

Universal Periodic Review
(16th session, spring 2013, from 22 April – 3 May 2013)
Contribution of UNESCO

(The countries to be reviewed are, in this order: Turkmenistan, Burkina Faso, Cape Verde, Colombia, Uzbekistan, Tuvalu, Germany, Djibouti, Canada, Bangladesh, Russian Federation, Azerbaijan, Cameroon, and Cuba. Each submission should refer to one country only)

Bangladesh

I. BACROUND AND FRAMEWORK

1. Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Not state party to Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Acceptance 03/08/1993			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratified 11/06/2009			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Ratified 31/05/2007			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

Right to education¹

Normative Framework:

2. Constitutional framework: The Right to Education is not expressly mentioned in the Constitution of 1972, as amended in 2004.

3. Nevertheless, the Constitution makes it the responsibility of the State to “provide the basic necessities of life, including (...) education” according to Article 15

4. Additionally Article 17 states:” The State shall adopt effective measures for the purpose of – a) establishing a uniform, mass-oriented and universal system of education and extending free and compulsory education to all children to such stage as may be determined by law; b) relating education to the needs of society and producing properly trained and motivated citizens to serve those needs; removing illiteracy within such time as may be determined by law.”

5. Moreover Article 28, grants the citizen the fundamental right to non-discrimination “on grounds of religion, race, caste, sex or place of birth” in their access to “any educational institution”. In the same line but positively, “the State shall adopt effective measures to bring about a radical transformation in the rural areas through (...) the improvement of education” (Article 16).

6. Finally, the protection of freedom of religion involves that the pupils shall not “be required to receive religious instruction” (Article 41).

7. Legislative framework: Regarding the legislative level, a first step to universal primary education has been made with the Primary Education (Compulsory) Act (1990)² which declared education compulsory for children from 6 to 10 years old and was implemented to the entire country in 1993. It mainly addresses parents, but additionally creates the Obligatory Primary Education Committee, entitled to take all measures it deems necessary to ensure compulsory education. Along with the introduction of CPE, a strong social mobilization process has been initiated to create awareness and elicit participation of all. Such activities include the formation of village-level committees, organizing mother rallies, student brigades, and use of mass and electronic media. As a result, the people have become more conscious of the need for education, which translates into increasing school enrolments and improving completion rates.³

¹ *Sources:*

²http://www.google.fr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0CHcQFjAB&url=http%3A%2F%2Fportal.unesco.org%2Feducation%2Fen%2Ffiles%2F12451%2F10434065760Primary%2BEducationBangladesh.doc%2FPrimary%2BEducationBangladesh.doc&ei=28USULjEeWv0QXH54GoBA&usg=AFQjCNHVzVyd_uzAlB3SkRkxG5FCdKRZxg&sig2=PTh68tNaJ0BBM_9GqpR5AA

³<http://www.ibe.unesco.org/fr/dans-le-monde/regions-de-lunesco/asie-et-pacifique/bangladesh/profile-of-education.html> (Accessed 27/07/2012).

8. The Registration of private schools (amendment) act⁴ as amended in 1989 makes registration compulsory for private schools, registration can be granted if several conditions are fulfilled, notably: “the staff [must] be qualified, adequate, and adequately paid...”⁵, “the fee charged [should not] be disproportionate (...) and will not exceed prescribed limits”⁶ and “the school [must] follow a curriculum approved by the concerned board”⁷.

9. Since 1982, a complementary policy requires private schools to provide education for at least 2000 children in terms of number of population⁸. In 2005, Bangladesh adopted legislation on private/non-government school teachers by the Non-government teacher registration and certification authority (NTRCA) act (2005)⁹ in order to ensure quality teaching in class rooms of all non-government educational institutions in the country. NTRCA is empowered to conduct a teachers' registration examination for the selection of competent teachers for non-government junior high schools, secondary schools, colleges, madrasahs, technical schools and vocational institutions spread over the country.

10. The system of establishment of private universities is regulated by the Non-Government Universities Act No. 34 of 1992¹⁰: article 5 states that “Private universities shall be open to men and women of any caste, religion, race and class”, whereas according article 7 (f) “it shall reserve five per cent of the total number of seats fixed for the admission of indigent or gifted students, and all such students shall have opportunity to study without paying fees”. The “Bangladesh Open University” was created under the Act No. 38 of 1992¹¹. At the same time, the National University was established by the Act No. 37 of 1992¹². The other laws dealing with education issues mainly cater to private institutions.

11. Policy measures: The education structure consists of a formal sub-system and a non-formal sub-system. Both the sub-systems also have parallel religious streams. The Ministry of Primary and Mass Education (MOPME) is responsible for basic education. The Ministry of Education (MOE) is responsible for secondary and higher education; it also looks after the Madrasah¹³ (Islamic) and other formal religious streams of education. More than 700 NGOs

⁴ http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=330 (accessed 27/07/2012)

⁵ Article 4 (2)(b)

⁶ Article 4(2)(c)

⁷ Article 4(2)(f)

⁸ Report for the 7th consultation of member states in implementation of the CADE, p. 3

⁹ http://www.moedu.gov.bd/index.php?option=com_content&task=view&id=328&Itemid=229
(Accessed 04/03/11)

¹⁰ <http://www.sai.uni-heidelberg.de/workgroups/bdlaw/1992-a34.htm> (Accessed 27/07/12)

¹¹ <http://www.sai.uni-heidelberg.de/workgroups/bdlaw/1992-a38.htm> (Accessed 27/07/12)

¹² <http://www.nu.edu.bd/act.pdf> (Accessed 27/07/12)

¹³ Recognition of Madrasahs was made by the Madrasah Education Ordinance, 1978 (Ordinance No. IX of 1978).

are active in non-formal education, with some of them organizing and managing formal primary schools as well. The private sector manages the English medium schools¹⁴.

12. The Ministry of Education (MOE) has overall responsibility for planning, guiding and controlling the development of education. There is a growing feeling among educators that, as the principal policy-making body in education, the MOE should focus its efforts on developing policies and programs rather than routine matters. While post-primary and post-secondary education continues under the MOE, the Primary and Mass Education Division was established in August 1992 and upgraded as a Ministry in 2003. It is responsible for policy formulation, planning, evaluation and execution of plans and initiating legislative measures relating to primary and mass education, as well as non-formal education.¹⁵

13. Early Childhood Development: In Bangladesh, the concept of Early Childhood Development (ECD) and the need for Early Childhood Education (ECE) as well as other supportive activities for the development of the child has not been well established. There are many primary schools that have ‘baby’ (or pre-school) classes and many privately-owned kindergartens that have playgroup/nursery group sections, but their impact on the children’s development has not been studied in details.¹⁶

14. Primary Education: The Second Primary Education Development Program 2004-2009 (PEDP-II)¹⁷ was launched as a sequel to PEDP-I with the aim of expanding access to quality primary education and equity for all eligible children in Bangladesh. It also “develops strategies and action plans for mainstreaming indigenous children’s education¹⁸”. The Reaching Out-of-School Children (ROSC) 2004-2010 project¹⁹ was developed to supplement PEDP II (that focuses solely on the formal system) by addressing the needs of the large numbers of out-of-school children. It is funded by World Bank and SDC grant. According to the government, “the project caters vulnerable groups such as landless, racial minorities, disadvantage children of urban areas”²⁰.

¹⁴ Presentation from the National Plan of Action 2003-2015 / NPA-II, p. 15, <http://www.dpe.gov.bd/pdf/Npa2.pdf> (accessed 27/07/2012)

¹⁵ <http://www.ibe.unesco.org/fr/dans-le-monde/regions-de-lunesco/asie-et-pacifique/bangladesh/profile-of-education.html> (Accessed 27/07/2012).

¹⁶ <http://www.ibe.unesco.org/fr/dans-le-monde/regions-de-lunesco/asie-et-pacifique/bangladesh/profile-of-education.html> (Accessed 27/07/2012).

¹⁷ <http://www.dpe.gov.bd/PEDP%20II/index.htm> (Accessed 27/07/12)

¹⁸ It notably recognizes the indigenous people population living largely in the Chittagong Hill Tracts (CHT) and in parts of Sylhet and northern Bangladesh / report for the 7th consultation, op.cit. p. 7

¹⁹ <http://www.worldbank.org.bd/WBSITE/EXTERNAL/COUNTRIES/SOUTHASIAEXT/BANGLADESHEXTN/0,,contentMDK:20215488~menuPK:64282138~pagePK:41367~piPK:279616~theSitePK:295760,00.html>

²⁰ Report for the 7th consultation, op. cit. p. 7

15. Secondary education: Secondary education programs have been developed as well. The Secondary Education Sector Improvement Project (2000-2010) (SESIP), was developed within the framework of the secondary education development plan, and it aims to strengthen management systems and capacity of secondary education; quality support systems of secondary education, and equitable access to secondary education.

16. Non-formal education: Non-formal education programs are piloted by NGOs. Among others the BRAC²¹ runs pre-primary schools, primary and adolescent primary schools since 1985. They also carry out a program for indigenous students or students with disabilities. Another NGO, the Dhaka Ahsania Mission (DAM)²² has implemented since 20 years ago programs of continuing education and lifelong learning.

17. Teachers and Quality: Teaching Quality Improvement in Secondary Education Project (TQISEP) has been implemented to enhance the quality of secondary education in Bangladesh by improving the quality of teaching. It also should increase training access to under-served and disadvantaged areas²³.

Inclusive Education

a) Students with special needs

18. Children with special needs (disabilities- mental, physical, hearing, vision and others), ethnic/tribal minorities and those living in isolated areas have little access to general primary level institutions. Different estimates suggest some 10 percent of children belong to this group. The EFA NPA I recognized the need but felt that that “normal primary schools” could not provide both “education and expensive arrangements required for treatment of the disability” and proposed that Ministry of Social Welfare should provide this service through the specialized institutions under normal Allocation of Business. It felt that “NGO activities also needed intensification and support”. The Department of Social Services runs a number of activities for Special Education and Employment Rehabilitation program for children and persons with disabilities. Some 113 NGOs are involved in activities for the disabled and are organized into the National Forum of Organizations Working with the Disabled (NFOWD)²⁴, which strives to ensure that people with disabilities in Bangladesh have equitable access to their rights and entitlements, but the scope of their services remains very limited.²⁵

b) Gender equality:

²¹ <http://www.brac.net/index.php> (accessed 27/07/2012)

²² <http://www.ahsaniamission.org.bd/>

²³ Report for the 7th consultation, op. cit., p. 23

²⁴ <http://www.nfowd.com/> (accessed 27/07/2012)

²⁵ <http://www.ibe.unesco.org/fr/dans-le-monde/regions-de-lunesco/asie-et-pacifique/bangladesh/profile-of-education.html> (Accessed 27/07/2012).

19. The Female Secondary Education Stipend Project (FESP) has been created to improve gender issues and focuses on rural girls providing them monthly payments and text books allowance. One key achievement that is often cited is that the country achieved gender equality at primary and secondary education²⁶. In addition education has been made free for girls up to grade 12 since 2002.

20. The Reaching Out-of-School Children (ROSC) 2004-2010 project has four components that will:

1. Improve Access to Quality Education for Out-of-School Children by providing education allowances for eligible students and grants for non-formal Learning Centers where the students enroll;
2. Increase Communications and Social Awareness about the importance of primary education and about the project's benefits and impact so that communities will be encouraged to open new Learning Centers and expand existing ones;
3. Establish a sound structure to manage and implement the project through Project Management and Institutional Strengthening;
4. Determine project effectiveness through Monitoring, Evaluation, and Research so that new approaches for providing quality education to hard-to-reach children can be tested.

21. The main objective of the Basic Education to Reach Urban Working Children project is to enhance the life options of the urban working children and adolescents to access their rights to education, protection and development and participation.²⁷

Cooperation:

22. Bangladesh is not party to UNESCO's Convention against Discrimination in Education but reported to UNESCO, in 2006, for the seventh Consultation on the measures taken for the implementation of the Recommendation against Discrimination in Education (covering the period 2000-2005).

23. Bangladesh is not party to 1989 UNESCO's Convention on Technical and Vocational Education.

24. It did not report within the framework of the Fourth Consultation of Member States the measures taken for the implementation of the 1974 UNESCO's Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (covering the period 2005-2008).

²⁶ In 2006, the net enrollment ratio of male and female was respectively 87% and 90% in primary schools and 43% and 45% in secondary schools (EFA monitoring report 09)

²⁷ http://www.mopme.gov.bd/index.php?option=com_content&task=view&id=430&Itemid=442

(Accessed 04/03/11)

Right to take part in cultural life

Legal framework:

25. The 1972 Constitution of Bangladesh notes the central role of culture in national development: “the State shall adopt measures to conserve the cultural traditions and heritage of the people, and so to foster and improve the national language, literature and the arts so that all sections of the people are afforded the opportunity to contribute towards and to participate in the enrichment of the national culture.” However, coherent policies in safeguarding and managing tangible and intangible cultural heritage have been lacking. Interest in developing these tools has been increasing in recent years.

Co-operation:

26. UNESCO is the only agency in the United Nations system with a specific mandate in the field of Culture. Activities in Bangladesh are focused mainly on ensuring best practices in the safeguarding, promotion and management of intangible and tangible heritage, and in particular through supporting the implementation of the 1972 World Heritage and 2003 Intangible Cultural Heritage Conventions. In 2005 the traditional Baul songs were proclaimed by UNESCO as a Masterpiece of Oral and Intangible Heritage of Humanity and were incorporated into the Representative list of the Cultural Heritage of Humanity in 2008 established under the Convention for the Safeguarding of Intangible Cultural Heritage ratified in 2009. In addition, three cultural sites have been nominated and inscribed on the World Heritage List: the historic Mosque city of Bagerhat, the ruins of the Buddhist Vihara at Paharpur inscribed as archaeological heritage and the Sundarbans, the largest single block of tidal halophytic mangrove forest in the world has been added as a natural heritage site. Bangladesh has also a rich variety of cultural expressions, including unique crafts and songs. In these contexts, it is an active player in the implementation of the 2005 Convention on the protection and promotion of the diversity of cultural expressions. The activities supported and implemented in Bangladesh relate not only to the field of culture, but also to the role that culture should play in the area of development.

27. Bangladesh has ratified the four following UNESCO Conventions:

- 1) The Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970),
- 2) The Convention Concerning the Protection of the World Cultural and Natural Heritage (UNESCO World Heritage Convention, 1972),
- 3) The Convention for the Safeguarding of the Intangible Cultural Heritage (2003),
- 4) The Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005).

Freedom of opinion and expression²⁸

Achievements, best practices, challenges and constraints

Legislative framework

28. The Constitution of Bangladesh²⁹ 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.” However, this right is 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”*

29. Defamation is criminalized under Chapter XXI of the Bangladeshi Penal Code and carries a prison sentence of up to two years³⁰.

30. The Government took the positive step of implementing a Right to Information Act³¹ that was passed in 2009 which ensures that, subject to provisions of the act, *“every citizen shall have the right to information from the authority, and the authority shall, on demand from a citizen, be bound to provide him with the information.”*

Media self-regulation

31. Self-regulatory mechanisms of media exist in the country. The Bangladeshi Press Council operates by the Code of Conduct³² for newspapers, news agencies and journalists of Bangladesh. There are several journalist associations such as the Bangladesh Federal Union of Journalists.

Safety of journalists

32. The Director General of UNESCO condemned the killing of journalist Jumal Uddin in June 2012 and television journalists Sagar Sarwar and Mehrun Runi in February 2012.

33. Reporting in Bangladesh continues to pose a danger for journalists due to the high instance of harassment and attacks against journalists, including the attack on a major news outlet, *bdnews24.com*, in May 2012³³

²⁸ Sources :

²⁹ http://bdlaws.minlaw.gov.bd/sections_detail.php?id=367§ions_id=24587

³⁰ http://bdlaws.minlaw.gov.bd/sections_detail.php?id=11§ions_id=3551

³¹ http://www.moi.gov.bd/RTI/RTI_English.pdf

³² <http://www.rjionline.org/MAS-Codes-Bangladesh-Press-Council>

³³ <http://www.bbc.co.uk/news/world-asia-18251147>

III. RECOMMENDATIONS

Right to education

34. Bangladesh should be encouraged to ratify the 1960 Convention against Discrimination in Education.

35. UNESCO has recently launched the 8th Consultation on the measures taken for the implementation of the Convention and Recommendation against Discrimination in Education (covering the period 2006-2011), the results of this Consultation will be submitted to UNESCO's governing bodies at the end of 2013. Bangladesh has not yet reported to UNESCO on the Recommendation and is now strongly encouraged to submit a report.

36. Bangladesh could be encouraged to enshrine the right to education in its Constitution.

37. Bangladesh could be encouraged to adopt further measures (e.g. special laws) which aim to combat discrimination in education, protect minority groups, combat illiteracy, and promote gender equality.

Freedom of opinion and expression

38. The Government is encouraged to adopt all measures to ensure that journalists can operate in a safe environment including prosecuting unsolved cases of murders of journalists and attacks against media outlets.

39. The Government is encouraged to decriminalize the defamation law and subsequently incorporate it into the civil code in accordance with international standards.

The right to enjoy the benefits of scientific progress and its applications (REBSP)

40. The Government of Bangladesh is encouraged to report to UNESCO within the framework of the on-going consultation with Member States on the monitoring of the implementation of the 1974 Recommendation on the Status of Scientific Researchers.