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Working Group on the Universal Periodic Review

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### Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21

#### Bangladesh\*

The present report is a summary of 27 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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\* The present document was not edited before being sent to United Nations translation services.

## **I. Information provided by other accredited national human rights institutions and other stakeholders**

### **A. Background and framework**

#### **1. Scope of international obligations**

1. ICJ recommended ratification of the ICCPR-OP 1, ICCPR-OP 2, OP-ICESCR and OP-CRC-IC.<sup>2</sup> ICJ, and JS6 recommended acceding to CPED and OP-CAT and removing its reservation to CAT.<sup>3</sup> HRW recommended ratification of OP-CAT and removing reservations to CEDAW.<sup>4</sup> JS10 recommended ratification of the 1951 Refugee Convention, CPED, OP-CAT, ICCPR-OP 1, ICCPR-OP 2, OP-ICESCR, OP on Status of Refugees, ILO Conventions No.169 and 189, the withdrawal of reservations to CAT, CEDAW, CRC, ICCPR and ICESCR.<sup>5</sup>

2. ERT recommended ratifying and implementing the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.<sup>6</sup>

3. NHRC suggested withdrawing reservations to CEDAW and CRC. JS2, BNWLA and JS4 recommended withdrawing reservations to articles 14(1) and 21 of CRC.<sup>7</sup>

4. JS1 recommended to the government to declare its endorsement of the UN Declaration of the Rights of Indigenous Peoples without delay and to ratify ILO Convention No. 169.<sup>8</sup>

#### **2. Constitutional and legislative framework**

5. NHRC and JS2 suggested incorporating treaty obligations into domestic law.<sup>9</sup> CHR1 recommended strengthening its national human rights mechanisms and continuously upgrade its laws, policies and institutions in compliance with international standards.<sup>10</sup> JS2 recommended finalizing amendments to the Children Act 1974 determining children's age as 18 years.<sup>11</sup>

6. HRW called for repeal of all legal provisions that shield public officials from prosecution and punishment, and revising military laws particularly the Armed Police Battalion Act to ensure the jurisdiction of the civilian criminal justice system over members of the armed forces for violations of human rights.<sup>12</sup>

7. JS6 recommended criminalising torture by adopting the Torture and Custodial Death (Prohibition) Bill-2011 immediately.<sup>13</sup> CIVICUS recommended amending the 15th constitutional amendment and the draft Foreign Donations Regulation Act of 2011.<sup>14</sup>

8. JS1 recommended the implementation of ILO Convention No. 107.<sup>15</sup>

9. JS4 called on passing the draft Children Rights Bill of 2010 with necessary corrections and providing uniform legal definition for juveniles and "age" into all Laws relating to the rights of children. It also recommended reviewing and amending discriminatory personal laws to ensure gender equality.<sup>16</sup> HRW recommended the reform of personal laws to ensure equality during marriage, divorce or separation.<sup>17</sup>

10. JS10 recommended giving constitutional recognition to the identity and integrity of Internally Displaced Persons and establishing a Land Commission for them and activating Chittagong Hill Tracts (CHT) Land Commission after amending relevant laws.<sup>18</sup>

### 3. Institutional and human rights infrastructure and policy measures

11. The NHRC demanded additional resources and staff to strengthen its institutional functions, revise its Act, ensure its financial and administrative independence and allow it to investigate violations by law enforcement agencies. NHRC recommended operationalising the constitutional provisions for the establishment of an Ombudsman and called upon the government and opposition to fulfil its legislative, accountability and representative functions in this aspect.<sup>19</sup> JS1 and JS10 made similar recommendations on NHRC's capacity and investigative powers.<sup>20</sup> JS2 noted with concern the predominance of the executive in the selection committee for the NHRC; and the Commission's limited jurisdiction to investigate cases already pending before a Court, Ombudsman or Administrative Tribunal.<sup>21</sup>

12. The NHRC and JS2 recommended taking necessary measures to establish a Children's Ombudsman and to provide remedies and amend laws while ensuring effective law enforcement.<sup>22</sup>

13. ODI recommended developing programmes of human rights education in the official school curriculum, particularly to improve awareness in rural areas. It also recommended taking decisive steps against any act of religious intolerance and discrimination and/or harassment of religious minorities and women.<sup>23</sup>

14. JS10 recommended adopting a plan of action to implement the National Women's Policy,<sup>24</sup> while JS4 recommended creating an independent National Women's Commission.<sup>25</sup>

## B. Cooperation with human rights mechanisms

### 1. Cooperation with treaty bodies

15. ICJ and JS8 noted the Government's lack of adherence to periodic reporting deadlines to treaty bodies with initial reports under the ICCPR and the ICESCR pending for a decade.<sup>26</sup> JS8 also recommended taking measures to implement recommendations of the ICESCR.<sup>27</sup>

16. JS7 urged the government to comply with its reporting obligations to the Treaty Bodies, and to include information on Dalits and disaggregated data based on caste in its periodic reporting to the Treaty Bodies.<sup>28</sup>

17. JS10 recommended the government submit its due reports to Treaty Bodies.<sup>29</sup>

### 2. Cooperation with special procedures

18. CHRI, ICJ, JS10, and JS7 recommended issuing a standing invitation to the Special Procedures (SP). CHRI recommended clearing the backlog of previously and newly requested SP visits before Bangladesh's next UPR, to ensure that, in the future, all requests to visit Bangladesh by SP are responded to and accepted at the earliest.<sup>30</sup>

19. ICJ and JS7 recommended accepting the requests of the Special Rapporteur (SR), on extrajudicial, summary or arbitrary executions, the SR on independence of judges and lawyers, the SR on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the SR on the human rights of internally displaced persons and the IE on minority issues to undertake official missions at the earliest possible opportunity.<sup>31</sup> JS1 reminded that the SR on the Rights of Indigenous Peoples has made a visit request, but no positive response has been given.<sup>32</sup> Similar recommendations were made by CIVICUS and GHRD.<sup>33</sup> GHRD recommended that the mission of the UN Special Rapporteur on Religious Freedom takes place before the elections in 2013.<sup>34</sup>

## **C. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **1. Equality and non-discrimination**

20. NHRC while noting progress in respect of developing laws and policies in relation to women's rights, pointed that women continue to face discrimination in both the public sphere and their family life. NHRC noted that domestic and sexual violence and dowry continue despite being illegal. NHRC recommended implementing laws and policies to protect the rights of women.<sup>35</sup>

21. JS4 noted that various forms of gender discrimination exist in society, workplace and educational institutions. Media continues to reinforce gender stereotypes and biases. It was concerned over the Citizenship Rules of 1978 and the Hindu Marriage Registration Act that does not make marriage registration mandatory, and no initiatives has been undertaken to enact the Directives on Sexual Harassment and in relation to equal rights to property for women in Muslim and Hindu Laws, as well as introducing divorce rights of Hindu women.<sup>36</sup>

22. JS7 noted that despite constitutional guarantees, political, economic and social exclusion on the basis of caste is practiced. It noted that the worst affected are the Dalit women who suffer from multiple forms of discrimination, with more than 80% of Dalits experiencing discrimination in admission to school or equal treatment and legal protection when a crime is committed against them. Access to adequate housing and land remained another barrier, the majority is landless. JS7 called for enforcing the law and setting a comprehensive national action plan to eliminate discrimination.<sup>37</sup> JS10 recommended giving quotas for Dalits in public education, employment and housing, criminalize 'untouchability' and discriminatory practices.<sup>38</sup>

### **2. Right to life, liberty and security of the person**

23. AI reported that over 1,000 people are on death row. However, very few are likely to be pardoned or have their death sentence commuted. AI recommended building on the positive development of no executions in 2012 to immediately establish a moratorium on executions with a view to abolishing the death penalty, and ensure that all death sentences are commuted to terms of imprisonment.<sup>39</sup>

24. NHRC informed that extrajudicial killing, disappearances and torture continue to be practiced, allegedly by law enforcement officials with impunity.<sup>40</sup> JS10 noted that despite a reported decline in numbers, extra judicial killings have continued with bodies of some victims bearing visible marks of torture.<sup>41</sup>

25. HRW noted that despite commitments to bring to an end all extra-judicial executions by law enforcement agencies, and bringing officials responsible for such actions to justice, more than 200 people have been killed by the Rapid Action Battalion (RAB) since January 2009, many victims were executed while in the custody of RAB, and their bodies often carried marks indicating torture. In 2011 HRW documented RAB involvement in illegal detentions, killings, and torture of suspects in the 2009 mutiny by the Bangladesh Rifles border guards (BDR). Given the government's continued failure to reform RAB, HRW called for the force to be disbanded and to be replaced by a civilian force.<sup>42</sup>

26. AI reported that torture and other ill-treatment are widespread in Bangladesh and committed with virtual impunity by all security agencies - the police, the Rapid Action Battalion (RAB), and the army - acting alone or together. Rape in custody is common in Bangladesh. Victims usually decline to report the crime for fear they will not be taken seriously or of angering their attacker or having to face further harassment by the police.<sup>43</sup>

27. JS10 noted that in May 2012, the total number of prisoners was about 72,000 against jail capacity of 30,630. Overcrowding, malnutrition, unhygienic conditions, and absence of medical care cause spread of contagious diseases. Physical and sexual abuse by prison staff is common. JS10 recommended ending custodial torture, and other human rights abuses of prisoners and detainees; promoting prison reforms including systematic monitoring of prisons, repealing the Special Powers Act, and other reforms as relevant.<sup>44</sup>

28. HRW noted that violence against women and girls including rape, dowry-related assaults, acid attacks and their discriminatory treatment under personal status laws persist. HRW noted that the implementation of related laws to those violations remains poor, and illegal punishments in the name of “fatwas” and sexual harassment continue.<sup>45</sup>

29. GIEACPC noted that corporal punishment in schools is unlawful under the 2011 Supreme Court ruling, though explicit prohibition in legislation is yet to be enacted, however it is not prohibited at home, penal system and care settings. GIECPC and WV noted that corporal punishment is also commonly ordered by traditional village mediation councils (shalish), particularly against girls and women. WV recommended strengthening and enforcing legal instruments to protect children from corporal punishment.<sup>46</sup> NHRC urged the government to adopt an action plan to end corporal punishment and child marriage.<sup>47</sup>

30. NHRC highlighted the need to end the endemic practice of child labour. The vast majority of child workers are engaged in informal employment where occupational health and safety protections, wages, legal and social protection are either absent or inadequate.<sup>48</sup>

### 3. Administration of justice, including impunity, and the rule of law

31. JS6 noted that the appointment of judges to the higher judiciary continued to be highly politicised. The judiciary does not enjoy independence and there is a serious lack of judicial competence. JS6 also noted that the present government deployed mobile courts under the Mobile Court Act, 2009 in the name of preventing ‘anarchy’ during general strikes. The mobile courts, which operate under the Executive arrested and sentenced people after summary trials.<sup>49</sup> ODI and JS6 recommended a reform to its dysfunctional criminal justice institutions and to ensure independence of judiciary.<sup>50</sup>

32. ICJ recommended establishing an independent secretariat to work with the Independent Judicial Service Commission; implement the 2009 Supreme Court decision in *Idrisur Rahman v Bangladesh*; and amend Article 95 of the Constitution.<sup>51</sup>

33. HRW reported concerns about mass trials, with as many as 800 accused being tried at one time, in one courtroom, and recommended halting of mass trials for accused in the 2009 BDR Mutiny.<sup>52</sup>

34. ICJ expressed concerned that the repeated granting of presidential pardons to persons convicted of serious crimes frustrated or interfered with the victims’ rights to effective legal remedy and reparations.<sup>53</sup>

35. NHRC supported action to bring all officials involved in extra-judicial killing and torture to justice.<sup>54</sup>

36. CHRI recommended adopting measures to fight impunity and acts of torture and harassment of civilians, including those by law enforcement officials.<sup>55</sup> JS6 stated that RAB in practice operates above the law and is effectively immune from investigations. In the last four years there was no visible punishment against any RAB perpetrator allegedly involved in matters of extrajudicial killings, enforced disappearance, illegal detention and torture.<sup>56</sup> HRW recommended establishing an independent investigative and prosecutorial task force to rigorously investigate and, where appropriate, prosecute all allegations of unlawful deaths, torture, and mistreatment of suspects in the 2009 mutiny; and ensure that all human

rights violations committed by members of the security forces, including RAB, are promptly and thoroughly investigated and prosecuted.<sup>57</sup>

37. NHRC suggested that the new Children Act 2012 define a child as a person under 18 years of age and that the minimum age of criminal responsibility be raised from 9 to 12 years.<sup>58</sup>

38. The NHRC welcomed the establishment of the International Crimes Tribunal Bangladesh (ICTB) in 2010. They noted that it is important for bringing those responsible for crimes against humanity during the Liberation War of 1971 to justice and for ending the culture of impunity following those crimes.<sup>59</sup> HRW noted that the trial process fails to meet international fair trial standards, although amendments were made to the ICT Act in mid-2011 to address some of these shortcomings, and recommended amending the ICT Act to ensure that the definitions of the enumerated crimes conform to international standards.<sup>60</sup> AI viewed the setting as a historic opportunity the potential to end more than 40 years of impunity for the mass-scale human rights violations. It noted that the shortcomings in the conduct of these trials including a constitutional ban on the right of defence to challenge the jurisdiction of the Tribunal. AI recommended the government to ensure that all perpetrators are brought to justice regardless of what party they supported or what political affiliation they had at that time; and to ensure that the constitutional bar against challenging the jurisdiction of the Bangladeshi court, International Crimes Tribunal, is removed.<sup>61</sup>

#### **4. Right to privacy, marriage and family life**

39. JS2 noted the directives banning sexual harassment, and strengthening control of birth certificates and/or national ID cards during marriage registration to prevent early marriages, however expressed concern about the poor implementation of these directives.<sup>62</sup>

40. JS3, JS10, GHRD and CHRI recommended repealing Article 377 of the Penal Code, which criminalizes sexuality against the 'order of nature' and "decriminalize same-sex activity between consenting adults" and adopt further measures to promote tolerance in this regard. JS3 and JS10 noted that gender and sexual minorities lack legal recognition and protection and face social marginalization and recommended to acknowledge and accept the existence of the sexual and gender minorities.<sup>63</sup>

41. GHRD recommended amending the Penal Code, Section 375, so that the crime of rape is defined as gender neutral.<sup>64</sup>

#### **5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

42. CIVICUS recorded between January and September 2012, 78 instances of the imposition of Section 144 of the Criminal Procedure Code, which prohibits assembly of five or more persons and the holding of public meetings. A ban on student protests in certain areas of Dhaka, issued by the Dhaka Metropolitan Police in 2010 citing traffic concerns, remained in effect throughout 2011. The government is currently championing a new law to restrict the ability of civil society groups to access funding from international sources which drastically enhances the discretionary powers of the NGO Affairs Bureau. HRW raised similar concerns.<sup>65</sup>

43. JS6 noted that, the climate in which human rights defenders work remains extremely difficult.<sup>66</sup> CIVICUS, JS10 and Article 19 noted concerns involving harassment, threats and attacks against civil society activists and human rights defenders, as well as allegations of torture and disappearance of local journalists, opposition members and political activists.<sup>67</sup>

44. RWB noted that although the constitution guarantees media freedoms, a series of draconian laws enable the government to control the media.<sup>68</sup> CIVICUS and RWB

considered RAB responsible for acts of intimidation against journalists.<sup>69</sup> AI noted that journalists who write about corruption, judicial irregularities, and human rights violations, including extrajudicial executions, rape in custody, and other gender-based violence, are particularly at risk of being harassed by police or security agencies, detained on politically motivated charges and tortured or otherwise ill-treated. AI recommended the government ensure that all journalists and editors are free to express their views and opinion peacefully without fear.<sup>70</sup>

45. JS6, JS10 and Article 19 reported that during the period under review, 11 journalists have been killed, 240 threatened, 188 assaulted, 497 injured, five arrested, three were kidnapped, 75 attacked and 80 sued.<sup>71</sup> Article 19 observed that only three perpetrators have been tried and only one convicted.<sup>72</sup> CIVICUS noted that in 2011, there was an increase in security forces and members of the ruling party harassing, arresting or assaulting journalists perceived to be critical of the government and/or aligned with the opposition.<sup>73</sup> RWB called upon the authorities and judiciary to react quickly and to take measures to stop violence and harassment, and to comply with the obligation to protect freedom of information and release all journalists and citizens currently held in detention.<sup>74</sup> CIVICUS and Article 19 recommended that an impartial and effective investigation into all cases of attack, harassment, intimidation and disappearance of civil society activists and journalists should be conducted and perpetrators should be brought to justice.<sup>75</sup>

46. Article 19 urged the upholding of freedom expression and opinion on the Internet and removal of any provisions that fail to comply with international standards.<sup>76</sup>

47. JS10 noted that the 1974 Special Powers Act, Anti-Terrorism Act 2009, and Section 54 of the Code of Criminal Procedure were used to detain trade union activists. The government cancelled many NGO registrations without a transparent process. JS10 noted that although the media enjoys relatively more freedom there have been cases of bans on publication of newspapers and TV stations, restrictions on TV talk show programmes, control over the Internet, including the social media and disruptions to transmission of broadcast of rallies organized by the opposition.<sup>77</sup>

48. JS6 reported that the law-enforcing agents are routinely used to arrest and detain political dissidents in a large scale prior to any political programmes announced by the opposition parties. According to Odhikar's documentation, 764 persons were killed and 55,906 were injured in political violence under the current government.<sup>78</sup>

## **6. Right to work and to just and favourable conditions of work**

49. JS10 and HRW noted that in 2010-2011 labour unrest in the Ready -Made Garments sector continued over wages and work conditions.<sup>79</sup> HRW reported that workers regularly face poor working conditions, low wages, and excessive hours, recommended taking immediate and sustained action to enforce compliance with provisions of the Labour Act (2006).<sup>80</sup>

50. JS4 and JS10 noted that about 80 percent of all workers are in the informal sector, unprotected by law, and face abuse, discrimination, do not get regular work, are paid low wages, and work long hours. Rights of Domestic and agricultural Workers are not included into the present Labor Law of 2006 and limits are placed upon union participation in factories.<sup>81</sup> JS10 recommended adoption of Domestic Workers' Welfare Policy, inclusion of informal workers within Labour Laws, and effective enforcement.<sup>82</sup>

## **7. Right to social security and to an adequate standard of living**

51. JS8 noted that despite Bangladesh's firm commitment to create provisions for food for its citizens, the state of food security is still not satisfactory.<sup>83</sup> It recommended adopting a legal framework on right to food and revisions to the National Agriculture Policy;

updating and implementing the land use policy and adoption of a unified policy on a right based Social Safety Net or Social Protection programs.<sup>84</sup> JS8 noted that investment in agriculture is found to be falling much shorter than the needs.<sup>85</sup>

52. JS10 recommended adopting a national Social Safety Net Policy providing at least 3% of GDP for basic social security schemes and strengthen distribution and coordination to ensure openness, equity and accountability.<sup>86</sup>

53. UBINIG recommended that legal provisions should be created through enactment of appropriate laws and regulations to ensure people's right to have access to adequate, safe and nutritious food.<sup>87</sup>

54. JS10 noted that no plans have been adopted for adequate shelter for the 2.3 to 3 million slum dwellers in the capital city. Despite High Court guidelines for prior rehabilitation/ resettlement of slum dwellers, forced evictions have continued.<sup>88</sup>

## **8. Rights to health**

55. WV noted that the prevalence of malnutrition in Bangladesh is still among the highest in the world. On an average, about 3.2 per cent of GDP is spent on health, population and nutrition (HPN) sector, of which about one per cent of GDP is allocated by the public sector. WV recommended increasing budget for child health and nutrition services, particularly for the poor and excluded.<sup>89</sup>

56. JS2 reported that more than 22 per cent of the infants born annually (2006 to 2010) have low birth weight; about 36 per cent of children under-five are stunted; and 46 per cent of them are underweight. Health improvements have not yet reached the most vulnerable children. JS2 recommended increasing access to free primary health services.<sup>90</sup>

57. JS10 noted that maternal and child mortality rates have been considerably reduced, although the former remains high. However, general health services remain largely inaccessible. Health related laws, regulations and policy are not uniformly enforced. Misuse, mismanagement and corruption pervade the health system. Health facilities, and public awareness of them, are limited, especially in rural areas. Reproductive health services are inadequately addressed. Its recommendations included widening community based health services, ensuring accountability in such services and rural health complexes.<sup>91</sup>

## **9. Right to education**

58. JS2 noted that Bangladesh has made significant progress towards MDG 2 and Education for All in terms of gender parity and enrolment in primary education. There is no constitutional obligation to fulfil citizen's demand of education. JS2 recommended formulating an Integrated Education Act by 2013 under which the right to primary education would be ensured and amendment of the Compulsory Primary Education Act 1990.<sup>92</sup>

59. JS10 noted that a report on Primary Education in Bangladesh issued by Bangladesh Bureau of Education Information and Statistics and Bangladesh Ministry of Women and Children Affairs, that the majority of children living in isolated rural communities, or homeless, or from marginalized communities lack proper access to education. Primary education is not recognized as a right in the draft education law. It recommended the enactment of a law on right to education to ensure universal access including incentives for poorer families to send children to school and to develop adequate educational infrastructure and human resources.<sup>93</sup>



## 10. Cultural rights

60. NHRC noted progress on the *implementation* of the CHT Accord (1997) in the reporting period. Bangladesh adopted the Small Ethnic Cultural Institutions Act 2010.<sup>94</sup>

61. JS1 noted that the Small Ethnic Cultural Institutions Act 2010, passed without consulting indigenous peoples, and recognized only 27 out of more than 54 “small ethnic groups” thus excluding them from the 2011 population census and development facilities provided by the Special Affairs Division which looks after the welfare of indigenous peoples in the plains.<sup>95</sup>

## 11. Persons with disabilities

62. JS9 noted that there is no law specifically on the rights of persons with disabilities and recommended the Government to ensure the accessibility of government and public buildings, infrastructure, roads, transportation, and access to information in line with CRPD and the new Building Code of 2008. It also recommended that all laws, including labor laws, contract laws, and employment laws be revised and amended to ensure non-discrimination against persons with disabilities in employment and education. Reserved seats for persons with disabilities should be provided in all the elective bodies in the national election commissions; and steps taken to ensure that all persons with disabilities can participate in elections.<sup>96</sup>

63. JS9 noted that indigenous persons with disabilities face financial problems, preventing them from starting a business, and there is a lack of development training. Poverty and unemployment are major issues for indigenous persons with disabilities. JS9 recommended providing health services including specific services for persons with disabilities, disability workers and rehabilitation clinics, access to education, accessible transportation, increase income support and make available business loans for persons with disabilities, and make sign language education available for deaf persons with disabilities<sup>97</sup>

## 12. Minorities and indigenous peoples

64. JS1 noted continuing human rights violations by state and non-state actors have been perpetrated on the indigenous population. These include rape and sexual assault against women and children, killings, arson, grabbing of lands, unlawful arrest and torture, and structural forms of discrimination based upon ethnicity, religious affiliation and gender.<sup>98</sup>

65. GHRD acknowledged that some legal and administrative improvements with regard to the Hindu minority have been made.<sup>99</sup> However, GHRD investigated in 2011- 2012 numerous large scale and organised attacks against Hindu and Buddhist (including indigenous) villages, involving assault, arson, looting, destruction of temples and sexual assault of women. The attacks were often fuelled by extremist propaganda and hate speeches. There were allegations of involvement by politicians and frequently, the police stood passively or acted wrongly.<sup>100</sup>

66. Violence against the Jumma in the CHT escalated steadily in 2011/2012. Indigenous peoples continue to be dispossessed of their ancestral lands by Bengali settlers, with law enforcement agencies protecting the settlers.

67. GHRD recommended giving constitutional recognition to the indigenous peoples and to closely monitor implementation of the Vested Property Return Act, and enact the Hindu Marriage Registration Bill; dismantle all temporary military camps in the CHT and demilitarise the region; and conduct independent judicial investigations into human rights violations.<sup>101</sup>

68. JS10 recommended amending Art 6(2) of the Constitution to recognize minorities and to ensure reintegration and rehabilitation of Urdu-speaking minorities with dignity.<sup>102</sup>

69. AYGUSC&CM noted that Bihari camp dwellers are not treated as linguist minority and recommended that the word “language” should be incorporated in Article 28 of the Constitution; the Government should stop eviction of Bihari Camps and provide them quota in education and public services.<sup>103</sup> JS5 reported that, due to poverty and state discrimination, Bihari camp dwellers don’t have access to education, health care and economic development. JS5 considered that water and sanitation issues are one of the problems for every camp.<sup>101</sup> JS5 reported that Bihari are Bangladeshi according to the citizenship law as well as Constitution of Bangladesh and several court verdicts. Due to their camp address and undefined status and wider discrimination in the job market, equal access to employment remains a prime concern. Although no formal restriction prevents access to government schools, camp addresses do cause problems for ‘Bihari’ children seeking admission, although this appears to be changing. There are no quota for the Bihari for education and public jobs like other minorities and indigenous people. The Government and the civil society should refrain from calling the Bihari community as non-locals, non-Bengalis or stranded Pakistanis. They should be encouraged to study in their mother tongue along with Bangla.<sup>105</sup>

70. JS8 and UNPO recommended taking appropriate legal and administrative steps and policies to ensure land rights of the indigenous people while recognizing their traditional rights to land or other forest areas.<sup>106</sup> AI recommended the government to ensure that there is an effective mechanism in place to address land disputes between Indigenous Peoples and Bengali settlers.<sup>107</sup> UNPO recommended the withdrawal of the army from the region and prosecuting military officials while taking measures to bring to justice the perpetrators accused of committing crimes against the local people by forced evictions, attacks, murder, and rape. UNPO urged Bangladesh authorities to consider respecting the freedom of expression, speech, and peaceful assembly of the Jumma people, especially that of human rights defenders and formally endorse and ratify the United Nations Declaration on the Rights of Indigenous Peoples.<sup>108</sup> JN noted the UPR recommendation 17, 21 and 35 concerning indigenous Jumma peoples of CHT, and recommended among others to announce a time-bound roadmap for full implementation of the CHT accord during the tenure of the present government and to end the culture of impunity regarding official complicity with rape, religious persecution and other human rights violations.<sup>109</sup>

### **13. Migrants, refugees and asylum-seekers**

71. HRW highlighted concerns with the government’s response in 2012 to the influx of Rohingya refugees fleeing sectarian violence in Arakan state in Myanmar, including pushing Rohingyas back at the border, regardless of the risk to them on return to Arakan state, and denying critical humanitarian assistance to the long-term Rohingya population in a bid to deter other refugees from entering.<sup>110</sup>

72. ERT noted that there are currently approximately 29,000 registered Rohingya refugees and more than 300,000 unregistered persons of concern without adequate protection. ERT recommended calling on Bangladesh to respect, protect and fulfil the human rights of stateless Rohingya persons subject to its jurisdiction and to refrain from *refoulement* or forcible return of all refugees, asylum seekers and persons of concern.<sup>111</sup> ERT raised concerns, particularly their treatment, lack of access to a regularised status, security of the person and protection and susceptibility to arbitrary detention and labour exploitation and especially lack of access to protection and humanitarian aid for those arrived since the June 2012 violence in Myanmar.<sup>112</sup>

### **14. Right to development and environmental issues**

73. NHRC reported that corruption is a major impediment to development and the realisation of human rights and undermines effective policy and legislative settings.

Effective policy and legislative settings are undermined by ineffective and corrupt implementation. Corruption impedes access to government services and therefore can be a significant impediment to the realisation of ESC rights especially where services particularly targeted at vulnerable groups. Tackling corruption would allow proper implementation of birth registration, health care, and education.<sup>113</sup>

74. HRW found that local residents, including poor families living in Hazaribagh slums in Dhaka (one of the most polluted urban sites in the world), complain of a variety of health problems. HRW recommended taking immediate and sustained action to enforce compliance by all tanneries in Hazaribagh with provisions of the Labour Act (2006), Bangladeshi environmental and labor law. HRW also recommended closing tanneries operating without an environmental clearance certificate and in full compliance with environmental and labor law.<sup>114</sup>

### 15. Human rights and counter-terrorism

75. JS6 noted that the present government approved the Anti-Terrorism Bill on February 19, 2009, without any public consultation. On February 16, 2012, the Parliament of Bangladesh adopted the amendment of the Bill which widened the scope of sanctions by approving the death penalty as the maximum penalty for financing terrorist activities. The vague definition of 'terrorist activities' provided under the ATA is open to abuse, and documentation shows it is being used to repress political opponents, journalists and other dissenting voices.<sup>115</sup>

#### Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

#### *National human rights institution*

NHRC The National Human Rights Commission, Dhaka-Bangladesh.

#### *Civil society*

AI	Amnesty International, London, United Kingdom;
ARTICLE 19	ARTICLE 19, London, United Kingdom;
AYGUSC	Association of Young Generation of Urdu Speaking community & Council of Minorities, Bangladesh;
CIIRI	Commonwealth Human Rights Initiative's, New Delhi-India;
CIVICUS	World Alliance for Citizen Participation, JHB, South Africa;
ERT	The Equal Rights Trust, London, UK;
GIIRD	Global Human Rights Defence, The Hague, the Netherlands;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, UK;
HRW	Human Rights Watch, Geneva, Switzerland;
ICJ	International Commission of Jurists, Geneva-Switzerland;
JN	Jumma Net, Tokyo, Japan;
JS1	Kapaeeng Foundation, Coalition of Indigenous Peoples Organisations, Dhaka- Bangladesh;
JS2	Child Rights Governance Assembly (CRGA), a civil society advocacy network of 17 organizations;
JS3	Band of Boys the Sexual Rights Initiative (SRI) and Creating Resources through Empowerment and Action (CREA) and Sexual Rights Initiative, New Delhi-India;
JS4	Bangladesh National Woman Lawyers Association (BNWLA) & 100 members in Coalition focusing on the woman and child rights issues, Dhaka, Bangladesh;
JS5	Association of Young Generation of Urdu Speaking community (AYGUSC) and Council of minorities, Bangladesh;

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| JS6    | ODHIKAR, and Asian Legal Resource Centre (ALRC), Hongkong, China;  |
| JS7    | International Dalit Solidarity Network (IDSN), Bangladesh Dalit and Excluded Rights Movement (BDERM), Bangladesh Dalit and Excluded Women Federation (BDEWF) and Nagorik Uddyog (Citizen's Initiative) Dhaka- Bangladesh;      |
| JS8    | Oxfam GB in Bangladesh and Campaign for Sustainable Rural Livelihood (CSRL)-an alliance of 250 local-national-international development and civil society organizations-, Dhaka- Bangladesh;                                   |
| JS9    | Action for Disability and Development International in collaboration with Disabled Peoples International and the International Disability Alliance, networks of organizations of persons with disabilities, Dhaka- Bangladesh; |
| JS10   | Human Rights Forum, a coalition of 19 human rights and development organizations, Bangladesh;  |
| ODI    | Open Doors International, Harderwijk - The Netherlands;  |
| RWB    | Reporters without Borders, Geneva, Switzerland;  |
| UNPO   | Unrepresented Nations and Peoples Organizations, The Hague, Netherlands;   |
| UBINIG | Policy Research for Development Alternative, Dhaka- Bangladesh;  |
| WV     | World Vision International, Châtelaine, Switzerland.   |
- <sup>2</sup> International Commission of Jurists (ICJ), P. 4.
- <sup>3</sup> ODHIKAR AND Asian Legal Resource Centre (JS6), p.11.
- <sup>4</sup> Human Rights Watch (HRW), p.5.
- <sup>5</sup> Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p. 26.
- <sup>6</sup> The Equal Rights Trust (ERT), p.7.
- <sup>7</sup> National Human Rights Commission of Bangladesh (NHRC), p.2 and Child Rights Governance Assembly (CRGA), a civil society advocacy network of 17 organizations (JS2), p.3 and Bangladesh National Woman Lawyers' Association (BNWLA) and various Grass root level coalition members (JS4), p.10.
- <sup>8</sup> Kapaceng Foundation and 16 other members of a Coalition of Indigenous Peoples Organisations (JS1), p. 11.
- <sup>9</sup> National Human Rights Commission of Bangladesh (NHRC), p.2.
- <sup>10</sup> Commonwealth Human Rights Initiative (CHRI), p. 4, 5.
- <sup>11</sup> Child Rights Governance Assembly (CRGA), a civil society advocacy network of 17 organizations (JS2), p.2, 5.
- <sup>12</sup> Human Rights Watch (HRW), p.5.
- <sup>13</sup> ODHIKAR AND Asian Legal Resource Centre (JS6), p.11.
- <sup>14</sup> World Alliance for Citizen Participation (CIVICUS), p.7,8.
- <sup>15</sup> Kapaceng Foundation and 16 other members of a Coalition of Indigenous Peoples Organisations (JS1), p. 11.
- <sup>16</sup> Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p. 10,11,16.
- <sup>17</sup> Human Rights Watch (HRW), p.5.
- <sup>18</sup> Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p. 22.
- <sup>19</sup> National Human Rights Commission of Bangladesh (NHRC), p.1.
- <sup>20</sup> Kapaceng Foundation and 16 other members of a Coalition of Indigenous Peoples Organisations (JS1), p. 11 and Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p. 13.
- <sup>21</sup> Child Rights Governance Assembly (CRGA), a civil society advocacy network of 17 organizations (JS2), p.3.
- <sup>22</sup> National Human Rights Commission of Bangladesh (NHRC), p.3. Child Rights Governance Assembly (CRGA), a civil society advocacy network of 17 organizations (JS2), p.5,6,7.
- <sup>23</sup> Open Doors International. (OD), p. 3.
- <sup>24</sup> Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p. 16.

- <sup>25</sup> Bangladesh National Woman Lawyers' Association (BNWLA) and various Grass root level coalition members (JS4), p.1.5.6.
- <sup>26</sup> International Commission of Jurists (ICJ), P.3.4.
- <sup>27</sup> Oxfam and a national alliance (Campaign for Sustainable Rural Livelihood) in Bangladesh (JS8), p.10,11.
- <sup>28</sup> Bangladesh Dalit and Excluded Rights Movement, Bangladesh Dalit and Excluded Women Federation. Nagorik Uddyog (Citizen's Initiative) in association with the International Dalit Solidarity Network (JS7), p.4.
- <sup>29</sup> Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p. 26.
- <sup>30</sup> Commonwealth Human Rights Initiative (CHRI), p. 2 and Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p. 26.
- <sup>31</sup> International Commission of Jurists (ICJ), P.3.4.
- <sup>32</sup> Kapaceng Foundation and 16 other members of a Coalition of Indigenous Peoples Organisations (JS1), p. 2.
- <sup>33</sup> World Alliance for Citizen Participation (CIVICUS), p.7.8 and Global Human Rights Defence (GHRD), p.7.
- <sup>34</sup> Global Human Rights Defence (GHRD), p.7.
- <sup>35</sup> National Human Rights Commission of Bangladesh (NHRC), p.3.
- <sup>36</sup> Bangladesh National Woman Lawyers' Association (BNWLA) and various Grass root level coalition members (JS4), p.1.5.6.
- <sup>37</sup> Bangladesh Dalit and Excluded Rights Movement, Bangladesh Dalit and Excluded Women Federation. Nagorik Uddyog (Citizen's Initiative) in association with the International Dalit Solidarity Network (JS7), p.3.4.
- <sup>38</sup> Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p. 24.
- <sup>39</sup> Amnesty International (AI), p. 2.
- <sup>40</sup> National Human Rights Commission of Bangladesh (NHRC), p.5.
- <sup>41</sup> Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p. 8.
- <sup>42</sup> Human Rights Watch (HRW), p.1.
- <sup>43</sup> Amnesty International (AI), p. 1, 2.
- <sup>44</sup> Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p. 9.
- <sup>45</sup> Human Rights Watch (HRW), p.4.
- <sup>46</sup> Global Initiative to End All Corporal Punishment of Children (GIEACPC), London, United Kingdom, p. 2.3 and World Vision (WV), p.2.
- <sup>47</sup> National Human Rights Commission of Bangladesh (NHRC), p.3.
- <sup>48</sup> National Human Rights Commission of Bangladesh (NHRC), p.3.
- <sup>49</sup> ODHAKAR AND Asian Legal Resource Centre (JS6), p.5,11.
- <sup>50</sup> Open Doors International. (ODI), p. 3.
- <sup>51</sup> International Commission of Jurists (ICJ), P.2.4.
- <sup>52</sup> Human Rights Watch (HRW), p.3.
- <sup>53</sup> International Commission of Jurists (ICJ), P.2.4.
- <sup>54</sup> National Human Rights Commission of Bangladesh (NHRC), p.2.
- <sup>55</sup> Commonwealth Human Rights Initiative (CHRI), p. 4.
- <sup>56</sup> ODHAKAR AND Asian Legal Resource Centre (JS6), p. 7.
- <sup>57</sup> Human Rights Watch (HRW), p.5.
- <sup>58</sup> National Human Rights Commission of Bangladesh (NHRC), p.3.
- <sup>59</sup> National Human Rights Commission of Bangladesh (NHRC), p.4.
- <sup>60</sup> Human Rights Watch (HRW), p.3.
- <sup>61</sup> Amnesty International (AI), p. 3.4.
- <sup>62</sup> Child Rights Governance Assembly (CRGA), a civil society advocacy network of 17 organizations (JS2), p. 4.
- <sup>63</sup> Commonwealth Human Rights Initiative (CHRI), p. 6 and Boys of Bangladesh. Creating Resources through Empowerment and Action, Sexual Rights Initiative (JS3), p. 3, 8, 9.
- <sup>64</sup> Global Human Rights Defence (GHRD), p.8.
- <sup>65</sup> Human Rights Watch (HRW), p.2.
- <sup>66</sup> ODHAKAR AND Asian Legal Resource Centre (JS6), p. 7.8.

- <sup>67</sup> World Alliance for Citizen Participation (CIVICUS), p.1.2, Article 19, p. 1 and Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p.15.
- <sup>68</sup> Reporters without Borders, (RWB), p.1,6.
- <sup>69</sup> World Alliance for Citizen Participation (CIVICUS), p.7.8.
- <sup>70</sup> Amnesty International (AI), p. 4.
- <sup>71</sup> ODIHKAR AND Asian Legal Resource Centre (JS6), p.7 and Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p.10-12.
- <sup>72</sup> Article 19, p. 1.
- <sup>73</sup> World Alliance for Citizen Participation (CIVICUS), p.5.
- <sup>74</sup> Reporters without Borders, (RWB), p.1,6.
- <sup>75</sup> World Alliance for Citizen Participation (CIVICUS), p.7.8.
- <sup>76</sup> Article 19, p. 4.
- <sup>77</sup> Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p.10-12.
- <sup>78</sup> ODIHKAR AND Asian Legal Resource Centre (JS6), p.8,9.
- <sup>79</sup> Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p.10, 18.
- <sup>80</sup> Human Rights Watch (HRW), p.2.
- <sup>81</sup> Bangladesh National Woman Lawyers' Association (BNWLA) and various Grass root level coalition members (JS4), p.9. Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p.10-12,19.
- <sup>82</sup> Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p.10-12,19.
- <sup>83</sup> Oxfam and a national alliance (Campaign for Sustainable Rural Livelihood) in Bangladesh (JS8), p.3.
- <sup>84</sup> Oxfam and a national alliance (Campaign for Sustainable Rural Livelihood) in Bangladesh (JS8), p.10,11.
- <sup>85</sup> Oxfam and a national alliance (Campaign for Sustainable Rural Livelihood) in Bangladesh (JS8), p.4, 6.
- <sup>86</sup> Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p.4.
- <sup>87</sup> UBINIG, p.5.
- <sup>88</sup> Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p.5.
- <sup>89</sup> World Vision (WV), p. 2-5.
- <sup>90</sup> Child Rights Governance Assembly (CRGA), a civil society advocacy network of 17 organizations (JS2), p.7,8.
- <sup>91</sup> Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p.3,4, 5.
- <sup>92</sup> Child Rights Governance Assembly (CRGA), a civil society advocacy network of 17 organizations (JS2), p.7,8.
- <sup>93</sup> Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p.5.
- <sup>94</sup> National Human Rights Commission of Bangladesh (NHRC), p.4.
- <sup>95</sup> Kapaceng Foundation and 16 other members of a Coalition of Indigenous Peoples Organisations (JS1), p. 7.
- <sup>96</sup> Action for Disability and Development International office in collaboration with Disabled Peoples International and the International Disability Alliance and others (JS9), p. 1-6,7.
- <sup>97</sup> Action for Disability and Development International office in collaboration with Disabled Peoples International and the International Disability Alliance and others (JS9), p.7.
- <sup>98</sup> Kapaceng Foundation and 16 other members of a Coalition of Indigenous Peoples Organisations (JS1), p. 5.
- <sup>99</sup> Global Human Rights Defence (GHRD), p.1.
- <sup>100</sup> Global Human Rights Defence (GHRD), p.7.
- <sup>101</sup> Global Human Rights Defence (GHRD), p.7.
- <sup>102</sup> Human Rights Forum, a coalition of 19 human rights and development organizations (JS10), p.25.
- <sup>103</sup> Association of Young Generation of Urdu Speaking Community & Council of Minorities (AYGUSC&CM), p.1-6.
- <sup>104</sup> Association of Young Generation of Urdu Speaking Community & Council of Minorities (JS5), p. 2,3.
- <sup>105</sup> Association of Young Generation of Urdu Speaking Community & Council of Minorities (JS5), p. 3-6.

- <sup>106</sup> Oxfam and a national alliance (Campaign for Sustainable Rural Livelihood) in Bangladesh (JS8), p.10,11.
- <sup>107</sup> Amnesty International (AI), p. 2.
- <sup>108</sup> Unrepresented Nations and Peoples Organization (UNPO), p.5.
- <sup>109</sup> Jumma Net (JN), p. 1-3, 6.
- <sup>110</sup> Human Rights Watch (HRW), p.3.
- <sup>111</sup> The Equal Rights Trust (ERT), p.7.
- <sup>112</sup> The Equal Rights Trust (ERT), p.1.
- <sup>113</sup> National Human Rights Commission of Bangladesh (NHRC), p.2.
- <sup>114</sup> Human Rights Watch (HRW), p.4.
- <sup>115</sup> ODHIKAR AND Asian Legal Resource Centre (JS6), p.3.
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