFE to guide and lead non-formal education and lifelong

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<https://www.unicef.org/bangladesh/sites/unicef.org.bangladesh/files/2018-10/Child%20Marriage%20Restraint%20Act%202017%20English.pdf>

<sup>9</sup>[https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=fr&p\\_isn=76402&p\\_country=BGD&p\\_count=156&p\\_classification=01.02&p\\_classcount=3](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=fr&p_isn=76402&p_country=BGD&p_count=156&p_classification=01.02&p_classcount=3)

learning for children, youth and adults through partnership building of government and non-government actors including local government, NGOs and community organizations.” (p. 77).

### Gender equality

8. The previous UPR cycle recommended to enhance efforts to ensure gender equality in education (Recommendation N°147.29). Among the measures identified, the 2020 ESP aims at applying targeted affirmative strategies in schools for reaching and serving groups characterized by gender (p. 25 and p. 47), ensuring that teachers receive training on the revised curriculum that includes gender and inclusive education (p. 29), that secondary schools, and higher secondary level institutions have adequate WASH facilities, including separate toilets and water points for female students and teachers and with menstrual management facilities (p. 37 and p. 47), ensuring enough qualified teachers while taking into account the gender balance (p. 48), overcoming the persistent gender gap in TVET and jobs (p. 64), enhancing inclusion in tertiary education to promote gender equity (p. 91), paying attention to “...fighting gender stereotyping, inculcating gender justice norms in school, women’s participation in education across disciplines including STEM, and removing gender bias in pursuing professional and career choice” (p. 123), etc.

### Enrolment rates

9. The gross enrolment rates (GER)<sup>10</sup> in 2021 were:
  - In pre-primary education: 36% in total, 37% for girls and 35% for boys;
  - In primary education: 116% in total, 117% for girls and 115% for boys;
  - In secondary education: 75% in total, 86% for girls and 65% for boys;
  - In tertiary education: 25% in total, 23% for girls and 27% for boys.
  
10. In reference to the previous UPR Recommendations n°147.137 and n°147.136 the GER have decreased in primary education, as the rate was at 125% in 2020 compared to 117% in 2021, while in secondary education the rate has increased, as in 2020 it was at 81%, compared to 86% in 2021.

### Government expenditure

11. In 2021, the percentage of GDP allocated to education was 2.1% and the percentage of total government expenditure allocated to education was 10.2% <sup>11</sup> The Incheon Declaration of 2015 recommends that national governments allocate at least 4%-6% of their gross domestic product (GDP) to education; and/or at least 15%-20% of public expenditure to education.

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<sup>10</sup> UIS data

<sup>11</sup> [sdg4-data.uis.unesco.org](https://sdg4-data.uis.unesco.org)

### Digital education

12. A progress review report<sup>12</sup> was elaborated in 2019 for the Master Plan for ICT in Education (2012 – 2021) which aims to build a digital Bangladesh through the use of ICT that will have impact on “efficiency in education, transparency, accountability, dynamism and will further ensure accessibility of common people across the country to education services” (p.23). While some progress has been made, other areas require further attention, including by allocating sufficient funds (Ibid.). See Recommendation n°147.132 of the previous UPR cycle.

### Discrimination in education (UNESCO consultations)

13. Bangladesh did not submit a report for the 10th Consultation on the Convention and the Recommendation against Discrimination in Education.

## **B. FREEDOM OF OPINION AND EXPRESSION AND THE RIGHT TO INFORMATION**

### Constitutional and Legislative Framework:

14. The Constitution of Bangladesh<sup>13</sup> guarantees the freedom of expression under Article 39: “the right of every citizen of freedom of speech and expression; and freedom of the press, are guaranteed.” The same article states that such rights are “subject to any reasonable restrictions imposed by law in the interests of the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence”.
15. Defamation is criminalized under Chapter 21- article 499 of the Bangladeshi Penal Code<sup>14</sup> and carries a prison sentence of up to two years.
16. The 2009 Right to Information (RTI) Law<sup>15</sup> applies to all information held by public bodies and gives citizens the right to demand and receive access to such information. Under Chapter 4 of the Law, the Information Commission is an independent body composed by a Chief Information Officer and two Commissioners who are tasked to implement the law. The law stipulates that at least one of the Commissioners shall be a woman.

### Implementation of the law

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<sup>12</sup> [http://www.moedu.gov.bd/site/page/ffd4b3b5-0841-41f9-8e62-c32f17af63b6/-](http://www.moedu.gov.bd/site/page/ffd4b3b5-0841-41f9-8e62-c32f17af63b6/)

<sup>13</sup> <http://bdlaws.minlaw.gov.bd/act-367/section-24587.html>

<sup>14</sup> <http://bdlaws.minlaw.gov.bd/act-11.html>

<sup>15</sup> <https://nbr.gov.bd/uploads/lrpcgn/2022-11-22-04-01-1e8ccf6c3e0ff52ac3be84b548a6a255.pdf>

17. The Ministry of Information controls broadcast licensing for both commercial and community outlets. The Digital Security Act 2018<sup>16</sup> has been repeatedly flagged<sup>17</sup> as a cause of concern for civil society due to its misuse targeting critical voices, largely journalists.

#### Safety of journalists

18. As of 31 January 2023, UNESCO has reported the killing of 18 journalists in Bangladesh since monitoring by the organization began in 2006. Out of these, only three are marked as resolved, according to the information relayed by the State.

### **III. RECOMMENDATIONS**

#### **A. RIGHT TO EDUCATION**

19. Bangladesh should be encouraged to:
- i. Ratify the Convention against Discrimination in Education;
  - ii. Introduce in the legislation at least twelve years of free primary and secondary education, of which at least nine years are compulsory;
  - iii. Raise the minimum age of employment to at least 15 in accordance with international human rights law, and to ensure students complete their schooling;
  - iv. Prohibit corporal punishment and all types of violence in education in the legislation;
  - v. Specify in the Child Marriage Restraint Act of 2017 the conditions which allow for a minor to marry, in compliance with international human rights law, and establish the absolute minimum age of marriage;
  - vi. Increase efforts to finance education, by allocating at least 4%-6% of GDP to education; and/or at least 15%-20% of public expenditure to education, in accordance with international benchmarks;
  - vii. Submit regularly comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Recommendation against Discrimination in Education;
  - viii. Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education<sup>18</sup> and Her Atlas.<sup>19</sup>

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<sup>16</sup>[https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=110029&p\\_count=3&p\\_classification=01#:~:text=Digital%20Security%20Act%2C%202018,-](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=110029&p_count=3&p_classification=01#:~:text=Digital%20Security%20Act%2C%202018,-)

<sup>17</sup> <https://www.ohchr.org/en/press-releases/2022/02/bangladesh-appalling-and-pervasive-culture-impunity-killings-journalists-un>

<sup>18</sup> <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

<sup>19</sup> <https://en.unesco.org/education/girls-women-rights>

## **B. FREEDOM OF OPINION AND EXPRESSION AND RIGHT TO INFORMATION**

20. Bangladesh is encouraged to decriminalize defamation and incorporate it into the civil code, in line with international standards.
21. Bangladesh is encouraged to take steps to create an independent broadcast licensing authority, and to assess whether the requirement for registration of online media is indeed necessary and proportionate under international standards for legitimate limitations on freedom of expression.
23. Bangladesh is recommended to continue investigating the cases of killed journalists and to voluntarily report on the status of judicial follow-up to UNESCO and to the SDG 16.10.1 monitoring processes.

## **C. RIGHT FREELY TO PARTICIPATE IN THE CULTURAL LIFE OF THE COMMUNITY (CULTURAL RIGHTS)**

24. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Bangladesh is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Bangladesh is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and civil society organizations, as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young people and persons with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

## **D. THE RIGHT TO SHARE IN SCIENTIFIC ADVANCEMENT AND ITS BENEFITS**

25. Bangladesh did not submit its National Report on the implementation of the Recommendation on Science and Scientific Researchers (2017) for the



consultation period from 2017 to 2020. Therefore, Bangladesh is encouraged to report to UNESCO on its implementation actions, especially noting legislative or other measures adopted by it with the aim to ensure application of these norms and standards in national law, policy and practice paying a particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers themselves (rights of association, freedom of research, expression and publication, etc.) and human rights obligations related to the practice of science generally: the human rights related to access to and uses of scientific knowledge through education; the sharing of benefits of scientific progress and its applications; the principle of non-discrimination, requiring in this case active promotion of women and girls entering scientific careers; protection for the rights of human subjects of research; and promotion of the science society interface. Furthermore, Bangladesh is encouraged to expand input on issues covered by the 2017 Recommendation in its national report to the UPR to allow further discussions thereon at the Human Rights Council and the formulation of specific recommendations. Within this framework, Bangladesh is urged to consider expanding the scope of application of freedom of expression to include scientists and scientific researchers and also to address the relevant dimensions of the right to science in its reporting on the impact of the COVID-19 pandemic and the assessment of responses thereto.