

Universal Periodic Review (30th session, Apr-May 2018)
Contribution of UNESCO
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Bangladesh

I. Background and framework

Title	Date of ratification, accession or succession	Declarations /reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's fields of competence
Convention against Discrimination in Education 1960	Not a State Party to this Convention	Reservation to this Convention shall not be permitted		Right to education
Convention on Technical and Vocational Education 1989	Not a State Party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	03/08/1983 Acceptance			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	11/06/2009 Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	31/05/2007 Ratification			Right to take part in cultural life

Right to education

II. Promotion and protection of human rights on the ground

1. The **Constitution of 1972, as amended in 2011**,¹ includes provisions on education but does not enshrine explicitly the right to education. The main law in education is the

¹ Accessible on UNESCO's Global Database on the Right to Education:
<http://www.unesco.org/education/edurights/media/docs/156d167dba690712e77a0235d406be49c1a849f8.pdf>

Primary Education (Compulsory) Act of 1990.² The **Non-Formal Education (NFE) Act**, adopted in 2014, provides for literacy for people who were deprived of their right to education, creating opportunities for lifelong learning, technical and vocational training for livelihood, as well as second chance opportunities for children who dropped out of school. **The Children's Act** and **the Rights and Protection of Persons with Disabilities Act** were both adopted in 2013 in an effort to align the legislation with the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities respectively.

2. In terms of reporting to UNESCO, Bangladesh submitted a national report within the framework of the **8th (2011-2013) and 9th (2016-2017) Consultations** of Member States on the measures taken to implement the UNESCO Recommendation against Discrimination in Education. Similarly, Bangladesh reported on the measures taken to implement the UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms for the **5th (2012-2013) and 6th (2016-2017) Consultations**.

Freedom of opinion and expression

➤ Constitutional and Legislative Framework:

3. The Constitution of Bangladesh³ guarantees the freedom of expression under Art. 39: “the right of every citizen of freedom of speech and expression; and freedom of the press, are guaranteed.” However, this right is subject to “any reasonable restrictions imposed by law in the interests of the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence”.
4. Defamation is criminalized under Chapter 21 of the Bangladeshi Penal Code and carries a prison sentence of up to two years.⁴
5. The 2009 Right to Information (RTI) Law⁵ applies to all information held by public bodies. Under Chapter 4 of the Law, the Information Commission is an independent body composed by a Chief Information Officer and two Commissioners who are tasked to implement the law. The law stipulates that at least one of the Commissioners shall be a woman.

➤ Implementation of legislation

6. The Ministry of Information controls broadcast licensing for both commercial and community outlets. In June 2017, the Government approved a separate media policy for online media establishing that any individual or organisation uploading written or

² Accessible on UNESCO’s Global Database on the Right to Education:

<http://www.unesco.org/education/edurights/media/docs/0e6f9aa0e03e0d9797f6364e39a17461fae14727.pdf>

³ http://bdlaws.minlaw.gov.bd/sections_detail.php?id=367§ions_id=24587

⁴ http://bdlaws.minlaw.gov.bd/sections_detail.php?id=11§ions_id=3551

⁵ http://www.moi.gov.bd/RTI/RTI_English.pdf

multimedia content in Bangla, English or any other language via the internet from Bangladesh would be required to register with the Broadcast Commission that also governs television and radio stations. The Commission will prepare guidelines for online media.⁶

➤ Safety of Journalists

7. Since 2008, eleven practitioners of journalism have been killed in Bangladesh. Government has responded to UNESCO requests concerning eight of the killings of journalist's cases.

III. Recommendations

8. Below are the recommendations made within the framework of the 2nd cycle of the Working Group (30th session) on the Universal Periodic Review (July 2013):⁷

129.7. *Continue reviewing their legislations and promote women's rights concerning education, employment, health care and housing.*

129.24. *Consider the possibility of enacting laws for the protection of the most vulnerable groups from social discrimination.*

129.42. *Reinforce human rights education and awareness-raising programmes for parliamentarians, judges, civil servants, law enforcements agents, lawyers and journalists.*

129.43. *Continue its successful efforts in the field of human right education and training.*

129.138. *Continue the efforts to perfect the living conditions of its population, including by improving access to health care services and quality education.*

129.139. *Continue to improve access to healthcare and education.*

129.142. *Enact the Integrated Education Act, so as to ensure children's rights to education by way of a coordinated legal framework, prescribing – inter alia – the extension of the compulsory primary school at least to 13 years age.*

129.143. *Continue to further ensure access to sanitation facilities for girls, especially in rural schools.*

129.144. *Promote more intercultural education and ensure that marginalized groups enjoy equal rights before the law.*

129.146. *Continue implementation of social programs to carry out information and education activities with regard to people with disabilities.*

Review and specific recommendations

9. A number of recommendations was addressed to Bangladesh during the previous UPR cycle concerning its national legal framework and possible legal reforms in the field of education. Little progress has been achieved since then and the education legislation remains partly misaligned with international standards on the right to education. Indeed, Bangladesh lacks a comprehensive legislation governing the education system, guaranteeing the right to education for all and prescribing free and compulsory education. Attempts to draft and adopt a law on education have been made since several decades, but texts have been withdrawn and never enacted. A draft Bill on Education (2016) is reportedly under review, but the clear timeframe of consideration and adoption of the text have not been made public.

⁶ <http://bdnews24.com/bangladesh/2017/06/19/broadcast-commission-to-regulate-online-media>

⁷ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/155/20/PDF/G1315520.pdf?OpenElement>

10. The current Primary Education (Compulsory) Act, 1990,⁸ is the main law in education, though it only concerns a specific level of education (primary education) and a specific dimension (compulsory education). As defined by law, compulsory education covers children between 6 to 10 years of age. This duration is below international standards, notably the internationally agreed-upon Incheon Declaration and Framework for Action to implement Sustainable Development Goal 4 (SDG4),⁹ which recommend making education compulsory for at least 9 years and free for 12 years. The 2010 National Education Policy had raised the age when compulsory education at age 14; yet, in the absence of a legal reform, such provisions are not enforceable by law. Additionally, it should be noted that the Primary Education (Compulsory) Act does not fully align with fundamental principles on the right to education. Indeed, it legally provides for exceptions to the general principle of compulsory education and contains a wide range of “justified reasons”, some of them defined in an elusive way, for not enrolling a child in school. Such exceptions to the law should be repealed as a matter of priority to guarantee that the obligation to attend school is respected by all.
11. Another area of concern is the lack of explicit constitutional guarantees on the right to education.¹⁰ The Constitution does not refer to education as a human right, but only as a prerogative of the State and a “basic necessity of life”.¹¹ The coverage of education in the Constitution is, consequently, extremely limited. Noteworthy is the fact that education is addressed under part II of the Constitution on the “Fundamental Principles of State Policy” and not under Part III dedicated to “Fundamental rights”. This approach demonstrates a vision of education as a responsibility of the State in terms of policy and not as a *human right*, and this approach is also to be found in related legislation. The constitutional framework related to education should therefore be significantly stepped up to ensure adequate and sufficient human rights guarantees for the effective implementation of the right to education.
12. In the context of SDG4 on education, Bangladesh should also consider ratifying the Convention against Discrimination in Education, which has been recently recognized as a cornerstone of Education 2030 agenda. Ratifying the Convention would provide Bangladesh with a supportive legal environment for all efforts made towards providing and ensuring “inclusive and equitable quality education and lifelong learning opportunities for all”. In that respect, Bangladesh should be encouraged to ratify UNESCO’s Convention against Discrimination in Education and, if needed, to seek UNESCO’s assistance.
13. The adoption of a robust legal framework is equally necessary. For instance, the Anti-Discrimination Bill, still under consideration, would provide additional provisions to prohibit discrimination in education. In the meantime, recent human rights laws

⁸ Primary Education Compulsory Act of 1990, accessible on UNESCO’s Global Database on the Right to Education:

<http://www.unesco.org/education/edurights/media/docs/0e6f9aa0e03e0d9797f6364e39a17461fae14727.pdf>

⁹ Incheon Declaration and Framework for Action, accessible online at:

<http://unesdoc.unesco.org/images/0024/002456/245656E.pdf>

¹⁰ Constitution of Bangladesh of 1972, as amended in 2011, accessible on UNESCO’s Global Database on the Right to Education, at:

<http://www.unesco.org/education/edurights/media/docs/156d167dba690712e77a0235d406be49c1a849f8.pdf>

¹¹ Articles 15(a) and 16 of the Constitution

adopted in 2013, the year of the last UPR review, could be reviewed and amended so as to conform better to international standards. For instance, the Persons with Disabilities Rights and Protection Act could further protect persons with disabilities from discrimination, including in the field of education. It is recommended that the law enshrines inclusive education and ensures the equal rights of persons with disabilities in education, as set out by Article 24 of the Convention on the Rights of Persons with Disabilities, ratified by Bangladesh in 2007. As regards the Children's Act, though it extended the definition of the child as a person under the age of 18 (instead of 14), education is almost absent from the content of the text. Moreover, education is not defined as a right of the child, despite extensive international treaties enshrining education as a fundamental human right and a right of the child.

14. Furthermore, Bangladesh should be encouraged to consider withdrawing its declaration expressed concerning Article 13 (right to education) of the International Covenant on Economic, Social and Cultural Rights.¹² In light of the General Comment 13 of the International Committee on Economic, Social and Cultural Rights¹³ and in the context of SDG 4, Bangladesh could be invited to ensure that appropriate action is taken to meet its international obligations regarding the right to education and to ensure that sufficient resources are dedicated to that end.
15. On a policy perspective, Bangladesh has taken steps to improve access to quality education since the last UPR review. The adoption of the 7th Five Year Plan (covering 2016-2020), the Vision 2021 and Ten Year Perspective Plan (2011-2021), as well as a National ICT Policy (2015) reflect the country's commitment to engage more efforts towards achieving SDG 4. Such efforts and policy measures should be particularly welcome, and Bangladesh should be recommended to invest more in monitoring to ensure their successful implementation

➤ **Specific recommendations:**

1. Bangladesh should be strongly encouraged to ratify the UNESCO Convention against Discrimination in Education.
2. Bangladesh could be encouraged to enshrine the *right* to education in the Constitution and to establish a strong legal framework on the right to education by adopting the National Education Bill, in line with international standards on the right to education.

¹² The declaration reads "While the Government of the People's Republic of Bangladesh accepts the provisions embodied in [...] Article 13 of the Covenant in principle, it will implement the said provisions in a progressive manner, in keeping with the existing economic conditions and the development plans of the country". Full text accessible at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&clang=en#EndDec (Last consulted on 12 June 2016)

¹³ General Comment 13 of the International Committee on Economic, Social and Cultural Rights, 1999, accessible at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f1999%2f10&Lang=en (Last consulted on 12 June 2016)

3. Bangladesh could be encouraged to accelerate the adoption of the Anti-Discrimination Bill, to consider revising the Disability Act to adopt an inclusive education perspective, and to envisage amending the Children's Act to reinforce provisions of the *right of the child* to education.
4. Bangladesh could be encouraged to ensure that reasons for not enrolling a child in school are not permitted by law and to ensure that compulsory education is extended and duly enforced.
5. Bangladesh could be invited to consider withdrawing its declaration on Article 13 on the right to education of the International Covenant on Economic, Social and Cultural Rights and to secure appropriate resources and funding to education.
6. Bangladesh should be strongly encouraged to continue to submit state reports for the periodic consultations on UNESCO's education-related standard-setting instruments.
7. Bangladesh should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Global Database on the Right to Education.¹⁴

Freedom of opinion and expression

16. The Government may wish to consider the narrow international standards for limitations on freedom of expression as per the International Covenant on Civil and Political Rights, when interpreting the potentially wider scope in the present constitution.
17. The Government is encouraged to decriminalize the defamation law and subsequently incorporate it into the civil code in accordance with international standards.
18. The Government is encouraged to take steps to create an independent broadcast licensing authority, and to assess whether the requirement for registration of online media is indeed necessary and proportionate under international standards for legitimate limitations on freedom of expression.
19. The Government is recommended to further investigate the cases of killed journalistic practitioners, and to continue to voluntarily report on the status of judicial follow-up to UNESCO. The Government may wish to consider taking advantage of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity as a means to strengthen protection of journalists.

Cultural Rights

20. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)¹⁵ and the Convention for the Safeguarding of the

¹⁴ Accessible at: <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/right-to-education/database/>

Intangible Cultural Heritage (2003)¹⁶ and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005),¹⁷ Bangladesh is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Bangladesh is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

Freedom of scientific research and the right to benefit from scientific progress and its applications

21. **Bangladesh** has not submitted its National Report on the implementation of the **Recommendation on the Status of Scientific Researchers** (1974) for the **Second Consultation** covering the period from 2013 to 2016 (<http://on.unesco.org/2hL0xGz>). Therefore **Bangladesh** is encouraged to report to UNESCO in future on any legislative or other steps undertaken by it to ensure the application of this international standard-setting instrument, paying particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in a spirit of autonomy, freedom of research, non-discrimination and respect for their human rights.

¹⁵ Periodic Report available at: <http://whc.unesco.org/document/116967>

¹⁶ Periodic Report not available

¹⁷ Periodic Report available at <http://en.unesco.org/creativity/monitoring-report/quadrennial-reports/available-reports/periodic-report-bangladesh>