

**TWO YEARS AFTER UPR 2018:
WHERE ARE WE?
A Mid-term Report on the Implementation of the UPR
Recommendations**

September 2018 - September 2020

HUMAN RIGHTS FORUM BANGLADESH (HRFB)

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(September 2018 - September 2020)**

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ABOUT 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, HRFB was initially titled 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 (UPR) process of the United Nations Human Rights Council. Later in 2012, it transformed into Human Rights Forum Bangladesh (HRFB), expanding its remit to a more comprehensive range of human rights issues going beyond the task of reporting under UN human rights mechanisms. Till date, HRFB has submitted stakeholders report in all the 3 cycles of UPR, as well as to the Human Rights Committee (2017), Committee on Economic, Social and Cultural Rights (2018), and the Committee against Torture (2019).

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1. [Ain o Salish Kendra \(ASK\)](#)
2. [Acid Survivors Foundation \(ASF\)](#)
3. [Association for Land Reform and Development \(ALRD\)](#)
4. [Bandhu Social Welfare Society](#)
5. [Bangladesh Adivasi Forum](#)
6. [Bangladesh Dalit and Excluded Rights Movements \(BDERM\)](#)
7. [Bangladesh Institute of Labor Studies \(BILS\)](#)
8. [Bangladesh Legal Aid and Services Trust \(BLAST\)](#)
9. [Bangladesh Mahila Parishad \(BMP\)](#)
10. [FAIR](#)
11. [Karmojibi Nari](#)
12. [Kapaeng Foundation](#)
13. [Manusher Jonno Foundation \(MJF\)](#)
14. [National Alliance of Disabled People's Organizations \(NADPO\)](#)
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ACRONYMS

ACC	Anti-corruption Commission
AD	Appellate Division
BBS	Bangladesh Bureau of Statistics
BMET	Bureau of Manpower Employment and Training
CHT	Chittagong Hill Tracts
CSO	Civil Society Organizations
DIFE	Department of Inspection for Factories and Establishments
DLR	Dhaka Law Reports
FPU	Formed Police Unit
GCF	Green Climate Fund
HCD	High Court Division
LEA	Law Enforcement Agencies
MoCHT	Ministry of Chittagong Hill Tracts
MoFA	Ministry of Foreign Affairs
MoHA	Ministry of Home Affairs
MoHFW	Ministry of Health and Family Planning
MoLE	Ministry of Labor and Employment
MoLJA	Ministry of Law, Justice and Parliamentary Affairs
MoPA	Ministry of Public Administration
MoSW	Ministry of Social Welfare
MoWCA	Ministry of Women and Children Affairs
NDC	Nationally Determined Contribution
NHRC	National Human Rights Commission
NLASO	National Legal Aid Services Organization
OCC	One-Stop Crisis Centres
OSH	Occupational Safety and Health
RAB	Rapid Action Battalion
GD	General Diary
OC	Officer-in-charge
DSA	Digital Security Act
a2i	Aspire to Innovate
RMG	Ready-made Garment
VSC	Victim Support Centres
GBV	Gender-based Violence

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EXECUTIVE SUMMARY

The United National Human Rights Council (UNHRC) reviewed the human rights situation in Bangladesh under the previous cycle of the Universal Periodic Review (UPR) process in 2018. During this review, 251 recommendations were made, of which Bangladesh accepted 178 recommendations and noted 73 recommendations. This mid-term report aims to inform all the relevant stakeholders about the status of implementation of the Government's commitment towards the recommendations it accepted and shed light on the evolving human rights situation in the country.

Despite the Government's efforts to participate and engage in several international human rights mechanisms, its response to the Special Rapporteurs' communications have been grossly irregular and, in some cases, absent during the last two cycles. A majority of the recommendations under this category suggested ratification or accession to international treaties or conventions. Over 78.5 percent of the recommendations were noted during the review, over 14 percent were partially implemented, and over 7 percent had not been implemented.

Among several rights violations, the right to life and liberty in particular was severely threatened during this reporting period, resulting in the shrinking of civic spaces. Despite the alarming rate of violence including extrajudicial killings, enforced disappearances, custodial torture and deaths, only a small percentage of perpetrators are held accountable as the prosecutorial and judicial processes are significantly hindered by the lack of impartial and fair investigations. The Government has taken some steps to encourage the law enforcement agencies (LEAs) and security forces to abide by the national and international standards in countering criminal and extremist activities. It has also attempted to educate these agencies on national and international laws as well as human rights. However, the frequency of incidents involving the high rates of violence raise serious doubts about the impact and effectiveness of such training.

The Government did not take any visible steps towards ensuring citizens' freedoms of expression and press, and rights to vote, political association and assembly during this reporting period. Although the Government repealed key provisions of the Information and Communication Technology Act, 2006, it re-introduced further draconian provisions through the Digital Security Act (DSA) 2018. This new law not only set at naught any progress with regards to freedom of expression and press, but its repressive use and consequent violation of rights were further exacerbated on account of the pandemic. Over 46.5 percent of the recommendations under this category were noted, while around 14 percent were partially implemented; and 37 percent were not implemented.

The government has made limited progress on account of strengthening institutions that address rights violations and remedies. The Government made some effort towards developing the National Human Rights Commission's (NHRC) capacity through the deployment of human, financial and technical resources. However, its mandate and functions are still limited,

particularly with regards to its ability to address human rights violations committed by the LEAs and security forces. The absence of a transparent and open selection process, appointment of ex-government employees as chair and members, and failure of the commission to adequately address major human rights violations have diminished public confidence in the commission.

The Government has strengthened the capacity of the Anti-Corruption Commission (ACC) by variously addressing issues of institutional independence, specific appointment and removal processes of Commissioners, and investigation and prosecutorial powers. However, there appeared to be little progress on its ability to effectively carry out its mandate as the overall prosecution rate continues to be low.

Avenues for judicial remedies continue to suffer from structural problems, particularly on account of lack of judicial independence despite the formal separation of the judiciary from the executive in 1999. In addition, judicial proceedings are routinely affected by a prevailing culture of impunity, corruption, and lack of implementation of laws. These issues undermine judicial independence and impartiality and weaken the overall effectiveness of the legal system. Over 73 percent of the recommendations under this sub-heading have been partially implemented, while over 10 percent have not been implemented at all.

During the reporting period, the Government continued to combat violence against women and children. Incidences of sexual, and domestic or intimate partner violence remain widespread. Although the Government undertook some measures to prevent child marriage and child prostitution, these did not translate into concrete outcomes such as reforming existing laws that enable child marriages on account of a low minimum age for marriage. Child labour and violence against children continue to persist despite efforts from the government to address these issues. The recommendations dealing with rights relating to gender and sexually diverse population were noted by the government during this reporting period. The Government took some positive steps for officially recognizing the rights of the Hijra community. It announced that the upcoming National Census 2021 will include and recognize 'Hijra' as a separate gender in addition to 'male' and 'female'. While this step is laudable, the state is yet to make similar progress with regards to sexual minorities and other gender identity groups in Bangladesh who are not part of the Hijra tradition. Of the recommendations under this category, over 44 percent were noted, around 37.5 percent were partially implemented, and a little over 22 percent were not implemented, i.e., no action was taken against them.

The recommendations provided for the rights of other vulnerable groups including minorities and persons with disabilities were not actively implemented during this reporting period. The Government's endeavors towards advancing the rights of persons with disabilities have resulted in minimal infrastructural changes in some public places. Thus, much more state-sponsored initiatives and incentives are required to make education, health care and public services accessible. Both the Hindu and Ahmadiyya communities continued to be subjected to violence and harassment, resulting in injuries and damage to property through looting, vandalizing and arson in multiple incidents throughout the reporting period. The Government's inaction continues to perpetuate the impunity enjoyed by the perpetrators of these human rights

violations and exacerbates the conditions of insecurity under which these communities continue to live. The government's failure to recognize the plights of the indigenous communities continued to alienate them from properly exercising their rights. For instance, Indigenous communities in the Chittagong Hill Tracts (CHT) have continued to face violence and harassment in the hands of settler population in the area with little to no intervention from the Government.

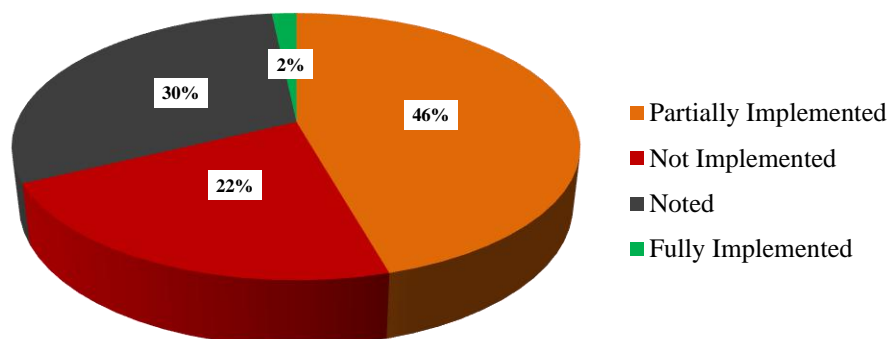
Bangladesh continued to host the displaced Rohingya communities and its decision to support the efforts for ensuring justice and accountability regarding atrocities in Myanmar must be welcomed. The Government has also continued to facilitate education for the Rohingya community and provided connectivity in the camps, which deserve positive recognition. However, the opportunities for employment and means of securing livelihood are still lacking and significant restrictions on free movement within the camps are still in place. In addition, the Government has relocated some residents of the camps in Cox's Bazar to the Bhashanchar area and there are concerns about similar basic provisions in this new location. Overall, 50 percent of the recommendations under this category were partially implemented, and over 8 percent were not implemented.

The Government was particularly active in continuing its efforts to improve socio-economic development in its bid to transform Bangladesh into a middle-income country by 2021. However, the COVID-19 pandemic posed significant challenges. Despite some government measures and initiatives in place on account of the pandemic, the Government was unable to effectively improve the health and education sector of the country and combat rising inequality across Bangladesh. It failed to prioritize vulnerable groups, especially women, children, persons with disabilities and the elderly in the implementation of its national social security strategy. Overall, over 93 percent of the recommendations under this category have been partially implemented, though the Government still has some way to go for fully implementing them.

The Government made some concrete efforts towards addressing the wage gap between men and women. It also continued to strengthen the labour inspection authorities to ensure additional safety for the workers at workplaces around the country. For Bangladeshi migrant workers abroad, however, the Government has failed to take active steps towards ensuring a healthy and safe working environment free from job insecurities, incidents of inhuman and cruel treatments at the workplace, and wage theft. Its measures to ensure some efficiency in the recruitment system of migrant workers is not yet effective in actively reducing trafficking and other violence against migrant workers. The Government did work towards amending the Bangladesh Labour Act, 2006, but in so doing, it disregarded the suggestions of the relevant stakeholders and maintained a pro-employer approach that benefitted the owners more than the employees. The Parliament also enacted the Bangladesh Export Processing Zone Labour Act 2019 that addressed various aspects of labour issues but did not provide for the formation of trade unions, and also did not fully guarantee the freedom of association for furthering workers' demands. Under this category of worker's rights, no visible steps have been taken against 40 percent of the recommendations.

Bangladesh continues to face significant challenges in adapting to the impacts of climate change. While Bangladesh has committed to implement adaptation measures, it is struggling to mobilize public finance to that end due to poor governance, corruption, irregularities, and inefficiency in climate fund distribution and utilization. All the recommendations under this category have only been partially implemented.

Overall, as is evident from this report, Bangladesh has progressed on some fronts but faces significant challenges ahead. The overall assessment of the progress of implementation of recommendations is represented below:



The Government should continue to work towards implementing these recommendations. Accordingly, the HRFB recommends the following to respective actors:

Recommendations to the Government:

- Hold the perpetrators of human rights violations to account and ensure adequate remedies and reparations for victims of violations.
- Ensure independence, proper and effective functioning of independent state institutions.
- Implement UPR recommendations in line with the Constitution of the People’s Republic of Bangladesh and international human rights obligations.
- Prepare a time bound and specific national plan of action for the implementation of the accepted recommendations with adequate budget and resource allocation.
- Establish an effective monitoring mechanism to monitor the progress of implementation of the national plan of action.
- Identify the challenges faced by the Government for the implementation of the recommendations.
- Take initiatives to form an inter-ministerial coordination team to review the status of implementation.
- Involve members of parliament in the implementation process and discuss the implementation progress in parliament.
- Initiate regular dialogues with concerned experts and civil society organizations at different levels of implementation and during the adoption of the national plan of action.
- Increase communication with civil society organizations regarding the UPR.

- Ensure inclusiveness and participation of marginalized communities facing discrimination due to caste, race, religion, ethnicity, language, disability, statelessness, sexuality, gender identity on the basis of rights and accessibility.
- Incorporate gender analysis in the implementation of UPR recommendations.
- Ensure ministries and agencies of the government are informed of the UPR recommendations and their respective responsibilities.
- Work to ensure an enabling environment for accepting the noted recommendations in the next review.

Recommendations to the NHRC:

- Strengthen its investigation and fact-finding initiatives to respond to human rights violations by law enforcement agencies and security forces.
- Advocate with the Government to adopt a national plan of action for implementing the UPR commitments.
- Regularly follow up the implementation process and provide suggestions to the Government.
- Develop and submit mid-term and/or periodic reports on the implementation of UPR commitments to the United Nations Human Rights Council.

Recommendations to the international community:

- Follow up with the Government on the implementation of the recommendations and provide technical support if needed.
- Continue communication with the Government to prepare the ground for accepting noted recommendations in the upcoming review.

It is hoped that this mid-term report will assist in taking stock of progress so far and catalyze corrective action in time for the next UPR. HRFB will continue to monitor and report progress for the next cycle.

BACKGROUND

The human rights situation of Bangladesh has been reviewed by the UNHRC in three cycles, in 2009, 2013 and 2018, respectively. In each passing cycle of the review, the number of recommendations received by Bangladesh in the UPR outcome documents has increased. In its first and second cycle, Bangladesh received 48 and 196 recommendations, respectively.

On 14 May 2018, Bangladesh was reviewed for the third time during the UPR 30th Session in Geneva. A Government delegation led by the Minister of Law, Justice and Parliamentary Affairs (MoLJPA) attended this session. Representatives of multiple national, regional, and international human rights organizations and civil society organizations (CSOs), including a delegation of Human Rights Forum Bangladesh (HRFB), were present in the review session. During this review, a total of 251 recommendations were received from 105 countries around the globe on several significant human rights issues. On 20 September 2018, an outcome document of this review was adopted by the UNHRC with the incorporation of the recommendations from all member states. Of the total recommendations, Bangladesh accepted 178 while it noted 73 recommendations.

In the two years following this review, the Human Rights Forum Bangladesh (HRFB) held multiple consultations with the relevant ministries and stakeholders. In these consultations, HRFB emphasized the requirement and the importance of adopting a national implementation plan. However, progress on this front has been limited. The Ministry of Foreign Affairs (MoFA) had undertaken some initiatives with support from the United Nations Resident Coordinator's Office. A total of four (4) workshops had been designed to that end, which envisaged bringing together relevant stakeholders to draft a national action plan. However, only 2 out of the 4 workshops focusing on specific themes related to such a national plan had been held in 2019 and 2020, respectively. In addition, the representatives of line ministries, i.e., the MoLJPA, Ministry of Home Affairs (MoHA), Ministry of Women and Children Affairs (MoWCA), Ministry of Social Welfare (MoSW), Ministry of Health and Family Welfare (MoHFW), Ministry of Labour and Employment (MoLE), etc., only focused on their actions and achievements in these workshops. These respective ministries neither highlighted the challenges in implementation, nor identified future actions. Representatives of CSOs were also invited to these workshops, but there were limited opportunities for them to effectively engage in the process. Furthermore, the Department of Women Affairs had drafted an implementation plan focusing the recommendations on gender-based violence (GBV) in consultation with stakeholders. Taken together, the Government is yet to formulate a strong monitoring and reporting framework for the UPR recommendations.

The UPR was initiated in 2018, and as such 20 September, 2020 marked the mid-term of that process. The HRFB prepared this mid-term assessment report to review the UPR commitments made by the Government in 2018 and examines the status of implementation of the recommendations that Bangladesh received. In doing so, the report identifies existing challenges in the implementation process and suggests ways forward to the Government to ensure effective and timely implementation of the recommendations before the next UPR review.

This report has tried to highlight the synergies between the UPR and Sustainable Development Goals (SDGs). The SDG Agenda 2030 is unequivocally anchored in human rights and most of the targets are linked to international human rights standards. For this report, the SDGs that are in

line with the recommendations under different thematic areas have been identified in order to measure Bangladesh's progress with respect to those goals, which include:

- GOAL 1: No poverty
- GOAL 2: Zero hunger
- GOAL 3: Good health and well-being
- GOAL 4: Quality Education
- GOAL 5: Gender Equality
- GOAL 6: Clean Water and Sanitation
- GOAL 8: Decent Work and Economic Growth
- GOAL 10: Reduced Inequality
- GOAL 13: Climate Action
- GOAL 16: Peace, justice and strong Institutions
- GOAL 17: Partnerships to achieve the above goals.

Finally, this report concludes with some general recommendations on executing a successful well-coordinated implementation process.

METHODOLOGY

This report is based on a desk review of reports, including those from Forum member organizations as well as other organizations working on relevant issues, and newspaper sources for cases in which individual reports were not found. The reporting period was chosen from September 2018 to September 2020. The report was developed by way of inviting comments and assessments from member organizations whose organizational strength and programmatic focus corresponded to the themes of the respective UPR recommendations.

To facilitate understanding the implementation status of the recommendations in the report, the recommendations have been color coordinated as below:

[GREEN]	Fully Implemented: Visible steps taken to fully comply with the recommendation
[ORANGE]	Partially Implemented: Some steps taken, or actions taken to implement the recommendation and some progress made
[RED]	Not Implemented: No visible actions taken towards implementing the recommendation and no visible progress
[BLACK]	Noted: Recommendations that were noted during the review

LIMITATIONS

This report assesses 239 recommendations on compliance, implementation, and engagement with international human rights mechanisms; ratification and accession of human rights treaties; civil and political rights; independence and effectiveness of national institutions; women’s rights, children’s rights, rights of gender diverse population; rights of vulnerable groups; right to economic, social, and cultural rights; right to work; and environmental protection and climate change. The report does not assess the remaining 12 recommendations related to terrorism, trafficking, and violent extremism. Due to the multiplicity and variance in the recommendations, the report also does not track and review the implementation progress of all recommendations. As the report was prepared during the pandemic, one of its major limitations was the inability to hold in-person meetings or consultations to review relevant documents and case records.

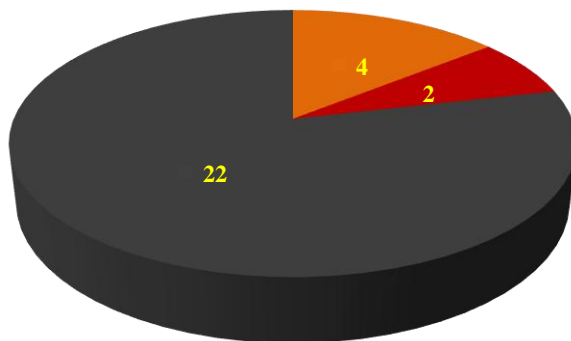
STATUS OF IMPLEMENTATION

Compliance with International Human Rights Mechanism

Cooperation, Ratification, Implementation and Engagement with International Human Rights Mechanisms

TOTAL RECOMMENDATIONS (28) [6 ACCEPTED | 22 NOTED]

SDG Goal 16 and 17



Implementation and Engagement with International Human Rights Mechanisms

147.1	Continue constructive cooperation with the United Nations human rights mechanisms (Tajikistan)
147.2	Continue its cooperation with the United Nations and its mechanisms to protect and promote human rights (Kuwait)
147.4	Incorporate provisions of international human rights instruments to which it is a party into its domestic legislation (Zimbabwe)
147.5	Make further efforts to strengthen existing national legislation to address discrepancies and to enact new legislation to implement international human rights instruments it is a party to (Bhutan)
147.6	Continue to bring its national legislation and policies fully in line with its international commitments (Barbados)
149.19	Issue and implement a standing invitation to all special procedures (Czechia)
149.20	Respond positively to pending visit requests by special procedure mandate holders of the Human Rights Council and consider extending a standing invitation to all mandate holders (Latvia)

Currently, Bangladesh is a signatory to 8 (eight) of the 9 (nine) United Nations human rights treaties.¹ Through its cooperation and participation in this review session, Bangladesh has

¹ They are: International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of all forms of Discrimination against Women, Convention on the Rights of Children, Convention on the Rights of Persons with Disabilities, International Convention on the Elimination of all Forms of Racial Discrimination, International Convention on the Protection of the Rights of All

succeeded in engaging with treaty body monitoring mechanisms of all of the eight treaties to which it is a signatory. During the third UPR cycle, the Government noted most of the recommendations related to cooperation, ratification, implementation, and engagement with international human rights mechanisms. This was in some contrast to the previous two cycles during which most of the recommendations under this category were accepted.

There has been no progress, statement, or comment made by the Government towards ratifying the UN Convention on Enforced Disappearance to date. The Committee against Torture reviewed Bangladesh for the first time under the United Nations Convention against Torture (UNCAT) in July 2019.² It has been requesting the Government to submit its initial state report since it ratified UNCAT. However, when it did not receive a response, the Committee notified the Government to submit its report nine months prior to the review accompanied by a note stating that failure to do so would result in review of the state without the initial report. Although the Government agreed to participate and submit its report for the review, their submission was made merely a week before the review session without any detailed consultation or discussion with human rights organizations and CSOs. This gave the Committee little time to review Bangladesh's report. Moreover, the state report only highlighted the existing legal and institutional framework, the High Court's Directives, and Bangladesh's compliance with the international framework without detailing the measures in place for the implementation of such laws, policies and directions. The report emphasized the adequacy of the Torture and Custodial Death (Prevention) Act 2013, to address issues of torture, but it failed to present any evidence of the law's application in ensuring justice by holding perpetrators of torture accountable or providing reparation to victims. The shadow report submitted by HRFB to the Committee against Torture, highlighted one known case filed under the 2013 Act in relation to the death of a young man named Johnny in police custody as the Bangladesh Legal Aid and Services Trust (BLAST) was providing legal aid to the victim's family. On 9 September 2020, more than six years after the case was filed, the Metropolitan Sessions Judge's Court in Dhaka finally concluded the trial and found three police officers guilty of custodial torture under the 2013 Act. The Court sentenced the three police officers to life imprisonment and a fine of BDT 100,000 each, and ordered the three police officers to pay BDT 200,000 each to the plaintiffs as compensation.

Bangladesh was elected as a member of the UNHRC for a three-year term from 2019 to 2021. According to the Government, the election result was indicative of the international community's trust and confidence in Bangladesh. The Government made around 30 pledges, which included (among others) the following:

- Continue to enact and update national legislation to implement the international human rights instruments.
- Further strengthen and empower the statutory and watchdog bodies, to continue to preserve freedom of the press and promote the constructive role of

Migrant Workers and Members of Their Families and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

² Available at: https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/BGD/CAT_C_BGD_1_5838_E.pdf

civil society and print, electronic, and social media in the promotion of human rights at all levels.

- Continue to preserve the independence of the judiciary, and so on.

Unfortunately, these pledges do not seem to correspond with the existing situation of the country.

With respect to the drafting of laws in line with Bangladesh’s international obligations and compliance with international human rights standards, many new laws were enacted by the Parliament, which replaced older ones. These include, for example, the Dowry Prohibition Act, 2018, which repealed the earlier Act of 1980; provisions (54, 55, 56, 57, 66) of the Information and Communication Technologies Act, 2006, which was repealed but replaced by similar provisions in the DSA 2018; the Lunacy Act 1912, which was repealed and, in its place, the Mental Health Act (2018) was enacted; the Narcotics Control Act 1990, which was repealed, and replaced by the Narcotics Control Act, 2018.

With respect to the status report following the review session of the treaty bodies, as of 2020, Bangladesh has not yet submitted:

- the status report on 3 priority issues identified by the Human Rights Committee on Civil and Political Rights—early marriage and harmful traditional practices, extrajudicial killings and enforced disappearances, and torture and ill-treatment, despite the lapse of 3 years since the review.
- its 1-year status report on the priority issues shared by the Committee on Economic Social and Cultural Rights (CESCR), despite the lapse of 2 years since the review.
- its 2-year status report detailing steps undertaken to implement the Anti-Discrimination Act as requested by the Committee on the Elimination of all forms of Discrimination against Women (CEDAW), despite the lapse of 4 years since the review. While an Anti-Discrimination Bill has been drafted, it continues to await enactment in the Bangladeshi Parliament.

Ratification and Accession of Human Rights Treaties

148.1	Ratify the main international human rights instruments (Zambia)
148.2	Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Madagascar)
149.1	Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Spain)
149.2	Accede to the First Optional Protocol to the International Covenant on Civil and Political Rights (Iceland)
149.3	Consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Uruguay)
149.4	Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro) (Iceland) (Togo) (Spain)

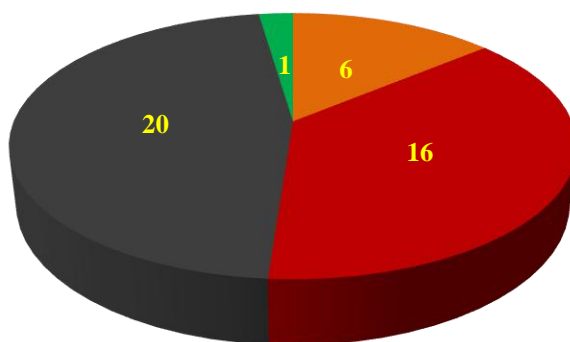
149.5	Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Japan) (Bosnia and Herzegovina) (Iraq) (Senegal) (Togo) (Ukraine) / Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (Peru)
149.6	Ratify the International Convention for the Protection of All Persons from Enforced Disappearance without reservations before the next universal periodic review (Greece)
149.7	Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Bosnia and Herzegovina) (Ukraine)
149.8	Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark)
149.9	Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Poland)
149.10	Consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment at the earliest convenience (Ghana)
149.11	Take steps to accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Sri Lanka)
149.12	Ratify the ILO Minimum Age Convention, 1973 (No. 138), the Indigenous and Tribal Peoples Convention, 1989 (No.169), and the Domestic Workers Convention, 2011 (No. 189) for the protection of the rights of all migrant workers and the members of their families (Madagascar)
149.13	Ratify the ILO Minimum Age Convention, 1973 (No. 138) and Occupational Cancer Convention, 1974 (No. 139) for the elimination of child labour (Spain)
149.14	Accede to the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees to better assist and protect these persons in distress (Côte d'Ivoire)
149.15	Consider becoming a party to the Convention relating to the Status of Refugees, of 1951 (Georgia)
149.16	Become a party to the Convention relating to the Status of Refugees, of 1951 (New Zealand)
149.17	Ratify the Convention relating to the Status of Refugees, of 1951, and ensure the short- and long-term conditions for the dignified, safe, and voluntary return of displaced persons to their place of origin (Switzerland)
149.18	Remove the reservations to article 2 and article 16 (1) (c) of the Convention on the Elimination of All Forms of Discrimination against Women (Latvia)
149.21	Enhance its fight against impunity and torture including by ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and establishing a national preventive mechanism accordingly (Czechia)

Most of the recommendations regarding the ratification of all international human rights conventions (especially the Convention on Enforced Disappearances) or respective optional protocols were noted during the review session in its third UPR cycle. As of the date of this report, the Government's position had not changed with regards to these noted recommendations. However, the Government has finally accepted the recommendation with respect to ratifying the Optional Protocol to the Convention on the Rights of the Child without any comments after initially deferring it—though Bangladesh is yet to take any concrete steps towards ratifying it. Other than this, there was little visible effort on the Government's part to ratify the un-ratified or un-acceded treaties or to accede to the concerned optional protocols, or to initiate discussions at the ground level with relevant stakeholders regarding the same. Moreover, Bangladesh has not extended standing invitations to the nine (9) Special Procedure mandate holders who have requested visits to the country. It is, thus, evident that the Government's engagement and response to the Special Rapporteurs' communications have not only been irregular but also inadequate.

Civil and Political Rights

TOTAL RECOMMENDATIONS (43) [23 ACCEPTED | 20 NOTED]

SDG Goal 5, 10 and 16



Right to Life and Liberty

147.7 Bring legislation in conformity with the obligations under the International Covenant on Civil and Political Rights by repealing restrictive provisions that limit the rights of journalists, human rights defenders, and civil society organizations to freedom of expression and free speech (Latvia)

147.8 Promptly implement the recommendations accepted in the second cycle of the universal periodic review, on extrajudicial executions, and enforced disappearances, and against torture (France)

147.22 Ensure security forces abide by relevant national and international standards in countering criminal and extremist activities (Australia)

147.23 Ensure that police officers are adequately trained and instructed to investigate reports of harassment, attacks and death threats against journalists, media workers, human rights defenders and activists and ensure the protection of those under threat in accordance with international human rights law (Finland)

147.54 Promptly and thoroughly investigate all allegations of extrajudicial execution or enforced disappearance and bring those responsible to justice (Switzerland)

147.65 Take effective measures to ensure that the press can work free from the oppression by instances of censorship, threats, physical assaults, and killings (Slovakia)

147.66 Take prompt and effective measures to ensure that freedom of assembly and expression extends in practice — both online and offline — to all people, media, civil society, and political parties, throughout the upcoming election campaign and beyond (Canada)

147.67 Protect freedom of expression in media, politics and religion, and work with civil society to address concerns regarding section 57 of the Information and

Communication Technology Act (United Kingdom of Great Britain and Northern Ireland)
147.68 Review all existing and proposed legislation relating to freedom of expression, both online and offline, to ensure that it fully complies with the relevant international standards (Ireland)
147.69 Take effective measures to ensure freedom of expression and end all assaults on journalists and human rights defenders, as well as ensure that the proposed Digital Security Act is in line with international standards (Estonia)
147.70 Guarantee freedom of expression in the Digital Security Act (France)
147.71 Ensure democratic space for all political actors, including the implementation of domestic laws, without restrictions on the exercise of the rights to freedom of expression and of peaceful assembly (Switzerland)
147.72 Continue to invest in information and communications technologies for its large youth population, with a view to ensuring a better standard of living (India)
147.73 Safeguard freedoms of political expression and association, without reprisals, censorship, intimidation or restrictive legal action, and that Bangladesh safeguard the independence of media (New Zealand)
147.74 Continue efforts to protect freedom of expression and freedom of religion or belief for all citizens and residents, and to support civil society participation (Poland)
147.75 Publicly commit to ensuring that journalists, bloggers, human rights defenders, and civil society organizations can carry out their activities without fear of surveillance, intimidation, harassment, arrest, prosecution, or retribution (Austria)
147.89 Investigate all cases of murder and violence against journalists and bloggers and bring the perpetrators to justice (Slovakia)
147.79 Ensure a free, fair, and inclusive general election, with full participation of all parties, and increase efforts to strengthen democracy (Japan)
148.3 Enforce constitutional provisions safeguarding freedom of expression, including by amending Section 57 of the Information and Communication Technology Act and relevant provisions of the draft Digital Security Act (Australia)
148.12 Enhance efforts to prevent cases of torture and enforced disappearance and to prosecute perpetrators (Italy)
148.13 Review and amend the laws that restrict freedom of expression, such as section 57 of the 2006 Information and Communication Technology Act (Mexico)
148.14 Review and redraft the proposed Digital Security Act to ensure online freedom of expression (Norway)
148.15 Redraft the Digital Security Act in line with international norms and standards for freedom of expression (Sweden)
148.16 Thoroughly investigate extrajudicial killings, abductions and forced disappearances taking place within law enforcement agencies, while also ensuring that the perpetrators are brought to justice (Sweden)
148.17 Investigate all allegations of human rights violations by the police and security forces and take legal steps so that those responsible for enforced disappearances, custodial torture and extrajudicial killings are held accountable (Norway)

149.33	Ensure that threats and violence against human rights defenders, and in particular women defenders and LGBTI defenders, because of their work or perceived or actual gender identity, are effectively prosecuted and do not go unpunished (Belgium);
149.36	Abolition of the death penalty (Benin) (Portugal) (Czechia)
149.37	Adopt the legislation abolishing the death penalty and establish a moratorium on all pending executions (Slovakia)
149.38	Reduce the number of crimes to which the death penalty applies as a step towards eventual abolition of the death penalty (Australia)
149.39	Enact a moratorium on the use of the death penalty with a view to abolishing it (Holy See)
149.40	Introduce a moratorium as a first step towards final abolition of the death penalty (Austria)
149.41	Establish a moratorium on executions as a first step towards the abolition of the death penalty (Belgium)
149.42	Establish a moratorium on the death penalty as a first step towards complete abolition of this practice (Italy)
149.43	Establish a moratorium on the death penalty with a view to its abolition (Chile)
149.44	Continue the process of edging out the death penalty with a view to totally abolishing it (Namibia)
149.45	Decriminalize defamation and include it in the Civil Code in accordance with international standards, and take steps to create an independent broadcast licensing authority (Estonia)
149.46	Revise media laws, in consultation with civil society, to decriminalize “defamation” and “hurting religious sentiment”, and limit proposed extended jail terms for these offences (United States of America)
149.47	Expand its democratic space online and offline in which opposition politicians, journalists, human rights defenders, and other civil society members can operate freely and without fear for their lives, and to this end revise section 57 of the Information and Communication Technology Act and amend the Foreign Donation Regulations Act (Czechia)
149.48	Ensure that human rights activists and journalists can exercise their rights without fear, intimidation and harassment by redrafting the planned Digital Security Act, and repealing or amending all laws that violate the rights to freedom of expression, association and peaceful assembly, including the provisions of the Penal Code related to defamation and sedition, the Information and Communication Technology Act (in particular section 57), and the Foreign Donations (Voluntary Activities) Regulation Act, in line with international human rights law (Germany)
149.49	Repeal the Information and Communication Technology Act (2006), as amended in 2013, or modify the Information and Communication Technology Act to bring it in line with international law and standards (Greece)
149.50	Repeal all laws and policies that restrict the activities and rights of its citizens and civil society organizations, including the Information Communication Technology Act of 2006 and the Foreign Donations Regulation Act of 2016 (Netherlands)

149.52 Strengthen measures to prevent, investigate, and hold security forces accountable for human rights violations and abuses, including providing an update on investigations into the alleged disappearances of Mir Ahmed Bin Quasem and Amaan Azmi (United States of America)

149.53 End impunity by conducting thorough investigations and criminal prosecutions of human rights violations and abuses against human rights defenders, journalists, bloggers and LGBTI (Germany)

Extrajudicial Killings and Torture

Since the second UPR cycle, the Government has taken no visible steps to implement the recommendations on extrajudicial killings, enforced disappearances or torture. There are numerous allegations against the LEAs of torture and custodial death. According to ASK's documentation from September to December 2018, a total of 102 persons were victims of extrajudicial killings and 3 attempted suicide in custody.³ From January 2019 to September 2020, a total of 596 persons were allegedly victims of extrajudicial killings, of whom 5 reportedly died from illness while in custody and 3 committed suicide. Thus, in the current reporting period, a total of 709 persons died extra-judicially while in official custody of the LEAs. Furthermore, a total of 589 allegations of killings have been reported in various news media from May 2018 to September 2020 following the so-called anti-drug drive in Bangladesh.⁴ Of the alleged deaths caused by extrajudicial killings during this period, twenty-seven (27) reportedly died after being physically tortured before and/or after arrest.

The government of Bangladesh has seldom adopted substantive efforts to maintain a zero tolerance policy towards human rights violations perpetrated by LEAs. Occasional measures taken by the Government to address these violations have included, at the most, either closing particular agencies within the LEAs or transferring members of LEAs. While the Government generally claims that it conducts departmental inquiries when allegations against the members of the LEAs surface, those reports, or actions are not always publicly available. Thus far, there have been little to no visible independent investigations of the allegations of custodial torture or those concerning the extrajudicial killings. The Government has also taken some initiatives to encourage the LEAs and the Rapid Action Battalion (RAB) to abide by national and international standards in countering criminal and extremist activities. However, widespread incidences of extrajudicial killings, torture and custodial deaths raise serious doubts about the impact and effectiveness of such training.

In most instances of custodial torture or deaths, victims or their families rarely seek legal redress due to threats or fear of further reprisals. As of the date of writing this report, there have been a total of 18 cases filed under the Torture and Custodial Death Prevention Act (2013). In 14 of those cases, the police submitted final reports citing 'factual errors.'⁵ Out of the remaining 4

³ Available at: <http://www.askbd.org/ask/category/hr-monitoring/>

⁴ According to the statistics collected by ASK Documentation Unit.

⁵ Available at: <https://epaper.prothomalo.com/?pagedate=2020-9-10&edcode=71&subcode=71&mod=1&pgnum=1&type=a>

cases, only 1 case involving the custodial torture and death of Ishtiaq Hossain Johnny led to a significant judgment. This case involved 5 perpetrators, 3 of whom were LEA officers. The Court imposed a sentence of life imprisonment to each of the LEA officers and all 5 convicts were fined BDT 100, 000 each and another 6 months in jail in the event of defaulting payment of the fine. Furthermore, the three police officers were ordered to pay BDT 200,000 to Johnny's family. This was the first ever successful judgment under the Torture and Custodial Death (Prevention) Act (2013), which secured some justice for the victims of torture, albeit after six and a half years of judicial process. An appeal, however, has been filed and the case is currently awaiting hearing in the High Court Division (HCD) of the Supreme Court of Bangladesh.

The alleged extrajudicial killing of Major (retired) Mohammad Sinha (36) in the Cox's Bazar district in July 2020 has given cause for fresh concern on the issue of human rights violations by the LEAs and the RAB. On the night of 31 July, 2020, Major (retd.) Sinha was driving with some companions to Cox's Bazar from Teknaf. He was stopped at a police check-post in Shaplapur, Baharchora Union, Teknaf and later shot by Inspector Liaqat Ali. The police claimed to have acted in self-defense when Major (retired) Sinha aimed his pistol at the police officers on the scene upon their attempts to search the vehicle, from which drugs were also seized later. However, eyewitnesses claimed that the police shot Major (retired) Sinha soon after he descended from his car and put his hands over his head upon being stopped at the check post.

This incident is noteworthy as 13 officers of the LEAs and security forces allegedly *prima facie* involved in the incident were arrested. They have also been removed from active duty. This incident, however, has contributed to a steep fall in the number of extrajudicial deaths per month. Thus, the trend analysis shows, from January to September 2020, the numbers of deaths were 23, 27, 37, 16, 29, 28, 50, 3 and 3 per month, respectively. Among the 6 people that died since Major (retired) Sinha's death, only one 1 was killed in crossfire, 3 died from physical torture, and 2 died from illness while in custody of the LEAs.⁶

Enforced Disappearance

According to ASK documentation, in the period between September 2018 and September 2020, there were 38 allegations of enforced disappearances. Of these, 18 persons are still missing.⁷

Although the Government refuses to acknowledge or even recognize that enforced disappearances frequently occur in Bangladesh,⁸ victims and witnesses of enforced disappearances continue to insist that such incidents are pervasive. According to *Mayer Daak*,⁹ 97 people were victims of enforced disappearances in 2018 alone, which was the highest in a

⁶ Available at: <http://www.askbd.org/ask/statistics-on-human-rights-violations-monthly-update/>

⁷ Documentation Unit, ASK, Enforced Disappearances.

Available at: <https://www.askbd.org/ask/category/hr-monitoring/enforced-disappearance/>

⁸ Committee Against Torture, 'Concluding Observations on the initial report of Bangladesh' (07 August 2019) [4] <<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrCAqhKb7yhsqRP%2BqMxsHC871CAd8ka3DUUpHWZxnSYlrsZb%2BjutT8cwUmdLcjzTGdyUVFhyA3LMfy86GCE%2BvjgX1E8Z61aCE24rf03z5%2FQYIO95H7EP7rO>>

⁹ Mayer Daak is a platform of families who had lost family members to enforced disappearances.

year recorded in the last decade. Of these, 12 were found dead, 23 are still missing, and the rest either returned after a certain amount of time or were found arrested by different LEAs.¹⁰

Michael Chakma, a leader of the United People's Democratic Front (UPDF), a political party of indigenous peoples based in CHT, and the central General Secretary of the United Workers' Democratic Front (UWDF), was reported missing from 9 April 2019. There were multiple instances that raised confusion regarding the status of filing General Diary (GD) of his missing. While the Sonargaon Police informed Dhonoggo Chakma that apparently a GD was already filed when he went to file one, later when the receipt for the GD was requested, they assured they would provide it at a later date. Upon further request, they then denied having any copy of the GD. They even refused to file a new GD. After Michael's elder sister, Suvadra Chakma filed for a writ petition of habeas corpus, on 21 May 2019, the HCD asked the Home Ministry to submit a report to it in five weeks on the progress of investigation into the whereabouts of Michael Chakma.¹¹ The Inspector General of Police shared how they could not find anybody named Michael Chakma in any prisons in Bangladesh. On 4 November 2019, the Court further ordered the police to register a missing person's GD. In January 2020, when Sunoyon Chakma, general secretary of Pahari Chhatra Parishad went to the Sonargaon Police Station to file a GD, they allegedly refused, although the Officer-in-Charge (OC) of the Police Station claimed that they registered it.¹² It is to be noted that there were about 10 to 12 cases filed against Michael. As of the writing of this report, Michael Chakma is still missing.

During the first review of Bangladesh by the Committee against Torture in July 2019, Mr. Anisul Huq, Minister of Law, Justice and Parliamentary Affairs of Bangladesh leading the State delegation claimed that 'there has been a tendency for quite some time to label all cases of missing [persons] with enforced disappearances. This is done with the obvious intention of maligning the Government and its achievements.'¹³ The Minister's statement aligns with the Government's general denial of incidents of enforced disappearances in Bangladesh and its position that these are simple instances of abduction, kidnapping or missing persons. There are currently no visible initiatives to amend or introduce any new laws or other policy measures to address enforced disappearances.

Death Penalty

Death penalty or capital punishment continues to be the highest form of punishment applicable under Bangladeshi law. There is currently no indication that the Government intends to call for a moratorium on the use of the death penalty. Currently, around 15 different laws impose the death penalty as the maximum punishment for various offences.¹⁴

¹⁰ Available at: <https://www.thedailystar.net/frontpage/news/intl-day-the-victims-enforced-disappearances-truth-dwells-their-silence-1953169>

¹¹ Available at: <https://www.newagebd.net/article/73164/hc-asks-for-progress-report-on-probe>

¹² Available at: <https://www.dhakatribune.com/bangladesh/dhaka/2020/01/16/michael-chakma-s-disappearance>

¹³ Available at: <https://www.hrw.org/news/2019/08/22/enforced-disappearances-met-denials-bangladesh>

¹⁴ Penal Code 1860; Air Force Act 1953; Navy Ordinance 1961; The International Crimes (Tribunals) Act, 1973; Arms Act 1878; Special Powers Act 1974; Flight Safety Protection Act; Women and Children Repression Prevention Act 2000; Women and Children Repression Prevention (Amendment) Act 2020; Acid Offense Prevention Act 2000;

Recently, the Women and Children Repression Prevention (Amendment) Ordinance 2020 was enacted through a presidential order. It provides for the death penalty as the maximum punishment for rape. This decision came on the heels of a nationwide movement demanding reform in rape laws, particularly after a significant increase in the rate of violence against women and instances of rape and gang-rape of women and children (most notably, the incident of a woman being gang-raped in Begumganj, Noakhali).¹⁵ The movement comprised of activists, civil society, academicians, students, and others. It primarily focused on the lack of justice for victims/survivors and the impunity enjoyed by the rapists and perpetrators, and demanding reform in the rape laws of the country. The civil society and activists emphasized the 10-point demands¹⁶ by the Rape Law Reform Coalition (RLRC), which proposed reform in the adjudicative processes of the law aimed to improve proper investigation and conviction rates.¹⁷

Against this backdrop of popular demand for reform of rape laws, the government decided to increase the maximum punishment of rape under the Nari o Shishu Nirjaton Daman Ain 2000 (the Prevention of Repression of Women and Children Act, 2000) from life imprisonment to death penalty or rigorous life imprisonment. As the parliament was not in session at the time, the draft amendment was approved by the Cabinet on 12 October and placed before the President on 13 October 2020. Initially promulgated as a presidential ordinance, this law was subsequently enacted in Parliament on 17 November 2020 without any parliamentary debate. Previously, capital punishment was only reserved for incidences of death occurring because of rape. Notably, many CSOs, and women's rights groups, including HRFB and RLRC, objected to this amendment, based on the questionable rationale of imposing capital punishment on a crime such as rape, as well as the probable effect it may have on the instances of perpetrators killing the victims after rape.

Freedom of Expression and Thought, and Freedom of Press

The Information and Communication Technology Act (ICT) 2006, was amended and its controversial and restrictive provisions under sections 54-57 were repealed in 2018. However, the Government enacted the DSA 2018, and re-introduced similar restrictive and draconian provisions of the repealed ICT Act, 2006. Additionally, the cases that were filed under the controversial provisions of the ICT Act are yet to be withdrawn.

In September 2018, despite the recommendations received during the UPR review session, the parliament enacted the DSA, which criminalizes activities within the digital space under the auspices of increasing digital security. The Act has several provisions that could potentially limit civil rights, including freedom of expression and freedom of religion or belief.

Anti-Terrorism Act 2009; Human Trafficking Prevention and Suppression Act 2012; Narcotic Control Act 2018; Army Act 1952; Bangladesh Coast Guard Act 2016.

¹⁵ Available at: <https://www.thedailystar.net/backpage/news/gang-rape-begumganj-13-accused-indicted-2066265>

¹⁶ Available at: https://blast.org.bd/content/Rape%20Law%20Reform/RLRN_10-POINT-DEMANDS-ENG-FINAL.pdf

¹⁷ Rape Law Reform Coalition comprises of seventeen (17) member organizations - Acid Survivors Foundation, Action Aid, Ain O Salish Kendra, Bangladesh Mahila Parishad, Bangladesh Legal Aid and Services Trust (Secretariat), Bangladesh Women Lawyers' Association, Bandhu Social Welfare Society, BRAC, Care Bangladesh, Justice for All Now (JANO), Bangladesh, ICDDR,B, Manusher Jonno Foundation, Naripokkho, Women with Disabilities Development Foundation, We Can, Women for Women and Young Women's Christian Association.

The DSA further criminalizes hurting religious sentiment as a non-bailable offence with significant penalties. Section 28 of the new law prohibits the “publication, broadcast, etc. of such information in any website or in any electronic format that hampers the religious sentiment or values.”¹⁸ It further reads that any person or group will be considered to have committed a criminal offense under this overly vague provision if they “intentionally or knowingly with the aim of hurting religious sentiments or values or with the intention to provoke publish or broadcast anything by means of any website or any electronic format which hurts religious sentiment or values”.

The Government has completely ignored the concerns and opinions of other governments, UN agencies and civil society at both the national and international levels. Although the Government consulted with media personnel before presenting the final draft of the DSA for review in the parliament, none of the concerns about the drawbacks and restrictions pointed out by the CSOs and media personnel were addressed prior to enacting the law. Consequently, both freedom of expression and freedom of press were significantly curtailed in the final draft of the Act. Two years have passed since the adoption and enactment of the DSA, 2018, but the government of Bangladesh is yet to review and amend the law for compliance with constitutional guarantees as well as international norms and standards concerning the freedom of expression.

According to ASK Documentation, at least 63 people, including online and cultural activists and journalists, have been arrested under the DSA between October 2018 and September 2020. Their activities on social networking sites, especially Facebook and YouTube were deemed to be anti-state and supposedly against religious harmony. According to data from the Cyber Crime Tribunal, around 2,000 cases have been filed under the DSA 2018 since its enactment.¹⁹ The DSA has created a chilling effect among journalists, free thinkers, dissidents as well as general citizens, leading to wide-spread self-censorship.

According to ASK’s statistics, between September 2018 and September 2020, there were a total of 351 incidents of journalists’ harassment, of which 41 incidents involved journalists being tortured, harassed or threatened by the LEAs; 42 incidents involved journalists being attacked, harassed, or threatened by the ruling party, Awami League and its affiliated organizations; and 138 instances of cases filed by private individuals against published news reports.²⁰

According to the World Press Freedom Index 2020, Bangladesh was ranked 151, falling by one point from its ranking in 2019, which was already four points lower than what it was in 2018.²¹ The reasons cited for this regression included violence by political activists against reporters in the field, the arbitrary blocking of news websites, and arbitrary arrests of journalists.

¹⁸ Section 28, Digital Security Act, 2018, <https://www.cirt.gov.bd/wp-content/uploads/2020/02/Digital-Security-Act-2020.pdf>

¹⁹ Available at: <https://www.amnesty.org/en/latest/news/2020/10/bangladesh-escalating-attacks-on-the-media-must-stop/>

²⁰ Documentation Unit, ASK, Journalist Harassment

²¹ Reporters without Borders, ‘Tougher politics, more press freedom violations,’ available at: <https://rsf.org/en/bangladesh>.

Recently, reporters of two leading dailies, the Bengali-language Prothom Alo and the English-language Daily Star, have been prohibited from attending any of the government's press conferences for their reportage.²²

The outbreak of COVID-19 has compounded the situation in Bangladesh insofar as it relates to freedom of expression and press, which was already on a steep decline prior to the Pandemic. After the outbreak of COVID-19, the Government discouraged discussions about the Pandemic in the country in digital media platforms, further restricting citizens' rights to discuss, critique, and share opinion and dissent on an unprecedented issue that deeply impacted the lives of the people of Bangladesh. There was a sharp rise in cases filed under the DSA, 2018 on allegations against journalists who were reporting instances of irregularities, corruption, and mismanagement of aid during the Pandemic.²³ In addition to journalists, college and university teachers, free thinkers, and even school students were arrested for posting opinions on social media about the Government's alleged inadequate response to the COVID-19 situation.²⁴ Other examples of a shrinking space for freedom of expression included death threats to rights activist Sultana Kamal, historian Muntassir Mamoon and war crimes researcher Shahriar Kabir in the magazine the 'Lone Wolf, which is associated with a militant group.²⁵

Unfortunately, there were neither any progress in the investigation of cases of murder, harassment, and violence against journalists, bloggers and human rights defenders, nor ensuring justice in ongoing cases. The Government's failure to ensure the trial of the perpetrators through prompt and impartial investigation has created a culture of impunity. In this regard, the case of the couple Sagar-Runi is particularly significant. Sagar, a news editor at a private TV channel called Maasranga Television, and his wife Runi, a senior reporter at the television channel called 'ATN Bangla', were killed in the early hours of 11 February 2012 in their rented apartment in Dhaka city's West Rajabazar area. After inconclusive investigations by Sher-e-Bangla Nagar police and the Detective Branch of police, RAB was tasked with probing the matter on 18 April, 2012. 8 years into the probe, the RAB has failed to submit its report in its 74th deadline to the Dhaka Court.²⁶

Though the Government appeared to be committed to creating an enabling environment to ensure freedom of expression for all and protect human rights defenders and CSOs, it has largely failed to do so. For instance, the Government drafted the Volunteer Social Welfare Organizations (Registration and Control) Bill 2019, which calls for re-registration of NGOs under the Ministry of Social Welfare, which would significantly increase bureaucratic control over NGO operations.²⁷ This revised draft was not shared with CSOs for their feedback. Furthermore, the

²² Available at: <https://en.prothomalo.com/bangladesh/bangladesh-drops-one-notch-in-2021-world-press-freedom-index>

²³ Available at: <http://www.askbd.org/ask/2020/04/20/harassment-of-journalists-ask-expresses-concern/>

²⁴ Available at: <https://www.thedailystar.net/coronavirus-fears-2-college-teachers-suspended-for-critical-facebook-posts-1886230>

²⁵ Available at: <https://nenow.in/neighbour/top-bangladesh-human-rights-campaigners-get-death-threat.html>

²⁶ Available at: <https://www.dhakatribune.com/bangladesh/court/2020/09/08/sagar-runi-murder-probe-report-delayed-for-the-74th-time>

²⁷ Available at: <https://www.dhakatribune.com/bangladesh/law-rights/2019/06/30/ngos-decry-proposed-social-welfare-law>

Ministry of Information in Bangladesh issued a directive on 31 August, 2020 imposing new registration requirements for operating online news portals in Bangladesh.²⁸

In the early hours of 14 March, 2020, a mobile court set up at the Deputy Commissioner's office (DCO) in the Kurigram district of Bangladesh sentenced Ariful Islam, a district correspondent of The Dhaka Tribune (Bangladeshi English news daily) and Bangla Tribune (Bangladeshi Bangla news online portal) to 1 year imprisonment on charges of possession of marijuana and alcohol.²⁹ Ariful Islam has been an active journalist who had reported some of the irregular activities of the Kurigram Deputy Commissioner, Mrs. Sultana Pervin. Arif's family members have claimed that his prosecution and subsequent sentence were carried out with the intention of harassing him. Thus, these were the repercussions of his reportage and some of the contents of his social media posts relating to corruption.

On 10 March 2020, journalist Shafiqul Islam Kajol went missing after a case was filed against him under the DSA, 2018. He was missing for 53 days, after which he was located at the Benapole Police Station near the India-Bangladesh border on 3 May, 2020 while apparently crossing over to Bangladesh from India.³⁰ Once caught, he was then brought to court in handcuffs and later granted bail. However, within minutes of his release on bail, he was arrested once again under Section 54 of the Criminal Procedure Code 1898 which allows arrest merely on the ground of suspicion, as he had three different cases filed against him under the controversial DSA.³¹ This provision allows for wide latitude to LEAs for exercising official discretion and by-passing some of the requisite safeguards available to citizens, thereby providing opportunities for arbitrary arrest. Following Kajol's arrest, his family has expressed concerns about his deteriorating health and ill-treatment in jail while he was awaiting bail.³²

According to news reports, on 5 May 2020, RAB-3 picked up and detained Cartoonist Ahmed Kabir Kishore and writer Mushtaq Ahmed for posting cartoons on Facebook and comments critiquing the Bangladeshi government's response to COVID-19 pandemic. The bail petitions of both Mushtaq Ahmed and Ahmed Kishore were denied.³³ In addition to Ahmed and Kishore, Rastrochinta activist, Didarul Bhuiyan was also reportedly picked up on the evening of 5 May from his residence by a group of people identifying themselves as RAB.³⁴ He was detained

²⁸ Available at: <https://www.thedailystar.net/registration-online-versions-newspapers-tv-news-portals-tib-warns-govt-control-over-media-1954193>

²⁹ 'Dhaka Tribune journalist latest victim of custodial torture, abuse of power' Dhaka Tribune (Dhaka, 14 March 2020) Available at: <https://www.dhakatribune.com/bangladesh/nation/2020/03/14/journalist-ariful-picked-up-by-mobile-court-in-kurigram> accessed 18 March 2020.

³⁰ Available at: <https://www.thedailystar.net/frontpage/news/intl-day-the-victims-enforced-disappearances-truth-dwells-their-silence-1953169>

³¹ Available at: <https://www.thedailystar.net/frontpage/news/rule-law-kajol-indeed-1899610>

³² Available at: <https://www.thedailystar.net/frontpage/news/ailing-kajol-stuck-jail-hospital-1949765>

³³ Available at: <https://www.thedailystar.net/city/news/cartoonist-kishore-writer-mushtaq-denied-bail-again-1935001>

³⁴ Rastrochinta is a political initiative to identify the crisis of the existing state system and seek solutions to it in order to establish a just, humane and democratic state. [<https://rasstrochinta.net/>]

and his laptop and mobile phone were seized. Later on, all three i.e., Kishore, Ahmed and Bhuiyan were all shown arrested under the DSA, 2018.

While the regulatory framework within which digital media and platforms operate is increasingly coming under significant restrictions with regards to free speech, the Government has been investing in information and communication technologies. For example, the Aspire to Innovate (a2i) programme and United Nations Capital Development Fund are jointly working on launching a digital financial services innovation lab.³⁵ The Government has initiated multiple e-platforms to encourage innovative ideas through the a2i and Innovation Lab.³⁶ These innovative investments notwithstanding, the Government is yet to commit to ensuring that journalists, bloggers, human rights defenders and CSOs are free from intimidation, harassment, arrest and prosecution by the LEAs.

Notably, there is currently no adequate or sufficient legal framework in Bangladesh that protects the right to privacy, expression, and access to information of the citizens. There are many instances of recorded phone conversations between private citizens that do not concern the state's security, being leaked in social media, which grossly violate a person's privacy.³⁷ The Telecommunication Act, 2010 includes special provisions to ensure the state's security. It suggests that, when it comes to matters relating to the state's security and maintaining public order, telephone conversations can be intercepted and recorded for a period of time only by the detective agencies, national security agencies, and investigating agencies. This provision is in clear contradiction to the Constitutional provision on right to privacy. In this regard, the Post and Telecommunications Minister, Mustafa Jabbar, said that a section of the current law was being revised in order to assert more control over the leaking of mobile phone audio and video records. This was being done to provide legal protection against the leaking of personal calls without the consent of the user or official necessity.³⁸ He further stated that provisions to safeguard data privacy in DSA 2018 were also under consideration.³⁹

Against this backdrop, there have been instances of the authorities blocking online sites,⁴⁰ including international news sites like Al-Jazeera⁴¹ and The Wire.⁴² During early December 2018, the Government blocked 54 sites due to apparent national security concerns based on an

³⁵ Available at: <https://www.dhakatribune.com/business/2019/09/16/palak-digital-financial-inclusion-key-to-building-digital-bangladesh>.

³⁶ Available at: <https://ilab.gov.bd/>; <https://a2i.gov.bd/innovation-lab/>; iLAB is a joint initiative of the Aspire to innovate (a2i) programme, ICT Division, Cabinet division, UNDP and the Ministry of Science and Technology of the Government of Bangladesh.

³⁷ Available at: <https://en.prothomalo.com/opinion/op-ed/who-leak-the-personal-phone-conversations>

³⁸ Available at: <https://bdnews24.com/bangladesh/2020/10/05/data-privacy-bangladesh-moves-to-bar-leaking-of-audio-and-video-calls>

³⁹ Ibid.

⁴⁰ Available at: <https://www.aljazeera.com/news/2019/05/23/bangladesh-blocks-news-websites-in-press-freedom-gag/>

⁴¹ Available at: <https://www.aljazeera.com/news/2019/03/22/bangladesh-blocks-access-to-al-jazeera-news-website/>

⁴² Available at: <https://thewire.in/external-affairs/bangladesh-government-blocks-wire>

intelligence reports submitted by RAB and National Telecommunication Monitoring Centre (NTMC).⁴³

Freedom of Assembly and Association | Political Violence

The ruling party in office, the Awami League, started its election campaign for the 11th national parliamentary election in early 2018. From mid-2018, scores of cases were filed against the political leaders and workers of the opposition, especially one of the major political parties, that is the Bangladesh Nationalist Party (BNP), leading to arrests and prosecution. Up to October 2018, a total of 360,314 individuals were already accused and 4,650 were arrested in 4,135 cases all over the country.⁴⁴ The BNP complained that their leaders and workers at the grassroots levels and their would-be polling agents and members of different local level committees were mostly the targets of these cases. Some of these individuals were arrested under previously filed cases, while others were prosecuted under “fake cases”, including those against fictitious or dead individuals, or even persons who were not physically present at the scene of the alleged crime. Moreover, the opposition party was obstructed from holding public meetings for their campaigns.⁴⁵ These issues notwithstanding, expressions such as “a congenial environment to conduct the election prevails” were contradictorily emphasized by both the government as well as the Election Commission.

Incidences of clashes between the leaders and workers of contesting candidates, threatening of supporters, leaders and workers of the opposition parties, violence, destruction of election camps, were observed during the election. Most notably, a woman was reportedly gang-raped in Subarnachar at Noakhali district by supporters of the ruling party as she had not voted for their candidate.⁴⁶ In addition, there were reports of vote rigging,⁴⁷ election clashes,⁴⁸ ‘lunch breaks’ at the vote polling centres,⁴⁹ and other irregularities⁵⁰ during the election, leading to a rejection of the result by the opposition parties.

⁴³ Available at: <https://www.dhakatribune.com/bangladesh/government-affairs/2018/12/14/54-news-sites-blocked-based-on-intelligence-report>

⁴⁴ ‘Review Report on Goal 16: Peace, Justice and Strong Institutions’ (15 April 2019) Available at: https://4yearsdsdgs.bdplatform4sdgs.net/wp-content/uploads/2019/04/SDG-16_Peace-Justice-and-Strong-Institutions-Full-Report.pdf

⁴⁵ “Election Process Tracking: The Eleventh National Parliament Election 2018”, Problem of Good Governance in Bangladesh and Way Forward, Transparency International Bangladesh, February, 2019.

⁴⁶ Ranajit Chandra Kuri, ‘Woman gang-raped in Noakhali, 1 held’ Dhaka Tribune, 1 January 2019, available at: <https://www.dhakatribune.com/bangladesh/crime/2019/01/01/woman-gang-raped-in-noakhali-1-held>

⁴⁷ Bilkis Irani, ‘Bobby Hajjaj: Vote rigging at EVM polling centres,’ Dhaka Tribune, 30 December 2018, available at: <https://www.dhakatribune.com/bangladesh/election/2018/12/30/bobby-hajjaj-vote-rigging-at-evm-polling-centres>.

⁴⁸ Available at: <https://www.thedailystar.net/bangladesh-national-election-2018/news/8-injured-rajshahi-election-violence-1680763>

⁴⁹ Available at <https://www.thedailystar.net/bangladesh-national-election-2018/news/8-injured-rajshahi-election-violence-1680763>

⁵⁰ Opposition parties said that many of their polling agents were absent or not allowed in the polling centres or kicked out. Allegations of stuffing ballot boxes with paper the night before Election Day were also raised. Bilkis

Moreover, several by-elections of the national parliament, city corporation elections of Dhaka, and other local government elections were held in the first three months of 2020. Although the majority of the voters in these polls refrained from voting, there were allegations that the ruling party, the Awami League won elections through undue interference of government officials and ruling party activists. There was also political violence at multiple levels (both central and local elections) through the attacks and clashes between political groups, which hindered the right to peaceful assembly and association. According to ASK's statistics, between September 2018 and September 2020, a total of 8822 were injured and 112 people died in political clashes in 839 incidents.⁵¹

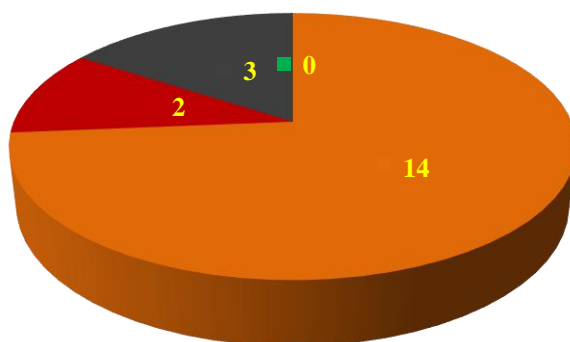
Irani, 'IAB: Vote rigging, irregularities in the election,' Dhaka Tribune, 30 December 2018, available at: <https://www.dhakatribune.com/bangladesh/election/2018/12/30/iab-vote-rigging-irregularities-in-the-election>.

⁵¹ Information from ASK Statistics.

Independence and Effectiveness of National Institutions

TOTAL RECOMMENDATIONS (19) [16 ACCEPTED | 3 NOTED]

SDG Goal 16



Strengthen National Human Rights Commission, Bangladesh

147.3	Continue to strengthen national mechanisms that strengthen the human rights situation (Sudan)
147.15	Continue to strengthen human and financial resources of the National Human Rights Commission (Turkey)
147.16	Continues to implement measures aimed at strengthening the National Human Rights Commission (Zimbabwe)
147.17	Provide the National Human Rights Commission with the resources to fully implement its mission (France)
147.18	Provide adequate financial and technical resources to the National Human Rights Commission to enable it to fulfill its mandate (Ghana)
147.19	Continue to strengthen the role of the National Human Rights Commission (Syrian Arab Republic)
147.20	Provide further support to the National Human Rights Commission to enable it to fulfill its mandate in the best manner and in line with the Paris Principles (Qatar)
148.5	Fully comply with the Paris Principles and increase the institutional capacity and financial and human resources of the National Human Rights Commission (Chile)
148.6	Continue its efforts in strengthening the capacity of its NHRI, namely the National Human Rights Commission of Bangladesh and the newly established Ombudsman (Indonesia)
149.22	Providing human, technical, and financial resources to the National Human Rights Commission, so it can fulfil its mandate and grant it a new mandate to investigate human rights violations (Honduras)

149.23 Expand the mandate of the national human rights commission to investigate all human rights violations including those involving state security actors and to provide it adequate resources, to fulfill its mandate (Namibia)

Since its inception, the lack of human and financial resources has been one of the major obstacles to the proper exercise of the NHRC's mandate. The NHRC is a statutory organization. After a lengthy process, the Ministry of Public Administration (MoPA) recently approved a proposal to appoint 40 persons, including 19 officers to the Commission.⁵² Additionally, the NHRC (Officers and Employees) Recruitment Rules 2019 were promulgated on 27 October 2020. The NHRC currently has 4 regional offices in Khulna, Rangamati (in the CHT), Cox's Bazar, and Gopalganj districts. However, the process through which an area is selected to establish regional offices and how such offices contribute to the protection of human rights in the respective areas is unclear. Additionally, these offices have not been able to play any significant role due to lack of adequate human and financial resources.

Ever since its inception, the Commission recruited its senior-ranking staff, including secretaries, directors, and joint director, through deputation on an ad-hoc basis from their parent governmental department of Public Administration, rather than recruiting them independently through criteria set by it, free from governmental interference. This practice, however, clearly contradicts the standard that was adopted by the Global Alliance of National Human Rights Institutions (GANHRI) and its Sub-committee on Accreditation (SCA), where it is specified that no recruitment for the Commission's higher officials can be made on an ad-hoc basis. Currently, there are only two officers on deputation (Secretary and Director- Investigation and Complaint) from the Government.

The selection process of the NHRC's members does not comply with the Paris Principles which emphasized an open, transparent, and participatory selection process. During the last selection process, the NHRC was left without a Chairperson for one and a half months. When the Government finally appointed a Chairperson and Members of the Commission on 22 September, 2019, former Government officials and generally perceived ruling party sympathizers appeared to have been appointed to those posts. Moreover, the CSOs were not consulted during this selection process and the method or criteria for selecting the members were not made public.

The Commission prepared a review of the NHRC Act in 2013,⁵³ and subsequently sent a letter to the Ministry of Law Justice and Parliamentary Affairs on 11 February, 2015 specifically asking for an amendment to Section 7 of the NHRC Act. This section deals with the constitution and mandate of the Selection Committee, which has the authority to appoint the Chairperson and Members of the Commission. Unfortunately, no initiatives were taken by the Government to reform these provisions based on the proposal, despite its commitment to do so.

⁵² Available at: <http://samakal.com/todays-print-edition/tp-khobor/article/18082285/>

⁵³ ANNI Report, 2015, available at: <http://www.askbd.org/ask/2015/08/31/bangladesh-failing-fulfilcommitments/>

The Government has, however, increased the allocated budget of the NHRC. In 2015-16, the budget allocated to the NHRC was BDT 4,30,96,000, whereas in 2018-19 it was BDT 6,07,60,000, amounting to around a 41% increase.⁵⁴ Currently, the Commission is receiving the allocated budget directly in its own accounts.

Some provisions regarding the financial matters in the existing NHRC Act (2009) failed to fulfil certain conditions stipulated by the General Observation 1.10 of the Sub-Committee of Accreditation,⁵⁵ which restricts the Commission’s fiscal autonomy. Allocation for funds for the Commission does not come from the line item of the national budget and thus, does not fall within the purview of the Parliament.⁵⁶

The Commission has not been able to play an effective role in resolving allegations of human rights violations by the LEAs. The table below illustrates the complaints of human rights violations against the LEAs as per the Annual Reports 2018-2019.⁵⁷

Type of Complaint	Disposed off	Pending	Under Consideration	Under Process	Total
Custodial Death	1	14	0	0	15
Custodial Torture	1	12	0	0	13
Extrajudicial Killing	5	18	0	1	24

According to the Annual Reports of the 2018 and 2019 years, only 1 complaint had been disposed of out of 15 custodial deaths reported in 2019; only 1 had been disposed of out of 13 custodial torture complaints reported in 2018; and only 5 cases had been disposed of out of the 24 complaints of extrajudicial killings, with 1 disposal reported in 2019 and 4 reported in 2018. In addition, there has been little cooperation extended by the relevant authorities to the Commission.⁵⁸

A case in point is the incident of the detention and arrest of photo-journalist Shahidul Alam under the DSA 2018, and the allegations of physical and mental torture by the LEAs as claimed by him. Following the Road Safety Movement, Shahidul Alam was detained by over a dozen police officials dressed in plainclothes, for discussing the ongoing protests in Bangladesh live with Al-Jazeera. He was detained for a total of 107 days. When Shahidul Alam’s wife Dr. Rahnuma Ahmed appeared at the NHRC the day after he was abducted to register her complaint about the torture he faced while in custody. The NHRC contacted the MoHA asking for an

⁵⁴ ANNI Report 2019. Available at: <https://www.forum-asia.org/uploads/wp/2019/10/3.0-Online-ANNI-Report-2019.pdf>

⁵⁵ General Observations of the SCA, 2013, Section 1.10, Available at: https://www.nhri.ohchr.org/EN/AboutUs/Governance/Documents/ICC_SCA_General_Observations.pdf

⁵⁶ Bangladesh Chapter, ANNI Report 2018, 130-149. Available at: https://www.forum-asia.org/uploads/wp/2018/12/2018_ANNI-Report_FINAL.pdf.

⁵⁷ NHRC, Annual Report 2018 – 2019. Available at: <http://www.nhrc.org.bd/site/page/74b9f308-8a25-4e28-a8cb-fb26daf7d93e/->

⁵⁸ Available at: <https://www.thedailystar.net/frontpage/intl-human-rights-day-today-crimes-grow-states-silence-1502635>

investigation into the matter, detailing the steps taken, and directions given by the LEAs within 7 working days.⁵⁹ It also sent a request to the LEAs, urging them to follow the Constitution, instructions of the High Court and customary laws during interrogation of suspects. Although the case was on trial, the NHRC could have verified and investigated the incident of torture (physical and mental) and the investigation conducted by the Ministry, to ascertain the authenticity and credibility between the claims being made by the journalist and others. No such action was visible on the part of the Commission.

Even the HCD of the Supreme Court of Bangladesh,⁶⁰ in its verdict on the case of Khadija Begum, a minor domestic help, stated that the Commission neglected to carry out its mandate of addressing the human rights violations and its duty to ensure justice for victims of human rights abuses.⁶¹ It has been further observed that in exercising its mandate of conducting investigations of several human rights violations (e.g. investigating the Subarnachar gang-rape,⁶² and the killing of Noakhali student Nusrat Jahan Rafi, set on fire following her sexual harassment complaint against the principal of her madrasa⁶³), the Commission did not consult any human rights and CSOs during the investigations and preparation of reports. It also neglected to follow up with the relevant government authorities responsible for ensuring justice for these violations.

Anti-Corruption Commission (ACC)

147.88 Continue its policy to improve the judicial system, the law enforcement bodies and to reduce levels of corruption and poverty (Russian Federation);

According to Transparency International's Corruption Perceptions Index 2018, Bangladesh ranked 149th among 180 countries.⁶⁴ The World Bank's Control of Corruption and the World Economic Forum's assessment of Irregular Payments and Bribes, shows Bangladesh scored 16.83% for 'Control of Corruption' in 2019, which was 18.8% in 2018.⁶⁵ Moreover, 47.7% of the surveyed companies reported incidents of bribery. According to the Global Competitiveness

⁵⁹ Available at: <https://www.thedailystar.net/star-weekend/cover-story/human-rights-how-independent-and-effective-the-nhrc-1769992>

⁶⁰ *Children's Charity Bangladesh Foundation vs NHRC* (Full judgment yet to be published)

⁶¹ Available at: <https://www.thedailystar.net/frontpage/nhrc-report-immense-power-little-application-1763932>

⁶² Available at: <https://www.thedailystar.net/country/noakhali-woman-gang-rape-not-linked-voting-national-human-rights-commission-1687024>

⁶³ Available at: <https://www.thedailystar.net/country/nusrat-jahan-rafi-murder-negligence-of-police-admin-madrasa-found-1730398>

⁶⁴ TI, Corruption Perceptions Index 2018, 2019, Berlin. Available at: <https://www.transparency.org/cpi2018> (accessed on 11 March 2019).

⁶⁵ It is a Percentile rank among all countries (ranges from 0 (lowest) to 100 (highest) rank. See World Bank, The Worldwide Governance Indicators, 2019 Update; See info.worldbank.org/governance/wgi/Home/download File (accessed on 1 October 2019).

Ranking, Bangladesh scored 28 on the indicator for ‘incidence of corruption’ and ranked 120th out of 140 countries in 2018.⁶⁶

During the reporting period, the capacity of the ACC has been variously strengthened, including aspects of its mandate, institutional independence, specific appointment and removal processes of Commissioners, and investigation and prosecutorial powers. The ACC has autonomy over its budget and has a robust staff selection process with existing stable staff.

These positive institutional features notwithstanding, the prosecution rate of the ACC is poor compared to the number of complaints lodged. Moreover, the Public Services Act of 2018, included a provision in which the ACC requires the permission of the authorities concerned before arresting any public servant prior to a court framing charges. This provision severely curtails ACC’s autonomy and power insofar as it relates to institutional independence.⁶⁷ It also contributes to giving a certain level of impunity to the public officials which makes it discriminatory in terms of its treatment of public officials and private citizens. Overall, the institutional strength of the ACC has not translated into measures that have visibly addressed corruption in the country.

Access to the Judiciary

147.82 Continue taking further steps for the strengthening of the judicial system (Tajikistan)

147.83 Ensure procedures of the International Crimes Tribunal meet fair trial standards in accordance with article 14 of the ICCPR (Greece)

147.84 Consider measures to accelerate trial process with a view to reducing pending cases and the number of pre-trial detainees as well as safeguarding their basic rights

147.85 Continue efforts to improve and speed up the processing of cases in the courts (Benin)

147.87 Strengthen the National Legal Aid Services with the necessary financial, human, and technical resources to enable effective representation of those in need (Guyana)

147.88 Continue its policy to improve the judicial system, the law enforcement bodies and to reduce levels of corruption and poverty (Russian Federation)

In 1999, the Supreme of Bangladesh declared the official separation of the judiciary from the executive in *Masdar Hossain vs. Bangladesh* [1999] 52 DLR (AD) 82. Since then, some efforts have been under way to improve the judicial system, including the appointment of many judges, the creation of new courts in every district, especially that of the Chief Judicial Magistrate courts,

⁶⁶ World Economic Forum, 2018, The Global Competitiveness Report 2018, Available at: <http://www3.weforum.org/docs/GCR2018/05FullReport/TheGlobalCompetitivenessReport2018.pdf> (accessed on 4 October 2019).

⁶⁷ The Daily Star, 21 August, Available at: <https://www.thedailystar.net/news/country/sarkari-chakori-ain-2018-in-bangladesh-may-curtail-acc-power-1623598>

appointment of legal aid officers from among judicial officers (judges) in every district to ensure access to justice for all, and the introduction of digital facilities for taking evidence.

However, the directives issued by the Supreme Court in its landmark judgment for the separation of judiciary from the executive and the judiciary's full independence are yet to be implemented. The executive and the judiciary continue to exercise dual authority primarily over the subordinate courts and judicial appointments.⁶⁸ The recent constitutional amendment (16th Amendment) to give Parliament the power to remove Justices of the Supreme Court by impeachment is indicative of the inter-branch tension within the Government, which seems to pose a recurring threat upon the independence of the judiciary.

Judicial proceedings are reported to be routinely affected by a prevailing culture of impunity, corruption, and lack of implementation of laws. Judges are reportedly often subjected to threats and/or influence in connection with their work. Daily pressure on the members of the judiciary supposedly results in judicial officials having to accept arrests without warrants, extend custody without oversight, and other measures which undermine the fundamental legal safeguards that can protect a person from abuses such as ill-treatment and custodial torture, all of which are symptomatic of the lack of judicial independence and impartiality.⁶⁹ The Committee Against Torture had raised its concern about the allegations made by former Chief Justice, Surendra Kumar Sinha. Justice Sinha claimed to have been subjected to pressure and harassment from high level officials both during the deliberations and after the verdict in the review of the 16th constitutional amendment case, compelling him to resign and flee the country.⁷⁰

In addition to the above, a severe backlog of cases in the courts poses serious obstacles, slowing down the judicial process. A total of 1467 cases involving appeals of petitioners sentenced to death in the Sessions Courts were pending in the HCD and 237 cases were pending in the Appellate Division (AD) of the Supreme Court of Bangladesh for final appeal.⁷¹ These issues were further compounded by the Pandemic, during which the courts in Bangladesh had initially shut down. Subsequently, the lower (trial) courts were only operating on a limited basis, creating further bottlenecks within the slow judicial process. However, Bangladesh launched the virtual court system a few months into the Pandemic. Initially these virtual courts were limited to hearing bail cases to reduce the overcrowding of the prison amid COVID-19. Courts were not open for key human rights issues including cases of domestic violence, or labour matters.⁷² Thus, workers and victims of domestic violence lacked access to legal protection during this time.

⁶⁸ Subordinate Court System of Bangladesh: Governance Challenges and Way Forward, TIB, 30 November 2017, Available at: https://www.ti-bangladesh.org/beta3/images/2017/lower_judiciary/Executive_Summary_Bangla_Judiciary_30112017.pdf

⁶⁹ Committee Against Torture, 'Concluding Observations on the initial report of Bangladesh' (07 August 2019) [27].

⁷⁰ Available at: Committee Against Torture, 'Concluding Observations on the initial report of Bangladesh' [27]

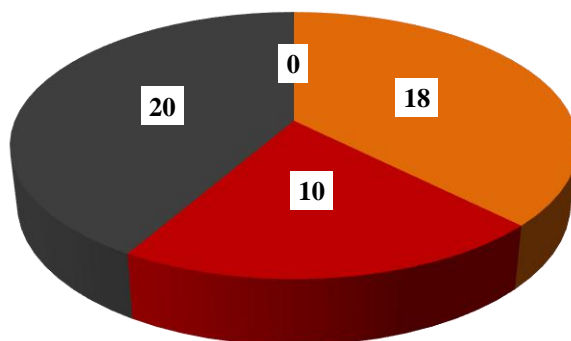
⁷¹ Available at: <https://www.prothomalo.com/bangladesh/article/1603790>

⁷² Available at: <https://cpd.org.bd/corporate-accountability-practices-in-the-rmg-sector-could-ensure-workers-well-being-during-the-covid-pandemic-period/>

Women’s Rights, Children’s Rights, Rights of Gender Diverse Population

Total Recommendations (48) [28 ACCEPTED | 20 NOTED]

SDG Goal 5, 10 and 16



Women’s Rights and Violence against Women

- 147.24 Focus on training the women of Bangladesh, in particular policewomen, to increase the percentage of female blue helmets (Haiti)
- 147.139 Take additional measures, in consultation with civil society, to strengthen progressive social reforms, to empower women and girls, and to combat religious extremism (Haiti)
- 147.140 Continue assistance and promotion on women’s empowerment in all sectors (Lao People’s Democratic Republic)
- 147.141 Continue to prevent violence against women in accordance with the National Action Plan (2013-2025) with regular monitoring (Sri Lanka)
- 147.142 Combat violence against women and children and take action for their rights (France)
- 147.143 Continue efforts to combat discrimination and violence against women (Tunisia)
- 147.144 Intensify its efforts towards combating violence against women (Georgia)
- 147.145 Strengthen existing monitoring mechanisms to protect women and children from all forms of violence and exploitation (Nepal)
- 147.146 Continue to tackle sexual violence against women to ensure protection of women’s rights (Lao People’s Democratic Republic)
- 147.147 Take concrete measures to prevent and protect women from domestic violence, ensure effective access to legal recourse and hold perpetrators to account (Norway)
- 147.148 Ensure sufficient resources are allocated to fully implement all major components of the National Action Plan to Prevent Violence against Women and Children (Singapore)

148.19 Continue increasing efforts to combat all types of violence against women and girls, and eradicate discriminatory practices and measures against them, guaranteeing the full exercise of their rights, including those related to sexual and reproductive health (Uruguay)

149.35 Criminalize marital rape in all circumstances, and provide for the protection and psychological, mental, and physical rehabilitation of victims (Portugal)

149.56 Adopt legislation criminalizing all forms of violence against women and girls, including marital rape (Iceland)

Percentage of Female Blue Helmets

Bangladesh has been recognized as one of the top contributing countries having sent female police officers to the UN Peacekeeping Operations as Formed Police Unit (FPU), which were considered as role models in the community of the Mission area.⁷³ They have placed themselves as a key driving force for reducing GBV, conflict and confrontation, providing a sense of security, particularly for women and children, mentoring female police officers in the local area and thus empowering women in the host country and promoting social cohesion.⁷⁴

As of 3 November 2020, 162 female officers from Bangladesh have been working in different Peacekeeping Missions, helping the UN move towards its achievement of its goal of having 20 percent women employees in its recruitment system. Bangladesh female police officers are working in 4 UN peacekeeping Operations, namely, in Darfur, Mali, the Democratic Republic of Congo, South Sudan, and at the UN headquarters. In September 2020, Bangladesh Police sent around 180 members of women FPU to the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO)⁷⁵ and were given the responsibility to ensure security at Congo's MONUSCO Airport run by the UN Peacekeeping Mission.⁷⁶ Previously in 2013, it also sent one Woman FPU to the United Nations Stabilization Mission in Haiti.

Although the demand for Bangladeshi female police officers is gradually increasing in the United Nations Peacekeeping Operations, there is much work to be done in making the policy guidelines for police peacekeepers on UN missions more gender sensitive.⁷⁷

Violence against Women

⁷³ Available at: <https://www.dhakatribune.com/bangladesh/2020/09/11/female-police-contingent-leaves-for-peacekeeping-mission-in-congo>

⁷⁴ Available at: https://www.police.gov.bd/en/female_police_in_un_mission

⁷⁵ Available at: <https://www.unb.com.bd/category/Bangladesh/180-policewomen-leave-for-congo-to-join-un-mission/57296>

⁷⁶ Available at: <https://www.thedailystar.net/bangladeshi-female-police-peacekeepers-tasked-congo-airport-security-1971261>

⁷⁷ Available at: <https://www.thedailystar.net/arts-entertainment/bangladeshi-women-peacekeepers-focus-165196>

There are several laws in place that criminalize violence against women and children. Cases of violence against women have reached alarming levels in recent times, particularly during the COVID-19 pandemic. This increase indicates that the legal framework (and its implementation) to prevent violence against women and children remains inadequate.⁷⁸

The HCD of the Supreme Court of Bangladesh has issued significant directions with respect to ensuring justice for survivors of rape through its 18 Directives on prosecution of rape, including imposing a requirement on police officers to respond to rape survivors without delay or discrimination.⁷⁹ It has also directed the Government to remove the term '*kumari*' (translated to mean 'maiden' in some English translations of the marriage certificate, though it is also commonly understood to mean 'virgin') from the *Kabinnama* (marriage contract/certificate)—which may help remove some of the stigma associated with virginity (or lack thereof) and family honor. However, the weak implementation of the legal framework and the High Court's directions, lack of protection of victims and witnesses, political influence, and a general culture of impunity contribute to the persistence of violence against women.

According to ASK statistics, from September 2018 to September 2020, a total of 2560 women were victims of rape, while another 453 women were subjected to attempts of rape.⁸⁰ Women with disabilities also frequently face violence that goes unreported, and those that do report do not have proper protection mechanisms available to them due to inaccessibility of the justice system. Women from religious minorities continue to be abused, harassed, and discriminated against. The government's initiatives were not adequate to combat such violence.

There are numerous national helplines to assist victims of violence, including women and female persons with disability, among others. The number of Victim Support Centres (VSC) and One-stop Crisis Centres (OCC) is not adequate when compared to the number of incidents and victims and the extent of the areas to be covered. There are 7 VSCs at the divisional level and 1 in the Rangamati district. There are 9 divisional, 47 district level, and 20 upazila level OCCs.

During this reporting period, it was also observed that the High Court's direction prohibiting *shalish* (mediation) or *fatwa* (religious edict) in cases of rape was not followed. There were multiple instances in which women were compelled to settle rape cases through *shalish*.⁸¹ These instances were wholly contrary to the laws of Bangladesh as well as the directions given by the HCD of the Supreme Court as the offence of rape is non-compoundable.⁸² Additionally, the investigation of many of these cases related to rape did not complete within the statutorily

⁷⁸ Available at: <http://mahilaparishad.org/vaw-chart/>

⁷⁹ (Writ-5541)/934 Date: 01/06/215

⁸⁰ Available at: <http://www.askbd.org/ask/2020/01/06/violence-against-women-rape-jan-dec-2019/>

⁸¹ Available at: <https://www.thedailystar.net/city/news/rapist-paid-tk-90000-settle-outside-court-pbi-1919477;>
Available at: <https://www.thedailystar.net/frontpage/news/stop-rape-arbitration-1982089>

⁸² Available at: <https://www.thedailystar.net/frontpage/news/stop-rape-arbitration-1982089>

stipulated 30 days, and the trials of such cases also were not concluded within 180 days as stated under the law.⁸³

Even where legal action is taken and a conviction is secured, the existing criminal justice system offers little redress to rape survivors. A report by the Bangladesh Legal Aid and Services Trust (BLAST) found that while courts imposed fines on convicted rapists in 100 percent of rape cases, it exercised its power to convert this fine into compensation and awarded it to the victim/survivor in only 6.8% of cases.⁸⁴ Therefore, while courts do have the power to provide compensation to rape victim-survivors under the Suppression of Violence against Women and Children Act 2000, it seldom exercises this power. In October 2020, in response to nationwide anti-rape protests, the Government amended provisions relating to rape in the Suppression of Violence against Women and Children Act 2000, by re-introducing the death penalty in cases of rape by a single perpetrator.⁸⁵ However, it failed to implement those reforms that would actually be needed to ensure holistic justice for rape and address longstanding gaps in rape legislation, such as those highlighted by the Rape Law Reform Coalition's 10-point demand on rape law reform.⁸⁶ Notably, in November 2020, the Supreme Court issued a show cause rule asking the government to explain why the marital rape exception clause in existing rape legislation should not be declared unconstitutional, following a constitutional challenge filed by BLAST, MJF and two other members of the Rape Law Reform Coalition.⁸⁷

According to a report from 2018, two-thirds or around 66 percent women in Bangladesh have been victims of domestic violence. Of these numbers, 72.7 percent of women have never disclosed their experiences to others. For those that do pursue legal recourse, the prospect of a court dismissing a case and acquitting the perpetrator(s) always remains a possibility given the existing inadequacies in the legal framework.⁸⁸

Manusher Jonno Foundation (MJF) has been conducting telephone surveys since April 2020 to understand the trend of violence against women and children in Bangladesh during the lockdown related to COVID-19. In the first survey carried out in April, 2020, MJF found that 4,249 women and 456 children became victims of domestic violence. The second survey was carried out in May, 2020, which found that there were 13,494 incidences of various types of violence against women and children. In total, 11,025 women were found to be victims of domestic violence, raising serious concerns about the number of cases of violence against women during the lockdown and the pandemic generally.⁸⁹

⁸³ Available at: <https://www.askbd.org/ask/2020/10/13/adding-death-penalty-will-not-prevent-rape-or-ensure-justice-for-victims-of-rape-human-rights-forum-bangladesh-hrfb/>

⁸⁴ Available at: <https://www.blast.org.bd/content/publications/No-Justice-without-Reparation.pdf>

⁸⁵ For an overview of key changes made to the 2000 Act, see: <https://www.thedailystar.net/opinion/justice-practice/news/what-changes-does-the-recent-ordinance-make-our-law-violence-against-women-1990993>

⁸⁶ Available at: https://blast.org.bd/content/Rape%20Law%20Reform/RLRN_10-POINT-DEMANDS-ENG-FINAL.pdf

⁸⁷ Available at: <https://blast.org.bd/content/pressrelease/04-11-2020-Press-Release-marital-rape-ENG.pdf>

⁸⁸ Available at: <https://www.dhakatribune.com/bangladesh/nation/2018/12/06/research-shows-66-bangladeshi-women-are-victims-of-domestic-violence>

⁸⁹ Available at: http://www.manusherjonno.org/wp-content/uploads/2020/10/Report_of_Telephone_Survey_on_VAW_July_2020.pdf

On a positive note, however, the Prime Minister of Bangladesh made a promising statement in 2019 by asking the concerned ministries to investigate the issue of ensuring equal property rights for women.⁹⁰ Although the Government has included gender lessons in the national education curriculum, it needs to properly incorporate concepts of gender diversity, gender equity and gender parity to further sensitize students as well as teachers on these issues. No desegregated statistics or data have been collected by the Government on violence against women and children with disabilities.

Rights of Women with Disabilities

Women and children with disabilities are the most vulnerable in society due to structural and informational inaccessibility of all kinds of institutions and facilities. For example, government institutions and public transport are generally inaccessible to persons with disabilities. The MoWCA has no specific, inclusive and integrated disability initiatives or programmes for improving the conditions of women with disabilities, particularly at the grassroots level.

The existing OCCs record the number of service-receivers, but they do not separately preserve information of service-receivers with disabilities; the designated form in which such recording takes place does not include any column to include disabilities.⁹¹ Thus, there is no specific monitoring mechanism for women with disabilities.

There are 64 district legal aid committees through which the National Legal Aid Services Organization (NLASO) implements the government legal aid program at the district level, and 4,500 legal aid committees at the Union Parishad (the lowest administrative and local governance unit) level. However, these committees are not functional in all areas, and are generally inaccessible for persons with disabilities. In addition, there is no designated focal person or representative for persons with disabilities in these committees at the district and union level to cater to the legal aid needs of persons with disabilities.

The Government has made 8 commitments in the Global Disability summit in 2018 on disability disaggregated data improvement, adoption of a National Strategic Plan for Neuro-Developmental Disorder 2016-2021 and National Plan of Action to implement the Disability Rights and Protection Act, 2013, increasing awareness, reducing stigma and bringing forth disability inclusion in different development agendas.⁹² However, no mentionable advance has been made except that a National Action plan on Persons with Disabilities Rights and Protection Act, 2013 has been approved without any further steps for implementation.

⁹⁰ Available at: <https://www.thedailystar.net/star-weekend/news/equal-property-right-1711810>

⁹¹ Information provided by Women with Disabilities Development Foundation (WDDF).

⁹² Available at: <https://www.gov.uk/government/publications/national-governments-global-disability-summit-commitments>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728137/National_Government_-_Government_of_Bangladesh.pdf

Though 43 line Ministries are implementing gender-sensitive budgeting, the cross-cutting issue of gender with disabilities has not been addressed in such budgets. Though every Ministry has introduced a gender desk, these desks remain inaccessible for issues of gender and disabilities.

Children’s Rights and Violence against Children

147.14	Provide a mechanism to follow up the full implementation of the Parental Maintenance Act of 2013 (United Arab Emirates)
147.45	Enact legislation clearly prohibiting corporal punishment (Zambia)
147.46	Formulate Rules of Procedures for the use of clause 22 of the 2017 Child Marriage Restraint Act to clarify existing gaps to prevent misuse of the provision allowing marriage for children below the legal age in “special circumstances” (Denmark)
147.47	Continue to strengthen its measures in preventing child marriages (Vietnam)
147.48	Amend the Child Marriage Restraint Act to maintain the legal minimum age at 18 years (Republic of Korea)
147.49	Move towards the real and effective elimination of child marriage, restricting to the maximum the application of exceptions (Spain)
147.50	Step up measures to combat child prostitution and early marriage (Gabon)
147.51	Strengthen existing law and practice to guarantee effectively rights of the children, in particular by combating violence against children, child labour, forced marriages, and by improving access to education (Poland)
147.52	Establish a comprehensive national system for the protection of children to prevent and respond to violence against children, prohibit corporal punishment of children and implement awareness and education programs in this area (Uruguay)
147.53	Put an end to the practices of early marriages and the payment of dowries by implementing laws prohibiting such practices (Belgium)
147.55	Explicitly prohibit corporal punishment of children in all settings, including at home (Montenegro)
147.56	Consider revising the Penal Code and Children Act to prohibit corporal punishment of children in all settings and raising the minimum legal age for marriage to 18 years under all circumstances (Namibia)
147.90	Strengthen measures of protecting the family to work for the best interest of the child (Egypt)
147.149	Ensure the registration of children to protect them from abuses, exploitation, abandonment, and human rights violations (Holy See)
147.150	Take strong measures to eradicate child labour and violence and crimes against children (Chile)
147.151	Adopt legislation and comprehensive public policies to guarantee the human rights of persons in a situation of human mobility, with a gender, intergenerational and intercultural focus (Ecuador)

148.7	Amend the Marriage Act and maintaining a minimum legal age of marriage at 18 without exceptions (Zambia)
148.8	Eliminate child, early and forced marriage, including by reforming the Child Marriage Restraint Act to remove the exception for child marriage in “special cases,” as this term is open to abuse (Canada)
148.9	Eliminate early marriages and ensure education on sexual and reproductive health and rights for adolescents (Estonia)
148.10	Step up the efforts to prevent child early and forced marriages, particularly in rural areas and slums, and to amend the Child Marriage Restraint Act by introducing a minimum legal age of marriage at 18 without any exceptions (Slovenia)
148.11	Take action against child early and forced marriages with or between children by reformulating the Child Marriage restraint Act of 2017 to clarify the gaps in the legislation and to prevent misuse of the “special circumstances” clause (Sweden)
148.21	Raise the minimum age for criminal responsibility for juvenile offenders in line with recommendations by the CRC (Austria)
149.34	Review the special provision of the Child Marriage Restrain Act 2017 and implement legislation that effectively criminalizes all forms of gender-based violence (Germany)
149.54	Adopting legislative and political measures to ensure that women and young people have access to sex education and free use of friendly reproductive health services, particularly in rural areas and for persons on low incomes (Honduras)

The trend of violence against children during this reporting period has been concerning. According to ASK’s statistics, from September 2018 to September 2020, a total of 1090 children were killed in a variety of ways, including death by physical torture, rape, murder, torture, suicide, etc. In the same period, a total of 2,929 children were victims of multiple forms of violence. Of these children, 1,674 children were raped by men, 337 children were subjected to attempted rape, and 139 children were sexually harassed by boys and stalkers. On the issue of sexual harassment, particularly in educational settings, a total of 305 students were tortured and 71 students were sexually harassed by their teachers. Additionally, 17 children also reportedly suffered from online sexual harassment.

In 2018, the Child Marriage Restraint Rules was promulgated to complement the Child Marriage Restraint Act, 2017. In the run up to the promulgation of these Rules, there were demands from the civil society to clarify aspects of the Act through these rules, particularly to further explain the ‘special circumstances’ provision under Section 19. This section allows for marriage of minors in special circumstances without defining what those circumstances are, leaving it up to the Rules to delineate those. However, the Rules of 2018 did not define those special circumstances and merely provided details of the formation and responsibilities of the Child Marriage Prevention Committees, along with other functional details. In practice, these local committees are quite inactive in combating child marriages.

The MoWCA along with United Nations International Children’s Emergency Fund (UNICEF) and other partners have been implementing a multimedia campaign on ending child marriage for several years across the country. This campaign, which includes radio and television public service announcements, outdoor publicity, as well as print media and advocacy events, has continued during the reporting period.

As the pandemic pushed more people into poverty, a sharp spike in the number of child marriage has been noticed. Even prior to the pandemic, the number of child marriages in Bangladesh was high. In June 2020, there were 462 reported cases of child marriages. In May 2020, 180 girls became victims of child marriage. There has been no specific budgetary allocation in the 2020-2021 fiscal year for the implementation of the National Plan of Action (NPA) to End Child Marriage (2018-30) or in the social safety net allocation for girls and adolescent affected by the Coronavirus⁹³

Another development awaiting progress since the previous reporting period is that of the enactment of the Parents Maintenance Act, 2013. This law was a laudable step towards shifting the moral obligation of adult children towards elderly parents into a legal one. However, the law came with certain drawbacks. It did not provide for the obligations of maintenance of parents or how to determine or what constituted a ‘reasonable amount of money to be paid by child’. Though the Act has established the parents’ legal entitlement to maintenance from children, it is silent as to whether they are entitled to bring a civil lawsuit for maintenance in the family courts, and whether the parent(s) may be entitled to the fine. The government has drafted the Parents’ Maintenance Rules, 2017 to give full effect to the Act, but it has not yet finalized or promulgated those rules. Thus, a mechanism for monitoring the implementation of this law is still absent.

Rights of Gender and Sexual Minorities

148.20	Combat gender stereotypes and protect women from all forms of abuse and harm, including gender-based violence, marital rape, and addressing the persistent gender wage gap, among others (Namibia)
149.25	Take measures to fight violence against LGBTI persons (Brazil)
149.26	Take effective steps to include LGBTI persons in human rights legislation recognizing the many dangers and challenges faced by the community, including the hijra (Canada)
149.27	Establish effective protection against discrimination, harassment, and violence against sexual minorities (Norway)
149.28	Acknowledge the existence of sexual and gender minorities in the country, and furthermore abolish the section 377 of the Criminal Code and thus decriminalize consensual sexual acts between same-sex couples (Slovenia)
149.29	Repeal section 377 of the criminal code and include sexual orientation and gender identity as a protected category in the new anti-discrimination law (Chile)

⁹³ Available at: http://www.manusherjonno.org/latest_stories/sharp-rise-in-child-marriages-in-june-mjf-survey-reveals/

149.30	Protect and promote the rights of LGBTI persons through a broad legal framework, that includes the revision of laws that may be discriminatory, such as section 377 of the Penal Code (Mexico)
149.31	Take the necessary measures to repeal from its legislation the criminalization of consensual sexual acts between people of the same sex (Argentina)
149.32	Decriminalize relations between same-sex adults in the criminal code (Honduras)
149.55	Take further steps to fight all forms of violence and discrimination, against women, children and LGBTI persons (Italy)

All the recommendations related to rights of the gender-diverse population (including Hijra community members and transgender individuals who are not part of the Hijra tradition) as well as sexual minorities in Bangladesh were noted during the third cycle of the UPR. Though not all of these have been addressed, some positive initiatives did take place on this issue.

In 2018, the Election Commission updated voter registration forms to include ‘Hijra’ as a gender category in addition to ‘male’ and ‘female’, by amending the Voter List Act and Rules of 2009 and 2012, respectively.⁹⁴ These reforms allowed community members to register themselves as ‘Hijra’ on the voter list, thereby, enabling greater democratic representation for the community. This change also meant that Hijra community members may self-identify as ‘Hijra’ in National Identification Documents. Following several years of constructive advocacy by the NHRC along with the Bandhu Social Welfare Society, the Director General of the Bangladesh Bureau of Statistics (BBS) declared in September 2020 that the members of the Hijra community will be incorporated as a separate gender identity in the upcoming National Census 2021.⁹⁵ However, while the BBS declaration, in line with the Ministry of Social Welfare’s gazette notification in 2014, expressly refers to the ‘Hijra community’, the census may not include gender-diverse individuals (e.g. trans women and trans men) who are not part of the Hijra tradition and may choose not to identify themselves as ‘Hijra’ for the purposes of the census. This creates the possibility for their further exclusion from any Government initiatives that might support a gender diverse population to exercise rights and access facilities, services, and opportunities to improve their standard of living.

The Social Welfare Department recently constituted a new board consisting of 1 doctor, 1 physiologist, and 1 social worker for identification and determination of eligibility to enable members of the Hijra community to transition into various government work schemes. In this new initiative, the requirement for physical examination has been eliminated, which is a noteworthy development. Prior to this reconstitution, the previous medical board was set up with a combination of 2 medical doctors and 1 government official but no physiologist. The identification process entailed, among other things, stripping individuals naked to check their genitals. However, the intervention of NHRC and Bandhu Social Welfare society and further

⁹⁴ Available at: <https://bdnews24.com/bangladesh/2018/01/13/election-commission-adds-hijra-gender-to-voter-list>

⁹⁵ Available at: <https://www.thedailystar.net/country/news/hijras-will-be-included-separate-gender-national-census-2021-bbs-dg-1962849>

advocacy eliminated such degrading identification processes. The Ministry of Social Welfare has further allocated financial assistance and allowance for members of the Hijra community. In Pabna Sadar upazilla (Pabna District, Rajshahi Division), 70 enlisted hijra/transgender persons are now receiving annual monetary assistance/allowance. The Government also included the Comprehensive Sexuality Education in the National Strategy for Adolescent Health 2017-2030,⁹⁶ and certain topics have been incorporated in some textbook curricula in a limited capacity, but any orientation on gender and sexual diversity remains absent.

These developments notwithstanding, there are significant gaps in the legal framework that contribute to the plights of gender and sexual minorities in Bangladesh, including Hijra and transgender community members. The Ministry of Social Welfare's recognition of the Hijra community "as the Hijra gender/sex" through its gazette notification in 2014 does not clarify whether this is a form of gender identity (as 'Hijra' is neither a biological characteristic nor a gender identity, but a South Asian, tradition-based identity shared by specific groups of transgender women within the broader gender-diverse umbrella), or provide any definitions, and excludes gender diverse individuals (i.e. transgender women and men) who do not identify as 'Hijra' (are not part of the tradition and do not practice the specific customs/profession/language) from the ambit of the recognition. Existing laws and guidelines on redress for sexual and GBV, including rape, sexual harassment, sexual assault, and domestic violence, are unable to offer sufficient protection to gender and sexually diverse individuals. Laws on rape, for example, are not gender-neutral and only recognize violence perpetrated by men against women and children (a possible remedy for gender-non-conforming children here, which does not extend to adults who are gender and sexually diverse); while protection from domestic violence, available only to women and children, does not extend to Hijra and transgender communities and other gender and sexually diverse individuals who do not have safe spaces for self-expression at home, and are often subjected to both physical and emotional and psychological abuse by family members. Furthermore, Section 377 of the Penal Code continues to criminalize consensual same-sex sexual activities between adults, which reinforces the stigma around non-heteronormative gender and sexual expression and behavior, which in turn compounds threats to visibility, security, personal liberty, and freedom of expression for individuals who are part of the gender and sexually diverse community, and for anyone organizing or mobilizing to advocate for basic rights for the community, including human rights defenders within and outside of the community.

Additionally, specific provisions in law and policy are needed to recognize, protect, and ensure the gender diverse community's right to inheritance, which is governed by different religious personal laws in Bangladesh. The existing legal framework also does not enable self-identification and self-declaration of gender. Birth certificates still only recognize sex assigned at birth, and there is no system currently in place enabling amendments to one's birth certificate to reflect their gender identity. While names can be changed or corrected legally through filing an affidavit in court, gender-diverse individuals are unable to legally change their gender identity. Other necessary laws include the Anti-Discrimination Bill, which in its latest draft (prepared by

⁹⁶ Available at: <https://www.unicef.org/bangladesh/sites/unicef.org.bangladesh/files/2018-10/National-Strategy-for-Adolescent-Health-2017-2030.pdf>

the NHRC in 2018), introduces the terms ‘gender’ (expanded in the text of the draft to include ‘third gender’ or ‘Hijra’ in addition to male and female, but these terms are not defined in the draft and remain potentially exclusionary of gender diverse individuals not identifying with either) and ‘sexual orientation’ for the first time as grounds for discrimination;⁹⁷ however, the Bill remains in draft stage and is yet to be enacted.

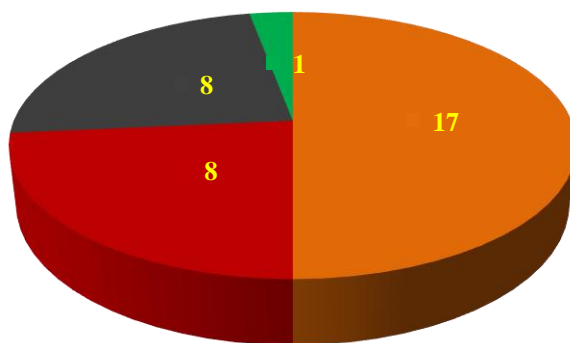
Thus, there is an absence of any national legal framework expressly prohibiting discrimination against persons based on their gender identity and/or sexual orientation. Individuals in gender and sexual minority communities are left without legal redress and continue to face stigma, discrimination, harassment and in many cases, physical and sexual violence, when trying to access basic services such as healthcare and legal assistance, or when trying to exercise their right to education, employment, or housing. Stakeholders i.e., health service providers, LEAs, judiciary and other authorities are yet to be sufficiently oriented or sensitized on the concepts of gender, gender identity, bodily autonomy, sexuality, and diversity.

⁹⁷ Available in Bangla at: <http://www.nhrc.org.bd/site/notices/12c79873-4144-47fa-9885-bd7b86f3a090/Draft-of-proposed-Anti-Discrimination-Act>

Rights of Vulnerable Groups

Total Recommendations (34) [27 ACCEPTED | 8 NOTED]

SDG Goal 5, 10 and 16



Rights of Persons with Disabilities

147.152 Continue to advance the rights of persons with disabilities, including by ensuring that public places are friendly to persons with disability (Islamic Republic of Iran)

147.153 Facilitate the access to education, health care and public service for persons with disabilities (Lao People’s Democratic Republic)

147.154 Consider the possibility of developing a national plan or national framework for protecting the rights of persons with special needs (Lebanon)

Since the third cycle of the UPR process, the Government has taken multiple initiatives for ensuring the rights of persons with disabilities. Among others, several pieces of legislation have been drafted with the aim of advancing the rights of persons with disabilities. The Bangladesh Rehabilitation Council Act, 2018 was enacted with a view to creating a council for developing the rehabilitation services for the patients suffering from various forms of neurological disorders and to ensure the development of qualified rehabilitation professionals and health care services. Additionally, the Mental Health Act, 2018 was also enacted to ensure the rehabilitation of patients, including their mental health needs. However, certain aspects of the Act need improvement. For example, the Act is silent about the mental health or wellbeing of those accused in cases with capital punishment. Additionally, it imposes custodial sentences and hefty fines on practitioners for professional malpractice including issuance of false certificates of mental health. Such rigorous punishment left at the discretion of a judge or the penal system without adequate checks and balances such as regulatory or other internal

disciplinary procedures may result in reduced access to health services for mental health patients as many practitioners may refrain from diagnosing patients and providing subsequent care.⁹⁸

The Dhaka City Building Construction Code 2008 and schedule 5 of the Rights and Protection of Persons with Disabilities Act, 2013⁹⁹ have conspicuously highlighted the accessibility issues of persons with disabilities. Despite these commitments, the implementation process has been slow. The National Coordination Committee, National Executive Committees and sub-district committees established by virtue of the “Persons with Disabilities Rights and Protection Act 2013” to oversee the implementation of this Act are either inactive or yet to be established.⁹⁹ Bangladesh is yet to effectively implement the National Building Construction Code. Although ramps have been created in a limited number of public buildings, in most cases, these ramps are not accessible or appropriate for wheelchair users. Moreover, many public buildings, including shopping centres, sports and cultural centres, and other establishments open to the public do not provide adequate access to or visible information about areas such as toilets and external and internal entrances.¹⁰⁰

The healthcare institutions, including hospitals have no informational and infrastructural accessibility and are not disability friendly. Furthermore, not all health professionals are trained to respond to the needs of persons with disabilities. Additionally, no emergency or special measure services have been adopted or declared for persons with disabilities in the health sector during the COVID-19 pandemic. Consequently, persons with disabilities have been deprived from health services including sexual and reproductive health services. Moreover, even though a substantial number of women with disabilities have become victims of violence during the COVID-19 pandemic, none of them were provided with any counseling or other requisite services.

The educational institutions lack infrastructural and informational accessibility, and the curriculums are not accessible to all students with different types of disabilities. There is also a lack of trained teachers to respond to the needs of such students and in otherwise supporting them. Although the Government did take some initiative in the education sector, students with severe disabilities such as speech and hearing impairment, intellectual disability, Cerebral Palsy, Down’s syndrome, and autism still have limited opportunity for inclusive education.

Even court premises are not accessible to persons with disabilities and there is no specifically disability-friendly accommodation including the availability of sign language experts or Braille readers in place during hearings. The Bangladesh judiciary is yet to adopt such measures.

On 21 January 2019, the Cabinet approved the National Action Plan to roll out provisions under the Persons with Disabilities Rights and Protection Act 2013. Though it was reported that the National Action Plan to implement the Persons with Disabilities Rights and Protection Act was

⁹⁸ Md Mahbub Hossain, M Tasdik Hasan, Abida Sultana and Farah Faizah, ‘New Mental Health Act in Bangladesh: unfinished agendas’ (2019) 6(1) Correspondence e1. Available at: <[https://doi.org/10.1016/S2215-0366\(18\)30472-3](https://doi.org/10.1016/S2215-0366(18)30472-3)> accessed 24 September 2019.

⁹⁹ Information provided by Women with Disabilities Development Foundation (WDDF).

¹⁰⁰ Information provided by WDDF.

approved by the Cabinet, but it was not gazetted and published by the concerned authority, the Ministry of Social Welfare (MoSW). Additionally, no budget was allocated for the Act's implementation for the fiscal year of 2020-2021. However, on 2 April 2019, the Prime Minister assured citizens that all persons with disabilities, including both psychological and physical disabilities will be brought under the government's benefits and allowances coverage from the next fiscal year in the national budget.¹⁰¹ No known measures have been noted or adopted in the national budget of the 2020-2021 fiscal year to improve their access to employment.

The inclusion of marginalized people has not been clearly reflected in the Education budget on a disaggregated basis.¹⁰² For instance, neither persons with disabilities, nor the Dalit community, have been specifically brought under this budget line. Rather, they have been placed under the catch-all category of "oppressed, destitute, and ultra-poor and marginal" people. It is notable, however, that, the Ministry of Social Welfare adopted a special Educational Policy for Persons with Disabilities on 10 October 2019.¹⁰³ The Government has also unveiled plans to build an academy for autistic persons at a cost of BDT 4,223,400,000 in order to ensure inclusivity of autistic children in the education system of Bangladesh by 2023.¹⁰⁴ Additionally, the Government has opened a 50-bed care centre in the districts of Brahmanbaria and Bogura for orphans suffering from neurological development impairment. It also plans to establish similar care centres in the 8 divisional cities in phases, through which it plans to provide education, training, medical treatment, sports facilities, etc. to children with special needs.¹⁰⁵

On 5 September 2020, persons with disabilities were identified and enlisted by the Disability Identification Survey of the Ministry of Social Welfare. However, according to information provided by WDDF, in many cases the types of disabilities have been identified incorrectly and many persons with disabilities from the minority groups, including Dalits and Bihari, were not covered by the survey. Additionally, this disaggregated data is sometimes not acceptable to or recognized by different organizations as the Bangladesh Bureau of Statistics is yet to conduct a comprehensive disability survey.

Freedom of Religion

¹⁰¹ Available at: <https://www.dhakatribune.com/bangladesh/government-affairs/2019/06/25/govt-plans-to-increase-disability-allowance-by-55>

¹⁰² Available at: <https://cpd.org.bd/electoral-commitments-of-the-new-government-have-not-been-reflected-in-the-first-proposed-budget/>

¹⁰³ Available at:

https://msw.portal.gov.bd/sites/default/files/files/msw.portal.gov.bd/page/47a560c1_9371_4067_9c9c_e0f11a225a77/NDD_POLICY2019.pdf

¹⁰⁴ Available at: <https://www.dhakatribune.com/bangladesh/government-affairs/2019/07/01/govt-to-build-autism-academy-at-tk422cr>

¹⁰⁵ Available at: <https://bdnews24.com/bangladesh/2019/04/02/government-will-establish-autism-care-centres-in-all-divisional-cities-says-hasina>

147.63 Work with Civil Society to develop a roadmap to implement HRC resolution 16/18 on combating religious intolerance (United Kingdom of Great Britain and Northern Ireland)

147.64 Continue working on enhancing religious freedom and prevention of extremism and violent extremism (Holy See)

147.156 Ensure the effective investigation and sanctioning of all cases of violence against religious minorities (Austria)

147.28 Advance its policy of promoting a culture of peace, supporting collective measures against racism, xenophobia, hatred of Islam, and protecting the victims of these crimes (Oman)

In Bangladesh, the exercise of freedom of religion or belief continues to be challenging for the country’s religious minorities—including Hindus, Buddhists, Christians, and Ahmadiyya Muslims- and in particular, for atheists. Existing challenges include ongoing problems with the legacy of the Vested Property Act that allowed for confiscation of property without redress which resulted in a disproportionate impact on religious minorities; the introduction and enforcement of the DSA 2018 with provisions that criminalize hurting religious sentiment; the rise of religious extremism; and challenges posed by local law enforcement.¹⁰⁶

Although Islam is recognized as the “State Religion” by article 2A of the national constitution, it also qualifies that “the State shall ensure equal status and equal right in the practice of the Hindu, Buddhist, Christian and other religions”. Moreover, article 12 provides for the Principle of Secularism, which, is to be realized “by the elimination of -(a) communalism in all its forms; (b) the granting by the State of political status in favor of any religion (c) the abuse of religion for political purposes; and (d) any discrimination against, or persecution of, persons practicing a particular religion”. The aforesaid measures were reinstated in the Constitution in 2011, after a Supreme Court ruling directing the Government to revive the original secular Constitution of 1972.¹⁰⁷

According to ASK’s statistics, from September 2018 to December 2020, a total of 78 homes of members of religious minority communities and 97 temples, monasteries and/or idols were destroyed. 1 person died and 157 people were injured in these incidents. As of the writing of this report, there have been significant reforms to various laws dealing with and addressing discriminatory practices with regards to personal laws regulating inheritance, marriage, divorce, custody, and guardianship, which disproportionately impact minority and vulnerable groups.

No planning appears to be in place to implement the UNHRC resolution 16/18 on religious intolerance, although this would have been in accordance with the reinstated Article 12 of the Constitution referred to above. Despite guarantees of equal rights and status in the Constitution

¹⁰⁶ Available at: <https://www.uscirf.gov/sites/default/files/2020%20Bangladesh%20Country%20Update.pdf>

¹⁰⁷ Bangladesh Italian Marble Works Ltd v Bangladesh (2006) BLT (Special) (HCD) 1; Khondhker Delwar Hossain v Bangladesh Italian Marble Works Ltd and Others (2010) 62 DLR (AD) 298

of Bangladesh, religious minorities are subjected to societal discrimination, harassment, and atrocities. Moreover, after the independence of Bangladesh, successive governments have failed to adequately address the violence against and the need for social protection of the Hindu minority communities. Minority communities are also underrepresented in politics and other important sectors of the state, indicating their lack of effective participation in civil and political rights.¹⁰⁸ A report of the United Kingdom Home Office stated that political parties do use religiously divisive language and, on occasion, act in ways that exacerbate rather than diminish religious and communal tensions. Violent assaults on religious minority communities are often not investigated or prosecuted.¹⁰⁹ No trial has yet taken place against any communal attack on religious minorities including the attack on Buddhist temple of Ramu in 2012 and the attack on the Hindu community at Nasirnagar in 2016.

Bangladesh's Ahmadiyya Muslim community is particularly vulnerable to harassment, as certain Islamist groups claim that the Ahmadiyya beliefs and practices are not endorsed by Islam. These groups have further urged the Government to declare the Ahmadiyya community as non-Muslim.¹¹⁰ There is some evidence to suggest that the police may have been instructed to place the Ahmadiyya community under surveillance, including by approaching members of the community outside of their mosques to collect their personal details.¹¹¹ These acts are clearly discriminatory.

Ahmadiyyas in Panchagar district came under attack in February 2019 when they were arranging a 'Jalsha' (annual conference of Ahmadiyya Muslim Jamaat).¹¹² Three Islamist organizations, namely, the Sammilito Khatme Nabuwat Shangrakkhan Parishad, Iman Akida Rokkha Committee and Touhidi Janata jointly urged the Government to ban the conference and re-emphasized their demand to the Government for declaring the Ahmadiyya as non-Muslim. Police failed to de-escalate attackers when around 500 people from various Islamist groups attacked Ahmednagar village of Panchagarh Sadar Upazila, vandalized houses and looted wealth of Ahmadiyyas. In this attack, 10-12 houses were attacked or torched, women were dragged outside and physically harassed, and around 40 Ahmadiyyas were injured.¹¹³

¹⁰⁸ Freedom in the World 2015: Bangladesh, FREEDOM HOUSE (2015), Available at:

<https://freedomhouse.org/report/freedomworld/2015/bangladesh>, archived at <https://perma.cc/QC37-SA5V>.

¹⁰⁹ A risk assessment of country-of-origin information (COI) by the UK Home Office, Available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/514400/CIG.Bangladesh.

¹¹⁰ Uttom, Stephen and Rozario, Rock Ronald. "Cleric demands Bangladesh Ahmadi be declared non-Muslim" April 18, 2019. UCA News. Accessed August 27, 2020. Available at: <https://www.ucanews.com/news/cleric-demands-bangladesh-ahmadis-be-declared-non-muslim/85004>.

¹¹¹ "General Briefing Bangladesh". CSW. May 2020. Accessed August 22, 2020. Available at:

<https://www.csw.org.uk/2020/05/01/report/4636/article.htm>.

¹¹² Available at: <https://www.dhakatribune.com/bangladesh/nation/2019/02/13/sunnis-attack-ahmadiyyas-in-panchagarh>

¹¹³ Available at: <https://www.dhakatribune.com/bangladesh/nation/2019/02/13/sunnis-attack-ahmadiyyas-in-panchagarh>

Ahmadiyyas faced similar attacks on 13 September 2019 when an Ahmadiyya mosque under construction in Netrakona town was vandalized by the Islamic groups.¹¹⁴ Around 400 people, students from nearby madrasas, destroyed the mosque with homemade weapons despite the presence of the police as claimed by the Netrakona Ahmadiyya Muslim Jamaat.

On 14 January 2020, Masjid Baitul Wahed, a mosque of the Ahmadiyya Muslim Jamaat came under attack in the Brahminbaria district of Bangladesh. According to the media report the incident started when a group of students of Jamia Islamia Yunisia Madrasa tried to seek entry into a religious event of Masjidul Baitul Wahed mosque owned by the Ahmadiyya sect.¹¹⁵ Failing to enter the mosque, these students along with other people began pelting brickbats at the mosque windows. Upon receiving information about the attack, the police were able to attend to the scene and bring the situation under control. On 15 January 2020, a group of madrasa students as well local inhabitants of Brahmanbaria district gathered at the Jamia Islamia Yunusia Madrasah and led a procession to Brahmanbaria town that demanded the enactment of a law declaring Ahmadiyyas as non-Muslim. A tense atmosphere prevailed in the area and the Islamist groups appeared to be spreading rumors by means of different social media platforms in a bid to instigate attacks.

On 9 July 2020, Swapna Begum gave birth to a child at Christian Memorial Hospital in Brahmanbaria town. The child was born with some complications. It was initially kept in an incubator, and later, the infant died on the same day. The child was buried at the government-owned graveyard at Ghatara village later that evening. Soon after the burial, moulvis of different mosques gathered some anti-Ahmadiyya youths and removed the child's body from the grave and left it on the roadside. The child's family alleged that these were targeted attacks since the family belongs to the Ahmadiyya community.¹¹⁶ After learning of the incident, the Brahmanbaria Sadar police station OC ensured that the body was properly buried at the graveyard of Ahmadiyya community at Kandirpara village. However, he made no remarks when asked whether actions will be taken against the violators. This incident illustrates the presence of impunity, especially on account of the fact that most police personnel and other members of LEAs, civil administration officials and judicial officers belong to the religious majority group.

While the above-mentioned circumstances pose threats to religious minorities in general, recent trends of violence against these communities on social media added further risks to their rights to exercise freedom of speech and expression. In recent years, dozens of attacks on minorities took place after instigations and allegations made on Facebook through posts that claimed that members of minority communities had hurt religious sentiments (of the majority Muslims).¹¹⁷ The current regime of laws including provisions under the Penal Code 1860 (section

¹¹⁴ Available at: <https://www.newagebd.net/article/84607/under-construction-ahmadiyya-mosque-vandalised-in-netrakona>

¹¹⁵ Available at: <https://www.newagebd.net/article/96747/ahmadiyya-mosque-houses-attacked-in-brahmanbaria>

¹¹⁶ Available at: <https://www.thedailystar.net/city/news/punish-culprits-who-dug-babys-grave-1928873>

¹¹⁷ Available at: <https://www.dhakatribune.com/bangladesh/2020/11/07/hurting-religious-sentiment-are-minorities-denied-justice>; <http://asianews.it/news-en/Religious-minorities-protest-against-the-constant-attacks-against-them-51536.html>

295A) as well as the DSA (section 28) facilitate this sort of allegation and pave the way for arbitrary arrests as these laws do not define the perimeters of what constitutes such hurt.

Another alarming trend with regards to the use of technology that has impacted the minority communities in Bangladesh is that of spreading hatred through ‘YouTube’ videos. Religious extremist groups are using social media for airing speeches and opinions in public gatherings. Through these speeches, some of these groups are spreading communalism, religious fanaticism, hatred against women, encouraging militancy and anti-state activities, and anti-democracy and anti-cultural sentiments. These groups openly denounce non-Muslim faiths, accuse religious minority to indulge into destroying Islamic values, and accuse Christians of forcing Muslims to convert. The Government has appeared to appease some religious groups by acceding to certain demands such as the exclusion of text in the national curriculum written by various non-Muslim writers.¹¹⁸

Enactment of the Anti-discrimination Act

147.25	Further accelerate the process of adoption of the anti-discrimination legislation (Georgia)
147.26	Expedite the formulation of the Elimination of Discrimination Act (Thailand)
147.27	That the Anti-discrimination law be drafted to protect the rights of marginalized communities and that it is consistent with the 2030 Agenda for Sustainable Development (South Africa)
147.30	Establish a legislative framework to eliminate discrimination against marginalized and disadvantaged children (Madagascar)
147.32	Continue to promote a culture of peace and support anti-racism measures (Sudan)
147.36	Continue to carry out inclusive public policies targeting vulnerable groups to achieve the sustainable development goals (Senegal)
147.155	Continue implementing the legal, policy and administrative measures to protect the rights of ethnic minorities (South Africa)
147.151	Adopt legislation and comprehensive public policies to guarantee the human rights of persons in a situation of human mobility, with a gender, intergenerational and intercultural focus (Ecuador)
149.24	Adopt without delay, a new non-discrimination legislation with view of promoting gender equality and that it, without discrimination based on ethnicity, religion, or any other status, criminalize all forms of violence against women and girls, including marital rape, irrespective of the age of the victim, domestic violence and all forms of sexual abuse and harassment, also ensuring security and justice to the victims (Finland)

¹¹⁸ Available at: <https://thediplomat.com/2020/12/bangladeshs-dangerous-islamist-appeasement-and-what-it-portends/>

The Law Commission of Bangladesh has issued recommendations to the Government for enacting an anti-discrimination law. A draft Elimination of Discrimination Act of 2014 had been prepared with input from various rights-based organizations.¹¹⁹ The draft was first submitted to the Law Ministry in 2014, and in the following years, various organizations made further recommendations to the Law Commission and the NHRC to make certain provisions and the overall text of the draft Act more inclusive. While the Law Minister had, on several occasions, publicly assured that this law would be enacted, some 3 years later the draft had been sent back to NHRC for further revision. On April 8, 2018, the NHRC sent the latest draft of the proposed Elimination of Discrimination Act 2018¹²⁰ to the Government for reconsideration.¹²¹ However, 2 years on, it remains under review causing significant frustration among the stakeholders.

Rights of the Indigenous Peoples

147.157	Guarantee the protection and rights of persons belonging to minorities (France)
148.4	Ensure legal and constitutional protection of indigenous and religious minorities, and facilitate the reporting of violations of their rights (Estonia)
149.57	Comprehensively review the legislation to recognize gender equality and the protection of indigenous people and ethnic minorities (Honduras)
149.58	Strengthen policies and measures to protect indigenous peoples (Islamic Republic of Iran)
149.59	Step up efforts for indigenous peoples; especially the jumma as well as the Dalit fully enjoy their human rights. (Peru)

Bangladesh is home to around 3 million indigenous peoples¹²² from more than 50 ethnic backgrounds.¹²³ The Constitution of Bangladesh does not recognize ethnic and cultural minorities as indigenous people, although these communities prefer to be known as ‘indigenous peoples’ in English and as “Adibashi” in Bangla. Through the 15th Amendment to the Constitution introduced in 2011, the Government recognized ‘tribes, minor races, ethnic sects, and communities’,¹²⁴ obliquely referring to the indigenous peoples while categorizing all the people of Bangladesh, irrespective of their ethnic, linguistic, and cultural backgrounds collectively as ‘Bangalee’,¹²⁵ which is the dominant ethno-linguistic group in Bangladesh. Notably, several laws

¹¹⁹ Bangladesh Dalit and Excluded Rights Movement (BDERM), Nagorik Uddyog, Manusher Jonno Foundation, Research and Development Collection (RDC), the National Human Rights Commission (NHRC) Bangladesh, and representatives of various marginalised communities.

¹²⁰ Available in Bangla at: <http://www.nhrc.org.bd/site/notices/12c79873-4144-47fa-9885-bd7b86f3a090/Draft-of-proposed-Anti-Discrimination-Act>

¹²¹ Available at: <https://www.theindependentbd.com/post/146679>

¹²² Bangladesh government prefers the term “Tribal peoples/Small Ethnic Groups” instead of Indigenous and Tribal peoples” that enshrined in the ILO indigenous and tribal peoples Convention No. 107 and 169

¹²³ Gazette Ministry of Cultural Affairs: Date: 19 March 2019, S.R.O. No- 78/Act/2019

¹²⁴ Constitution of Bangladesh, Art 23A.

¹²⁵ Constitution of Bangladesh, Art 6(2).

and policies continue to use the terms “indigenous” and “aboriginal” in English, and its Bengali equivalent, “Adibashi”.¹²⁶

On 18 December 2019, the NGO Bureau Affairs of the Government of Bangladesh issued a notice where it requested all the NGOs to change or exclude reference to the term(s) ‘Adibashi/Indigenous’ from their names within one month. This notice also highlighted that there is no community recognized as ‘Adibashi/Indigenous’ in Bangladesh under Article 23A of the Constitution. This complete disregard and non-recognition of the indigenous peoples of the country further increases the possibility of harassment and violence. The Ministry of Chittagong Hill Tracts (MoCHT) has also instructed the district civil administrations of the three hill districts of the CHT region, along with the traditional indigenous Circle Chiefs, to refrain from using the term ‘indigenous’ in permanent resident and nationality certificates issued by them.

These measures are contrary to the CHT Regulation, 1900, which uses the term, ‘indigenous. This law along with the term “indigenous” has been upheld by the AD of the Supreme Court of Bangladesh in the case of *Wagachara Tea Estate Ltd. v. Abu Taher & Others*, 36 BLD (AD), 36 (2016). The status of the CHT Regulation, 1900, and the customary and other rights of the indigenous peoples of the CHT have been further strengthened in the subsequent case of *Government of Bangladesh v. Rangamati Food Products Ltd. and Others*, 25 BLT (AD), 121 (2017), also in the AD of the Supreme Court of Bangladesh.

The successive National Five Year Plans of Bangladesh, including the current draft Plan, mention that the Government will consider ratifying International Labour Organization (ILO) Convention No. 169 of 1989 and implement the provisions of the UN Declaration on the Rights of Indigenous Peoples and implement the provisions of the CHT Accord of 1997. However, these promises remain unrealized. Following concerted calls from UN and other international bodies, including in the Outcome Document of the World Conference on Indigenous Peoples, the maintenance of ethnically disaggregated data in public data has been strongly recommended.¹²⁷ Indigenous peoples’ organizations have requested the Planning Commission and the Bangladesh Bureau of Statistics to obtain, maintain, and publish detailed data on the socio-economic status of the different indigenous peoples, including women, elders, children and persons with disability.

The ethnic minorities in Bangladesh continue to face harassment and violence in the hands of the Bengali settlers as well as military personnel stationed in areas such as the CHT. In 2020 alone, many individuals from the ethnic minority groups were arbitrarily arrested and beaten up by the army and by army-backed reformist groups.¹²⁸

There were also multiple instances of GBV in this region. To illustrate, on 3 March, 2020, Md. Rakib Islam (age 19) attempted to rape a Marma girl (age 15) in Kaintarmukh Para area,

¹²⁶ Chittagong Hill Tracts Regulation, 1900; State Acquisition and Tenancy Act, 1950; Cultural Institutions Act, 2010.

¹²⁷ Outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples. Available at: <https://undocs.org/en/A/RES/69/2>

¹²⁸ Available at: <https://unpo.org/article/21799>

Rowangchari Sadar Union, Rowangchari Upazila, Bandarban Hill District. The police arrested the accused Md. Rakib Islam from Kainter Mukh Para some 2 days later. Subsequently, the incident was settled under the court of social arbitration led by the Village Head with a penalty of BDT 40,000 from the accused. Notably, criminal offences such as rape are non-compoundable as these are prosecuted by the state and cannot be subject to such arbitration.

Indigenous communities living in the remote areas in Bangladesh were also facing starvation with little or no food relief in the past year. While the pandemic has affected the indigenous people in various ways in terms of food shortage and access to medical services, the harassment and intimidation by the security forces and the activities of these vigilante groups have continued to aggravate the situation.¹²⁹ In September 2020, the Bangladesh Army in collaboration with a Bangladeshi company, the Sikder Group through its conglomerate company, R&R Holdings Ltd. began construction of a large-scale tourism project under the internationally known Marriott hotel chain on the customary lands of the Mro indigenous people of Bandarban district of CHT. The Mro community petitioned the Prime Minister of Bangladesh to halt the project and undertook several peaceful demonstrations at the construction site, the district headquarters of Bandarban and even in the capital city of Dhaka. The Mro have alleged that neither the company, nor the army have the requisite legal authority to take over their customary lands. Their calls have been supported by leading human rights activists of the country, indigenous students', and civil society groups, leading human rights NGOs, academics, and even by an opposition member of parliament.

Chittagong Hill Tracts (CHT) Peace Accord of 1997

147.9 Establish a plan of action to ensure full implementation of the Chittagong Hill Tracts Accord (Australia)

147.10 Launch a road map with a clear timeline for the speedy, proper, and full implementation of the Chittagong Hill Tracts Accord (Denmark)

147.11 Continue efforts to implement the Chittagong Hill Tracts Peace Accord and ensure that the ethnic minorities fully enjoy their rights (Maldives)

147.12 Increase efforts to implement the Chittagong Hill Tracts Peace Accord (New Zealand)

Although the CHT Peace Accord was signed 23 years ago, full implementation of the Accord remains unrealized.¹³⁰ During the reporting period, there has been no progress in the resolution of the case pending before the AD of the Supreme Court of Bangladesh on the legality and constitutionality of the CHT Regional Council that was formed in 1999 following the signing of the CHT Peace Accord 1997.¹³¹ The Government claims that 48 out of 72 clauses of the CHT Accord have been fully implemented, 15 partially implemented, and 9 clauses are in the process

¹²⁹ Available at: <https://www.iwgia.org/en/news-alerts/news-covid-19/3792-cttc-statement.html>

¹³⁰ Available at: <https://www.thedailystar.net/opinion/human-rights/news/cht-accord-22-years-promises-not-kept-1834357>

¹³¹ Available at: <https://www.thedailystar.net/country/chittagong-hill-tracts-regional-council-supreme-court-hearing-on-high-court-order-adjudged-for-4-weeks-1544311>

of implementation. However, according to the *Parbatya Chattagram Jana Samhati Samiti*,¹³² only 25 out of 72 clauses have been fully implemented, 13 clauses partially implemented, and 34 clauses remain unimplemented,¹³³ which implies full implementation of only about one-third of the CHT Accord. Major provisions of the Accord, including resolving land disputes through the CHT Land Dispute Resolution Commission, withdrawal of all temporary military camps and de-facto military rule, rehabilitation of internally displaced persons and Indian repatriated tribal refugees, election of Hill District Councils, are yet to be implemented. An estimated 22,000 cases have been filed in the Commission, mostly by indigenous people whose lands have been allegedly taken over by government-sponsored ethnic Bengali settlers and by government agencies. However, not a single case has been resolved, despite the passage of more than 20 years since the establishment of the commission in 1999.¹³⁴

While the government has enacted and amended laws, and formed the CHT Accord Implementation Monitoring Committee, its impact is minimal. A major drawback has been the continuous delay in framing Rules to supplement the Accord. Moreover, external groups of militant non-indigenous people have been attempting to delegitimize the work of the Commission, with the alleged support of the LEAs. According to Parbatya Chattagram Jana Samhati Samiti, only about only 15 percent of the Peace Accord provisions have been fully implemented by the Government, while more than 50 percent of the provisions remain unimplemented, and a quarter are either partially implemented or have seen some progress. The Government, however, claims to have left none of the key provisions unimplemented, fully implementing 56 percent of the Accord provisions, with the remaining 44 percent either partially implemented, or currently in progress.¹³⁵ Furthermore, no elections have been held for the Hill District Councils since 1989, and no elections have ever been held for the CHT Regional Council, since its formation in 1988. This is a serious problem for democratic governance as envisaged in the 1997 Accord. Among others, this means that the numerically small and marginalized indigenous groups remain as marginalized as ever due to their under-representation in the interim district councils.

The CHT remains among the most militarized regions anywhere in the world. Although no special law has been passed to authorize military personnel to engage in activities other than to support law courts and police personnel, if and when so required, it wields enormous influence through the administrative order known as “Operation Upliftment”. In the last 5 years, the number of military camps has visibly risen in the region, which is a clear violation of the `1997

¹³² The Parbatya Chattagram Jana Samhati Samiti is a political party formed to represent the people and indigenous tribes of the Chittagong Hill Tracts in Bangladesh. This party was a signatory to the CHT Peace Accord. It is a signatory to the CHT Peace Accord.

¹³³ Parbatya Chattagram Jana Samhati Samiti (2 December 2016) Report on implementation of the CHT Accord Rangamati, Chittagong Hill Tracts, Bangladesh. Available at: www.pcjss.org/wpcontent/uploads/sites/16/2020/10/A-Brief-Report-on-Implementation-of-the-CHT-Accord-2-December-2019-English.pdf

¹³⁴ Available at: <https://www.thedailystar.net/frontpage/news/land-disputes-cht-22000-complaints-gather-dust-1781815>

¹³⁵ Available at: www.pcjss.org/wpcontent/uploads/sites/16/2020/10/A-Brief-Report-on-Implementation-of-the-CHT-Accord-2-December-2019-English.pdf

agreement. The military has access to funds, supposedly for “pacification” (a term borrowed from the US Army’s strategies to “win the hearts and minds of the Vietnamese people”), which go without any civilian oversight, including audit. The military is seen to engage in matters beyond its mandate, including general “law and order” (the domain of the police and criminal law courts), land disputes involving Bengali settlers (the domain of the Land Commission, law courts and traditional chiefs and headmen) and other civilian matters.

Thousands of former indigenous refugees, out of a total of about 70,000 people – who were repatriated from India - and all of the 84,000 internally displaced indigenous persons (IDPs) remain un-rehabilitated in their original homes and lands. Although a specially-mandated task force, headed by a Member of Parliament, has been in existence since 1997, its mandate is inadequate as it has no financial resources to facilitate education, healthcare, drinking water and livelihood security to the un-rehabilitated former refugees and IDPs. Although the 70,000 indigenous returnee refugees and the 25,000 government-sponsored ethnic Bengali settlers’ families regularly receive food grain rations from the Government, the indigenous IDPs do not receive any such support. On 5 October 2020 leading members of civil society in the CHT submitted a memorandum to the head of the Task Force, Mr. Kujendra Lal Tripura, MP, demanding basic support, including food grains and other safety net support, for the more than 80,000 IDP families, along with the expansion of the mandate of Task Force. As of the date of writing this report, there is no further update on this issue.

Rights of the Rohingya Community

147.164 Continue efforts to host the forcibly displaced Myanmar nationals until they voluntarily return to their homeland in safety, security, and dignity (Yemen)

147.165 Continue to pursue strong efforts bilaterally as well as internationally and with help and assistance from the international community to the sustainable resolution of the Rohingya crisis (Azerbaijan)

147.166 Continue to work with international partners and Myanmar to find a sustainable solution that enables those displaced to return home voluntarily, safely and with dignity (New Zealand)

147.167 Continue to hold constructive dialogue with Myanmar and make efforts to implement the bilateral agreement, aiming at steady and rapid repatriation of refugees (Japan)

148.22 Continue improving Rohingya refugees’ conditions and investigating allegations of abuses and human rights violations against them in accordance with international standards (Holy See)

148.23 Step up efforts to guarantee the rights of refugees, with full respect to the principle of non-refoulement. (Mexico)

148.24 Strengthen those measures that had been taken to ensure that all children and young person’s among the refugees have effective access to the right to education, as well as guarantee the registration of all refugee children born in Bangladesh regardless of race, religion, national origin, or citizenship of their parents, particularly those children of Bangladeshi and Rohingya couples (Argentina)

149.51 Ensure that all refugee and stateless women and girls have effective access to justice without being threatened with arrest, by amending the 1946 Foreigners Act (Iceland)

149.60 Ensure access to justice to refugees and stateless individuals, in particular women and girls, including those belonging to ethnic minorities (Brazil)

Bangladesh continues to host Rohingya refugees. On 3 March 2020, the United Nations agencies and NGO partners launched the 2020 Joint Response Plan for the Rohingya humanitarian crisis, which aims to raise US\$877 million to respond to the needs of approximately 855,000 Rohingya refugees from Myanmar and over approximately 444,000 vulnerable Bangladeshis in the communities hosting them.¹³⁶ In August 2019, the Government reportedly attempted to repatriate some Rohingya people to Myanmar but the repatriation attempt failed due to the unwillingness of the Rohingya to shift without ensuring their safety, security and guarantee of citizenship, UN-backed safe zone in Rakhine, recognition of their ethnicity as Rohingya and return to the place from where they were driven out.¹³⁷ In early 2020, the Government announced that it will offer schooling and skills training opportunities to Rohingya refugee children. This is a welcome development as the Government had initially been reluctant to grant recognition to the right to education of the Rohingya children, and accordingly noted the recommendations with respect to it.¹³⁸

Due to currently available limited resources, restrictions on work and the right to earn an income, many Rohingya people continue to require acute humanitarian assistance. There have been multiple news reports of illicit or unauthorized activities taking place within and outside the camps which have also resulted in a heavy-handed and, at times, indiscriminate security response from authorities, with a number of instances of extrajudicial killings, under the guise of ‘crossfire’ during the anti-drug campaigns. For instance, following the death Omar Faruk (age 30), a local leader of the ruling party’s youth wing on 23 August 2019, 7 people allegedly died in a ‘gunfight’ in the span of a month.¹³⁹

Registered Rohingyas living in recognized camps are not permitted to move freely. Local authorities have enforced tight restrictions on Rohingya movement in Teknaf, Ukhiya and other areas of Cox’s Bazar, to the extent that even Bangladeshi citizens must carry national identity cards in these areas. These restrictions seriously impact economic livelihoods including for

¹³⁶ Available at: <https://www.unhcr.org/news/press/2020/3/5e5cfb984/un-appeals-us877-million-rohingya-refugee-response-bangladesh.html>

¹³⁷ Available at: <https://www.dhakatribune.com/bangladesh/rohingya-crisis/2019/08/23/rohingya-repatriation-attempt-fails-again>; <https://www.thedailystar.net/rohingya-crisis/news/rohingya-repatriation-first-batch-return-aug-22-1785979>

¹³⁸ Available at: <https://www.amnesty.org/en/latest/news/2020/01/bangladesh-rohingya-children-get-access-to-education/>

¹³⁹ For example, see Amnesty International, ‘Stop extrajudicial executions of Rohingya refugees and end restrictions to their freedom of movement’. Available at: <https://www.thedailystar.net/backpage/news/crossfire-deaths-the-rise-1936277>; <https://www.thedailystar.net/opinion/perspective/news/crossfire-deaths-teknaf-1877335>.

unregistered refugees, hindering their ability to access relief assistance. Rohingyas working illegally face constant threats of arrest, leaving them vulnerable to harassment and exploitation by employers.¹⁴⁰

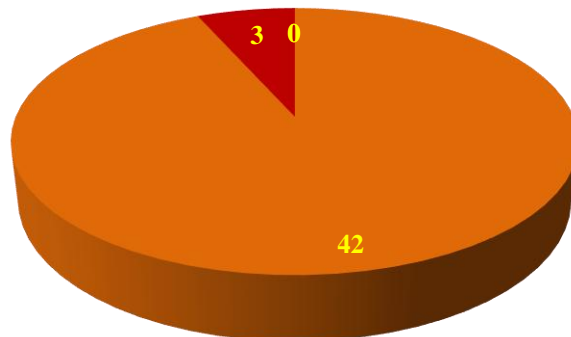
Though outside the reporting period, a relocation process of about 10,000 people from the Rohingya camps to the island of Bhashan Char has begun as of 4 December 2020. This process generated significant controversy, especially with regards to the living conditions in these facilities, as well as the lack of willingness of some members of the Rohingya community to relocate.

¹⁴⁰ Tarek Mahmud, 'A number of Rohingyas leave camps, work illegally across Bangladesh,' Dhaka Tribune, January 9, 2018, accessed December 1, 2019. Available at: <https://www.dhakatribune.com/bangladesh/2018/01/09/number-rohingyas-leave-campswork-illegally-across-bangladesh>.

Economic, Social and Cultural Rights

Total Recommendations (45) [45 ACCEPTED | 0 NOTED]

SDG Goal 1, 2, 3, 4, 6 and 16



147.13	Continue to implement the national social security strategy, prioritizing the situation of women, children, persons with disabilities and the elderly (Belarus)
147.14	Provide a mechanism to follow up the full implementation of the Parental Maintenance Act of 2013 (United Arab Emirates)
147.21	Pursue the effective implementation of the Five-Year National Development Plan (Lebanon)
147.29	Intensify efforts to ensure gender equality in the area of education (United Arab Emirates)
147.31	Take specific measures aimed at eliminating all forms of discrimination and stigma in healthcare settings, in particular against those persons who are in a more vulnerable position, including in the context of mental health and of HIV/AIDS (Portugal)
147.33	Continue the efforts to implement the 2030 agenda and promote economic and social sustainable development in order to lay solid foundations for its people to enjoy all human rights (China)
147.34	Implement sustainable development goals to ensure the promotion and protection of human rights and achieve that goal through continuing efforts with development partners and the international community to accelerate the implementation of those goals (Egypt)
147.35	Continue efforts and development plans to transform Bangladesh into a middle income country by 2021 and to a developed country by 2041 (Syrian Arab Republic)
147.43	Enhance the promotion and protection of fundamental human rights in accordance with the level of socio-economic development of the country in keeping with international human rights instruments (Tajikistan)
147.81	Continue its efforts to combat the stigmatization of people living with HIV AIDS (Gabon)
147.91	Use effective measures to eliminate and prevent violations of economic, social, and cultural rights (Turkmenistan)

147.92	Continue to adopt positive measures to better protect the right to education, health, employment, and other rights of its people (China)
147.93	Proceed with the development of the legislative structure by additional laws that aim at promoting and protecting human rights, especially in the field of education and health (Syrian Arab Republic)
147.94	Enact a law on the patients and health care service providers and mobilize the necessary means for its implementation (Algeria)
147.95	Continue efforts to improve health and education and combating discrimination (Libya)
147.96	Step up taken efforts to improve economic and social rights notably through the follow-up of the 2021 vision and the five-year plan (2016-2021) (Morocco)
147.97	Continue to guarantee the right to food for marginalized groups, and make efforts together with the international community on this (Cuba)
147.98	Continue consolidating the successful housing plans for all (Bolivarian Republic of Venezuela)
147.99	Ensure the implementation of the National Social Security Strategy (NSSS) focusing specifically on delivering social security to the most vulnerable groups (Bahrain)
147.100	Continue increasing the successful social programs, in the fight against poverty and social exclusion (Bolivarian Republic of Venezuela)
147.101	Continue efforts in order to reduce poverty among the most vulnerable populations (Algeria)
147.102	Continue in the program of combating poverty through supporting microfinance programmes (Sudan)
147.103	Establish appropriate programs to guaranty to Bangladeshis living in poverty access to economic growth in the country in a tangible and practical way (Haiti)
147.104	Step up efforts to implement poverty reduction measures (Philippines)
147.105	Step up its efforts to eliminate poverty and improve living standards (Qatar)
147.106	Continue to implement its strategies and plans and work to adopt a plan to ensure access of drinking water and sanitation services to poor neighborhoods and rural areas (State of Palestine)
147.107	Continue promoting access to drinking water and sanitation, especially in rural areas (Plurinational State of Bolivia)
147.108	Promote greater access to safe and drinkable water and sanitation, especially in rural areas (Holy See)
147.122	Make further effort to improve health infrastructures particularly in rural areas and intensify training programs for health professionals (Democratic People’s Republic of Korea)
147.123	Increase access to basic healthcare, particularly in rural areas, with the aim to reduce and prevent maternal, fetal, and infant mortality (Holy See)
147.124	Continue promoting access to health services, facilitating greater access to mental health, maternal health, and neonatal health care (Plurinational State of Bolivia)
147.125	Treat the Right to Education similarly as other rights in the Constitution (Guyana)

147.126	Strengthen national measures and international cooperation to achieve the goal of education for all (Belarus)
147.127	Continue measures to broaden the educational system, including the enshrining of the right to free and compulsory education (Peru)
147.128	Continue to invest in quality education for creating a knowledge-based society to ensure equality, justice, and peace (Turkey)
147.129	Extend the compulsory primary school and take efforts to increase the school participation rate of the marginalized groups (Slovakia)
147.130	Continue efforts to improve the quality of education in public schools, towards the realization of the right to development (Bolivarian Republic of Venezuela)
147.131	Ensure a continued focus on girls' education through-out the country specially for poor and marginalized children and youth and ensure that they all complete their education (Afghanistan)
147.132	Invest in quality education, and make use of information and communication technology to create employment opportunities for its youth population (Azerbaijan)
147.133	Continue its efforts at increasing the number of children, particularly girls, enrolled in free and compulsory primary education, and hopes that free and compulsory education is extended to all secondary school aged children irrespective of gender or ethnicity (Barbados)
147.134	Continue its efforts to ensure full enrolment of children particularly girls in schools and to provide quality education (Democratic People's Republic of Korea)
147.135	Intensify efforts to improve the education system and ensure equal access to quality education for all, particularly for women and girls (Djibouti)
147.136	Implement policies to increase the enrolment ratio of girls in primary and secondary schools to give them a good start in life (Singapore)
147.137	Further enhance its efforts to achieve higher enrolment ratios of girls in primary and secondary schools (Thailand)
147.138	Continue efforts to develop practical measures to implement the Informal Education Act of 2014 (Tunisia)

Right to Health

The spread of COVID-19 has critically exposed long-standing weaknesses of Bangladesh's health system.¹⁴¹ In the fiscal year 2019-20, the Ministry of Health and Family Welfare (MoHFW) allocated just 4.9 percent of the national budget to the health sector, which is one of the lowest in South Asia. Although the new allocation for the health sector amounting to BDT 257,320,000,000 in the budget is just over BDT 23,390,000,000 higher in the fiscal year 2019-20

¹⁴¹ Available at: <https://www.thedailystar.net/opinion/news/what-do-we-need-new-health-budget-1911665>

than 2018-19,¹⁴² it still constitutes a mere 4.9% of the total budget.¹⁴³ These provisions are inadequate for the health demands of a population of 160 million.

Out-of-pocket health expenditure which is directly paid by a patient during service use and not reimbursed by any insurance coverage is still high in Bangladesh, amounting to some 63 percent of current health expenditures in 2017 compared to the global average of 18 percent, and regional averages of 62 percent in India, 58 percent in Nepal, 50 percent in Sri Lanka. The out-of-pocket health expenditure in Bangladesh is much higher than that of the world average of 32 percent.¹⁴⁴

The lack of quality health care benefits and the financial burden of unsubsidized private healthcare push the ultra-poor further into the extreme poverty level. It also disproportionately affects minorities and other disadvantaged segments of the population including the elderly, persons with disabilities, infants, young mothers etc. Health services support remains inaccessible for the indigenous people due to distance and bad communication, and what little provision exists such as the Community Health clinics in the CHT, the tea-planting communities and the Char area, they do not function effectively. Food and nutritional insecurity, and mother and infant mortality and morbidity are also high in these places, although detailed data is unavailable due to the absence of an ethnically, socio-economically and geographically disaggregated database.

The Ministry of Health and Family Welfare (MoHFW) has an indigenous-specific policy, the Framework for Tribal Peoples' Plan 2017, to address the specific health needs of indigenous communities in order to provide them with quality and equitable healthcare. However, there is insufficient awareness about this policy and hence numerous laudable provisions of this policy remain unimplemented. The provisions of this policy, read in synergy with other sectoral policies, could facilitate contextually appropriate measures for food and nutritional security, access to safe water, mobile clinics, and other specialized measures for the marginalized section of the indigenous population in the plains and the CHT. Not having a specific central department to look after the welfare needs of the indigenous peoples is a huge drawback in the health sector in particular, and the development sector in general.

The adolescent (ages 15-19) birth rate in Bangladesh is still high as approximately, 750,000) adolescent girls are giving birth annually according to the United Nations Population Fund's (UNFPA) annual flagship report – State of World Population 2019. According to this report, “adolescent fertility levels have remained relatively unchanged during the past 25 years with the adolescent fertility percentage being 33 percent in 1994 and 31 percent in 2018”.¹⁴⁵ Social stigma

¹⁴² Some twenty-three thousand crores (BDT 23,393) crore allocated for the health sector in the budget for the fiscal year 2018-19.

¹⁴³ Available at: <https://www.dhakatribune.com/business/economy/2019/06/13/govt-allocates-tk-25-732cr-for-health-sector-in-budget>

¹⁴⁴ Available at: <https://www.thedailystar.net/opinion/perspective/news/why-universal-health-coverage-must-1725814>

¹⁴⁵ Available at: <https://www.thedailystar.net/backpage/news/nearly-75-lakh-teenagers-give-birth-every-year-1731184>

and cultural norms, and existing rules, are preventing access to menstrual regulation for unmarried girls. In addition, social stigma against HIV/AIDS and continuing criminalization of same sex relations act as a barrier for accessing health services, especially for the transgender community and homosexuals.

In rural areas, there has been no effort to ensure access to mental health services.¹⁴⁶ Service providers tend to harbor a negative attitude towards the treatment of those affected. Furthermore, mental health treatment is not a priority within the larger healthcare service-delivery schemes. Mental health services are concentrated around tertiary care hospitals in big cities and absent at primary care centres in rural and peri-urban settings. Bangladesh enacted a new Mental Health Act in 2018,¹⁴⁷ which replaced the outdated 105-year-old Lunacy Act, 1912. A systematic review revealed that the prevalence of mental disorders amounted to some 3.4 to 22.9 percent in children and 6.5 to 31 percent in adults in Bangladesh.¹⁴⁸ In such a context, the new act brings hope to those with mental illnesses by protecting their property rights and keeping provisions for health and rehabilitative services.

Bangladesh has an extensive network of government hospitals at the community, upazila (sub-district) and district levels, particularly in the plain areas, excluding the CHT, Haor, Char (delta) and tea estate areas. Every year, a large proportion of the budget is spent on infrastructure development and procurement of equipment. However, according to the Bangladesh Health Facility Survey 2017,¹⁴⁹ only 28 percent of health facilities have all 6 basic equipment including a stethoscope, thermometer, blood pressure apparatus, adult scale, child or infant scale, and light source, while 80 percent of upazila healthcare facilities do not have functioning x-ray machines. It is, therefore, not surprising that these public hospitals are not equipped with oxygen and ventilators, which are crucial for COVID management.

Health workers are concentrated in urban secondary and tertiary hospitals, although 70 percent of the population lives in rural areas.¹⁵⁰ Major challenges include an overly-centralized health system, weak governance structure and regulatory framework, weak management and institutional capacity in the Ministry of Health and Family Welfare (MoHFW), fragmented public service delivery, inefficient allocation of public resources, lack of regulation of the private sector – which employs 58 percent of all physicians, shortage of Human Resources for Health, high turnover and absenteeism among health workers, and poor maintenance of health facilities and medical equipment.

The finalized draft of the ‘Healthcare and Protection’ Bill aimed at strengthening the monitoring system of the health services at private hospitals has been awaiting cabinet approval since October 2019 and is yet to be enacted into law. Although the Consumers Rights Protection

¹⁴⁶ Available at: https://www.who.int/mental_health/bangladesh_who_aims_report.pdf?ua=1

¹⁴⁷ Available at:

https://www.researchgate.net/publication/329813584_New_Mental_Health_Act_in_Bangladesh_unfinished_age
nd

¹⁴⁸ Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4149198/>

¹⁴⁹ Available at: <https://dhsprogram.com/pubs/pdf/SPA28/SPA28.pdf>

¹⁵⁰ Country Case study (GHWA, 2008) <https://www.who.int/workforcealliance/countries/bgd/en/>

Act 2009 could have been utilized to protect the rights of the patients, frontline doctors and medical personnel, the Consumers Rights Protection Directorate has not been particularly active on this issue as it only resorted to sanctioning fines.¹⁵¹

The majority of community clinics were not functioning during the Pandemic. Of those clinics that were functioning, many were reluctant to provide any antenatal and postnatal care on account of social distancing rules.¹⁵² There was no record of any coherent training programs by the Government for the Community Health Workers and Community Paramedics in the rural areas of Bangladesh.

The Government has announced incentive packages of BDT 1,000,000,000 for government physicians, nurses and health workers treating COVID-19 patients, and BDT 7,500,000,000 for health and life insurance for those affected while on duty. In the new fiscal year 2021-2022, there is a need for transparent mechanisms for the appropriate disbursement of these funds to the intended beneficiaries.

The weak capacity of the health sector due to lack of long-term planning, good governance and capacity have been particularly apparent during the crisis. The Government has failed to make adequate preparations. Failure to identify and control the influx of Covid-19 due to lack of coordination and mismanagement, depriving large numbers of people from testing by refusing to expand laboratory facilities, and failure to control inter-district movement have contributed to the spread of infection. There has also been a tendency to make bureaucratic decisions by ignoring specialist opinions in all cases including lockdowns, and discouraging participation of the private sector in these initiatives. Due to lack of widespread social participation and proper information dissemination, the Government failed to create public awareness which made the lockdown ineffective. Health workers' health risks and crisis in medical management increased due to irresponsibility and corruption in the supply of unhealthy protection materials. In some cases, needy beneficiaries were deprived from relief distribution due to lack of coordination among different ministries and authorities. Finally, the tendencies to cover up irregularities and mismanagement through restrictions on disclosure of information have encouraged corruption.

There have been frequent allegations of refusal to provide healthcare service by hospitals and negligence by doctors amidst the Coronavirus pandemic. Patients have complained that private hospitals are cashing in on the virus crisis by charging exorbitant amounts for COVID-19 treatment. Medical negligence with special reference to the Consumer Rights Protection Act may offer some protection and enforcement of rights of patients as is the case in many countries including neighboring India.¹⁵³ However, Bangladesh lacks such regulatory framework and regime of rights for patients.

¹⁵¹ Available at: <https://www.thedailystar.net/law-our-rights/news/towards-consumer-rights-based-approach-healthcare-1926429>

¹⁵² Available at: <https://www.frontiersin.org/articles/10.3389/fpubh.2020.00154/full>

¹⁵³ Available at: <https://tbsnews.net/bangladesh/law/health-protection-law-limbo-97873>

Right to Adequate Housing

Although there is a National Housing Policy, it lacks implementation. During the Coronavirus pandemic in 2020, the government formed a committee for eviction and resettlement of informal settlements (slums).¹⁵⁴ Government flats that were made for low-and-middle income people often go to the economically affluent and politically powerful due to their prohibitive prices, spatial inadequacy, exclusionary allotment processes, and lack of community participation and independent monitoring.¹⁵⁵

There have been multiple instances of slum eviction without any minimum assurance or guarantee of rehabilitation.¹⁵⁶ For instance, on 19 and 20 February 2019, the National Housing Authority conducted an eviction drive in the slum areas of Dhamalkoat, Shoukhin Road, Lalasorai, Kajolertek and Neerob Road in Bhashantek, Mirpur without giving any prior notice. These instances were investigated by ASK. The slum dwellers in these areas claimed that during this drive, approximately 2500 slum dwellings and 200 shops were destroyed.¹⁵⁷ Similarly, on 14 March 2019, the LEAs conducted an eviction drive at the Shyamoli slum in Dhaka, demolishing around 500 shanties in direct contravention of a High Court stay-order against such evictions.¹⁵⁸ Indigenous and Dalit groups have also been subject to evictions from their housing and land in Ganaktuly,¹⁵⁹ Bandarban,¹⁶⁰ Gobindaganj without proper rehabilitation measures.

Right to Education

Bangladesh has one of the world's largest education systems in the developing world, catering to nearly 40 million students. However, the proposed allocation for the education sector in the fiscal year 2019-20 was BDT 61,118 crore out of BDT 79,486 crore consolidated budget (minus technology), which is only 2.1 percent of the gross domestic product (GDP). The percentage of allocation to this sector appears to be gradually decreasing. UNESCO's recommendation is that the education budget should range between 4 and 6 percent of the GDP. The allocation for education as proposed in financial year 2019-20 budget is approximately BDT 24,040 crore for the primary education sector, BDT 29,624 crore for the secondary and higher education sector and BDT 7,454 crore for technical and madrasa education.¹⁶¹ The quality of

¹⁵⁴ Available at: tinyurl.com/ec2yyzmx

¹⁵⁵ Available at: <https://www.daily-sun.com/printversion/details/408680/Built-for-lowincome-people-going-to-rich>; Available at: <https://www.thedailystar.net/opinion/human-rights/news/what-really-happened-bhashantek-1868377>

¹⁵⁶ Available at: <https://www.thedailystar.net/city/eviction-drive-in-dhaka-bhashantek-slum-housing-authority-conducts-1704415>

¹⁵⁷ Available at: <http://www.askbd.org/ask/2019/03/14/bhashantek-slum-eviction-case/>

¹⁵⁸ Available at: <https://www.thedailystar.net/city/shyamoli-slum-dweller-evicted-defying-high-court-order-1715059>

¹⁵⁹ Available at: <http://www.newagebd.net/article/65641/dalits-dislodged-from-ganaktuli-demand-speedy-resettlement>

¹⁶⁰ Available at: <https://www.thedailystar.net/news/country/last-six-marma-families-evicted-1617844>

¹⁶¹ Available: <https://www.dhakatribune.com/bangladesh/parliament/2019/06/30/parliament-passes-tk5-23-190-crore-budget-for-fy-2019-20>.

primary and secondary education suffers both because of this meager allocation, and due to a major portion of it being directed towards school infrastructure development as opposed to quality of education.

Currently, there is a scarcity of primary schools in the CHT areas, and tea cultivating and Char communities. In many of these remote places, teachers are not available. The Fourth Primary Education Development Programme under the Ministry of Primary and Mass Education has certain provisions that could context-specifically address the education needs of indigenous communities in the remote parts of the CHT, but there is little awareness about it, both within the primary duty-bearer, the Government itself, and among the rights-holders, the indigenous communities.

The right to education, particularly that of children, was seriously affected by the COVID-19 pandemic due to the officially sanctioned lock-down measures and the shutting down of educational institutions for an indefinite period. Although later, through the introduction and activation of the online education system in Bangladesh, the situation was salvaged to a certain extent by improving the situation slightly and helped and pulled the students out of a state of limbo, but the quality of education took a serious turn for the worse. Similarly, accessibility of the educational services in a non-discriminatory manner between the urban and the poor was not possible. Electricity, computers, telephone, and internet connectivity are unavailable in many parts of the CHT and other parts of the country. Therefore, a significant percentage of students were deprived of on-line education access.

In terms of legal reform, an Education Bill drafted some 9 years ago is yet to be enacted into law. Thus, both the allocation for education in Bangladesh ought to be further increased and a regulatory framework ought to be put in place if the Government is committed to building quality human resources, creating productive employment, and building domestic human capital.¹⁶²

Right to Social Security and Protection

Bangladesh is performing poorly in reducing the gap between the rich and the poor. The upper 10 percent— economic elites in— control at least 45 percent of the total national income of the country, while the bottom 10 percent, the poor, have access to only 1.1 percent of the total national income. According to Human Development Index 2020 report, Bangladesh scored 133 out of 189 countries.¹⁶³ Bangladesh is ranked 148 among 157 countries in the “Commitment to Reducing Inequality Index” of 2018.¹⁶⁴ In terms of least inequality, Denmark is first in the world with a Gini coefficient of 0.25. The Government has acknowledged in its SDG progress report that income inequality increased in Bangladesh in the past 6 years with a Gini coefficient value of 0.483 in 2016. According to estimates by the Centre for Policy Dialogue, wealth inequality in

¹⁶² Available at: <https://www.newagebd.net/article/76519/reducing-inequality-by-way-of-budgetary-measures>

¹⁶³ Available at: http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/BGD.pdf

¹⁶⁴ Available at: <https://www.thedailystar.net/business/news/inequality-alarmed-1645039>

terms of Gini coefficient stands at a staggering 0.74.¹⁶⁵ Thus, both the income and wealth inequality index are showing ever-widening gaps between the rich and the poor.

In the fiscal year 2019-20, the Government allocated BDT 743,670,000,000 for social security constituting around 2.6 percent of the GDP. This amount covers pensions for all retired government employees, freedom fighters' allowances and many rural infrastructure development projects. Eventually, however, it amounts to only BDT 408,647,400,000 for more than 13 million poor and vulnerable people.¹⁶⁶

In 2020, as reported in various studies and media, COVID-19 has created further inequities in access to employment, education, healthcare, and food for marginalized people, thereby exacerbating existing inequalities. Almost 16.4 million new people have been estimated to have been pushed below the poverty line according to the Bangladesh Institute of Development Studies (BIDS). According to the simulations run by South Asian Network on Economic Modelling researchers using the latest Household Income and Expenditure Survey data of BBS, the rate of poverty in Bangladesh was estimated to reach 40.9 percent since the beginning of the Pandemic.¹⁶⁷ Furthermore, by the Centre for Policy Dialogue's estimates, Bangladesh's national poverty rate rose to 35 percent in 2020 from 24.3 percent in 2016 due to adverse impacts of the COVID-19 pandemic.¹⁶⁸

Since March 2020, the Government has deployed several stimulus measures to sustain economic activity and protect the most vulnerable. It announced 19 stimulus packages amounting to just over BDT 1,300,000,000,000 (1.3 trillion), which is worth around 3.7 percent of the country's GDP to offset the impact of the COVID-19 Pandemic on various sectors of the country. There included was a package of BDT 5,000 crore for export-oriented industries, with a stipulation that the money be used for providing wages and salaries of workers and employees; provision of assistance through the "Return-to-Home" programme for the homeless and landless people under which there would be homes free of cost, six months' food and cash assistance; continuation of Vulnerable Group Development, Vulnerable Group Feeding and rice for Tk 10 per kg programmes; and accommodation in Bhashanchar island to provide shelter and employment for 100,000 people.¹⁶⁹ The Government also initiated a plan to provide one-time assistance of BDT 2,500 each to 5 million families among the most vulnerable sections of society. The Government allocated BDT 12,500,000,000 for this initiative of which BDT 80,000,000 were allocated to cover the cost of distribution. However, as of July 2020, some 3.4 million people were yet to get any support.¹⁷⁰

The Government's stimulus package did not properly reach people with disabilities, transgender groups, ethnic community groups, low-income families, returnee migrant workers,

¹⁶⁵ Available at: <https://www.thedailystar.net/opinion/news/overcoming-rising-inequality-exposed-covid-19-1900729>

¹⁶⁶ Available at: <https://tbsnews.net/opinion/what-bad-governance-looks-straightforward-assessment-43369>

¹⁶⁷ Available at: <https://sanemnet.org/sanem-researchers-assess-poverty-impacts-of-covid-19/>

¹⁶⁸ Available at: <https://cpd.org.bd/growth-poverty-and-inequality-implications-of-covid-19/>

¹⁶⁹ Available at: <https://thefinancialexpress.com.bd/views/letters/need-help>

¹⁷⁰ Available at: <https://www.thedailystar.net/opinion/black-white-grey/news/tale-misplaced-priorities-1928729>

and informal and low wage earners such as daily laborers, transgender, and sex workers. Data from several rapid assessments show that around 40 percent of the poor population and 35 percent of the vulnerable non-poor have already reduced their food consumption to cope with the Pandemic.¹⁷¹ Indigenous communities in the CHT have come to particularly hard times in the absence of work, income and food.¹⁷² Although they received some of the special relief packages, many of the communities in the remote areas did not receive the benefit of the aforesaid packages. In some of the especially remote parts of the CHT, such as the Barthali, Sajek and Harina unions where food scarcity was reported to be particularly dire at the height of the lockdown in 2020, some people did not receive any substantive food rations or cash benefits. According to reports of different development organizations, Dalits, Adibashis, fisher-folk communities living in hard-to-reach areas, and other marginalized communities working in the informal sector were somewhat left without state support under the aforesaid packages.

In some cases, beneficiary lists prepared by the local administration targeting sectors and vulnerable groups for receiving government assistance were flawed. Those who should not be eligible were listed. For example, 3,000 government employees, 7,000 pensioners and others who were already receiving support from other social safety programmes were included in the list.¹⁷³ According to a recent survey conducted by Transparency International Bangladesh (TIB), partisan and political considerations were major contributing factors in the determination of such lists of beneficiaries for relief in 82 percent of the areas. TIB also found some 218 incidents of corruption with regards to relief distribution that involved elected representatives (30 percent), local political leaders (24 percent), businesspeople (14 percent) and others, and which were reported in the media up to 10 June 2020.¹⁷⁴

¹⁷¹ Available at: <https://reliefweb.int/report/bangladesh/act-alliance-appeal-global-response-covid-19-pandemic-act201-sub-appeal-act-201>

¹⁷² Available at: <https://www.ucanews.com/news/ethnic-communities-face-starvation-in-bangladesh/87768>

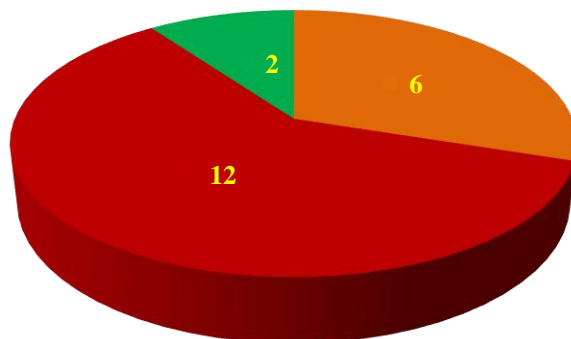
¹⁷³ Available at: <https://www.thedailystar.net/opinion/black-white-grey/news/tale-misplaced-priorities-1928729>

¹⁷⁴ Available at: <https://www.ti-bangladesh.org/beta3/images/2020/report/covid-19/Covid-Resp-Track-ES-Eng-15062020.pdf>

Right to Work

Total Recommendations (30) [20 ACCEPTED | 10 NOTED]

SDG Goal 8 and 16



148.18 Increase labour inspections and take action against individuals and organizations that subject migrant workers to forced labour and human trafficking (United Kingdom of Great Britain and Northern Ireland)

147.109 Amend the Bangladesh Labor Act and Export Processing Zone Labor Act, in consultation with workers and employers, to ensure the provisions on freedom of association conform to international labor standards (United States of America)

147.110 Adopt further measures to guarantee workers’ rights, also in line with the “Sustainability Compact” (Italy)

147.111 Continue efforts to strengthen labour inspection authorities to conduct assessments of the safety of the workplaces (Jordan)

147.112 Take the necessary steps to hold companies accountable for practices with a negative impact on workers’ health, well-being, and safety (Ecuador)

147.113 Improve the working conditions of women by monitoring and punishing lawbreakers from employers (State of Palestine)

147.114 Take effective measures to protect workers’ rights, including by reducing the existing gender wage gap and improving working conditions (Botswana)

147.115 Continue to implement national measures to address the wage gap between the two sexes (State of Palestine)

147.116 Reduce the wage gap between the two sexes and ensuring women's access to the labour market (Iraq)

147.117 Continue efforts to significantly strengthen measures combatting unsafe and unhealthy working conditions in accordance with the International Covenant on Economic, Social and Cultural Rights and relevant ILO Conventions (New Zealand)

147.118 Strengthen existing follow-up mechanisms for the protection of women workers against all forms of exploitation, particularly those working in the informal sectors, and require businesses to respond to practices that are harmful to the health, well-being, and safety of women workers (Côte d’Ivoire)

147.119 Strengthen efforts to protect female workers from exploitation (Guyana)

147.120 Strengthen existing monitoring mechanisms to protect female workers from all forms of exploitation, particularly those working in the informal sector (Ghana)

147.121 Strengthen the existing national monitoring mechanisms aimed at protection of women workers from all kinds of discrimination, in particular those working in informal sector (Serbia)

147.158 Continue its pro-active role in dealing with international migrations (Indonesia)

147.159 Enhance inter-governmental dialogue and cooperation to protect and promote the rights of migrant workers (Nepal)

147.160 Strengthen measures to protect migrant workers (Peru)

147.161 Continue efforts to enhance the transparency and efficiency of the recruitment system of migrant workers from Bangladesh (Philippines)

147.162 Work closely with bilateral and regional partners in lowering the cost of migration for migrant workers from Bangladesh (Philippines)

147.163 Improve the conditions of migrant workers in accordance with international conventions and treaties (Iraq)

Workers' Rights

Workers in Bangladesh continue to face poor working conditions, low wages, and excessively long working hours. A study by Human Rights Watch¹⁷⁵ found that workers in the ready-made garments (RMG) sector were most vulnerable to exploitation due to violence in the workplace, which further increased because of their efforts to unionize. There are several laws and policies in place and the Government has taken some steps to improve workers' rights. The Government provides training through the Bureau of Manpower Employment and Training (BMET) and Technical Training Centers (TTCs) for migrant workers. Some technical training is supported by ILO for RMG sector workers, but it is not adequate given the size of the workforce.

Employers' relative bargaining power and capacity for repression prevents these workers from effective organization. Workers are also subjected to police brutality and arrests during protests. The Government's labour inspection department continues to be under-resourced and exploitation within the sector is yet to be substantially addressed. Weak enforcement of labour laws by the Government contributes to pervasive impunity of employers to harass and intimidate both workers and local trade unionists seeking to exercise their right to organize and collectively bargain. Labour rights groups are facing registration problems, which in turn affects their funding and operations.

In 2018, the Cabinet approved a draft of Bangladesh Labour (Amendment) Act, 2018, which aimed to align it with international labour law standards by making workplaces friendlier for workers, delineating disciplinary provisions for workers, and providing recommendations for owners to increase productivity.¹⁷⁶ The Amended Act came into force on 14 November 2018. On 1 April 2019, the Government set out to amend the Bangladesh Labour Rules 2015 to implement

¹⁷⁵ Available at: <https://www.hrw.org/news/2020/06/18/end-violence-harassment-work>

¹⁷⁶ Available at: <https://www.newagebd.net/article/49745/new-labour-law-with-fresh-facilities-for-workers-gets-cabinet-nod>; <http://www.theindependentbd.com/post/164769>

the objectives of the amended Bangladesh Labour (Amendment) Act 2018. The Labour ministry formed a 10-member committee headed by an Additional Secretary to prepare a draft amendment of the rules within six months. Organizations working on workers' rights have submitted their recommendations to be incorporated in the rules. This process is still on-going.

Despite some notable changes, the amended labour law benefits owners more than the workers. Among the amendments, the threshold of trade union formation was reduced to 20 percent and workers below the age of 14 years have been prohibited from participating in unions. While the amount of compensation for workplace injuries and deaths has doubled under the amended law, it remains inadequate as it is not assessed according to established principles of assessing damages, considering individual circumstances (e.g., age, earning and number of dependents etc.) of the deceased or injured workers. The Government is reportedly close to introducing a pilot Employment Injury Insurance scheme for the RMG sector, in line with ILO Convention No. 121.¹⁷⁷ The first phase is set to cover at least 150,000 workers from 50-100 factories.¹⁷⁸

On 8 October 2018, the Government published a gazette notification fixing BDT 8,000 as the minimum wage for garment workers. The new pay structure has been effective from 1 December 2018. On 24 January 2019, the Government published revised gazette notifications regarding RMG wage structure and introduced further increments.¹⁷⁹ In During the year 2018, the Government also declared minimum wages for other sectors ranging from tanneries, teagardens, tailoring and textiles industries.¹⁸⁰ In 2019, the Government announced further sector-specific minimum wage thresholds and constituted wage boards for such sectors. Some of these include, for example, a monthly minimum wage of around BDT 8,500 for the glass and silicate sector, and BDT 16,130 for outsourced workers and the formation of a minimum wage board for setting minimum wages for the Re-Rolling Mill workers.

On 11 February 2019, the Government published a gazette notification under the Bangladesh Export Processing Zones Labour Ordinance 2019. Subsequently, Parliament enacted the Bangladesh Export Processing Zone Labour Act, 2019 on 27 February 2019. The Act was silent as to workers' organizing and forming trade unions. Instead of trade unions, the Act provided for establishing labour welfare associations. Such associations, however, will not guarantee freedom of association in the way trade unions can to these workers for realizing their demands.

¹⁷⁷ Available at: <https://www.dhakatribune.com/business/2021/02/26/injury-based-insurance-for-apparel-workers-in-the-offing>

¹⁷⁸ Ibid.

¹⁷⁹ According to this structure, BDT 8,000 for Grade-7, BDT 8,420 for Grade-6, BDT 8,875 for Grade-5, BDT 9,347 for Grade- 4, BDT 9,845 for Grade-3, BDT 15,416 for Grade-2, and BDT 18,257 for Grade-1 have been fixed.

¹⁸⁰ For example, the Government has fixed BDT 13,500 (divisional districts) & BDT 12,800 (other areas) for Tannery Industry; BDT 5,000 (divisional districts) & BDT 4,850 (districts & sub districts) for Tailoring Factory; BDT 7,170 (divisional districts), BDT 5,990 (districts), BDT 5,710 (sub-districts) for Cotton Textile Industry; BDT 5,930 for automobile workshops; BDT 5,940 for bakeries, biscuits; confectionery manufacturing. Only the daily minimum wage declared BDT 102 for the Tea Garden workers.

Following the outbreak of the COVID-19 pandemic, on 25 March 2020, the Government announced a bailout/stimulus package of BDT 50,000,000,000 for export-oriented industries to fight the impact of Coronavirus on the country's economy, specifying that the funds from the package could only be disbursed in the form of salaries and wages for employees and workers of industries.¹⁸¹ There have been concerns raised by the Centre for Policy Dialogue where it emphasized on clear guidelines to determine the eligibility of commercial banks for disbursing the liquidity support and highlighted the long-standing problems of the banking sector. Although the Government informed the public about the usage of the funds and packages, concerns were raised by the workers and worker organizations on the ineffectiveness of the disbursement mechanism and implementation.¹⁸²

On 12 April 2020, the Ministry of Labour and Employment published an order to establish 23 tripartite crisis-management committees to oversee and regulate issues affecting workers during the COVID-19 Pandemic. Although some of these committees were formed on 11 October, 2020, no meetings have been held as of the date of writing of this report as the Department of Factory Inspection and the Department of Labour are yet to be represented in such committees.

The Government recently decided to introduce the 'Green Factory Award' in the country's industrial sector to ensure workplace safety for the workers, safeguard the environment from pollution and maintain compliance with international standards.¹⁸³ On 19 April, 2020, Department of Inspection for Factories and Establishment (DIFE) launched telemedicine service for workers during the shutdown. A total of 11 DIFE doctors who hold the designation of Assistant Inspector General are to provide treatment to help contain the spread of the Coronavirus and raise awareness among the workers. The DIFE notice stated that the doctors would provide the service during the general holiday from their respective workstations to workers from both formal and informal sectors from 10:00 am to 2:00 pm daily.¹⁸⁴

On 2 May 2020, DIFE issued a directive to launch a special safety inspection in industries to ensure workers' safety according to the labour law—which has been introduced on a limited basis in two districts. DIFE formed 50 inspection committees for special inspection of workers' health and safety issues during the Pandemic. 23 committees are under the DIFE Dhaka zone and 27 are under the DIFE Gazipur zone. The inspection committees are to check workers' safety issues such as handwashing at entrances, using masks and gloves, a separate facility for keeping shoes, and social distancing on the production floor and entrances.¹⁸⁵ On 9 June 2020, the National Council for Industry, Health and Safety of the Ministry of Labour and Employment

¹⁸¹ Available at: <https://www.thedailystar.net/coronavirus-deadly-new-threat/news/pm-announces-tk-5000cr-stimulus-package-export-oriented-industries-1885813>

¹⁸² Available at: <https://cpd.org.bd/covid-19-stimulus-packages-and-performance-of-the-countrys-banking-sector/>

¹⁸³ Available at: <https://www.thedailystar.net/business/news/govt-introduce-green-factory-award-1997401>

¹⁸⁴ Available at: <https://bdnews24.com/bangladesh/2020/04/20/dife-launches-telemedicine-service-for-workers-during-shutdown>

¹⁸⁵ Available at: <https://tbsnews.net/economy/rmg/dife-launches-special-safety-inspection-rmg-factories-amid-pandemic-77221>

approved the Health Safety Guidelines on Prevention and Health Protection of Coronavirus (COVID-19) in Factories and Establishments.

After the Rana Plaza factory disaster in 2013, the Government signed the Sustainability Compact and committed to improve working conditions and ensure labour safety in workplaces. Substantial progress is yet to be made on the issue of safety at work. Many workers continue to suffer from multiple health-related issues including silicosis, tuberculosis, and other forms of occupational health diseases but no effective measures have been taken to address these. According to a survey report by Safety and Right Society, at least 432 workers were killed in 373 workplace accidents across the country in 2020 amid the ongoing coronavirus pandemic.¹⁸⁶ In 2019, 572 workers died in 432 workplace accidents.¹⁸⁷ In 2018, at least 592 workers were killed in 484 workplace accidents across the country and most of the deaths occurred due to road accidents.¹⁸⁸

To monitor the labour inspection process and complaint mechanism, DIFE has introduced a “Labour Inspection Management Application”. To provide immediate support to workers and receive complaints, the DIFE has started a hotline number of 16357. Workers can directly complain against labour rights violations using this number. However, at present no data is available for assessing the usage or effectiveness of this hotline. The DIFE, under the Labour Ministry in cooperation with the ILO, drafted the first national Occupational Safety and Health (OSH) profile, which would assist in steering the next course of action with regards to labour issues and ease the tasks of the OSH institute that has already been set up in Rajshahi city.¹⁸⁹ The NLASO also has a labour cell. BLAST has developed an app named ‘Sromik Jigyasha’. Through this app, RMG Workers can share his/her problem with member/leader of Self-help groups, who will seek advice from paralegals who will then provide remedy to the worker/member of the self-help groups, and ensures to provide dedicated labour law related services to workers.

Initiatives beyond the structural safety of workplaces in line with the Sustainability Compact are being gradually targeted in government initiatives. In Bangladesh, one of the significant developments in 2020 was the ‘removal’ of the Accord on Fire and Building Safety in Bangladesh and Alliance for Bangladesh Worker Safety, the two monitoring systems set up to monitor building and fire safety after the Rana Plaza Tragedy, and their replacement by a national body. On 10 June 2019, in the 108th International Labour Conference, Bangladesh voted for the adoption of the convention and recommendation on ‘Ending Violence and Harassment against Women and Men in the World of Work’, ILO C190 - Violence and Harassment Convention, 2019 and recommendation which was adopted by delegates. On 5 July 2020, DIFE approved the Gender Roadmap.¹⁹⁰ The 10-year (2020-2030) roadmap aims to raise gender awareness in the workplace, taking effective steps to prevent GBV and women's empowerment, and establish DIFE

¹⁸⁶ Available at: <https://safetyandrights.org/432-workers-killed-in-workplace-accidents-in-2020-report/>

¹⁸⁷ Available at: <https://safetyandrights.org/572-workers-died-in-workplace-accidents-across-country-in-2019/>

¹⁸⁸ Available at: <https://safetyandrights.org/592-killed-in-workplace-accidents-last-year/>

¹⁸⁹ Available at: <https://today.thefinancialexpress.com.bd/trade-market/govt-drafts-national-osh-profile-1571765574>; Available at: https://bonikbarta.net/home/news_description/208659

¹⁹⁰ Available at: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-dhaka/documents/publication/wcms_753443.pdf

as a gender-sensitive organization. The ILO has provided technical assistance in formulating the RMG project roadmap. Labour inspectors are now monitoring gender issues during inspections. Implementing this roadmap should significantly assist in accomplishing the SDGs of gender equality in the workplace and creating a conducive work environment. The implementation of this roadmap will also enable labour inspectors to be more competent in supervising gender issues and advising employers while inspecting workplaces.

Overall, despite some notable developments, the Government has not been able to adequately ensure labour rights, including the right to organize for collective bargaining that is guaranteed by ILO Conventions (87 and 98). Moreover, the 'removal' of the Accord and also the Alliance, the two monitoring systems set up to monitor building and fire safety post Rana Plaza, and their replacement by a national body was heavily criticized by international bodies such as the Clean Clothes Campaign and identified as a concern by workers' groups.

Outside of the RMG sector, the inclusion of domestic workers into the formal labour sector under the purview of the general labour law has been a consistent demand from the trade unions. The Government adopted the “Domestic Workers Protection and Welfare Policy 2015” on 21 December, 2015, but it is awaiting implementation. Violence against domestic workers continued to persist. According to ASK’s statistics, from September 2018 to September 2020, a total of 85 domestic workers were subjected to violence at the hands of their employers, who are seldom prosecuted.¹⁹¹ There is no scheme for compensation for such victims of violence.

Migrants’ Rights

A study by the Global Alliance against Trafficking in Women found that a segment of Bangladeshi female domestic workers migrated abroad to escape GBV at home, and another segment was forced to migrate abroad by their family members to earn for their families. According to the study, female domestic workers are particularly vulnerable to abuse and fail to get redress as their jobs are in the informal sector.¹⁹²

The Ministry of Expatriates Welfare and Overseas Employment has conducted some monitoring at airports through mobile courts and arrested some people who were misleading the migrant workers.¹⁹³ According to the BRAC Migration programme, in 2019, at least 12,000 Bangladeshis returned from Saudi Arabia, most of whom had valid papers.¹⁹⁴ That same year, the number of migrant workers’ deaths was the highest among the preceding 11 years. Until 14 November, 2019, 3,838 migrant workers’ dead bodies had arrived in Bangladesh.¹⁹⁵ The BRAC Migration programme also estimated around 3,635 migrant workers to have returned from Saudi

¹⁹¹ Available at: <http://www.askbd.org/ask/category/hr-monitoring/violence-against-domestic-workers/>

¹⁹² Available at: <https://www.thefinancialexpress.com.bd/views/woman-migrant-workers-need-protection-1573315584>

¹⁹³ Available at:

<https://www.prothomalo.com/bangladesh/arrested%20for%20misleading%20migrant%20workers#bypass-sw>

¹⁹⁴ Available at: <https://www.samakal.com/bangladesh/article/1910512>

¹⁹⁵ Available at: <https://www.kalerkantho.com/print-edition/news/2019/12/17/851786>

Arabia from January to February 2020.¹⁹⁶ From April to September 2020, around 127,209 Bangladeshi migrants have returned to Bangladesh due to COVID-19.¹⁹⁷

After the COVID-19 outbreak, the Government took some initiatives to provide food support, loans, and immediate economic support to returnee migrant workers to enable them to sustain themselves until they are reinstated in their previous jobs when the situation improves.

On 1 September 2020, some 83 Vietnam and Qatar returned migrant workers were sent to jail by the Metropolitan Magistrate Court in Dhaka on the ground that "they have tarnished the image of Bangladesh abroad".¹⁹⁸ This action of the authorities was widely criticized by rights activists who claimed that these Bangladeshis were victims of human trafficking and the Government ought to have ensured their protection and rehabilitation instead of arresting them. Reportedly, the returnees were charged 400,000 to 500,000 by the recruiting agents for jobs in Vietnam. They travelled there between late 2019 and early 2020 but were not provided jobs as promised, though they had clearances from the BMET. In July 2020, the migrants began to approach the Bangladesh embassy in Hanoi to seek justice and demand repatriation. Eventually, the Bangladesh embassy arranged their repatriation. After returning home, they were put into quarantine for 14 days and then were shown arrested under Section 54.¹⁹⁹ Police similarly arrested and jailed another 219 migrants after they returned from the Middle East.²⁰⁰

Until 14 April 2020, 194 Bangladeshi migrants died of COVID-19 in different countries of the world. Furthermore, many workers lost their jobs. The precarious lives of migrants are defined by job insecurity, cruel and inhuman treatment, and even death in many cases including during the process of illegal migration, and deportation or return to the country of origin. In some cases, detention of migrant workers after the expiry of a penalty period, and harassment and torture overseas while being detained were also reported. In other cases, workers were reportedly suffering from silicosis, tuberculosis, and other forms of occupational health diseases. Many Bangladeshi women workers had been physically, mentally, and/or sexually abused in Middle Eastern countries including Saudi Arabia and Oman. Given the prevalence of these precarities, the Government of Bangladesh has failed to ensure a healthy and safe working environment for Bangladeshis working abroad.

¹⁹⁶ Available at: https://bonikbarta.net/home/news_description/220665

¹⁹⁷ Available at: <https://www.thedailystar.net/backpage/news/migrants-returning-bangladesh-sees-huge-surge-last-three-weeks-1960917>

¹⁹⁸ Available at: were sent to jail on the ground that "they have tarnished the image of Bangladesh abroad".

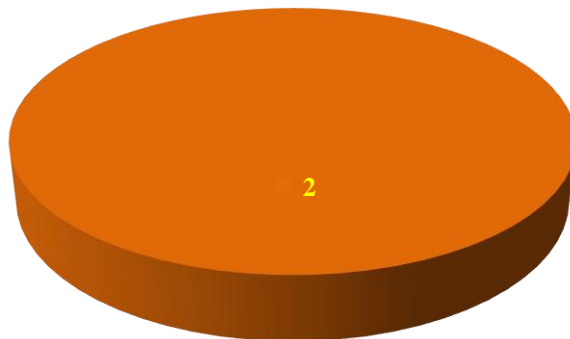
¹⁹⁹ *ibid*

²⁰⁰ Available at: <https://www.dhakatribune.com/bangladesh/2020/09/01/police-arrest-82-bangladeshi-migrant-workers-returning-from-vietnam>

Environmental Protection and Climate Change

Total Recommendations (2) [2 ACCEPTED | 0 NOTED]

SDG Goal 13



147.37 Continue its efforts in addressing the negative impacts of climate change (Bangladesh)

147.38 Develop strategies to mitigate the impact of climate change (Bangladesh)

Bangladesh faces significant challenges in adapting to the impacts of climate change. Estimates from the Intended Nationally Determined Contributions (NDC) reveal that from 2015 to 2030, Bangladesh will need to spend US \$40 billion in implementing adaptation measures described in the Bangladesh Climate Change Strategy and Action Plan, the National Adaptation Programme of Action, the National Adaptation Plan Roadmap for 2015-2030, and the 7th Five Year Plan (Ministry of Planning, 2015).²⁰¹ Moreover, Bangladesh needs at least US \$2.5 billion annually for only climate adaptations. The estimated combined budget for adaptation and mitigation is around US \$4 billion per year. While the validity of this estimate has generated considerable debate, the status of funding currently around just over US \$1.3 billion is significantly less than the amount required to effectively implement adaptation measures. The Government continued to mobilize public finance of around BDT 1,000,000,000 for the Bangladesh Climate Change Trust Fund (BCCTF) in the Fiscal Year of 2020-21. Since its inception in 2009, about US \$435 million has been allocated²⁰² for various government ministries and divisions.²⁰³ The total budget was around BDT 242,257,000,000 as climate related allocation for the fiscal year 2020-2021. As of now, a total of US \$355.1 million has been approved for Bangladesh in 5 projects along with an additional readiness support fund of just over US \$4.1 million for the Economic Relations Division.²⁰⁴

²⁰¹ Available at:

https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/Bangladesh%20First/INDC_2015_of_Bangladesh.pdf

²⁰² TIB analysis based on data collected from the BCCTF.

²⁰³ Climate Financing for Sustainable Development, Budget for 2020-21, page 68

²⁰⁴ Available at: <https://www.greenclimate.fund/countries/bangladesh>

The Green Climate Fund (GCF) awarded US \$40 million to Kreditanstalt für Wiederaufbau (KfW) in its first chunk of approved projects in November 2015 for the Climate-Resilient Infrastructure Mainstreaming in Bangladesh.²⁰⁵ However, little progress has been made with regards to disbursing and implementing the project. CSOs have warned that such delays may undermine the effort to tackle climate change at local level.²⁰⁶ Out of a total USD \$355.1 million GCF pledge for Bangladesh, only just USD \$11.17 million (3.1 percent) has been disbursed by the GCF for implementation in Bangladesh including the readiness support for 6 projects.²⁰⁷ The Government is still trying to continue funding for climate adaptation and mitigation from international sources, but Bangladesh is struggling to mobilize the adequate grant-based climate finance due to poor governance in climate fund utilization.

Climate-induced disasters are increasing at alarming rates and human displacements are growing abruptly. In the 16 years from 1991 to 2006, Bangladesh has experienced 6 tropical cyclones, and in the next fourteen 14 years from 2007 to 2020, the number of such cyclones went up to more than 15 with significant increase in loss and damage. Deficits of governance in disaster response have been identified as one of the reasons for such an increase in loss and damage.²⁰⁸ Due to Cyclone Amphan, more than 55,600 homes were completely destroyed,²⁰⁹ at least 162,000 homes were partially damaged, displacing over 100,000 people;²¹⁰ leaving 6,000 people still in shelters,²¹¹ and 50,000 people in need of water, sanitation, and hygiene and livelihood and basic needs support. Poor maintenance of polders and coastal embankments, failure to take immediate measures to repair damaged infrastructures after disasters has caused water-logging for significant periods, which have increased the suffering of affected communities. It has been reported that around 20,000 people in Satkhira district have been displaced²¹² by Cyclone Amphan and the consequent estimated value of loss and damages is around US \$130 million.²¹³ However, TIB estimated that the amount of losses and damages may be higher, estimated to be around US \$235 million if the long-term damages caused to agriculture are properly measured.²¹⁴ After Cyclone Sidr, US \$2.23 billion (BDT 190,000,000,000) were allocated from both the development funds and the BCCTF to the Water Development Board in coastal districts for managing the coastal embankments. However, the distribution of these funds has been allegedly mired in corruption, irregularities and inefficiency as the funds

²⁰⁵ Available at: https://www.kfw.de/nachhaltigkeit/News/News-Details_309504.html

²⁰⁶ https://irm.greenclimate.fund/documents/1061332/1198301/17_C001_-_Ineligibility_Report.pdf/2a1c9258-8219-502a-c739-d88be2fad1c8

²⁰⁷ Available at: <https://www.greenclimate.fund/countries/bangladesh>

²⁰⁸ Available at: https://www.ti-bangladesh.org/beta3/images/2020/report/Amphan/Amphan_Study_Fullrep.pdf

²⁰⁹ Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/MDRBD024du1.pdf>

²¹⁰ Available at: <https://reliefweb.int/report/india/asia-and-pacific-weekly-regional-humanitarian-snapshot-19-25-may-2020>

²¹¹ Available at: <https://reliefweb.int/report/bangladesh/bangladesh-cyclone-amphan-emergency-plan-action-mdrbd024-dref-operation-update-n-1>

²¹² Available at: https://www.ti-bangladesh.org/beta3/images/2020/report/Amphan/Amphan_Study_Fullrep.pdf

²¹³ Available at: <https://www.refugeesinternational.org/reports/2020/10/5/complex-road-to-recoveryinbspocovid-19-cyclone-amphan-monsoon-flooding-collide-in-bangladesh-and-india>

²¹⁴ Available at: https://www.ti-bangladesh.org/beta3/images/2020/report/Amphan/Amphan_Study_Fullrep.pdf

have been allocated based on political considerations as opposed to priority for the most climate vulnerable districts.²¹⁵

Along with other countries, Bangladesh is reviewing its progress of NDC pledges to bring about effective changes in the NDC implementation plan for the next 10 years. It was planning to introduce measures for controlling emissions from the waste management and agricultural sector. However, contrary to its NDC target, Bangladesh is in the process of acquiescing to plans backed by international finance for 29 coal-fired power stations within just 3 years. If these plants are built, they would increase the country's existing coal capacity 63 times over from 525 MW to some 33,200 MW.²¹⁶ However, it has been identified that it is possible to generate the total need of 60,000 MW power from various floating solar systems alone.²¹⁷ A recent study suggests that proper attention was not given to explore the viability of these sources²¹⁸ and to meet the commitment given under the NDC for renewable energy generation. On the other hand, communities have been forced to evacuate from the proposed locations of the coal-fired power plants without effectively redressing their grievances.²¹⁹ Scientific study suggests that the proposed coal power plant cluster will cause severe health disasters, claiming that air pollution from the Payra plant cluster alone may cause 34,000 deaths in 30 years.²²⁰ Apart from that, various irregularities, embezzlement, collusion, corruption, political considerations and violation of rules have allegedly embroiled the processes of approval of projects by various state institutions.²²¹

Despite significant funds being directed towards dealing with the aftermath of natural disasters and climate change adaptation and mitigation, the Government has paid little heed to consequences of ill-thought-out development schemes. Coal-based power plants near environmentally critical areas such as the Sundarbans will affect the local environment, ecology, and local communities. The Government has resolutely ignored local, national, regional, and international concerns about the Rampal power plant²²² near the mangrove forests of Sundarbans. The Forest Department of Bangladesh has failed to exercise its legal mandate and play any meaningful role in preventing the roll-out of such projects.²²³ There are also allegations of collaboration among various actors of the department in approving the feasibility assessments for the project. In the nearby localities of that project, there has been significant encroachment on forest land by influential people and local elites in collusion with staff of various levels of the

²¹⁵ Available at: https://www.ti-bangladesh.org/beta3/images/2020/report/Amphan/Amphan_Study_Fullrep.pdf

²¹⁶ Available at: <https://www.marketforces.org.au/bangladesh-choked-by-coal/>

²¹⁷ Available at: <https://thefinancialexpress.com.bd/views/solar-power-can-meet-full-electricity-needs-in-bangladesh-1600876819>

²¹⁸ Available at: https://www.ti-bangladesh.org/beta3/images/2020/report/Mitigation-Finance/Mitigation_Finance_Governance_ES_EN.pdf

²¹⁹ Available at: https://www.ti-bangladesh.org/beta3/images/2015/es_ffs_coal_15_en.pdf

²²⁰ Available at: <https://drive.google.com/file/d/13KyBrmRuX77NOWI1KkFX9Upej9gu9bfQ/view>

²²¹ Available at: https://www.ti-bangladesh.org/beta3/images/2020/report/Mitigation-Finance/Mitigation_Finance_Governance_Full_Report.pdf

²²² Available at: <https://foeasiapacific.org/wp-content/uploads/2019/12/16-FoEI-Human-Rights-Defenders-report-ENG-mr.pdf>

²²³ Available at: https://www.ti-bangladesh.org/beta3/images/2020/report/Forest/Forest_Dept_FullRep.pdf

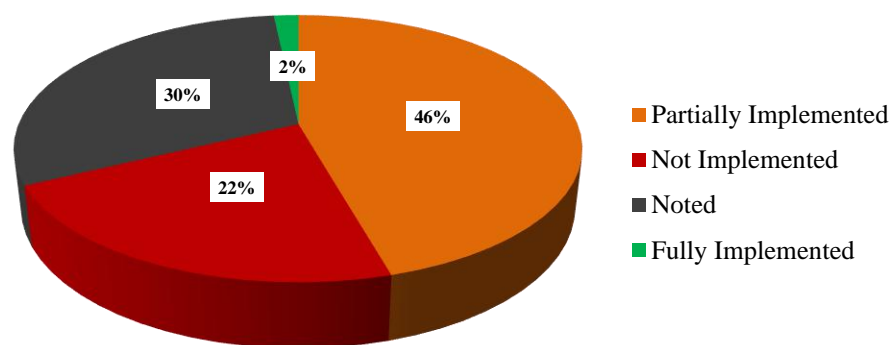
Forest Department. Several cases of bribery, non-compliance, harassment, intimidation, and violation of human rights of the local ethnic minority communities have been reported, which not only undermines the resilience of the forest-dependent community but also that of the forest to protect against climate change impact.²²⁴ These developments are causing an alarming decline in forests, land, species, and overall biodiversity.

²²⁴ Available at: https://www.ti-bangladesh.org/beta3/images/2020/report/Forest/Forest_Dept_FullRep.pdf

CONCLUSIONS AND RECOMMENDATIONS

This report reviewed the status of implementation of UPR commitments made by the Government of Bangladesh and the recommendations it received during the UPR in 2018. Bangladesh has progressed on some fronts and has significant challenges ahead. The Government of Bangladesh needs to strengthen its implementation to progress towards its SDGs, particularly with regards to civil and political rights as well as climate change. Governance appears to be a particularly consistent and protracted problem that cuts across a variety of sectors including the health sector, environment, and ecology as well as the rights regime affecting women in all spheres of life.

Based on the overall assessment made in this report, the complete picture of the progress of implementation may be represented as below:



Efforts to implement these recommendations can help Bangladesh recover better in the future. For the successful and effective implementation of the recommendations, HRFB recommends the following recommendations to respective actors:

To the Government:

- Hold the perpetrators of human rights violations to account and ensure adequate remedies and reparations for victims of violations.
- Ensure independence, proper and effective functioning of independent state institutions.
- Implement UPR recommendations in line with the Constitution of the People’s Republic of Bangladesh and international human rights obligations.
- Prepare a time bound and specific national plan of action for the implementation of the accepted recommendations with adequate budget and resource allocation.
- Establish an effective monitoring mechanism to monitor the progress of implementation of the national plan of action.
- Identify the challenges faced by the Government for the implementation of the recommendations.

- Take initiatives to form an inter-ministerial coordination team to review the status of implementation.
- Involve members of parliament in the implementation process and discuss the implementation progress in parliament.
- Initiate regular dialogues with concerned experts and civil society organizations at different levels of implementation and during the adoption of the national plan of action.
- Increase communication with civil society organizations regarding the UPR.
- Ensure the inclusiveness and participation of marginalized communities facing discrimination due to caste, race, religion, ethnicity, language, disability, statelessness, sexuality, gender identity on the basis of rights and accessibility at all times during the implementation of all the recommendations.
- Ensure gender analysis in the implementation of UPR recommendations.
- Ensure ministries and agencies of the government are informed of the UPR recommendations and their respective responsibilities.
- Work to ensure an enabling environment for accepting the noted recommendations in the next review.

To the NHRC:

- Strengthen its investigation and fact-finding initiatives to respond to human rights violations by law enforcement agencies and security forces.
- Advocate with the Government to adopt a national plan of action for implementing the UPR commitments.
- Regularly follow up the implementation process and provide suggestions to the Government.
- Develop and submit mid-term and/or periodic reports on the implementation of UPR commitments to the United Nations Human Rights Council.

To the international community:

- Follow up with the Government on the implementation of the recommendations and provide technical support if needed.
- Continue communication with the Government to prepare the ground for accepting noted recommendations in the upcoming review.

It is hoped that this mid-term report will be a guide that enables taking stock of progress so far and catalyzes corrective action in time for the next UPR. HRFB will continue to monitor and report progress for the next cycle.