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**Human Rights Forum Bangladesh (HRFB)’s Submission to the
Universal Periodic Review of Bangladesh**

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List of Acronyms

Anti-Corruption Commission (ACC)
Bangladesh Telecommunication Regulatory Commission (BTRC)
Bangladesh Labour Act (BLA)
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
Convention on the Rights of the Child (CRC)
Committee on Economic, Social and Cultural Rights (CESCR)
Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW)
Chittagong Hill Tracts (CHT)
Digital Security Act (DSA)
Data Protection Act (DPA)
Election Commission (EC)
Export Processing Zone Labour Act (EPZLA)
Extrajudicial Killings (EJK)
Enforced Disappearances (ED)
Foreign Donations (Voluntary Activities) Regulation Act (FDRA)
Law Enforcement Agencies (LEA)
International Conference on Population and Development (ICPD)
International Covenant on Civil and Political Rights (ICCPR)
Independent Prosecution Service (IPS)
International Labour Organization (ILO)
Indigenous Peoples' Rights (IPs)
Mental Health Act (MHA)
Ministry of Health and Family Welfare (MoHFW)

Mass Media Employees (Services Conditions) Bill (MME)
National Housing Policy (NHP)
National Human Rights Commission (NHRC)
Press Council Act (PCA)
Persons with Disabilities Rights and Protection Act (PDRPA)
Readymade Garments (RMG)
Special Procedures (SPs)
The Government of Bangladesh (GoB)
UN Working Group on Enforced or Involuntary Disappearances (UNWGEID)
United Nations Human Rights Commission (UNHRC)
UN High Commissioner (HC)
Violence against women (VAW)

I. Introduction

The Human Rights Forum Bangladesh (HRFB), a coalition of 20 human rights and development organisations working towards promoting and protecting human rights in Bangladesh, prepared this stakeholders' report representing civil society concerns regarding various allegations of human rights violations and lack of progress towards effective prevention or protection in such cases. HRFB members regularly engage with UN mechanisms including various treaty bodies and have previously submitted a UPR midterm review report. The report was prepared in light of 3rd Universal Periodic Review (UPR) cycle recommendations by States under the United Nations Human Rights Council (UNHRC), focusing on compliance with UN human rights instruments, civil, political, economic, social and cultural rights, rights of women and children, minority rights, disability rights, labour rights, climate justice refugee rights. This report is based on investigation, research and reporting by HRFB members including a series of consultations between members during October 2022 and March 2023. The resulting draft report was finalized after a national consultation with civil society and government representatives and other stakeholders.

In the 3rd UPR cycle, Bangladesh accepted 178 recommendations out of 251, and noted 73. Since then, Bangladesh made commendable progress on socio-economic rights, including commitment to social protection, rolling out the covid-19 vaccine, installing climate change responses, and humanitarian protection of Rohingya refugees. However, significant concerns remain regarding enforcement of human rights, especially civil and political rights, and the right to equality and non-discrimination. Accordingly, civil society watchdogs and international organisations have expressed serious concern about Bangladesh's human rights record.

Methodology

This report includes a desk review of various institutional reports, internal reports of HRFB members based on investigation and research, media reports, and recent publications on relevant issues. HRFB organised a preparatory workshop in October 2022 with members regarding the contents of the report, which was followed by internal member consultations grouped on the basis of thematic areas of the report. Feedback from these consultations was incorporated into a first draft, which was shared with members for comment in an all-member consultation in January 2023.

Member contributions facilitated the updating of information and data sources in the report. Accordingly, a second draft was prepared and shared in a national consultation in March 2023 with representation from HRFB members, civil society and government organisations and representatives, including attendance from the State Minister for Foreign Affairs, who presided over the proceedings. The collective feedback from this process informed the final report.

Compliance with UN Human Rights Mechanisms¹

Bangladesh has engaged with the Committee on the Rights of Persons with Disabilities, the UN Working Group on Enforced or Involuntary Disappearances and the UNCAT (for the first time), though with some delays in submitting state party reports. The periodic reports under the ICCPR,

¹ Recommendation (Rec) no 147.1 (Tajikistan); Rec no 147.2 (Kuwait).

ICESCR, CEDAW, UNCRC, and ICRMW are pending for submission.² The then UN High Commissioner (HC) for Human Rights and some UN Special Rapporteurs (SR)³ visited Bangladesh in August, September, October, November 2022 and February 2023 respectively. However, many requests from Special Procedures (SPs) and standing invitations to the SR are yet to be approved or extended.

RECOMMENDATIONS

- I. Ratify the UN Convention on Enforced Disappearances.
- II. Develop a road-map for ratification of UN human rights instruments, Optional Protocols, and withdraw reservations on ratified treaties.
- III. Develop a checklist of and analyse legislation and policies to ensure compliance with international human rights standards.
- IV. Ensure regular submission of periodic and follow-up reports to all UN human rights mechanisms.
- V. Issue standing invitations to all SRs, and act on their recommendations.
- VI. Engage with civil society to review recommendations and reports to UN human rights mechanisms.

Civil and Political Rights

1. Right to Life and Liberty

A. Extra Judicial Killing⁴

Reports of Extrajudicial Killings (EJK) continue despite the Government's claims of a "zero tolerance policy" on human rights violations by Law Enforcement Agencies (LEA).⁵ Some estimates have recorded 793 victims of EJKs from September 2018 to March 2023, of whom 683 were reportedly "crossfire" killings, 44 persons shot to death, 45 tortured to death, and 21 who died in police custody.⁶ In a rare exception, a recent judgment through unusually speedy proceedings was delivered in the Sinha case.⁷ Seven individuals were convicted, some of whom received the death penalty, while others

² https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=BGD&Lang=EN

³ UN SRs on the promotion and protection of human rights regarding climate change, the SR on trafficking-in-persons, the Independent Expert on human rights of older persons and on the elimination of discrimination against persons affected by leprosy and their family members

⁴ Rec no 147.8 (France); 147.80 (Republic of Korea); 147.54 (Switzerland); 148.17 (Norway); 148.16 (Sweden).

⁵ <https://www.thedailystar.net/news/bangladesh/diplomacy/news/we-maintain-zero-tolerance-enforced-disappearance-3125056>

⁶ ASK documentation: <https://www.askbd.org/ask/category/hr-monitoring/death-by-law-enforcement/>

⁷ <https://en.prothomalo.com/bangladesh/crime-and-law/sinha-killed-as-he-came-to-know-of-oc-pradeeps-illicit-activities>

were given life sentences.⁸ Appeals against these convictions are pending.⁹ Previously, only the “Narayanganj seven murder” case involving EJKs was prosecuted in 2014 in which a life sentence was passed.¹⁰

The Sinha incident, US Treasury Department’s sanctions on certain individuals¹¹ and general public outcry appear to have precipitated a brief decline in EJKs.¹² No publicly-known policy for curbing EJKs within the LEA have been announced.

B. Enforced Disappearances¹³

The GoB denies that enforced disappearances (ED) occur in the country, dismisses reports as unfounded, “anti-state” propaganda, or ‘voluntary disappearances for personal reasons’ without LEA involvement.¹⁴ Generally, journalists, opposition party members, and bloggers appear to be ED targets. Reportedly, 58 persons were victims of EDs, of whom 19 are still missing, 6 released, and 33 shown arrested from September 2018 to March 2023.¹⁵

The GoB first engaged with the UN Working Group on Enforced or Involuntary Disappearances (UNWGEID)¹⁶ in 2022. In UNWGEID’s September 2022 session, Bangladesh again denied EDs, claiming that alleged victims reappeared, and abductions may be conducted by criminals posing as LEA officials.¹⁷ The UNWGEID considered GoB’s response inadequate in 66 out of 76 incidents.¹⁸ Currently, no publicly-known initiatives to amend or introduce new laws or policies addressing EDs appear to be in place.

⁸ <https://www.dhakatribune.com/bangladesh/2022/07/31/sunday-marks-two-years-of-major-sinhas-murder>

⁹ <https://en.prothomalo.com/bangladesh/crime-and-law/hc-to-hear-two-constables-appeals-against-life-sentence>

¹⁰ <https://www.thedailystar.net/news/bangladesh/crime-justice/news/narayanganj-7-murder-accused-nur-hossain-gets-life-term-arms-case-3087716>.

¹¹ In December 2021, the United States Treasury Department imposed sanctions on the Rapid Action Battalion (RAB), and seven of its incumbent and former officers on the basis of alleged serious human rights violations including extrajudicial killings. <https://home.treasury.gov/news/press-releases/jy0526>; <https://en.prothomalo.com/bangladesh/bangladesh-in-world-media/us-sanctions-have-stopped-bangladesh-killings-rights-activists>

¹² September 2020 was the first month since 2009 without a single report of an extrajudicial killing, and by some estimates the total number of extrajudicial killings in January-August 2022 was 18. See: <https://www.hrw.org/world-report/2021/country-chapters/bangladesh#c0d25e> .

¹³ Rec no 147.8 (France); 148.17 (Norway); 148.16 (Sweden);

¹⁴ <https://www.thedailystar.net/opinion/editorial/news/stop-hiding-behind-technicalities-3124846>.

¹⁵ ASK documentation: <https://www.askbd.org/ask/category/hr-monitoring/enforced-disappearance/>

¹⁶ <https://www.thedailystar.net/news/bangladesh/news/insufficient-3032661>

¹⁷ <https://www.thedailystar.net/news/bangladesh/diplomacy/news/we-maintain-zero-tolerance-enforced-disappearance-3125056>; <https://www.thedailystar.net/news/bangladesh/news/insufficient-3032661>

¹⁸ <https://en.prothomalo.com/bangladesh/pnj11b7krd>

C. Custodial Death due to Torture¹⁹

Concerns regarding torture and custodial deaths continue.²⁰ Reportedly, there were 30 victims of custodial death from torture between September 2018 to March 2023.²¹ Only one judgment was given (currently on appeal, consequently depriving victims' family from redress and compensation) under the Prevention of Torture and Custodial Death Act 2013 (Anti-Torture Act).²² Supreme Court guidelines for arrest without warrant and remand in police custody are reportedly frequently violated, and the GoB has filed a review petition before the Court seeking to overturn them.²³ Lack of a victim and witness protection law continues to deter complainants for fear of possible reprisal.²⁴ There is no standing fund for compensation of victims of torture.

D. Death Penalty²⁵

The death penalty is the maximum penalty for around 33 types of offences.²⁶ There is currently no indication of a moratorium on the death penalty.²⁷

RECOMMENDATIONS

- I. Establish an Independent Commission to conduct independent investigations and effective prosecution of EJKs and EDs.
- II. Enforce the Anti-Torture Act and the Supreme Court Guidelines on arrest and remand.
- III. Enact a victim and witness protection law.
- IV. Ensure effective and adequate compensation for victims of torture, EJKs and EDs.
- V. Ratify the UN Convention for the Protection of All Persons from ED.
- VI. Impose moratorium on the death penalty.

¹⁹ Rec no 148.17 (Norway); Rec no 147.8 (France); Rec no 148.12 (Italy);

²⁰ Sultana Jasmin (45), died in the custody of Rab-5 after suffering hemorrhages of the brain. She was reportedly picked up at 10am on March 22 when she was on her way to Chandipur Union Land Office, in Naogaon District, where she worked as an office assistant. However, just 48 hours later, on March 24, she was declared dead at the Rajshahi Medical College Hospital. She was named in a case filed under the Digital Security Act by RAB officers alleging that she had siphoned money from job seekers using a Facebook account ; this was filed more than 31 hours after she had been picked up and when she was unresponsive in a hospital bed.

<https://www.thedailystar.net/opinion/editorial/news/what-really-happened-sultana-rab-custody-3282581>

²¹ ASK documentation: <https://www.askbd.org/ask/statistics-on-human-rights-violations/>

²² <https://www.thedailystar.net/city/news/custodial-death-jonny-3-policemen-get-life-term-2-get-7-years-jail-1958473>

²³ <https://www.newagebd.net/article/151128/magistrates-violate-sc-guidelines-on-remand-hc;>

<https://www.newagebd.net/article/147958/sc-guidelines-on-remand-fall-on-deaf-ears-hc;>

<https://www.thedailystar.net/frontpage/news/whats-the-point-then-1867609>

²⁴ <https://hrf-bd.org/hrfb-demands-immediate-implementation-of-uncat-recommendations-to-prevent-increased-instances-of-torture-and-extrajudicial-killings-2/>

²⁵ Rec no 149.3 (Uruguay); Rec no 149.4 (Montenegro) (Iceland) (Togo) (Spain); Rec no 149.37 (Slovakia); Rec no 149.39 (Holy See); Rec no 149.36 (Benin) (Portugal) (Czechia); Rec no 149.38 (Australia); Rec no 149.40 (Austria); Rec no 149.41 (Belgium); Rec no 149.42 (Italy), (New Zealand), (Poland); Rec no 149.43 (Chile); Rec no 149.44 (Namibia).

²⁶ <https://deathpenaltyproject.org/knowledge/living-under-sentence-of-death/>

²⁷ In October 2020, Bangladesh re-introduced the death penalty for rape under the Suppression of Violence against Women and Children Act, despite opposition from many women's groups.

<https://www.thedailystar.net/country/news/death-penalty-rape-amended-women-and-children-repression-prevention-bill-passed-1996573>

2. Freedom of Expression and Press²⁸

Some estimates have recorded around 1500 cases during 1 January 2020 to March 2021, 1128 cases in 2020, 1189 cases in 2019 and 925 cases in 2018 filed against citizens including journalists under the Digital Security Act 2018 (DSA)²⁹ (some continuing under the ICT Act)³⁰, for online speech, in relation to criticisms of ruling party members, reporting on government irregularities, corruption, and aid mismanagement.³¹ Academics, teachers and students were also targeted for criticizing state-led COVID-19 policies in online platforms.³² Ongoing trials of attacks against journalists have made little or no progress.³³ An official convicted for reprisals against journalist Ariful Islam for documenting government irregularities received a presidential pardon.³⁴ Journalist Rozina Islam is facing charges under the Official Secrets Act 1923 that carry a maximum penalty of 14 years imprisonment or the death sentence.³⁵ Only one of two review committees promised regarding the DSA has been formed and is reportedly holding consultations.³⁶ Despite government assurances on exercising due diligence while prosecuting journalists under the DSA, new cases are being filed—most recently against the Editor and a journalist of the highest circulated newspaper in the country.³⁷

²⁸ Rec no 147.71 (Switzerland); Rec no 147.7 (Latvia); Rec no 147.67 (United Kingdom of Great Britain and Northern Ireland); Rec no 147.74 (Poland); Rec no 148.14 (Norway); Rec no 148.15 (Sweden); Rec no 147.66 (Canada); Rec no 147.73 (New Zealand); Rec no 147.70 (France); Rec no 147.69 (Estonia); Rec no 147.71 (Switzerland); Rec no 147.7 (Latvia).

²⁹ <https://www.cgs-bd.com/article/8971/Unending-Nightmare--Impacts-of-Bangladesh%E2%80%99s-Digital-Security-Act-2018>

³⁰ Information Communication and Technology Act, 2006.

³¹ International Annual Report 2021, Article 19 Page 39, <https://www.article19.org/wp-content/uploads/2022/04/Annual-Report-2021-Final-1.pdf>; <https://www.article19.org/resources/bangladesh-ensure-fair-trial-for-rozina-islam/>; <http://www.askbd.org/ask/2020/04/20/harassment-of-journalists-ask-expresses-concern/>

³² <https://www.thedailystar.net/coronavirus-fears-2-college-teachers-suspended-for-critical-facebook-posts-1886230>; Das, leader of an anti-government alliance Rastro Songskar Andolon was reportedly arrested on the basis of a case filed by a leader of the Chatra League, the student wing of the Ruling Party.

<https://www.thedailystar.net/opinion/views/news/when-the-state-defeats-its-people-3118441>; Rani Das arrested for online posting was held at a developmental (correctional) facility in Rajshahi and denied bail three times. After appealing to the High Court, it granted her bail on 11 May 2021. <https://www.dhakatribune.com/court/2022/02/17/dipti-rani-finally-gets-bail-in-dsa-case>; <https://www.thedailystar.net/news/bangladesh/crime-justice/news/digital-security-act-minor-sued-adult-2yrs-ago-languishing-jail-3121741>

³³ <https://institute.aljazeera.net/en/ajr/article/1922>

³⁴ <https://www.thedailystar.net/news/bangladesh/crime-justice/news/sagar-runi-murder-probe-report-deferred-91st-time-3102481>; <https://www.dhakatribune.com/bangladesh/nation/2020/03/14/journalist-ariful-picked-up-by-mobile-court-in-kurigram>; <https://www.dhakatribune.com/nation/2022/05/15/illegal-jailing-of-journo-pbi-launches-probe-against-former-kurigram-dc-sultana>; <https://bdnews24.com/bangladesh/president-exempts-ex-kurigram-dc-sultana-from-punishment-over-jailing-of-reporter>

³⁵ <https://www.article19.org/resources/bangladesh-ensure-fair-trial-for-rozina-islam/>

³⁶ <https://www.unb.com.bd/category/Bangladesh/cases-under-dsa-decline-law-minister/93990>

³⁷ <https://en.prothomalo.com/bangladesh/city/5kusns7ll8>, <https://www.article19.org/resources/bangladesh-editor-charged-digital-security-act/#:~:text=Matiur%20Rahman%2C%20the%20editor%20of,On%202%20April%202023>

Bangladesh Press Council's proposed amendment to the Press Council Act (PCA) 1974 was approved by the Cabinet but not been publicly shared.³⁸ The Mass Media Employees (Services Conditions) Bill (MME) placed in Parliament in 2022 does not guarantee job security, benefits, and other rights.³⁹

In late 2018-2019, the GoB blocked several online news sites including Al Jazeera and The Wire, citing "national security" concerns.⁴⁰ The Telecommunications Act 2001 allows interception and recording of telephonic conversations on national security and public order grounds. Some conversations between private citizens were leaked during the reporting period.⁴¹ The proposed Data Protection Act (DPA) 2022 uses ambiguous terms and grants wide discretionary powers to the GoB over citizen personal identity information.⁴² The Bangladesh Telecommunication Regulatory Commission's (BTRC) draft "Bangladesh Telecommunication Regulatory Commission Regulation for Digital, Social Media, and OTT Platforms 2021" (BTRC regulations) may enhance state surveillance, put journalists and activists at risk, and compel digital service providers to self-censor.⁴³ The Foreign Donations (Voluntary Activities) Regulation Act, (FDRA) 2016 has criminalized "inimical" and "derogatory" remarks by any individual or NGO about the constitution and constitutional bodies (Section 14).⁴⁴

RECOMMENDATIONS

- I. Repeal the DSA.
- II. Revise the drafts of BTRC regulations, DPA, MME Act and PCA to reflect concerns of journalists, CSOs and stakeholders.
- III. Repeal section 14 of the FDRA 2016.
- IV. Investigate and prosecute all allegations of harassment and violence including EDs and EJKs, and arrests and trials against media personnel and civil society activists.

³⁸ <https://www.tbsnews.net/bangladesh/tib-releases-statement-press-councils-interpretation-press-council-act-amendment-483118>

³⁹ <https://www.tbsnews.net/bangladesh/proposed-law-does-not-guarantee-job-security-media-workers-tib-394930>

⁴⁰ <https://www.aljazeera.com/news/2019/05/23/bangladesh-blocks-news-websites-in-press-freedom-gag/>; <https://www.dhakatribune.com/bangladesh/government-affairs/2018/12/14/54-news-sites-blocked-based-on-intelligence-report>; <https://www.aljazeera.com/news/2019/03/22/bangladesh-blocks-access-to-al-jazeera-news-website/>; <https://thewire.in/external-affairs/bangladesh-government-blocks-wire>

⁴¹ <https://en.prothomalo.com/opinion/op-ed/who-leak-the-personal-phone-conversations>

⁴² <https://www.ti-bangladesh.org/beta3/index.php/en/activities/6459-ambiguity-in-the-data-protection-act-creates-a-risk-of-arbitrary-misuse-fails-to-serve-its-purpose-tib>

⁴³ <https://www.ti-bangladesh.org/beta3/index.php/en/activities/6461-regulation-of-digital-platforms-policy-draft-can-potentially-make-bangladesh-a-surveillance-state-and-restrain-freedom-of-speech-tib>; <https://hrf-bd.org/human-rights-forum-bangladesh-hrfs-opinion-on-the-draft-regulations-on-digital-social-media-and-ott-platform-2021/>; <https://www.tbsnews.net/bangladesh/hrfb-criticises-draft-regulations-digital-social-media-and-ott-platform-2021-382978>; <https://www.thedailystar.net/news/bangladesh/rights/news/rights-bodies-slam-draft-social-media-rules-2980191>

⁴⁴ <https://www.thedailystar.net/frontpage/ngos-term-new-law-oppressive-1296727>

3. Freedom of Assembly and Association, and Right to Vote and Participate in Public Affairs⁴⁵

Since 2018, vote-rigging, political clashes between contesting candidates and supporters, violence, vandalism, arrests under previously filed or fictitious cases were widely reported during local and national elections.⁴⁶ By some estimates 2393 incidents of political violence between September 2018 to March 2023 resulted in 28513 injuries and 347 deaths.⁴⁷ The failure of the Election Commission, LEAs and administration to hold free and fair elections is eroding public confidence and undermining citizens' voting rights.⁴⁸ Opposition parties and other political groups have been obstructed from holding public gatherings by either preventing permission for assemblies or dispersing them through violent actions by LEAs (including random stop and search) and ruling party supporters.⁴⁹ Complaints of harassment by the police and administration, and arrest of candidates, leaders, and party workers even after finalization of nomination were also reported.⁵⁰ Recent incidents involving workers' protests also witnessed the deployment of excessive force by the police against unarmed protesters.⁵¹

The NGOAB rejected Odhikar's application to renew its registration Odhikar, leading to concerns expressed by the UNHC and many others.⁵² Rules on the Foreign Donations Voluntary Regulations Act (NGO Rules) 2016 drafted in 2016 through engagement between leading NGOs and NGOAB has not been adopted in over 6 years despite the Act prescribing a 6-month window for drafting them. In the interim, the NGOAB issued a Circular in 2021 with directives that further restricted the space

⁴⁵ Rec no 147.66 (Canada); Rec no 147.71 (Switzerland); Rec no 147.73 (New Zealand); Rec no 147.109 (United States of America), Rec no 149.48 (Germany); Rec no 147.79 (Japan).

⁴⁶ <https://www.dhakatribune.com/bangladesh/election/2018/12/30/bobby-hajjaj-vote-rigging-at-evm-polling-centres>; <https://www.thedailystar.net/news/bangladesh/elections/news/cumilla-city-polls-5-jailed-vote-rigging-chaos-3047921>; <https://www.thedailystar.net/bangladesh-national-election-2018/news/8-injured-raishahi-election-violence-1680763>; <https://en.prothomalo.com/bangladesh/ec-remains-silent-despite-irregularities>; <https://www.thedailystar.net/news/bangladesh/elections/news/election-voting-suspended-1-hour-after-clash-banshkhali-saral-union-3048081>; <https://www.thedailystar.net/bangladesh-national-election-2018/news/8-injured-raishahi-election-violence-1680763>; <https://www.newagebd.net/article/162077/deaths-clashes-irregularities-cap-up-elections>; <https://www.dhakatribune.com/bangladesh/election/2018/12/30/iab-vote-rigging-irregularities-in-the-election>; <https://en.prothomalo.com/bangladesh/ec-remains-silent-despite-irregularities>.

⁴⁷ ASK documentation: <https://www.askbd.org/ask/category/hr-monitoring/political-clash-hartal-casualties/>

⁴⁸ <https://www.askbd.org/ask/2021/09/21/uncontested-and-voter-less-local-by-elections-are-not-good-for-democracy-ain-o-salish-kendra-ask/>

⁴⁹ <https://www.hrw.org/news/2022/12/09/bangladeshs-brutal-crackdown-political-opposition>

⁵⁰ <https://www.aljazeera.com/news/2022/12/10/tens-of-thousands-protest-in-bangladesh-against-pm-hasina>

⁵¹ <https://www.thedailystar.net/business/news/gazipur-police-fire-rubber-bullets-rmg-workers-protest-termination-10-coworkers-2145556>; <https://www.thedailystar.net/country/news/police-firing-banshkhali-power-plant-protesters-demand-justice-deceased-workers-2079569>; <https://www.thedailystar.net/country/news/police-firing-banshkhali-power-plant-protesters-demand-justice-deceased-workers-2079569>; <https://www.theguardian.com/world/2019/jan/14/bangladesh-strikes-thousands-of-garment-workers-clash-with-police-over-poor-pay>; <https://www.newagebd.net/article/172576/police-attack-rmg-workers>; www.dhakatribune.com/bangladesh/nation/2021/04/17/several-dead-in-police-worker-clash-in-chittagong-banshkhali-power-plant; <https://www.askbd.org/ask/2022/12/31/human-rights-observation-report-2022/>

⁵² <https://www.tbsnews.net/bangladesh/rights-organisation-odhikar-denied-registration-renewal-434262>
<https://www.ohchr.org/en/press-briefing-notes/2022/06/press-briefing-notes-bangladesh>

for NGOs to operate. The Social Welfare Ministry's proposed new law⁵³ may impose further sweeping restrictions on civil society.

RECOMMENDATIONS

- I. Investigate reports of violence, use of excessive force, and illegal obstruction of peaceful assembly and ensure accountability for those responsible.
- II. Ensure an enabling environment for election observers and mass media during all elections, including to public bodies, allowing free flow of information without undue restrictions such as reduced internet speed, shutting down mobile phone networks, and banning vehicular movement.
- III. Promptly adopt the NGO Rules and review proposed laws affecting their operation.

Economic, Social and Cultural Rights

A. Right to Health⁵⁴

Bangladesh's health system is overly-centralised with weak governance structures, no comprehensive regulatory framework, inefficient service delivery and poor allocation of public resources. There is a shortage of human resources, high turnover and absenteeism among health workers, and poor maintenance of health facilities and medical equipment.⁵⁵ The pandemic exacerbated these issues as most hospitals were ill-equipped with oxygen, ventilators and other facilities.⁵⁶ The MoHFW has weak institutional capacity and fails to adequately regulate the private sector which employs the bulk of physicians.⁵⁷ Abortion continues to be prohibited unless a woman's life is in danger.⁵⁸ The High Court's ruling imposing compulsory emergency medical services, particularly in road accident cases

⁵³ <https://archive.dhakatribune.com/bangladesh/law-rights/2019/06/30/ngos-decry-proposed-social-welfare-law>

⁵⁴ Rec no 147.92 (China); Rec no 147.118 (Côte d'Ivoire); Rec no 147.95 (Libya); Rec no 147.122 (Democratic People's Republic of Korea); Rec no 147.123 (Holy See); Rec no 147.124 (Plurinational State of Bolivia); Rec no 147.153 (Lao People's Democratic Republic); Rec no 148.9 (Estonia); Rec no 147.94 (Algeria).

⁵⁵ Sattar, M. (2021) Health Sector Governance: An Overview of the Legal and Institutional Framework in Bangladesh. *Open Journal of Social Sciences*, 9, 395-414

⁵⁶ <https://www.frontiersin.org/articles/10.3389/fpubh.2020.00154/full>;

<https://www.thedailystar.net/opinion/news/what-do-we-need-new-health-budget-1911665>; <https://www.ti-bangladesh.org/beta3/index.php/en/research-policy/92-diagnostic-study/6441-2022-04-12-04-04-49>

⁵⁷ <https://www.thedailystar.net/news/bangladesh/news/cutting-out-pocket-medical-costs-govt-target-ever-elusive-3212816>

⁵⁸ Section 312, the Penal Code 1860.

are yet to be effectively implemented.⁵⁹ Remote areas of the Chittagong Hill Tracts, tea estates and other rural areas remain under-resourced unlike urban areas.⁶⁰

RECOMMENDATIONS

- I. Increase health sector budget allocation and introduce policy measures including subsidies to make health services affordable and inclusive.
- II. Undertake legal reforms to comprehensively regulate the private sector.
- III. Increase access to healthcare through well-resourced primary healthcare services in rural and remote areas, especially for marginalized communities and women.
- IV. Improve monitoring and oversight of healthcare services in public and private hospitals, including emergency care.
- V. According to Bangladesh's commitment under the ICPD Program of Action, take all appropriate measures to ensure, on a basis of equality of men and women, universal access to health care services, including those related to reproductive health care, which includes family planning and sexual health.

B. Right to Food⁶¹

Bangladesh is facing severe food insecurity given global scarcity, climate change impacts, the Ukraine war and recurring floods.⁶² Food chain contamination by heavy metals is an ongoing concern.⁶³ Devastating floods in May and June 2022 created serious food shortages and record price hikes in

⁵⁹ Writ Petition No. 1509 of 2016 | BDPIL Link: http://www.bdpil.org.bd/search/full_view/12
<https://www.thedailystar.net/news/city/ensure-emergency-treatment-road-crash-victims-all-hospitals-1617976>
<https://m.theindependentbd.com/post/161537>

⁶⁰ For an overview of the general state of the health system see Bangladesh health system review (Health Systems in Transition, Vol. 5 No. 3 2015) WHO

https://apps.who.int/iris/bitstream/handle/10665/208214/9789290617051_eng.pdf?sequence=1&isAllowed=y

⁶¹ Rec no 147.97 (Cuba)

⁶² <https://www.thedailystar.net/business/economy/news/minimum-wage-not-enough-bear-food-cost-3198781>;
<https://www.thedailystar.net/business/economy/news/bangladesh-others-face-severe-localised-food-insecurity-adb-3103381>; Sylhet and Mymensingh districts were particularly affected by floods causing food insecurity in 75 percent of households in Sylhet and 38 percent of households in Mymensingh
<https://reliefweb.int/report/bangladesh/bangladesh-food-security-and-vulnerability-monitoring-mvam-july-2022>;
<https://www.newagebd.net/article/179215/food-security-feared-to-be-at-stake>

⁶³ This is because of their potential accumulation in bio-systems through contaminated water, soil and irrigation water. Bangladesh, Planning Commission, *8th Five Year Plan, July 2020 - June 2025 : Promoting Prosperity and Fostering Inclusiveness*. 14.3.1 page 732 <https://oldweb.lged.gov.bd/UploadedDocument/UnitPublication/1/1166/8FYP.pdf>; Sarker, A., Kim, J.E., Islam, A.R.M.T. *et al.* Heavy metals contamination and associated health risks in food webs—a review focuses on food safety and environmental sustainability in Bangladesh. *Environ Sci Pollut Res* 29, 3230–3245 (2022).

food and fuel (diesel and fertilizers).⁶⁴ Limited action to regulate food supply syndicates or hoarders impacted low-income families' household budgets, threatening to push them into extreme poverty.⁶⁵

RECOMMENDATIONS

- I. Implement the Bangladesh Food Safety Act 2013 and National Food and Nutrition Security Policy 2020 in line with its Plan of Action (2021-2030) and strengthen the Bangladesh Food Safety Authority.
- II. Ensure adequate social safety-net measures to address food insecurity for vulnerable populations, especially groups marginalised due to caste, disability, ethnicity, and gender identity.

C. Right to Adequate Housing and Land⁶⁶

The Government has launched an extensive housing program for the homeless and poor, especially those impacted by natural disasters and marginalised groups.⁶⁷ Bangladesh's 8th Five-Year Plan prioritises allotting land to vulnerable minority communities.⁶⁸ The National Housing Policy (NHP) 2016's pledges subsidising low-income housing;⁶⁹ however existing laws do not aid in its implementation. There appears to be no proposed legislation under consideration recognising rights of resettlement or housing for climate displaced communities, or requiring social housing or inclusive planning. In this context, some resettlement projects have failed to generate affordable housing for the poor.⁷⁰ The *Khas* Land Policy 1997 aiming to redistribute land continues to be discriminatory in

⁶⁴ <https://www.thedailystar.net/environment/climate-crisis/natural-disaster/news/flood-hits-habiganj-after-sylhet-sunamganj-3050386>; <https://www.tbsnews.net/features/panorama/drought-flood-diesel-and-fertiliser-are-we-heading-towards-food-shortage-471682>

⁶⁵ <https://www.thedailystar.net/business/economy/news/bangladesh-others-face-severe-localised-food-insecurity-adb-3103381>; <https://bangladeshpost.net/posts/govt-goes-tough-on-hoarders-syndicate-18930>

⁶⁶ Rec no 147.98 (Bolivarian Republic of Venezuela);

⁶⁷ It is estimated that over 800,000 homeless and destitute families will be benefitted under the Ashrayan-2 Project.

<https://www.trtworld.com/asia/bangladesh-opens-world-s-largest-housing-project-for-homeless-43514>;
<https://www.tbsnews.net/thoughts/ashrayan-project-sheikh-hasina-model-inclusive-development-489250>

⁶⁸ The GoB plans to allot *khas* (government-owned) land to Dalit communities and construct housing in urban areas; encourage tea garden planters/owners to earmark land within the estates for the tea garden workers. Bangladesh Planning Commission, *8th Five Year Plan, July 2020 - June 2025 : Promoting Prosperity and Fostering Inclusiveness* (Bangladesh Planning Commission 2020-2025), page 776.

http://plancomm.gov.bd/sites/default/files/files/plancomm.portal.gov.bd/files/68e32f08_13b8_4192_ab9b_abd5a0a6_2a33/2021-02-03-17-04-ec95e78e452a813808a483b3b22e14a1.pdf.

⁶⁹ <https://www.tbsnews.net/feature/panorama/affordable-housing-policy-packed-assurance-no-implementation-view-221227>

⁷⁰ For example, some dwellings in Mirpur, Dhaka include 14-storey apartment buildings providing over 500 serviced units. However, when the flats were inaugurated in 2021, many settlement dwellers reportedly refused to move into these apartments as the rent was unaffordable. <https://www.thedailystar.net/views/opinion/news/how-did-the-supreme-court-start-housing-planning-dhakas-poor-3033391>

practice as it disallows ownership by single or widowed women with no male children.⁷¹ Despite prohibition, public institutions and private landgrabbers are reportedly encroaching on fertile agricultural land, contributing to land and food insecurity.⁷² Fires have broken out in several slums.⁷³ LEAs have reportedly evicted slum dwellers in Dhaka and elsewhere violating Supreme Court rulings requiring prior notice and rehabilitation.⁷⁴

RECOMMENDATIONS

- I. Ensure full compliance of all Supreme Court directives on prior alternative resettlement before forced eviction of slumdwellers.
- II. Enact laws to implement the National Housing Policy through participatory planning processes.
- III. Expedite the digitization of the land management system.
- IV. Ensure effective and equal distribution of *khas* land.
- V. Regulate land use and ownership through appropriate regulatory measures.
- VI. Ensure a moratorium on evictions of climate-displaced communities from government-owned land.

D. Right to Social Security⁷⁵

GoB interventions have targeted improving socio-economic conditions of poor rural women and children, with plans to roll out nationally.⁷⁶ However, concerns remain regarding the national social

⁷¹ While the Policy is gender equal on paper, the selection criteria are applied discriminatorily and prevent women with only female children or sons with disabilities to apply for this land. It also has implications for women with regards to divorce as they may lose access to *khas* land if they leave their husbands. <https://www.hrw.org/report/2012/09/17/will-i-get-my-dues-i-die/harm-women-bangladeshs-discriminatory-laws-marriage>; Aline Herrera,

“Access to khas land in Bangladesh: Discussion on the opportunities and challenges for landless people, and recommendations for development practitioners” https://ethz.ch/content/dam/ethz/special-interest/gess/nadel-dam/teaching/mas/mas-essays/MAS%20Cycle%202014%20-%202016/Essay_Aline%20Herrera.pdf

⁷² <https://www.thedailystar.net/politics/news/wont-leave-behind-farmers-agriculture-pm-1823908>

<https://www.dhakatribune.com/business/2021/11/28/beza-plans-to-create-1c-new-jobs-in-100-ezs>

⁷³ <https://www.newagebd.net/article/165920/fire-burns-300-houses-renders-over-thousand-homeless>

⁷⁴ The Supreme Court has ruled against such evictions in *BLAST and another vs. Bangladesh and others* [‘Jhilpara Slum Eviction’ Case] Writ Petition No. 2760 of 2008 of the High Court Division of the Supreme Court of Bangladesh; <http://www.askbd.org/ask/2019/03/14/bhashantek-slum-eviction-case/>; <https://www.thedailystar.net/city/shyamoli-slum-dweller-evicted-defying-high-court-order-1715059>; <http://www.newagebd.net/article/65641/dalits-dislodged-from-ganaktuli-demand-speedy-resettlement>; <https://www.thedailystar.net/news/country/last-six-marma-families-evicted-1617844>; <https://www.ucanews.com/news/bangladeshs-santals-continue-struggle-for-ancestral-land/99349>

⁷⁵ Rec no 147.13 (Belarus);

⁷⁶ The Vulnerable Group Development (VGD) programme under the Ministry of Women and Children Affairs (MoWCA) seeks to improve socio-economic conditions of rural women to overcome food insecurity, malnutrition, and financial crisis. The 8th Financial Year Plan (FYP) will increase the current social protection allocation of 1.2 percent of GDP to about 2 percent of GDP by Financial Year (FY) 2025. (Bangladesh Planning Commission 2020-2025, page 722 *supra* note 59 above; MoWCA has piloted a Mother and Child Benefit Programme in July 2019 targeting poor households with pregnant and lactating women for a maximum of two children aged 0-4 years to provide access to nutritious diets through monthly cash-based transfer and social behaviour change communication to support healthy birth outcomes, optimal infant and young child feeding practices and cognitive development. The program uses a digital

security strategy, especially inadequate budget, beneficiary selection procedures and ensuring distribution of aid to the most marginalized.⁷⁷

RECOMMENDATIONS

- I. Introduce a disaggregated budget in consultation with stakeholders to allocate and effectively distribute social security funds for vulnerable and marginalized communities, particularly women.
- II. Establish a digital social registry under the National Household Database to enable proper beneficiary selection.

E. Right to Education⁷⁸

The Government has rolled out primary education stipends, distributed textbooks, ensured mother language education for indigenous peoples and issued directives banning corporal punishment (in furtherance of High Court directives).⁷⁹ However, there is inadequate budget and infrastructure and poor quality education.⁸⁰ An Education Bill aiming to ban private tuition and provide supplementary books is awaiting enactment.⁸¹

RECOMMENDATIONS

- I. Enact a comprehensive law to ensure sectoral regulation, free education, effective distribution of stipends and books, and ban corporal punishment in all settings.

Institutions

self-enrolment process and plans to scale up. (Bangladesh Planning Commission 2020-2025), page 719, *supra* note 59 above.

⁷⁷ <https://www.thedailystar.net/business/economy/news/fast-track-national-social-security-strategy-3154176>
<https://www.thedailystar.net/opinion/views/news/expand-social-protection-the-new-year-3210336>

⁷⁸ Rec no 147.95 (Libya); Rec no 147.51 (Poland); Rec no 147.133 (Barbados); Rec no 147.29 (United Arab Emirates); Rec no 147.52 (Uruguay).

⁷⁹ The Ministry of Primary and Mass Education is implementing the Primary Education Stipend Project reaching 5.2 million in FY 2010 and 13 million in FY 2018. The budget allocations were 5,748.4 million and 14,500 million respectively in FY2010 and FY 2018. Bangladesh Planning Commission 2020-2025, page 720 *supra* note 59 above.

⁸⁰ 9 June 2022, Prothom Alo, a national Bengali newspaper; 10 January 2023, Prothom Alo.

⁸¹ <https://www.thedailystar.net/youth/education/news/draft-education-bill-be-finalised-june-23-dipu-moni-3051361>

A. The National Human Rights Commission (NHRC)

The NHRC has been criticized by the civil society⁸² as well as the High Court for failing to fulfill its mandate.⁸³ Existing challenges include limitations in the NHRC Act, 2009⁸⁴; lack of a clear mandate to investigate allegations of human rights violations against LEAs; absence of an open, transparent and participatory selection process for members, which is not fully in accordance with the NHRC Act, 2009 or the Paris Principles, appointment of ex-bureaucrats as members and chairs of the Commission, lack of resources,⁸⁵ and inadequate and timely cooperation from the authorities.⁸⁶

RECOMMENDATIONS

- I. Amend the NHRC Act 2009 to enable investigation of complaints against LEAs including access to all places where persons are deprived of liberty.
- II. Ensure compatibility of the NHRC Act with international human rights standards and Paris Principles.
- III. Make public the recruitment guidelines for member-selection based on transparent criteria including relevant expertise and experience in promotion and protection of human rights
- IV. Ensure the NHRC can fully exercise its mandate with adequate resources and cooperation from government authorities.

A. Access to Justice⁸⁷

⁸² Tamanna Hoq Riti and Maimuna Syed Ahmed, A Decade of National Human Rights Commission Bangladesh: Efficacy, Existing Challenges and Opportunities, 2020, Ain o Salish Kendra (ASK).

<https://drive.google.com/file/d/1GkwiKKJyCCMMhshA7oSgYfcAgYYpjY6W/view>

⁸³ <https://www.tbsnews.net/bangladesh/court/national-human-rights-commission-sleeping-eyes-open-high-court-97513>; ASK and HRFB, Nearing A Decade: Quest For An Independent and Effective National Human Rights Commission Continues, 2019, at page 9. <https://hrf-bd.org/wp-content/uploads/2020/06/ANNI-Report-2019-Bangladesh-English-1.pdf>;

⁸⁴ The NHRC has proposed to amend the NHRC Act, 2009 to enable it to investigate allegations of human rights violations by police but no progress has been made on this proposal. <https://www.tbsnews.net/thoughts/decade-nhrc-too-late-too-little-341572>

⁸⁵ National Human Rights Commission 3rd Five Year Strategic Plan 2022-27

https://nhrc.portal.gov.bd/sites/default/files/files/nhrc.portal.gov.bd/page/535c363f_91a8_40b6_b58a_714954c85b4e/2022-10-18-04-28-cc218ec406fc02be70e9f982e4b2af89.pdf; <https://www.thedailystar.net/star-weekend/cover-story/human-rights-how-independent-and-effective-the-nhrc-1769992>

⁸⁶ Only one rule on the recruitment of officers and staff was approved in 2019. Rules on conciliation and complaint handling mechanisms were submitted to the Ministry of Law and are pending approval. Chris Sidoti, Capacity Assessment (Mid-Term) of the National Human Rights Commission, Bangladesh Report, page 10.

[http://nhrc.portal.gov.bd/sites/default/files/files/nhrc.portal.gov.bd/page/bf638136_9155_44d0_b73f_d1e9ae3e6cd3/Sidoti%20REPORT%20%20May%202019%20\(1\).pdf](http://nhrc.portal.gov.bd/sites/default/files/files/nhrc.portal.gov.bd/page/bf638136_9155_44d0_b73f_d1e9ae3e6cd3/Sidoti%20REPORT%20%20May%202019%20(1).pdf)

⁸⁷ Rec no 147.85 (Benin); Rec no 147.87 (Guyana); Rec no 147.54 (Switzerland); Rec no 147.82 (Tajikistan); Rec no 147.89 (Slovakia); Rec no 147.86 (Ireland); Rec no 147.112 (Ecuador); Rec no 147.22 (Australia).

The Government has still not fully implemented separation of judiciary from the executive, despite Supreme Court directives and a constitutional mandate, allowing the executive to continue exercising powers of appointment and administration of subordinate courts and the judicial service.⁸⁸ The 16th constitutional amendment granting Parliament impeachment powers to remove judges was declared unconstitutional by the Supreme Court,⁸⁹ but the Government has filed a review petition questioning this.⁹⁰ Consequently, the process of removing judges remains in limbo.⁹¹ Bangladesh lacks an independent prosecution service (IPS). Currently, prosecutors are directly appointed by the GoB, generally based on party affiliation.⁹² Reportedly, judicial proceedings are affected by a culture of impunity, threats to judicial officials in discharging their work, corruption, and severe case backlog.⁹³

RECOMMENDATIONS

- I. Implement guidelines for effective separation of judiciary from the executive.
- II. Initiate dialogue with civil society and stakeholders to establish a permanent IPS.
- III. Reduce case backlogs and introduce alternative dispute resolution where relevant.
- IV. Digitize the judiciary including cause-lists of lower courts to provide public access to case-information; continue operation of virtual courts.
- V. Continue to make legal aid accessible at the local level, ensuring inclusion of women, marginalised and minority groups and partnerships between government legal aid office and civil society, and engagement of paralegals.

B. Anti-Corruption Commission⁹⁴

All internationally credible corruption-related indices show Bangladesh's poor performance in terms of capacity to control corruption, much of which depends on the effectiveness of the Anti-Corruption Commission (ACC). An assessment showed that in addition to institutional challenges including weak investigation and prosecution capacity, the key problem is the failure of the ACC to independently discharge its mandate irrespective of the identity or status of those allegedly involved in corruption,

⁸⁸ The Supreme Court directed separation of the judiciary from the executive in *Masdar Hossain vs. Bangladesh* 52 [1999] DLR (AD) 82. There has been some initiative to improve the judicial system including the appointment of judges, the creation of new courts in every district, appointment of legal aid officers from among judicial officers in every district and the introduction of digital facilities for taking evidence. However, the Masdar Hossain directives are yet to be realized and the judiciary's full independence yet to be ensured. The executive and the judiciary continue to exercise dual authority over the subordinate courts and judicial appointments. <https://www.newagebd.net/article/185212/independence-of-judiciary-still-on-paper>

⁸⁹ *The Government of Bangladesh and Others v Advocate Asaduzzaman Siddiqui and Others* (2017) CLR (Spl) 1

⁹⁰ <https://www.thedailystar.net/country/government-seeks-review-16th-amendment-verdict-bangladesh-1509631>

⁹¹ <https://www.newagebd.net/article/179538/three-hc-judges-out-of-court-for-three-years>

⁹² <https://www.thedailystar.net/opinion/justice-practice/news/where-our-independent-prosecution-service-2997216>

⁹³ Committee Against Torture, 'Concluding Observations on the initial report of Bangladesh' (07 August 2019) [27]; <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%252FPPRiCAqhKb7yhsqgRP%252BqMxsHC871CAAd8ka3DUpHWZxnSYlrsZb%252BjutT8cwUmdLcjzTGdyUVFhyA3LMfy86GCE%252BvjgX1E8Z61aCE24rf03z5%252FQYIO95H7EP7rO>

⁹⁴ Rec no 147.88 (Russian Federation).

especially individuals with political or governmental connections.⁹⁵ In recent years, successive initiatives were taken, in spite of High Court disapproval in at least one case, to curtail the authority of the commission through legal or procedural changes that increased bureaucratic control.⁹⁶

RECOMMENDATIONS

- I. Refrain from introducing legal and procedural amendments that affect ACC's independence and operation.
- II. Repeal all administrative provisions that impose bureaucratic controls over the ACC.
- III. Enhance skills and expertise of the ACC staff through training, especially investigative and prosecution units.
- IV. Safeguard the ACC from political influence and ensure appointment of non-partisan Commissioners and senior officials with track record of integrity, credibility, courage and capacity to act independently.

C. Election Commission ⁹⁷

National elections in 2014 and 2018 have been controversial. The EC is perceived to lack independence and capacity for holding free, fair and credible elections. Major political parties lack confidence and trust in the EC, local administration and LEAs to ensure a neutral role during elections. By its own admission, the EC has identified 14 challenges to fulfilling its mandate including cooperation of the police and administration and maintaining law and order.⁹⁸

RECOMMENDATIONS

- I. Ensure EC is fully independent and the election-time government plays an unbiased role.
- II. Initiate measures to address all forms of election-related violence.

Rights of Women and Children

⁹⁵ https://www.ti-bangladesh.org/beta3/images/2020/report/ACC/ACC_Full_Report.pdf

⁹⁶ <https://www.tbsnews.net/bangladesh/court/no-prior-permission-needed-arrest-govt-officials-hc-483374>,
<https://www.thedailystar.net/news/bangladesh/news/move-make-acc-toothless-3215206>,
<https://www.newagebd.net/article/191180/acc-must-revoke-secretary-empowerment-decision>

⁹⁷ Rec no 147.79 (Japan)

⁹⁸ <https://en.prothomalo.com/bangladesh/9jeb9yfv8b>

A. Women's Rights⁹⁹

Bangladesh was ranked 4th among countries with the highest records of violence against women by intimate partners (WHO report).¹⁰⁰ By some estimates, there were 5593 rape incidents, 2391 domestic violence incidents and 819 incidents of sexual harassment during September 2018 and March 2023.¹⁰¹ An estimated 98 percent of the cases under the Nari O Shishu Nirjatan Daman Ain (NSN Act) 2000 are acquitted.¹⁰² In 2022, the Evidence Act was amended to disallow character evidence of complainants in rape cases.¹⁰³ In 2019, the High Court asked the GoB to report on progress in implementing its guidelines on forming sexual harassment prevention committees in educational institutions and workplaces.¹⁰⁴ The Court also issued directions¹⁰⁵ for removing the term '*kumari*' (virgin) as an optional entry by brides in Muslim marriage registration forms.¹⁰⁶ The punishment for rape was enhanced to include the death penalty under the NSN Act ignoring demands of some women's rights groups for procedural legal reforms not harsher sentences.¹⁰⁷ The High Court struck down the mandatory requirement of including a father's name in educational documents as gender-discriminatory, and directed all educational forms to include mother's/guardian's names.¹⁰⁸

RECOMMENDATIONS

- I. Withdraw reservations to CEDAW (Articles 2 and 16(1)(c)).
- II. Ensure proper implementation of laws, court's directions and the National Action Plan addressing violence against women, and the National Women Development Policy, 2011.
- III. Undertake legal reforms in discussion with experts to consider adopting a uniform family code to establish equal rights of women including to marriage, divorce, custody and guardianship, and inheritance.

⁹⁹ Rec no 147.119 (Guyana); Rec no 147.121 (Serbia); Rec no 147.142 (France); Rec no 147.143 (Tunisia); Rec no 147.146 (Lao People's Democratic Republic); Rec no 147. 120 (Ghana); 147.144 (Georgia); Rec no 147.147 (Norway); Rec no 148.19 (Uruguay); Rec no 147.145 (Nepal).

¹⁰⁰ 50 percent of women aged between 15 and 49 of the country have experienced physical or sexual violence by their partners during their lifetime, according to a report of the World Health Organisation (WHO).

<https://en.prothomalo.com/bangladesh/bangladesh-ranks-4th-in-violence-against-women-by-intimate-partner>

¹⁰¹ ASK documentation: <https://www.askbd.org/ask/category/hr-monitoring/violence-against-women-statistics/>

¹⁰² <https://www.hrw.org/report/2020/10/29/i-sleep-my-own-deathbed/violence-against-women-and-girls-bangladesh-barriers>

¹⁰³ Evidence (Amendment) Act 2022 dated on 20.11. 2022 |

<https://drive.google.com/file/d/1PLOFbbTdkwt7PlmXDzXbHpoBD36Z5pnf/view?usp=sharing>

¹⁰⁴ Research shows that workplace sexual harassment against women increased during the Pandemic.

<https://www.business-humanrights.org/en/latest-news/bangladesh-a-majority-of-women-are-subjected-to-sexual-harassment-in-the-workplace-during-covid-19-national-survey-finds/>

¹⁰⁵ Writ Petition No. 7878 of 2014 | BDPIIL Link: http://www.bdpil.org.bd/search/full_view/40

¹⁰⁶ <https://www.thedailystar.net/country/news/remove-word-kumari-kabinnama-hc-1790275>

¹⁰⁷ https://blast.org.bd/content/Rape%20Law%20Reform/RLRN_10-POINT-DEMANDS-ENG-FINAL.pdf

¹⁰⁸ Writ Petition No. 5343 of 2009 | BDPIIL Link : http://www.bdpil.org.bd/search/full_view/308

- IV. Ensure equal payment for equal work by reducing the gender gap in work and recognise unpaid care and domestic work through legislation and policies.

B. Children's Rights¹⁰⁹

Violence against children is rampant. By some estimates, 2474 children were killed, 3500 girls raped, 227 boys raped, and 525 physically tortured during September 2018-March 2023.¹¹⁰ Bangladesh is yet to ratify Optional Protocol 3 of the UNCRC. NGOs routinely report on interventions preventing hundreds of child marriages, but the rates remain among the highest in the region.¹¹¹ Bangladesh adopted the Child Marriage Restraint Rules in 2018, but these did not elaborate on the “special circumstances” mentioned in section 19 of the parent act, which enables minors to marry with parental permissions.¹¹² The minimum age for children varies.¹¹³ The Children Act 2013 lacks proper implementation and the Government is yet to formulate rules for it.¹¹⁴ The definition of rape in section 375 Penal Code 1860 includes an exception for marriage.¹¹⁵ Online safety of children continues to be a concern inadequately addressed by existing laws.¹¹⁶ Government directives have banned corporal punishment in educational institutions pursuant to a High Court Order but such incidents are continued to be reported.¹¹⁷

RECOMMENDATIONS

- I. Ratify OP3 and withdraw reservations to the UNCRC Articles 14 and 21.
II. Approve the Children Act 2013 Rules immediately.

¹⁰⁹ Rec no 147.145 (Nepal); Rec no 147.55 (Montenegro); Rec no 147.149 (Holy See); Rec no 147.14 (United Arab Emirates); Rec no 147.150 (Chile).

¹¹⁰ ASK documentation: <https://www.askbd.org/ask/category/hr-monitoring/violence-against-children/>

¹¹¹ http://www.manusherjonno.org/latest_stories/13886-child-marriages-took-place-during-lockdown-last-year/ ; <https://www.newagebd.net/article/164770/child-marriage-major-barrier-to-womens-empowerment>

¹¹² The Rules of 2018 did not define special circumstances but mainly focused on the Child Marriage Prevention Committee. In practice, these local committees are generally inactive. <https://www.thedailystar.net/law-our-rights/rights-advocacy/news/are-we-validating-child-marriage-through-special-circumstances-provision-3154851>

¹¹³ The Children Act, 2013 sets the minimum age of criminal responsibility at 9 years, and the age of majority at 18 for other matters, while the Labour Act, 2006, sets the employable age at

¹⁴ <https://www.blast.org.bd/content/publications/The-Children-Act%202013.pdf>

¹¹⁴ <https://www.observerbd.com/news.php?id=232137>

¹¹⁵ <https://archive.dhakatribune.com/bangladesh/law-rights/2021/06/05/the-legal-struggle-of-defining-male-rape-in-bangladesh>

¹¹⁶ <https://www.thedailystar.net/toggle/news/36-girl-children-sexually-harassed-friends-online-2053077;>

<https://www.thedailystar.net/editorial/news/online-harassment-children-has-frighteningly-increased-2053173>

¹¹⁷ [https://www.blast.org.bd/issues/304;](https://www.blast.org.bd/issues/304) [https://www.askbd.org/ask/2020/12/31/violence-against-children-jan-dec-2020/;](https://www.askbd.org/ask/2020/12/31/violence-against-children-jan-dec-2020/) [https://www.askbd.org/ask/2022/01/13/violence-against-children-jan-dec-2021/;](https://www.askbd.org/ask/2022/01/13/violence-against-children-jan-dec-2021/)

[https://www.askbd.org/ask/2022/09/08/violence-against-children-jan-aug-2022/;](https://www.askbd.org/ask/2022/09/08/violence-against-children-jan-aug-2022/)

[https://www.askbd.org/ask/2022/09/08/violence-against-children-jan-aug-2022/;](https://www.askbd.org/ask/2022/09/08/violence-against-children-jan-aug-2022/)

https://data.unicef.org/resources/data_explorer/unicef_f/?ag=UNICEF&df=GLOBAL_DATAFLOW&ver=1.0&dq=BGD.PT_CHLD_1-14_PS-PSY-V_CGVR.&startPeriod=1970&endPeriod=2022;

https://data.unicef.org/resources/data_explorer/unicef_f/?ag=UNICEF&df=GLOBAL_DATAFLOW&ver=1.0&dq=BGD.PT_CHLD_1-14_PS-PSY-V_CGVR.&startPeriod=1970&endPeriod=2022

- III. Ensure implementation of the High Court directives on prohibiting corporal punishment.
- IV. Address cyber-crimes and online child sexual abuse in the Children Act 2013 and other laws.
- V. Ensure effective interventions to prevent child marriage including through information and services.
- VI. Ensure uniform definition of “a child” across existing laws.
- VII. Amend the definition of rape in the Penal Code and the Nari O Shishu Nirjatan Daman Act to include male rape.

Minority Rights

A. Indigenous Peoples’ Rights (IPs)¹¹⁸

Despite constitutional prohibitions on discrimination, all citizens are identified as “Bangalees” and IPs do not have explicit constitutional recognition. Government policies indicate non-recognition of IP’s rights.¹¹⁹ Indigenous peoples in the plain land faced serious threats to ancestral land rights, especially in Modhupur forest and Khasi region.¹²⁰

IP areas were underserved during the Pandemic with food shortages and lack of medical services in remote places.¹²¹ Land grabbing and associated violence are routine on grounds of development and security.¹²² Reports of human rights violations including arbitrary arrest, rape of indigenous women and girls and other violence continue.¹²³

The CHT Accord lacks full implementation despite formation of the CHT Accord Implementation Monitoring Committee in 2021.¹²⁴ Implementation challenges include effective utilisation of the Land Disputes Resolution Commission, withdrawal of military camps, rehabilitation of internally displaced persons and Indian repatriated ‘tribal refugees’, and holding Hill District Councils election etc.¹²⁵

¹¹⁸ Rec no 149.12 (Madagascar); Rec no 149.58 (Islamic Republic of Iran); Rec no 149.59 (Peru).

¹¹⁹ On 18 December 2019, the NGO Bureau Affairs of the GoB issued a notice requesting all NGOs to change their names within one month if it used the term(s) ‘Adibashi/Indigenous’. It also highlighted that Article 23A of the Constitution did not recognize any community as ‘Adibashi/Indigenous’ in Bangladesh.

<https://en.banglatribune.com/others/news/88432/NGOs-told-to-drop-‘indigenous’-from-titles>

[;https://iwgia.org/en/bangladesh/3598-iw-2020-bangladesh.html](https://iwgia.org/en/bangladesh/3598-iw-2020-bangladesh.html)

¹²⁰ The Challenges Facing Plainland Ethnic Groups in Bangladesh: Land, Dignity and Inclusion, 2020, International Republican Institute <https://www.iri.org/resources/new-bangladesh-report-examines-needs-of-plainland-ethnic-groups/>

¹²¹ <https://www.iwgia.org/en/news-alerts/news-covid-19/3792-chtc-statement.html>

<https://kapaengnet.org/a-rapid-assessment-report-the-impact-of-covid-19-on-indigenous-and-tribal-peoples-in-bangladesh/>

¹²² <https://unpo.org/article/21799>

¹²³ <https://unpo.org/article/21799>

¹²⁴ <https://www.pcjss.org/fifth-meeting-of-cht-accord-implementation-monitoring-committee-held-in-dhaka/>

¹²⁵ <https://peacemaker.un.org/node/1449>; <https://www.thedailystar.net/opinion/human-rights/news/cht-accord-22-years-promises-not-kept-1834357> ; The Government claims that 48 out of 72 clauses have been fully implemented, 15 clauses have been partially implemented , and 9 clauses are in the process of implementation

RECOMMENDATIONS

- I. Explicit constitutional recognition of IPs and their rights.
- II. Eliminate discrimination and violence against IPs through including special provision in the Anti-Discrimination law.
- III. Ensure full implementation of CHT Peace Accord.
- IV. Create a separate Land Commission for Plain land IPs.

B. Religious Minorities¹²⁶

High Court is currently reviewing discriminatory provisions against women in personal/religious laws of inheritance, though reform agendas face orthodox opposition.¹²⁷ Other challenges include ongoing problems with effective recovery and distribution of property confiscated under the Vested Property Act;¹²⁸ the DSA, 2018 criminalizing allegations of “hurt to religious sentiment” with a broad catch-all ambit;¹²⁹ the rise of religious extremism and mob violence regarding apostasy which are inadequately dealt with by LEAs.¹³⁰

Extremist groups that attacked the Ahmadiyya community in 2019 and March 2023 have urged the Government to declare the Ahmadiyyas non-Muslim.¹³¹

According to a 2020 Amnesty International, the status of the implementation of the Accord and the human rights situation in the CHT region remains depressingly similar to that of 2013

<https://www.amnesty.org/download/Documents/ASA1334072020ENGLISH.pdf>

¹²⁶ Rec no 147.63 (United Kingdom of Great Britain and Northern Ireland); Rec no 147.64 (Holy See); Rec no 147.156 (Austria); Rec no 147.28 (Oman).

¹²⁷ <https://www.ucanews.com/news/court-seeks-end-to-discrimination-against-bangladeshi-women/96461>;

<https://www.tbsnews.net/bangladesh/human-chain-protest-hindu-inheritance-law-reform-372583>

¹²⁸ For an overview of the problem of vested properties *see* Panday, Pranab Kumar. "Politics of land grabbing: The vested property act and the exploitation of Hindu communities in Bangladesh." *international journal on minority and group rights* 23, no. 3 (2016): 382-401.;

¹²⁹ Under the Penal Code 1860, statements or acts made with a “deliberate and malicious” intent to insult religious sentiments are subject to fines or up to two years in prison (section 295A). The DSA likewise criminalizes publication or broadcast of “any information that hurts religious values or sentiments” by denying bail to detainees and increasing penalties on conviction of up to 10 years in prison (section 28). <http://bdlaws.minlaw.gov.bd/act-details-11.html>;
<https://www.cirt.gov.bd/wp-content/uploads/2020/02/Digital-Security-Act-2020.pdf>

¹³⁰ On February 10, 2021, a group of Muslims reportedly destroyed the church sign of Emmanuel Church in Lalmonirhat District, cut down trees, vandalized the church, and stole property. The local pastor said Muslim residents in the area were angry with Christians because new members had joined their faith community as converts from Islam.

<https://www.state.gov/reports/2021-report-on-international-religious-freedom/bangladesh/>;

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

¹³¹ <https://www.dhakatribune.com/bangladesh/nation/2019/02/13/sunnis-attack-ahmadiyyas-in-panchagarh>;

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

<https://www.ucanews.com/news/cleric-demands-bangladesh-ahmadis-be-declared-non-muslim/85004>;

<https://www.newagebd.net/article/195860/2-killed-in-deadly-clash-over-ahmadiyya-programme-in-north-west-bangladesh>

Social media and technology have been mobilized by religious extremists and other quarters to target minorities through mob-violence and hate speech in public gatherings, fomenting communal hatred, fanaticism, militancy, anti-women, anti-apostasy, anti-state, anti-democracy and anti-cultural sentiments.¹³² Complaints based on Facebook posts have enabled a spate of arbitrary arrests under the DSA on grounds of hurt religious sentiments, which is broadly defined under section 28.¹³³ Durga Puja in October 2021 witnessed multiple instances of communal attacks on Hindu communities resulting in 14 deaths and several injuries.¹³⁴ Investigation of these incidents are ongoing and no trials have yet commenced.¹³⁵ Violent assaults on religious minority communities are often inadequately investigated or prosecuted.¹³⁶ The Government made some effort to improve minority representation; but has also appeased demands of certain Islamist groups.

RECOMMENDATIONS

- I. Investigate and prosecute all cases of communal violence.
- II. Repeal the DSA as its catch-all ambit is vulnerable to weaponization against religious minorities.
- III. Operationalize speedy and effective adjudication of vested properties.
- IV. Establish a National Commission for Minorities.

C. Dalit Rights¹³⁷

Dalits continue to live in extreme poverty with few resources and opportunities for upward mobility, and face discrimination from many quarters.¹³⁸ Bangladesh lacks specific laws addressing ‘untouchability’, though the Constitution prohibits caste-based discrimination¹³⁹. An Anti-

¹³² <https://www.dhakatribune.com/bangladesh/2022/07/19/communal-violence-in-narail>;

<https://www.thedailystar.net/news/bangladesh/crime-justice/news/teacher-jail-family-fear-2999611>

¹³³ <https://www.dhakatribune.com/bangladesh/2020/11/07/hurting-religious-sentiment-are-minorities-denied-justice>;
<http://www.asianews.it/news-en/Religious-minorities-protest-against-the-constant-attacks-against-them-51536.html>;
<https://archive.dhakatribune.com/bangladesh/nation/2021/09/28/jhuman-das-released-from-sunamganj-jail-five-days-after-high-court-order>

¹³⁴ <https://www.aljazeera.com/news/2021/10/18/bangladesh-hindus-men-killed-temples-vandalised-religious-violence>;
<https://www.dhakatribune.com/bangladesh/court/2021/10/19/comilla-attacks-man-remanded-for-facebook-live>;
<https://bdnews24.com/society/p0f992lomd>

¹³⁵ <https://en.prothomalo.com/bangladesh/f2iluu96cl>

¹³⁶ For example, an attack on Buddhist monasteries and communities in Ramu upazila of Cox's Bazar almost 10 years ago is yet to be tried as witnesses are reportedly reluctant to testify in court.

<https://www.dhakatribune.com/nation/2022/07/24/ramu-attack-a-decade-on-trial-drag-on>

Similarly, attack on houses and temples of Hindu community in Brahmanbaria district in 2016 is yet to be investigated and prosecuted. <https://en.prothomalo.com/opinion/editorial/euxqt7mvth>

¹³⁷ Rec no 149.59 (Peru).

¹³⁸ <https://www.dhakatribune.com/bangladesh/2022/12/20/dalit-community-wants-elimination-of-discrimination>;
<https://www.thedailystar.net/editorial/news/dalits-and-harijans-continue-face-gross-discrimination-1667674>

¹³⁹ Article 28, Constitution of Bangladesh

Discrimination law now under consideration inadequately defines discrimination and proposes a redress mechanism of local and national level committees constituted largely by bureaucrats.¹⁴⁰

RECOMMENDATIONS

- I. Review the Anti-Discrimination law in consultation with CSOs to define discrimination and ensure effective remedies.
- II. Develop a national action plan to eliminate caste, work and descent-based discrimination.

D. Rights of the Urdu-speaking Linguistic Minorities

The rights of Urdu-Speaking Bangladeshis were addressed by the Supreme Court in 2003 and 2008.¹⁴¹ The community continues to face discrimination, threats of eviction¹⁴² and hurdles in the implementation of Court directives on cooperation of government agencies in providing identification documents.

RECOMMENDATIONS

- I. Ensure full implementation of Supreme Court judgments.
- II. Direct the municipal, housing and other relevant authorities to cooperate in documentation services and notify and ensure prior rehabilitation of residents of camps during eviction drives.
- III. Adopt a development plan for ensuring housing, access to clean water and sanitation for the community.

¹⁴⁰ <https://www.thedailystar.net/law-our-rights/news/the-anti-discrimination-bill-2022-what-experts-say-3024531>

¹⁴¹ “Bangladesh: Urdu-Speaking ‘Biharis’ Seek Recognition, Respect and Rights,” International Republican Institute, accessed September 5, 2022, <https://www.iri.org/resources/new-bangladesh-report-reveals-priorities-of-the-bihari-minority/>; Imtiaz Ahmed Sajal, “The Plight of the Linguistic Minority,” The Daily Star, December 29, 2015, <https://www.thedailystar.net/law-our-rights/the-plight-the-linguistic-minority-193840>; *National Journal on Minority and Group Rights* 25, no. 4 (September 20, 2018): 664–78, <https://doi.org/10.1163/15718115-02503006>; d. Kamrul Hasan Arif, “The Status of the Bihari Community in Bangladesh under Domestic and International Law,” *International Journal on Minority and Group Rights* 25, no. 4 (September 20, 2018): 664–78, <https://doi.org/10.1163/15718115-02503006>; Arif.

¹⁴² <https://www.tbsnews.net/thoughts/cost-uncertainty-140701>

E. Rights of Gender Diverse Communities¹⁴³

As of 2023, the category of Hijra has been recognized and included in the voter list, and other tax rebate, educational and social safety net provisions have been pledged.¹⁴⁴ The legal framework for recognition of rights of Hijra and other transgender persons remains inadequate. While there is official recognition of *Hijras* other gender-diverse individuals are excluded. The Ministry of Social Welfare's proposed initiative of a Transgender Rights Protection law may recognize different forms of gender diversity.¹⁴⁵ Discrimination against Hijra and transgender persons continues to be carried out by LEAs.¹⁴⁶

Section 377 of the Penal Code continues to criminalize homosexuality; and personal laws discriminate against property and family rights based on sexual gender identity¹⁴⁷

RECOMMENDATIONS

- I. Recognise all gender diverse identity beyond Hijras by official declaration in policies and other laws and government directives.
- II. Amend personal laws to ensure equal distribution of property irrespective of gender.
- III. Abolish criminalisation of same-sex relations.

¹⁴³ All the recommendations related to rights of the gender-diverse population and sexual minorities were noted during the 3rd Cycle of UPR.; Rec 149.25 (Canada); Rec 149.26 (Canada); Rec 149.55 (Italy); Rec 148.20 (Namibia); Rec 149.25 (Brazil); Rec 149.27 (Norway); Rec 149.28 (Slovenia); Rec 149.29 (Chile); Rec 149.30 (Mexico); Rec 149.31 (Argentina); Rec 149.32 (Honduras).

¹⁴⁴ <https://www.dhakatribune.com/opinion/special/2019/04/19/members-of-the-third-gender-can-vote-as-hijra>; <https://www.thedailystar.net/country/news/hijras-will-be-included-separate-gender-national-census-2021-bbs-dg-1962849>; The Ministry of Social Welfare has allocated financial assistance and allowance for members of the Hijra community and reconstituted a board for identification and determination of eligibility to enable members of the Hijra community to transition into various government work schemes. In this new initiative, the requirement for physical examination, which was degrading for the community has been eliminated: <https://www.thedailystar.net/views/opinion/news/the-twisted-plaint-bangladeshi-transgender-community-3043841> , <https://www.aljazeera.com/news/2021/6/4/tax-rebate-for-bangladesh-companies-hiring-transgender-people>; <https://www.bbc.com/bengali/news-58608877>; The Hijra community has been included in continuing social safety-net projects run by Bangladesh's Ministry of Social Welfare. Hijra students receive scholarships and other vocational training under all of these ongoing social safety net initiatives, and senior Hijra persons are supported by the Hijra allowance. <https://archive.dhakatribune.com/bangladesh/2017/11/30/hijras-given-training>

¹⁴⁵ <https://archive.dhakatribune.com/bangladesh/2021/03/23/hijra-protection-act-being-drafted-to-ensure-life-with-family>

¹⁴⁶ For example, the Dhaka Metropolitan Police began undertaking a counting of Hijras 'begging at intersections' in 2023, with the stated intention to stop the practice of alms collection through arrests and the filing of criminal cases. DMP Circular dated 28.02.2023

<https://drive.google.com/file/d/13FQUR9mNb4Ilq3VQdcYBiRHcDzCh2X8D/view?usp=sharing>

¹⁴⁷ <https://www.thedailystar.net/city/laws-needed-inheritance-rights-transgender-people-79886>

Disability Rights¹⁴⁸

The GoB is rolling out benefits and allowance coverage to registered persons with disabilities under the Persons with Disabilities Rights and Protection Act (PDRPA) 2013.¹⁴⁹ It has extended similar benefits in the education sector.¹⁵⁰ There is insufficient public awareness about these rights and remedies. Major public buildings and facilities including courtrooms and educational institutions lack accessible and accommodating infrastructure. Bangladesh has enacted the Bangladesh Rehabilitation Council Act 2018, and the Mental Health Act (MHA) 2018.¹⁵¹ However, hefty fines and imprisonment for malpractice (section 23, MHA), may discourage doctors from proper treatment.

RECOMMENDATIONS

- I. Roll out the disability registration program nationally under PDRPA.
- II. Make all public institutions and transportation systems accessible to persons with disabilities.
- III. Integrate inclusive disability and accessibility policies across all ministries and their programmatic portfolios and budgets.
- IV. Review the MHA to address any concerns and facilitate implementation.

Labour Rights

A. Workers' Rights¹⁵²

In 2018, the Bangladesh Labour Act (BLA) 2006 was amended to make workplaces friendlier, delineating disciplinary provisions etc.¹⁵³ In September 2022, the GoB amended Labour Rules 2015, relaxing rules on trade union formation, prohibiting abusive treatment of workers, requiring

¹⁴⁸ Rec no 147.152 (Islamic Republic of Iran); Rec no 147.153 (Lao People's Democratic Republic); Rec no 147.154 (Lebanon).

¹⁴⁹ <https://www.dhakatribune.com/bangladesh/government-affairs/2019/06/25/govt-plans-to-increase-disability-allowance-by-5500>

¹⁵⁰ <http://www.dss.gov.bd/site/page/a8c37128-200f-4cfe-9836-1d1ac7737e91/>;
<https://www.dhakatribune.com/bangladesh/government-affairs/2019/07/01/govt-to-build-autism-academy-at-tk422cr>; <https://bdnews24.com/bangladesh/2019/04/02/government-will-establish-autism-care-centres-in-all-divisional-cities-says-hasina>

¹⁵¹ <http://bdlaws.minlaw.gov.bd/act-details-1284.html>; <http://bdlaws.minlaw.gov.bd/act-details-1273.html>

¹⁵² Rec no 147.112 (Ecuador); Rec no 147.109 (United States of America); Rec no 147.110 (Italy); Rec no 147.118 (Côte d'Ivoire); Rec no 147.114 (Botswana); Rec no 147.116 (Iraq); Rec no 148.18 (United Kingdom of Great Britain and Northern Ireland); Rec no 147.111 (Jordan).

¹⁵³ <https://www.newagebd.net/article/49745/new-labour-law-with-fresh-facilities-for-workers-gets-cabinet-nod>;
<http://www.theindependentbd.com/post/164769>

mandatory formation of sexual harassment prevention committee.¹⁵⁴ The Parliament enacted the Export Processing Zone Labour Act (EPZLA) 2019. EPZLA weakened collective bargaining by providing for labour welfare associations instead of trade unions, benefits employers more than workers, and creates confusion resulting from two labour laws in the country imposing different standards for workers.¹⁵⁵

The Readymade Garments (RMG) sector is monitored closely for compliance compared to others after the Rana Plaza disaster.¹⁵⁶ Several structural and safety initiatives are now in place.¹⁵⁷ The Government is yet to ratify the International Labour Organisation (ILO) Convention 190, Violence and Harassment Convention, 2019.¹⁵⁸ In March 2022, Bangladesh ratified ILO Convention 138 and fixed the minimum age for employment at 14 years.¹⁵⁹ The GoB has fixed minimum wage across some sectors such as RMG and textiles but is yet to roll it in other sectors including domestic workers and agricultural labourers.¹⁶⁰ Though GoB improved in some aspects regarding inspection, capacity building and environmentally-friendly policies, different industrial sectors still lack protection workers' safety and basic rights, especially female workers.¹⁶¹ Some GoB initiatives are attempting to reduce

¹⁵⁴http://www.mole.gov.bd/sites/default/files/files/mole.portal.gov.bd/gazette/c66fca25_346a_47b9_bce1_941e4703001c/Labour_Regulations.pdf; <https://www.newagebd.net/article/180397/labour-rules-amended>; https://compliancebangladesh.com/wp-content/uploads/2022/09/Bangladesh-Labour-Rules-Amendment-2022-Shared-by-Compliance-Bangladesh-com_.pdf

¹⁵⁵ <https://thefinancialexpress.com.bd/public/index.php/trade/epz-labour-act-to-protect-rights-of-workers-owners-1569731945>

¹⁵⁶ For example, there was an accident in a factory named Hashem Foods Ltd. where fire killed more than 50 people on July 8, 2021. <https://www.dhakatribune.com/bangladesh/2021/09/07/remains-found-after-2-months-of-hashem-foods-fire> ; Over 71 people were killed in the chemical-fuelled fire in Old Dhaka. <https://www.thedailystar.net/news/bangladesh/accidents-fires/news/churihatta-fire-tragedy-outcome-greed-and-negligence-2966106>

¹⁵⁷ <https://www.thefinancialexpress.com.bd/views/views/institutionalising-a-compensation-system-for-work-related-injury-and-illness-1617374417>

¹⁵⁸ On 10 June 2019, in the 108th International Labour Conference, Bangladesh voted for the adoption of the convention and recommendation on 'Ending Violence and Harassment against Women and Men in the World of Work', ILO C190 - Violence and Harassment Convention, 2019 and recommendation which was adopted by delegates. But so far the government has not ratified the convention. <https://www.thedailystar.net/law-our-rights/news/bangladesh-and-ilo-violence-and-harassment-convention-2019-2115801>

¹⁵⁹ With this ratification, Bangladesh has now ratified all eight of ILO's 'Fundamental Conventions' covering social and labour issues that are considered fundamental to rights at work. https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/child-labour/WCMS_840125/lang-en/index.htm

¹⁶⁰ Bangladesh has formed Minimum Wage Board in 2004 to determine minimum wage for different sectors of the country, which has fixed wages for 48 sectors but large numbers of sectors are still out of the purview of the minimum wage structure. DIFE Annual Report, 2019-2020 http://www.dife.gov.bd/sites/default/files/files/dife.portal.gov.bd/publications/2d2700f1_89be_4da5_a29d_8ddfffd14629/2021-09-27-15-00-9ea9febebfd012ff210f23a4c6e9524a.pdf ; BILS, 2015, National Minimum Wage for Bangladesh's Workers: Rational Standard and Rationality of National Minimum http://bilsbd.org/wp-content/uploads/2016/03/NMW_MJF.pdf page 4 ; in 2018, the GoB fixed BDT 8,000 as the minimum wage for garment workers and introduced further increments since then. <https://cpd.org.bd/wp-content/uploads/2019/10/CPD-Working-Paper-129-New-Minimum-Wage-of-the-RMG-Sector.pdf>; the GoB has also rolled out minimum wage for other sectors incrementally. <https://www.newagebd.net/article/36107/minimum-wage-for-tannery-workers-set-at-tk-12800>

¹⁶¹ <https://www.dhakatribune.com/business/2018/02/27/study-rights-bangladeshs-female-rmg-workers-still-unmet> ; After the Rana Plaza factory disaster, the Compact for Continuous Improvements in Labour Rights and Factory Safety in the Ready-Made Garment and Knitwear Industry in Bangladesh was launched in July 2013. Substantial progress is yet to be made on the issue of safety at work. https://www.ilo.org/dhaka/Whatwedo/Publications/WCMS_658138/lang--

the gender gap, which increased during the Pandemic.¹⁶² There was ineffective distribution of workers' Pandemic stimulus measures, lacking clear guidelines.¹⁶³

RECOMMENDATIONS

- I. Address anti-union discrimination and investigate acts of violence and intimidation against workers.
- II. Abolish EPZLA and enact a uniform labour law.
- III. Amend Labour rules 2022 to ensure maternity rights, safe workplace, implementation of HC guidelines on sexual harassment and social security.
- IV. Ratify ILO Conventions 102, 121, 189 and 190.
- V. Issue guidelines for adjudication of compensation for workplace injuries and damages.
- VI. Adopt a National Minimum Wage for all the workers of Bangladesh and monitor implementation.

B. Migrant Workers¹⁶⁴

[en/index.htm](#); http://bilsbd.org/wp-content/uploads/2022/01/Workplace_Situation_Report_2021_BILS.pdf;

http://bilsbd.org/wp-content/uploads/2022/09/Workplace_Situation_Report_Jan-June_2022_BILS.pdf;

<https://www.dhakatribune.com/nation/2022/06/05/fire-at-bm-container-depot-in-chittagong>;

<https://businesspostbd.com/national/devastating-factory-fire-kills-52-in-narayanganj-20351>; The government formed a 'national safety inspection agency in July 2021 to ensure occupation safety.

<https://www.thedailystar.net/business/news/national-safety-committee-so-far-inspected-5200-factories-salman-f-rahman-2993316>; The government has moved to strengthen the capacity of the Department of Inspection for Factories (DIFE) and Establishments to ensure workplace safety in line with the national action plan on the labour sector.

<https://thefinancialexpress.com.bd/trade/workplace-safety-govt-moves-to-raise-capacity-of-dife-1661138390>;

<https://thefinancialexpress.com.bd/national/govt-formulates-sops-for-improving-labour-inspection-system-1604584794>; <https://today.thefinancialexpress.com.bd/trade-market/govt-drafts-national-osh-profile-1571765574>

<https://www.dhakatribune.com/editorial/2022/09/18/in-desperate-need-of-export-diversification>;

¹⁶² The gender vision of the 8th five year plan of Bangladesh 2020-2025 aims to establish equal opportunities for men and women, and recognize women as equal contributors in economic, social, and political development.

http://bbs.portal.gov.bd/sites/default/files/files/bbs.portal.gov.bd/page/b343a8b4_956b_45ca_872f_4cf9b2f1a6e0/2022-06-13-04-42-f063cb30c78ea58d75bd29f0056af636.pdf; in July 2020, DIFE approved the Gender Roadmap which aims to raise gender awareness in the workplace, taking effective steps to prevent GBV and women's empowerment, and establish DIFE as a gender-sensitive Organisation.

https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-dhaka/documents/publication/wcms_753443.pdf; Different civil society groups/platforms/networks are advocating with the government to enact a new law to prevent GBV at workplaces.

<http://www.newagebd.net/article/79182/gender-platform-demands-law-against-harassment>.

¹⁶³ <https://www.thedailystar.net/coronavirus-deadly-new-threat/news/pm-announces-tk-5000cr-stimulus-package-export-oriented-industries-1885813> ; <https://cpd.org.bd/covid-19-stimulus-packages-and-performance-of-the-countrys-banking-sector/>

¹⁶⁴Rec no 148.14 (United Kingdom of Great Britain and Northern Ireland); Rec no 147.158 (Indonesia); Rec no 147.159 (Nepal); Rec no 147.160 (Peru); Rec no 147.161 (Philippines); Rec no 147.163 (Iraq); Rec no 147.151 (Ecuador); Rec no 147.162 (Philippines).

A record number of Bangladeshi workers secured overseas jobs in August 2022.¹⁶⁵ No comprehensive policy is in place to regulate recruitment fees charged by employers or illegal sub-agents.¹⁶⁶ Hundreds of complaints of Bangladeshi migrant workers, especially from female migrants tortured and sexually abused in Middle Eastern countries have been inadequately investigated by GoB.¹⁶⁷ Bangladesh is in bilateral dialogue with foreign governments of destination countries and is considering measures to enable safe migration and tackle trafficking.¹⁶⁸ The GoB's treatment of returning migrant workers during the Pandemic generated complaints of mistreatment of workers at the airport and detention for alleged criminal activities abroad.¹⁶⁹

RECOMMENDATIONS

- I. Establish a unit to investigate reports of abuse of women migrant workers and oversee proper repatriation and rehabilitation.
- II. Implement and monitor for compliance the registration requirements for recruitment agents.
- III. Ensure quality pre-departure training and assistance for migrant workers.
- IV. Prepare a complete database of the migrant workforce categorised by sector.

Climate Change

A. Climate Projects¹⁷⁰

Bangladesh incurred a loss of approximately USD 17.2 billion from natural disasters between 2015-2020.¹⁷¹ The GoB's commitment to sustainable, low-emission and climate-resilient development requires legal, strategic, and financial action to tackle climate challenges.¹⁷² Several internationally-

¹⁶⁵ According to the Bureau of Manpower, Employment and Training (BMET) a record number of 6,91,017 Bangladeshi workers secured overseas jobs up to August 2022
www.old.bmet.gov.bd/BMET/viewStatReport.action?reportnumber=24;
www.old.bmet.gov.bd/BMET/viewStatReport.action?reportnumber=26

¹⁶⁶ <https://www.justice.gov/coir/page/file/1413096/download>; 2020 Trafficking in Persons Report: Bangladesh
<https://www.state.gov/reports/2020-trafficking-in-persons-report/bangladesh/>

¹⁶⁷ <https://www.kalerkantho.com/online/national/2021/03/09/1012251>;
<https://www.newagebd.net/article/136801/migrants-abused-abroad-denied-justice>; <http://bilsbd.org/news/bils-research-report-sharing-on-returnee-female-migrant-workers-immediate-steps-demanded-to-alleviate-the-helplessness-of-female-returnee-migrant-workers/>; <https://www.newagebd.net/article/168448/10-bodies-of-migrant-workers-arrive-daily>

¹⁶⁸ <https://www.thedailystar.net/nrb/migration/news/recruitment-malaysia-dhaka-kuala-lumpur-sign-mou-2920906> ;
<https://www.banglatribune.com/national/712072/%>

¹⁶⁹ <https://www.thedailystar.net/backpage/news/migrants-returning-bangladesh-sees-huge-surge-last-three-weeks-1960917>; <https://www.dhakatribune.com/bangladesh/government-affairs/2020/08/24/govt-forms-700c-fund-for-jobless-bangladeshi-migrant-workers>; <https://www.dhakatribune.com/bangladesh/2020/09/01/police-arrest-82-bangladeshi-migrant-workers-returning-from-vietnam>

¹⁷⁰ Rec no 147.37 (Viet Nam); Rec no 147.38 (Gabon).

¹⁷¹ *Bangladesh Disaster-related Statistics (BDRS) 2021: Climate Change and Natural Disaster Perspectives*. Bangladesh Bureau of Statistics (2022). <https://tinyurl.com/BDRS-2021>

¹⁷² Center for Research and Information. (2021). *Bangladesh A Green Deal*. <https://tinyurl.com/5fuy8b7c>; Huq, S., Chow, J., Fenton, A., Stott, C., Taub, J., & Wright, H. (Eds.). (2019). *Confronting Climate Change in Bangladesh: Policy Strategies for*

funded GoB climate projects are facing implementation challenges including low-quality work, corruption, delays and embezzlement.¹⁷³ Disaster resilience in the aftermath of natural calamities such as flash floods in 2022 is inhibited by inadequate government preparedness, corruption, delays in approval of projects due to political considerations, poor maintenance of polders and embankments, lack of systematic documentation to assess loss and damage etc.¹⁷⁴ In some instances, communities are forced to evacuate without redressing their grievances and in violation of regulatory frameworks, especially affecting minority communities.¹⁷⁵

RECOMMENDATIONS

- I. Implement climate change, disaster management and energy-related projects in compliance with national and international pledges and obligations.
- II. Independently monitor and take punitive action against corruption and irregularities.

Adaptation and Resilience (Vol. 28). Springer International Publishing. <https://doi.org/10.1007/978-3-030-05237-9>; Govt. to invest \$80b to be climate resilient by 2030, <https://www.thedailystar.net/news/bangladesh/news/govt-invest-80b-be-climate-resilient-2030-3043711>; The Nationally Determined Contributions (NDCs) 2021, Ministry of Environment, Forest and Climate Change, The Government of Bangladesh (GoB) https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/Bangladesh%20First/INDC_2015_of_Bangladesh.pdf

¹⁷³ Green Climate Fund (GCF), <https://www.greenclimate.fund/countries/bangladesh> ; Independent Evaluation of the Adaptation Portfolio and Approach of the Green Climate Fund. <https://www.greenclimate.fund/sites/default/files/document/gcf-b28-17.pdf> and <https://irm.greenclimate.fund/taxonomy/term/392#details>; TIB analysis based on data collected from the BCCTF; Climate Financing for Sustainable Development, Budget for 2020-21, page 68, https://mof.portal.gov.bd/sites/default/files/files/mof.portal.gov.bd/page/6e496a5b_f5c1_447b_bbb4_257a2d8a97a1/Budget%20Book%20English%20Version%2001_06_2021.pdf; Climate Financing for Sustainable Development, Budget for 2020-21, Finance Division, Ministry of Finance, The Government of Bangladesh (GoB), https://mof.portal.gov.bd/sites/default/files/files/mof.portal.gov.bd/page/6e496a5b_f5c1_447b_bbb4_257a2d8a97a1/Budget%20Book%20English%20Version%2001_06_2021.pdf; Climate change investments in Bangladesh: leveraging dual-use characteristics as an anti-corruption tool, <https://ace.soas.ac.uk/wp-content/uploads/2022/05/ACE-WorkingPaper033-ClimateChangeInvestments-201217.pdf>

¹⁷⁴ Bangladesh: Joint Press Statement on Flash Flood - July 2022, <https://reliefweb.int/report/bangladesh/bangladesh-joint-press-statement-flash-flood-july-2022> ; Governance challenges in disaster response and way forward: Cyclone Amphan and recent experiences, Transparency International Bangladesh (TIB), https://www.ti-bangladesh.org/beta3/images/2020/report/Amphan/Amphan_Study_Fullrep.pdf; Governance challenges in disaster response and way forward: Cyclone Amphan and recent experiences, Transparency International Bangladesh (TIB), https://www.ti-bangladesh.org/beta3/images/2020/report/Amphan/Amphan_Study_ES_Eng.pdf; Integrity Watch in Flood 2019 Preparedness and Relief Operations, https://www.ti-bangladesh.org/beta3/images/2019/report/flood/Flood_Governance_Study_EX_EN.pdf

¹⁷⁵ Rampal and Matarbari Power Projects: Governance Challenges in Environmental Impact Assessment and Land Acquisition, Transparency International Bangladesh (TIB), https://www.ti-bangladesh.org/beta3/images/2015/es_ffs_coal_15_en.pdf ; Air quality, health and toxics impacts of the proposed coal power cluster in Payra, Bangladesh, <https://drive.google.com/file/d/13KyBrmRuX77NOW11KkFX9Upej9gu9bfQ/view>; Forest Department: Governance Challenges and Way Forward, Transparency International Bangladesh (TIB), https://www.ti-bangladesh.org/beta3/images/2020/report/Forest/Forest_Dept_ES_English.pdf; Coal and LNG-based Power Projects in Bangladesh: Governance Challenges and the Way Ahead, https://www.ti-bangladesh.org/beta3/images/2022/publications/Coal_and_LNG-based_Power_Projects_English.pdf

B. Climate Refugees/ Migrants¹⁷⁶

Natural disasters and their adverse impact (such as excessive heat, salinity etc.) agricultural production continues to induce rural-urban migration, resulting in a large number of migrants becoming permanent squatter settlers in metropolitan areas.¹⁷⁷

RECOMMENDATIONS

- I. Formulate inclusive and targeted policies and intervention to address challenges and needs of Climate refugees.
- II. Include and define internal migration in regulatory frameworks and welfare schemes.
- III. Improve access to social security schemes for climate refugees.

Refugee Rights¹⁷⁸

Bangladesh continues to host significant Rohingya population. The Government, and some sections of the Rohingya community are emphasizing repatriation.¹⁷⁹ Bangladesh has urged the UN to engage effectively with Myanmar to repatriate the displaced Rohingya people.¹⁸⁰ Several thousand Rohingyas were reportedly involuntarily relocated to Bhashan Char island, though the GoB and UNHCR have agreed on some protective guidelines.¹⁸¹ Some Government-led initiatives have created limited work and educational opportunities; humanitarian aid, and internet connections disrupted by pandemic measures have resumed.¹⁸² There were reports of deaths and numerous arrests resulting from LEAs

¹⁷⁶ Rec no 147.38 (Gabon).

¹⁷⁷ The Financial Express. "Impact of Climate Change on Agricultural." *The Financial Express*, <https://www.thefinancialexpress.com.bd/views/impact-of-climate-change-on-agricultural-1518619832#:~:text=Farmers%20say%20one%20of%20the,per%20cent%20respectively%20by%202050>. Accessed 25 Jan. 2022; Jolly, Stellina, and Nafees Ahmad. *Climate Refugees in South Asia*. Springer, 2018, p. 21.

¹⁷⁸ Rec no 147.164 (Yemen); Rec no 147.165 (Azarbaijan); Rec no 147.166 (New Zealand); Rec no 147.167 (Japan); Rec no 148.22 (Holy See).

¹⁷⁹ <https://thediplomat.com/2022/06/why-is-bangladesh-encouraging-rohingya-refugees-to-start-a-going-home-campaign/>

¹⁸⁰ <https://www.dailysabah.com/world/asia-pacific/bangladesh-calls-on-un-to-ensure-rohingya-repatriation>

¹⁸¹ <https://www.hrw.org/report/2021/06/07/island-jail-middle-sea/bangladeshs-relocation-rohingya-refugees-bhasan-char>; <https://reliefweb.int/report/world/unhcr-global-report-2021>; <https://www.thedailystar.net/rohingya-influx/news/bhasan-char-better-conditions-home-still-beckons-3102681>

¹⁸² In 2019, the Bureau of NGO Affairs issued Memorandum No. 03.07.2666.661.51.019.17-10 provided for Rohingya communities living in the camps to continue to receive cash for work in NGO programs, though such opportunities have been increasingly limited. <https://reliefweb.int/report/bangladesh/beyond-refugee-advancing-legal-protections-rohingya-communities-bangladesh>; <https://www.unhcr.org/news/stories/2022/7/62d680c14/rohingya-bangladeshi-teachers-pair-tackle-education-hurdles-camps.html>; <https://www.thedailystar.net/rohingya-crisis/news/3g-4g-services-restricted-ukhia-teknaf-until-further-notice-1798249>

crime control and public order activities.¹⁸³ Bangladesh has not ratified the Refugee Convention.¹⁸⁴ Many Bangladeshi laws extend protection for non-citizens, marriage and divorce registration facilities and access to institutions for survivors of gender-based violence are provided within the camps. Bangladesh has vociferously campaigned for and supported the ICC and ICJ processes regarding justice and accountability for the Rohingya.¹⁸⁵

RECOMMENDATIONS

- i. Initiate diplomatic and policy-level consultation to speed up sustainable and voluntary repatriation of Rohingya refugees to Myanmar.
- ii. Continue extending support and assistance for ensuring justice and accountability for the Rohingya before the ICJ.
- iii. Ensure effective legal protection for the Rohingya within Bangladesh through the informal and formal justice systems.

¹⁸³ <https://thediplomat.com/2022/11/targeted-killings-spread-terror-in-rohingya-refugee-camps/>;
https://www.benarnews.org/english/news/bengali/crack-down-10312022153345.html?fbclid=IwAR1j4cB4eBmYoWDFixOm41MG0Ry2l7O14IeRUUEb9YZsaXczXmy4Tomtv4c_aem_AdWO5sghwxmw8Se1stpW0hyMVnvJcjwe5SXp-jSQmNdt3LUqbsZb848gk4vr7AM8blgpV0XudneEZgVC3KxKn7Qy5ha9NXKK6NpA2412Zqdf6usroVd1uW1Cb4NlpAvlePs

¹⁸⁴ These include the 1951 Convention Relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, or the 1951 Convention Relating to the Status of Refugees.
<https://reliefweb.int/report/bangladesh/beyond-refugee-advancing-legal-protections-rohingya-communities-bangladesh>.

¹⁸⁵ <https://news.un.org/en/story/2019/11/1051451>; <https://en.prothomalo.com/bangladesh/m42yvj5t6s>