



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

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2 November 2018

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Bangladesh and welcome the constructive engagement of your Government during the 30th session of the UPR Working Group in May 2018.

As the final outcome report on the review of Bangladesh has been recently adopted by the Human Rights Council at its 39th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Bangladesh – the Compilation of UN information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying those areas, I have also considered the statements and/or recommendations made by 105 delegations, the presentation and responses made by the delegation of Bangladesh and the actions taken by the Government to implement the 164 recommendations it had accepted during the second cycle of the UPR. The aforementioned areas cover a range of issues and appear in the Annex to this letter.

I welcome Bangladesh's advancing the implementation of economic, social and cultural rights and the progress in terms of socio-economic development, including poverty reduction and social protection. An inclusive development agenda, leaving no one behind, should be closely linked with a vision of ensuring human rights for all. I welcome Bangladesh's support for key recommendations on further improvement of the rights of women and urge it to focus in particular on continued structural impediments to equality and non-discrimination, and on social norms.

Bangladesh's initiative to strengthen the national human rights institution is welcomed. I encourage increasing independence and effectiveness of the National Human Rights Commission, bringing it into full compliance with the Paris Principles, including by ensuring its ability to directly investigate alleged human rights violations perpetrated by the security forces and by making adequate resources available.

I welcome the public confirmation at the UPR that Bangladesh has a “zero tolerance” policy regarding the criminal liability of law enforcement officials. I encourage you to take urgent measures to observe human rights in criminal justice and law enforcement officials and address serious allegations of extrajudicial executions, disappearances and torture. I encourage Bangladesh to expand democratic space so that human rights defenders, journalists, political parties, civil society and the population at large can participate in public life freely. I commend Bangladesh for its solidarity with and support to the Rohingya people, and encourage the Government to provide them with the rights to education and independent livelihoods.

H E. Mr. Abul Hassan Mahmud Ali
Minister of Foreign Affairs
Bangladesh



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I also encourage Bangladesh to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas contained in the annex and to facilitate the preparations of Bangladesh for the fourth cycle of the UPR. The development of the plan should include consultations with all stakeholders, in particular the national human rights institution and civil society organisations, and, where necessary, the support of international organisations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities, under the leadership of the UN Resident Coordinator.

I acknowledge Bangladesh's declared intention to comprehensively follow up on the UPR and appreciate its commitment to involve the parliament in following up on the implementation of UPR recommendations. In this regard, I encourage Bangladesh to make further efforts to strengthen its national mechanism for comprehensive reporting and follow up in relation to recommendations from international and regional human rights mechanisms and treaty obligations. I strongly recommend the use of the practical guide that my Office released in 2016 on this topic and which is available at: http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please kindly note that I will be sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of UPR recommendations early on, following the review. An important measure that can contribute positively to follow up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Bangladesh to submit a mid-term report on the follow-up of the third cycle of the review, by 2020.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1 paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Bangladesh to take action in the areas I have identified in this letter and its Annex.

Please accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet
High Commissioner for Human Rights

cc: H.E. Mr. Anisul Huq
Law Minister, Ministry of Law, Justice and Parliamentary Affairs



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratification of the Conventions of the Protection of All Persons from Enforced Disappearance; the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (OPCAT); the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty; the Optional Protocol to the International Covenant on Economic, Social and Cultural Right the Optional Protocol to the Convention on the Rights of the Child establishing a communications procedure. Ratify the 1973 Convention 138 and 139, and Conventions 169 and 189 on the protection of the rights of all migrant workers and the members of their families. Ratify the 1951 Convention relating to the Status of Refugees.
- Withdrawal of the reservations to article 2 and article 16.1 (c) of the Convention on the Elimination of All Forms of Discrimination against Women and consider making the declarations provided for in articles 76 and 77 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- Positive response to pending visit requests by the special procedures mandate-holders of the Human Rights Council and consider the extension of a standing invitation to all mandate-holders.

National human rights framework

- Incorporation of provisions of international human rights instruments to which Bangladesh is a party to, into domestic legislation.
- Making further efforts to strengthening existing national legislations to address discrepancies and continue bringing national legislation and policies fully in line with international commitments.
- Continuing enhancement of the national human rights mechanisms and implementing measures aimed at strengthening the National Human Rights Commission by providing it with adequate resources, so it can fulfil its mandate in accordance with the Paris Principles and expand its mandate to investigate all human rights violations including those involving State security actors. Consider establishing an independent national women's commission.
- Enhancement of the fight against impunity and establishing a national preventive mechanism accordingly.
- Pursuing the effective implementation of the Five-Year National Development Plan.



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Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Adoption without delay, of a new non-discrimination legislation and making sure that it is consistent with the 2030 Agenda for Sustainable Development.
- Taking measures by establishing effective protection against discrimination, harassment and violence against sexual minorities and repeal section 377 of the criminal code and include sexual orientation and gender identity as a protected category in the new anti-discrimination law.
- Establishment of a legislative framework to eliminate discrimination against marginalised and disadvantaged children.
- Continuing your efforts to combat the stigmatization of people living with HIV-AIDS and take specific measures aimed at eliminating all forms of discrimination and stigma in healthcare settings.

Development, the environment, and business and human rights

- Implementation of sustainable development goals through continuing efforts with development partners and the international community.
- Continue making efforts in developing strategies to address the negative impacts of climate change to mitigate its impact.

Human rights and counter terrorism

- Continue taking efforts to combat violent extremism and terrorism, including by addressing root causes of this phenomenon in line with international standards, while maintaining relevant human rights standards while countering terrorism.
- Ensuring that counter-terrorism measures are not used to restrict freedom of expression and opinion. Ensuring also that security forces abide by relevant national and international standards in countering criminal and extremist activity.

B. Civil and political rights

Right to life, liberty and security of person

- Reduction of the number of crimes to the “most serious crimes” to which the death penalty applies and enacting a moratorium on its use with a view to abolishing it.
- Prompt implementation of the recommendations accepted in the second cycle of the UPR on extrajudicial executions, enforced disappearances and against torture.



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- Enhancing efforts to prevent cases of torture and enforced disappearances.
- Revision of legislation to limit the use of force, incorporating international standards and investigating all cases of excessive use of force.

Administration of justice, including impunity and the rule of law

- Continue taking further steps for the strengthening of the judicial system.
- Ensuring procedures of the International Crimes Tribunal meet fair trial standards.
- Considering measures to accelerate the trial process with a view to reducing the number of pending cases and number of pre-trial detainees as well as safeguarding their basic rights.
- Enhancement of the National Legal Aid Services with the necessary financial, human and technical resources to enable effective representation of those in need.
- Prompt implementation of the recommendations accepted in the second UPR cycle on extrajudicial executions, enforced disappearances and against torture. Prompt and thorough investigation of all allegations of extra-judicial execution, abductions and forced disappearances, taking place within law enforcement agencies, while ensuring that the perpetrators are brought to justice.
- Protection of human rights defenders and journalists and ensuring the prompt and impartial investigations into cases of killings, abduction attempts, physical attacks and threats against them.
- Ending impunity by conducting thorough investigations and criminal prosecutions of human rights violations and abuses against human rights defenders, journalists, bloggers and ensuring the protection of those under threat, in particular women defenders, are effectively prosecuted in accordance with international human rights law.

Fundamental freedoms and the right to participate in public and political life

- Continue making efforts to protect freedom of expression and freedom of religion or belief for all citizens and residents.
- Decriminalization of defamation and inclusion of it in the Civil Code in accordance with International standards.
- Expansion of democratic space in which opposition politicians, journalists, human rights defenders and other civil society members can operate freely and without fear, intimidation, harassment, arrest, prosecution or retribution.
- Enforcement of constitutional provisions safeguarding freedom of expression, and protecting freedom of expression in media, politics and religion, including by amending section 57 of the Information and Communication Act and relevant provisions of the draft Digital Security Act.



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- Ensuring that human rights defenders, journalists and civil society have a safe and enabling environment and can operate freely without fear of reprisals and by Bangladesh to urgently revising the Digital Security Act, and repealing or amending all laws that violate the rights to freedom of expression, association and peaceful assembly, including the Information Communication Technology Act (in particular Section 57), and the Foreign Donations (Voluntary Activities) Regulation Act, in line with international human rights law.

Prohibition of all forms of slavery

- Continue making efforts enable tangible progress in combating trafficking in persons and taking immediate steps to implement the Human Trafficking Deterrence and Suppression Rules under the 2012 Act, and the National Plan of Action 2015-2017 as a means of addressing the high levels of trafficking.

C. Economic, Social and Cultural Rights

Right to work and to just and favourable conditions of work

- Amendment of the Labor Act and Export Processing Zone Labor Act, in consultation with workers and employers, to ensure the provisions on freedom of association conform to international labor standards.
- Enhancement of labour inspection authorities to conduct assessments of the safety of the workplaces in accordance with the International Covenant on Economic, Social and Cultural Rights and relevant ILO Conventions and taking the necessary steps to hold companies accountable for practices impacting negatively on workers' health, well-being and safety.
- Ensuring women's access to the labour market and strengthening the existing national monitoring mechanisms aimed at their protection from all kinds of discrimination, in particular those working in informal sector and improve their working conditions including by reducing the existing gender wage gap and improving working conditions.

Right to social security

- Taking extra efforts to improve economic and social rights notably through the follow-up of the 2021 vision and the five year plan (2016-2021).
- Continue increasing the social programs in the fight against poverty and social exclusion.

Right to an adequate standard of living

- Continuing efforts in order to reduce poverty among the most vulnerable populations and improve living standards.
- Continue promoting access to drinking water and sanitation to implement its strategies and plans.



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Right to health

- Continue adopting positive measures to better protect the right to health and increasing access to basic healthcare, particularly in rural areas, facilitating greater access to mental health, maternal health and neonatal health care.
- Adoption of legislative and political measures to ensure that women and young people have access to sex education and free use of friendly reproductive health services, particularly in rural areas.

Right to education

- Enhancement of national measures and international cooperation to achieve the goal of education for all. Continue measures to broaden the educational system, including the enshrining of the right to free and compulsory education and take efforts to increase the school participation rate of the marginalized groups.
- Intensification of efforts to ensure gender equality in the area of education and continue efforts to ensure full enrolment of children particularly girls in schools and provide and invest in quality education.

D. Rights of specific persons or groups

Women

- Combating gender stereotypes and continue efforts to combat discrimination against women and continue assisting and promoting women empowerment in all sectors.
- Criminalization of all forms of violence against women and girls, including marital rape irrespective of the age of the victim, domestic violence and all forms of sexual abuse and harassment, ensuring also security and justice to the victims and hold perpetrators to account.

Children

- Establishment of a comprehensive national system for the protection of children and strengthen existing law and practice, in particular to combat violence against children, child labour, forced marriages, and by improving access to education.
- Elimination of child marriage, including by reforming the Child Marriage Restraint Act to remove the exception for child marriage in “special cases,” as this term is open to abuse and maintaining a minimum legal age of marriage at 18 without exceptions.
- Consideration of revising the Penal Code and Children Act in order to prohibit corporal punishment of children in all settings.
- Ensuring the registration of children in order to protect them from abuses, exploitation, abandonment, and human rights violations.
- Raising the minimum age for criminal responsibility for juvenile offenders.



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Persons with disabilities

- Continue advancing the rights of persons with disabilities, including by developing a national plan or national framework for protecting the rights of persons with special needs and to facilitate their access to education, health care and public service.

Minorities and indigenous peoples

- Continue implementing the legal, policy and administrative measures to protect the rights of ethnic minorities.
- Establishment of a plan of action and increase efforts to ensure full implementation of the Chittagong Hill Tracts Accord, and ensure that the ethnic minorities fully enjoy their rights.
- Ensuring the effective investigation and sanctioning of all cases of violence against religious minorities.
- Enhancement of policies and measures to protect indigenous peoples.

Migrants, refugees and asylum seekers

- Improvement of the conditions of migrant workers in accordance with international conventions and treaties.
- Continuing efforts to enhance the transparency and efficiency of the recruitment system of migrant workers from Bangladesh.
- Continue hosting and improving the Rohingya refugees' conditions and investigating allegations of abuses and human rights violations against them until they voluntarily return to their homeland in safety, security and dignity.
- Stepping up efforts to guarantee the rights of refugees, with full respect to the principle of non-refoulement.
- Strengthening those measures that had been taken to ensure that all children and young persons among the refugees have effective access to the right to education, as well as guarantee the registration of all refugee children born in Bangladesh regardless of race, religion, national origin or citizenship of their parents.
- Ensuring access to justice to refugees and stateless individuals, in particular women and girls.