

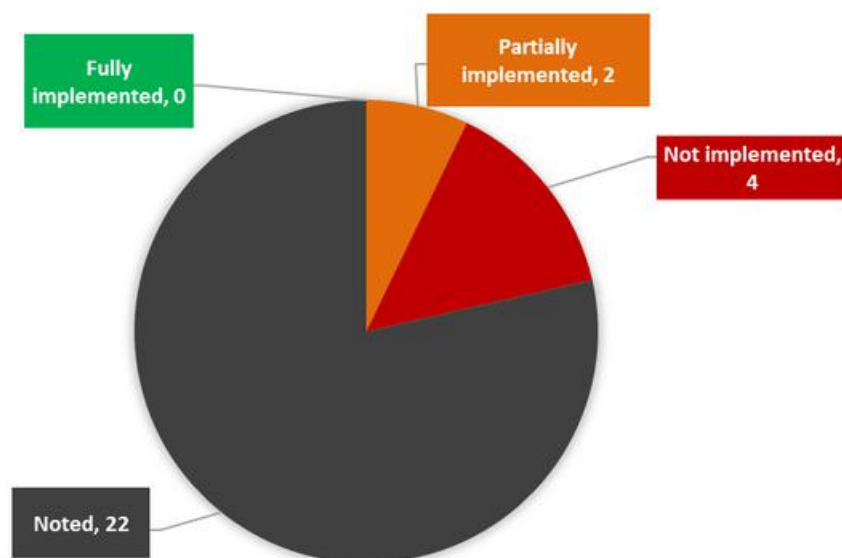
HUMAN RIGHTS FORUM BANGLADESH (HRFB)

SEPTEMBER 2018 - SEPTEMBER 2021

THREE YEARS AFTER UPR 2018: WHERE ARE WE?

ASSESSMENT REPORT ON THE IMPLEMENTATION
OF UPR RECOMMENDATIONS

COMPLIANCE WITH INTERNATIONAL HUMAN RIGHTS MECHANISM



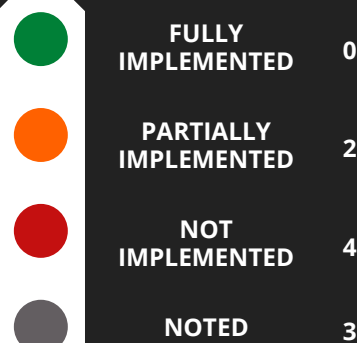
16 PEACE, JUSTICE
AND STRONG
INSTITUTIONS



17 PARTNERSHIPS
FOR THE GOALS



IMPLEMENTATION
STATUS OF UPR
RECOMMENDATIONS



PREPARED BY

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RECOMMENDATIONS RECEIVED IN UPR 2018

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)

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)

IMPLEMENTATION STATUS

During the third UPR cycle in 2018, the Government noted most recommendations related to cooperation, ratification, implementation, and engagement with international human rights mechanisms. This was in stark contrast to the previous two cycles during which it accepted most recommendations under this category.

REPORTING TO TREATY BODIES

The Committee against Torture (CAT) reviewed Bangladesh for the first time under the United Nations Convention against Torture (UNCAT) in July 2019.

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.

The Committee has requested Bangladesh to submit its initial state report since it ratified UNCAT. However, the Government made no response. The Committee notified the Government to submit its report **nine months prior to the review** with a note stating that failure would result in review of the state without the initial report.

Moreover, in the state report, Bangladesh did not highlight in detail **the measures for the implementation of such laws, policies and directions.**

DRAFTING OF LAWS

Many new laws were enacted by the Parliament, replacing older ones. 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**.

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 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.

SUBMISSION OF FOLLOW-UP REPORTS

Bangladesh has submitted a state party report as a follow-up to concluding observations on **3 priority issues** identified by the Human Rights Committee—early marriage and harmful traditional practices, extrajudicial killings and enforced disappearances, and torture and ill-treatment in 2020, **2018**.

The government also submitted its 2-year status report in 2020 as requested by the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), **which was supposed to be submitted in 2018, 2-years after the review.**

However, the country is yet to submit its state party report on follow-up to concluding observations on the priority issues shared by the Committee on Economic Social and Cultural Rights (CESCR), in 2019 and Committee Against Torture (CAT) in 2020.

COOPERATION WITH SPECIAL PROCEDURES

Bangladesh has not extended standing invitations to the UN Special Rapporteurs.. In 2020, the country had nine pending requests. From October 2018 to September 2021, Bangladesh received around 17 communications from the Rapporteurs. However, the government did not respond to any single communications. It is, thus, evident that the Government's engagement and response to the Special Rapporteurs' communications have been irregular.

RATIFICATION AND ACCESSION OF HUMAN RIGHTS TREATIES

Most of the recommendations regarding the ratification of 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.

The Government's position had not changed with regards to these noted recommendations.

There has been no progress, statement, or comment made by the Government towards ratifying the UN Convention on Enforced Disappearance to date.

The Government has 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.

There was little to 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.

HRFB RECOMMENDATIONS

1. Take initiatives to ratify the UN Convention on Enforced Disappearance
2. Develop a road-map to ratify other UN Conventions, Optional Protocols and withdraw the reservations
3. Review the repressive laws and policies such as the Digital Security Act 2018, Narcotics Control Act 2018 etc.
4. Ensure regular submission of periodic and follow-up reports
5. Issue standing invitation to all special procedures
6. Accept pending visit requests and respond positively to the communications of Special Rapporteurs

ABOUT HRFB

Human Rights Forum Bangladesh (HRFB) is a coalition of 20 human rights and development organisations working for the promotion and protection of human rights in the country.

HRFB MEMBERS



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