

Bangladesh Mid-term Implementation Assessment (updated)



UPR-INFO.ORG
PROMOTING AND STRENGTHENING THE UNIVERSAL PERIODIC REVIEW

Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also more specifically to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC).

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are willing to follow and implement their commitments: civil society should monitor the implementation of the recommendations that States should implement.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 23 January 2012 (updated)

Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/bangladesh>

We invite the reader to consult that webpage since all recommendations, all stakeholders reports and the unedited comments as well can be found at that very internet address.

16 NGOs were contacted. Both the Permanent Mission to the UN in Geneva and the State were contacted. No (recognised) domestic NHRI does exist.

10 NGOs responded to our enquiry. The State under Review did not respond to our enquiry.

IRI: 71 recommendations are not implemented, 14 recommendations are partially implemented, and 1 recommendation is fully implemented. No answer was received for 13 out of 100 recommendations.

2. Index

Hereby the issues which the MIA deals with:

rec. n°	Issue	page	IRI
1	Environment	page 7	-
2	Women's rights, Poverty,	page 7	not impl.
3	Women's rights, Technical assistance,	page 8	not impl.
4	Minorities	page 9	not impl.
5	Justice	page 11	not impl.
6	Women's rights	page 12	not impl.
7	Human rights defenders, Freedom of the press,	page 13	not impl.
8	Rights of the Child, Labour,	page 14	not impl.
9	NHRI, Corruption,	page 15	not impl.
10	Impunity, Human rights violations by state agents,	page 17	not impl.



rec. n°	Issue	page	IRI
11	Technical assistance	/	no response
12	Human rights education and training	/	no response
13	Corruption	page 18	partially impl.
14	Migrants, International instruments,	page 19	not impl.
15	Poverty	page 19	not impl.
16	Right to health	page 19	not impl.
17	Technical assistance, Environment,	page 7	not impl.
18	Justice	page 11	not impl.
19	Right to housing, Right to food, Right to education,	page 20	not impl.
20	Torture and other CID treatment, Rights of the Child, International instruments,	page 20	partially impl.
21	International instruments, Asylum-seekers - refugees,	page 20	not impl.
22	Death penalty	page 20	not impl.
23	Special procedures, Extrajudicial executions,	page 21	not impl.
24	Technical assistance, Poverty,	/	no response
25	International instruments, Asylum-seekers - refugees, Torture and other CID treatment, Migrants, International	page 20	not impl.
26	instruments, Enforced disappearances, Death penalty, CP rights - general,	page 22	partially impl.
27	Death penalty	page 21	not impl.
28	Sexual rights	/	no response
29	Right to education	page 23	partially impl.
30	Women's rights	page 23	not impl.
31	Rights of the Child, Right to education,	page 24	partially impl.
32	Women's rights, Rights of the Child,	page 25	fully impl.
33	Human rights education and training	/	no response
34	Trafficking, Rights of the Child, Justice, Detention conditions,	page 25	partially impl.
35	Impunity, Human rights violations by state agents,	page 25	not impl.
36	International instruments, Asylum-seekers - refugees,	page 20	not impl.
37	Torture and other CID treatment, International instruments,	page 22	not impl.
38	Sexual rights	/	no response
39	Special procedures	page 26	not impl.
40	Treaty bodies	page 26	not impl.
41	NHRI	page 26	not impl.



rec. n°	Issue	page	IRI
42	International instruments	page 27	partially impl.
43	General	page 27	not impl.
44	Women's rights, International instruments,	page 28	not impl.
45	Torture and other CID treatment, International instruments,	page 22	not impl.
46	Death penalty	page 21	not impl.
47	Women's rights, Rights of the Child,	page 29	not impl.
48	Torture and other CID treatment, Impunity, Human rights violations by state agents,	page 30	not impl.
49	Women's rights, International instruments,	page 30	not impl.
50	Human rights education and training, Freedom of religion and belief,	page 30	not impl.
51	Rights of the Child	page 31	partially impl.
52	Rights of the Child	page 31	partially impl.
53	Human rights education and training, Freedom of religion and belief,	/	no response
54	Death penalty	page 21	not impl.
55	Other	page 31	partially impl.
56	Women's rights	page 31	partially impl.
57	Women's rights, Rights of the Child,	page 31	not impl.
58	Rights of the Child	/	no response
59	Torture and other CID treatment, International instruments,	page 22	not impl.
60	Women's rights, Rights of the Child,	page 32	not impl.
61	Right to food, Poverty,	/	no response
62	Asylum-seekers - refugees	page 33	partially impl.
63	Torture and other CID treatment, Impunity, Extrajudicial executions,	page 33	not impl.
64	International instruments, Indigenous peoples, Asylum-seekers - refugees,	page 34	not impl.
65	Racial discrimination, Migrants, International instruments,	page 34	not impl.
66	Special procedures	page 22	not impl.
67	Women's rights, National plan of action, International instruments,	page 34	not impl.
68	Rights of the Child, Labour,	page 35	not impl.
69	Human rights defenders, Freedom of the press,	page 35	not impl.
70	NHRI, Corruption,	page 36	not impl.
71	Torture and other CID treatment, Extrajudicial executions,	page 36	not impl.
72	Torture and other CID treatment, International instruments,	page 22	not impl.
73	Women's rights, Rights of the Child, Disabilities,	page 38	not impl.
74	Women's rights	page 39	not impl.
75	Minorities	page 39	not impl.



rec. n°	Issue	page	IRI
76	Women's rights, International instruments,	page 28	not impl.
77	International instruments	page 40	not impl.
78	Women's rights, International instruments,	page 40	not impl.
79	Environment	page 41	not impl.
80	Women's rights, Rights of the Child,	page 41	not impl.
81	Poverty	page 42	not impl.
82	Women's rights, Right to health,	page 42	not impl.
83	Women's rights, Rights of the Child, Poverty,	page 42	not impl.
84	Women's rights, International instruments,	page 29	not impl.
85	International instruments	page 43	partially impl.
86	General	page 43	not impl.
87	Technical assistance	/	no response
88	Technical assistance	page 43	not impl.
89	Other	/	no response
90	Women's rights, Rights of the Child,	page 44	not impl.
91	Rights of the Child, Labour,	/	no response
92	Trafficking, Rights of the Child, National plan of action,	page 44	not impl.
93	NHRI	page 44	not impl.
94	UPR process, Civil society,	page 45	not impl.
95	Minorities	page 45	not impl.
96	Justice	page 46	not impl.
97	Women's rights, Right to food, Minorities, Development,	page 46	not impl.
98	Right to food	page 46	partially impl.
99	Technical assistance	/	no response
100	Poverty	page 47	not impl.

3. Feedbacks on recommendations

Recommendation n°1: *Pursue its efforts within the Human Rights Council on the issue of climate change and human rights (Recommended by Algeria)*

IRI: -

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Recommendation n°17: *Continue and strengthen, with international support and cooperation, its efforts to mitigate the negative impact of climate change, as well as disaster management programmes (Recommended by Bhutan).*

IRI: *not implemented*

UPR HR Forum response:

In some cases political consideration and abuse of power have allegedly affected the disbursement of funds for adaptation supposed to benefit the most vulnerable, causing the Parliamentary Committee to review the selection of projects.

Recommendation n°2: *Pursue its efforts, despite constraints, with the assistance and cooperation of the international community, to combat poverty, particularly among women, including material and non material poverty in terms of exclusion (Recommended by Algeria)*

IRI: *not implemented*

Fédération International des Ligues de Droits de l'Homme (FIDH) & Odhikar (ODHIKAR) response:

On August 23, 2011, the Vagrants and Floating People (Rehabilitation) Bill 2011 was passed in the Parliament with a provision for the punishment of people engaged in forcing others to seek alms/beg, which will give law enforcers excessive power to make arbitrary arrests specially since police can make such arrests under 'suspicion'. In the definition of the Act, it says, that people who have no shelter to pass the night or who loiter around to disturb people are termed 'vagrants'. There are possibilities of the abuse of various sections of this law. Moreover, the law has a provision for punishment of three months imprisonment on a charge of fleeing the shelters without the permission of the authorities.

International Dalit Solidarity Network (ISDN) and Bangladesh Dalit and Excluded Rights Movement (BDERM):

In Bangladesh Dalit women face multiple forms of discrimination and violence as a result of both their caste and gender, and are particularly vulnerable. Dalit communities are often deeply patriarchal with severe restrictions placed on women's rights, mobility and freedom, particularly in relation to marriage. Many girls marry young, are unable to leave their homes without being accompanied and have no financial independence. Dalit women who are allowed to work are mainly sweepers or cleaners and face regular abuse from both employers and the public. The standard government maternity leave is 4 months but Dalit women often are denied leave or only receive 2 months. According to CEDAW General Recommendation 28, protection from discrimination under the Convention encompasses not only grounds explicitly mentioned but also other grounds such as age, class, caste, race and ethnicity. To address multiple forms of discrimination against women, states parties



must legally recognize and prohibit such intersecting forms of discrimination and their compounded negative impact on the women concerned. They also need to adopt and pursue policies and programmes designed to eliminate such occurrences, including, where appropriate, temporary special measures in accordance with article 4, paragraph 1, of the Convention and General Recommendation No. 25.

Recommendation n°3: *Pursue its efforts, with the assistance and cooperation of the international community, for the realization of the rights of women and women's empowerment as an important sector of society that can contribute significantly to the development of the country (Recommended by Algeria).*

IRI: *not implemented*

FIDH & ODHIKAR response:

Despite special criminal laws to ensure justice for acts of violence against women, and 'The Domestic Violence (Prevention and Protection) Act' which was introduced on October, 2010, violence against women is widespread. According to Odhikar data, from 04 February 2009 to 03 February 2011, 1018 women were victims of rape, 701 were victims of dowry violence and 174 were the victims of acid violence. In most of the cases, the perpetrators could not be brought to justice, due to various reasons, including threats to the victims' family; bribing of police officers; lack of evidence and political patronage for the perpetrators. Apart from the regularly reported acts of violence against women, such as rape, dowry-related violence and acid attacks, another disturbing crime is gaining momentum in Bangladesh – stalking and verbal/physical harassment of girls and young women. Stalking can lead to depression and humiliation that is sometimes so overwhelming that there have been cases where the victim has committed suicide. Society and the administration also try to cast aspersions on the character of the victim, instead of condemning or catching the stalker. There have also been some instances where the perpetrators have injured or killed those who protested – mainly parents and family members of the victim. Most of the victims of stalking are school and college-going young women, who are constantly verbally harassed and followed on their way to and from the educational institution and/or outside their homes. The perpetrators are known to the victims, their family and the locality – but very few have been arrested or punished, despite a High Court Division directive against stalking. On January 26, 2011, a Division Bench of the High Court Division of the Supreme Court, comprising of Justice Iman Ali and Justice Sheikh Hasan Arif, delivered a judgement that a separate cell or team shall be set up in every police station in order to prevent sexual harassment. The team will submit reports on sexual harassment cases every month. However, the police have taken no initiative to comply with this Order of the High Court. The increase in such incidents only shows a lack of respect and a breakdown of the moral fiber of society and those responsible for maintaining it.

The Government of Bangladesh is a party to the UN Convention for the Elimination of all forms of Discrimination against Women (CEDAW). Regardless, the reasons stated above, coupled with a lack of political will – including extreme reluctance to lift reservations on Article 2 of CEDAW, show a lack of commitment to improve the situation and status of women in Bangladesh.



Recommendation n°4: *Fully implement the Chittagong Hill Tracts Accord as a matter of priority and develop a time frame for its full implementation (Recommended by Australia).*

IRI: *not implemented*

Asia Indigenous Peoples Pact Foundation (AIPP) response:

This recommendation has not been implemented. The effective measures yet to be taken for implementation of the main provisions of the Accord especially the main issues such as, preservation of tribal-inhabited characteristics of CHT region, effective enforcement of the three Hill District Councils (HDCs) and CHT Regional Council (CHTRC) Act, resolution of land disputes through Land Commission, rehabilitation of returnee Jumma refugees and internally Jumma displaced families, withdrawal of temporary camps of security forces and military administration, preparing voter list only with the permanent residents of CHT and etc. have either left unimplemented or partially implemented. The major provisions yet to be implemented as follows;

1. So far there have not been any official steps by the government to preserve the characteristics of the “tribal inhabited region” by keeping their life and living undisturbed and attain the overall development thereof as embodied in the Accord. Rather, expansion of settlements and forcible land grabbing continue unabated in the Chittagong Hill Tracts.
2. Full execution of the CHT Regional Council Act has not been carried out as yet. Rules of Business of the CHTRC is kept pending as it still waits for government approval for almost last 13 years. In absence of this provision CHTRC is unable to exercise its authority as mandated in the RC Act to supervise and coordinate the activities of all transferred subjects under the three HDCs, law and order, general administration, development programs, the activities of CHT Development Board, coordination of NGO activities, disaster management and relief operation, traditional and social justice etc and issuing license for heavy industries.
3. No other subjects, especially the most important land management, general administration and police, have so far been transferred to the three HDCs since the signing of the Accord. Election of the HDCs is yet to be held and a Voter list with only the permanent residents of the CHT, to be certified by the Circle Chiefs, is yet to be prepared for the election of HDCs.
4. Land Commission is yet to commence its function. CHT Land Dispute Resolution Commission Act passed in 2001, but 23 issues contradictory to CHT Accord were included in that Act. Those shortcomings of the Act are yet to be amended in the light of the Accord. This has not only kept land disputes unresolved but also opened the floodgates of new land disputes to emerge, making things more complicated for smooth resolution.
5. Only 66 temporary army camps including a brigade out of 543 camps were withdrawn so far. Rest of the temporary camps is yet to be dismantled. Moreover, security operation codenamed ‘Operation Uttaron’ which was resorted to in 2001 to tighten security noose, is still in operation. The military search, operations, harassment, threat and intimidation and repression in Jumma indigenous villages. The army authority interfere in all activities related to CHT and even influenced present government remarkably in terms of denial of the constitutional recognition of indigenous peoples during recent constitutional reform.



6. 9,780 families out of 12,222 families of repatriated Jumma refugees are yet to be reinstated in their lands, homesteads and orchards and many villages of the returnees are still under the occupation of the settlers.
7. More than ninety thousand internally displaced Jumma families have not yet been rehabilitated. In contrast, Bengali settlers have been included as IDPs violating the provisions of the CHT Accord.
8. Though grand alliance government reconstituted the CHT Accord Implementation Committee, but since its inception it could not come up with anything concrete to help the implementation process of the Accord.
9. The decision to withdraw Cases filed against PCJSS members and those permanent residents who were associated with PCJSS prior to the signing of the Accord are yet to be carried out.
10. Land leases given to non-residents or outsiders for rubber plantation and horticulture are yet to be cancelled. Rather, Deputy Commissioners continue to issue leases for hundreds of acres of land to the non-tribal Bengalis, violating the CHT Accord.
11. Provision for appointment of permanent residents of CHT, with giving priority, in all administration posts in CHT is yet to be made in practice.
12. Introduction of primary education through mother tongue of indigenous peoples is yet to be implemented.

Due to lack of effective initiatives for implementation of the key provisions of the Accord, no basic changes have been achieved during the period of the current government. Indeed, there has been hardly any positive development on the overall situation in CHT. Infliction of gross human rights violations on the indigenous peoples continue with impunity.

Expansion of settlements and forcible land grabbing by the Bengali settlers with the support of military and civil administration continue unabated in three hill districts of CHT. Communal attack on indigenous Jumma villagers at Ramgarh upazila (17 April 2011) in Khagrachari district and Longadu upazila (17 February 2011) in Rangamati district were the latest violations committed by Bengalis settlers in collusion with the security forces.

Unrepresented Nations and Peoples Organization (UNPO) response:

The 1997 Chittagong Hill Tracts Accord recognizes the indigenous nature of the Jumma people and their political, economic and social institutions within their ancestral domain. However, the consistent misappropriation of land by Bengali settlers continues despite being in direct violation of the Accord. The continued presence of Bangladeshi military forces within the Chittagong Hill Tracts, despite the lack of emergency or deterioration of law as required by the Accords, is also troubling and compounds on the illegal land grabbing problem.

Commonwealth Human Rights Initiative (CHRI) response:

This information valid as of May 2010. More than a decade after the signing of the Accord it had not been fully implemented. While the Accord provided for the removal of all temporary army camps, it failed to provide for a fixed time limit, and a number of political parties, including the BNP and Jamaat-E-Islami, strongly oppose the removal of these camps. In August 2009, it was reported that only 31 out of 500 army camps had been withdrawn, and, as of March 2010, there were reportedly still at least 400



army camps in the region. Indigenous groups reportedly raised many concerns regarding the functioning of the Land Commission established by the Accord to settle disputes on land ownership. According to the President of the Bangladesh Indigenous People's Forum, indigenous groups had proposed 19 amendments to the Land Commission Law since its enactment, but, as of August 2008, none of these had been taken up by the government. Indigenous people traditionally took a community-based approach to land ownership, resulting in a lack of official records of individual ownership. This contributed to displacement by settlers who were allegedly supported by the government and military. The subsequent tensions consistently resulted in violent clashes, and in February and March 2010, the region saw its worst violence since 1997

FIDH & ODHIKAR response:

Although a 'Peace Accord' was drafted and signed, enmity and violence continues to prevail because the government has failed to address some key issues. The people belonging to ethnic minority communities are losing control over their property since their rights of possessing and inheriting community lands are not recognised in the Bangladesh Constitution. In the absence of major democratic principles such as a right to self-determination and community property rights, in the Bangladesh Constitution, there is no scope for the ventilation of grievances of the ethnic minority population. The state continues to show discrimination and a lack of political will to settle the land related to the Chittagong Hill Tracts disputes.

UPR HR Forum response:

Although some praiseworthy initiatives had been taken for implementation of the Chittagong Hill Tract (CHT) Accord at the early stage of the government, there has been no progress in resolving the land disputes. There was a controversy regarding the question as to what should be the order of task- land survey first or settlement of land dispute, as the land commission announced that it was going to start the cadastral survey in the CHT.

In some cases violence raising questions of the role and affordability of the army and the government.

Recent constitution amendment, denying the indigenous identity of these communities may undermine the smooth implementation of the CHT accord. This official position expressed in international forums and high level political statements contradicts earlier position of the government.

Recommendation n°5: *Take measures to ensure the independence of the judiciary* (Recommended by *Australia*).

IRI: *not implemented*

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Recommendation n°18: *Continue its good work in further strengthening the judiciary in the country* (Recommended by *Bhutan*).

IRI: *not implemented*

FIDH & ODHIKAR response:

Lack/deprivation of justice is a form of human rights abuse and it is common knowledge in Bangladesh that justice is only for the rich and those who can afford legal representation. What is singularly worrisome for democracy and human rights in



Bangladesh is the massive politicisation of the Judiciary. The Judiciary has been separated from the Executive on paper, but has still failed to convince the citizens of its independence and is vulnerable to any extrajudicial manipulation.

Furthermore, according to a Transparency International, Bangladesh report of 23 December 2010; corruption and other violations associated with the country's judicial system have gone up by 40.3 per cent over the last three years. TIB's household survey report 2010 puts the Judiciary as the most corrupt among 13 service sectors in the country. Transparency International Bangladesh (TIB) in its report states that general people suffer most due to corruption and other wrongdoings in the judiciary followed by law enforcement agencies and land administration. Some 88 per cent households suffered most to avail of judiciary services due to various forms of corruption, including bribes and other harassment. The survey says some 59.6 per cent households had to pay bribes in different stages to get judicial services. Of this, the highest of 68.9 per cent households paid bribes to the Magistrate's court, 58.4 percent to the judge's court and 73.6 percent to the High Court.

See also comments on recommendation n° 10

UPR HR Forum response:

The government has established judicial service commission to appoint judges for the lower judiciary, appointed number of judges both for the higher and lower judiciary.

The higher judiciary has taken some initiative for rapid hearing of long pending cases. Submitting the wealth statement by 17 judges of the High Court including the former Chief justice is a welcome step.

However, independence of judiciary is still not fully functional as no separate secretariat has been established for the judiciary and thus appointment; transfer etc. of the judges of lower judiciary is still administered by the Law ministry. Serious controversy arose in appointing judges for the High Court including the Chief Justice bypassing seniority.

Controversy arose due to withdrawal of cases on political consideration, where in the process followed he claimed to be transparent.

President's clemency to the convicted in murder cases due to political consideration also seriously undermined the rule of law.

Recommendation n°6: *Take measures to ensure women's rights are protected through implementing existing laws such as the Early Marriage Act and the Dowry Act (Recommended by Australia).*

IRI: not implemented

FIDH & ODHIKAR response:

See response to recommendation n°3.

UPR HR Forum response:

Though the Government pointed out that there are no wage inequalities between men and women, in reality there exists wage inequalities in the informal labor sector. Also still very few women are found in supervisory role in garments.



On the issue of Uniform Family Code, the Government mentioned that it will consult with all concerned parties and members of various religious organizations to achieve a consensus on this issue, no concrete steps have been taken

Recommendation n°7: Take measures to protect human rights defenders, including journalists (Recommended by Australia).

IRI: not implemented

CHRI response:

This information valid as of May 2010. The Caretaker Government's Emergency Power Rules, 2007 posed several restrictions on journalists to report freely. However, restriction on their activities in the form of physical harassment by law enforcement personnel and private individuals, and by bringing false cases against them, continued under the current government. A report by Ain O Salish Kendra recorded that during 2009, four journalists were killed, 19 received death threats, 84 saw cases filed against them and 136 were tortured, assaulted, threatened or harassed by criminals, law enforcers, militants and political activists. The following cases serve as illustrative examples of the treatment meted out to media persons. On 19 October 2009, the Daily Star's Senior Correspondent in Bogra was reportedly arrested under false charges and later released on bail. On 22 October 2009, RAB reportedly arrested and tortured FM Masum a staff reporter for the newspaper New Age. Masum, who had written several articles regarding RAB involvement in crossfire shootings, the drug industry and torture of journalists, was reportedly arrested at his house and tortured by the RAB. He was repeatedly beaten and salt was rubbed into his wounds. On 24 October 2009, the RAB issued a press release regretting the incident and stating that it would form a committee to probe the incident. Bangladesh maintains criminal defamation legislation. On 7 December 2009, the Cabinet approved the Code of Criminal Procedure (Amendment) Bill, 2009, which would remove the power of courts to issue arrest warrants against editors, publishers, reporters or writers for alleged criminal defamation, and would be limited to issuing a summons or notice.

FIDH & ODHIKAR response:

In the UPR session Bangladesh accepted the recommendation regarding effective measures to protect human rights defenders. However, non government human rights organisations in Bangladesh are guarded in the manner they carry out their activities, preferring not to come into conflict with the Government – whatever the regime. However, Odhikar believes that human rights activism must be performed without fear – as that is the only way to expose violations and urge for reform. During this reporting period, Odhikar was regularly monitored by the Government's various intelligence agencies and its members and staff intimidated. Odhikar's secretary Adilur Rahman Khan was under constant watch by the National Security Intelligence and on October 17, 2011 he was called by an officer of Special Branch of police who asked him to meet them at their office. When Adilur Rahman Khan mentioned that he needed a letter to go and meet them, the Special Branch officer mentioned that he was bound to meet them when they ask him to do so. When he was adamant that the SB should send a letter, there was no further communication. On October 23, 2011 Shampa Goswami, a women human rights defender of Odhikar and a school teacher from Satkhira, a south western part of Bangladesh, was



harrassed, confined, defamed and threatened by local influentials as she was helping a victim of gang rape. The Government is reluctant to give clearance to Odhikar's project on 'Education on the Convention Against Torture and OPCAT Awareness Programme in Bangladesh' which was supposed to be funded by the European Union. When contacted, an official of the NGOAB said that they have nothing to do unless a clearance comes from the Government.

During the UPR session the Government also stated that Bangladesh was committed to ensuring freedom of the media and protection of journalists. However, in practice, the government has shown intolerance towards the dissenting media – evident by its banning of Channel 1, widely known as Opposition's TV channel; the closing down of the Bangla language Daily Amar Desh and the filing of several cases against its acting Editor – including one under the Anti-Terrorism Act, 2009; attempting to shut down a photo exhibition on 'crossfire'; closing down Facebook and censoring YouTube; and the indiscriminate use of the law of defamation – all of which occurred during this reporting period. Such gags on the freedoms of thought, association and speech damage the growth of democracy and violate the Government's pledges and commitment in the United Nations.

According to Odhikar data, between 04 February 2009 to 03 February 2011, 7 journalists were killed, 199 were injured, 88 assaulted, 124 journalists were threatened and 3 were abducted.

UPR HR Forum response:

Human Rights Defenders in general did not enjoy a favourable condition. Police used violence to disrupt protests against approval of energy deal with foreign company. Local journalists in different places were threatened and tortured by influential local leaders of the ruling party. Closure of a TV channel and temporary shut down of a national news daily; disallowing a photography exhibition titled 'Crossfire' by DRIK, banning 'face book' temporarily have seen as contrary to freedom of expression.

Recommendation n8: Take steps to eradicate child labour such as finalizing the National Child Labour Policy and implementing the plan of action to eliminate the worst forms of child labour (Recommended by Australia).

IRI: not implemented

IDSN-BDERM response:

Bonded labour and child labour represent a human rights problem in Bangladesh. Many Hindu Dalits and Muslim Dalits are, to a larger or smaller degree, bound by loans from employers. The Constitution prohibits forced or compulsory labour; however, the GoB does not enforce this prohibition effectively. There is no law that uniformly prohibits child labour and as a result, the phenomenon is widespread in practice. A labour force survey conducted by the GoB in 1996 revealed the existence of 6.3 million child labourers. In the draft UN principles and guidelines for the effective elimination of discrimination based on work and descent, it is recommended that "national and local governments, corporations, labour groups, and international labour, financial, and development organizations should collaborate to ensure concrete mechanisms for the prevention, identification and eradication of exploitative labour arrangements and the implementation of rehabilitation schemes for forced, bonded and child labourers with special attention to caste-affected communities" (para. 38).

UPR HR Forum response:

Though, initiative taken to adopt a National Child Labour Policy
Child labour is continuing in the absence of effective monitoring mechanism

Recommendation n° 9: Take steps to further strengthen the National Human Rights Commission and the Anti-corruption Commission to ensure that they will be able to operate independently and effectively (Recommended by Australia).

IRI: not implemented

UNPO response:

While the creation of the NHRC and its role in fact-finding missions is a positive step, indigenous communities affected by targeted violence (including arson attacks) feel that little practical help has been offered to victims. NGOs are concerned that the Bangladeshi government has not followed up with full and impartial investigations to such attacks. This includes repeated threats of violence towards individuals who submit complaints (or attempt to) and the apparent uncooperative behavior of police, whose impunity exacerbates the situation for indigenous peoples.

CHRI response:

This information valid as of May 2010. On 1 December 2008 the National Human Rights Commission was able to commence operations. However, following the election of the Awami-League-led government, the Commission reportedly ceased to be effective on 25 February 2009, as the interim ordinance expired while awaiting ratification by the new parliament. In July 2009, a law re-activating the Commission was passed. The law provided for the appointment of a six-member commission and strengthened its powers to investigate breaches by disciplined forces. The Commission's diversity requirements necessitate the inclusion of an indigenous community representative and a woman representative.

IDSN-BDERM response:

The National Human Rights Commission should incorporate the Dalit issue as an aspect of its work as a national human rights monitoring mechanism. To promote the socio-economic status of Dalits and other excluded groups in Bangladesh, the Government should form a special Dalit Commission or create a special cell in the National Human Rights Commission to oversee the affairs of Dalit and other excluded groups.

FIDH & ODHIKAR response:

Despite the Bangladesh government's 'acceptance' of the recommendation from the delegates of European countries and its comment that it had 'initiated actions' in effort to develop the work of its national institution for human rights, as an effective human rights watchdog and to give power to the NHRC to effectively protect human rights in accordance with the Paris Principles, the Government did not approve of the proposed human resource of 62 persons applied for by the NHRC, to assist it in carrying out its activities effectively. It approved of only 28 persons. The Chairman of the NHRC, Professor Mizanur Rahman said: "We were informed that the ministries concerned finalised the appointment of 28 staff a few days ago, but we don't know when we will get them in action."



The NHRC was formed in November 2008 under the National Human Rights Commission Ordinance, promulgated by the army backed caretaker government on December 23, 2007. The Ordinance was enacted by the Parliament on 14 July 2009. Former Chairman of the NHRC, Justice Amirul Kabir Chowdhury sent a draft Regulation of the NHRC to the Ministry for Law, Justice and Parliamentary Affairs on August 2009

UPR HR Forum response:

Though the enactment of the NHRC Act is a positive initiative, the act contains some flaws which are significant obstacles to the establishment of a truly independent human rights institution. For example, in respect of violation by law enforcement agencies (Sec.18), the Commission has limited jurisdiction and can only demand reports from government agencies. There is no specific consequence for the failure of government to provide such a statement. On the other hand, it is stated that, if a suit is within the jurisdiction of the Ombudsman Act, 1980 where the Ombudsperson is the concerned person and if it is under the authority of the Administrative Tribunals Act, 1980, then the matter cannot be brought to the Commission.

The NHRC Chairman has been visible in media and public events. But the commission is yet to prove its effectiveness.

The government has appointed panel lawyers in Dhaka and outside Dhaka for the Anti Corruption Commission (ACC) and finalized the process of recruiting 80 staff members for the ACC.

But the proposed bill for the amendment of the ACC Act of 2004 tabled in the parliament has posed serious doubts about the Government's commitment to create conditions for an independent and effective Commission. The proposed amendments will establish political and administrative control on the Commission. Moreover the withdrawal of thousands of corruption cases on partisan political consideration has seriously undermined the prospect of strengthening institutional capacity to fight corruption.

The Parliament has failed to function effectively because of the continued boycott by the opposition. Parliamentary Committees started off relatively well, but barring a few exceptions have not delivered much in most cases because Committees are often dominated by members with conflict of interest.

Parliament members have been allocated increased power and resources to themselves eg MPs in school committees, tax exemption, etc.

Public service has been subjected to political influence particularly in some cases, promotion, posting and transfer. A large number of senior officials have been made "Officer on Special Duty" upon partisan political consideration.

The government has also weakened the public procurement policy by withdrawing the requirement of expertise and experience upto a threshold which will increase political influence and conflict of interest in public procurement.



Another recent legal amendment has disempowered the Bangladesh Telecommunication Regulatory Commission and empowered the Government Ministry, which is likely to promote political influence in the flourishing private sector.

By another Act of Parliament the Government has granted immunity to any decision taken in connection with production, sale and distribution of electricity, which is likely to jeopardize transparency and accountability in the sector.

Recommendation n° 10: *Take steps to address the culture of impunity for human rights violations by law enforcement agencies (Recommended by Australia).*

IRI: not implemented

UNPO response:

Military presence continues in the Chittagong Hill Tracts, despite the lack of a state of emergency as required by the 1997 Accords. The indigenous communities are particularly concerned that the military forces are contributing to human rights violations, visible in an alarming increase of rapes and extra-judicial killings, as well as encouraging illegal land seizure. The Bangladeshi army is also implicated in opening fire on peaceful demonstrations and taking an active role in preventing free media access. Calls for the immediate demilitarization of the Chittagong Hill Tracts continue to go unaddressed by the government

FIDH & ODHIKAR response:

Incidents of extra-judicial killings continued despite the government's repeated assurance that this would be stopped. The law enforcement agencies have continued killing suspected 'criminals'; members of the radical left political parties; or simply innocent people 'by mistake' without due process of law. From 04 February 2009 - 03 February 2011 281 people were allegedly killed extra-judicially. Odhikar documents all reported incidents of extrajudicial killings that includes those killed in so-called 'crossfire' as well as those tortured to death and custodial killings.

Torture has a pervasive presence in Bangladesh. From 04 February 2009-03 February 2011 40 people were allegedly tortured to death and 109 were tortured. Law enforcement agencies regularly practice torture on suspects and accused persons in order to extract confessional statements. Torture is prohibited by Article 35(5) of the Constitution of the People's Republic of Bangladesh, which states that: "No person shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment." However, the practice of torture has not been made a criminal offence and there is no definition of it in any law. However, despite this, section 331 of the Penal Code gives some relief stating that it is a criminal offence if someone causes grievous hurt for the purpose of extorting a confession or any information which may lead to the detection of an offence or cause the restoration of property.

After a suspect/accused is arrested, he must be presented before a Magistrate within 24 hours. At this time, police routinely seek 'remand' of the accused/suspect for further questioning. The remand sought can be for a period of 3 to 15 days – occasionally more. Once taken into remand, the physical and mental abuse and torture begins. Families have been known to pay police not to torture an accused in remand. Often in remand, police carry out different degrees of torture for various reasons, including extracting a confessional statement, implicating others, and also



to extract money. Although remand has now become synonymous to torture, Magistrates still allow remand with no warning to the police and still record the statements of accused persons who show mental and/or physical effects of torture or who claim to have been tortured.

Although Bangladesh signed the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on October 5, 1998, its principles are not being followed. As per this Convention, a person cannot be physically or mentally tortured or subjected to other forms of cruel, inhuman or degrading treatment or punishment. This principle is also guaranteed in Article 35(5) of the Bangladesh Constitution.

The Government has yet to legislate to implement the UN Convention against Torture (CAT). Since 2009, a Private Member's Bill detailing the application of CAT has been pending. Without specific legislation in place, widespread administration of torture will continue.

UPR HR Forum response:

Though the trial and conviction of the self declared murderers of Bangabandhu Sheikh Mujibur Rahman can be seen as a process to end the culture of impunity, in other cases of extra judicial killings and torture by the law enforcing agencies no independent investigation has been conducted, departmental investigation findings were not made public and there was no conviction.

Recommendation n°13: *Continue its efforts in combating corruption* (Recommended by Azerbaijan).

IRI: *partially implemented*

UPR HR Forum response:

Although a few policy initiatives have been taken like the enactment of the Right to Information Act, setting up of the Information Commission and enactment of the Whistleblower protection Act, measures taken in opposite directions have undermined the institutional capacity to control corruption.

Withdrawal of ACC thousands of corruption cases on partisan political consideration is not consistent with the commitment. Two and a half years after the election only a half-hearted step has been taken to submit wealth statement of Ministers to the Prime Minister, with no clear decision to disclose the same for the information of the public. Moreover, no action has been taken regarding such disclosure by Members of the Parliament.

CHRI response:

This information valid as of May 2010. Right to Information legislation was passed during the reporting period. On 29 March 2009, Bangladesh enacted the Right to Information Act, 2009, which came into force on 1 July 2009. The Act requires organisations who meet certain criteria, for example those constituted by the Bangladeshi Constitution, private organisations run with government funding, and those that perform public functions, to provide citizens with information on matters of public interest, although some organisations may refuse to do so in certain circumstances. An Information Commission was also established to ensure its proper enactment and to deal with complaints.

Recommendation n°14: *Consider ratifying or acceding to: ICRMW (Recommended by Azerbaijan).*

IRI: *not implemented*

UPR HR Forum response:

[...] Bangladesh signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) in 1998 but no initiative has been taken to ratify this. [...]

Recommendation n°15: *Create job opportunities and provide social services to face development challenges and combat poverty (Recommended by Bahrain).*

IRI: *not implemented*

FIDH & ODHIKAR response:

See response to recommendation n°2

IDSN-BDERN response:

The Dalit and excluded communities continue to work in some of the most menial, low paid dangerous jobs in Bangladesh, such as cleaning toilets and emptying the septic tanks of others. Unemployment and underemployment are major issues particularly given the lack of skills, training and education. In a recent survey of the cobbler community it was found that 53% earn between 2,000-3,000 taka a month. Dalits who live and work in tea plantations face specific forms of discrimination. Many live in bonded labour or are paid extremely low wages (approx 30 Taka per day) and are unable to afford adequate food, health-care or to educate their children. To ensure better access to employment, there should be quotas established for Dalit representation in the private and public spheres as enacted in other caste-affected countries, including reservation of job quotas in government and non-government services.

Recommendation n°16: *Continue the efforts to draw up a national plan to provide health care to all without discrimination (Recommended by Bahrain).*

IRI: *not implemented*

IDSN-BDERM response:

The Dalit community in Bangladesh do not have equal access to health care, and live under horrible conditions. The majority of Dalits live below the poverty line, lagging behind in all development indicators (e.g. maternal mortality rates are much higher amongst Dalit women). In urban areas Dalits usually live in so called 'colonies' in slum like conditions with often three generations of 8-12 people living in one small room. Around 60,000 Dalits living in Dhaka have inadequate water and sanitation. The majority of Dalits are landless and in rural areas live in houses built with straw and mud, often on common land, under constant threat of eviction. The GoB is recommended to endorse and make use of the draft UN Principles and Guidelines (...) which is a guiding framework.

UPR HR Forum response:

Despite spreading community clinic all over the country, national health policy is yet to be finalized. Several incidents of medical negligence have been reported. The NHRC chairman has visited several public criticized the poor health services.



Recommendation n°19: *Continue, with international support and cooperation, efforts to ensure basic necessities of its people, particularly in terms of food, clothing, shelter and education* (Recommended by *Bhutan*).

IRI: *not implemented*

FIDH & ODHIKAR response:

See response to recommendation n°2

Recommendation n°20: *Taking into account the provisions of the CRC, to take further measures to prohibit all forms of violence against children, including corporal punishment and to raise the minimum age of criminal responsibility* (Recommended by *Brazil*).

IRI: *partially implemented*

UPR HR Forum response:

The Child policy has been approved by the cabinet in February 2011

Initiative has been taken to amend the Children's Act 1974.

The higher judiciary has given directives to prohibit corporal punishment in educational institutions were followed by complementary administrative initiatives.

Not much initiative taken to improve the juvenile justice system.

Recommendation n°21: *Consider ratifying or acceding to: 1951 Refugee Convention, bearing in mind resolution 9-12 of the Human Rights Council entitled Human rights goals* (Recommended by *Brazil*).

IRI: *not implemented*

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Recommendation n°25: *Consider ratifying or acceding to: 1951 Refugee Convention* (Recommended by *Chile*).

IRI: *not implemented*

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Recommendation n°36: *Consider ratifying or acceding to: 1951 Refugee Convention* (Recommended by *Czech Republic*).

IRI: *not implemented*

UPR HR Forum response:

No initiative taken to accede to 1951 Refugee Convention, ILO Convention 169 on Indigenous and Tribal Peoples

The minister of Law, Justice and Parliamentary Affairs at a seminar held on 8 June 2011 on 'Ratification of ILO Convention 169 said Quoting 1 (b) of article 1 of the Convention said that there are no indigenous people in the country.

Amendment to the Constitution stipulates that all residents of Bangladesh are Bangalees, which does not recognize the ethnic and cultural identity of the indigenous people

Recommendation n°22: *Recalling General Assembly resolution 62-149, establish a moratorium on executions with a view to abolishing the death penalty* (Recommended by *Brazil*).

IRI: *not implemented*

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Recommendation n°27: *Adopt a moratorium on the death penalty, as a primary step towards its abolition* (Recommended by Chile).

IRI: *not implemented*

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Recommendation n°46: Strongly encouraged to abolish the death penalty, and while awaiting such decision, to adopt a moratorium on executions (Recommended by France).

IRI: *not implemented*

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Recommendation n°54: *As a first step, consider amending their legislation on the death penalty in order to restrict its scope and adjust it to the international minimum standards on the death penalty, and, in the light of the increasing awareness of the international community on the matter, as reflected in General Assembly resolutions approved in 2007 and 2008, consider the establishment of a moratorium on the use of the death penalty with a view to abolishing capital punishment in the national legislation* (Recommended by Italy).

IRI: *not implemented*

CHRI response:

This information valid as of May 2010. Death sentences were handed out throughout the reporting period and no moves were made towards a moratorium. According to a report by Amnesty International, in 2008, five people were executed and 185 sentenced to death, bringing the number of people on death row to at least 1,085. In December 2009, it was reported that the final draft of the “Border Guard Bangladesh Bill, 2009” had been submitted to the Home Ministry and Ministry of Law, Justice and Parliamentary Affairs and that the bill included a provision for the use of the death penalty for future crimes such as mutiny, which was not contained in the BDR Order, 1972. On 28 January 2010, five ex-army officers were executed for the assassination of the Bangladesh independence leader and former President, Sheikh Mujibur Rahman (father of the current Prime Minister, Sheikh Hasina) and the murder of members of his family. Seven other ex-army officers were also sentenced to death but six live abroad, and have not yet surrendered to the courts in Bangladesh, and one is believed to have died

FIDH & ODHIKAR response:

There are 24 crimes in Bangladesh which carry a mandatory death penalty and several more where the death penalty is the maximum sentence. Lack of transparency, corruption and torture plague the criminal justice system and affect the decisions given by the lower judiciary. As a result, there have been cases where the order of the death sentence is not justified or has been arbitrarily imposed. Furthermore, the way in which the penalty is executed is also traumatic – and not just for the condemned. It is the practice to use other sentenced prisoners as executioners.

Recommendation n°23: *Positively consider the visit requested by the special rapporteur on summary executions* (Recommended by Brazil).

IRI: *not implemented*

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Recommendation n°66: *Extend a standing invitation to human rights mechanisms to visit the country and to support national efforts in these areas (Recommended by Mexico).*

IRI: *not implemented*

UPR HR Forum response:

Bangladesh ranks as one of the top countries having highest number of pending requests from the Special procedure.

The UN Independent Expert (IE) on Human Rights & Extreme Poverty and the IE on access to safe drinking water and sanitation had a joint mission on December 2009. The visit of the Special Rapporteur (SR) on adequate housing and SR on Freedom of Religion has agreed in principle but yet to confirm the date.

But requests from several Special Procedures are pending for years. Like, SR on the right to freedom of opinion and expression (since 2003), from IE on minority issues (since 2006), SR on extrajudicial, summary or arbitrary executions (request made in 2006, reminder in 2008 and 2009), SR on independence of judges and lawyers (request made in 2007), SR on contemporary forms of slavery, SR on racism (request made in 2008) and SR on contemporary forms of slavery (request made in Aug 2008 and follow up request in Nov 2008),

The GoB should offer standing invitation to show the openness.

Recommendation n°26: *Consider ratifying or acceding to: OP-ICCPR 2, OP-CAT, ICRMW, CED and OP-ICCPR 1 (Recommended by Chile).*

IRI: *partially implemented*

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Recommendation n°37: *Consider ratifying or acceding to: OP-CAT (Recommended by Czech Republic).*

IRI: *not implemented*

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Recommendation n°45: *Consider ratifying or acceding to: OP-CAT (Recommended by France).*

IRI: *not implemented*

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Recommendation n°59: *Consider ratifying or acceding to: OP-CAT (Recommended by Liechtenstein).*

IRI: *not implemented*

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Recommendation n°72: *Consider ratifying or acceding to: OP-CAT (Recommended by Netherlands).*

IRI: *not implemented*

FIDH & ODHIKAR response:

As per the recommendations in the 2009 UPR session, from delegations of other countries, to consider ratifying or acceding to the Optional Protocol of CAT and other Optional protocols, the Bangladesh government stated that it regularly reviewed possible ratification and that it is fully sensitive to the basic human rights treaties/OPs, including those mentioned in the recommendations. The Foreign



Minister also confirmed that the Bangladesh government was considering acceding to OP-CAT. However, the Government has yet to legislate to implement the UN Convention against Torture (CAT). Since 2009, a Private Member's Bill detailing the application of CAT has been pending. The Government has yet to consider adoption of the said Bill, and incorporate or introduce new legislation prohibiting torture. The Bangladesh government has also failed to submit a report to the OHCHR on the status of the UNCAT for three consecutive periods - 11/4/1999, 11/4/2003 and 11/4/2007.

UPR HR Forum response:

Bangladesh has ratified the Rome Statute (International Criminal Court) on 22 March 2010.

Bangladesh signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) in 1998 but no initiative has been taken to ratify this.

During the interactive dialogue of the working group session, the head of Bangladesh delegation-the Hon'ble Foreign Minister confirmed that Bangladesh is considering accepting the OP-CAT. But no progress has been made.

Reports have not been submitted to the UN committees on CAT, ICCPR, ICESCR

Recommendation n°29 : Continue to promote non- formal education in order to make greater progress in advancing people's education level (Recommended by China)

IRI: partially implemented

UPR HR Forum response:

A secular education policy has been adopted. Several other steps have also been taken to ensure uniform education for all.

Though continued grants to madrassah education contradicts support for secular education.

Recommendation n°30 : Pursue its positive efforts for the promotion and protection of the rights of women (Recommended by Cuba)

IRI: not implemented

CHRI response:

This information valid as of May 2010. A Domestic Violence Bill was tabled in parliament but was not passed by the end of the reporting period. Throughout the reporting period, there were frequent incidents of violence against women, such as domestic violence, rape and acid attacks, as well as extrajudicial penalties in the name of "fatwa". A compilation from 15 national newspapers by Ain O Salish Kendra found "446 reports of incidents of rape, in which 158 women were victims of gang rape and 62 were murdered after rape. Cases were filed in 244 of these incidents. Thirty-five incidents of fatwa were reported, and 281 women were reported to have been subjected to domestic violence, 285 women to torture for dowry, out of which 194 died. The media reported on 63 incidents of acid burns on women. Ain O Salish Kendra's 2009 report recorded that 35 women were subjected to fatwa; 20 of whom were caned and three forced to marry.

FIDH & ODHIKAR response:

See comments on recommendation n°[3].

UPR HR Forum response:

Six months maternity leave introduced

Number of reserved seats for women in the parliament has been increased from 45 to 50 through the 15th Amendment of the Constitution on 30 June 2011. But no direct election from women's constituency.

Education policy 2010 adopted with special emphasis on increasing female education, eliminate discrimination in literacy rate (including higher education), and vocational, science and technology training for girls

Recommendation n°31: *Pursue its positive efforts to promote and protect the right to education, including the education of girls* (Recommended by Cuba).

IRI: *partially implemented*

IDSN-BDERM response:

Despite the GoB's efforts to promote the right to education, most Dalit children do not complete formal education, with the majority attending for only one or two years. School enrolment rates are as low as 10%, with drop out rates of those that did attend school at around 95%, (national enrolment rates are 85%). Poverty and caste discrimination within schools from both teachers and students are key reasons why Dalit families choose for their children to work rather than attend school. In one survey 82% of Hindu Dalits and 84% of Muslim Dalits had experienced discrimination by the time they had started school and many experience discrimination in schools, for example being forced to sit on the floor or to clean toilets. Despite the Government's recent education policy which committed them to educate children in their mother tongue, this is still not being implemented. Also there is no provision made for Dalit children to learn Bangla which is also a major barrier to them attending schools. In 2009, the CRC Committee strongly recommended that "the principle of non-discrimination, as provided for under article 2 of the Convention, be fully and vigorously applied by the State party and integrated into the implementation of all other articles to guarantee, without discrimination, the rights set out in the Convention. The Committee further recommends that the State party take the necessary measures to ensure that efforts to address persistent discrimination and reduce disparities are adequate and effective in the family, schools and other settings, and in particular among marginalized and excluded children, including girls, children of ethnic minorities and refugee children." In the draft UN principles and guidelines for the effective elimination of discrimination based on work and descent, it is recommended that "national and local governments should take all necessary measures to ensure equal access to free quality primary and secondary education for children from affected communities, as well as equal opportunity to receive tertiary education. Effective special measures should be enacted for affected communities in admissions to public and private higher education institutions" (para. 46).

UPR HR Forum response:

A secular education policy has been adopted. Several other steps have also been

taken to ensure uniform education for all.

Though continued grants to madrassah education contradicts support for secular education

Recommendation n°32: Amend, if necessary, the relevant discriminatory legal provision concerning the transfer of citizenship to children of women in mixed marriages (Recommended by Czech Republic).

IRI: fully implemented

FIDH & ODHIKAR response:

It is now possible for children of women in mixed marriages to claim Bangladeshi citizenship.

UPR HR Forum response:

Though the Government pointed out that there are no wage inequalities between men and women, in reality there exists wage inequalities in the informal labor sector. Also still very few women are found in supervisory role in garments.

On the issue of Uniform Family Code, the Government mentioned that it will consult with all concerned parties and members of various religious organizations to achieve a consensus on this issue, no concrete steps have been taken

Recommendation n°34: Review its domestic legislation and practice to bring them both in compliance with its international obligations in the area of the rights of the child, in particular regarding (i) protection against kidnapping and trafficking, and (ii) the juvenile justice system including through providing adequate separate facilities of corresponding capacity for juveniles in detention or prison and adopting specific measures for the protection of their human rights (Recommended by Czech Republic).

IRI: partially implemented

UPR HR Forum response:

The Child policy has been approved by the cabinet in February 2011

Initiative has been taken to amend the Children's Act 1974.

The higher judiciary has given directives to prohibit corporal punishment in educational institutions were followed by complementary administrative initiatives.

Not much initiative taken to improve the juvenile justice system.

Recommendation n°35: Adopt further measures to fight impunity for human rights violations, including by law enforcement officials (Recommended by Czech Republic).

IRI: not implemented

FIDH & ODHIKAR response:

See comments on recommendation n°10.

UPR HR Forum response:

See comments on recommendation n°10.

Recommendation n°39: Issue and implement a standing invitation to all special procedures (Recommended by *Czech Republic*).

IRI: *not implemented*

IDSN-BDERM response:

Since the review in 2009, the Government of Bangladesh has received several requests for country visits by Special Rapporteurs without extending invitations. BDERM and IDSN urge the GOB to extend a standing invitation to all Special Procedures as they serve as an important mechanism to monitor and promote human rights implementation in the country, as was the case of the visit by the Independent Experts on water and sanitation and extreme poverty in December 2009, where they visited Dalit communities in so-called "colonies" in the ghetto areas of Dhaka.

UPR HR Forum response:

See response to recommendation n°23

Recommendation n°40: *Build with international support the national capacities to fulfil the reporting obligations to treaty bodies* (Recommended by *Egypt*).

IRI: *not implemented*

IDSN-BDERM response:

Several periodic reports to the treaty bodies are long overdue, including the reports to the CAT, CCPR, CESCR, and CERD. BDERM and IDSN urge the GoB to comply with its obligations to report to the treaty bodies, and urge the GoB to include disaggregated data based on caste in its periodic reporting to the treaty bodies.

UPR HR Forum response:

Bangladesh has reported to the CEDAW committee, but did not make any specific commitment on withdrawal of reservations from the remaining articles. No mentionable step has been seen to incorporate CEDAW into national laws.

Recommendation n°41: *Continue its efforts to develop the work of its national institution for human rights, as an effective human rights watchdog* (Recommended by *Egypt*).

IRI: *not implemented*

CHRI response:

This information valid as of May 2010. On 1 December 2008 the National Human Rights Commission was able to commence operations. However, following the election of the Awami-League-led government, the Commission reportedly ceased to be effective on 25 February 2009, as the interim ordinance expired while awaiting ratification by the new parliament. In July 2009, a law re-activating the Commission was passed. The law provided for the appointment of a six-member commission and strengthened its powers to investigate breaches by disciplined forces. The Commission's diversity requirements necessitate the inclusion of an indigenous community representative and a woman representative.

FIDH & ODHIKAR response:

The NHRC has become a powerless institution as it has no specific jurisdiction to take action against the accused persons or law enforcement agencies. The

Commission ought to file cases against human rights violations; however, according to the Human Rights Commission Act the Commission can only give recommendations to the government to take action against perpetrators. It appears that the NHRC does not have any effective power. It is a matter of regret that the Home Ministry does not have the moral position and receptivity to accept the concerns expressed by the NHRC and its appeal to take action against the accused abuses. Odhikar questions the actual necessity of the Commission, if the Government is going to ignore it. See also comments on recommendation no. [9].

UPR HR Forum response:

The Founding Act of the NHRC has given reasonable mandate to the NHRC, both in the area of protection and promotion of Human rights. But due to shortage in manpower the Commission is not able to exercise its mandate. The Commission has developed a five year strategic plan in consultation with different stakeholders and arranged some seminar and workshops on other issues but could not organize any fact finding and investigation. Also could not set up its mediation mechanism.

On 22 December 2009 the Commission requested approval of an organogram of 62 personnel. After more than a year, the government gave approval for 28 staff members, most of which are support staffs. Hiring of staff members started in July 2011 because of the delay in approving procedures by the Government. Thus as a matter of fact, as of July 31, 2011 the NHRC has no staff of its own, except the secondees.

The Chairman of the Commission has expressed concern over level of cooperation from the bureaucracy which has come in newspaper reports.

The new staff recruitment rules approved by the Government made it mandatory that the Secretary of the Commission would be seconded from Government officials. Moreover the rules had been framed in such a way that, at least for next five years, all the Directorial positions would have to be filled up by the secondees

Recommendation n°42: *Continue its efforts to ensure consistency between national laws and international human rights conventions which it has ratified (Recommended by Egypt).*

IRI: *partially implemented*

UPR HR Forum response:

Some steps have been taken to ensure the conformity of domestic laws in accordance with the international standards. For example, amendment of the children act is at the final stage, where it is being said from the government that the age of a child will be in conformity with the international standard.

Recommendation n°43: *Continue its efforts to strengthen its national human rights mechanisms and continuously upgrade its laws, policies and institutions in the area of the promotion and protection of human rights (Recommended by Egypt).*

IRI: *not implemented*

ODHIKAR response:

See comments on recommendation n°41.

IDSN-BDERM response:

In order to eliminate discrimination against the Dalit community, the GoB should declare the practice of ‘untouchability’ in public and private places against the Dalit community a punishable crime, using model legal acts from other caste affected countries (e.g. India and Nepal), and on the basis of existing human rights frameworks, such as the CERD General Recommendation 29 on descent. Furthermore the GoB may decide to make use of a comprehensive framework to address caste discrimination, the draft UN principles and guidelines to elimination discrimination based on work and descent, and endorse it in the Human Rights Council as a model framework for developing a comprehensive national action plan to eliminate caste discrimination.

Association of Young Generation of Urdu Speaking Community (AYGUSC) response:

The government of Bangladesh is completely failed to make strengthen the national human rights mechanism. The Government is perpetually violating the rights of minority community of Bangladesh. Bihari urdu speaking linguistic minority is facing discrimination to get passport and public service due to the state reorganization as minority community in Bangladesh. The high court of Bangladesh said that all Biharis camp dwellers are Bangladeshi citizen as like others in Bangladesh. However state has no minimum of tolerance with Bihari community

UPR HR Forum response:

On 9th July, 2009 the parliament passed the ‘National Human Rights Commission Act of 2009’ with retrospective effect to legalize the acts done by the Commission established under Ordinance in 2008. On 23 June 2010 the government reconstituted the commission with the appointment of Chairman and six new commissioners. The Chairman and only one member are full time, the other five are appointed on honorary basis and not full time.

Much remains to be desired of the Government in terms of providing the necessary resources including staff and other logistics for the Commission to be able to function effectively and independently.

The Government has not yet fulfilled its electoral commitment to establish Ombudsman. On the contrary the office of the Tax Ombudsman which could provide at least partial fulfillment of the Constitutional commitment has been abolished by an act of the Parliament under debatable grounds

Recommendation n°44: *Withdraw reservations to CEDAW* (Recommended by France).

IRI: *not implemented*

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Recommendation n°76: *Withdraw reservations to Articles 2 and 16 1 c of CEDAW* (Recommended by Norway).

IRI: *not implemented*

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Recommendation n°84: *Reconsider its position on reservations to CEDAW (Recommended by Slovenia).*

IRI: *not implemented*

FIDH & ODHIKAR response:

The Government of Bangladesh is a party to the UN Convention for the Elimination of all forms of Discrimination against Women (CEDAW). Regardless, a lack of political will – including extreme reluctance to lift reservations on Article 2 of CEDAW, show a lack of commitment to improve the situation and status of women in Bangladesh.

See also comments on recommendation n°6.

UPR HR Forum response:

Bangladesh attended the review conducted by the UN Committee on CEDAW on 25 January 2011, where the state party did not make any specific commitment to withdraw reservations from the art. 2 and 16 (1) (c) of the convention.

Recommendation n°47: *Continue combating discrimination and violence against women and girls by elaborating effective laws and implementing them effectively (Recommended by Germany).*

IRI: *not implemented*

CHRI response:

This information valid as of May 2010. A Domestic Violence Bill was tabled in parliament but was not passed by the end of the reporting period. Throughout the reporting period, there were frequent incidents of violence against women, such as domestic violence, rape and acid attacks, as well as extrajudicial penalties in the name of “fatwa”. A compilation from 15 national newspapers by Ain O Salish Kendra found “446 reports of incidents of rape, in which 158 women were victims of gang rape and 62 were murdered after rape. Cases were filed in 244 of these incidents. Thirty-five incidents of fatwa were reported, and 281 women were reported to have been subjected to domestic violence, 285 women to torture for dowry, out of which 194 died. The media reported on 63 incidents of acid burns on women. Ain O Salish Kendra’s 2009 report recorded that 35 women were subjected to fatwa; 20 of whom were caned and three forced to marry.

FIDH & ODHIKAR response:

See comments on recommendation n°[3].

IDSN-BDERM response:

As a signatory to the core international human rights treaties, including the International Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the GoB has the obligation to promote and protect human rights for all, including those discriminated on the grounds of caste as affirmed in CEDAW General Recommendations 25 and 28. In particular, the Government should observe its general obligations under the CEDAW Convention and seek guidance on how to eliminate this form of discrimination from CEDAW General Recommendation (reference) and Concluding Observations. In the Concluding Observations by CEDAW in 2011 (reference), the Committee expressed concern "at the very limited information and statistics provided on disadvantaged groups of women and girls,



including minority women such as Dalit women, migrant women, refugee women, older women, women with disabilities and girls living on the streets. The Committee is also concerned that those women and girls often suffer from multiple forms of discrimination, especially with regard to access to education, employment and health care, housing, protection from violence and access to justice."

Recommendation n°48: *Fight impunity and hold all officers and persons acting on their behalf accountable for acts of torture and harassment of civilians (Recommended by Germany).*

IRI: *not implemented*

FIDH & ODHIKAR response:

See comments on recommendation n°10.

UPR HR Forum response:

Though the trial and conviction of the self declared murderers of Bangabandhu Sheikh Mujibur Rahman can be seen as a process to end the culture of impunity, in other cases of extra judicial killings and torture by the law enforcing agencies no independent investigation has been conducted, departmental investigation findings were not made public and there was no conviction.

Recommendation n° 49: Adopt without delay a uniform Family Code that fully complies with the provisions of CEDAW. (Recommended by Germany).

IRI: *not implemented*

FIDH & ODHIKAR response:

See comments on recommendation n°44.

UPR HR Forum response:

Though the Government pointed out that there are no wage inequalities between men and women, in reality there exists wage inequalities in the informal labor sector. Also still very few women are found in supervisory role in garments.

On the issue of Uniform Family Code, the Government mentioned that it will consult with all concerned parties and members of various religious organizations to achieve a consensus on this issue, no concrete steps have been taken

Recommendation n°50: *Investigate complaints concerning discrimination against members of minority religions, while developing educational and awareness programmes addressing these human rights violations. (Recommended by Holy See).*

IRI: *not implemented*

IDSN-BDERM response:

The GoB must enforce and implement legislation protecting Dalit women and girls in Bangladesh from attacks and harassment effectively and such cases should be investigated promptly and adequately with the perpetrators being swiftly brought to justice and held accountable for their crimes.

Recommendation n°51: *Continue its efforts to further the enforcement of child rights and laws* (Recommended by *Indonesia*).

IRI: *partially implemented*

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Recommendation n°52: *Intensify its efforts to implement without delay existing laws concerning the protection of the rights of the child, including the births and deaths registration Act of 2004* (Recommended by *Italy*).

IRI: *partially implemented*

UPR HR Forum response:

The Child policy has been approved by the cabinet in February 2011
Initiative has been taken to amend the Children's Act 1974.

The higher judiciary has given directives to prohibit corporal punishment in educational institutions were followed by complementary administrative initiatives.

Not much initiative taken to improve the juvenile justice system.

Recommendation n°55: *Enhance the promotion and protection of fundamental human rights in accordance with the level of socio-economic development of the country in keeping with international human rights instruments* (Recommended by *Laos*).

IRI: *partially implemented*

UPR HR Forum response:

Some steps have been taken to ensure the conformity of domestic laws in accordance with the international standards. For example, amendment of the children act is at the final stage, where it is being said from the government that the age of a child will be in conformity with the international standard.

Recommendation n°56: *Strengthen and continue sharing its experience and the promotion of the role of gender in the national leadership* (Recommended by *Laos*).

IRI: *partially implemented*

UPR HR Forum response:

Six months maternity leave introduced

Number of reserved seats for women in the parliament has been increased from 45 to 50 through the 15th Amendment of the Constitution on 30 June 2011. But no direct election from women's constituency.

Education policy 2010 adopted with special emphasis on increasing female education, eliminate discrimination in literacy rate (including higher education), and vocational, science and technology training for girls

Recommendation n°57: *Adopt a comprehensive strategy to combat all forms of violence against women and girls* (Recommended by *Liechtenstein*).

IRI: *not implemented*

CHRI response:

This information valid as of May 2010. A Domestic Violence Bill was tabled in parliament but was not passed by the end of the reporting period. Throughout the



reporting period, there were frequent incidents of violence against women, such as domestic violence, rape and acid attacks, as well as extrajudicial penalties in the name of “fatwa”. A compilation from 15 national newspapers by Ain O Salish Kendra found “446 reports of incidents of rape, in which 158 women were victims of gang rape and 62 were murdered after rape. Cases were filed in 244 of these incidents. Thirty-five incidents of fatwa were reported, and 281 women were reported to have been subjected to domestic violence, 285 women to torture for dowry, out of which 194 died. The media reported on 63 incidents of acid burns on women. Ain O Salish Kendra’s 2009 report recorded that 35 women were subjected to fatwa; 20 of whom were caned and three forced to marry.

IDSN-BDERM response:

The GoB should adopt a comprehensive strategy to combat all forms of violence against women and girls, taking into consideration specific measures aimed at combating violence and discrimination against Dalit women and other excluded groups. In the draft UN principles and guidelines for the effective elimination of discrimination based on work and descent, it is recommended that "National and local governments should introduce and apply special measures to eradicate the persistence of social and cultural stigma of impurity and pollution that de facto precludes marriages between members of affected and non-affected communities and, in some societies, gives rise to violence, collective punishment and social exclusion against couples from different communities" (para. 22).

UPR HR Forum response:

The government has taken some initiative including enacting the Domestic Violence Act and implementing some projects with the assistance of development partners to end Violence Against Women.

Fatwa instigated violence against women has reduced in number after the High Court judgment, but GoB has been lax in disseminating info over print and electronic media and sending instructions to local govt.

Stalking against girls has not been stopped in spite of several initiatives taken by the GoB

Recommendation n°60 : Redouble its efforts and allocate more resources to address the problem of violence against women and children in this area, in particular through increasing women’s empowerment, public awareness, education and training as well as increase vigilance and monitoring by the relevant authorities (Recommended by Malaysia).

IRI: not implemented

CHRI response:

See response to recommendation n°57

IDSN-BDERM response:

To promote the socio-economic status of Dalits and other excluded groups in Bangladesh, the GoB should form a special Dalit Commission or create a special cell



in the National Human Rights Commission to oversee the affairs of Dalit and other excluded groups.

UPR HR Forum response:

See response to recommendation n°57

Recommendation n°62: Take measures to ensure the effective protection of the human rights of refugees (Recommended by *Mexico*).

IRI: *partially implemented*

CHRI response:

This information valid as of May 2010. In July 2009, an international medical aid agency, Medecins Sans Frontieres (MSF), expressed concern over the treatment of Rohingya refugees to south-east from Myanmar who fled Bangladesh to escape persecution. In Bangladesh, unregistered Rohingya refugees were reportedly prevented from living in the official refugee camp run by the Bangladeshi government and UNHCR, and instead had to stay in a makeshift camp. In June 2008, MSF issued a statement raising concerns about conditions within the camp which it described as dire, referring to “acute malnutrition rates above the emergency threshold”. MSF also alleged that the houses of some Rohingya refugees were destroyed and that the inhabitants claimed to have been beaten up. The government response was that they could only provide assistance to refugees who were officially recognised, stating that residents of the makeshift camp should return to Myanmar immediately. In February 2010, MSF again raised concerns about the situation, this time regarding what it viewed as a violent crackdown on unregistered Rohingya refugees. MSF asserted that doctors at the camp had treated refugees for injuries resulting from beatings administered by the police and Bangladeshi citizens. Rohingyas, including those who had been in Bangladesh for several years, complained of having their houses destroyed and of border guards attempting to force them to leave Bangladesh. MSF also commented on the continuing poor conditions at the camp owing to overcrowding and the inability of the refugees to earn a living or to access food aid.⁸⁶ In March 2010, Physicians for Human Rights released a report entitled “Stateless and Starving: Persecuted Rohingya Flee Burma and Starve in Bangladesh”. The report makes similar allegations to those in the MSF report regarding the state of unofficial refugee camps and Easier Said than Done the treatment of unregistered refugees by the Bangladeshi authorities. It also alleged that the Bangladeshi government’s actions in preventing unofficial camps from receiving adequate humanitarian aid were to blame for the extreme malnutrition in the camps.

UPR HR Forum response:

Government has made increased budgetary allocation for the social safety net. The number of beneficiaries has also increased.

Recommendation n°63: *Develop a national human rights programme to give a new impetus to its commitment and determination to tackle national problems, such as a culture of impunity, arbitrary and extrajudicial executions and a practice of torture and degrading treatment* (Recommended by *Mexico*).

IRI: *not implemented*

FIDH & ODHIKAR response:

See comments on recommendations n°10, 41 and [9].

UPR HR Forum response:

No significant step has been taken to develop a national human rights programme. Hardly any recommendation of the NHRC has been addressed. It is difficult to acknowledge that training given to Law enforcing agencies had been instrumental to bring a little change to their behavior and service.

Police Reform program has stalled. There are instances that GoB has created hindrances in some programs.

Recommendation n°64: Consider ratifying or acceding to: 1951 Refugee Convention and ILO No. 169 Convention on Indigenous and Tribal Peoples (Recommended by Mexico).

IRI: not implemented

UNPO response:

Government officials do not consider implementing ILO 169 because they do not consider the Jumma people of the Chittagong Hill Tracts to be indigenous. Instead, all citizens of Bangladesh have been decreed to be Bengali, much to the distress of the CHT peoples, who are culturally and ethnically distinct. Considering that the Jumma are unable to participate in their national institutions to assert their rights, or receive protection due to the non-existent implementation of the CHT Accord, it is of grave concern that they are strategically being denied their indigenous rights.

UPR HR Forum response:

See recommendation n°21

Recommendation n°65: Consider ratifying or acceding to: ICRMW, CED (Recommended by Mexico).

IRI: not implemented

UPR HR Forum response:

See response to recommendation n°26

Recommendation n°67: Ensure that women's rights are protected, through effective implementation of existing laws, the development of a comprehensive national action plan to combat violence against women and the adoption of a family code complying with the provisions of CEDAW (Recommended by Netherlands).

IRI: not implemented

FIDH & ODHIKAR response:

See comments on recommendations n°6 and 44.

IDSN-BDERM response:

The GoB should enact and effectively implement laws and develop a comprehensive national action plan to fight violence against women, including Dalit women and other excluded groups. Such framework should be developed in compliance with the obligations under CEDAW, and take into consideration the provisions on caste in CEDAW Recommendations 25 and 28. The development of a national action plan



could take general could take guidance from the draft UN principles and guidelines for the effective elimination of discrimination based on work and descent, which is a comprehensive framework that proposes general and specific measures to be taken by governments to effectively eliminate caste discrimination.

UPR HR Forum response:

Though the Government pointed out that there are no wage inequalities between men and women, in reality there exists wage inequalities in the informal labor sector. Also still very few women are found in supervisory role in garments.

On the issue of Uniform Family Code, the Government mentioned that it will consult with all concerned parties and members of various religious organizations to achieve a consensus on this issue, no concrete steps have been taken

Recommendation n°8: Eradicate child labour starting with taking steps to finalize the National child labour policy and to implement the plan of action to eliminate the worst forms of child labour (Recommended by *Netherlands*).

IRI: not implemented

UPR HR Forum response:

Though, initiative taken to adopt a National Child Labour Policy
Child labour is continuing in the absence of effective monitoring mechanism

Recommendation n°9: Take measures to protect human rights defenders, including journalists (Recommended by *Netherlands*).

IRI: not implemented

UNPO response:

Journalists in [Chittagong Hill Tracts] (or attempting to enter) have reported regularly facing pressure and undue scrutiny from local police and central government. Journalists also face hostility from Bengali settlers and do not receive follow-ups on their reports to the local authorities.

CHRI response:

This information valid as of May 2010. The Caretaker Government's Emergency Power Rules, 2007 posed several restrictions on journalists to report freely. However, restriction on their activities in the form of physical harassment by law enforcement personnel and private individuals, and by bringing false cases against them, continued under the current government. A report by Ain O Salish Kendra recorded that during 2009, four journalists were killed, 19 received death threats, 84 saw cases filed against them and 136 were tortured, assaulted, threatened or harassed by criminals, law enforcers, militants and political activists. The following cases serve as illustrative examples of the treatment meted out to media persons. On 19 October 2009, the Daily Star's Senior Correspondent in Bogra was reportedly arrested under false charges and later released on bail. On 22 October 2009, RAB reportedly arrested and tortured FM Masum a staff reporter for the newspaper New Age. Masum, who had written several articles regarding RAB involvement in crossfire shootings, the drug industry and torture of journalists, was reportedly arrested at his house and tortured by the RAB. He was repeatedly beaten and salt was rubbed into his wounds. On 24 October 2009, the RAB issued a press release regretting the incident and stating that it would form a committee to probe the incident. Bangladesh



maintains criminal defamation legislation. On 7 December 2009, the Cabinet approved the Code of Criminal Procedure (Amendment) Bill, 2009, which would remove the power of courts to issue arrest warrants against editors, publishers, reporters or writers for alleged criminal defamation, and would be limited to issuing a summons or notice.

FIDH & ODHIKAR response:

See comments on recommendation no. 7.

UPR HR Forum response:

Human Rights Defenders in general did not enjoy a favourable condition. Police used violence to disrupt protests against approval of energy deal with foreign company. Local journalists in different places were threatened and tortured by influential local leaders of the ruling party. Closure of a TV channel and temporary shut down of a national news daily; disallowing a photography exhibition titled 'Crossfire' by DRIK, banning 'face book' temporarily have seen as contrary to freedom of expression.

Recommendation n°70: Take steps to further strengthen the National Human Rights Commission and the Anti-corruption Commission to ensure that they will be able to operate independently and effectively (Recommended by Netherlands).

IRI: not implemented

CHRI response:

This information valid as of May 2010. On 1 December 2008 the National Human Rights Commission was able to commence operations. However, following the election of the Awami-League-led government, the Commission reportedly ceased to be effective on 25 February 2009, as the interim ordinance expired while awaiting ratification by the new parliament. In July 2009, a law re-activating the Commission was passed. The law provided for the appointment of a six-member commission and strengthened its powers to investigate breaches by disciplined forces. The Commission's diversity requirements necessitate the inclusion of an indigenous community representative and a woman representative.

FIDH & ODHIKAR response:

See comments on recommendations no. 41 and [9].

UPR HR Forum response:

See response to recommendation n°9

Recommendation n°71: Address the problems of extrajudicial killings and torture by security forces and improve prison situations (Recommended by Netherlands).

IRI: not implemented

CHRI response:

This information valid as of May 2010. Extrajudicial executions continued to be a major concern in Bangladesh. The Rapid Action Battalion (RAB) has consistently been the subject of allegations of extrajudicial killings since its formation in 2004. These killings are characteristically reported as "cross-fire" incidents or "shoot-outs" in which alleged criminals are killed in supposed "encounters" with security forces.



According to a report by Odhikar, a Bangladeshi human rights organisation, 146 people were killed by law enforcement agencies in alleged extrajudicial killings by the RAB, the police, the Coast Guard, the BDR and “Joint Forces”. Odhikar’s annual report for 2009, alleged that 154 people were victims of extrajudicial killings during that year, and 35 of these occurred while the victim was in police custody. Different civil society organisations quote slightly different statistics on extrajudicial killings. The legal aid and human rights organisation, Ain O Salish Kendra, reported that 139 extrajudicial killings took place in 2008, and that 110 people were killed by police in 2009. This is in contrast with an all-time high of 320 killings by police in 2005. Bangladesh’s prisons suffered from extreme overcrowding. Around 70,000 inmates were imprisoned in 68 jails, which together had a capacity of only 27,500.³⁶ The problem was exacerbated by the presence of numerous juvenile and remand prisoners. In August 2008, it was reported that 412 juveniles were detained in adult prisons rather than in juvenile correction facilities, as was required by Bangladeshi law. In January 2009, it was reported that 286 foreign nationals remained in jail long after the expiration of their sentences, owing to problems with their repatriation. In January 2010, the Inspector-General of Prisons reportedly stated that only 23 per cent of inmates in the country had been convicted and that the rest were still awaiting trial, often long after their arrest. Overcrowding eased a little under the Awami League government. It was reported in February 2010 that the prison population had decreased from 86,000 to under 70,000. A three-year project, conducted by the Ministry of Home Affairs in partnership with three legal service providers, Bangladesh Legal Aid and Services Trust, BRAC-Human Rights and Legal Aid Services and Madaripur Legal Aid Association, and supported by Deutsche Gesellschaft für Internationale Zusammenarbeit (GTZ), commenced in 2009 with the aim of releasing prisoners charged with minor offences who had been awaiting trial for years, often because they could not afford a lawyer. Under the project, 14,000 prisoners were released in 2009. Despite this positive development, prisons remained extremely overcrowded. According to the Home Minister, as of January 2010 the government had no plans to construct additional facilities, though it did plan to improve existing ones.

FIDH & ODHIKAR response:

Extra judicial killings- In the UPR session on February 03, 2009, Foreign Minister Dr. Dipu Moni said that the government would show “zero tolerance” to extra-judicial killings or torture and death in custody. She stated “We do not condone any such incident and will bring the responsible officials to justice.” However, extrajudicial killings continued in the last 2 years of this government. Members of the law enforcement agencies – the police, the Rapid Action Battalion (RAB) and the like - continued to kill so-called ‘criminal suspects’ and others outside the purview of the judicial process. Such deaths are reported in the papers as deaths due to ‘crossfire’ or ‘encounter’ – but Odhikar fact finding reports and on-site investigations can prove otherwise.

As per Odhikar’s statistics between February 04, 2009 to February 03, 2011, 279 accounts of extrajudicial killings allegedly took place. Independent and impartial investigation and effective measures were not taken to prosecute persons found responsible for such deaths. This speaks volumes against the Government’s declaration of ‘Zero Tolerance’.



Torture- There is no definition of 'torture' in the penal laws of Bangladesh, although the Constitution of the People's Republic of Bangladesh states unconditionally, that no person shall be subjected to torture or any cruel, inhuman or degrading treatment. However, cruel and degrading treatment and acts amounting to 'torture' as defined in the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT), are extremely common in the hands of the law enforcement agencies in Bangladesh. Bangladesh is a party to the CAT, but the declaration made by the Government regarding Article 14 of the Convention, shows that it is not willing to compensate victims of torture or their families. It is a form of denial that acts of torture occur in Bangladesh. Furthermore, the Government has not signed the Optional Protocol to the Convention against Torture, showing further lack of commitment. Penal laws in Bangladesh do provide for punishment for officials who inflict 'hurt' and 'grievous hurt' to extort information. However, these are mere words on paper; since Criminal Procedure states that Government sanction is first necessary prior to suing a public official for a criminal act.

Reports and information on acts of torture, death resulting from torture and allegations of torture in remand were compiled by Odhikar for the last two years. As per Odhikar's statistics, from February 04, 2009 to February 03, 2011, 147 persons were allegedly tortured and among them 40 persons died, allegedly due to torture in custody.

UPR HR Forum response:

Extra judicial killing and torture are still rampant. Concern over continued disappearance and torture in custody, especially of young innocent victims has been compounded by a new type of human rights violation in the form of police-instigated mob beating, and "mistaken identity" etc. According to statistics prepared by ASK based on the newspaper reports, 394 persons have allegedly been killed extra judicially by the law enforcing agencies from January 2009 until June 2011.

Recommendation n°73: Continue to improve its policies and programmes towards advancing the status of women, girls, children, including those with disabilities and the overall human rights situation, both in the enjoyment of civil and political rights as well as social, economic and cultural rights (Recommended by Nigeria).

IRI: not implemented

ODHIKAR response:

See comments on other recommendations for overall human rights situation, for women see n°6.

UPR HR Forum response:

The government has adopted National Women Development Policy in 2011. The policy has introduced some positive measures like decentralization of One stop Crisis Centers (OCC), developing Gender Responsive Budget & Gender Disaggregated Database, six months maternity leave etc. But the policy remained silent on women's equal share to the inheritance.

The Sixth Five Year Plan (SFYP) 2011-15 has been introduced in 2011, which incorporates specific gender goals and targets under different sectors and strategies



Gender Budget Reports of 20 ministries have been published in the FY2011-12 national budget

Recommendation n°74: Adopt a comprehensive action plan to address wage inequalities and make available maternity leave in all public and private employments (Recommended by *Norway*).

IRI: not implemented

UPR HR Forum response:

Though the Government pointed out that there are no wage inequalities between men and women, in reality there exists wage inequalities in the informal labor sector. Also still very few women are found in supervisory role in garments.

On the issue of Uniform Family Code, the Government mentioned that it will consult with all concerned parties and members of various religious organizations to achieve a consensus on this issue, no concrete steps have been taken

Recommendation n°75: Fully implement the Chittagong Hill Tracts Accord as a matter of priority and develop a time frame for its full implementation (Recommended by *Norway*).

IRI: not implemented

UNPO response:

See comments on recommendation n°4

CHRI response:

This information valid as of May 2010. More than a decade after the signing of the Accord it had not been fully implemented. While the Accord provided for the removal of all temporary army camps, it failed to provide for a fixed time limit, and a number of political parties, including the BNP and Jamaat-E-Islami, strongly oppose the removal of these camps. In August 2009, it was reported that only 31 out of 500 army camps had been withdrawn, and, as of March 2010, there were reportedly still at least 400 army camps in the region. Indigenous groups reportedly raised many concerns regarding the functioning of the Land Commission established by the Accord to settle disputes on land ownership. According to the President of the Bangladesh Indigenous People's Forum, indigenous groups had proposed 19 amendments to the Land Commission Law since its enactment, but, as of August 2008, none of these had been taken up by the government. Indigenous people traditionally took a community-based approach to land ownership, resulting in a lack of official records of individual ownership. This contributed to displacement by settlers who were allegedly supported by the government and military. The subsequent tensions consistently resulted in violent clashes, and in February and March 2010, the region saw its worst violence since 1997

FIDH & ODHIKAR response:

See comments on recommendation n°4

UPR HR Forum response:

Although some praiseworthy initiatives had been taken for implementation of the Chittagong Hill Tract (CHT) Accord at the early stage of the government, there has



been no progress in resolving the land disputes. There was a controversy regarding the question as to what should be the order of task- land survey first or settlement of land dispute, as the land commission announced that it was going to start the cadastral survey in the CHT.

In some cases violence raising questions of the role and affordability of the army and the government.

Recent constitution amendment, denying the indigenous identity of these communities may undermine the smooth implementation of the CHT accord. This official position expressed in international forums and high level political statements contradicts earlier position of the government.

Recommendation n°77: Consider ratifying or acceding to other individual complaints procedures under the treaties to which it is a party (Recommended by Norway).

IRI: not implemented

UPR HR Forum response:

Bangladesh has ratified the Rome Statute (International Criminal Court) on 22 March 2010.

Bangladesh signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) in 1998 but no initiative has been taken to ratify this.

During the interactive dialogue of the working group session, the head of Bangladesh delegation-the Hon'ble Foreign Minister confirmed that Bangladesh is considering accepting the OP-CAT. But no progress has been made.

Reports have not been submitted to the UN committees on CAT, ICCPR, ICESCR

Recommendation n°78: Adopt a uniform Family Code that fully complies with the provisions of CEDAW (Recommended by Norway).

IRI: not implemented

UPR HR Forum response:

Though the Government pointed out that there are no wage inequalities between men and women, in reality there exists wage inequalities in the informal labor sector. Also still very few women are found in supervisory role in garments.

On the issue of Uniform Family Code, the Government mentioned that it will consult with all concerned parties and members of various religious organizations to achieve a consensus on this issue, no concrete steps have been taken

FIDH & ODHIKAR response:

The Government of Bangladesh is a party to the UN Convention for the Elimination of all forms of Discrimination against Women (CEDAW). Regardless, a lack of political will – including extreme reluctance to lift reservations on Article 2 of CEDAW, show a lack of commitment to improve the situation and status of women in Bangladesh.

See also comments on recommendation n°6.



Recommendation n°79: *Pursue its efforts in incorporating sustainable environmental development into its policies, considering the impact of natural disaster and degradation of natural resources on human rights despite all existing challenges (Recommended by Palestine).*

IRI: *not implemented*

UPR HR Forum response:

In some cases political consideration and abuse of power have allegedly affected the disbursement of funds for adaptation supposed to benefit the most vulnerable, causing the Parliamentary Committee to review the selection of projects.

Recommendation n°80: *Adopt a comprehensive approach to address violence against women and girls and to take effective measures to protect them (Recommended by Republic of Korea).*

IRI: *not implemented*

CHRI response:

This information valid as of May 2010. A Domestic Violence Bill was tabled in parliament but was not passed by the end of the reporting period. Throughout the reporting period, there were frequent incidents of violence against women, such as domestic violence, rape and acid attacks, as well as extrajudicial penalties in the name of "fatwa". A compilation from 15 national newspapers by Ain O Salish Kendra found "446 reports of incidents of rape, in which 158 women were victims of gang rape and 62 were murdered after rape. Cases were filed in 244 of these incidents. Thirty-five incidents of fatwa were reported, and 281 women were reported to have been subjected to domestic violence, 285 women to torture for dowry, out of which 194 died. The media reported on 63 incidents of acid burns on women. Ain O Salish Kendra's 2009 report recorded that 35 women were subjected to fatwa; 20 of whom were caned and three forced to marry.

FIDH & ODHIKAR response:

See comments on recommendation n°3.

IDSN-BDERM response:

The GoB should adopt a comprehensive approach to address violence against Dalit women and other excluded groups. In the draft UN principles and guidelines for the effective elimination of discrimination based on work and descent, it is recommended that "National and local governments should take into account the situation of women and girls of affected communities in all measures taken to address discrimination based on work and descent, and explicitly create provisions tailored to ensure the rights of women and girls affected by discrimination based on work and descent wherever possible" (para. 54).

UPR HR Forum response:

The government has taken some initiative including enacting the Domestic Violence Act and implementing some projects with the assistance of development partners to end Violence Against Women.

Fatwa instigated violence against women has reduced in number after the High Court judgment, but GoB has been lax in disseminating info over print and electronic media and sending instructions to local govt.

Stalking against girls has not been stopped in spite of several initiatives taken by the GoB

Recommendation n°81: *Continue its strategic plan adopted in 2005 for eliminating social and economic disparities in order to reduce poverty, in particular in isolated regions* (Recommended by Saudi Arabia).

IRI: *not implemented*

FIDH & ODHIKAR response:

See response to recommendation n°2

Recommendation n°82: *Continue, while working with concerned parties, its comprehensive national strategy to improve the health situation, in particular to promote women's health during pregnancy and post natal care* (Recommended by Saudi Arabia).

IRI: *not implemented*

UPR HR Forum response:

See recommendation n°16.

Recommendation n°83: *Continue to place emphasis on poverty alleviation and eradication, on women's empowerment and children's rights* (Recommended by Singapore).

IRI: *not implemented*

FIDH & ODHIKAR response:

See comments on recommendation n°6 and 15.

IDSN-BDERM response:

The GoB should pay adequate attention to the human rights situation of marginalised groups, including Dalit women and children, in all assessments, including census, data collation, planning, and implementation of any human rights, development and humanitarian programmes.

UPR HR Forum response:

Domestic Violence (prevention and protection) Act has been enacted in October 2010 and came to effect on 30th December 2010.

Recognition of mother's identity has been ensured through a gazette notification in 2010 which requires that the name of mother be included in all official document related to the child.

The Bangladesh High Court on 28 June 2009 has given a directive in 2010 to prevent forced veiling in educational institutions and workplaces

On 14 May 2009, the High Court issued some specific directives banning sexual harassment, which has provided a legal basis to fight the crime.



On 10 April 2011, the High Court issued a directive (through amendment of the Muslim Marriages and Divorces Registration Act, 1974) to ensure verifying of birth certificate and/or national ID card during marriage registration for preventing early marriage

On the contrary, no initiative has been taken for the reform of related laws to ensure women's equal rights to property. Also no legal step has been taken to amend the Hindu family law that is heavily discriminatory to the Hindu women.

Recommendation n°85: *Consider ratifying or acceding to other core international treaties to which it is not a party (Recommended by Slovenia).*

IRI: *partially implemented*

CHRI response:

This information valid as of May 2010. On 23 March 2010, the Bangladeshi government announced that it had ratified the Rome Statute of the International Criminal Court, which sets high standards for investigating and prosecuting crimes under international law.

UPR HR Forum response:

See response to recommendation n°26

Recommendation n°86: *Continue its efforts to protect and promote human rights in compliance with international standards (Recommended by Sudan).*

IRI: *not implemented*

IDSN-BDERM response:

On paper, Bangladesh has a progressive Constitution which guarantees the equal rights of all citizens; irrespective of sex, caste, religion, ethnicity, or race. Bangladesh has ratified all major international human rights treaties and conventions including the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social, and Cultural Rights, and the International Convention on the Elimination of All Forms of Discrimination Against Women. However Dalits and other minority communities across the country continue to experience caste discrimination, social exclusion and practices linked to untouchability. Caste discrimination is a systematic human rights abuse that leads to poverty, violence, inequality and exclusion. Perceived as polluted or inferior, Dalits are prevented from participating in political, economic, social and cultural life. The word 'Dalit' literally means broken or oppressed and has been adopted by people who were formally known as untouchable, outcaste or Harijan across South Asia.

UPR HR Forum response:

Some steps have been taken to ensure the conformity of domestic laws in accordance with the international standards. For example, amendment of the children act is at the final stage, where it is being said from the government that the age of a child will be in conformity with the international standard.

Recommendation n°88: *Seek the help of the international community to counter all challenges, mentioned in its national report and especially poverty alleviation and*



improvement of the living standards of its people and all environmental constraints that challenge human rights and development efforts (Recommended by Sudan).

IRI: *not implemented*

FIDH & ODHIKAR response:

See comments on recommendation n°2

Recommendation n°90: Ensure the full and effective implementation of existing laws and policies relating to the rights of women and children, in order to protect these rights and eliminate all forms of discrimination (Recommended by Thailand).

IRI: *not implemented*

FIDH & ODHIKAR response:

See response to recommendation n°3.

UPR HR Forum response:

See response to recommendation n°83

Recommendation n°92: Continue to take measures towards the effective implementation of the National Plan of Action against Sexual Abuse and Exploitation of Children including Trafficking (Recommended by Turkey).

IRI: *not implemented*

UPR HR Forum response:

No National action plan on Child Sexual Abuse, Exploitation and Trafficking has been replaced after the previous five years action plan which expired in 2007

Recommendation n°93: Give powers to the NHRC to effectively protect human rights in accordance with the Paris principles (Recommended by United Kingdom).

IRI: *not implemented*

UNPO response:

See comments on recommendation n°9.

CHRI response:

This information valid as of May 2010. On 1 December 2008 the National Human Rights Commission was able to commence operations. However, following the election of the Awami-League-led government, the Commission reportedly ceased to be effective on 25 February 2009, as the interim ordinance expired while awaiting ratification by the new parliament. In July 2009, a law re-activating the Commission was passed. The law provided for the appointment of a six-member commission and strengthened its powers to investigate breaches by disciplined forces. The Commission's diversity requirements necessitate the inclusion of an indigenous community representative and a woman representative.

FIDH & ODHIKAR response:

See response to recommendation n°9.

UPR HR Forum response:

See response to recommendation n°41.

Recommendation n°94: *Recommended the full involvement of civil society in the follow-up to this review (Recommended by United Kingdom).*

IRI: *not implemented*

UNPO response:

While government institutions like the NHRC have collaborated with civil society groups such as the Chittagong Hill Tracts Commission (CHTC) and the Association for Land Reform (ALRD), repeated calls for constitutional safeguards of ethnic identity, culture and human rights of indigenous peoples are largely unheeded by the Bangladeshi government.

IDSN-BDERM response:

Civil society, including the Dalit community and other excluded groups, should be fully included in the follow up to the review, as well as in the implementation of recommendations and mid-term reporting.

UPR HR Forum response:

The government in cooperation with the Commonwealth Secretariat organized a follow up seminar on February 2011.

Except one meeting of the Foreign Secretary with the HR-UPR Forum. No other concrete follow up measures have been taken to involve the civil society. No follow up measures have been taken by the GOB to implement UPR recommendations.

Recommendation n°95: *Take further steps to address discrimination against vulnerable groups (Recommended by United Kingdom).*

IRI: *not implemented*

UNPO response:

With regards to educational admission examinations, indigenous students from the CHT were required to submit additional registration certification whereas Bengali students required less. These policies put an unfair burden of proof on indigenous students who face intimidating and discouraging bureaucracy and additional expense for the same services offered to Bengali students.

FIDH & ODHIKAR response:

See comments on recommendations n°4, 6 and 15.

IDSN-BDERM response:

The Dalit community in Bangladesh is considered 'unclean' in society, and are therefore forced to live separately from other so called 'clean' groups in their own neighbourhoods; a circumstance exacerbated by the GoB's rule of housing in a particular locality. Dalits are not allowed to rent or build houses outside these 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. The GoB Discrimination should therefore recognise



and take further steps to address discrimination against the Dalit community in Bangladesh as a serious impediment to the enjoyment and fulfillment of human rights in Bangladesh.

UPR HR Forum response:

Government has made increased budgetary allocation for the social safety net. The number of beneficiaries has also increased.

Recommendation n° 96: Take steps to devise a national strategy for delivering justice, to include the police, the judiciary, civil society and government (Recommended by *United Kingdom*).

IRI: *not implemented*

FIDH & ODHIKAR response:

See comments on recommendations n°5, 10 and 71.

IDSN-BDERM response:

As a signatory to the core international human rights treaties, the GoB has the obligation to promote and protect human rights for all, including those discriminated on the grounds of caste, work and descent. In effect, legislation protecting Dalits in Bangladesh from attacks and harassment must be enforced effectively and such cases should be investigated promptly and adequately with the perpetrators being swiftly brought to justice and held accountable for their crimes. In particular, the Government should observe its general obligations under the Convention on the Elimination of All Forms of Racial Discrimination (CERD) and seek guidance on how to eliminate this form of discrimination from CERD General Recommendation XXIX on descent-based discrimination from 2002, and the draft UN Principles and Guidelines on the effective elimination of discrimination based on work and descent.

Recommendation n° 97: *Spare no efforts to consolidate programmes of social protection and assistance, in particular programmes for the transfer of food, development programmes on behalf of vulnerable groups, particularly women in poverty, and micro-credit programmes which have produced positive results for this segment of the population* (Recommended by *Venezuela*).

IRI: *not implemented*

UNPO response:

Due to discrimination faced by indigenous peoples from the [Chittagong Hill Tracts], they are among Bangladesh's least literate and have high drop-out levels. State-run schools do not offer educational opportunities in indigenous languages and although various committees support initiatives to do so, appropriate funding from the central government is not granted.

Recommendation n°98: *Continue its efforts to ensure the right to food for the citizens* (Recommended by *Viet Nam*).

IRI: *partially implemented*



UNPO response:

The government has taken some farmer-friendly measures, but the high food price and adulteration of food products seriously threatens food security and safety.

Recommendation n°100: *Continue to implement identified measures, plans and policies focusing mainly on poverty eradication* (Recommended by Zimbabwe).

IRI: *not implemented*

FIDH & ODHIKAR response:

See response to recommendation n°2

IDSN-BDERM response:

The GoB has taken some steps to mainstream a Dalit perspective into its development policy, e.g. by including Dalits and excluded communities in the national Poverty Reduction Strategy Paper. However, there is still a serious need for producing disaggregated data on caste as recommended by the CEDAW Committee in 2011 and in accordance with the provisions in CERD General Recommendation 29 on descent. In the CEDAW Concluding Observations from 2011, the Committee recommends that the State party "collect disaggregated data on the situation of disadvantaged groups of women facing multiple forms of discrimination and adopt pro-active measures, including temporary special measures, to eliminate such discrimination and protect them from violence and abuse". The GoB should furthermore adopt and implement adequate measures to ensure that the Dalit community is part of the development initiatives to eradicate poverty as a necessary means to achieving the Millennium Development Goals in 2015.

Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted both the delegate who represented the State at the UPR and the Permanent Mission to the UN in Geneva or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.

We posted our requests to the States and NHRI, and sent emails to NGOs.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we consider positive feedbacks from the latter.

A. Processing the recommendations

The persons we contact are encouraged to use an Excel sheet we provide which includes all recommendations received by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, communication is split up among recommendations we think it belongs to. Since such a task opens the way of misinterpretation, we strongly encourage using the Excel sheet.

If the stakeholder does not clearly mention neither the recommendation was “fully implemented” nor “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

While we do not mention recommendations which were not addressed, they can be accessed on the follow-up webpage.



B. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for the recommendations received at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show both disputed and agreed recommendations.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is noted as 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review says the recommendation has been fully implemented and a stakeholder says it has been partially implemented, score is 0.75.

Then the score is transformed into an implementation level, according to the table hereafter:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

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