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Report of the Working Group on the Universal Periodic Review*

Bangladesh

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document is being issued without formal editing.



Total recommendations received (301)

Accepted (211)

Noted (90)

Recommendations accepted (211)

144.15, 144.23-25, 144.28-29, 144.31-40, 144.43-48, 144.50-55, 144.67-90, 144.106-113, 144.115-126, 144.129-156, 144.158-163, 144.165-166, 144.168, 144.170-189, 144.191-203, 144.205-210, 144.213-214, 144.217-238, 144.240-241, 144.243-244, 144.247-248, 144.250, 144.252, 144.254-256, 144.258, 144.260-273, 144.277-280, 144.292-298, 144.300

Prevention of Torture and Enforced Disappearance

144.66

There had been ill-motivated tendency for quite some time to label all cases of missing as ‘Enforced Disappearances’ with a view to maligning the Government of Bangladesh (GoB). The laws of Bangladesh do not have any terminology such as ‘Enforced Disappearances’. Criminal laws have provisions in respect of ‘kidnapping’ or ‘abduction’ that apply equally to every individual including the law enforcement officials.

Recommendations noted (90)

144.16, 144.41-42, 144.114, 144.164, 144.167, 144.169, 144.204, 144.242, 144.259, 144.289

Ratification of the Convention on Enforced Disappearance (4)

144.1-3, 144.5

Bangladesh has been working in close coordination with UN Human Rights mechanisms, especially the Human Rights Council and its mechanisms as well as the Treaty Bodies. Bangladesh is a party to 08 out of the 09 core human rights instruments. Bangladesh remains committed to implementation of the instruments it is party to and has been taking necessary legal and institutional measures to fulfill the obligations emanated from them. The GoB believes that ratification of any further convention would require consistent national efforts for developing coherent legal framework, institutional capacity building of implementation agencies and consensus among stakeholders. Notwithstanding, Bangladesh engages constructively with the WGEID.

Ratification of the Refugee Convention (5)

144.4, 144.17-20

Although Bangladesh is not a party to the Refugee Convention and its Protocol and the Reduction of Statelessness Convention, Bangladesh has always adhered to the core principles of the international protection regime, including the principle of non-refoulement. Bangladesh has been hosting forcibly displaced Myanmar nationals for long three decades and currently more than 1.2 million Rohingyas from Myanmar are temporarily sheltered in Bangladesh. Bangladesh is providing them with all kinds of basic necessities with the help of international community, UN organizations and national and international NGOs.

Ratification of OP-CAT (6)

144.6-10, 144.13

GoB recognizes the importance of Optional Protocols under the core human rights instruments, which allow individuals to lodge complaints directly to the respective treaty bodies, and in that spirit, has ratified optional protocols under CEDAW & ICRPD. However, the GoB also believes that before allowing such direct communications, national legislations,

action plans and strategies should be adopted satisfactorily to ensure proper implementation of the existing treaty obligations.

GoB has been investing in developing and strengthening national institutions, particularly the National Human Rights Commission (NHRC) to ensure proper implementation of Bangladesh's human rights obligations. GoB would like to see the existing national institution to be strong and effective before it enters into any international complaint mechanism on the human rights issues.

Ratification of ICCPR-OP 2 (13)

144.11-12, 144.14, 144.56-65

In Bangladesh, death penalty remains a valid form of punishment and deterrence for the most serious and heinous crimes. However, there are multiple layers of safeguard before it is finally executed. Any judgment of death sentence goes automatically to High Court Division for confirmation. Once confirmed, the aggrieved party still has the right to appeal, review or revision to Appellate Division and finally to seek Presidential clemency. Till now, the Government has not taken any decision to abolish, defer or put moratorium on death penalty. However, it has been gradually edging out death penalty with other forms of punishments, such as, life imprisonment.

Rights of indigenous people/ILO Convention No. 169 (4)

144.21, 144.274-276

The Constitution of Bangladesh does not designate or recognize any minority group or community of people in the country as 'indigenous people'. In fact, all citizens of this country are indigenous to its land. The constitution, however, recognizes various ethnic groups living within the country and designates them as 'ethnic minorities'. Article 23A of the Constitution provides that the State shall undertake responsibility to protect and develop the unique local culture and tradition of tribal and ethnic communities. Equality of opportunity in public employment irrespective of religion, race, caste, sex or place of birth is ensured in both in law and practice. No one is barred from running for a public office because of their ethnic identity.

National universal minimum wage (2)

144.127-128

GoB primarily aims to combat unemployment by generating employment opportunities within the country and is firmly dedicated to eliminating unemployment by the year 2030.

GoB has also taken a number of initiatives to reform the labour sector and is in the process of introducing significant changes in multiple areas of the Labour Act, such as increasing worker benefits, streamlining the trade union registration process, enhancing workers' safety, extending maternity leave, expediting labour dispute resolution, and ensuring occupational health and factory safety.

GoB is striving for a decent living for all workers and their families and has been working for fixing minimum rates of wages for workers in different trades/industries with varying capacity for effective regulation of wages. It operates by investigating into relevant conditions in different trades/industries and considering matters relating to fixing the minimum wage. The Minimum Wage Board has periodically determined and revised minimum wage rates for 43 industrial sectors and has taken initiatives to determine fair labour rates for an additional 13 industrial sectors. In December 2023, the minimum wage for the workers of the RMG industry has been increased by 56.25%. Along with seriously protecting the rights of all workers, the Government intervenes when such rights are violated with regard to any individual or group of workers.

Health insurance coverage to all (1)

144.157

Guided by the spirit of 'health for all', GoB has been investing heavily in the health sector and has established a nationwide healthcare system, from community clinics to specialized medical hospitals. Upazilla health complexes established are in all Upazillas and around 14,500 community clinics have been established at the rural areas as a one-stop centre to ensure free primary healthcare and free essential medicines to the rural population. Around 3,000 community clinics offer facilities for skilled birth attendance. Consequently, the maternal mortality reduced to 163 per one hundred thousand live births, neo-natal mortality has decreased to 15 and under-five mortality to 28 per thousand live births. Child immunization has achieved universal coverage. The public health facilities provide services at zero or a minimum cost, covering nearly 80% of the population. The GoB focuses on improving the health services quality with trained workforce. By adopting a resolution, the UNGA recognized the flagship community clinic model as the best practice for the developing world and termed it as the 'Sheikh Hasina Initiative'.

Domestic Workers Convention/ ILO Convention No. 189 (1)

144.22

Bangladesh is party to 34 Conventions of ILO including 8 fundamental conventions. The Government, along with International and domestic partners, continues to implement the obligations for ensuring labour rights. Bangladesh attaches great importance to the issues of labour rights, decent environment in workplace, elimination of child labour and rights of the domestic workers and already achieved incremental progress in these areas. The Government will consider ratifying the relevant ILO Conventions in due course.

Open and Standing Invitation for Special Procedure Mandate Holders (2)

144.26-27

Bangladesh has been cooperating with the Special Procedure mechanisms including the WGEID. Since the 3rd UPR, Bangladesh hosted ten visits by seven Special Procedures mandate holders, the highest among all UN Member States. The Government is in the process of working out mutually convenient dates for the visit of some of the mandate holders. Bangladesh feels that the issuance of a standing invitation is not the only way to ensure full cooperation with the Special Procedures.

Accountability of the members of the Law Enforcement Agencies (LEAs) (1)

144.30

The importance and duty of honouring human rights and the consequences of violations is an important aspect of LEA training. As a consequence, LEAs in Bangladesh are highly sensitive to human rights. Besides the training, workshops and other formal and informal meetings also promote the need to uphold the law including the constitutional rights of the citizens. If any LEA personnel breaks the law or is found to have unlawfully exercised force or authority, they invariably face appropriate punishment, including departmental and criminal charges.

LGBTI issues/sexual rights (9)

144.49, 144.283-288, 144.290-291

The issue of LGBTI rights is a religious, social, cultural, moral, ethical issue in Bangladesh. While dealing with this issue, the Government considers the views, aspirations, sentiments, and religious beliefs of most of its people. The government is committed to ensure fulfilling the rights of all citizens. Bangladesh does not see it necessary to create a new set of rights which is not universally accepted as a right.

Special Provision of Child Marriage Restraint Act (4)

144.239, 144.246, 144.249, 144.257

GoB is committed to eliminate child marriage by 2041. Child Marriage Restraint Act, 2017 was enacted to end this scourge. According to this Act, minimum age for marriage of

male is 21 years and for female 18 years. However, considering the socioeconomic realities, in section 19, a special provision has been made to allow marriage below the age limits for the betterment of the minor, with direction of Court and consent of the parents/guardian. This provision is not applicable for marriages by force, rape and kidnap. To avoid misuse of section 19, Child Marriage Restraint Rules-2018 has been adopted clarifying the procedures to apply the special provision.

National-Action-Plan-to-End-Child-Marriage (2018-2030) had been adopted to eliminate child marriage from society. An IT system has been launched to check the age of bride and groom using birth certificate, NID and/or academic certificates. GoB is providing stipend to 15 million girl students to help prevent child marriage. Between 2012-April 2023, 10,024 child marriages have been stopped through calls received in helpline '109'.

Child Labor (1)

144.245

The GoB is committed to eliminate child labor in all its forms by 2025 as enshrined in SDG 8.7. The National Child Labor Elimination Policy, 2010 and the Children Act, 2013 are important milestones in this regard. Primary education has been made compulsory and there is no child labor in the RMG sector. To demonstrate steadfast commitment, Bangladesh ratified ILO's Minimum Age Convention, 1973 in 2022.

Marital Rape (5)

144.212, 144.215-216, 144.251, 144.253

Bangladesh considers women's empowerment and gender equality as prerequisites for its long term sustainable development. The Constitution of Bangladesh guarantees equal rights of women in all spheres of the State and public life. The Prevention of Violence Against Women and Children Act is in place to protect women from violence. Bangladesh has adopted the National Action Plan to Prevent Violence Against Women and Children 2018-2030. Cases of violence against women are being disposed of through speedy tribunals. Evidence Act was amended to disallow 'character' as a feature of evidence against the rape victims. The highest punishment for violence against women has been enhanced to death penalty, as per people's demand. However, Bangladesh's existing legal system does not recognize marital rape. Necessary social conditions do not prevail in the country at this moment to introduce such term in the legal system of Bangladesh.

Reservations to Articles 2 and 16 (1) (c) of CEDAW (1)

144.211

GoB considered the withdrawal of existing reservation on Article 2 and Article 16.1(c) of CEDAW. The Constitution guarantees equal rights of men and women in all spheres of the State and public life. The Government has taken a series of steps including reviewing the existing laws and gradually bringing necessary amendments to the laws that undermine equal opportunities for women & men in all spheres. Bangladesh has made significant progress in line with article 2, by promoting women's equality in several areas and has been ranked number one in South Asia in narrowing gender gap. The Government will consider accepting the recommendation after broad based multi stakeholder consultations aimed at creating consensus among various sections of the society including minority communities.

Forcibly Displaced Myanmar Nationals (FDMNs) (3)

144.190, 144.299, 144.301

Despite not being a party to the Refugee Convention and its Protocol, Bangladesh has always adhered to the core principles of the international protection regime, including the principle of non-refoulement. Despite innumerable constraints and challenges, Bangladesh has been temporarily sheltering the Forcibly Displaced Myanmar Nationals (FDMNs) for long three decades and currently more than 1.2 million FDMNs are on temporary shelter in Bangladesh.

The Government, in collaboration with the international community, UN Organizations and National and International NGOs, is providing basic humanitarian assistance and services and working towards their early, voluntary and sustainable repatriation, inter alia, by providing the skills and capacity-building activities commensurate with opportunities available in Rakhine, and extending informal education for the Rohingya children in the Myanmar Curriculum to facilitate their eventual reintegration in Myanmar upon return.

Overcrowded and unplanned camps of FDMNs in Cox's Bazar have been posing a threat to their standard of living, environment and internal security. Bangladesh has developed an island Bhasan Char with proper amenities spending about US\$ 350 million from her own resources to de-risk and decongest the squalid camps in Cox's Bazar. The GoB would like to relocate around 100 thousand FDMNs there from camps in Cox's Bazar. Till end of 2023, around 35,000 FDMNs were relocated on a voluntary basis from the camps in Cox's Bazar. The UN and donor countries are providing support to the FDMNs relocated there in a well-informed and fully voluntary manner. For livelihood in the island, opportunities for agriculture, fish cultivation, livestock farming, and handicrafts are ensured along with other income-generating activities.

After the massive forced displacement in 2017, Bangladesh and Myanmar concluded three instruments for early and sustainable repatriation. Unfortunately, during last more than six years, not a single FDMN could return to Rakhine. With the support of the international community, Bangladesh has been working for their early, voluntary and sustainable repatriation to Myanmar.

Protection for the 'Dalit' and other underprivileged population (2)

144.281-282

According to Article 28 of the Constitution of Bangladesh, the State does not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth. The GoB has taken various measures to increase the quality of life, access to government services and integration into mainstream society for the socio-economically and educationally underprivileged communities including the Dalits. These initiatives include senior citizen allowance, education stipend, livelihood development training, and financial assistance for livelihood development etc. for them.

Cyber Security Act (15)

144.91-105

In line with the Article 19 of the UDHR and Article 25 of ICCPR, the guarantee of freedom of opinion and speech is enshrined in the Constitution of Bangladesh. The Government is fully committed to ensure freedom of expression – both online and offline – and freedom of the press and media subject to maintenance of public order, decency and morality, contempt of court, defamation, and incitement to any offence.

The Digital Security Act (DSA) was in place to promote and create a secure digital space for the best interest of the society. There were some reservations regarding some of its provisions which have been taken into cognizance and after thorough consultations with the stakeholders the DSA has been replaced by the Cyber Security Act (CSA).

The newly enacted CSA has addressed the apprehensions many had about its predecessor. The number of non-bailable offences has been reduced to only 4 sections from 14 sections of the erstwhile legislation and only the technical ones are non-bailable. Repeated offences do not increase punishment that would have led to more punishment under DSA.

Furthermore, there is no provision of any jail sentence for defamation and the punishment for some of the offences has been reduced in the new Act. The GoB considers that CSA is going to create a transparent, accountable, and secure digital environment without limiting the freedom guaranteed in our constitution.