



UPR: The Experience of Bangladesh



ASIAN INDIGENOUS & TRIBAL PEOPLE NETWORK



UPR: The Experience of Bangladesh

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Cover Photos: <http://en.18dao.net/images/e/e4/Map-Bangladesh.jpg>; and
United Peoples Democratic Front, Bangladesh

ISBN : 978-81-907996-2-1

Price Rs.: 395/-

Published by:

Asian Indigenous & Tribal Peoples Network

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Introduction

On 3 February 2009, Bangladesh was reviewed by the Working Group on Universal Periodic Review under the newly established Universal Periodic Review (UPR) mechanism of the Human Rights Council. The Bangladeshi delegation was headed by its Foreign Minister, H.E. Dr Dipu Moni during the review process. In her presentation Dr Dipu Moni highlighted her government's actions to promote human rights and denied that any injustice was being done against any section of the Bangladeshi society.

During the interactive dialogue, most of the delegations welcomed Bangladesh's progress in the fields of human rights and provided important recommendations. A total of 42 recommendations were made and Bangladesh has accepted 34 of these.

However, for the indigenous peoples of Bangladesh, there was nothing much to rejoice except for the fact that the government of Bangladesh has agreed to fully implement the CHT Peace Accord of 1997 "within the shortest possible time within the framework of the Constitution of Bangladesh". Two other important recommendations were made concerning the indigenous peoples: ratify ILO Convention No. 169 (Mexico) and investigate complaints of discrimination against members of minority religions (Holy See). The government of Bangladesh has not accepted these recommendations. It has claimed that there was no policy to discriminate anyone on the basis of "race, colour, sex, religion, or any other status".

AITPN has played a critical role to facilitate constructive engagement of the UN Human Rights Council with Bangladesh. In particular, AITPN highlighted the issues concerning the indigenous peoples both in plain and hilly areas of CHT and most of these issues raised by AITPN in its submission "*We want the lands, not the indigenous peoples*" have been incorporated by the OHCHR in its summary of stakeholders' report.

AITPN hopes that this publication sharing its experiences on UPR review on Bangladesh will help the Human Rights Council and other stakeholders to monitor implementation of the recommendations made to the government of Bangladesh.

**UNITED
NATIONS**

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General Assembly

Distr.
GENERAL

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

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Eleventh session
Agenda item 6

UNIVERSAL PERIODIC REVIEW

Report of the Working Group on the Universal Periodic Review *

Bangladesh

Addendum

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

* The present document was not edited before being sent to the United Nations translation services.

A/HRC/11/18/Add.1

Bangladesh Responses to the Recommendations Made During The UPR of Bangladesh on 3 February 2009

Recommendation Response

1 Bangladesh is party to almost all core human rights treaties. Other Human Rights treaties and Optional Protocols are regularly reviewed for possible accession/ ratification. This is an on-going process, needing careful consideration, as it entails specific responsibilities, including multiple reporting obligations, on the part of the State party.

While undertaking such considerations, Bangladesh remains fully sensitive to the basic objectives of the HR treaties/OPs, including those mentioned in this recommendation. Nonetheless, Bangladesh respects these treaty provisions and is making efforts to comply with their objectives.

2 **1951 Refugee Convention**

Although not a party to this Convention, Bangladesh has consistently upheld its principles and objectives. Despite being burdened with a protracted refugee situation originating from a neighbouring country, Bangladesh has not done a single refoulement of the three hundred thousand refugees who came from Myanmar, even in their early stay in Bangladesh, when there was no international presence or support. In a refugee situation where not a single repatriation has taken place for the past three years and with very little burden sharing on the part of the international community, Bangladesh continues to host the remaining refugees, provide improved facilities and upgrade protection measures. Bangladesh's role in protecting the rights of refugees from Myanmar has been recognised by the UNHCR more than once. Accession to this Convention needs to be considered in light of the existing situation and in the overall regional context. This matter remains under regular review by the Government.

ILO Convention No. 169

Bangladesh has ratified the ILO indigenous and tribal population convention, 1957 (No-107) in 1972, which

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Recommendation Response

covers a number of issues including fundamental rights, land rights, employment, vocational training, health etc of the indigenous and tribal peoples. The convention no 111 on discriminations (employment and occupation) was also ratified by Bangladesh in 1972. Though the Convention no. 169 on indigenous and tribal peoples is not yet ratified by Bangladesh, the tribal peoples of CHT are already enjoying most of provisions enshrined in the ILO convention No. 169 through the implementation of the CHT Peace Accord. Most of the provisions of the Accord have already been implemented. The present government is continuing the process of implementation within the framework of the constitution of the People's Republic of Bangladesh.

3 Bangladesh accepts the recommendation of reconsidering its reservations. However, Bangladesh is a country of cultural and religious diversity, and a broad consensus among all communities, therefore, is essential for taking a decision in this regard.

4 Bangladesh accepts the recommendation.

5 Bangladesh has accepted the recommendation, and has already initiated steps to strengthen the human rights mechanisms. The government has already established a National Human Rights Commission under National Human Rights Commission Ordinance, 2007. A bill titled "National Human Rights Commission Bill, 2009" has now been introduced before the Parliament, which is under scrutiny of the Parliamentary Standing Committee for the Ministry of Law, Justice and Parliamentary Affairs.

6 Bangladesh accepts the recommendation, and has already initiated actions.

7 Bangladesh accepts the recommendation, and has already initiated actions.

8 Bangladesh has accepted the recommendation, and has already taken steps to improve some programmes.

Recommendation Response

- Government has recently constituted “The National Council For Women and Children Development” (NCWCD) chaired by the Honourable Prime Minister to recommend amendment to present laws, rules for protection of women and children.
-
- 9 Bangladesh accepts the recommendation.
-
- 10 The Government is committed to address these concerns. However, they will have to be addressed in the overall context of steps taken to further promote and protect human rights in the country. The newly established National Humna Rights Commission is mandated to oversee compliance and make recommendations for specific steps to be undertaken to improve Human Rights situation in the country, including in areas mentioned in the recommendation.
- Law enforcement agencies are under instructions to maintain human rights standards in the discharge of their duties. Human rights issues are also incorporated into training curricula of the members of law enforcement agencies. UNDP, ICRC and some development partners are currently engaged in a series of training courses to sensitize members of law enforcement agencies to human rights issues. The Police Reform Programme is also expected to bring encouraging results in this regard.
-
- 11 Bangladesh accepts the recommendations. The government has already separated judiciary from the executive and has taken necessary steps for effective and prompt justice delivery system. The government has also initiated programmes to include the police and civil society in framing a national strategy for efficient delivery of justice.
-
- 12 Bangladesh has been fully cooperating with the special procedure mechanisms. Some special rapporteurs have visited in recent years. A few requests are pending. We are in the process of finalizing their requests and we expect the visits to begin very soon. We do not consider that the

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Recommendation Response

	issuance of a standing invitation is the only way to ensure full cooperation.
13	Bangladesh accepts the recommendation.
14	Bangladesh accepts the recommendation.
15	<p>Bangladesh accepts the recommendations except for the recommendation on Uniform Family Code.</p> <p>Early marriage and dowry are prohibited and the practices of early marriage and dowry have been made punishable offence under Child Marriage Restraint Act, 1929 and Dowry Prohibition Act, 1980. The government has recently amended the citizenship law and removed the discrimination between man and woman. There is no wage inequalities between men and women and a woman can enjoy 4 months as maternity leave.</p> <p>Bangladesh being a country of diversified cultures and religions, we need to have a broad agreement on a Uniform Family Code that will be acceptable to all religious and ethnic minorities. The government will consult with all concerned parties and members of various religious organizations to achieve a consensus on this issue.</p>
16	Bangladesh accepts the recommendation.
17	The Government does not condone discrimination against anybody on the basis of race, colour, sex, religion, or any other status. Equality for all citizens is guaranteed in the constitution, legal provisions as well as State practice. Moreover, positive measures are in place to facilitate access to education, job and other areas for these groups. The present Government is particularly mindful of the welfare of religious minorities. Allegations of any discrimination are being dealt with seriously.
18	<p>Bangladesh accepts the recommendations.</p> <p>Bangladesh has introduced gender based budgetary system. More than half of its budgetary resources are allocated for</p>

Recommendation Response

poverty reduction. National Strategy for Accelerated Poverty Reduction (NSAPR) focuses especially on poor women. A wide range of safety-net programmes are in place to address multidimensional challenges faced by the poor women and children. They include: (a) Allowance for Widow, Destitute and Deserted Women, (b) Vulnerable Group Development Programme, (c) Vulnerable Group Development for Ultra poor and (d) Allowance for Pregnant and Lactating Mother.

19 Bangladesh is not in a position to accept the recommendation at this stage.

The provision of death penalty is maintained in Bangladesh only as an exemplary punishment for heinous crimes such as throwing of acid, acts of terrorism, planned murder, trafficking of drugs, rape, abduction of women and children. Both the judiciary and administration deal with these cases of capital punishment with extreme caution and compassion, and such punishment is extended only in ultimate cases that relates to gross violation of human rights of the victims. Bangladesh has an extremely low rate of implementation of such death penalties.

The existing legal mechanism also provides several legal recourses against such punishment through the High Court Division of the Supreme Court, which confirms or rejects death sentence passed by a trial court; through the Appellate Division of the Supreme Court, where a defendant can appeal against the death sentence; and through the President, who can pardon the person concerned.

20 The Government does not condone such incident. Sections 60, 61 and 167 of Criminal Procedure Code (CrPC) and Regulations 324, 327 and 328 of Police Regulations lay down modalities for dealing with persons under police custody. The Government is committed to bring an end to all extra-judicial activities by law enforcement agencies, and will bring any official found responsible for such actions to justice.

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Recommendation Response

	Improving prison situations is an ongoing process which is also dependant on resource availability.
21	Bangladesh accepts the recommendation.
22	Bangladesh accepts the recommendation.
23	Bangladesh accepts the recommendation, and is working for ensuring effective implementation of the national plan of action.
24	Bangladesh accepts the recommendation.
25	Bangladesh accepts the recommendation. To further strengthen the judiciary, the government has established separate Judicial Service Commission, Judicial Service Pay Commission and Judicial Administration Training Institute. Recently the Judicial Service Pay Commission recommended a new structure of pay scale for the judicial officers, which is under consideration of the government. For smooth functioning of the judiciary the government has recruited a number of staff in the subordinate judiciary.
26	The Government does not condone such practice, and will bring any official found responsible for such acts to justice.
27	Bangladesh accepts the recommendation concerning the human rights training of judicial officers. The judicial officers are being trained on the issue of rights of women, children and minorities. However, the specific recommendation on sexual orientation can not be accepted. Bangladesh is a society with strong traditional and cultural values. Same-sex activity is not an acceptable norm to any community in the country. Indeed, sexual oreintation is not an issue in Bangaldesh. There has been no concern expressed by any quarter in the country on this. Therefore, the recommendation is out of context.

<i>Recommendation</i>	<i>Response</i>
28	Bangladesh accepts the recommendation and it is already taking necessary measures in this regard.
29	Bangladesh accepts the recommendation. Necessary legislative safeguards are in place.
30	Bangladesh accepts the recommendation.
31	Bangladesh accepts the recommendation.
	In order to ensure food security for its citizens, Bangladesh has adopted programmes to increase food production through timely and affordable agricultural inputs to the farmers. The government has reduced prices of fertilizer and fuel for irrigation, and has been supplying quality seeds, among other farmer-friendly measures.
32	Bangladesh accepts the recommendation.
33	Bangladesh accepts the recommendation.
34	Bangladesh accepts the recommendation, and is in the process of full implementation of the Accord. Most of the provisions of the CHT Peace Accord have already been implemented. The rest will be implemented within the shortest possible time within the framework of the Constitution of Bangladesh.
35	Bangladesh accepts the recommendation.
36	Bangladesh accepts the recommendation.
37	Bangladesh accepts the recommendation.
38	Bangladesh accepts the recommendation.
39	Bangladesh accepts the recommendation.
40	Bangladesh accepts the recommendation.
41	Bangladesh accepts the recommendation.
42	Bangladesh accepts the recommendation.

**UNITED
NATIONS**

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General Assembly

Distr.
GENERAL

A/HRC/11/18
3 March 2009

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Eleventh session
Agenda item 6

UNIVERSAL PERIODIC REVIEW

Report of the Working Group on the Universal Periodic Review *

Bangladesh

* Previously issued under symbol number A/HRC/WG.6/4/L.4; minor revisions have been added under the authority of the secretariat of the Human Rights Council, on the basis of editorial changes made by States through the ad referendum procedure. The annex to the present report is circulated as received.

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Annex

Composition of the delegation

Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fourth session from 2 to 13 February 2009. The review of Bangladesh was held at the 4th meeting on 3 February 2009. The delegation of Bangladesh was headed by Dr Dipu Moni, Minister for Foreign Affairs. At its 8th meeting held on 5 February 2009, the Working Group adopted the present report on Bangladesh.

2. On 8 September 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Bangladesh: Argentina, Egypt, and the Philippines.

3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Bangladesh:

- (a) A national report submitted / written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/4/BGD/1);
- (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/4/BGD/2);
- (c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/4/BGD/3).

4. A list of questions prepared in advance by Czech Republic, Latvia, Liechtenstein, Netherlands, Sweden, the United Kingdom, Denmark and Germany was transmitted to Bangladesh through the troika. These questions are available on the extranet of the UPR.

I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS

A. Presentation by the State under review

5. At the 4th meeting, on 3 February 2009, H.E. Dr Dipu Moni, Minister for Foreign Affairs, made an introductory statement. Her presence at the Universal Periodic Review (UPR) in her first overseas undertaking as Foreign Minister of a newly elected Government underlined the importance her Government attached to the guarantees of the inviolability of fundamental rights provided for in the Bangladesh Constitution.

6. She highlighted significant developments since the presentation of the national report, particularly the lifting of the state of emergency and the holding of free, fair parliamentary elections in the country. The 2008 parliamentary elections, held under a non-party caretaker government, had

witnessed the participation of an unprecedented number of voters. For the first time, more women than men had cast ballots. The electoral process and the outcome were unreservedly lauded by observers from home and abroad. The state of emergency was lifted weeks before the elections, which resulted in full restoration of fundamental rights

7. Bangladesh thanked the international community for its support in the country's democratic transition. The Grand Alliance led by the Awami League had won the elections with a huge margin, and its election manifesto was clear on the issue of promotion and protection of human rights by stating that Bangladesh shall spare no efforts in realizing that goal.

8. The National Report was a result of broad consultations with representations of various stakeholders, and the consultations with civil society had been particularly rewarding as their perspectives had helped shape government positions on a range of issues.

9. A number of institutional reforms undertaken to strengthen rule of law and good governance were highlighted, including separation of the judiciary from the executive.

10. Reference was made to the establishment in 2008 of a National Human Rights Commission, a three-member body headed by a former Supreme Court judge and including a distinguished woman from civil society and a representative from a minority community. The Commission was empowered to receive and investigate allegations of human rights violations from any individual or group and to monitor the overall human rights situation in the country and make appropriate recommendations.

11. The reconstituted Election Commission had completed the registration of 80 million voters, with photographs and biometric features, and the Rules of Procedure of the Anti Corruption Commission had been reformulated. Bangladesh would ensure independent functioning of those institutions, and would adhere to its commitment to the United Nations Convention against Corruption and bring corrupt people to justice.

12. The delegation stressed that economic and social rights were of paramount importance: eradication of poverty was the Government's top priority and more than half the budget had been allocated for poverty-reduction activities. As a result of these and other efforts, poverty declined significantly. Bangladesh was often cited for its best practices of social safety net programmes and the Government had plans to further widen the social safety-net, particularly to combat the impact of the global financial crisis. The Government's emphasis on education was also highlighted: the education sector received the single largest share, about 15 per cent, of the annual

budget.

13. Bangladesh expressed its commitment to food security for all, emphasizing that it had been able to contain the impact of the global food crisis and highlighting its strategy both to reduce food prices further by increasing domestic production and to ensure greater access to agricultural inputs that would improve farmers' productivity and income.

14. The delegation noted the Government's intention to institute comprehensive police reform. Steps were being taken to update and improve the Police Act of 1961. A draft ordinance developed through consultations with all stakeholders stipulated codes of conduct for the police, with a particular focus on upholding human rights in the discharge of duties and on gender guidelines for the treatment of women and children. The process of setting up a victim support centre and a criminal intelligence analysis unit was under way.

15. One of the Government's foremost goals in the field of human rights was to bring to justice all those who committed the most atrocious crimes against humanity during the war of national liberation. The Prime Minister, Sheikh Hasina, had already indicated that Bangladesh would seek United Nations help to ensure that the mechanisms adopted for the proposed trials of the perpetrators met international standards and safeguarded the basic principles of justice. Parliament had passed a unanimous resolution that there would be a trial of the perpetrators and the victims may expect redress. Bangladesh was committed to reversing the culture of impunity that had afflicted other areas of its national life. The Government intended to resurrect due process, expunge extra-judicial modalities and objectives, and promote political harmony and reconciliation.

16. Regarding the status of specific groups, the delegation indicated that women in Bangladesh were increasingly assuming leadership roles at both national and local levels, and that the principal focus had been to eliminate gender disparities in areas of law, economics, politics and family. An Inter-Ministerial Committee co-ordinated the implementation of CEDAW's provisions, resolute action had been taken to stop violence against women, and One- Stop Crisis Centres (OCC) established in all six Divisions for victims of violence provided victims with emergency medical treatment, police assistance, legal aid, and shelter facilities.

17. The delegation provided information on recent amendments to the Citizenship Act. According to the Bangladesh Citizenship (Amendment) Ordinance 2008, children born of a Bangladeshi woman married to a non-Bangladeshi were now entitled to Bangladeshi citizenship. The delegation

also referred to special measures taken to address feminization of poverty, including the Vulnerable Group Development (VGD) Programme with nationwide outreach covering nearly 750,000 poor rural women.

18. Concerning children, reference was made to the National Plan of Action against Sexual Abuse and Exploitation of Children, including Trafficking, and to the National Social Policy on Alternative Models of Care and Protection for Children, which would harmonize national laws on juvenile justice with the Convention on the Rights of the Child. Bangladesh had eliminated child labour from the readymade garments sector, and this remained a noted case for global replication.

19. Among government measures aimed at the development of religious and ethnic minority groups, a separate Ministry had been set up for the tribal communities residing in the Chittagong Hill Tracts. It was mandated to uphold social, economic, cultural and educational rights of the hill people.

20. Bangladesh was attentive to the rights of the persons with disabilities. It had established 46 Focal Points in government ministries and departments to deal with disability issues.

21. Both print and electronic media played a role in protecting citizen's fundamental rights. The existence of some 544 daily newspapers, 357 weeklies, 62 fortnightlies and 93 monthlies was an example of a vibrant print media.

22. Bangladesh acknowledged that the contribution of civil society and NGOs to national socio-economic development and to the promotion and protection of human rights had been praiseworthy. Government-NGO partnership was a hallmark of Bangladesh's development scene. Coordinated activities took place in areas such as agriculture and rural development, physical infrastructure, healthcare and family planning, primary and secondary schooling and environmental protection.

23. Bangladesh noted there were many discriminations and oppressive practices embedded in its age-old social systems and customs. Many of these stemmed from poverty and the absence of real development. Resolving them might and would require time. However, they would be addressed. Bangladesh had embarked on a path of inclusion by striving to guarantee people's rights to food, knowledge, security and vote as well as to end all oppression.

B. Interactive dialogue and responses by the State under review

24. During the inter-active dialogue, statements were made by 48 delegations. Additional statements by twenty-six delegations which could not be delivered

during the dialogue due to time constraints are posted on the UPR extranet when available.**

25. A number of delegations congratulated the delegation of Bangladesh for its comprehensive presentation and for the national report, with its detailed and useful information about the country's achievements and challenges. A number of delegations stressed that Bangladesh had reached out to relevant stakeholders in preparing the national report. Delegations welcomed the establishment in 2008 of a National Human Rights Commission (NHRC), with a mandate *inter alia* to receive allegations of human rights violations and to review the overall human rights situation in the country. Bangladesh was also commended for being a party to most core international human rights instruments and for its micro-credit schemes.

26. A number of delegations welcomed the successful holding in 2008 of free and fair parliamentary elections and the formation of a democratically elected government, events that demonstrated Bangladesh's firm belief in democracy, heralded the return of democratic rule and constituted an essential element for the democratic transition

27. A number of delegations welcomed the significant advances in the field of primary education, being mandatory and free of charge. Schoolbooks are free of charge. Annual allocations for education amounted to 15 per cent of the general budget, with impressive gains in the high net enrolment rate and the positive enrolment ratio of girls to boys. Bangladesh was commended for achieving the MDG related to gender parity in primary and secondary education, and for the decrease in girls' school drop-out rates.

28. A number of delegations welcomed the progress achieved in the field of human rights despite the major challenges that Bangladesh, one of the most densely populated countries, faced because of economic and environmental difficulties.

29. Algeria recommended that Bangladesh pursue its efforts within the Human Rights Council on the issue of climate change and human rights. Noting the considerable efforts made for women's rights, Algeria enquired about the challenges faced and the measures taken to overcome social difficulties impeding the realization of women's rights. Algeria recommended that Bangladesh, with the assistance and cooperation of the international

** Switzerland, Yemen, Denmark, Russian Federation, Japan, Belarus, Serbia, Democratic People's Republic of Korea, South Africa, Kuwait, Jamaica, Latvia, Uzbekistan, Canada, Uruguay, Syrian Arab Republic, Colombia, Sweden, Oman, Ukraine, Slovakia, Afghanistan, Maldives, Djibouti, Jordan, Burkina Faso.

community, pursue its efforts for the realization of rights of women and women's empowerment as an important sector of society that can contribute significantly to the development of the country. Algeria welcomed the major efforts made to reduce poverty and improve living conditions. It recommended that Bangladesh, with the assistance and cooperation of the international community, pursue its efforts, despite constraints, to combat poverty, particularly among women, including material and non material poverty (in terms of exclusion).

30. United Arab Emirates commended the efforts made by Bangladesh to provide the necessary legislative framework to protect human rights, enshrined in the constitution and national laws, by giving full regard to international instruments. They also praised the steps taken to promote the right to education and requested clarifications about the initiative of non formal education.

31. Cuba stressed the serious commitment of Bangladesh to human rights, and the huge efforts made to combat hunger and poverty and guarantee basic needs, particularly in the areas of food, housing, education and health, especially in times of financial crisis. Cuba highlighted the priority given to the rights of women, particularly regarding their participation to economic, political and social life, and the importance given to the rights of the child. It recommended that Bangladesh pursue (a) its positive efforts to promote and protect the right to education, including the education of girls, and (b) its positive efforts for the promotion and protection of the rights of women.

32. Saudi Arabia commended the new government's numerous initiatives to reform the Constitution and review national laws to bring them in line with international instruments. Vaccination campaigns had been successfully carried out, reducing child and infant mortality rates. It recommended that Bangladesh (a) continue its strategic plan adopted in 2005 for eliminating social and economic disparities in order to reduce poverty, in particular in isolated regions, and (b) continue while working with concerned parties, its comprehensive national strategy to improve the health situation, in particular to promote women's health during pregnancy and post natal care.

33. Venezuela noted that more than 60 million people live below the poverty line in Bangladesh and acknowledged the efforts made to reduce poverty. It encouraged Bangladesh to spare no efforts to consolidate programmes of social protection and assistance, in particular programmes for the transfer of food, development programmes on behalf of vulnerable groups, particularly women in poverty, and micro-credit programmes which have produced positive results for this segment of the population. Venezuela requested more

information on the Strategy for Poverty Reduction in the Lagging Regions of Bangladesh, which should take into consideration the impact of the international food and financial crises.

34. The Lao People's Democratic Republic recognized that Bangladesh had made significant progress in the field of human rights, including in national security, development and education. It recommended that Bangladesh (a) strengthen and continue sharing its experience and the promotion of the role of gender in the national leadership, (b) and enhance the promotion and protection of fundamental human rights in accordance with its level of socio-economic development through harmonization with international human rights instruments.

35. Nicaragua congratulated Bangladesh for its firm resolve to remain faithful to its obligations under human rights instruments and its compliance with the voluntary commitments made to the Human Rights Council. Institutional reforms had been undertaken, enabling the public administration to be more effective in promoting human rights. It enquired whether the NHRC was established according to the Paris Principles, and recommended, if this is not the case, that Bangladesh bear in mind these Principles in establishing the Commission to guarantee its full independence in the exercise of its functions.

36. Singapore indicated that the new Government is committed to continuing the promotion of human rights. Singapore recognized the recent enactment and/or amendment of relevant domestic legislation. Bangladesh had been right to focus on poverty alleviation and eradication, on women's empowerment and the rights of children. Singapore recommended that the Government continued to place emphasis on these areas. It commended the valuable role played by many NGOs and innovative social enterprises in contributing to improving the lives of millions of people.

37. France welcomed the lifting of the state of emergency and the constructive reforms undertaken. It asked (a) when Bangladesh intended acceding to and implementing the Convention relating to the Status of Refugees (b) what measures were envisaged to effectively implement legal instruments on women's rights, in particular laws relating to prevention of violence, under-age marriages and the practice of dowries; and (c) what measures were being taken to abolish child labour and to implement the related national plan of action. France (a) invited Bangladesh to ratify OP-CAT; (b) strongly encouraged it to abolish the death penalty, and while awaiting such decision, to adopt a moratorium on executions, and (c) recommended the withdrawal of all reservations to the CEDAW.

38. Brazil recognized the important initiatives to protect children and women and affirmative actions to guarantee access of ethnic minorities to higher education and to government recruitment. Poverty alleviation has been a priority of Bangladesh. Brazil requested information about the adoption of a comprehensive approach to address violence against women and about measures to guarantee the security of minorities and ethnic communities. Brazil recommended (a) bearing in mind Human Rights Council resolution 9/12, entitled "Human rights goals", the ratification of the 1951 Convention relating to the Status of Refugees; (b) bearing in mind General Assembly resolution 62/149, the establishment of a moratorium on executions, with a view to abolishing the death penalty; (c) taking into account the provisions of the Convention on the Rights of the Child, the taking of further measures to prohibit all forms of violence against children, including corporal punishment, and the raising of the minimum age of criminal responsibility; (d) positive consideration of the request to visit by the Special Rapporteur on summary executions.

39. Malaysia noted the reform of the Election Commission, the separation of the judiciary from the executive and the important progress in the realization of the right to food and the fight against poverty. Malaysia (a) recommended that Bangladesh share its experience and best practices in this area with other developing countries. Malaysia applauded the efforts to achieve economic growth and social progress, and was encouraged by the serious efforts made to combat violence against women and children. It (b) recommended that Bangladesh redouble efforts and allocate more resources in this area, in particular through increasing women's empowerment, public awareness, education and training, as well as increase vigilance and monitoring by the relevant authorities.

40. Pakistan said that the strengths of the Bangladesh society included adherence to pluralism, democracy, gender justice and women's empowerment. Bangladesh deserved appreciation for its National Women's development policy, vibrant media and civil society. Its judiciary has played an important role for human rights. Pakistan welcomed the significant actions taken for the rights of people with disabilities and indicated that the vision of the newly elected government requires international support, especially towards combating the adverse effects of climate change.

41. Chile welcomed the efforts by Bangladesh to promote human rights. Bangladesh has not ratified OP-ICCPR 1 and OP-ICCPR 2, OP-CAT, CED and ICRMW. Chile (a) recommended that it consider doing so. Chile asked about follow-up to CEDAW's call for the adoption of a comprehensive approach to combat and eradicate violence against women. Chile noted that Committee

on the Rights of the Child was concerned about the sentencing to life imprisonment of children from the age of 7 years and to the death penalty of children from the age of 16 years. It recommended that Bangladesh (b) adopt a moratorium on the death penalty, as a primary step towards its abolition; and (c) consider abolishing article 377 of the Penal Code, which criminalizes sexuality against the “order of nature”.

42. Indonesia appreciated the strategies to achieve democratic goals and to cooperate with international human rights mechanisms. It noted initiatives undertaken in the fields of education and health care, and encouraging results in reducing infant and maternal mortality. It asked Bangladesh about strategies to meet its MDGs. Indonesia recommended that Bangladesh continue its efforts to further the enforcement of child rights and laws. It hoped that the international community would support Bangladesh in its efforts.

43. Bahrain mentioned that national plans and projects had been developed to combat poverty and increase per capita income. The 2000 national policy aimed at providing basic health care without discrimination. A national strategy had been adopted to provide maternal and child care and to reduce mortality rates. Bahrain commended the adoption of a national food policy and recommended that Bangladesh (a) continue efforts to draw up a national plan to provide health care to all without discrimination and (b) create job opportunities and provide social services to face development challenges and combat poverty.

44. Egypt noted that the government and civil society have been implementing programmes for poverty alleviation, employment and income generation for the poor and the disadvantaged. Egypt enquired, inter alia, about efforts of Bangladesh to address multi-dimensional challenges in fulfilling its human rights commitments, about its specific needs in terms of technical assistance and capacity building and training, and how the international community and OHCHR could help in implementing its human rights strategy. Egypt recommended that Bangladesh (a) continue its efforts to strengthen its national human rights mechanisms and continuously upgrade its laws, policies and institutions in the area of the promotion and protection of human rights; (b) continue its efforts to develop the work of its national institution for human rights, as an effective human rights watchdog; (c) build, with international support, the national capacities to fulfil the reporting obligations to treaty bodies and (d) continue its efforts to ensure consistency between national laws and international human rights conventions which it has ratified.

45. Zimbabwe applauded Bangladesh for placing emphasis on actualization of all human rights through democratic governance, institutional strengthening and pro-poor policies. Welcoming achievements in poverty reduction, it recommended that Bangladesh continue to implement identified measures, plans and policies focusing mainly on poverty eradication.

46. Myanmar noted with admiration that Bangladesh has adopted a peaceful and successful democratic transition in 2008 and commended its continued efforts for human rights. Myanmar said that the international community should extend its sincere support for the advancement of fundamental rights to all citizens of Bangladesh.

47. Thailand welcomed the special emphasis placed on poverty alleviation; concrete steps taken to attain the MDGs; measures taken to address feminization of poverty and initiatives empowering women such as the Vulnerable Group Development Programme. Thailand urged Bangladesh to ensure the full and effective implementation of existing laws and policies relating to the rights of women and children, in order to protect these rights and eliminate all forms of discrimination.

48. Sri Lanka was heartened by the recent progress made in further strengthening democracy, good governance and the rule of law and welcomed the recent institutional reform initiatives. It welcomed the holistic and multi-pronged approaches being implemented to alleviate poverty and promote human rights. It welcomed the encouraging advances in achieving human development and MDG's. Sri Lanka was pleased to see that women are increasingly assuming leadership roles and asked for more information and best practices on efforts to combat trafficking in women and children.

49. Turkey welcomed the announced plan to introduce a "bribery-free court management". It encouraged Bangladesh to pursue the reform agenda to strengthen the independence of the judiciary, combat impunity and address basic needs in over-crowded prisons. Treaty bodies and ILO expressed concern at the prevalence of child labour and incidences of sexual exploitation of children. Turkey recommended that Bangladesh (a) ensure an effective monitoring mechanism to oversee the implementation of the National Child Labour Policy, which it welcomed; and (b) continue to take measures towards the effective implementation of the National Plan of Action against Sexual Abuse and Exploitation of Children including Trafficking. Turkey welcomed the significant progress to reduce poverty, highlighting the focus placed on disadvantaged groups and the establishment of social safety nets.

50. Bhutan welcomed the separation of the judiciary from the executive, which will strengthen good governance, rule of law and the judicial system.

Bhutan recommended that Bangladesh (a) continue its good work in further strengthening the judiciary; (b) continue, with international support and cooperation, efforts to ensure basic necessities, particularly in terms of food, clothing, shelter and education; and (c) continue and strengthen, with international support and cooperation, its efforts to mitigate the negative impact of climate change, as well as disaster management programmes.

51. Senegal acknowledged the considerable efforts of Bangladesh to reinforce its institutional and legal architecture. Significant progress has been made, inter alia, in the areas of assistance to persons with disabilities, eradication of poverty and hunger. Senegal encouraged Bangladesh to stick to the path of their economic and social development, in particular by reinforcing efforts regarding awareness-raising and education, with specific attention to people in rural areas, and by regularly submitting their periodic reports to treaty bodies.

52. The Netherlands noted that the creation and strengthening of key institutions are important achievements. Efforts to tackle impunity and corruption are commendable, but much remains to be done. The Netherlands recommended that the government (a) ratify the optional protocol to the convention against torture, take measures to protect human rights defenders, including journalists, address the problems of extrajudicial killings and torture by security forces and improve prison situations; (b) take steps to further strengthen the National Human Rights Commission and the Anti-corruption Commission to ensure that they will be able to operate independently and effectively; (c) ensure that women's rights are protected, through effective implementation of existing laws, the development of a comprehensive national action plan to combat violence against women and the adoption of a family code complying with CEDAW's provisions; and (d) eradicate child labour starting with taking steps to finalize the National child labour policy and to implement the plan of action to eliminate the worst forms of child labour.

53. Australia welcomed the improvement of human rights trends under the Caretaker Government and plans to further implement human rights treaties. Australia recommended that Bangladesh (a) take measures to protect human rights defenders, including journalists; (b) take measures to ensure women's rights are protected through implementing existing laws such as the Early marriage Act and the Dowry Act; (c) take steps to eradicate child labour such as finalizing the National Child Labour Policy and implementing the plan of action to eliminate the worst forms of child labour. It encouraged Bangladesh to (d) take steps to protect the social, economic and cultural rights of minorities, refugees and displaced persons and recommended that Bangladesh:

(e) take steps to implement the Chittagong Hill Tracts Peace Accord; (f) take steps to address the culture of impunity for human rights violations by law enforcement agencies. While welcoming efforts to separate the judiciary from the executive, Australia recommended that the government (g) now take measures to ensure the independence of the judiciary, the NHRC and the Anti-Corruption Commission.

54. Viet Nam noted with appreciation the legislative and enforcement reforms in such areas as health, food security, poverty alleviation, rights of women, children and other vulnerable groups. Viet Nam commended Bangladesh for its active role as a member of the HRC and recommended that Bangladesh continue its efforts to ensure the right to food for the citizens. It called on the international community to respond favourably to Bangladesh's request for capacity building and technical assistance to overcome the difficulties and challenges it faces.

55. Azerbaijan noted the level of cooperation between the government and civil society; and reforms contributing to the improvement of the legal framework. Azerbaijan commended Bangladesh for its firm intention to ensure the rights of vulnerable groups, emphasizing progress made in healthcare, and poverty reduction. Azerbaijan recommended that Bangladesh (a) further continue its efforts to improve the human right situation on the ground, with the technical and financial assistance of the international community; (b) consider ratifying ICRMW; (c) take further measures aimed at raising awareness about human rights among the population at large; and (d) continue its efforts in combating corruption.

56. Nepal noted that Bangladesh adopted numerous laws and mechanisms to meet its obligations and uphold human rights. It underlined the commitment of Bangladesh towards the inclusion of religious minorities and tribal people in the national mainstream. Bangladesh's efforts to the socio-economic development are commendable. Nepal noted significant efforts in poverty alleviation, health and women's empowerment, social safety nets, progress towards the realization of the MDGs. It mentioned that the elected government works to consolidate democratic achievements along with vibrant civil society and free media.

57. Sudan noted that reform measures were introduced to assist the private sector, lead industrial development and provide social safety nets for vulnerable groups. Sudan recommended that the government (a) continue its efforts to protect and promote human rights in compliance with international standards; (b) share with the Sudan and other least and developing countries its best practice of the social safety net and empowerment. It requested the

International community to help Bangladesh to encounter all challenges mentioned in its national report, especially poverty alleviation and improvement of the living standards of its people and all environmental constraints that challenge human rights and development efforts. Sudan urged the International Community to help Bangladesh through different programmes of capacity building and technical assistance.

58. The Minister stated that the National Human Rights Commission of Bangladesh was an independent organization that had already started functioning. Bangladesh had identified some areas which would need to be addressed to further strengthen it in line with the Paris Principles. She indicated the Government's willingness to provide all assistance, technical, financial and otherwise, to make it a strong institution dedicated to the promotion and protection of human rights of the Bangladesh people.

59. The Minister drew attention to the national report that elaborated on Bangladesh's commitment and the measures taken to curb violence against women and children. She stated that in compliance with its national and international obligations, Bangladesh would continue working on this very important issue in partnership with NGOs and civil society organisations referring to several laws that address violence against women and children in Bangladesh. She also noted the existence of a separate tribunal for trying cases of violence against women and children. Moreover, she stated that Bangladesh would give full effort for strict implementation of existing laws and initiatives to promote and protect the human rights of women and children.

60. The Minister informed that Bangladesh was addressing the issue of child labour involving children in a comprehensive manner. She noted Government actions on children, including elimination of child labour and ensuring for the rights to health, nutrition, education, water and sanitation. She noted the Bangladesh's successful elimination of child labour from garment sector and the progress being made in other sectors. Bangladesh was trying to counter child labour in informal sectors through provision of free primary and secondary education and through cash for education programmes. She stated that Bangladesh was also committed to implementing the objectives of the global plan of action of the Convention on the Rights of the Child (CRC).

61. The Minister referred to a number of governmental measures aimed at promoting development of the minority groups, noting different welfare trusts for people belonging to the Hindu, the Buddhist, and the Christian religion. She further referred to a council for inter-faith harmony, where religious leaders from all communities work collectively for development

issues like prevention of HIV/AIDS, reproductive health, and primary education. She further noted the government efforts to ensure representation of religious and ethnic minorities at all levels of government service, parliament and public life.

62. The Minister noted that the judiciary had been extremely cautious in awarding death sentences. The death penalty had been given only as exemplary punishments in case of most heinous crimes. The Minister referred to the right to appeal against the death sentence and the President's power to commute death sentences into other forms of punishment.

63. With regard to the accession to the 1951 United Nations Convention Relating to the Status of Refugees, the Minister noted that the Convention contains certain inherent weaknesses making it less relevant in today's situations related to refugee movement, including lack of mechanisms for preventing mass outflow, burden sharing, speedy assistance for those most in need or maximum utilization of the available resources.

64. Czech Republic recommended that Bangladesh (a) adopt further measures to fight impunity for human rights violations, including by law enforcement officials; (b) accede to OPCAT and (c) the 1951 Convention relating to the Status of Refugees. It asked whether and in which time frame pending visits from special procedures could take place, and recommended that Bangladesh (d) issue and implement a standing invitation to all special procedures. It further recommended that Bangladesh (e) review its domestic legislation and practice to bring them both in compliance with its international obligations in the area of the rights of the child, in particular regarding (i) protection against kidnapping and trafficking, and (ii) the juvenile justice system, including through providing adequate separate facilities of corresponding capacity for juveniles in detention or prison and adopting specific measures for the protection of their human rights. Asking whether women in mixed marriages can transfer their citizenship to their children, it recommended that Bangladesh: (f) amend the relevant legal provision; (g) provide human rights training to law enforcement and judicial officers, with a specific focus on the protection of the rights of women, children and persons of minority sexual orientation or gender identity, (h) adopt further measures to ensure protection of these persons against violence and abuse and (i) decriminalize same sex activity between consenting adults and adopt further measures to promote tolerance in this regard.

65. Palestine noticed that the government works to protect specific vulnerable groups. Palestine encouraged Bangladesh to proceed with adequate measures to eliminate gender disparities, attain equality through sustainable

development, support actively the refugees and adopt a plan of action for eliminating child labor by promoting basic education. Palestine recommended that Bangladesh pursue its efforts in incorporating sustainable environmental development into its policies, considering the impact of natural disaster and degradation of natural resources on human rights despite all existing challenges.

66. Morocco welcomed Bangladesh's objectives, including to achieve the MDG's, in particular combating extreme poverty, through for example, the strategy to reduce poverty in isolated areas, the social protection programs and the fund for providing shelters for the homeless. Morocco requested more information on the NHRC.

67. Qatar indicated that Bangladesh is striving to realize human rights in a comprehensive manner. Policies adopted are related, inter alia, to good governance, human rights, economic and social development, combating poverty, promoting women's rights and an active and responsible society. Qatar mentioned that poverty remains a major problem of Bangladesh, and invited the OHCHR to extend assistance to the government in order to face the challenges impeding the development of human rights.

68. Mexico noted that there are reportedly a culture of impunity in Bangladesh, arbitrary and extrajudicial executions, a practice of torture and degrading treatments. It recommended that Bangladesh (a) develop a national human rights programme to give a new impetus to its commitment and determination to tackle these national problems, and (b) extend a standing invitation to human rights mechanisms to visit the country and to support national efforts in these areas. It also recommended that Bangladesh positively consider acceding to (c) ICRMW, (d) CED and (e) ILO No. 169 Convention on Indigenous and Tribal Peoples; and that it (f) consider accession to the 1951 Refugee Convention and taking measures to ensure effective protection of the human rights of refugees.

69. Liechtenstein welcomed measures taken to increase girls and women's literacy rates. Recalling concerns expressed by CEDAW and CRC about the existence of harmful traditional practices, Liechtenstein (a) recommended that Bangladesh intensify its efforts to protect children from early and forced marriages. Stressing CEDAW's concern at the persistence of violence against women, including domestic violence, rape, acid throwing, dowry-related violence, fatwainstigated violence and sexual harassment in the workplace, Liechtenstein recommended that Bangladesh (b) adopt a comprehensive strategy to combat all forms of violence against women and girls. It also recommended (c) acceding to OP-CAT.

70. India congratulated Bangladesh for the significant steps taken recently to strengthen democracy and enhance the promotion and protection of human Rights. India noted the enactment of the Right to Information Act. They also praised the various achievements reached in primary education.

71. Cambodia commended efforts to conduct, among others, police and local government reforms. Efforts made to reduce poverty included the introduction of new social safety nets such as the Cash transfer Programme and the 100 Days of Employment Generation programme. Cambodia wished that Bangladesh continue those programmes. Cambodia recommended that Bangladesh continue to fight poverty with the active support of the international community.

72. China said that Bangladesh has taken effective measures to combat corruption, promote democracy, reform State institutions and the police system and promote national economic development. Remarkable results were achieved in advancing the status of women, protecting the rights and interests of minority groups and combating trafficking in persons. China called on the international community to continue to provide and increase economic and technical assistance to Bangladesh and help it to strengthen capacity building to raise the level of economic, social and cultural rights. China recommended to the government to continue to promote non- formal education in order to make greater progress in advancing people's education level.

73. Germany asked about measures envisaged to address the problem of food insecurity. It noted the serious concerns expressed by CRC, including on ill-treatment and violence against children, juvenile justice, and child labour. Germany asked about the measures taken to protect children, plans to increase the number of birth registrations and whether Bangladesh is considering withdrawing its reservations to the CRC. It recommended that Bangladesh (a) continue combating discrimination and violence against women and girls by enacting effective laws and implementing them effectively, (b) adopt without delay a uniform Family Code that fully complies with the provisions of CEDAW, and (c) fight impunity and holds all officers and persons acting on their behalf accountable for acts of torture and harassment of civilians.

74. Nigeria noted the efforts made regarding women's rights and empowerment as well as progress made in children's rights and welfare, education and primary healthcare. It called on the international community to provide support to Bangladesh to fulfil its human rights obligations and attain its overall MDGs. Nigeria congratulated and encouraged Bangladesh

to continue to improve its policies and programs towards advancing the status of women, girls, children, including those with disabilities and the overall human rights situation, both in the enjoyment of civil and political rights as well as social, economic and cultural rights.

75. Holy See noted positive measures against human rights violations, including the establishment of institutions addressing violence against women and children. It noted a number of cases where people suffered from violence and discrimination, especially women of minority religions, including Hinduism and Christianity.. It recommended that Bangladesh investigate complaints concerning discrimination against members of minority religions, while developing educational and awareness programmes addressing these human rights violations. It asked about measures envisaged to confront the plight of indigenous peoples.

76. Italy recommended that Bangladesh (a) as a first step, consider amending their legislation on the death penalty in order to restrict its scope and adjust it to the international minimum standards on the death penalty, and (b) in light of the increasing awareness of the international community on the matter, as reflected in General Assembly resolutions approved in 2007 and 2008, consider the establishment of a moratorium on the use of the death penalty with a view to abolition. Italy indicated that the special rapporteur on religious freedom noticed in 2000, some restrictions on religious freedom, in particular on the activities of the Ahmadi community and that the situation has not changed yet. It recommended that Bangladesh (c) consider enhancing the protection of religious freedom by adopting legislative measures and promoting awareness raising campaigns. Italy expressed concern about children's rights and asked about measures taken, including in particular on protecting girls from early and forced marriages. It recommended to Bangladesh to (d) intensify its efforts to implement without delay existing laws concerning the protection of the rights of the child, including the births and deaths registration Act of 2004.

77. Norway acknowledged efforts to strengthen the human rights situation and recommended that (a) full implementation of the Chittagong Hill Tracts Accord be made a matter of priority and that a time frame for its full implementation be developed. Noting that Bangladesh accepted the individual complaint procedure under CEDAW, Norway recommended that it (b) consider ratifying other individual complaints procedures under the treaties to which it is a party. Norway recommended that Bangladesh (c) adopt a uniform Family Code that fully complies with the provision of the Convention on the Elimination of All Forms of Discrimination Against Women. Noting CEDAW's concerns, Norway recommended (d) the

adoption of a comprehensive action plan to address wage inequalities and that maternity leave be made available in all public and private employments. It recommended that Bangladesh (e) withdraw reservations to articles 2 and 16(1)(c) of CEDAW.

78. Islamic Republic of Iran mentioned that Bangladesh has made considerable socioeconomic progress which has a positive influence on enjoyment of human rights. It welcomed the recent enactment or amendment of domestic human rights legislation and asked about measures to ensure enforcement at the national level of the conventions to which Bangladesh is a party.

79. United Kingdom welcomed reforms, including towards the separation of lower judiciary and the executive and the re-constitution of the Anti-Corruption and Election Commissions. Bangladesh retains reservations to some treaties. Extra-judicial killings, custodial deaths and torture are reported. Prisons are overcrowded and domestic violence remains commonplace. The prohibition of child labour is not always enforced in the informal sector and a high proportion of children with disabilities do not have access to mainstream primary education. It recommended (a) that Bangladesh take steps to devise a national strategy for delivering justice, to include the police, the judiciary, civil society and government; (b) the NHRC be given powers to effectively protect human rights in accordance with the Paris principles; (c) that Bangladesh take further steps to address discrimination against vulnerable groups; and (d) the full involvement of civil society in the follow-up to this review.

80. Republic of Korea noted with satisfaction the Government's strong will to realize all human rights through democratic governance. It indicated that although Bangladesh adopted the prevention of women and children repression Act and the Acid Control Act, CEDAW and CRC expressed concern that violence against women and girls, including acid throwing continues to exist. It recommended to Bangladesh to adopt a comprehensive approach to address violence against women and girls and to take effective measures to protect them.

81. Tunisia underlined that Bangladesh makes important efforts to ensure human rights, and has constantly striven to involve all components of the society into the political and economic life. Women are playing more leadership roles. The government continues to give its support to school attendance by providing a financial assistance to poor families. Tunisia requested information on the implementation of these programmes and their social impact.

82. Slovenia recommended that Bangladesh reconsider its position on reservations to international human rights treaties and invited Bangladesh to accede to those international treaties to which it is not a party. Slovenia remained deeply concerned about reports of abuse and sexual molestation of girls and inaccessibility to school. It asked Bangladesh about the intended concrete steps to respond to the reports of CRC, CEDAW, UNICEF and others and to implement their recommendations on the issue of discrimination

83. The Minister responded to the questions raised and comments made. She confirmed that Bangladesh is considering acceding to OP-CAT.

84. The Minister stated that Bangladesh is genuinely open to hosting the Special Procedures that are relevant to its contexts announcing that Bangladesh would soon be inviting a couple of special rapporteurs.

85. The Minister stated that protection of human rights is part of the regular training programmes designed for law enforcement and judicial officials and for other civil servants. She referred to the police reform project supported by UNDP and other bilateral development partners, under which gender sensitisation training programmes were held. She also referred to human rights training provided by bilateral development partners to some special law enforcing forces, including the Rapid Action Battalion. She expressed hope that the newly established National Human Rights Commission would play a critical role in raising awareness among the law enforcement personnel and judicial officials in terms of the obligation to respect human rights of the suspects in the course of their official work.

86. The Minister stated that Bangladesh had made considerable progress in addressing the problem of trafficking in women and children, noting that awareness campaigns and increased vigilance by concerned agencies had raised the number of arrests and prosecutions of perpetrators of human trafficking.

87. The Minister informed that Bangladesh had the policy of zero tolerance on matters of extra judicial killings, torture, and deaths in custody. She also informed that Bangladesh was working to initiate trials of war criminals who had committed crimes against humanity during the 1971 war of liberation.

88. The Minister stated that Bangladesh was committed to ensuring freedom of the media and protection of journalists underlining that partnership between NGOs and the Government had played a critical role in improving social indicators and expressing its intention to further strengthen this partnership.

89. The Permanent Representative of Bangladesh stated that the most important way of addressing the human rights in Bangladesh was considered to be ensuring the right to employment. He stated that the Bangladesh's economic growth approach had focused on areas where poor can get the jobs, particularly in the agriculture, infrastructure development as well as non-formal activities and rural activities. He noted that in order to generate the capabilities of the poor, education has been highly emphasized whereby the education sector had received high boost.

90. The Minister acknowledged that Bangladesh had immensely benefited from the dialogue as it offered an opportunity to exchange views on human rights situation in Bangladesh. Bangladesh took pride in the fact that many of its initiatives and ideas such as micro-credit and non-formal education were seen globally as examples of "best practices", while it remained keenly aware of its shortcomings.

91. The Minister noted that poverty eradication and ensuring basic livelihood, therefore, remained at the core of its development initiatives. She also noted that Bangladesh suffered from the perils of climate change for no fault of its own. All these impediments are seriously affecting socio-economic development of the Bangladeshi people, which would, in turn, have a negative impact on the full enjoyment of human rights.

92. The Minister expressed hope for a better understanding of the need to address the development concerns faced by Bangladesh and for support of the international community in this regard. She emphasized that achieving the MDGs was one of the necessary pre-conditions for fuller enjoyment of the rights of Bangladeshi citizens.

93. The Minister announced that Bangladesh would give due consideration to all the recommendations that are consistent with the expectations of the Bangladeshi people.

II. CONCLUSIONS AND/OR RECOMMENDATIONS

94. In the course of the discussion, the following recommendations were made to Bangladesh

1. Consider ratifying or acceding to: OP-ICCPR 2, (Chile), OP-CAT (France, The Netherlands, Chile, Czech Republic, Liechtenstein); ICRMW (Chile, Azerbaijan, Mexico); CED (Chile, Mexico); other individual complaints procedures under the treaties to which it is a party (Norway); OP-ICCPR 1 (Chile); other core international treaties to which it is not a party (Slovenia).

2. Consider ratifying or acceding to: 1951 Refugee Convention (Brazil, Chile, Czech Republic, Mexico), bearing in mind resolution 9/12 of the Human Rights Council entitled “Human rights goals” (Brazil); ILO No. 169 Convention on Indigenous and Tribal Peoples (Mexico).
3. Reconsider its position on reservations (Slovenia); and withdraw reservations to CEDAW (France) and to Articles 2 and 16 (1) (c) of CEDAW (Norway).
4. Continue its efforts to protect and promote human rights in compliance with international standards (Sudan); Enhance the promotion and protection of fundamental human rights in accordance with the level of socio-economic development of the country in keeping with international human rights instruments (Lao PDR); Continue its efforts to ensure consistency between national laws and international human rights conventions which it has ratified (Egypt).
5. Continue its efforts to strengthen its national human rights mechanisms and continuously upgrade its laws, policies and institutions in the area of the promotion and protection of human rights (Egypt).
6. Continue its efforts to develop the work of its national institution for human rights, as an effective human rights watchdog (Egypt); Give powers to the NHRC to effectively protect human rights in accordance with the Paris principles (United Kingdom).
7. Take steps to further strengthen the National Human Rights Commission and the Anti-corruption Commission to ensure that they will be able to operate independently and effectively (Netherlands, Australia)
8. Continue to improve its policies and programmes towards advancing the status of women, girls, children, including those with disabilities and the overall human rights situation, both in the enjoyment of civil and political rights as well as social, economic and cultural rights (Nigeria).
9. Take further measures aimed at raising awareness about human rights among the population at large (Azerbaijan).
10. Develop a national human rights programme to give a new impetus to its commitment and determination to tackle national problems, such as a culture of impunity, arbitrary and extrajudicial executions and a practice of torture and degrading treatment (Mexico).

11. Take steps to devise a national strategy for delivering justice, to include the police, the judiciary, civil society and government (United Kingdom).
12. Issue and implement a standing invitation to all special procedures (Czech Republic); Extend a standing invitation to human rights mechanisms to visit the country and to support national efforts in these areas (Mexico); Positively consider the visit requested by the special rapporteur on summary executions (Brazil).
13. Ensure the full and effective implementation of existing laws and policies relating to the rights of women and children, in order to protect these rights and eliminate all forms of discrimination (Thailand); Continue to place emphasis on poverty alleviation and eradication, on women's empowerment and children's rights (Singapore).
14. Pursue its positive efforts for the promotion and protection of the rights of women (Cuba); Strengthen and continue sharing its experience and the promotion of the role of gender in the national leadership (Lao PDR).
15. Take measures to ensure women's rights are protected through implementing existing laws such as the Early Marriage Act and the Dowry Act (Australia); Continue combating discrimination and violence against women and girls by elaborating effective laws and implementing them effectively, and adopt without delay (Germany) a uniform Family Code that fully complies with the provisions of CEDAW (Norway); Ensure that women's rights are protected, through effective implementation of existing laws, the development of a comprehensive national action plan to combat violence against women and the adoption of a family code complying with the provisions of CEDAW (Netherlands); Intensify its efforts to protect children from early and forced marriages (Liechtenstein); Amend, if necessary, the relevant discriminatory legal provision concerning the transfer of citizenship to children of women in mixed marriages (Czech Republic); Adopt a comprehensive action plan to address wage inequalities and make available maternity leave in all public and private employments (Norway).
16. Taking into account the provisions of the CRC, take further measures to prohibit all forms of violence against children, including corporal punishment and to raise the minimum age of criminal responsibility (Brazil); Review its domestic legislation and practice to bring them both in compliance with its international obligations in the area of

the rights of the child, in particular regarding (i) protection against kidnapping and trafficking, and (ii) the juvenile justice system including through providing adequate separate facilities of corresponding capacity for juveniles in detention or prison and adopting specific measures for the protection of their human rights (Czech Republic); Continue its efforts to further the enforcement of child rights and laws (Indonesia); Intensify its efforts to implement without delay existing laws concerning the protection of the rights of the child, including the births and deaths registration Act of 2004 (Italy).

17. Investigate complaints concerning discrimination against members of minority religions, while developing educational and awareness programmes addressing these human rights violations (Holy See).
18. Take further steps to address discrimination against vulnerable groups (United Kingdom); Take measures to ensure the effective protection of the human rights of refugees (Mexico).
19. Strongly encouraged to abolish the death penalty, and while awaiting such decision, to adopt a moratorium on executions (France); Recalling General Assembly resolution 62/149, establish a moratorium on executions with a view to abolishing the death penalty (Brazil); Adopt a moratorium on the death penalty, as a primary step towards its abolition (Chile); As a first step, consider amending their legislation on the death penalty in order to restrict its scope and adjust it to the international minimum standards on the death penalty, and, in the light of the increasing awareness of the international community on the matter, as reflected in General Assembly resolutions approved in 2007 and 2008, consider the establishment of a moratorium on the use of the death penalty with a view to abolishing capital punishment in the national legislation (Italy).
20. Address the problems of extrajudicial killings and torture by security forces and improve prison situations (Netherlands).
21. Redouble its efforts and allocate more resources to address the problem of violence against women and children in this area, in particular through increasing women's empowerment, public awareness, education and training as well as increase vigilance and monitoring by the relevant authorities (Malaysia); Adopt a comprehensive strategy to combat all forms of violence against women and girls (Liechtenstein); Adopt a comprehensive approach

- to address violence against women and girls and to take effective measures to protect them (Republic of Korea).
22. Take steps to eradicate child labour such as finalizing the National Child Labour Policy and implementing the plan of action to eliminate the worst forms of child labour (Australia); Ensure an effective monitoring mechanism to oversee the implementation of the National Child Labour Policy (Turkey); Eradicate child labour starting with taking steps to finalize the National child labour policy and to implement the plan of action to eliminate the worst forms of child labour (Netherlands).
 23. Continue to take measures towards the effective implementation of the National Plan of Action against Sexual Abuse and Exploitation of Children including Trafficking (Turkey).
 24. Continue its efforts in combating corruption (Azerbaijan).
 25. Continue its good work in further strengthening the judiciary in the country (Bhutan); Take measures to ensure the independence of the judiciary (Australia).
 26. Take steps to address the culture of impunity for human rights violations by law enforcement agencies (Australia); Adopt further measures to fight impunity for human rights violations, including by law enforcement officials (Czech Republic); Fight impunity and hold all officers and persons acting on their behalf accountable for acts of torture and harassment of civilians (Germany).
 27. Provide human rights training to law enforcement and judicial officers, with a specific focus on the protection of the rights of women, children and persons of minority sexual orientation or gender identity and adopt further measures to ensure protection of these persons against violence and abuse (Czech Republic); Consider abolishing article 377 of the Penal Code, which criminalizes sexuality against the “order of nature” (Chile); Decriminalize same sex activity between consenting adults and adopt further measures to promote tolerance in this regard (Czech Republic).
 28. Take measures to protect human rights defenders, including journalists (Australia, Netherlands);
 29. Consider enhancing the protection of religious freedom by adopting legislative measures and promoting awareness raising campaigns (Italy).

30. Continue its strategic plan adopted in 2005 for eliminating social and economic disparities in order to reduce poverty, in particular in isolated regions (Saudi Arabia); Spare no efforts to consolidate programmes of social protection and assistance, in particular programmes for the transfer of food, development programmes on behalf of vulnerable groups, particularly women in poverty, and micro-credit programmes which have produced positive results for this segment of the population (Venezuela); Continue to implement identified measures, plans and policies focusing mainly on poverty eradication (Zimbabwe); Create job opportunities and provide social services to face development challenges and combat poverty (Bahrain).
31. Continue its efforts to ensure the right to food for the citizens (Vietnam).
32. Continue, while working with concerned parties, its comprehensive national strategy to improve the health situation, in particular to promote women's health during pregnancy and post natal care (Saudi Arabia); Continue the efforts to draw up a national plan to provide health care to all without discrimination (Bahrain).
33. Pursue its positive efforts to promote and protect the right to education, including the education of girls (Cuba); Continue to promote non-formal education in order to make greater progress in advancing people's education level (China).
34. Fully implement the Chittagong Hill Tracts Accord as a matter of priority and develop a time frame for its full implementation (Norway, Australia).
35. Share its experience and best practices in realization of the right to food and the fight against poverty, in particular in the area of micro-credit, with other developing countries (Malaysia).
36. Pursue its efforts, despite constraints, with the assistance and cooperation of the international community, to combat poverty, particularly among women, including material and non material poverty (in terms of exclusion) (Algeria); Continue, with international support and cooperation, efforts to ensure basic necessities of its people, particularly in terms of food, clothing, shelter and education (Bhutan); Continue to fight poverty with the active support of the international community (Cambodia); Seek the help of the international community to counter all challenges, mentioned in its national report

and especially poverty alleviation and improvement of the living standards of its people and all environmental constraints that challenge human rights and development efforts (Sudan), seek the help of the international community through different programmes of capacity building and technical assistance (Sudan); Share, with the Sudan and other least developing and developing countries its best practice of social safety nets and empowerment (Sudan).

37. Pursue its efforts, with the assistance and cooperation of the international community, for the realization of the rights of women and women's empowerment as an important sector of society that can contribute significantly to the development of the country (Algeria).
 38. Further continue its efforts to improve the human rights situation on the ground, with the technical and financial assistance of the international community (Azerbaijan).
 39. Call on the international community to respond favourably to Bangladesh's request for capacity building and technical assistance to overcome the difficulties and challenges facing the country (Viet Nam).
 40. Build with international support the national capacities to fulfil the reporting obligations to treaty bodies (Egypt).
 41. Pursue its efforts within the Human Rights Council on the issue of climate change and human rights (Algeria); Continue and strengthen, with international support and cooperation, its efforts to mitigate the negative impact of climate change, as well as disaster management programmes (Bhutan); Pursue its efforts in incorporating sustainable environmental development into its policies, considering the impact of natural disaster and degradation of natural resources on human rights despite all existing challenges (Palestine).
 42. The full involvement of civil society in the follow-up to this review (United Kingdom).
95. The response of Bangladesh to these recommendations will be included in the outcome report adopted by the Human Rights Council at its eleventh session.
96. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and /or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.

Annex

COMPOSITION OF THE DELEGATION

The delegation of Bangladesh was headed by H.E. Dr Dipu Moni, Minister for Foreign Affairs, and composed of 14 members:

Ms. Munira Khan, Member National Human Rights Commission;

Mr. Mahbubey Alam, Attorney General;

His Excellency Dr. Debapriya Bhattacharya, Ambassador and Permanent Representative, Bangladesh Permanent Mission, Geneva;

Mr. Md. Zulfiqur Rahman, Director General (United Nations), Ministry of Foreign Affairs;

Mr. Maksumul Hakim Chaudhury, Joint Secretary (Political), Ministry of Home Affairs;

Mr. Md. Mustafizur Rahman, Minister, Bangladesh Permanent Mission, Geneva;

Ms. Sumaiya Khair, Professor, Department of Law, University of Dhaka;

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UNITED NATIONS

General Assembly

HUMAN RIGHTS COUNCIL

Working Group on the Universal Periodic Review Fourth session

Geneva, 2-13 February 2009

SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER
FOR HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1 *

Bangladesh

The present report is a summary of 17 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

* The present document was not edited before being sent to the United Nations translation services.

1 The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.)

UPR: THE EXPERIENCE OF BANGLADESH

Civil society

ACHR	Asian Centre for Human Rights*, New Delhi, India
AI	Amnesty International*, London, UK
AIPP	Asia Indigenous Peoples Pact Foundation, Chiang Mai, Thailand
AITPN	Asian Indigenous & Tribal Peoples Network*, New Delhi, India
ALRC	Asian Legal Resource Centre*, Hong Kong, People's Republic of China
AYGUSC	Association of Young Generation of Urdu Speaking Community, Bangladesh
BDERM, NU and IDSN	Bangladesh Dalit and Excluded Rights Movement, Nagorik Uddyog and the International Dalit Solidarity Network , Bangladesh, Joint Submission
BF	The Becket Fund*, USA
BHBCUC,	Ontario Hindu Buddhist Christian Unity Council, Ontario, Canada
CHRI	Commonwealth Human Rights Initiative
HRW	Human Rights Watch*, New York, United States of America
ODHIKAR and FIDH	ODHIKAR, Bangladesh, and Fédération internationale des ligues des droits de l'Homme*, Paris, France, Joint Submission
RWB	Reporters Without Borders*, Paris, France
The Forum	Human Rights Forum on UPR, Bangladesh (the Forum), Bangladesh, comprised of the following member organizations: 1) Ain o Salish Kendra (ASK), Secretariat; 2) Acid Survivors Foundation (ASF); 3) Bangladesh Mohila Parishad (BMP); 4) Bangladesh Institute of Labour Studies (BILS); 5) Bangladesh Legal Aid & Services Trust (BLAST); 6) Bangladesh Dalit and Excluded Rights Movement (BDERM); 7) Centre for Rehabilitation of Torture Survivors (CRTS); 8) D.Net (Development Research Network); 9) Karmojibi Nari (KN); 10) Nagorik Uddyog; 11) Nari Uddoyog Kendra (NUK); 12) Nijera Kori; 13) Nari Pokkho; 14) National Forum of Organizations working with the Disabled (NFOWD); 15) Research and Development Collective (RDC); 16) Steps Towards Development (Steps); and 17) Transparency International Bangladesh (TI-B), Joint Submission
SRI	Sexual Rights Initiative, a coalition composed of Mulabi – Latin American Space for Sexualities and Rights; Action Canada for Population and Development, Creating Resources for Empowerment, Action-India and others, Joint Submission
UBINIG UBINIG	(Policy Research for Develop Alternative), Bangladesh
UNPO	Unrepresented Nations and Peoples Organizations

I. Background and Framework

A. Scope of international obligations

1. ODHIKAR and Fédération internationale des ligues des droits de l'Homme (FIDH) stated that Bangladesh should ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, the 1951 Convention relating to the Status of Refugees, the UNESCO Convention against Discrimination in Education, the Optional Protocol to the ICCPR, the Second Optional Protocol to the ICCPR on the abolition of death penalty, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.² Asian Indigenous & Tribal Peoples Network (AITPN) stated that Bangladesh should ratify the ILO Convention No. 169 concerning Indigenous and Tribal Peoples.³ Human Rights Forum on UPR ('the Forum') noted that Bangladesh has accepted the individual communications procedure under only under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).⁴

2. ODHIKAR and FIDH stated that, under the 'Emergency', a host of basic human rights remain suspended, including freedom of movement (Article 36), assembly (Article 37), association (Article 38), thought, conscience and speech (Article 39), profession and occupation (Article 40) and rights to property (Article 42).⁵

2 ODHIKAR, Bangladesh, and Fédération internationale des ligues des droits de l'Homme (FIDH)*, Paris, France, Joint Submission, p.4.

3 Asian Indigenous & Tribal Peoples Network (AITPN)*, New Dehli, India, p.11.

4 Human Rights Forum on UPR, Bangladesh (the Forum), Bangladesh, comprised of the following member organizations: 1) Ain o Salish Kendra (ASK), Secretariat; 2) Acid Survivors Foundation (ASF); 3) Bangladesh Mohila Parishad (BMP); 4) Bangladesh Institute of Labour Studies (BILS); 5) Bangladesh Legal Aid & Services Trust (BLAST); 6) Bangladesh Dalit and Excluded Rights Movement (BDERM); 7) Centre for Rehabilitation of Torture Survivors (CRTS); 8) D.Net (Development Research Network); 9) Karmojibi Nari (KN); 10) Nagorik Uddyog; 11) Nari Uddoyog Kendra (NUK); 12) Nijera Kori; 13) Nari Pokkho; 14) National Forum of Organizations working with the Disabled (NFOWD); 15) Research and Development Collective (RDC); 16) Steps Towards Development (Steps); and 17) Transparency International Bangladesh (TI-B), Joint Submission, para. 2.

5 ODHIKAR and FIDH, p.1.

B. Constitutional and legislative framework

3. Amnesty International (AI) noted that following a highly polarized political environment with widespread violence, serious human rights violations and fears of electionrigging, the President declared a state of emergency on 11 January 2007 and installed the current caretaker Government with the support of the armed forces.⁶

4. Human Rights Forum on UPR (the Forum) stated that international treaty obligations must be incorporated into national law before they can be directly enforceable. Such incorporation has not taken place with respect to most treaties.⁷ The Forum noted that the Constitution of 1972 contains explicit guarantees of a wide range of civil and political rights and secures the right to a remedy for their violation by way of a constitutional petition before the Supreme Court. The Forum also noted that the Constitution sets out the fundamental principles of state policy. Although traditionally considered to be non-justiciable, these fundamental principles have been applied in a number of cases by the Supreme Court in order to protect economic and social rights.⁸

C. Institutional and human rights infrastructure

5. The Forum stated that, despite promulgation of the National Human Rights Commission Act 2007, a national human rights institution has not started functioning to date. Human rights organisations have questioned the capacity of the proposed Commission to function as an effective human rights watchdog, noting the executive predominance in the composition of the selection committee; the lack of any special measures to ensure diversity within the Commission; the Commission's limited jurisdiction to investigate cases already pending before a Court, Ombudsman or Administrative Tribunal; and its limited powers to ensure state compliance with its recommendations and directives. Despite express constitutional and legislative provisions, the office of the Ombudsman has not been established to date.⁹

6 Amnesty International (AI)*, London, UK, p.1, para. 1.

7 The Forum, para. 7. See also Sexual Rights Initiative (SRI), a coalition composed of Mulabi – Latin American Space for Sexualities and Rights; Action Canada for Population and Development, Creating Resrouces for Empowerment, Action-India and others, Joint Submission, para.7, and Asian Legal Resource Centre (ALRC)*, Hong Kong, People's Republic of China, para.1.

8 The Forum, para. 5. See also SRI, para. 4.

9 The Forum para. 16. See also Human Rights Watch (HRW)*, New York, USA, p.2; and SRI, para. 5.

6. Bangladesh Dalit and Excluded Rights Movement (BDERM), Nagorik Uddyog (NU) and the International Dalit Solidarity Network (IDSN) recommends that a rapporteur on Dalit rights be appointed within the newly established national human rights commission requesting him/her to make a national study on discrimination on grounds of caste, work and descent.¹⁰

D. Policy measures

7. The Forum noted the National Food Policy (NFP) was adopted in 2006 to ensure dependable and sustained food security for all at all times. The Forum also noted that the original National Women's Development Policy 1997 was significantly amended in 2004, in a highly secretive process, in an apparent effort not only to limit women's equal rights and participation in the economy but also to bolster a specific construction of femininity and the role of women in the family. After long and consistent advocacy by women's rights groups, when the present government announced a new National Women's Development Policy (NWDP) on 8 March 2008, it was widely welcomed except by certain Islamist groups, which publicly demonstrated on the streets, threatened women's rights activists, and claimed that the Policy guaranteed equal inheritance rights and thus 'contravened the provisions of the [Holy] Qu'ran'. The Forum noted that the original 1997 Policy's reference to equality regarding inheritance and property was omitted from the final 2008 version.¹¹ The Forum also noted that Government initiatives on ensuring women's rights included dialogue towards framing a law on domestic violence and review of PRSP guidelines on gender.¹²

10 Bangladesh Dalit and Excluded Rights Movement (BDERM), Nagorik Uddyog (NU) and the International Dalit Solidarity Network (IDSN), Bangladesh, Joint Submission, para. 11.

11 The Forum, paras. 11 and 12.

12 The Forum, para. 36. See also SRI, para. 2.

II. Promotion and Protection of Human Rights on the Ground

A. Cooperation with human rights mechanisms

8. ODHIKAR and FIDH noted Bangladesh's failure to comply with its treaty reporting obligation to send periodic reports to treaty bodies. No report has been submitted to the CAT Committee in its first to third rounds, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights. The third report of the ICERD is still pending. According to ODHIKAR and FIDH, Bangladesh has a very poor record of following through recommendations of treaty bodies. They also stated that the 2004 CEDAW Committee recommendations, including the withdrawal of reservations, defining discrimination of women, and adopting uniform family law, remained unfulfilled. Similarly, recommendations of the CERD and the CRC Committees were ignored.¹³

9. The Forum noted that, with regard to the 2003 CRC Committee recommendations, the age of minimum criminal responsibility has been raised from seven to nine, but no steps have been taken to date to fix a minimum age for admission to employment, in line with internationally accepted standards, or to amend legislation to enable transmission of citizenship without gender-discrimination, to prohibit corporal punishment, or to adopt national refugee legislation and accede to the 1951 Convention relating to the Status of Refugees or to establish a child-sensitive complaints system.¹⁴

10. Commonwealth Human Rights Initiative (CHRI) noted that, Bangladesh did not issue an invitation to the United Nations Special Rapporteur on summary and extrajudicial executions.¹⁵ BDERM, NU and IDSN stated that visits of the Special Procedures mandate holders would offer the Government opportunities to engage in a constructive dialogue with human rights experts about the ways to overcome challenges and constraints experienced in the country. In particular, the Independent Expert on minority issues would be able to initiate a dialogue about the prevention of discrimination against marginalized communities and minorities, including Dalits.¹⁶

13 ODHIKAR and FIDH, p.5.

14 The Forum, para. 60.

15 Commonwealth Human Rights Initiative (CHRI), London, UK, para.13.

16 BDERM, NU and IDSN, para. 15.

B. Implementation of international human rights obligations

1. Equality and non discrimination

11. The Forum stated that personal laws based on religion in matters of inheritance, marriage, divorce, maintenance, child custody and adoption discriminate against women. Citizenship laws also discriminate against women. De facto discrimination in opportunities for education and employment as well as access to resources and services, in particular healthcare, further imposes various barriers on women in exercising their rights. Women face discrimination both in public and private spheres. Violence continues to be a significant feature of the everyday experience of many Bangladeshi women.¹⁷

12. BDERM, NU and IDSN stated that there has been no effective initiative by the Government to eliminate discrimination against Dalits and protect their constitutionally guaranteed human rights. Dalit women suffer from double discrimination and they are yet to be empowered to take an active part in the socio-cultural, economic and political arena in the community and the country. There are a number of challenges and constraints which affect Dalit communities' rights and equal opportunities to enjoy fundamental human rights. Most notably, this concerns the lack of access to education; poverty issues; health, education and housing problems; unequal access to work; discrimination against women; bonded labour and child labour.¹⁸

13. BDERM, NU and IDSN stated that Dalits are not allowed to rent or build houses outside the designated localities. They are regularly denied entry to the temples and religious activities of non-Dalits, to tea shops and restaurants, to houses of non-Dalits, playgrounds, movie theatres, burial grounds, social gatherings, music concerts, and cultural events. Dalit sometimes also face severe forms of human rights violations, including abduction, rape, torture, destruction of houses, land grabbing, eviction from land, threats and intimidation.¹⁹

14. Asia Indigenous Peoples Pact Foundation (AIPP) stated that article 28 of the Constitution prohibits discrimination on the grounds of race, religion, and place of birth, but indigenous peoples are the victim of social, racial, religious, cultural and linguistic discrimination.²⁰ AIPP noted that indigenous women in

17 The Forum, para. 35.

18 BDERM, NU and IDSN, paras. 16 and 17.

19 BDERM, NU and IDSN, para. 10.

20 Asia Indigenous Peoples Pact Foundation (AIPP), Chiang Mai, Thailand, p.1, para.5.

Bangladesh are victims not only of repression and negligence, but also of violence like rape, kidnap and murder. Rampant violation of women's human rights takes place not only within a home or public but also during police custody.²¹

15. Hindu Buddhist Christian Unity Council (BHBCUC, Ontario) noted that women from the minority communities face double jeopardy and serious violations of their civil rights. Many laws that discriminate against women are still on the statute books. Further, successive governments have turned a blind eye to sexual assaults, rape, forcible confinement and forced conversions of minority women, particularly Hindus. Women victims are faced with inadequate legislative safeguards and uncooperative and more often, hostile police authorities when they seek redress.²²

16. AYGUSC noted that with respect to the Bihari community, land evictions, encroachment and from time to time the withdrawal of power supply have created further problems, while a severe lack of educational and healthcare facilities hamper community development.²³ AYGUSC further noted that problems experienced with regard to healthcare revolve around social discrimination. Due to unsanitary living conditions, and with very little education in relation to healthcare among the Bihari community, there is an urgent need to provide medical facilities.²⁴

17. The Forum noted continuing concerns about the continued application of discriminatory laws (such as the Lunacy Act 1912 which results in gross violations of the rights of persons with intellectual disabilities and persons with mental illness), the lack of enforcement of laws and existing mechanisms, aimed at delivering services as well as changing perceptions and attitudes on people with disabilities. The Forum further noted that the lack of accurate national data on the total number of persons with disabilities and on different areas of disability-based discrimination prevents in-depth analysis and targeted planning.²⁵

2. Right to life, liberty and security of the person

18. Asian Centre for Human Rights (ACHR) stated that actions by the Rapid Action Battalion (RAB) were of deep concern. Formed in March 2002 to

21 AIPP, p.4, para.20.

22 Hindu Buddhist Christian Unity Council (BHBCUC, Ontario), Ontario, Canada, p.2.

23 Association of Young Generation of Urdu Speaking Community (AYGUSC), Bangladesh, p.3.

24 AYGUSC, pp. 4 and 5

25 The Forum, para. 55.

combat crime, RAB personnel have been responsible for systematic and widespread “extrajudicial executions” euphemistically described as “cross-fire” killings. 184 persons were killed in 2007 in so-called crossfire killings. The use of torture was routine in Bangladesh.²⁶

19. The Forum stated that in both the pre- and post-Emergency periods, continued reports of extra judicial killings by law enforcing agencies, custodial death and torture, including rape demonstrate the vulnerability of the right to life of Bangladeshi citizens. In the vast majority of instances, the state failed to publish any information regarding actions taken to investigate, prosecute or punish those responsible for such killings. Violent attacks, reportedly led by religious extremist groups with virtual impunity for several years, had severely curtailed the right to life, liberty and security of persons.²⁷

20. AI also stated that Bangladesh must address a range of human rights violations, including deaths in custody, torture and other ill-treatment, extrajudicial executions, rape and other forms of gender-based violence, and abuse of power by law enforcement agencies committed with impunity.²⁸ AITPN alleged that the continued presence and expansion of military bases contributes to the ongoing human rights abuses including extrajudicial killings in the Chitagong Hill Tracts (CHTs). Many are reported to have been tortured to death in military custody after arrest.²⁹

21. Human Rights Watch (HRW) noted that Bangladesh has failed to uphold its international obligations to respect the right to life and to provide persons effective protection from extrajudicial execution, torture, and cruel, inhuman and degrading treatment. Torture is a routine feature in criminal investigations and is also commonly used by law enforcement officials for the purpose of extorting money from individuals taken into custody.³⁰ ALRC alleged that torture is used in order to extract money, to force persons to sign false confessions, to repress the poor, and against persons in opposition to those in power, or their allies. All law-enforcement and intelligence agencies are

26 Asian Centre for Human Rights (ACHR)*, New Delhi, India, p.1, para.4. See also AI, p.6, para. 23., AIPP, p.2, para.7., CHRI, paras.11 and 12, HRW, pp.2 and 3, and ODHIKAR and FIDH, pp.2 and 4.

27 The Forum, paras. 20 and 21.

28 AI, p.3, para. 5.

29 AITPN,, p.7.

30 HRW, p.1. See also AI, p.5, paras. 12 and 15.,CHRI, para.3. and ODHIKAR and FIDH, p.2..

alleged to operate torture cells, where people are tortured as part of so-called interrogations.³¹

22. The Forum stated that incidents of arbitrary arrest and detention, as well as the reported 'mass arrests' continued to occur. Under the Emergency Power Rules (EPR), the law enforcing agencies' powers of arrest, including to arrest without warrant combined with the restrictions on the right to seek bail in the case of any offence falling within the ambit of the EPR, severely curtailed the right to liberty with a disproportionate impact on the poor and marginalized who were unable to access fast-track procedures for relief and redress in the superior courts.³² AI noted that the caretaker Government has continued to use preventive detention laws to deny large numbers of individuals their freedom in violation of the prohibition in international law of arbitrary deprivation of liberty provided for in the Bangladeshi Constitution and international law.³³ AI stated that the Special Powers Act (SPA) of 1974 provides for the detention of individuals who might commit "prejudicial acts" against the state and gives sweeping powers to the executive to detain people arbitrarily without having to justify its action before a court of law.³⁴ AI further noted that detainees are denied the right to legal representation before the non-judicial Advisory Board which the government is required to convene within 120 days of arrest under the SPA. The Advisory Board can recommend withdrawal of an SPA detention order or extend detention indefinitely for successive six-month periods.³⁵

23. ALRC noted that arrest warrants and information regarding the charge against the person are rarely produced at the time of arrest. Persons rarely have access to legal counsel following their arrest. Individuals are being detained in police stations or military camp for days, weeks or even months, without any official records being kept or having any access to courts.³⁶

24. ODHIKAR and FIDH noted that the number of persons held in prisons is many times over their holding capacity. The problem turns acute during frequently conducted mass-arrests, when all arrestees are simply dumped in prison disregarding rights of prisoners. According to reports the 68 jails of the country contain 87,579 inmates, more than three times the combined capacity

31 ALRC, para.14. See also AITPN, p.7., CHRI, para.9 and ODHIKAR and FIDH, p.2.

32 The Forum, para. 23.

33 AI, p.4, para. 6.

34 AI, p.4, paras 9 and 10.

35 AI, p.4, para. 11.

36 ALRC, para.13.

of 27,368 of these jails. This resulted in denial of basic needs of food, health, hygiene, recreation and rehabilitation of prisoners.³⁷

25. ODHIKAR and FIDH stated that violence against women takes numerous forms, including rape, beatings, torture and murder, both in domestic and public situations. It has also to do with patriarchal, class based, repressive mind-sets and status of women within the family and society.³⁸ ODHIKAR and FIDH noted that in most cases, victims of rape or their family members remain silent due either to social stigma or fear of the rapist.³⁹ Sexual Rights Initiative (SRI) stated that Hijra, Kothi and other 'effeminate' males are often vulnerable to abduction, arbitrary arrests, detention, beatings and gang rape by the law enforcing agencies and local thugs.⁴⁰ SRI noted that there is no law to penalize "male to male" rape.⁴¹

26. The Forum stated that, under applicable laws the age bar for prohibition of child labour varies from 14 to 18 years and is not effectively enforced. In practice, one in every eight children in the country is a working child. Nearly one-fifth of children from slum and tribal areas are engaged as child labour to earn a livelihood for themselves and their families. A quarter of children engaged in child labour do not attend schools. Between the ages of 5 and 14 years approximately 6.6 million children are engaged in labour force in the country.⁴²

3. Administration of justice, including impunity, and the rule of law

27. ALRC stated that the judiciary, from the Supreme Court down, has been weakened through politically-motivated appointments made by successive regimes, in order to ensure that the judiciary acts in the interest of those in power.⁴³ ODHIKAR and FIDH noted that, due to continued government intervention, the judiciary is in deep crisis despite some formal separation. Weakness of the judiciary perpetuates miscarriage of justice and violation of human rights.⁴⁴ The Forum noted that, under Emergency Regulations, the powers of the Supreme Court have been substantially curtailed both de jure and de facto.⁴⁵

37 ODHIKAR and FIDH, p.2.

38 ODHIKAR and FIDH, p.2.

39 ODHIKAR and FIDH, p.3. See also AITPN, p.8. and CHRI, para.22.

40 Sexual Rights Initiative (SRI), para. 17.

41 SRI, para. 15.

42 The Forum, para. 37.

43 ALRC, para.21.

44 ODHIKAR and FIDH, p.4.

45 The Forum), para. 14.

28. CHRI stated that policing in Bangladesh remains unreformed and is governed by antiquated laws. The police service is characterised by its failing performance when dealing with social or political unrest, terrorism, extortion or crime against women, poor working conditions and out-dated training and its public reputation is tainted by corruption, abuse of power and impunity and external political interference.⁴⁶ CHRI noted that a Police Reforms Programme was initiated in 2006. A draft Bill replacing the colonial-era Police Act was completed in 2007, and was opened for civil society inputs. After collecting data from citizen surveys, the Bill is now with the Ministry of Home Affairs, which will incorporate the data collected into the bill, and then ready it for ratification by the caretaker government.⁴⁷ ALRC noted that the militarisation of law-enforcement has taken place through new joint forces, comprising military intelligence agents and the police. The courts suffer from military surveillance and interference.⁴⁸

29. HRW stated that impunity is an institutional and legal problem as law enforcement officers and members of the armed forces are shielded from prosecution by an outdated legal framework that is inconsistent with current international legal standards.⁴⁹ AI noted that the caretaker Government's stated commitment to reform is an opportunity to address longstanding barriers to protection of human rights. However, it has failed to end impunity for human rights violations through comprehensive institutional reform to strengthen the rule of law and protect investigative, prosecutorial and judicial proceedings addressing human rights violations from political interference.⁵⁰ AITPN stated that, while human rights activists in general remain under surveillance, human rights defenders from indigenous and minority communities or those working with indigenous and minority communities were specifically targeted with impunity. Indigenous rights defenders have disproportionately been victims.⁵¹

4. Right to privacy, marriage and family life

30. SRI stated that the Section 377 of the Penal Code criminalizes sexuality against the 'order of nature.' The punishments for crimes perpetrated under this section include fines and an imprisonment of up to ten years. SRI noted

46 CHRI, para.14. See also ODHIKAR and FIDH, p.3.

47 CHRI, para.16.

48 ALRC, para.7.

49 HRW, p.3. See also The Forum, para. 19.

50 AI, p.6, para. 19.

51 AITPN, p.10.

that there has not been any case tried or filed under this section. Nonetheless, section '377' is said to have been invoked by the law enforcing agencies to bully Hijra, Kothi and LGBT-identified communities.⁵²

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

31. The Becket Fund stated that the Ahmadis have suffered significantly at the hands of extremist Islamic groups, who have targeted them with beatings, murders, destruction of mosques, and homes. Some Muslims regard Ahmadis, who profess to be Muslim, as heretics for certain aspects of their beliefs. The Government continues to obey a court order not to enforce a 2004 government proposal for a ban on Ahmadiyya publications, and has also taken steps to protect the Ahmadi community with higher security. Nonetheless, anti-Ahmadiyyah violence and discrimination remains a high concern for religious freedom in Bangladesh.⁵³

32. AITPN stated that Buddhist monks were often harassed, assaulted and Buddhist temples were looted and destroyed.⁵⁴

33. BHBCUC, Ontario stated that the EPR of 2007 remains in effect and is unlikely to be lifted until after upcoming national elections (postponed and now scheduled to take place in December 2008).⁵⁵ The Forum stated that the EPR contain wide-ranging provisions that restrict freedom of expression. The reported resort by the Government to covert threats has resulted in extensive self-censorship across the print and broadcast media. The EPR also permit the use of intercepted communications, like previous legislation, the Bangladesh Telecommunications (Amendment) Act 2006.⁵⁶ Reporters Without Borders (RWB) stated that the Government and the army control the media firmly in times of crisis. Army intelligence officers summoned editorial heads and threatened them with draconian criminal proceedings, including under Article 5 of the State of Emergency Regulations.⁵⁷

34. The Forum stated that under the Emergency, while several NGOs have continued to face threats, others have faced direct interference in the form of

52 SRI, paras. 12 and 13.

53 The Becket Fund,* p. 4. See also ODHIKAR and FIDH, p.3.

54 AITPN, p.8. See also Unrepresented Nations and Peoples Organizations (UNPO), pp.3- 4.

55 BHBCUC, Ontario, p.1.

56 The Forum, para. 25.

57 Reporters Without Borders (RWB)*, Paris, France, p.1. See also ACHR, p.1, para.7., ALRC, para.19., and ODHIKAR and FIDH, p.3.

arbitrary arrest and detention, or threats of arrest, of their management. The Forum further stated that the rights to assembly and to association are frequently flouted, and the use of violence and intimidation by lawenforcing agencies to suppress worker protests is not uncommon. Under the Emergency, the express prohibition on public meetings and demonstrations, and on trade union activities, has further hampered an already repressive climate for the enforcement of labour rights.⁵⁸

35. ACHR stated that human rights activists are subject to surveillance but human rights defenders from indigenous and minority communities or those working with indigenous and minority communities were the subject of particular harassment.⁵⁹

6. Right to work and to just and favourable conditions of work

36. The Forum stated that the most common violations in the industrial sector include failure to provide formal appointment letters, delays in payment of wages, failure to pay for overtime hours, failure to provide maternity leave and inadequate childcare facilities. In recent years, employer negligence has resulted in numerous workplace injuries and deaths.⁶⁰

37. Association of Young Generation of Urdu Speaking Community (AYGUSC) stated that equal access to employment was cited most frequently as the right the Bihari community currently cannot access. Not only are they denied all government positions but due to their camp address and undefined status, wider discrimination in the job market remains a prime concern.⁶¹

7. Right to social security and to an adequate standard of living

38. BDERM, NU and IDN noted that the first PRSP development process, mentioned the following excluded communities: “Bawalies” (woodcutters or those living off forests); Mawalies (honey collectors); Dalits (sweepers, sewerage cleaners and scavengers); Mymal (fishermen in water bodies); and Muchis (cobblers and shoe-makers). However, the final PRSP, entitled “Unlocking the Potential”, makes no explicit reference to Dalits of any kind. The current PRSP development process is more systematic and does involve a measure of genuine civil society input. Such inputs can extend the list of groups of excluded peoples in Bangladesh.⁶² AITPN noted that indigenous

58 The Forum, para. 41.

59 ACHR, p.1, para.10.

60 The Forum, para. 40.

61 AYGUSC, p.4. See also BDERM, NU and IDSN, paras. 19 and 20.

62 BDERM, NU and IDSN, para. 7.

peoples have been consistently excluded from participation in planning processes and denied access to decision making.⁶³

39. UBINIG (Policy Research for Develop Alternative) expressed concerns about the increasingly alarming situation with regard to the failure of the Government to ensure adequate food and nutrition as the rights of the citizens.⁶⁴ UBINIG noted that Bangladesh has created an alarming human rights situation regarding the right to adequate food and nutrition. Disastrous consequences are imminent since Bangladesh does not have any legal regime, policy, mechanism or institution to address human rights to adequate food and nutrition.⁶⁵ UBINIG further noted that the rights to food and nutrition are intricately linked with other international covenants related to environment, ecology, biodiversity and genetic resources.⁶⁶

40. SRI noted that the practice of ritual castration popular among the Hijra community involves serious health hazards as they are always surreptitiously performed by ritual cutters in extreme unhygienic conditions.⁶⁷

41. The Forum stated that, notwithstanding existing constitutional and international obligations to prevent forced evictions, as well as High Court judgments directing the Government to provide for proper notice and rehabilitation measures before displacement, there have been repeated instances of slum demolition every year.⁶⁸

42. AYGUSC alleged that the Bihari Urdu speaking community is not recognized by the Government as Bangladeshi citizens and a minority group. Bihari camp dwellers are not included in national Poverty Reduction Strategic Paper (PRSP).⁶⁹

8. Right to education and to participate in the cultural life of the community

43. AYGUSC stated that, although no formal restriction prevents access to government schools, camp addresses do cause problems for 'Bihari' children seeking admission. Although this appears to be changing, rules vary between institutions, and access is dependent on the attitudes of individuals in charge.

63 AITPN, p.4.

64 UBINIG (Policy Research for Develop Alternative), p.1.

65 UBINIG, p.1.

66 UBINIG, p. 4.

67 SRI, para. 18.

68 The Forum, para. 33.

69 AYGUSC, p.3. See also The Forum, para. 45.

AYGUSC further noted that there is no access to learning language and to practicing the Urdu culture, due to constitutional barrier.⁷⁰ BDERM, NU, and IDSN stated that most Dalits have no formal education.⁷¹

44. The Forum stated that lack of access to mainstream primary education affects some 96 percent of children with disabilities. Lack of access to buildings remains a serious issue, due to non-compliance with existing laws.⁷²

45. SRI stated that most Hijra and Kothi-identified persons who attended schools cite bullying as one of the preeminent reasons for dropout from state sponsored primary schools. Many are reported to have turned suicidal and experienced acute psychological trauma.⁷³

9. Minorities and indigenous peoples

46. AITPN stated that there is no constitutional recognition of indigenous peoples in Bangladesh.⁷⁴ AIPP noted that there are around 45 distinct groups of indigenous peoples living across Bangladesh. Historically, the indigenous peoples of Bangladesh are one of the most deprived groups in many aspects of economic, social, cultural and political rights mainly due to their status of ethnic minority.⁷⁵ AITPN alleged that the Government grabs the lands of indigenous peoples and minorities is the State policy in Bangladesh and allows land grabbing by the mainstream Bengali populations who use different methods, including forging documents and forcibly ousting indigenous peoples from their lands.⁷⁶ AITPN further noted that land grabbing is systematic in the Chittagong Hill Tracts (CHTs). The army has renewed its efforts to settle Muslim plain settlers since the imposition of the State of Emergency.⁷⁷

47. Unrepresented Nations and Peoples Organization (UNPO) stated that the signing of the CHT Accord was an important step towards lasting peace and security, and the embodiment of a political desire to ensure justice for Jumma

70 AYGUSC, p.4.

71 BDERM, NU and IDSN, para. 18.

72 The Forum, para. 57.

73 SRI, para. 17.

74 AITPN, p.2.

75 AIPP, p.1, para.1. Also see CHRI, para.17., BDERM, NU and IDSN, para. 9., and, The Forum, paras. 53 and 54.

76 AITPN, p.2.

77 AITPN, p.6. See also The Forum, paras. 46 - 50.

indigenous groups.⁷⁸ AIPP noted that the CHT Accord stipulated the establishment of a Land Commission to resolve the longstanding CHT land disputes in consonance with the law, custom and practice in force in the CHT. The Commission is yet to start its functions. Hence no single land dispute has been resolved even in almost 11 years after the signing of the Accord.⁷⁹

48. ACHR noted that Hindu minorities continued to be targeted and their religious freedoms violated. It is reported that some 1.2 million or 44 per cent of the 2.7 million Hindu households in Bangladesh were affected by the Enemy Property Act, 1965 and the Vested Property Act, 1974 which empowers to identify the Hindus as enemies of the State and seize their properties.⁸⁰

10. Internally displaced persons

49. AITPN noted that the internally displaced persons (IDPs) mainly concentrated in the CHTs. The present number of the Jumma IDPs is not known.⁸¹ AITPN stated that while the Jumma IDPs were not provided any rehabilitation or food aid, educational facilities, health care services, sanitation and safe drinking water, the illegal settler families have been provided free rations and other facilities by the government since 1978.⁸² AITPN alleged that in the name of establishing the Eco-Park, successive governments sought to destroy the forest and displace about 25,000 indigenous Garo and Koch peoples in the Modhupur forest area under Tangail district. Many of the indigenous peoples who protested against the Eco-park have been killed by the security forces.⁸³

11. Human rights and counter-terrorism

50. ODHIKAR and FIDH stated that the Anti Terrorism Ordinance 2008 promulgated without any public discussion, heightened human rights concerns. With sweeping definition, it covers acts intending to harm the unity, harmony, security and sovereignty of Bangladesh and provides capital punishment. A person can be charged on vaguely defined 'terrorist' activities based only on mere suspicion. Once arrested, the Court cannot grant bail.⁸⁴

78 UNPO, p.5.

79 AIPP, p.4, para.19. See also AITPN, p.1, para.6., ACHR, p.1, para.8., ODHIKAR and FIDH, p.3., and UNPO, pp.1- 2.

80 ACHR, p.1, para.9. See also BHBCUC, Ontario, p.1 and BDERM, NU and IDSN, para. 12.

81 AITPN, p.10.

82 AITPN, p.10.

83 AITPN, p.3.

84 ODHIKAR and FIDH, p.4. See also The Forum, para. 9 and UNPO, p.2.

III. Achievements, Best Practices, Challenges And Constraints

51. AYGUSC identified as an achievement and good practice that the election commission has announced that all camp dwellers are Bangladeshi according to the High court verdict and they will enlist in national ID card and voter scheme. Now most of camp dwellers are including in national ID card and voter listing process. However voter enrolment is not sufficient for camp dwellers.⁸⁵

52. CHRI stated that, in a positive development, the Government has pushed forward a “National Women’s Development Policy” in April 2008, which includes reserving of onethird of seats in political parties for women, as well as new laws and increased quotas to ensure equal opportunity and control for women over their earned property.⁸⁶

53. The Forum noted that significant measures to recognize the rights of persons with disabilities were taken, including the establishment of 46 focal points in ministries and departments on disability issues, restructuring of the National Disability and Development Foundation (NDDF) as an autonomous body, and the separate identification in the electoral roll of voters with disabilities.⁸⁷

85 AYGUSC, p.5.

86 CHRI, para.22.

87 The Forum, para. 55.

IV. Key National Priorities, Initiatives And Commitments

N/A.

V. Capacity-Building and Technical Assistance

54. BDERM, NU and IDSN recommended that technical support to implement constitutional protection measures and enact specific legislative measures to promote and protect the human rights of Dalits according to international standards be provided in a number of areas.⁸⁸

55. AITPN recommends that technical cooperation be considered for the establishment of a National Commission for the Rights of Indigenous Peoples.⁸⁹

88 BDERM, NU and IDSN, para. 25.

89 AITPN, p.11.

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Embargoed for: 1 September 2008

Bangladesh:

“We want the lands, not the indigenous peoples”¹

[Contribution under the Universal Periodic Review of the
Human Rights Council]

1 . This report has been endorsed by Kebager te Ked-Inged (Philippines), Centre for Peace and Development (India), Asian Centre for Human Rights (India), Centre for Indigenous Peoples Research and Development (Bangladesh), Hill Watch Human Rights Forum (Bangladesh), Tribal Welfare Association (Bangladesh), Hill Women Federation (Bangladesh) and Mr Edtami P Mansayagan, Former Commissioner, National Commission for Indigenous Peoples, Philippines.

I. Executive summary

Officially, there are about ² million indigenous peoples in Bangladesh² though indigenous peoples claim that their total number is 2.5 millions.³ Whether in mainland and the Chittagong Hill Tracts (CHTs), the government irrespective of the political colour follows the dictum: “**we want the lands but not the indigenous peoples**”.

This policy of land grabbing – for so-called public purpose or private purpose – threatens the identity and survival of indigenous peoples. There is no rule of law. The law enforcement personnel are biased. Majority Bengali Muslims rule the roost as indigenous peoples are discriminated because of their religion and ethnicity.⁴

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2. Bangladesh Government’s draft Poverty Reduction Strategy Paper: Moving Ahead; Tribal Communities p. 185 (2009–2011)
 3. Tribal Welfare Association’s submission under this report
 4. The Indigenous World – 2008, International Work Group for Indigenous Affairs, Denmark

2. Situation of indigenous peoples on the ground

Policy of exclusion

There is no constitutional recognition of indigenous peoples in Bangladesh. There is reference to “backward segments of the population” without identifying as to who are these “backward segments of the population”.

The Constitution of Bangladesh further guarantees equality before the law for all its citizens. It categorically states that “*the State shall not discriminate against any citizen on grounds of only of religion, race, caste, sex or place of birth*” (Articles 27 & 28). However, the government has failed to make any provision for political, social and economic development of indigenous peoples. This exclusion and refusal to provide specific constitutional safeguards have made indigenous peoples extremely vulnerable.

In fact, in plain land Bangladesh, indigenous peoples do not have representations in the Parliament, Upazila Parishad (Sub-district Council) and in the Union Parishad, the lowest representative body.⁵

I. Situation of human rights of indigenous peoples in plain land Bangladesh

a. Land grabbing and human rights violations

As stated, grabbing the lands of indigenous peoples and minorities is the State policy in Bangladesh. The government itself grabs the lands and also remains mute witness to land grabbing by the mainstream Bengali populations who use different methods, including forging documents and forcibly ousting indigenous peoples from their lands.

According to a survey conducted by the Jatiya Adivasi Parishad (National Indigenous Peoples Council) which was released in Dhaka on 10 May 2008, around 1,983 indigenous families in 10 North-western districts of Bangladesh have lost 1,748 acres of their ancestral land. Of the 1,983 indigenous families, 521 lost their land through forged documents whereas the forest department acquired over 1,185 acres of land belonging to 466 indigenous families in the name of social forestry. In Dinajpur district alone, the forest department acquired around 1,182 acres of land from 411 indigenous families.⁶

In North Bengal district of Naogaon, 15 Santal villagers were injured and their houses burnt after more than two hundred mainstream Bengalis

5. Tribal Welfare Association’s submission for this report

6. Bangladesh Chapter, South Asia Human Rights Index 2008, Asian Centre for Human Rights, August 2008

attacked the indigenous neighbourhoods in an effort to evict them from their land on 5 November 2007.⁷ Earlier, on 18 August 2000, Alfred Soren (36), a leader from Santal community, was killed by Mr. Shites Bhattachara alias Godai Babu and Md. Hatem Ali and their goons at Vimpur village under Mahdevpur police station of Naogaon district in a land related case. None of the accused was arrested.⁸

More than 10,000 indigenous Khasis have been living in 65 villages in Moulvibazar district for many years without land registration documents. In July 2007, the administration, led by the Deputy Commissioner of Moulvibazar, organised a meeting with indigenous leaders, headmen and women and assured them that steps would be taken to resolve the land ownership problem.⁹ But no step has yet been taken.

Killings of defenders to silence indigenous peoples' protests at Madhupur:

In the name of establishing Eco-Park, the successive governments of Bangladesh sought to destroy the forest and displace about 25,000 indigenous Garo and Koch peoples in the Modhupur forest area under Tangail district. Many of the indigenous peoples who protested against the Eco-park have been killed by the security forces.

On 18 March 2007, Mr Cholesh Ritchil who was arrested and tortured to death by the security forces stationed at Khakraid under Modhupur Police Station in Tangail district. Three other indigenous peoples - Protap Jambil, Tuhin Hadima, and Piren Simsang were arrested and tortured before being released. The government set up an inquiry headed by Special Court Judge Rofiuddin Ahmed. In its letter of 11 October 2007, the government of Bangladesh informed UN Special Rapporteur on the Rights of Indigenous Peoples that *"Four persons belonging to Armed Forces were assessed punishments, which included removal from service and exclusion from promotion. Finally, a number of other individuals, including public officials, doctors and forest officials, had also been subject to criminal proceedings."*¹⁰ However, the government of Bangladesh failed to disclose the names of these officials. Under the circumstances, the assertion does not appear credible.

7. *Ibid*

8. Tribal Welfare Association's submission for this report

9. The Indigenous World – 2008, International Work Group for Indigenous Affairs, Denmark

10. A/HRC/6/15/Add.1

Earlier, on 3 January 2004, Mr Piren Snal (26, son of Negen Simsang from Joynagacha village) was shot dead by the police and forest guards while participating in a peaceful protest rally against the creation of Eco-Park at Modhupur. A case was filed on 6 January 2004 at Modhupur Police Station (GR-24 (2) 04). Until today, no action was taken.¹¹

The forest department officials of Madhupur have found disingenuous way for harassing indigenous peoples. They illegally sell the timbers and files false cases against the indigenous peoples to cover their illegal acts. Over 7,000 cases have been filed against 10,000 poor people of Modhupur.¹² Of these, at least 70% cases were reportedly against the indigenous peoples. In 2003- 2004 during the protest against the Eco-park project, Forest Department and police filed 28 false cases in the Courts against 95 innocent indigenous peoples.¹³

b. Mis-use of funds meant for indigenous peoples

Every year, the government of Bangladesh (Special Affairs Division – Prime Minister’ Secretariat) provides lump sum funds of Bangladeshi Taka 50 to 70 millions for economic benefits and poverty reduction of indigenous peoples in plain lands. However, indigenous peoples have been consistently excluded from participation in planning processes and denied access to decision making. The funds are being controlled by government officials and often used for political purposes of the sitting government.¹⁴

II. Situation of human rights of the indigenous Jumma peoples in the CHTs

The Chittagong Hill Tracts Accord of 1997 is in tatters and it has failed to ensure the rights of indigenous peoples. Apart from the surrender of the erstwhile Shanti Bahini, the government failed to implement key provisions of the Accord: demilitarisation of CHTs, returning back the lands to the original indigenous owners and rehabilitation of returnee Jumma refugees. Neither the CHT Land Commission nor the Task Force for Implementation of the CHTs, nor the Task Force on Internally Displaced Persons have been functioning.¹⁵

The only success has been the establishment of the CHTs Regional Council in which some former Shanti Bahini leaders were appointed as members.

11. Tribal Welfare Association’s submission for this report
12. The Daily Sangbad, Dhaka, 20 October 2007
13. Tribal Welfare Association’s submission for this report
14. Albert Mankin, A Study on Government Development Programmes for Indigenous Peoples of the Plain, 2006
15. SAJEK: BURNT TO ASHES – Emblematic of Bangladesh’s policy towards indigenous Jumma peoples, Asian Indigenous and Tribal Peoples Network, 14 June 2008

However, the government has even failed to hold elections in the CHTs Regional Council since its establishment in 1998 and the CHTs Hill District Councils since 1989. The present Care-taker government has no commitment for democracy in the CHTs. In August 2008, it held local elections as precursor to the parliamentary elections but no elections were held in the CHTs Regional Council or the District Councils.

Implantation of half a million illegal plain settlers by the military rulers between 1979 and 1983 had the most negative and irreversible impact on indigenous peoples of the CHTs. The implantation of the illegal Muslim settlers continues unabated irrespective of whether there is a democratic or autocratic government in Dhaka. The Bangladesh army personnel directly implement the programme for implantation of illegal plain settlers in the CHTs. Even today, thousands of illegal settlers are being settled and are provided free rations by the Bangladesh army. When indigenous peoples refuse to vacate the lands, the illegal plain settlers organize riots as was seen in Sajek in April 2008.

a. Sajek attack: The emblematic case of Bangladesh policy in the CHTs

On 20 April 2008, hundreds of illegal plain settlers attacked seven indigenous Jumma villages of Nursery Para, Baibachara, Purba Para, Nangal Mura, Retkaba, Simana para and Gangaram Mukh under Sajek Union under Baghaichari upazila (sub-district) in Rangamati district in CHTs from 9.30 pm to 1.30 am.

According to the reports of four journalists from Khagrachari who visited the area on 21 April 2008 with local government officials, at least 500 houses in the 4 kilometer stretch from Baghaihat to Gangaram were burnt down. Several indigenous Jummas were wounded and an unknown number of women were raped by the perpetrators.

On 23 April 2008, the commander of Baghaihat army zone, Lt. Col. Sajid Md. Imtiaz reportedly took a group of Bengali settlers at Bana Vihar area lying between Dane Baibachara village and Retkaba village and ordered them to construct houses on burned land of the Jummas. On 24 April 2008, Mr Imtiaz held a meeting at his headquarters at Baghaihat in which representatives from both the indigenous peoples and the illegal settlers were invited. At the meeting Mr Imtiaz warned the Jummas that "*if anything happens to the Bengalis in the future, I will kill all of you in brushfire. You have no need to live in this country*".¹⁶

16. Sajek settler attack: victims holds press conference in Dhaka, chtnews.com, News No. 70/2008, April 27, 2008

On 28 April 2008, the army arrested four innocent Jummas identified as as Sushil Chakma (26, son of Asomi Chandra Chakma), Ratna Bikash Chakma (22, son of Gunodhar Chakma), Sangram Chakma (22, son of Ashok Kumar Chakma) and Rabindra Chakma (23, son of Shashi Mohan Chakma). However, no illegal plain settler was arrested.

The report of AITPN “Sajek: Burnt to Ashes: Emblematic of Bangladesh's policy towards indigenous Jumma peoples” of 14 June 2008 is attached.

The attacks in Sajek continue unabated.

b. Patterns of grabbing the lands of indigenous Jumma peoples

Land grabbing is systematic in the CHTs. It is the single biggest challenge being faced by the Jumma peoples today. The army has renewed its efforts to settle Muslim plain settlers since the imposition of the State of Emergency.

During March – November 2007, a total of 399.22 acres of land belonging to 133 Jummas and a primary school in 14 villages under four Unions of Maischari, Kiang-ghat, Kamalchari and Khagrachari Sadar No.1 under Khagrachari district have been forcibly grabbed by illegal plain settlers.¹⁷

In March 2007, the Ruma army cantonment in Bandarban acquired about 7,570 acres of ancestral land of indigenous peoples for expansion of the Ruma garrison and ordered more than 4,000 indigenous families mostly belonging to Mro community to leave the area. Mro leaders had not been consulted before acquiring the land. According to the Movement for Protection of Land Rights and Forest, a land rights organisation based in Rangamati, 40,077 acres of land had been given in lease to the illegal Bengali settlers, 94,066 acres of land were acquired for so-called afforestation projects and 75,686 acres were acquired for establishment of military bases in Bandarban district.¹⁸

On 8 March 2007, an army camp was set up on the land of an indigenous jumma identified as Prithwiraj Chakma at Dantkupya village under Khagrachari district to provide security to the plain settler families. In June 2007, the Bangladesh military reportedly settled at least 200 families of illegal settlers at Dantkupya village after forcibly evicting 12 indigenous families from their ancestral lands.¹⁹

17. Bangladesh Chapter, South Asia Human Rights Index 2008, Asian Centre for Human Rights, August 2008

18. Bangladesh: Indigenous peoples living on the edges of riots, Asian Centre for Human Rights, 29 August 2007, <http://www.achrweb.org/Review/2007/182-07.htm>

19. *Ibid*

In August 2007, illegal settlers forcibly captured 59 acres of land belonging to 17 Jumma peoples in Kobakhali Mouza under Dighinala Police Station in Khagrachari district. In an operation from 1 to 15 August 2007, large groups of illegal settlers led by former Union Parishad member Md. Abu Taleb of Hashinchonpur village and former Union Parishad member Md Kader of Kobakhali Bazaar took control of the hilly lands of the indigenous Chakma peoples with the direct assistance of the army personnel, para- military forces and the local Village Defence Party members. The army reportedly planned to settle 200 plain settler families in Kobakhali Mouza.²⁰

c. Violations of the right to life

The continued presence and expansion of the military bases contributes to the ongoing human rights abuses including extrajudicial killings in the CHTs. Many have been tortured to death in military custody after arrest. Some of the indigenous peoples who were tortured to death in the custody of the security forces included:

- Niranjon Chakma (40, son of Lalit Kumar Chakma of village Nareychari under Kangarachari Union of Belaichari Thana in Rangamati district) who was tortured to death in military custody in Digholchari zone on 7 July 2008;
- Suresh Mohan Chakma (son of Phedera Chakma of Choichari village in Rangamati district) who died due to alleged torture in the custody of the army on 7 March 2007;²¹
- Rasel Chakma (son of Paritosh Chakma of Dewan Para village under Naniarchar subdistrict in Ranga mati district) on 5 August 2007;²² and
- Shanti Bikash Chakma alias Shanto (24), a member of United Peoples Democratic Front (UPDF), a Jumma political party, who died in military custody in Naniachar in Rangamati district after he was arrested along with another UPDF member Inton Chakma (25) on 5 August 2007 from Bakchhari Dor village.

d. Arbitrary arrest, detention and torture

Arbitrary arrest, detention and torture are common in the CHTs. Many were arrested on false charges and held in detention for prolonged period. Those arrested were often subjected to torture.

20. *Ibid*

21. ACHR Review No. 182/07: "Bangladesh: Indigenous peoples living on the edges of riots", Asian Centre for Human Rights, 29 August 2007

22. *Ibid*

On 11 July 2007, at least seven Jumma villagers including minors were tortured by army personnel from Bannyachola sub-zone (24 Field Artillery) at Bannyachola village in Khagrachari district. The victims were identified as Suryasen Karbari; Bindu Chakma (32, son of Chikkonno Chakma); Sadhan Kumar Chakma (35); Gangkullya Chakma (16, son of Lakshmi Kumar Chakma of Bannyachola village); Dipayon Chakma (6, son of Anjana Bap of Kamalchari village); Aljya Chakma (10, son of Mongol Dhan Chakma of Kamal Chari village); and Bhubon Chakma (14, son of Lakshannya Chakma of Morachengi village).²³

On 23 November 2007, Ram Kamal Chakma (son of Summey Chakma) of Hullyang para village in Khagrachari district was arrested by the army personnel from Mahalchari zone without any reason. He was returning from Mahalchari bazaar (market) when Major Gaffar, second-in-command of Mahalchari army zone (24 Bengal), detained him and took him to the army camp. He was tortured in the army camp before being released.²⁴

23. Innocent Jummas tortured in Lakshmichari, Hill Watch Human Rights Forum, NEWS No. 26/2007, 4 August, 2007

24. Innocent villager beaten by army in Mahalchari, Hill Watch Human Rights Forum, NEWS No. 54/2007, 3 December 2007

3. Religious persecution in the CHTs

Religious persecution has also increased since the imposition of emergency in the CHTs. Buddhist monks were often harassed, assaulted and Buddhist temples were looted and destroyed.

On 12 September 2007, Md. Abdul Matin, the Sub-District Executive Officer of Mahalchari in Khagrachari district issued a public notice prohibiting “*construction of new Mosque, Hindu temple and Buddhist temple*” in Mahalchari sub-division without prior permission of the authorities concerned. The order was not targeted against the Muslims or Hindus but against indigenous Buddhists.²⁵

On 14 January 2008, the Bangladesh Police arrested Reverend Arya Jyoti Bhikkhu, Head Priest of Sarnath Arannyo Kuthir, after a settler, Abdul Majid, filed a First Information Report (No. 1 of dated 11/1/2008) under sections 143, 447, 379, 427, 506 and 109 of the Bangladesh Penal Code.

On 17 July 2007, a group of army personnel from Shuknachari army camp raided a Buddhist meditation centre “Bhujuli Bhavana Kendra” situated on remote Bhujulichuk hill-top in Lakshmichari sub district in Khagrachari district. They arrested two Buddhist *sramans* (novices) identified as Shashan Ujjal Sraman (22) and Nykishtic Sraman (26).

The army later released them after noting down their personal information and photographing them.²⁶

25. “Bangladesh: Evictions and land grabbing in the CHTs”, *Indigenous Rights Quarterly*, Vol. I, No. 3 (July –September 2007) of Asian Indigenous and Tribal Peoples Network

26. Two Buddhist novices detained, released later, Hill Watch Human Rights Forum, News No. 24/2007, 23 July 2007

4. Status of indigenous women and children

Indigenous women and children particularly face serious violations including killing and rape by the mainstream Bengalis. Rape is being used as a weapon to terrorise and humiliate the indigenous peoples.

Many women and minor girls have been killed after rape. Some instances included: On 19 January 2008, Ms Orchoto Chakma (14, daughter of Birendra Chakma) was subjected to sexual assault by a settler Sukkur Ali in Hatchinchonpur village under Dighinala Upazila of Khagrachari district when she went to a nearby grazing field to fetch her cows.

On 8 January 2008, a nine- year old Jumma girl, Chameli Tripura, was raped and killed in Ramgarh.

On 4 December 2007, 10- year old girl Ruikrashu Aung Marma was raped in Manikchari.

On 12 May 2007, Miss Bernita Chambugong (6, daughter of Bernard Jetra), a indigenous Garo girl, of village Kamaria at Muktagacha under Mymensingh district was raped by Md. Muffakar Islam (18). The rapist was not arrested.²⁷

On 28 March 2007, an Adivasi handicapped child (11, daughter of Chaikhoay Marma) was raped in Panchori in Khagrachori district. The police arrested Abdul Motaleb in connection with the rape.²⁸

On 5 January 2007, police recovered the dead body of a 23- year-old Adivasi woman in Gabtoli area in Dhaka with her hands and legs tied up with rope. Police stated that she was abducted, raped and then killed.²⁹

On 15 April 2006, Miss Sima Rema (8), a Garo girl of village Nalikali under Muktagacha police station in Mymensingh district was allegedly raped Md Usuf Ali. There was no progress in the case.³⁰

The security personnel were equally responsible for rape of indigenous children.

27. Tribal Welfare Association's submission for this report

28. An Adibashi (aboriginal) handicapped child raped in Panchori of Khagrachori district, The Daily Prothom Alo, 1 April 2007

29. Dead body of an Adivasi (indigenous) girl recovered from city's Gabtoli area, The Daily Janokontho, 6 January 2007

30. Tribal Welfare Association's submission for this report

On 19 July 2008, Ms Jika Rani Tonchongya (15, daughter of Dharon Moni Tonchongya of Magainpara village under Ghilachari Union No. 3) was subjected to a rape attempt by a Warrant Officer in Rajstali zone, Rangamati.

On 6 November 2007, an Assistant Sub-Inspector Samir Uddin was arrested on charge of raping a tribal schoolgirl (14 years) at Lama in Bandarban district on the night of 3 November 2007.³¹

5. Status of Internally Displaced Persons

The internally displaced persons (IDPs) mainly concentrated in the CHTs. The present number of the Jumma IDPs is not known but in 2000, the Task Force on the IDPs prepared a list of 1,28,364 IDP families, including 90,208 indigenous and 38,156 nontribal families. In addition, there were some 10,000 tribal IDP families who were left out by the Task Force and even the refugees who had become internally displaced after repatriation from India were not included in the Task Force's IDP list. On the other hand, by including the non-tribal IDPs, the government sought to legitimize the settlement of the Muslims from the plains in the CHTs under the State-sponsored ethnic cleansing programme.³²

While the Jumma IDPs were not provided any rehabilitation or food aid, educational facilities, health care services, sanitation and safe drinking water etc, the illegal settler families have been provided free rations and other facilities by the government since 1978.

31. Cop held for raping tribal schoolgirl, The Daily Star, 7 November 2007

32. Bangladesh Chapter, South Asia Human Rights Index 2008, Asian Centre for Human Rights, August 2008

6. Repression of indigenous human rights defenders

While human rights activists in general remain under surveillance, human rights defenders from indigenous and minority communities or those working with indigenous and minority communities were specifically targeted with impunity. Indigenous rights defenders have been disproportionate victims.

In 2007, the Special Representative of the Secretary General on the situation of human rights defenders interventions with regard to 7 human rights defenders: Mr Shahidul Islam, Mr Aminul Islam, Mr Abdul Kashem Palash, Mr Nasruddin Elan, Mr Tasneem Khalil and Mr Jahangir Alam Akash.³³

In comparison, the Special Representative made interventions with regard to 9 indigenous rights defenders: Mr Ronglai Mro, Mr. Bikram Marma, Mr. Sumit Chakma, Mr. Saimong Marma, Mr. Satyabir Dewan, Mr. Balabhadra Chakma, Mr. Manubha Ranjan Chakma, Mr Santoshito Chakma and Mr. Milton Chakma.³⁴

This shows how indigenous representatives are targeted. In the CHTs, at least 50 Jumma activists were arrested, including 20 members of Parbattya Chattagram Jana Samhati Samiti (CHT United Peoples Party) and 10 members of UPDF as of August 2007.³⁵

33. A/HRC/7/28/Add.1 of 3 March 2008

34. A/HRC/7/28/Add.1 of 3 March 2008

35. ACHR Review No. 182/07: "Bangladesh: Indigenous peoples living on the edges of riots", Asian Centre for Human Rights, 29 August 2007

7. Bangladesh's obligations and commitments

i. National level obligations

The government of Bangladesh should take the following measures to:

- implement the CHTs Peace Accord of 1997 in letter and spirit and stop implantation of plain settlers in the lands of indigenous peoples land in the CHTs;
- hold elections in the CHTs Regional Council and Hill District Councils;
- stop land grabbing in the CHTs and return the grabbed lands to their rightful Jumma owners;
- withdraw the military forces from the CHTs;
- ensure religious freedoms and withdraw all the restrictive orders imposed in the CHTs;
- ensure that the human rights activists especially from the indigenous and minority communities or those working with indigenous and minority communities were not subjected to harassment.

ii. International obligations

The government of Bangladesh should ratify the ILO Convention 169 on Indigenous Peoples.

8. Enhancement of State's capacity

AITPN recommends that the following areas should be considered for technical cooperation such as establishment of National Commission for the Rights of Indigenous Peoples.

9. Cooperation with HRC, Treaty Bodies and OHCHR

The government of Bangladesh has also failed to take effective legal, executive and administrative measures to implement the human rights treaties at national level.

Therefore, it has refused to extend Open invitations to the Special Procedures.

Further, the government of Bangladesh has little to report and therefore, failed to submit periodic reports under the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment since 1999; under International Covenant on Economic, Social and Cultural Rights since 2000; under the International Covenant on Civil and Political Rights since 2001; and under International Convention on the Elimination of All Forms of Racial Discrimination since 2002.

The Asian Indigenous and Tribal Peoples Network (AITPN) is an alliance of indigenous and tribal peoples' organisations and individual activists across the Asian region. It seeks to promote and protect the rights of indigenous and tribal peoples in Asia:

- by providing accurate and timely information to national human rights institutions, the United Nations and its specialised mechanisms, as appropriate;
- by conducting research, campaigning and lobbying on country situations or individual cases;
- by increasing the capacity of indigenous peoples through relevant training programmes for indigenous peoples' rights activists and community leaders;
- by providing legal, political and practical advice to indigenous peoples organisations;
- by providing input into international standard-setting processes on the rights of indigenous peoples; and
- by securing the economic, social and cultural rights of indigenous peoples through rights-based approaches to development.

AITPN has Special Consultative Status with the United Nations Economic and Social Council (ECOSOC).

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