

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	152
Land:	Bangladesh
Kilde:	International Federation for Human Rights (Fidh)
Titel:	Mid-term assessment and report on the universal periodic review: Bangladesh
Udgivet:	10. februar 2011
Optaget på baggrundsmaterialet:	27. april 2011

February 10, 2011

MID-TERM ASSESSMENT AND REPORT ON THE UNIVERSAL PERIODIC REVIEW: BANGLADESH

Reporting Period: February 04, 2009 –February 03, 2011

Overview

Bangladesh has so far failed to implement the promises made before the international community in the Human Rights Council, on key human rights issues. The elected government of Bangladesh, within weeks of coming to office in first week of January 2009, sent a high profile delegation, headed by the Foreign Minister of Bangladesh, Dr. Dipu Moni to Geneva to the first Universal Periodic Review (UPR) of Bangladesh at UN Human Rights Council. Her presence was noted by other government representatives, as Bangladesh had just successfully emerged out of two-years of quasi-military rule under a so-called ‘Caretaker Government’. Expectations at that time were high as the Awami League made lofty promises during the general election to the people, to change the course of governance and it had won unprecedented and overwhelming seats in the National Parliament. Despite this, human rights violations continue unabated in Bangladesh – including extrajudicial deaths, torture and cruel treatment in law enforcement custody, and acts of violence perpetrated on women and children. Reasons for such continuance include, among others, lack of political will, denial by the Government authorities, corruption and impunity. This mid-term assessment report highlights some of these issues of human rights violations.

Universal Periodic Review

The Universal Periodic Review is a unique process which involves a review of the human rights records of all 192 UN Member States once every four years. The UPR is a State-driven process, under the auspices of the Human Rights Council (HRC)¹, which provides the opportunity for each State to declare what actions they have taken to improve the human rights situation in their countries and to fulfill their human rights obligations. As one of the main features of the Council, the UPR is designed to ensure equal treatment for every country when their human rights situations are

¹ The UN General Assembly replaced the Commission on Human Rights with the Human Rights Council, on 15 March 2006. The HRC is an inter-governmental body within the UN system made up of 47 States and its main purpose is to address situations of human rights violations and make recommendations on them.

assessed.² The UPR is one of the key elements of the new Council which reminds States of their responsibility to fully respect and implement all human rights and fundamental freedoms. The ultimate aim of this new mechanism is to improve the human rights situation in all countries and address human rights violations wherever they occur.³

Bangladesh under UPR

Bangladesh's first Universal Periodic Review took place on February 3, 2009 in Geneva. The Second UPR will be held after four years, and most likely before the term of the current Government ends. At that time, Bangladesh will face the members of the Human Rights Council and the world, and account for progress made or not made until the review date. The human rights check-list will be based on the 42 concrete recommendations made by the members of the Human Rights Council to Bangladesh⁴; and responses to and commitments made by Bangladesh to these recommendations⁵. The outcome of the universal periodic review on Bangladesh can be found in the Human Rights Council's Decision 11/104 of 10 June 2009, incorporating recommendations made to and responses and commitments made by Bangladesh⁶.

Odhikar and Paris based International Federation for Human Rights (FIDH) jointly submitted an assessment on the human rights situation in Bangladesh, to the HRC during the 2009 periodic review, which formed part of the official UN document that the Council considered and highlighted in the HRC recommendations. Odhikar-FIDH recommendations included: ending the culture of impunity, stopping extrajudicial summary or arbitrary executions; the issue of torture, inhuman and degrading treatments; the issue of human rights and counter terrorism; the status of women's rights; the work of human rights institutions and international obligations and cooperation with human rights mechanism.⁷

Mid-term assessment

Odhikar and FIDH, as part of its commitment to strengthen human rights and hold the Government of Bangladesh accountable on its pledges made to the Human Rights Council, has monitored violations of human rights and the government's efforts to meet the HRC's recommendations, over the last two years. The objective of this mid-term report is to remind the Government of the pledges made to the international community, and that, after the next two years, Bangladesh has to appear before the Human Rights Council to evaluate its human rights record. It is a reminder that the Government must fulfill promises made before the next UPR – even more so as it has been elected twice to the HRC and has made additional, voluntary pledges which must be realised by then⁸. This mid-term report is a wake-up call to the government to fulfill its pledges. This report highlights some of the more pressing areas of human rights abuse in Bangladesh.

² See <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

³ See <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

⁴ Attached here as Annex II.

⁵ Attached here as Annex III.

⁶ <http://www.ohchr.org/EN/HRBodies/UPR/PAGES/BDSession4.aspx>

⁷ See Annex I for the Odhikar-FIDH 2009 report.

⁸ See Annex IV for the pledges made by Bangladesh.

- **Extrajudicial Killing**

The Foreign Minister Dr. Dipu Moni made commitments of ‘zero tolerance’ regarding extrajudicial killings at the Universal Periodic Review Session (UPR) in Geneva in February 2009 and in the UN Human Rights Council on March 01, 2010 and also when Bangladesh got elected for a 2nd term to the UN Human Rights Council on May 12, 2009. In the UPR session on February 03, 2009, Foreign Minister Dr. Dipu Moni said that the government would show “zero tolerance” to extra-judicial killing or torture and death in custody. She stated "We do not condone any such incident and will bring the responsible officials to justice."⁹

However, extrajudicial killings continued in the last 2 years of this government. Members of the law enforcement agencies – the police, the Rapid Action Battalion (RAB) and the like - continued to kill so-called ‘criminal suspects’ and others outside the purview of the judicial process. Such deaths are reported in the papers as deaths due to ‘crossfire’ or ‘encounter’ – but Odhikar fact finding reports and on-site investigations can prove otherwise¹⁰.

As per Odhikar’s statistics between February 04, 2009 to February 03, 2011, 279 accounts of extrajudicial killings took place. Independent and impartial investigation and effective measures were not taken to prosecute persons found responsible for such deaths. This speaks volumes against the Government’s declaration of ‘Zero Tolerance’.

- **Torture and Death in Custody**

There is no definition of ‘torture’ in the penal laws of Bangladesh, although the Constitution of the People’s Republic of Bangladesh states unconditionally, that no person shall be subjected to torture or any cruel, inhuman or degrading treatment. However, cruel and degrading treatment and acts amounting to ‘torture’ as defined in the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT), are extremely common in the hands of the law enforcement agencies in Bangladesh. Bangladesh is a party to the CAT¹¹, but the declaration made by the Government regarding Article 14 of the Convention, shows that it is not willing to compensate victims of torture or their families. It is a form of denial that acts of torture occur in Bangladesh. Furthermore, the Government has not signed the Optional Protocol to the Convention against Torture, showing further lack of commitment. Penal laws in Bangladesh do provide for punishment for officials who inflict ‘hurt’ and ‘grievous hurt’ to extort information. However, these are mere words on paper¹².

Reports and information on acts of torture, death resulting from torture and allegations of torture in remand were compiled by Odhikar for the last two years. As per Odhikar’s statistics, from February 04, 2009 to February 03, 2011, 147 persons were allegedly tortured and among them 40 persons died, allegedly due to torture in custody.

⁹ Reported in The Daily Star, February 05, 2009

¹⁰ For more on such deaths, please visit www.odhikar.org.

¹¹ Bangladesh signed the CAT on October 5, 1998, with a declaration on Article 14.

¹² In 2003, the High Court Division of the Supreme Court of Bangladesh, in the matter of *BLAST and Others V. Bangladesh and Others*, lay down fifteen guidelines to be followed by police officers during the arrest, detention, remand and interrogation of suspects and accused persons. In this case, human rights organizations had challenged the practices of arrest without warrant, under section 54 of the Code of Criminal Procedure, and remand as being unconstitutional. These recommendations have still not been implemented.

Odhikar has also been monitoring the human rights of the BDR¹³ soldiers who have been incarcerated after the 25 February 2009 mutiny. Reports show that between 27 February 2009 and 03 February 2011, 42 BDR soldiers died in custody, either by 'heart attack' or 'suicide'. Some family members of deceased claimed they were tortured to death.

As per the recommendations in the 2009 UPR session, from delegations of other countries, to consider ratifying or acceding to the Optional Protocol of CAT and other Optional protocols, the Bangladesh government stated that it regularly reviewed possible ratification and that it is fully sensitive to the basic human rights treaties/OPs, including those mentioned in the recommendations.¹⁴ The Foreign Minister also confirmed that the Bangladesh government was considering acceding to OP-CAT.¹⁵ However, the Government has yet to legislate to implement the UN Convention against Torture (CAT). Since 2009, a Private Member's Bill¹⁶ detailing the application of CAT has been pending. The Government has yet to consider adoption of the said Bill, and incorporate or introduce new legislation prohibiting torture. The Bangladesh government has also failed to submit a report to the OHCHR on the status of the UNCAT for three consecutive periods - 11/4/1999, 11/4/2003 and 11/4/2007.

Not only is the government not doing anything to put a check to acts amounting to torture or cruel, inhuman and degrading treatment, it is also preventing human rights organisations from doing so. On April 28, 2009, the NGO Affairs Bureau under the Office of the Prime Minister authorised Odhikar to carry out programmes relating to the prevention of torture as well as the protection of human rights under the project titled, 'Human Rights Defenders Training and Advocacy Programme in Bangladesh'. Under this project, the organisation held a 'Tribunal against Torture' in June 2009. The NGO Affairs Bureau sent Odhikar a letter dated August 17, 2009 directing it to close down its torture related programme, citing 'reservations expressed by the Ministry of Home Affairs' as the only reason. Odhikar filed a writ petition before the High Court Division of the Supreme Court of Bangladesh. On October 11, 2009, the High Court Division issued a Rule Nisi against the Government and suspended the order directing Odhikar to close its programme. As a result, Odhikar completed its programme on torture in December 2009. On January 17, 2010 Odhikar applied to the NGO Affairs Bureau for a 3-months extension of this programme. The NGO Affairs Bureau, by a letter dated 11 February 2010 refused to grant an extension, basing its refusal on the 2009 Home Ministry reservation.

- **The Death Penalty**

There are several crimes in Bangladesh which carry a mandatory death penalty and several more where the death penalty is the maximum sentence. Lack of transparency, corruption and torture plague the criminal justice system and affect the decisions given by the lower judiciary. As a result, there have been cases where the order of the death sentence is not justified or has been arbitrarily

¹³ The name 'Bangladesh Rifles' (BDR) was changed to 'Border Guard, Bangladesh' (BGB) in December 2010.

¹⁴ See <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/162/52/PDF/G0916252.pdf?OpenElement> and <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/139/56/PDF/G0913956.pdf?OpenElement>

¹⁵ See <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/162/52/PDF/G0916252.pdf?OpenElement>

¹⁶ Proposed by Awami League Member of Parliament, Saber Hossain Chowdhury.

imposed. Furthermore, the way in which the penalty is executed is also traumatic – and not just for the condemned. It is the practice to use other sentenced prisoners as executioners.¹⁷

- **Freedom of Media**

In the Human Rights Council, during its bid for re-election on May 2009, the Bangladesh Government stated that “It has one of the most independent print and electronic media in the world”.¹⁸ During the UPR session the Government also stated that Bangladesh was committed to ensuring freedom of the media and protection of journalists¹⁹. However, in practice, the government has shown intolerance towards the dissenting media – evident by its banning of Channel 1, widely known as Opposition’s TV channel; the closing down of the Bangla language *Daily Amar Desh* and the filing of several cases against its acting Editor – including one under the Anti-Terrorism Act, 2009; attempting to shut down a photo exhibition on ‘crossfire’; closing down Facebook and censoring YouTube; and the indiscriminate use of the law of defamation – all of which occurred during this reporting period. Such gags on the freedoms of thought, association and speech damage the growth of democracy and violate the Government’s pledges and commitment in the United Nations.

Since 04 February 2009 to 03 February 2011, 7 journalists were killed, 199 were injured, 88 assaulted, 124 journalists were threatened and 3 were abducted

- **Women’s Rights**

Despite special criminal laws to ensure justice for acts of violence against women, and ‘The Domestic Violence (Prevention and Protection) Act’ which was introduced on October, 2010, violence against women is widespread. From 04 February 2009 to 03 February 2011, 1018 women were victims of rape, 701 were victims of dowry violence and 174 were the victims of acid violence. In most of the cases, the perpetrators could not be brought to justice, due to various reasons, including threats to the victims’ family; bribing of police officers; lack of evidence and political patronage for the perpetrators.

Apart from the regularly reported acts of violence against women, such as rape, dowry-related violence and acid attacks, another disturbing crime is gaining momentum in Bangladesh – stalking and verbal/physical harassment of girls and young women. Stalking can lead to depression and humiliation that is sometimes so overwhelming that there have been cases where the victim has committed suicide. Society and the administration also try to cast aspersions on the character of the victim, instead of condemning or catching the stalker.²⁰ There have also been some instances where the perpetrators have injured or killed those who protested – mainly parents and family members of the victim²¹. Most of the victims of stalking are school and college-going young women, who are constantly verbally harassed and followed on their way to and from the educational institution and/or outside their homes. On 01 June 2010 the Education Minister Nurul, Islam Nahid, said that

¹⁷ For more information on the practice of the death sentence in Bangladesh, see the FIDH-Odhikar joint report on “Bangladesh: Criminal Justice through the Prism of Capital Punishment and the Fight against Terrorism”, October 2010.

¹⁸ See Annex-IV : Voluntary pledges

¹⁹ Ibid

²⁰ Reported in The Daily Star, 9/6/2010

²¹ See Odhikar’s Annual Human Rights report for 2010 at www.odhikar.org.

“measures against stalking will be incorporated in the school curriculum to raise awareness among students and unite them against it.” The Minister also stated that it was important to create a massive social movement against stalkers as well as strict implementation of law against them.²² The perpetrators are known to the victims, their family and the locality – but very few have been arrested or punished, despite a High Court Division directive against stalking. The increase in such incidents only shows a lack of respect and a breakdown of the moral fiber of society and those responsible for maintaining it.

There are more than enough laws to protect women from all forms of violence, and the Government of Bangladesh is also a party to the UN Convention for the Elimination of all forms of Discrimination against Women (CEDAW). Regardless, the reasons stated above, coupled with a lack of political will – including extreme reluctance to lift reservations on Article 2 of CEDAW, show a lack of commitment to improve the situation and status of women in Bangladesh.

- **Human Rights Defenders**

In the UPR session Bangladesh accepted the recommendation regarding effective measures to protect human rights defenders. However, non government human rights organisations in Bangladesh are guarded in the manner they carry out their activities, preferring not to come into conflict with the Government – whatever the regime. However, Odhikar believes that human rights activism must be performed without fear – as that is the only way to expose violations and urge for reform. During this reporting period, Odhikar was regularly monitored by the Government’s various intelligence agencies and its members and staff intimidated²³. The Government has even stopped the clearance of Odhikar’s project funds from international donor organisations. When contacted, an official of the NGOAB²⁴ said that they have nothing to do unless a clearance comes from the Home Ministry²⁵.

- **The Judiciary**

Lack/deprivation of justice is a form of human rights abuse and it is common knowledge in Bangladesh that justice is only for the rich and those who can afford legal representation. What is singularly worrisome for democracy and human rights in Bangladesh is the politicization of the Judiciary. The Judiciary has been formally separated from the Executive, but has still failed to convince the citizens of its independence and is vulnerable to extrajudicial manipulation.

Furthermore, according to a Transparency International, Bangladesh report of 23 December 2010; corruption and other violations associated with country's judicial system have gone up by 40.3 per cent over the last three years.²⁶ TIB's household survey report 2010 puts the Judiciary as the most corrupt among 13 service sectors in the country. Transparency International Bangladesh (TIB) in its report states that general people suffer most due to corruption and other wrongdoings in the judiciary

²² Reported in The Daily Star, 2/06/2010

²³ See Odhikar’s human rights reports 2009 and 2010 at www.odhikar.org

²⁴ NGOAB- NGO Affairs Bureau

²⁵ Conversation between the Director of Odhikar ASM Nasiruddin Elan and the Director of the NGOAB Subir Kishor Chowdhury on January 24, 2011

²⁶ Reported in The Daily Star 24/12/2010

followed by law enforcement agencies and land administration.²⁷ Some 88 per cent households suffered most to avail of judiciary services due to various forms of corruption including bribe and other harassment.²⁸ The survey says some 59.6 per cent households had to pay bribes in different stages to get judicial services. Of which, the highest 68.9 per cent households bribed magistrate's court, 58.4 percent judge's court and 73.6 per cent High Court.²⁹

- **The National Human Rights Commission**

Despite the Bangladesh government's 'acceptance' of the recommendation³⁰ from the delegates of European countries and its comment that it had 'initiated actions' in effort to develop the work of its national institution for human rights, as an effective human rights watchdog and to give power to the NHRC to effectively protect human rights in accordance with the Paris Principles³¹, the Government did not approve of the proposed human resource of 62 persons in accordance with NHRC, to assist it in carrying out its activities effectively. It approved of only 28 persons³². The Chairman of the NHRC, Professor Mizanur Rahman said: "We were informed that the ministries concerned finalised the appointment of 28 staff a few days ago, but we don't know when we will get them in action."³³

NHRC was formed in November 2008 under the National Human Rights Commission Ordinance, promulgated by the army backed caretaker government on December 23, 2007. The Ordinance was enacted by the Parliament on 14 July 2009.³⁴ Former Chairman of the NHRC, Justice Amirul Kabir Chowdhury sent a draft Regulation of the NHRC to the Law Ministry on August 2009, however almost one and a half year have passed and the draft is still pending - this will impede the independent activities of NHRC³⁵.

- **Ratification of the Rome Statute of the International Criminal Court**

One of the recommendations from Odhikar to the Government was to ratify the Rome Statute of the International Criminal Court. This was Odhikar's campaign since 1998 as it was part of the Asian Network for the International Criminal Court. The Bangladesh government ratified the Rome Statute in March 2010, much to the delight of Human Rights Defenders. However, this act of ratification means that the Government has to be more diligent about maintaining a clean human rights record.

Recommendations

The following recommendations have been suggested by Odhikar and FIDH in order to improve the human rights situation of Bangladesh prior to the next UPR hearing:

²⁷ Transparency international Bangladesh. National 2010 Household Survey on Corruption in Bangladesh, Dhaka. 23 December 2010. See also http://www.ti-bangladesh.org/research/NHSC2010_TIB.pdf.

²⁸ Transparency International Bangladesh. National 2010 Household Survey on Corruption in Bangladesh, Dhaka. 23 December 2010. See also http://www.ti-bangladesh.org/research/NHSC2010_TIB.pdf

²⁹ Ibid

³⁰ See <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/162/52/PDF/G0916252.pdf?OpenElement>

³¹ Ibid

³² See <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/162/52/PDF/G0916252.pdf?OpenElement> ; Prothom Alo, 7.11.10

³³ Reported in The Daily Star, 29.9.10

³⁴ Reported in New Age, 7.9.09

³⁵ Reported in the Bangla-language daily Prothom Alo 7.11.10

- There is an urgent need to ensure the complete cessation of extra judicial killings, and acts amounting to torture and cruel and degrading treatment in remand and custody. Perpetrators of such crimes must be tried and punished under the prevalent laws. Recommendations made by the High Court Division in the 2003 case of BLAST Vs Bangladesh must be implemented. Furthermore, the declaration made by Bangladesh on Article 14 of the CAT must be lifted and victims/families be given compensation for crimes perpetrated by state actors.
- The Private Members Bill seeking criminalisation of ‘torture’ must be reviewed discussed and passed by Parliament.
- Law enforcement agencies must be allowed to act independently and not be dictated by political will. This will put an end to arbitrary detention, torture and extra judicial deaths of opposition political activists – a trend which has, sadly, taken root in the political arena of Bangladesh.
- The Government must take steps to incorporate all signed and ratified international human rights instruments into municipal laws.
- The Government must ratify OPCAT and other core Optional Protocols to ensure transparency and maintain human rights.
- A moratorium on the Death Penalty is a must – if not a complete repeal of capital punishment.
- Full independence of the Judiciary is a must and political favourism when appointing and promoting members of the Judiciary must stop. This only dilutes the strength and respect of the judiciary and affects access to justice.
- Freedom of the media must be ensured to maintain accountability and transparency. A proper investigation is needed into the incidents of repression and torture towards journalists.
- The Government must take effective steps to stop violence against women. Those involved in such violence must be brought under the purview of the law and the victims must also be provided with necessary assistance including adequate compensation. The victims and witnesses must be provided protection so that the perpetrator cannot exert fear upon them or inflict violence on them again.
- The National Human Rights Commission must be strengthened and allowed to act as an independent body. The government must be committed to act upon its recommendations and take proven perpetrators to justice.
- Human right defenders must be allowed space to carry out their activities. The aim of HRDs is to assist the administration by identifying weak spots. Unfortunately, the Government does not take too well to constructive criticism, which only paves the way for more abuse and more severe criticism.

Annex I



Recommendations to the Government of Bangladesh on the occasion of the 4th Universal Periodic Review Session, February 2009

The state of emergency was in place in Bangladesh when the FIDH and Odhikar submitted their contribution as stakeholders to the UPR process. The situation on the ground has changed following the withdrawal of the state of emergency on 16 December 2008, the holding of parliamentary election and the installation of a popularly elected government in early January 2009. The recommendations below thus also take into consideration such developments as well as the emergence of a civilian Government with absolute majority of seats in the Parliament.

1. Culture of impunity

The engrained culture of impunity has long been a major impediment to guaranteeing human rights. The Government is unwilling to effectively address major crimes, such as the Crime of Genocide, War Crimes, and Crimes against Humanity and other crimes committed in 1971. Since then, large scale massacres, numerous assassinations, grave violations of rights have all remained unaddressed. *De jure* and *de facto* impunity has become a norm. FIDH and Odhikar call upon the Government of Bangladesh to:

- a) **Put an end to the culture of impunity by immediately launching an impartial investigation of the international crimes committed in 1971 and bring those individuals responsible before a competent tribunal, ensuring that the process meets international standards of fair trial, including the rights of the accused, victims and witnesses.**
- b) **Bring appropriate changes, if deemed necessary, to the International Crimes (Tribunals) Act, 1973.**
- c) **Seek international assistance, as necessary, including the UN, as well as support by the Human Rights Council.**
- d) **Ratify the Rome Statute establishing the International Criminal Court that Bangladesh is a signatory to and adopt implementing legislations.**
- e) **Remove all impediments and reinvigorate pending criminal processes relating to other major incidents and crimes and serious human rights violations as a first step to struggle against impunity.**

2. Extrajudicial, summary or arbitrary executions

Security forces, particularly the elite Rapid Action Battalion (RAB) and the police resort to murders as a policing technique, where suspects are murdered following their arrest, using various euphemisms like “crossfire”, “encounter”, “shootout” etc. From July 2005 to December 2008, the period that included the civilian government of Four Party Alliance led by Bangladesh Nationalist Party (BNP) and two years of military controlled Caretaker Government, 848 suspects were executed. These executions amount to extrajudicial executions and despite national and international protests, have continued unabated. FIDH and Odhikar call upon the Government of Bangladesh to:

- a) Respect in all circumstances the right to life.**
- b) Reign on to security forces and stop all extrajudicial executions and not use murder as a policing tool.**
- c) Set up an independent body to deal with complaints against members of security forces for violations of rights, with adequate powers to investigate and where necessary, recommend prosecution.**
- d) Until the establishment of such an authority, investigate all incidents of extrajudicial executions and bring to justice those involved, including those in command.**
- e) Issue public statements at the highest political level strongly condemning extrajudicial executions and ordering the abolition of this practice.**

3. Torture, inhuman and degrading treatments

Torture is pervasive in Bangladesh. It has become standard practice for law enforcement agencies and is routinely applied as a tool used for various purposes by the law men, to question a suspect, extract confessions, making false statements, extorting money, repress government's opponents etc, and regarded as indispensable to maintain security, law and order. Torture has become a less costly and efficient alternative to investigations. There are no accurate estimations of the number of victims of tortures and inhuman treatments at a given time, however very serious incidents are reported. Once arrested, victims frequently suffer torture during their detention, in custody and while on remand. Therefore, FIDH and Odhikar call upon the Government of Bangladesh to:

- a) Stop the use of torture in all its forms by law officers once an individual is in custody or under effective control of a member of the law enforcement agencies.**
- b) Take all necessary legislative measures to outlaw torture in line to the Government's obligation as a Party to CAT on a priority basis, and put in place lawful interrogation procedures including interrogations of people remanded in custody in a glass-partitioned room and in presence of relatives or lawyers, as ordered by the High Court in April 2003 and amend the Criminal Procedure Code accordingly.**
- c) Investigate all allegations of torture by the above mentioned independent complaint authority and facilitate bringing to justice those found involved in torture.**

- d) Provide compensations to victims of torture.**

4. Human rights and counter terrorism

The unelected and unconstitutional military controlled Caretaker Government introduced the Anti Terrorism Ordinance, 2008 giving sweeping powers to law enforcement agencies, over and above wide powers of arrests and detentions already enjoined. The Ordinance has serious implications for fundamental freedoms and rights of fair trials. It provided broad definition of terrorism covering acts intending to harm the unity, harmony, security and sovereignty of Bangladesh, including property crimes, targeted attacks on individuals. It provided convictions based on mere suspicion for financing terrorism, without regard to establishing guilt beyond reasonable doubt, while the court could not even grant provisional release or bail, once arrested under this law. In this regard, FIDH and Odhikar call upon the Government of Bangladesh to:

- a) Citizens should not be denied their constitutional and human rights through this Ordinance and therefore, not to adopt or approve it in the Parliament's first session, a Constitutional requirement for Ordinances, until the new Parliament duly examines and solicits public opinion through wide consultations with civil society and other stakeholders.**
- b) Ensure that fundamental rights and freedoms are duly taken into account by counter terrorism legislations, in particular the safeguard of internationally recognized fair trial rights and full respect of rule of law.**
- c) Implement existing laws adequate for counter terrorism measures.**

5. Women's rights

Discrimination in law and practice and violence against women are widespread in Bangladesh. Whether at home, work places or educational institutions; violence or threats of violence are endemic. FIDH and Odhikar are concerned about discriminations and violence against women and call upon the Government of Bangladesh to:

- a) Remove all discriminatory provisions in law related to marriage, dower, maintenance, custody, divorce, inheritance, guardianship, adoption, wages and other areas.**
- b) Adopt adequate legislation against domestic violence and sexual harassment.**
- c) Reinforce efficacy of laws in place that have failed to provide redress to victims of violence and discrimination.**
- d) Reorganize justice system to make it women friendly, including legislating on victims and witness protections.**

6. Human rights institution

In 2008 the Government established, through Ordinance, the National Human Rights Commission. Ironically, the Commission was established at a time and by the regime which through imposing the state of emergency, denied people their basic rights and freedoms. The Committee members of the Commission were largely composed of

bureaucrats. FIDH and Odhikar are concerned about the Ordinance establishing the Commission and call upon the Government of Bangladesh to:

- a) **Adopt amendments including the binding character of Commission's recommendations and award the Commission its "right" to be consulted by the Government in legislations with human rights implications,**
- b) **Appoint an Ombudsman under Article 77 of the Constitution to "investigate any action taken by a Ministry, a public officer or a statutory public authority", since, despite this provision of the Constitution, no such appointment was ever made.**
- c) **Adopt or approve it by the Parliament only after thorough discussion and suitable amendments.**

7. International obligations and cooperation with human rights mechanisms

Bangladesh is party to seven core international human rights instruments but still there are other instruments that should be ratified. Moreover, cooperation both with treaty body mechanisms and Special Procedures has been so far disappointing. FIDH and Odhikar call upon the Government of Bangladesh to:

- a) **Ratify the Rome Statute of the international Criminal Court, the Convention for the Protection of All Persons from Enforced Disappearance, the Convention on Refugees and Stateless Persons.**
- b) **Submit, without further delay, reports report on ICESCR, overdue since 2000 and the second since 30/06/05, ICCPR, overdue since 06/12/01, CERD, overdue since 11/07/02 and subsequent reports, CAT, the second and third periodic reports overdue since 04/11/03 and 04/11/07 respectively.**
- c) **Invite all Special Rapporteurs who have requested visits such as SR on freedom of opinion and expression requested in 2003, SR on adequate housing requested in 2005, Independent Expert on minority issues, requested in 2006, SR on Extrajudicial, Summary or Arbitrary Executions, requested in 2006, SR on independence of judges and lawyers, requested in 2007, and SR on contemporary forms of slavery, requested in 2008.**
- d) **Extend Standing Invitations to all thematic Special Procedures and reply to all questionnaires sent by Special Procedure mandate holders.**

ANNEX II

Recommendations

In the course of discussion of UPR of February 03 2009, the following recommendations were made-

1. Consider ratifying or acceding to: OP-ICCPR 2, OP-CAT; ICRMW, CED, other individual complaints procedures under the treaties to which it is a party, OP-ICCPR 1, and other core international treaties to which it is not a party.
2. Consider ratifying or acceding to: 1951 Refugee Convention, bearing in mind resolution 9/12 of the Human Rights Council entitled “Human rights goals”; ILO No. 169 Convention on Indigenous and Tribal Peoples.
3. Reconsider its position on reservations; and withdraw reservations to CEDAW and to Articles 2 and 16 (1) (c) of CEDAW.
4. Continue its efforts to protect and promote human rights in compliance with international standards; 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; Continue its efforts to ensure consistency between national laws and international human rights conventions which it has ratified.¹
5. Continue its efforts to strengthen its national human rights mechanisms and continuously upgrade its laws, policies and institutions in the area of the promotion and protection of human rights.
6. Continue its efforts to develop the work of its national institution for human rights, as an effective human rights watchdog; Give powers to the NHRC to effectively protect human rights in accordance with the Paris Principles.
7. Take steps to further strengthen the National Human Rights Commission and the Anti-corruption Commission to ensure that they will be able to operate independently and effectively.
8. Continue to improve its policies and programmes towards advancing the status of women, girls, children, including those with disabilities and the overall human rights situation, both

¹

A/HRC/11/18* GE.09-16252 17

in the enjoyment of civil and political rights as well as social, economic and cultural rights.

9. Take further measures aimed at raising awareness about human rights among the population at large.

10. Develop a national human rights programme to give a new impetus to its commitment and determination to tackle national problems, such as a culture of impunity, arbitrary and extrajudicial executions and a practice of torture and degrading treatment.

11. Take steps to devise a national strategy for delivering justice, to include the police, the judiciary, civil society and government.

12. Issue and implement a standing invitation to all special procedures; Extend a standing invitation to human rights mechanisms to visit the country and to support national efforts in these areas; Positively consider the visit requested by the special rapporteur on summary executions.

13. Ensure the full and effective implementation of existing laws and policies relating to the rights of women and children, in order to protect these rights and eliminate all forms of discrimination; Continue to place emphasis on poverty alleviation and eradication, on women's empowerment and children's rights.

14. Pursue its positive efforts for the promotion and protection of the rights of women, Strengthen and continue sharing its experience and the promotion of the role of gender in the national leadership.

15. Take measures to ensure women's rights are protected through implementing existing laws such as the Early Marriage Act and the Dowry Act. Continue combating discrimination and violence against women and girls by elaborating effective laws and implementing them effectively, and adopt without delay a uniform Family Code that fully complies with the provisions of CEDAW; Ensure that women's rights are protected, through effective implementation of existing laws, the development of a comprehensive national action plan to combat violence against women and the adoption of a family code complying with the provisions of CEDAW , Intensify its efforts to protect children from early and forced marriages; Amend, if necessary, the relevant discriminatory legal provision concerning the transfer of citizenship to children of women in mixed marriages; Adopt a comprehensive action plan to address wage inequalities and make available maternity leave in all public and private employments.

16. Taking into account the provisions of the CRC, take further measures to prohibit all forms of violence against children, including corporal punishment and to raise

the minimum age of criminal responsibility ; Review its domestic legislation and practice to bring them both in compliance with its international obligations in the area of the rights of the child, in particular regarding (i) protection against kidnapping and trafficking, and (ii) the juvenile justice system including through providing adequate separate facilities of corresponding capacity for juveniles in detention or prison and adopting specific measures for the protection of their human rights; Continue its efforts to further the enforcement of child rights and laws; Intensify its efforts to implement without delay existing laws concerning the protection of the rights of the child, including the births and deaths registration Act of 2004.

17. Investigate complaints concerning discrimination against members of minority religions, while developing educational and awareness programmes addressing these human rights violations.

18. Take further steps to address discrimination against vulnerable groups; Take measures to ensure the effective protection of the human rights of refugees.

19. Strongly encouraged to abolish the death penalty, and while awaiting such decision, to adopt a moratorium on executions; Recalling General Assembly resolution 62/149, establish a moratorium on executions with a view to abolishing the death penalty; Adopt a moratorium on the death penalty, as a primary step towards its abolition; As a first step, consider amending their legislation on the death penalty in order to restrict its scope and adjust it to the international minimum standards on the death penalty, and, in the light of the increasing awareness of the international community on the matter, as reflected in General Assembly resolutions approved in 2007 and 2008, consider the establishment of a moratorium on the use of the death penalty with a view to abolishing capital punishment in the national legislation .

20. Address the problems of extrajudicial killings and torture by security forces and improve prison situations.

21. Redouble its efforts and allocate more resources to address the problem of violence against women and children in this area, in particular through increasing women's empowerment, public awareness, education and training as well as increase vigilance and monitoring by the relevant authorities; Adopt a comprehensive strategy to combat all forms of violence against women and girls; Adopt a comprehensive approach to address violence against women and girls and to take effective measures to protect them.

22. Take steps to eradicate child labour such as finalizing the National Child Labour Policy

and implementing the plan of action to eliminate the worst forms of child labour; Ensure an effective monitoring mechanism to oversee the implementation of the National Child Labour Policy; Eradicate child labour starting with taking steps to finalize the National child labour policy and to implement the plan of action to eliminate the worst forms of child labour.

23. Continue to take measures towards the effective implementation of the National Plan of Action against Sexual Abuse and Exploitation of Children including Trafficking.

24. Continue its efforts in combating corruption.

25. Continue its good work in further strengthening the judiciary in the country; Take measures to ensure the independence of the judiciary.

26. Take steps to address the culture of impunity for human rights violations by law enforcement agencies; Adopt further measures to fight impunity for human rights violations, including by law enforcement officials; Fight impunity and hold all officers and persons acting on their behalf accountable for acts of torture and harassment of civilians.

27. Provide human rights training to law enforcement and judicial officers, with a specific focus on the protection of the rights of women, children and persons of minority sexual orientation or gender identity and adopt further measures to ensure protection of these persons against violence and abuse ; Consider abolishing article 377 of the Penal Code, which criminalizes sexuality against the “order of nature”; Decriminalize same sex activity between consenting adults and adopt further measures to promote tolerance in this regard.

28. Take measures to protect human rights defenders, including journalists.

29. Consider enhancing the protection of religious freedom by adopting legislative measures and promoting awareness raising campaigns.

30. Continue its strategic plan adopted in 2005 for eliminating social and economic disparities in order to reduce poverty, in particular in isolated regions; Spare no efforts to consolidate programmes of social protection and assistance, in particular programmes for the transfer of food, development programmes on behalf of vulnerable groups, particularly women in poverty, and micro-credit programmes which have produced positive results for this segment of the population; Continue to implement identified measures, plans and policies focusing mainly on poverty eradication; Create job opportunities and provide social services to face development challenges and combat poverty.

31. Continue its efforts to ensure the right to food for the citizens.

32. Continue, while working with concerned parties, its comprehensive national strategy to

improve the health situation, in particular to promote women's health during pregnancy and post natal care; Continue the efforts to draw up a national plan to provide health care to all without discrimination.

33. Pursue its positive efforts to promote and protect the right to education, including the education of girls; Continue to promote non- formal education in order to make greater progress in advancing people's education level.

34. Fully implement the Chittagong Hill Tracts Accord as a matter of priority and develop a time frame for its full implementation.²

35. Share its experience and best practices in realization of the right to food and the fight against poverty, in particular in the area of micro-credit, with other developing countries.

36. Pursue its efforts, despite constraints, with the assistance and cooperation of the international community, to combat poverty, particularly among women, including material and non-material poverty (in terms of exclusion); Continue, with international support and cooperation, efforts to ensure basic necessities of its people, particularly in terms of food, clothing, shelter and education; Continue to fight poverty with the active support of the international community; Seek the help of the international community to counter all challenges, mentioned in its national report and especially poverty alleviation and improvement of the living standards of its people and all environmental constraints that challenge human rights and development efforts, seek the help of the international community through different programmes of capacity building and technical assistance; Share, with the Sudan and other least developing and developing countries its best practice of social safety nets and empowerment.

37. Pursue its efforts, with the assistance and cooperation of the international community, for the realization of the rights of women and women's empowerment as an important sector of society that can contribute significantly to the development of the country.

38. Further continue its efforts to improve the human rights situation on the ground, with the technical and financial assistance of the international community.

39. Call on the international community to respond favorably to Bangladesh's request for capacity building and technical assistance to overcome the difficulties and challenges facing the country.

40. Build with international support the national capacities to fulfill the reporting obligations to treaty bodies (Egypt).

41. Pursue its efforts within the Human Rights Council on the issue of climate change and human rights; Continue and strengthen, with international support and cooperation, its efforts to mitigate the negative impact of climate change, as well as disaster management programmes (Bhutan); Pursue its efforts in incorporating sustainable environmental development into its policies, considering the impact of natural disaster and degradation of natural resources on human rights despite all existing challenges.

42. The full involvement of civil society in the follow-up to this review.

UNITED
NATIONS

A



General Assembly

Distr.
GENERAL

A/HRC/11/18/Add.1
9 June 2009

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Eleventh session
Agenda item 6

UNIVERSAL PERIODIC REVIEW

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 was not edited before being sent to the United Nations translation services.

BANGLADESH RESPONSES TO THE RECOMMENDATIONS MADE DURING THE UPR OF BANGLADESH ON 3 FEBRUARY 2009

<i>Recommendation</i>	<i>Response</i>
1	Bangladesh is party to almost all core human rights treaties. Other Human Rights treaties and Optional Protocols are regularly reviewed for possible accession/ ratification. This is an on-going process, needing careful consideration, as it entails specific responsibilities, including multiple reporting obligations, on the part of the State party. While undertaking such considerations, Bangladesh remains fully sensitive to the basic objectives of the HR treaties/OPs, including those mentioned in this recommendation. Nonetheless, Bangladesh respects these treaty provisions and is making efforts to comply with their objectives.
2	1951 Refugee Convention Although not a party to this Convention, Bangladesh has consistently upheld its principles and objectives. Despite being burdened with a protracted refugee situation originating from a neighbouring country, Bangladesh has not done a single refoulement of the three hundred thousand refugees who came from Myanmar, even in their early stay in Bangladesh, when there was no international presence or support. In a refugee situation where not a single repatriation has taken place for the past three years and with very little burden sharing on the part of the international community, Bangladesh continues to host the remaining refugees, provide improved facilities and upgrade protection measures. Bangladesh's role in protecting the rights of refugees from Myanmar has been recognised by the UNHCR more than once. Accession to this Convention needs to be considered in light of the existing situation and in the overall regional context. This matter remains under regular review by the Government. ILO Convention No. 169 Bangladesh has ratified the ILO indigenous and tribal population convention, 1957 (No-107) in 1972, which covers a number of issues including fundamental rights, land rights, employment, vocational training, health etc of the indigenous and tribal peoples. The convention no 111 on discriminations (employment and occupation) was also ratified by Bangladesh in 1972. Though the Convention no. 169 on indigenous and tribal peoples is not yet ratified by Bangladesh, the tribal peoples of CHT are already enjoying most of provisions enshrined in the ILO convention No. 169 through the implementation of the CHT Peace Accord. Most of the provisions of the Accord have already been implemented. The present government is continuing the process of implementation within the framework of the constitution of the People's Republic of Bangladesh.
3	Bangladesh accepts the recommendation of reconsidering its reservations. However, Bangladesh is a country of cultural and religious diversity, and a broad consensus among all communities, therefore, is essential for taking a decision in this regard.
4	Bangladesh accepts the recommendation.
5	Bangladesh has accepted the recommendation, and has already initiated steps to strengthen the human rights mechanisms. The government has already established a National Human Rights Commission under National Human Rights Commission Ordinance, 2007. A bill titled "National Human Rights Commission Bill, 2009" has now been introduced before the Parliament, which is under scrutiny of the Parliamentary Standing Committee for the Ministry of Law, Justice and Parliamentary Affairs.
6	Bangladesh accepts the recommendation, and has already initiated actions.
7	Bangladesh accepts the recommendation, and has already initiated actions.

<i>Recommendation</i>	<i>Response</i>
8	Bangladesh has accepted the recommendation, and has already taken steps to improve some programmes. Government has recently constituted “The National Council For Women and Children Development” (NCWCD) chaired by the Honourable Prime Minister to recommend amendment to present laws, rules for protection of women and children.
9	Bangladesh accepts the recommendation.
10	The Government is committed to address these concerns. However, they will have to be addressed in the overall context of steps taken to further promote and protect human rights in the country. The newly established National Human Rights Commission is mandated to oversee compliance and make recommendations for specific steps to be undertaken to improve Human Rights situation in the country, including in areas mentioned in the recommendation. Law enforcement agencies are under instructions to maintain human rights standards in the discharge of their duties. Human rights issues are also incorporated into training curricula of the members of law enforcement agencies. UNDP, ICRC and some development partners are currently engaged in a series of training courses to sensitize members of law enforcement agencies to human rights issues. The Police Reform Programme is also expected to bring encouraging results in this regard.
11	Bangladesh accepts the recommendations. The government has already separated judiciary from the executive and has taken necessary steps for effective and prompt justice delivery system. The government has also initiated programmes to include the police and civil society in framing a national strategy for efficient delivery of justice.
12	Bangladesh has been fully cooperating with the special procedure mechanisms. Some special rapporteurs have visited in recent years. A few requests are pending. We are in the process of finalizing their requests and we expect the visits to begin very soon. We do not consider that the issuance of a standing invitation is the only way to ensure full cooperation.
13	Bangladesh accepts the recommendation.
14	Bangladesh accepts the recommendation.
15	Bangladesh accepts the recommendations except for the recommendation on Uniform Family Code. Early marriage and dowry are prohibited and the practices of early marriage and dowry have been made punishable offence under Child Marriage Restraint Act, 1929 and Dowry Prohibition Act, 1980. The government has recently amended the citizenship law and removed the discrimination between man and woman. There is no wage inequalities between men and women and a woman can enjoy 4 months as maternity leave. Bangladesh being a country of diversified cultures and religions, we need to have a broad agreement on a Uniform Family Code that will be acceptable to all religious and ethnic minorities. The government will consult with all concerned parties and members of various religious organizations to achieve a consensus on this issue.
16	Bangladesh accepts the recommendation.
17	The Government does not condone discrimination against anybody on the basis of race, colour, sex, religion, or any other status. Equality for all citizens is guaranteed in the constitution, legal provisions as well as State practice. Moreover, positive measures are in place to facilitate access to education, job and other areas for these groups. The present Government is particularly mindful of the welfare of religious minorities. Allegations of any discrimination are being dealt with seriously.

<i>Recommendation</i>	<i>Response</i>
18	Bangladesh accepts the recommendations. Bangladesh has introduced gender based budgetary system. More than half of its budgetary resources are allocated for poverty reduction. National Strategy for Accelerated Poverty Reduction (NSAPR) focuses especially on poor women. A wide range of safety-net programmes are in place to address multidimensional challenges faced by the poor women and children. They include: (a) Allowance for Widow, Destitute and Deserted Women, (b) Vulnerable Group Development Programme, (c) Vulnerable Group Development for Ultra poor and (d) Allowance for Pregnant and Lactating Mother.
19	Bangladesh is not in a position to accept the recommendation at this stage. The provision of death penalty is maintained in Bangladesh only as an exemplary punishment for heinous crimes such as throwing of acid, acts of terrorism, planned murder, trafficking of drugs, rape, abduction of women and children. Both the judiciary and administration deal with these cases of capital punishment with extreme caution and compassion, and such punishment is extended only in ultimate cases that relates to gross violation of human rights of the victims. Bangladesh has an extremely low rate of implementation of such death penalties. The existing legal mechanism also provides several legal recourses against such punishment through the High Court Division of the Supreme Court, which confirms or rejects death sentence passed by a trial court; through the Appellate Division of the Supreme Court, where a defendant can appeal against the death sentence; and through the President, who can pardon the person concerned.
20	The Government does not condone such incident. Sections 60, 61 and 167 of Criminal Procedure Code (CrPC) and Regulations 324, 327 and 328 of Police Regulations lay down modalities for dealing with persons under police custody. The Government is committed to bring an end to all extra-judicial activities by law enforcement agencies, and will bring any official found responsible for such actions to justice. Improving prison situations is an ongoing process which is also dependant on resource availability.
21	Bangladesh accepts the recommendation.
22	Bangladesh accepts the recommendation.
23	Bangladesh accepts the recommendation, and is working for ensuring effective implementation of the national plan of action.
24	Bangladesh accepts the recommendation.
25	Bangladesh accepts the recommendation. To further strengthen the judiciary, the government has established separate Judicial Service Commission, Judicial Service Pay Commission and Judicial Administration Training Institute. Recently the Judicial Service Pay Commission recommended a new structure of pay scale for the judicial officers, which is under consideration of the government. For smooth functioning of the judiciary the government has recruited a number of staff in the subordinate judiciary.
26	The Government does not condone such practice, and will bring any official found responsible for such acts to justice.

<i>Recommendation</i>	<i>Response</i>
27	Bangladesh accepts the recommendation concerning the human rights training of judicial officers. The judicial officers are being trained on the issue of rights of women, children and minorities. However, the specific recommendation on sexual orientation can not be accepted. Bangladesh is a society with strong traditional and cultural values. Same-sex activity is not an acceptable norm to any community in the country. Indeed, sexual orientation is not an issue in Bangladesh. There has been no concern expressed by any quarter in the country on this. Therefore, the recommendation is out of context.
28	Bangladesh accepts the recommendation and it is already taking necessary measures in this regard.
29	Bangladesh accepts the recommendation. Necessary legislative safeguards are in place.
30	Bangladesh accepts the recommendation.
31	Bangladesh accepts the recommendation. In order to ensure food security for its citizens, Bangladesh has adopted programmes to increase food production through timely and affordable agricultural inputs to the farmers. The government has reduced prices of fertilizer and fuel for irrigation, and has been supplying quality seeds, among other farmer-friendly measures.
32	Bangladesh accepts the recommendation.
33	Bangladesh accepts the recommendation.
34	Bangladesh accepts the recommendation, and is in the process of full implementation of the Accord. Most of the provisions of the CHT Peace Accord have already been implemented. The rest will be implemented within the shortest possible time within the framework of the Constitution of Bangladesh.
35	Bangladesh accepts the recommendation.
36	Bangladesh accepts the recommendation.
37	Bangladesh accepts the recommendation.
38	Bangladesh accepts the recommendation.
39	Bangladesh accepts the recommendation.
40	Bangladesh accepts the recommendation.
41	Bangladesh accepts the recommendation.
42	Bangladesh accepts the recommendation.

**General Assembly**

Distr.: General
5 May 2009

Original: English

Sixty-third session

Agenda item 104 (c)

**Elections to fill vacancies in subsidiary organs
and other elections: election of eighteen members
of the Human Rights Council****Letter dated 4 May 2009 from the Chargé d'affaires a.i.
of the Permanent Mission of Bangladesh to the United Nations
addressed to the President of the General Assembly**

I have the honour to state that Bangladesh has floated its candidature to the Human Rights Council for the term 2009-2012. I enclose an aide-memoire on the voluntary pledges made by Bangladesh towards the promotion and protection of human rights in accordance with General Assembly resolution 60/251 (see annex).

The Permanent Mission of Bangladesh would be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 104 (c).

(Signed) Abdul **Alim**
Counsellor



**Annex to the letter dated 4 May 2009 from the Chargé
d'affaires a.i. of the Permanent Mission of Bangladesh to the
United Nations addressed to the President of the General Assembly**

**Aide-memoire on Bangladesh's voluntary pledges towards human
rights: Human Rights Council elections, May 2009**

Introduction

Bangladesh is strongly committed to the promotion and protection of all human rights and fundamental freedoms. Its commitment to promoting and protecting human rights flows from the realization that the well-being of the people can only be ensured through effective enjoyment of all human rights by all.

Bangladesh has been endeavouring to build a society that is free from all forms of exploitation and in which human rights, fundamental freedoms, equality and justice are secured. Bangladesh holds that all human rights are universal, indivisible, interdependent and mutually reinforcing. However, for a country like Bangladesh, economic, social and cultural rights, and, most importantly, the right to development, are of paramount importance. It believes that the realization of these rights will help ensure enjoyment of a whole range of human rights, including civil and political rights. With this conviction, Bangladesh participated actively and constructively in the negotiations leading up to the creation of the Human Rights Council and subsequently became one of its founding members.

Bangladesh is seeking re-election to the Human Rights Council for the term 2009-2012.

If elected, Bangladesh will continue its efforts, together with others, to make the Council an effective, efficient and credible defender of human rights worldwide.

Constitutional framework

The Constitution of Bangladesh, which embodies the principles and provisions of the Universal Declaration of Human Rights, is the supreme law of the Republic. It guarantees human rights to all its citizens without any discrimination.

The fundamental rights envisaged in the Constitution of Bangladesh reflect the human rights prescribed by international human rights law. They include, among others, the right to equality before the law and equal protection of the law; prohibition of discrimination on grounds of race, religion, caste or sex; the right not to be detrimentally affected in respect of life, liberty, body, reputation or property; freedom of movement, of assembly, of association, of thought and conscience, of speech, of profession or occupation, and of religion; prohibition of forced labour; and equal opportunity in public employment.

The Constitution also sets out the fundamental principles of State policy. It requires the State to be a democracy. It also requires the State to ensure, inter alia, women's participation in national life, free and compulsory education, public health, equality of opportunity, work as a right and duty, rural development and the promotion of local government institutions, and respect for international law. The Supreme Court of Bangladesh has, on a number of occasions, upheld these fundamental principles in protecting the rights of the citizens of Bangladesh.

In terms of affirmative action, the Constitution of Bangladesh states that the State is allowed to make special provision in favour of women or children or for the advancement of any backward section of citizens.

Achievements/progress made in the area of human rights

Bangladesh, despite its varied constraints, is determined to fulfil its constitutional obligations and its international commitments through a variety of legislative and administrative measures as well as socio-economic development programmes. It has also made sincere efforts to fulfil the pledges it made during Bangladesh's election to the Human Rights Council in 2006, including in the areas of poverty eradication; socio-economic development; women's empowerment; education, particularly of girl children; anti-corruption measures; separation of the judiciary from the executive; and the establishment of the National Human Rights Commission. Some of the accomplishments are enumerated below:

Fundamental rights: Bangladesh has, through legislative and executive measures, ensured freedom of speech and expression, freedom of the press, and freedom of thought and conscience. Every citizen enjoys the right to religion, education, association, assembly, occupation and trade. It has one of the most independent print and electronic media in the world, which has been playing a critical role in promoting and protecting the human rights of the citizens of Bangladesh as well as in ensuring good governance.

Good governance: Bangladesh has established itself as a democratic and pluralistic polity through its deep commitment to good governance, democracy, the rule of law, and the promotion and protection of all human rights and fundamental freedoms for all citizens, with particular attention to women, children, minority communities, persons with disabilities and other vulnerable sections of the population. The parliamentary elections of December 2008, local government elections, the separation of the judiciary from the executive, the strengthening of the Election Commission and of the Anti-Corruption Commission, the enactment of the Right to Information Act and the establishment of the National Human Rights Commission are some of the measures adopted by the Government in establishing a culture of accountability and transparency in governance.

Socio-economic development: Bangladesh has made significant progress towards the socio-economic emancipation of the people in terms of sustained economic growth, per capita income, food security, disaster risk reduction capability, and high achievements in the social sector, particularly women's empowerment, the education of girl children, infant and maternal mortality rates, and access to safe drinking water as well as to primary health care. Home-grown concepts such as micro-credit and non-formal education have played a significant role in overcoming the resource constraints that Bangladesh regularly faces in the implementation of its development programmes. A large community of non-governmental organizations and a vibrant civil society have been playing a significant complementary role by way of working in an ever-stronger partnership with the Government.

Education: Bangladesh believes that access to education for all is an essential step in the direction of the enjoyment of human rights by all. "Education for All", with particular emphasis on girl children's education, has always been an important tool in Bangladesh for ensuring the unhindered enjoyment of human rights by its

people. The Government has made primary education free and compulsory for all children. It provides free education for girls up to class 12, the stipend for girls in rural secondary schools and free books for all children at the primary level. The Government runs a Food-for-Education/Cash for Education Programme providing food rations to poor primary-school children in rural areas.

The Government is now working to reduce school dropout rates, with a target of reaching a 100 per cent net enrolment rate by 2010, and to rid the country of the curse of illiteracy by 2013. The Government will also make education up to degree level (tertiary) free.

Empowerment of women: Women in Bangladesh are increasingly assuming leadership roles at both the national and the local levels. The new Government is headed by a woman Prime Minister, and her cabinet includes women ministers with important portfolios — foreign affairs, home affairs, agriculture and labour. The leader of the opposition, who happens to be a former Prime Minister, is also a woman. Nineteen women candidates were elected to the Parliament through a direct vote in the December 2008 general elections. With the 45 reserved seats, women representatives occupy more than one fifth of the Parliament.

Women occupy one third of the reserved seats for direct election in all local bodies, including municipal corporations. They also have reserved but directly elected representation in Upazilla (subdistrict) Councils. Women in Bangladesh enjoy 10 per cent job quotas in Government services. The participation of women in the formal labour market has significantly increased owing to changes in livelihood patterns and economic expansion. The labour force in the ready-made-garment industry is constituted almost exclusively of women workers.

Combating violence against women and children: Bangladesh has enacted appropriate legislative measures to promote the rights of women and children and to protect them from violence, abuse and discrimination. Bangladesh has a separate Ministry devoted to the welfare of women and children. It is a party to the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.

The Government has undertaken policy measures to implement the Beijing Platform for Action. The National Policy for the Advancement of Women and the National Action Plan for the Advancement of Women are two significant initiatives. The principal focus has been to eliminate gender disparities in the areas of law, economics, politics and the family.

Bangladesh has taken resolute action to stop violence against women. One-Stop Crisis Centres (OCCs) have been established in all six Divisions for victims of violence. These centres provide victims with emergency medical treatment, police assistance, legal aid and shelter facilities. Non-governmental organizations are working closely with the Government in raising awareness on preventing violence against women.

Bangladesh is one of the early signatories to the United Nations Convention on the Rights of the Child. Bangladesh has a National Plan of Action against the Sexual Abuse and Exploitation of Children, including Trafficking. A draft has been prepared on the National Social Policy on Alternative Models of Care and Protection for Children, aimed at harmonizing national laws on juvenile justice with the Convention.

Pursuant to its commitment to eradicate child labour, the Government is finalizing the National Child Labour Policy. Bangladesh has eliminated child labour from the ready-made-garment sector, the country's largest industrial sector. It has now embarked on a Time-Bound Programme (TBP), which is primarily a plan of action for eliminating the worst forms of child labour.

Social safety net: A wide range of social safety net programmes have been put in place to address the multidimensional challenges faced by the poor and the vulnerable. Special measures have been taken to address the feminization of poverty. These include the Allowances Programme for Widowed, Deserted and Destitute Women; a pilot programme on Allowances for Poor Lactating Mothers and a Maternal Health Voucher Scheme; and a Community Nutrition Programme. The Vulnerable Group Development (VGD) Programme, one the most successful development initiatives, has a nationwide outreach, covering nearly 750,000 poor rural women.

National Human Rights Commission: In fulfilment of the pledge it announced during the 2006 Human Rights Council election, Bangladesh established an independent National Human Rights Commission in 2008 following the guidelines of the Paris Principles. The three-member body is presently headed by a former Supreme Court judge and includes a woman from civil society as well as a representative from the minority community. The Commission receives and investigates allegations of human rights violations from individuals and groups. It will also monitor the overall human rights situation in the country and make appropriate recommendations.

Separation of judiciary from executive: Bangladesh is convinced that independence of the judiciary is critical in ensuring good governance and the rule of law, and by extension, the protection of human rights and fundamental freedoms. The Supreme Court of Bangladesh has always enjoyed independence in its functioning. However, the subordinate judiciary has been criticized for being under executive influence.

In order to ensure the independent functioning of the judiciary, and in fulfilment of the pledge made during the 2006 Human Rights Council election, Bangladesh recently completed the process of the full separation of the judiciary from the executive. It is expected that an independent judiciary will have far-reaching implications in terms of improving the human rights situation in the country.

Fight against corruption: Bangladesh is committed to its fight against corruption, which it considers an obstacle to ensuring a better living standard for its people. As pledged during Bangladesh's 2006 election to the Human Rights Council, the Rules of Procedure of the Anti-Corruption Commission have recently been reformulated, providing the Commission with greater independence and authority. The Commission is equipped to conduct investigations and take legal and other measures for preventing corruption. Bangladesh is also a party to the United Nations Convention against Corruption.

Right to information: Bangladesh believes that exercise of the right to information by its citizens is an essential element in ensuring good governance by way of making the Government accountable for its actions or inaction. It has recently adopted the Right to Information Act empowering people to seek

information from relevant Government agencies on matters of public interest. A focal point has also been designated in each organization in this regard.

Fight against terrorism: Bangladesh believes that terrorism and extremism are anathema to the enjoyment of human rights and that terrorism is the worst form of human rights violation. It, therefore remains resolute in its relentless campaign against international extremism and terrorism. Bangladesh is party to all 13 terrorism-related United Nations conventions, a testament to its commitment to fighting terrorism in all its forms and manifestations. At the national level, Bangladesh has undertaken several legislative and administrative measures to curb this menace and has ensured their effective implementation. At the regional level, Bangladesh is a party to the SAARC Regional Convention on Suppression of Terrorism as well as to its Additional Protocol.

Contribution at the global level

Bangladesh plays a constructive role in the international arena through promoting cooperation and dialogue, particularly at the United Nations. Bangladesh's constructive and cooperative role at the Human Rights Council has earned laurels from all quarters. It strives to build consensus on important issues in different international forums. Some of its undertakings are as follows:

Human rights instruments: Bangladesh is a State party to all major international human rights instruments, including the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child and its two optional protocols; the Convention on the Elimination of All Forms of Discrimination against Women and its optional protocol; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Prevention and Punishment of the Crime of Genocide; the International Convention on the Suppression and Punishment of the Crime of Apartheid; the Slavery Convention of 1926 and subsequent protocols; the Convention on the Political Rights of Women; and the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages.

Bangladesh has also become party to the United Nations Convention against Corruption and to the Convention on the Rights of Persons with Disabilities and its optional protocol.

Human Rights Council: Bangladesh is a firm supporter of the United Nations. In the area of human rights, it attaches high importance to the Human Rights Council, the Office of the United Nations High Commissioner for Human Rights, the treaty bodies, the special procedures and other human rights mechanisms.

Bangladesh, as a current member of the Human Rights Council, participates actively in its work. It is cooperating with other United Nations Member States, civil society representatives and special procedures in order to make the Human Rights Council an effective, efficient and credible human rights body.

Bangladesh was actively engaged in the negotiations leading up to the establishment of the Human Rights Council. Later, it made significant contributions

to the institution-building process of the Council and in the reform of the United Nations human rights machinery. It contributed to developing the terms of reference and modalities for the universal periodic review. Bangladesh also made contributions to the review, rationalization and improvement of the system of special procedures and other expert mechanisms of the Council.

Human Rights Council mechanisms: As pledged during its 2006 election to the Human Rights Council, Bangladesh has undergone its first-ever universal periodic review in the Council on 3 February 2009, during its tenure in the Council.

Bangladesh has been cooperating with the human rights treaty bodies and made good use of their advice on improving the human rights situation in the country. Bangladesh has so far hosted several special rapporteurs, demonstrating its willingness to cooperate with the United Nations human rights machinery. Some of them have included the Special Rapporteur on the independence of judges and lawyers; the Special Representative of the Secretary-General on the situation of human rights defenders; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Working Group on Arbitrary Detention; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on the sale of children, child prostitution and child pornography; the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; and the Special Rapporteur on the right to food.

Dialogue for promotion and protection of human rights: Bangladesh has been advocating dialogue as the most effective means to promote harmony, tolerance, mutual respect and solidarity among different faiths and cultures. It has been submitting, for many years now, an annual resolution on “Culture of peace” in the General Assembly, with huge support from the United Nations membership.

Bangladesh and United Nations peacekeeping: Bangladesh is a leader in United Nations peacekeeping. Its commitment to United Nations peacekeeping flows from Bangladesh’s commitment to contribute to the maintenance of international peace and security as well as to uphold the values on which the United Nations was founded. Its soldiers are working in difficult circumstances in many post-conflict situations to protect the lives and human rights of peoples, particularly of women and children.

Voluntary pledges towards human rights

Bangladesh makes the following pledges:

At the domestic level, Bangladesh will:

- Intensify its efforts, while framing its national policies and strategies, to uphold the fundamental principles enshrined in the Constitution of Bangladesh as well as those of the Universal Declaration of Human Rights and other international and regional human rights instruments to which it is a party

- Continue with its agenda for the overall development of its people, with particular attention to the eradication of poverty, the provision of universal primary education, the curbing of corruption and the empowerment of women, children and other vulnerable sections of the population, primarily through the application of home-grown concepts
- Enhance efforts to ensure the provision of basic necessities to its people, including food, clothing, shelter, education and primary health care as a means of effectively enjoying all human rights
- Intensify efforts for the implementation of the Beijing Declaration and Platform of Action, the Copenhagen Declaration and Plan of Action, and the outcomes of other major United Nations international conferences and their follow-up meetings
- Ensure that no extrajudicial or extra-constitutional methods are applied in dealing with persons accused of any criminal activities, and follow a policy of zero tolerance for any extrajudicial or extra-constitutional methods
- Work towards further strengthening and consolidating the institutional structures, including the National Human Rights Commission, the Anti-Corruption Commission, the Election Commission and the local government institutions, which promote good governance, democracy, human rights and the rule of law
- Preserve and further the independence of the judiciary and freedom of the press
- Strengthen further the capacity-building and training programmes in the field of human rights for law enforcement officials, judges, public prosecutors, lawyers, journalists, parliamentarians and the media
- Enhance efforts to eradicate child labour and adopt a national policy on eliminating child labour
- Consider adhering to the remaining international and regional human rights instruments through developing consensus within the society
- Strengthen efforts to meet its obligations under the treaty bodies to which it is a party through the effective implementation of relevant national programmes
- Continue to cooperate with the special procedures and mechanisms of the Council with a view to further improving its human rights situation
- Invite some Special Rapporteurs to visit Bangladesh at mutually convenient times
- Remain prepared to undergo its second review under the universal periodic review mechanism, as and when it becomes due
- Strengthen further the partnership of the Government with non-governmental organizations and civil society in the promotion and protection of human rights for all.

At the international level, Bangladesh will:

- Continue to extend its fullest support to the Human Rights Council in its work for the promotion and protection of all human rights and fundamental freedoms without distinction of any kind and in a fair and equal manner
 - Continue to support the Council in its work, guided by the principles of universality, impartiality, objectivity, non-selectivity and international dialogue and cooperation
 - Strengthen further its constructive engagement and cooperation with other members of the Human Rights Council as well as with the observer member States to make it an effective body for the promotion and protection of human rights
 - Continue to support the work of the Office of the United Nations High Commissioner for Human Rights in fulfilling its mandate
 - Continue to support United Nations agencies, programmes and funds that can facilitate the promotion and protection of human rights
 - Continue to promote the realization of the right to development as an inalienable right of all peoples and support ongoing efforts to further develop the concept and its operationalization.
-