

Final Response from Bangladesh on the 2nd Cycle UPR Recommendations: Reaction of the Human Rights Forum Bangladesh (HRFB)

On 20th September 2013, the plenary session of the 2nd cycle of the Universal Periodic Review (UPR) of Bangladesh took place at the 24th session of the United Nations Human Rights Council. The Plenary session is where the final outcome document of the UPR is adopted. This session allows member states and NGOs to submit oral statements addressing issues which had not been sufficiently addressed by the state under review. In turn the State is expected to respond accordingly.

HRFB is disappointed with the final commitments the Government presented in this session. The final outcome of the 2nd cycle of UPR, was not satisfactory. HRFB believe that the position of the GoB has in fact, tarnished the essence and effectiveness of the process.¹ The Forum holds the view that there are no specific or definite commitments from the GoB on the 164 recommendations which was accepted without any conditions. The GoB has not presented any plan regarding the implementation of these recommendations at national level but only expressed their acceptance in a generic way. The Government's acceptance of the pending 25 recommendations seemed more mechanical than genuine, as there was a lack of position on any particular issue.

For most of the recommendations, GoB responded that it would comply within the existing constitutional and legal framework. Such position of the GoB is not acceptable as various Human Rights Organisations of the country have been working on these issues for a long time, demanding that the GoB should bring necessary legal changes to adopt and initiate new laws or plans. Negating any human rights issue on the ground that it does not comply with the existing legal framework is not favorable to establish an enabling environment for the promotion and protection of human rights. The forum feels that it is more logical and

¹ The working group session of the Human Rights Council was held on 29 April 2013 at Geneva where members of the HRC made 196 recommendations to the GoB from which the GoB has immediately accepted 164 recommendations, rejected 7 recommendations considering incomparable with the prevailing religious, social and cultural values and took time to give the final responses on 25 recommendations which are considered politically sensible. On the final plenary session of 20 September 2013, on behalf of GoB, the Permanent Representative of Bangladesh to the United Nations at Geneva Abdul Hannan presented the actions which had already been initiated to implement some of the accepted recommendations and also presented the Government's position on the pending 25 recommendations. At this time many countries and human rights organizations were given the opportunity to deliver their statement. In their statements, human rights organizations raised concerns about the protection of the human rights defenders, freedom of expressions and recent amendments to the Information and Communication Technology Act.

acceptable to bring necessary changes and amendments to the existing laws and policies or to adopt new laws and policies for the protection of human rights. In response to the recommendations of signing and ratifying new treaties and optional protocols, GoB stated that they are not willing to make any specific commitment in this regard without the pre-assessment of their capabilities in fulfilling the obligations of those treaties and protocols. Such statement shows serious lack in the sincerity and commitment from GoB in the promotion and protection of Human Rights.

The GoB's statement in response to the recommendations related to the rights of the indigenous peoples² is unacceptable and frustrating. Earlier, the GoB had expressed its willingness to ratify ILO Convention no 169 in its sixth National five year plan. However in the UPR commitment, the GoB refused to ratify the convention which the Forum believes is a reflection of the double standard of the GoB. Human Rights Organisations and Civil Society at large have been continuously demanding for the constitutional recognition of the indigenous peoples. However, in the Small Ethnic Groups Cultural Institutes Act 2010, the GoB identified only 27 small ethnic communities while according to the indigenous activists there are more than 54 ethnic communities. The forum considers that the attitude expressed by the GoB in response to the recommendations on indigenous peoples is a clear violation of the rights of the indigenous peoples living in the country.

In response to the GoB's position regarding the recommendations to stop extra-judicial killings and enforced disappearances³, the Forum believes that though the 'terms' do not exist in the existing laws, extra-judicial killings and enforced disappearances are continuing and no action has been visible to prevent these violations. The GoB claimed on several occasions that the human rights violations committed by law enforcing agencies have been investigated

² In response of the recommendations related to the recognition of the Indigenous peoples, ratification of ILO Convention 169 and development and implementation of appropriate, efficient measures to protect indigenous women and children from all kinds of violence and discrimination, the GoB has stated that the fifteenth amendments of the constitution in 2011 has incorporated a provision that the State shall undertake responsibility to protect and develop the unique local culture and tradition of tribal and ethnic communities. The Parliament has enacted the Small Ethnic Groups Cultural Institutes Act, 2010 to preserve and promote the cultural heritage, language, religious practices and traditional lifestyle of all ethnic communities living in the hill districts and plain lands. The GoB has also stated in their responses that as per the constitution there is no 'Indigenous People' in the country, all Bangladeshis are the indigenous of the land.

³ In relation to the recommendations such as the establishment of the independent commission to investigate the allegation of enforced disappearances and extra-judicial killings, the GoB has responded that issues such as "forced disappearance" or "extra-judicial execution" are not permitted under Bangladesh's laws. Any incident of death, or any form of violation of human rights in the hands of the law enforcement agencies must be accounted for within the bounds of laws and existing laws are enough for that.

and the perpetrators have been punished but these claims lack transparency, whilst details have not been made public regarding any investigations.

Although the GoB has accepted the recommendations related to the freedoms of expression, assembly and association, the GoB's actions on the ground are not complimentary. HRFB are concerned over the charge against four bloggers, the arrest and intimidation of human rights defenders and journalists and the amendment of the Information and Communication Technology Act (ICT) of 2006. The ICT act has already been considered a draconian one, while the recent amendments authorise the police to arrest people without warrants, making certain offences non-bailable and imposing a minimum sentence of seven years imprisonment.

One of the major pre-requisites of the UPR process is the regular dialogue and consultation between the Government and the civil society. However, before sending the final responses to the Human Rights Council, the Government of Bangladesh did not consult or initiate dialogue with any Human Rights Organisations or members of the civil society, the NHRC or the Parliament.

HRFB organised a "National Seminar on UPR", where stakeholders from different levels including from the GoB had been invited to participate in an extensive discussion about specific recommendations to be included in the 'Outcome Document'. Recommendations made in the seminar, were sent to the Ministry of Foreign Affairs with the expectation that these suggestions would be reflected in the final response from the GoB. It is disappointing not to see any responsive actions to the efforts made to fulfil the objectives of the UPR process.

Moreover, the final commitments have not reflected the opinion, suggestions and demands made by the Forum to the Government at different stages of the UPR process. It is clearly observed that the Government has not changed its position regarding the majority of issues.

The performance of the Government hinders the main purpose of the Universal Periodic Review and the true spirit of consultation.

The HRFB demands that the recommendations accepted by the GoB are not just paper promises but serious efforts are made in order to implement these at a national level. A detailed roadmap with a specific action plan should be developed immediately in consultation with civil society members. The Forum recommends the formation of a monitoring committee to closely follow the implementation of the action plan. Finally, HRFB urges the GOB to ensure the participation of Human Rights Organisations and the civil society at every stage of implementation. HRFB will continue to remain vigilant.

