



**UPR
STAKEHOLDERS'
SUBMISSION
UNDER
THE 3RD CYCLE
OF UNIVERSAL
PERIODIC
REVIEW (UPR)**

HUMAN RIGHTS FORUM BANGLADESH (HRFB)



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**UPR Stakeholders' Submission
under the 3rd Cycle of Universal Periodic Review (UPR)**

This report is submitted under the third cycle of Universal Periodic Review (UPR) of United Nations Human Rights Council on behalf of Human Rights Forum Bangladesh (HRFB). The report is prepared based on contributions of the Forum members. It is edited by Dr. Iftekharuzzaman and Barrister Sara Hossain.

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ACRONYMS

ACC	: Anti Corruption Commission
ASK	: Ain o Salish Kendra
BGB	: Border Guard Bangladesh
BLAST	: Bangladesh Legal Aid and Services Trust
BMP	: Bangladesh Mahila Parishad
BRTA	: Bangladesh Road Transport Authority
BSF	: Border Security Force
CHT	: Chittagong Hill Tracts
CSO	: Civil Society Organization
ED	: Enforced Disappearance
EJK	: Extra-judicial Killing
GoB	: Government of Bangladesh
HR	: Human Rights
HRD	: Human Rights Defender
HRFB	: Human Rights Forum Bangladesh
IPs	: Indigenous Peoples
IS	: Islamic State
LEA	: Law Enforcement Agency
LGBT	: Lesbian Gay Bisexuals and Trans
MLJPA	: Ministry of Law, Justice and Parliamentary Affairs
NHRC	: National Human Rights Commission
PWD	: Person with Disabilities
SC	: Supreme Court
SRHR	: Sexual and Reproductive Health & Rights
TIB	: Transparency International Bangladesh
UPR	: Universal Periodic Review
VAC	: Violence Against Children

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I. INTRODUCTION

1. Human Rights Forum Bangladesh (HRFB), a coalition of 20 human rights and development organisations working for the promotion and protection of human rights in Bangladesh, has jointly prepared this periodic stakeholders' report under the Universal Periodic Review (UPR) process of the UN Human Rights Council.

2. This report, produced in light of recommendations from the second cycle of UPR, presents civil society concerns with regard to civil and political rights, particularly regarding life and liberty, freedom of association, assembly and expression, independence of key institutions, and the rights of women, children and minority/vulnerable groups, including indigenous peoples.

II. METHODOLOGY AND CONSULTATION PROCESS

3. The report is based on contributions by HRFB member organisations on nearly 70 identified issues of concern. Each member drafted respective thematic components on selected and mandated issues, which were then compiled as a composite draft that went through rigorous editing before sharing with stakeholders, first in five divisional meetings then at national level with wider civil society, the NHRC and the GoB. This report incorporated feedback received.

III. CIVIL AND POLITICAL RIGHTS

RIGHT TO LIFE AND LIBERTY

Extra-judicial killings:

4. Despite the GoB's oft-repeated policy of 'zero tolerance' on human rights violations by LEAs, incidents of extrajudicial killings have continued unabated. The perpetrators have enjoyed impunity, and Government officials have denied that extra-judicial killings occur and threatened action against those who report them.¹

1. 'Extrajudicial killing', The Daily Star, 06 March 2017, available at <http://www.thedailystar.net/editorial/extrajudicial-killing-1371658>

Recommendations

- a. Initiate immediate investigations into all allegations of EJKs, undertake prosecution and punishment of those responsible, including departmental proceedings, and provide reparations to families.
- b. Make time-bound commitments to reform relevant laws.

Enforced disappearances

5. Allegations of enforced disappearances (ED) by LEAs and other security forces have continued to be made.²
6. The recommendation to establish an independent commission on alleged ED has not been implemented, and the GoB denies EDs occur. (Annex 1)

Recommendations

- a. Acknowledge incidents of EDs.
- b. Establish an independent commission to ensure transparent and accountable investigation of all alleged EDs, and prosecution and punishment of those responsible, and reparations for victims.

Custodial deaths and torture

7. The Torture and Custodial Death (Prevention) Act of 2013 has seen little application, with the police in 2015 proposing an amendment to safeguard themselves from prosecution following allegations of custodial torture and death.³ The Supreme Court Guidelines on safeguards following arrest without warrant are not been acted upon, and the Government has filed a review petition.⁴
8. Allegations of torture and Deaths in LEA custody remain a serious concern.⁵

2. According to ASK documentation, 545 people have allegedly been victims of EDs between 2007 – September 2017, and 352 remain missing. Families and witnesses allege people introducing themselves as LEA members, mainly as RAB, police or DB officials, picked up victims. Full information available at <http://www.askbd.org/ask/>

3. 'Police want law against custodial torture scrapped', The Daily Star, 24 January 2017, available at <http://www.thedailystar.net/frontpage/police-want-law-against-custodial-torture-scrapped-1349926>

4. BLAST and others vs. Bangladesh and others, Writ Petition No. 3806 of 1998.

5. According to ASK, in 2016, 78 people died in jail custody, 32 prisoners and 46 in lockups, while 305 deaths were reported in jail custody during 2013– September 2017. Full information available at <http://www.askbd.org/ask/>

Recommendation

Enforce the Torture and Custodial Death (Deterrent) Act, 2013, refrain from any regressive amendment to the Act, and enforce the SC Guidelines.

Prisoners' rights

9.68 jails in Bangladesh with a total capacity of 36,614 prisoners, currently hold 76,025 prisoners⁶ resulting in failure to ensure their basic rights.⁷

10. As of December 2015, a total of 3,109,173 cases were pending in different courts with increasing numbers of pre-trial detainees.⁸

Recommendations

- a. Speed up trial processes to reduce pending cases and pre-trial detainees.
- b. Improve prison conditions, and develop HR sensitisation for prison staffs.

Border Violence

11. At least 1023 people were allegedly victims of violence, abduction, shooting and torture on the border with India during 2013- September, 2017, with 152 dead (Annex 2).

Recommendation

Strengthen GoB's diplomacy and form a joint commission to conduct time bound and transparent investigations of all allegations of serious HR violations in border regions, and prosecute and punish the responsible.

Road safety

12. 3,412 people killed and 8,572 were injured in 2,998 road accidents in 2016 alone.⁹ Lack of law enforcement remains the main reason for such tragedies on the road.¹⁰

6. <http://www.prison.gov.bd/>

7. Jail code recommends at least 36 square feet space per inmate in prison.

8. 'Justice delayed', Dhaka Tribune, 22 December 2016, available at <http://www.dhakatribune.com/opinion/op-ed/2016/12/22/justice-delayed-2/>

9. '3,412 killed in 2,998 road accidents in Bangladesh', Dhaka Tribune, 02 January 2017 available at <http://www.dhakatribune.com/bangladesh/2017/01/02/road-accidents-killed-bangladesh/>

10. There are 1,951,280 licensed drivers in the country whereas the number of registered vehicles stands at 3,042,853, meaning around only 65% of vehicles are operated by licensed drivers, available at <http://www.dhakatribune.com/bangladesh/2017/01/02/road-accidents-killed-bangladesh/>

Recommendation

- a. Take urgent safety measures on roads and highways.
- b. Clarify and elaborate the terms 'compensation', 'insurance', and 'prosecution' in the draft Road Transport Act, 2017.

FREEDOM OF ASSOCIATION AND ASSEMBLY

Freedom of Association

13. The Foreign Donations (Voluntary Activities) Regulation Act 2016 contains provisions that are detrimental to the space needed for NGOs to operate autonomously.¹¹

Recommendations

- a. Repeal all regressive and restrictive provisions of the law.
- b. Involve NGOs in amending the law and preparing the Rules of the Act to mitigate risks.

Freedom of assembly

14. The LEA and security forces have been alleged to use excessive force and to arbitrarily apply the law to prevent the right to peaceful assembly, including by accusing peaceful protestors of 'attempt to murder' or 'defamation'. Police regularly bar rights activists, trade union workers or opposition political parties from holding processions or rallies.¹² Even

11. Section 14 makes it an offence for any person/ NGO to make a comment on the Constitution and constitutional bodies by any individual /NGO which is 'indecent' and 'inimical'. There are widespread concerns that this provision is not only designed to suppress dissent but is also detrimental to the constitutional right to freedom of expression and association. It has made HRDs and rights-based NGOs, especially those working on governance, anti-corruption, rule of law and justice related issues, most vulnerable. As per the statement issued on October 9, 2016 from a joint press conference by a group of eighteen leading national and international NGOs working in Bangladesh analysing the implications of the Act, expressing concerns and calling for amendment, available at <https://www.ti-bangladesh.org/beta3/index.php/en/media-release/5042-2016-10-09-11-47-33>; <http://www.thedailystar.net/frontpage/ngos-term-new-law-oppressive-1296727>

12. On 28 July, 2016 as the National Committee to Protect Oil, Gas and Mineral Resources, Power and Ports brought out a procession towards the Prime Minister's Office demanding cancellation of the contract between the GoB and India for establishing a power plant in Rampal, at the mouth of the world heritage site of the Sundarban forest, the police sprayed tear gas, and baton charged the procession to disperse it, leaving 50 people wounded. The main opposition Bangladesh Nationalist Party (BNP) did not get permission to hold meetings on 7 November and on numerous occasions in 2016 and 2017, and earlier for a rally on January 5, 2015 demanding declaration of a fresh election a year after the January 5, 2014 elections, which took place under a boycott of the main opposition parties. The government refused to give permission to hold this rally and the main leader of the opposition party was confined in her own office for days. The government stated this was to prevent violence. From the very next day violence spread all over the country. Just as this violence deserves condemnation in the strongest words possible, not allowing the opposition party to practice its democratic rights in the pretext of preventing violence is also condemnable. A democratic society must offer rights and opportunities for peaceful political movements.

students and environmental activists were not spared when they assemble to demand their rights.¹³ (Annex 1)

Recommendations

Ensure equal application of the law to protect peoples' right to association and assembly and to bring to justice all violators.

FREEDOM OF EXPRESSION (FoE)

Tolerance of different opinions / killings of bloggers, free thinkers

15. Bangladesh has witnessed killings of bloggers and publishers - 'free thinkers'- since 2013, as well as LGBT activists. In most cases, LEAs have failed to apprehend those responsible, with several accused allegedly killed in 'crossfire'. Disturbingly, LEAs and government officials have also, 'victim blamed' accusing them of 'hurting religious sentiment' by their writings or opinions or actions.¹⁴

Recommendations:

Take effective measures to ensure freedom of expression and thought of citizens without fear of attack and harassment by state and non-state actors, and bring to justice those who are responsible for killings, attacks and threats against them.

FREEDOM OF PRESS (FoP)

16. The state of press freedom in Bangladesh shows reasons for concern.¹⁵

17. Indiscriminate abuse of laws on sedition, criminal defamation and certain forms of online speech (section 57 of the ICT Act) including proscriptions on 'hurting the image of the state' and 'religious sentiment', have created a state of intimidation and fear among journalists, media and broadcast houses, and the public. Section 19 of the draft Digital Security Act 2017 replicates the same provisions as 57 of ICT Act. In 2016 a total of 117 journalists were physically tortured, sued, attacked, received

13. From 2013 to 2017 (June), 1014 people were killed and 50,864 injured in political violence

14. On 15 February 2013, Ahmed Rajib Haider a blogger was killed with machetes because of his writings. F bloggers and a publisher were murdered for their secularist views in 2015 alone. Many activists were in fear of further attacks, and some fled the country. The attacks continued into 2016, with a blogger and a professor killed in separate incidents by militants in April. <http://www.bbc.com/news/world-asia-34517434>

15. Reporters Without Borders (RWB), in its 2017 World Press Freedom Index report, ranked Bangladesh 146th among 180 countries in terms of freedom of the press, available at <https://rsf.org/en/ranking#>

death threats, or subjected to various forms of harassment at the hands of LEAs. Contempt laws on scandalisation of the court laws were also used widely against journalists' intellectuals and social activists.

Recommendations

- a. Ensure all journalists and media institutions can perform their professional duties without fear, intimidation and harassment.
- b. Repeal Section 57 of the ICT Act and refrain from passing any similar repressive legal provisions.
- c. Stop arbitrary use of sedition and criminal defamation to harass political opposition, civil society and voices of peaceful dissent.

RIGHTS OF HRDs

18. During 2013-16, fourteen HRDs working for gender equality, LGBT rights, freedom of religion, and justice were hacked to death.¹⁶

Recommendation

- a. Conduct immediate and transparent investigations of the killings of HRDs and ensure prosecutions and exemplary punishment as per law.
- b. Reform Section 377 of the Penal Code 1860 to put an end to stigma, discrimination, harassment and violence against persons with diverse sexual orientations and gender identities.

RIGHTS OF VICTIMS AND WITNESSES

19. No stand alone law has been adopted regarding victim and witness protection, including for victims of sexual violence, despite a pending a High Court directive in BNWLA vs. Government of Bangladesh, Writ Petition No. 8769 of 2010.

Recommendation

Enact a Victims and Witnesses Protection Act including criminalisation of disclosure of identity of victims and witnesses.

16. 'Victim Blaming: Bangladesh's Failure to Protect Human Rights Defenders', Front Line Defenders November, 2016 https://www.frontlinedefenders.org/sites/default/files/front_line_defenders_bangladesh_report_final_16_november_2016.pdf

INDEPENDENCE AND EFFECTIVENESS OF STATE MACHINERIES

Judiciary

20. On July 3, 2017, after the Supreme Court's landmark judgment declaring a 2014 constitutional amendment (empowering parliament to impeach apex court judges) as void, parliamentarians and ministers¹⁷ made comments demonstrating a lack of mutual trust and respect between the judiciary and parliament. A parliamentary resolution was adopted to take steps against the judgment including filing a petition to review the verdict, and personal, communal and vituperative attacks were made against judges and lawyers. On October 2, the Chief Justice reportedly went on 'medical leave' in debatable circumstances and amid speculations of being forced to do so by the Government.

21. In 2009, the lower judiciary was formally separated from the executive, but this is yet to be fully effective. There are no legal criteria for appointment of Supreme Court judges, despite High Court guidelines.

National Human Rights Commission (NHRC)

22. The NHRC is far from independent and effective due to gaps in its founding act; absence of provisions regarding investigations of allegations of rights violations committed by the military and LEAs; and lack of authority to prosecute perpetrators. The Commission's institutional capacity remains limited. The process for selection of Commissioners does not fully comply with the Paris Principles.

Anti-Corruption Commission (ACC)

23. The ACC has deficits in enforcing its legal and institutional mandate due to insufficient prosecution and leadership capacity to operate without fear or favour of political or administrative influence.¹⁸

17. The ruling Awami League-led 14-Party alliance has described the judgment as 'irrelevant, unacceptable and deliberate' as reported in bdnews24, available at: <http://bdnews24.com/bangladesh/2017/08/14/dont-be-rattled-by-cjs-thoughts-on-16th-amendment-quader>, and repeatedly made personal and communal attacks on the Chief Justice in Parliament and outside.

18. Transparency International Bangladesh, National Integrity System Assessment Bangladeshi, available at https://www.ti-bangladesh.org/beta3/images/2014/fr_nis_NICSA_14_en.pdf

Information Commission (IC)

24. The IC lacks sufficient capacity to respond effectively to non-compliance of the Right to Information Act. Lack of proper documentation and an archaic system of documentation are also major problems for ensuring people's right to information.

LEAs

25. Allegations of crimes by LEAs (EJK, abuse of power, torture, rape and extortion) and corruption are a matter of serious concern.¹⁹ Although, according to police sources, actions are taken for crime and corruption, public trust in LEAs in general and police in particular continues to be low.

Recommendations

- a. Complete separation of judiciary from executive and influence of other organs of the state.
- b. Strengthen watchdog institutions (NHRC, ACC and IC) and ensure adequate resources and that they can operate independently.
- c. Rigorously monitor enforcement of the RTI Act and adopt RTI Implementation Plan of Action engaging stakeholders.
- d. Take stern action against LEAs officials involved in crime and corruption.

IV. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Land Rights

26. The poor farmers, minorities and indigenous peoples continue to be dispossessed of their land by government agencies for infrastructural projects, export processing and special economic zones, cantonments and commercial spaces resulting in HR violations, loss of livelihoods and food security, environmental degradation and inequity.

27. Serious concerns remain regarding the lack of legislation and a responsive state mechanism to address land grabbing; non-compliance

19. 'No holds barred for corrupt police officials', Dhaka Tribune, June 9, 2013.
<http://archive.dhakatribune.com/law-amp-rights/2013/jun/09/no-holds-barred-corrupt-police-officials>

with the Vested Property Return Act, 2001; non-recognition of IP's customary land rights; and lack of enforcement of existing laws.²⁰

Recommendations

- a. Ensure protection of land rights, especially religious minorities and IPs, ensuring prosecution and punishment of land grabbers.
- b. Ensure speedy disposal of Vested Property return cases and implement judgments for return of such property to original owners.

Right to Health

28. General health services, including reproductive and mental health services, particularly in remote areas, remain inaccessible, resulting in deaths of children.²¹ Weak accountability systems are a major concern.

Recommendation

Improve collaboration and coordination between government and other stakeholders, as well as strict monitoring for transparent and accountable utilization of resources.

Sexual and Reproductive Health and Rights (SRHR)

29. While policies recognise certain aspects of SRHR —maternal health, access to contraception, adolescent and reproductive health, menstrual hygiene management- others such as access to education and information, access to services, including menstrual regulation for adolescents, and recognition of gender diversity are neither recognised nor addressed. Colonial era laws continue to govern original draft on lack of any single policy seems very weak.²²

Recommendation

Adopt a comprehensive strategy on SRHR, ensure SRHR education and develop a comprehensive curriculum for adolescents and young people, and repeal laws that deny rights to gender identity and diversity.

20. Section 97 of the State Acquisition and Tenancy Act 1950 (safeguards on land transfer by IPS) remained ineffective due to non-compliance.

21. In July, 2017 nine IP children at Tripura Para, Sitakunda, Chittagong died from measles due to lack of vaccinations, available at <http://en.prothom-alo.com/bangladesh/news/157569/2m-children-at-risk-of-measles>

22. The 7th Five Year Plan, the National Population Policy (2012), Health Policy (2011), Maternal Health Strategy 2011-2016, Integrated National Policy on HIV/AIDs and STI-related Issues and Adolescents Reproductive Health Policy 2003. , http://mohfw.gov.bd/index.php?option=com_content&view=article&id=74&Itemid=92&lang=en

Right to Shelter

30. There is no public housing scheme for low-income groups, nor any plans to provide shelter to the 2.3-3 million-slum dwellers in Dhaka or other cities who live in inhuman conditions, and face continued threats of forced evictions, despite adoption of the National Housing Policy 2017, and High Court guidelines to ensure prior rehabilitation/resettlement of slum dwellers.²³

Recommendations

a. Enact laws to provide safeguards against forced eviction, and the right to adequate housing, in compliance with General Comment 7 of the CESCR, the UN Basic Principles and Guidelines on Development-based Evictions.

b. Stop all evictions without prior rehabilitation for slum residents, ensure tenurial rights for low-income groups and slum-dwellers, and allocate budgets and impose legal requirements on developers to provide for social housing.

Right to Food

31. A large proportion of the population suffer from food scarcity.²⁴ GoB's steps in dealing with such crisis were inadequate. NGOs were reportedly barred from helping suffering people.²⁵

32. Food adulteration continues to be of concern due to non-enforcement of laws and absence of adequate monitoring.

Recommendations

a. Ensure food security for all, and take effective measures to prevent food adulteration.

b. Take immediate action to implement the National Food Policy 2006.

23. In 2016, tension arose between residents and police who aided a forced eviction in Kalaynpur slum in the winter leaving elderly women and children without shelter despite there being an order of stay from the High Court, and without any prior rehabilitation, available at <http://archive.dhakatribune.com/bangladesh/2016/jan/21/chaos-erupts-over-kalyanpur-slum-eviction-drive>.

24. Severe food crises were reported in Thanchi, Bandarban of the Chittagong Hill Tracts (CHT) region in 2016 (some 1,500 indigenous families) and in Sajek, Rangamati in 2017

25. The GoB allocated only 10 tonnes of food grains for people from 20-25 remote villages in Sajek, CHT who had been starving for over three months, available at <http://www.dhakatribune.com/bangladesh/nation/2017/04/28/food-crisis-continues-sajek-villages/>. According to local HRDs, the administration also barred local NGOs from distributing relief in affected areas.

Right to Education

33. Concerns have grown among citizens and academics about the falling quality of education. Despite the progress made in the education sector over the years, less than 5% of Bangladeshi adolescents, aged 12 to 17 were enrolled in secondary education.²⁶

34. No Integrated Education Act exists to ensure children's rights to education and extension of compulsory primary school to at least to 13 years of age.

35. Contents in school textbooks intended to promote secular education were replaced by those with religious bias without any explanation.²⁷

Recommendation

- a. Enact an integrated education law immediately ensuring quality education and extending compulsory primary education to at least 13 years of age.
- b. Invest more in education and ensure transparent and accountable governance, and accessibility, in all levels of education.

V. WOMEN'S RIGHTS

36. Limited progress made to ensure improved women's rights, peace and security and no initiative taken to withdraw reservations to Articles 2 and 16(1)(C) of the CEDAW, or to enact a Uniform Family Code or replace discriminatory personal laws regarding marriage, divorce, inheritance, guardianship and custody.

37. Concerns regarding the special provision of the recent enactment of the Child Marriage Restraint Act 2017 which creates exceptions to prosecution of adults for marrying children under 18 in certain cases, were exacerbated by reports of marriage of underage rape victims are being forcibly forced married ages of rape victims with to perpetrators have been reported.²⁸

26. "No more excuses: Provide education to all forcibly displaced people", May 2016, Page 4. <http://unesdoc.unesco.org/images/0024/002448/244847E.pdf>

27. 'To Secular Bangladeshis, Textbook Changes Are a Harbinger', New York Times, 22 Jan 2017. <https://www.nytimes.com/2017/01/22/world/asia/bangladesh-textbooks-radical-islam.html>

28. 'First child marriage under special provision of new law held in Bangladesh', Bdnews24, 24 March 2017. available at <https://bdnews24.com/bangladesh/2017/03/24/first-child-marriage-under-special-provision-of-new-law-held-in-bangladesh>

38. Discriminatory policies, ineffective laws or lack of enforcement as well as social stereotypes, contribute to the persistence of Gender Based Violence (GBV) in families, work and public places, dowry related violence, rapes, acid attacks, 'fatwas', stalking and sexual harassment, with 18,763 GBV cases reported in 2013–2016 (Annex 3). Access to legal redress is limited, with minimal action to comply with High Court Guidelines on preventing and punishing sexual harassment. Economic justice for working women remains a far cry.

Recommendations

- a. Withdraw reservations on CEDAW and adopt a plan of action immediately on implementing the National Women's Policy.
- b. Criminalise all forms of GBV including marital rape, sexual abuse, discrimination and harassment and ensure justice, security and reparation for victims.

VI. CHILDREN'S RIGHTS

Violence against Children

39. Violence against children has become a major concern, with increasing numbers of children being subjected to killing, torture, rape in homes, schools, communities, workplaces as well as corporal punishment in school and madrasas. Regardless of High Court directives²⁹ and government circulars, due to lack of enforcement, children continue to face corporal punishment with 963 incidents reported (2014-16) including deaths and suicides.

Child Labour

40. Bangladesh is yet to ratify ILO Convention 138. Children continue to be employed in hazardous occupations and domestic work, and exploited through low wages, long hours, physical abuse and deprivation from

29. On January 13, 2011, the High Court banned all forms of corporal punishment and sought actions against teachers engaged in inflicting corporal punishment on students Bangladesh Legal Aid and Services Trust and ASK and others vs Bangladesh and others, Writ Petition No. 5684 of 2010, https://www.blast.org.bd/content/judgement/wp_5684of2010.pdf the Government passed circular prohibiting corporal punishment in all educational institutions across the country in August 2011 <http://www.thedailystar.net/prohibiting-corporal-punishment-in-educational-institutions-23825>

education. Inadequate number of labour inspectors and weak law enforcement also play a role in perpetuating child labour.³⁰

The juvenile justice system

41. Gross maltreatment of juvenile delinquents, arbitrary arrests of child vagrants, school dropouts, beggars, sex workers and drug addicts are commonplace, so are custodial physical and sexual abuse. No attempt has been made to rise the age of criminal responsibility for juvenile offenders as committed.

Recommendations

- a. Ensure prevention and speedy trial of child torture and rape, make appropriate budgetary provision and ensure strong monitoring to eliminate child labour.
- b. Finalise draft Rules of Children Act 2013.
- c. Establish an independent Child Rights Commission consistent with global good practice.

VII. WORKERS' RIGHTS

Factory workers

42. Despite good progress after the Rana Plaza disaster, poor working conditions and safety standards, low wages, irregular payment of wages, weak implementation of union rights continue and workers are often targets of violence for union activities. In 2016 alone at least 496 RMG workers were injured in police violence and many held in prison for months.

Migrant workers

43. Even after the Overseas Employment and Migrant Workers Act 2013, detention after penalty periods, harassment and torture overseas continued.

30. Snapshot of Success, available at <https://resourcecentre.savethechildren.net/sites/default/files/documents/crc402520report2028bangladesh292020th20november202014.pdf>

Domestic workers

44. Limited enforcement of the Domestic Workers Protection and Welfare Policy 2015 means domestic workers continue to face abuse, violation of rights including protection and very low salaries.

Transport workers, ship breakers and fishers

45. Unsafe working conditions, exposure to health hazards and lack of security in occupations related to the transport, ship breaking and the fishing industry leave workers prone to a high risk of grave injuries and deaths at work. Low wages, absence of contracts and lack of monitoring along with absence of social or legal protection add to their vulnerability and deprivation of basic rights.

Recommendations

- a. Review the minimum wage structure to make it consistent with cost of living and move to provide "living wage" in all sectors.
- b. Ratify ILO Conventions -189, 188 and 102.
- c. Ensure full implementation of the Labour Act 2006 to guarantee freedom of association, the right to collective bargaining, workplace safety and security.

VIII. RIGHTS OF INDIGENOUS PEOPLES, MINORITIES, AND VULNERABLE GROUPS

46. No concrete progress has been achieved to improve the conditions of rights of IPs, other minorities and vulnerable groups with attacks on religious minorities and indigenous people.

Rights of PWDs

47. The Rights and Protection of Persons with Disabilities Act 2013 remain far from fully implemented.

Recommendations

Ensure full implementation of the RPPD Act, enhance specific budgetary provision, and implement targeted social safety net programmes for education and other benefits of PWDs.

Rights of IPs

48. Although articles 27 and 28 of the Constitution guarantee equality for all citizens and prohibit discrimination of any kind, IPs lacks express constitutional recognition.

49. IP lands continue to be acquired in the name of development and security, with numerous cases of land grabbing and associated violence recorded.³¹

50. Implementation of the 1997 CHT Accord, especially resolution of land disputes, remains much below the desired and possible level. The CHT Land Commission remains ineffective. No progress has been made on adopting Rules of the Land Commission Act.

51. Plain land IPs face severe HR violations, especially in the hands of land grabbers burning and looting in the presence LEAs and security forces.³²

52. IPs are also increasingly being victimized by arbitrary detentions, torture and killings.³³ Kapaeng Foundation, from 2007 to 2016, reported at least 492 incidents of violence against IP women and girls.

Recommendations

- a. Ensure constitutional recognition of IPs without delay.
- b. Fully implement the CHT Accord and withdraw military camps from the CHT.
- c. Develop policies to stop further in-migration of Bangalee settlers and adopt specific plans for withdrawal of settlers from the CHT.

31. According to Kapaeng Foundation, in 2016, over 15,430 acres of IP land faced acquisition, mostly for Special Economic Zones (SEZs), tourist spots and reserve forests to be set up. On February 15, 2016, the Forest Department issued a gazette notification declaring 9,145 acres of land of Madhupur Garh tract as reserved forest. Locals fear that more than 15,000 IPs and ethnic Bangalees now face eviction or being diversely affected.

32. Almost 200 houses belonging to indigenous Santals in Bagda Farm-Sahebganj area were set on fire and reduced to ashes by land grabbers in the presence of LEAs and security forces in Gaibandha district in November 2016.

33. In 2016, 'false' cases were filed against 191 IPs and at least 99 IPs were physically tortured and harassed, 297 IP houses (including a Buddhist temple) were searched and ransacked by LEAs and 3 communal attacks on IPs were carried out, with their houses and properties destroyed and looted by fanatics, land grabbers and settlers in 2016. On April, 2017 a young student, Romel Chakma, was reportedly tortured and killed after being picked up by army personnel in Naniyarchar, Khagrachari. His dead body was not handed over to his family, denying them the right of performing funeral rituals. In June 2017 a communal attack took place in Longadu, Rangamati where around 300 houses of IPs were looted and burnt to ashes and an elderly lady, Gunomala Chakma, was burnt alive, all in the presence and allegedly with the help of LEAs and Armed Forces.

- d. Provide necessary support to the CHT Land Commission to function effectively. Adopt Rules of the Land Commission Act.
- e. Form a separate Land Commission for Plains IPs.

Rights of religious minorities

53. Bangladesh has witnessed an increase in the number of incidents of killings of minorities during 2013-17.³⁴ Hindu priests, temple servers, Christians, Ahmadiyas and Buddhists were targeted, with many injured and killed.

Recommendations

Take strict and effective measures to end the culture of impunity and conduct campaigns to stop attacks on religious minorities.

Rights of sexual minorities

54. Sexual minorities are discriminated against, stigmatised and harassed due to their sexual orientation³⁵, gender identity, behaviour and sexual practices, both by the state and non-state actors.³⁶

Recommendations

- a. Acknowledge the existence of sexual and gender minorities, and ensure review of laws and policies to recognise diversity.
- b. De-criminalise consensual adult same-sex relations.
- c. Ensure rights to association of sexual minorities.

Rights of Dalits

55. Legal and policy measures to protect Dalit rights remain absent, with the draft Anti-Discrimination Act still under consideration after more than 3 years.

Recommendations

Adopt anti-discrimination legislation and ensure its effective enforcement, including targeted awareness and attitudinal change to recognize equal rights of Dalits.

34. According to ASK, in 2016 seven Hindus and two Christians were killed in targeted attacks, available at <http://www.askbd.org/ask/2017/01/08/hindu-community-january-december-2016/>

35. On May 19, 2017, police raided a community centre on the outskirts of Dhaka and arrested 27 men from a private event and paraded them before national television stations. 'Police just arrested 27 men 'for homosexuality' in Bangladesh', The Washington Post, May 19, 2017. <http://wapo.st/2w4rptb>

36. After the killing of 2 LGBT rights activists, a number of them left the country for fear of life.

Rights of linguistic minorities

56. Linguistic minorities, including IPs and Urdu-speakers, are subjected to discrimination in recognition of their identity, education, employment, sanitation and housing, and face regular threats of eviction.

Recommendations

- a. Ensure greater recognition of language rights of IPs
- b. Guarantee reintegration and rehabilitation of Urdu-speaking minorities and protection against forced evictions.

Rights of Refugees-Rohingya's

57. Although Bangladesh continues to fail to ratify the 1951 Refugee Convention, GoB has provided humanitarian help to over 500000 Rohingyas' who fled to Bangladesh for life after the recent atrocities by the Myanmar government.

Recommendations

- a. Ratify the 1951 Refugee Convention and ensure, with international support, the maximum possible guarantee of basic human rights of the Rohingya refugees.
- b. Redouble bilateral and multilateral diplomatic efforts through regional and international forums to ensure safe and speedy return of all Rohingya refugees to Myanmar.

IX. HUMAN TRAFFICKING

58. Implementation of the 2012 Prevention and Suppression of Human Trafficking Act and of the national action plan remains far from effective. Conviction rate of the offenders remain very low.³⁷

37. Investigations, prosecutions, and convictions of trafficking crimes decreasing in recent years, along with a decrease in the number of victims identified. According to media reports, Bangladeshi authorities prosecuted 481 alleged traffickers in 2015, with just four people convicted, compared with 15 convictions in 2014. In 2016 there were 302 prosecutions and just three convictions. Many cases were withdrawn or were settled out of court for reasons including the length of time proceedings take and the inability to provide sufficient security to victims and witnesses.

Recommendation

Conduct effective and transparent investigations to ensure conviction of those who are allegedly involved in human trafficking, especially government and LEA officials and personnel suspected of being involved as well as recruiting agents.

X. CLIMATE CHANGE

59. Bangladesh is among the countries most vulnerable to the adverse impacts of global climate change.³⁸ While the flow of promised funds as compensation from the developed industrialized countries remains almost negligible, extensive efforts are on to implement adaptation and mitigation projects mainly from budgetary sources. The substantial deficit in transparent and accountable implementation of projects with climate funds remains a problem, with accelerated threats and vulnerabilities of affected people and communities. Infrastructure projects, such as heavily debated coal-based Rampal power plant near the Sundarbans, are being implemented without due consideration of threats to the environment.

Recommendations

- a. Ensure effective governance, especially accountability, transparency and participation, in the implementation of projects using climate change adaptation and mitigation funds.
- b. Freeze the construction of Rampal power plant until Strategic Environment Impact Assessment is conducted as recommended by UNESCO. Ensure that no other infrastructure projects are undertaken without credible and internationally acceptable environmental impact assessments.

38. Transparency International Bangladesh, "Climate Finance in Bangladesh: Governance Challenges and Way Out", https://www.tibangladesh.org/beta3/images/max_file/fr_cfg_October_13_en.pdf; <https://germanwatch.org/fr/download/13503.pdf>

XI. CONFORMITY WITH INTERNATIONAL STANDARDS

60. There is limited compliance with international human rights standards with reservations outstanding, compliance with UN human rights mechanism and cooperation with special procedures remains modes.³⁹

Recommendations

- a. Ratify CED, OP-CAT, OP1-ICCPR, OP-2-ICCPR, OP-ESCR, Refugee Convention, OP on Status of Refugees, OP3 to CRC, ILO Conventions 169 and 189.
- b. Withdraw reservations to CAT, CEDAW, CERD, CRC, ICCPR, ICESCR.
- c. Submit reports to treaty bodies ensuring effective consultation with civil society before submission.
- d. Accept requests for visits from Special Procedures and issue standing invitations.

39. For instance, the GoB has not cooperated effectively with the UN Special Procedures. Within the reporting period, only two Special Rapporteurs visited Bangladesh. Special Rapporteur on freedom of religion or belief visited Bangladesh from August 31 to September 09, 2015. The Special Rapporteur on violence against women, its causes and consequences, conducted an official visit to Bangladesh from May 20-29, 2013.

ANNEX 1

Reports of extrajudicial killing, political violence, enforced disappearance and mob beating (2013-September,2017)

Issue	2013	2014	2015	2016	2017 (Sept)	Total
Extrajudicial killing	208	154	192	195	125	874
Political violence	Death: 507 Injured: 22407	Death: 147 Injured: 8373	Death: 153 Injured: 6318	Death: 177 Injured: 11521	Death: 44 Injured: 3506	Death: 1028 Injured: 52125
Enforced disappearances	72	88	55	97	50	362
Mob beating	128	127	135	51	51	481

Source: ASK (<http://www.askbd.org/ask/>)

ANNEX 2

Border Violence (2013– September,2017)

Year	Death by Shooting	Type of Death not Specified	Death by Physical Torture	Injury	Abduction	Return after Abduction
2017 Jan-Sep	10	0	6	26	37	13
2016	23	1	7	39	24	20
2015	32	0	14	73	59	31
2014	16	1	16	63	110	67
2013	12	0	14	84	175	49
Total	93	2	57	285	405	180

Source: ASK (<http://www.askbd.org/ask/>)

ANNEX 3

Reports of VAW (2013–2016)

Type of Violence	Total			
	2013	2014	2015	2016
Rape	696	666	808	840
Gang rape	185	174	199	166
Murder after rape	94	99	85	44
Attempt to rape	153	115	142	165
Sexual harassment	40	44	68	80
Burnt by acid	46	51	37	38
Death due to acid burn	4	4	1	1
Burnt by fire	26	22	35	67
Death due to fire burn	27	36	24	23
Kidnapping	131	118	97	132
Trafficking of women & children	17	11	47	34
Sale to brothel	10	19	18	11
Murder for dowry	245	236	202	173
Torture for dowry	194	195	183	189
Physical assault	239	258	302	413
Violence on domestic worker	36	37	37	31
Murder of domestic worker	28	39	30	25
Suicide of domestic worker	25	10	3	7
Murder	829	898	714	762
Attempt to murder	44	68	51	76
Suspicious death	172	183	167	284
Suicide	386	341	336	337
Attempt to commit suicide	22	18	12	24
Provocation to suicide	37	16	11	27
Stalking	470	444	328	318
Suicide because of stalking	24	21	22	11
“Fatwa violence”	24	29	28	27
Child marriage	67	93	94	177
Torture by police	37	53	37	22
Forced marriage	2	2	5	1
Others	285	206	191	252
Total	4777	4654	4436	4896

Source: Bangladesh Mahila Parishad (<http://mahilaparishad.org/>)

BMP compiled the above reports from newsreports including *Bhorer Kagoj*, Daily Observer, The Daily Star, The Independent, *Inquilab*, *Ittefaq*, *Janakantha*, *Jugantor*, *Kaler Kantha*, *Manabjamin*, The New Age, *Prothom Alo*, *Samakal*, *Sangbad*

ANNEX 4

Disciplinary action against police (2013–2016)

Year	Major Penalty	Minor Penalty
2013	13,217	761
2014	14,448	768
2015	10,492	596
2016	12,932	571

source: <http://www.dhakatribune.com/bangladesh/2017/08/13/unruly-officials-still-problem-police/>

Human Rights Forum Bangladesh (HRFB)

Human Rights Forum Bangladesh (HRFB) is a coalition of 20 human rights and development organizations working for the promotion and protection of human rights in the country. Started in 2007, the Forum was initially titled the Human Rights Forum on Universal Periodic Review (HR-UPR Forum) since its main objective was to collectively prepare the Stakeholders Report to be submitted under the Universal Periodic Review process of the UN Human Rights Council. Later in 2012, the forum has been transformed into Human Rights Forum Bangladesh (HRFB) expanding its remit to more comprehensive range of human rights issues going beyond the task of reporting under UN human rights mechanisms. Ain o Salish Kendra (ASK) is acting as the secretariat of the Forum.

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