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## National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\*

### Bangladesh

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## **I. Introduction**

1. A nation born of a heroic War of Liberation with the sacrifice of 3 million martyrs and honour of 200,000 women only to realise its aspirations for democracy, development, human rights, secularism and justice, Bangladesh takes pride in its vibrant, pluralistic parliamentary democracy and its multi-faith, multiethnic and multicultural secular society.

2. Having taken office from an un-elected Caretaker Government in January 2009 with an overwhelming mandate, the Awami League led Grand Alliance Government has since worked on a priority basis to bring about the highest number of legislative, institutional and policy reforms in reaffirmation of its electoral pledge to uphold fundamental rights, rule of law, and uplift the nation to a middle income status by 2021. Some of the landmark initiatives ranged from enhancing the enjoyment of civil and political rights, especially civil liberties, to creating new development paradigms for realisation of socio-economic and cultural rights. An unprecedented 196 laws were enacted by the Parliament accelerating the government's pro-people, pro-poor socio-economic development agenda under its Vision 2021. The government's human rights aspirations to empower the people transcended into an international vision for global peace and development embodied in Prime Minister Sheikh Hasina's 'People's Empowerment and Development' model endorsed by the United Nations last year<sup>1</sup>.

3. Against steep challenges of resource and capacity constraints, climate change and natural disasters, 'Bangladesh has made noteworthy progress in achieving some key gender and health related MDGs and a higher pace of human development compared to other South Asian countries<sup>2</sup>. Economic prospects for Bangladesh remain favourable in an age of global recession, where economic expansion has been based on strong growth in private investment and consumption, supported by steady increase in remittances.<sup>3</sup> While this Report seeks to capture progresses made since Bangladesh's last UPR in 2009, it also responsibly acknowledges areas where we need to make further strides in cooperation with national and international partners in realizing for our people greater political, social and economic progress in larger freedoms.<sup>4</sup>

## **II. Methodology**

4. From an early stage of drafting this Report, several broad and inclusive consultations were held by the Government with relevant stakeholders such as statutory bodies, especially the National Human Rights Commission (NHRC), NGOs, CSOs and experts working on human rights and development (*Annex B*). The Government alternatively participated in the consultation meetings organized by the human rights stakeholders. This Report reflects information received from relevant Government Ministries and agencies that also actively participated in the consultation meetings with stakeholders. This Report has taken into account recommendations and observations of the concerned stakeholders. This report also focuses on updates on implementation of the Recommendations Bangladesh accepted at its 2009 UPR (referenced at various relevant sections) and significant developments and best practices in its overall human rights situation since then.

## **III. Normative and institutional reforms since 2009 for protection and promotion of human rights**

5. Since 2009, the government undertook unprecedented reforms in order to strengthen its legislative, institutional and policy mechanisms for the protection and promotion of human rights [**Recommendation 5**].

## Strengthening human rights protection framework

### Constitution

6. The Constitution of Bangladesh is the supreme law of the land and guarantees all fundamental rights and freedoms as justiciable rights.<sup>5</sup> Any laws in Bangladesh must not be inconsistent with the Constitution.<sup>6</sup> While guaranteeing non-discrimination and equal protection of law for all citizens, the Constitution allows affirmative action favouring betterment of women, children and the underprivileged sections of the citizens. The Constitution also provides the Fundamental Principles of State Policy<sup>7</sup> requiring the government to ensure democratic, economic, social, and cultural progress of the citizens. During 2009-12, the Parliament in its landmark 15th amendment of the Constitution restored the underlying principles of the 1972 Constitution and incorporated certain realities that have emerged high on the national agenda.

### The Parliament, Parliamentary Standing Committees (PSCs) and national legislations

7. The National Parliament, consisting of 350 seats, due to its plenary powers of legislation, remains the most important democratic institution for promotion and protection of human rights. In its first session in 2009, the 9<sup>th</sup> Parliament constituted 50 PSC that, for the first time in Bangladesh, comprise of opposition bench members as Chairpersons, enhancing pluralism and accountability.

8. Since UPR 2009, the 9<sup>th</sup> Parliament passed 196 legislations (*Annex C*) - most of which addressed the political, socio-economic and cultural rights of the people, especially women, children, ethnic minorities, workers, socially marginalised people etc. These national legislations have been enacted with a view to better realisation of international human rights obligations [**Recommendation 4**]. The most significant new laws are:

- National Human Rights Commission Act, 2009;
- Anti-Terrorism Act, 2009;
- Right to Information Act, 2009;
- Small Ethnic Group Cultural Institutions Act, 2010;
- Domestic Violence (Prevention and Protection) Act, 2010;
- National Identity Registration Act, 2010;
- Climate Change Trust Act, 2010;
- Environmental Tribunal Act, 2010;
- Lepers (Repeal) Act, 2011;
- Prevention of Money Laundering Act, 2012;
- Competition Act, 2012;
- Disaster Management Act, 2011;
- Vagrant and Homeless People (Rehabilitation) Act, 2011;
- Hindu Marriage Registration Act, 2012;
- Human Trafficking Prevention and Control Act, 2012;
- Mutual Legal Assistance in Criminal Matters Act, 2012,
- Control of Pornography Act, 2012;
- Prime Minister's Education Assistance Trust Fund Act, 2012.

### **Supreme Court (SC)**

9. The SC is the highest judicial authority and its decisions are binding on all subordinate courts, executives and judicial authorities. Judicial review is the most important power of the SC for the purpose of enforcement of fundamental rights. In a good number of cases, SC has recognised human rights which have not been expressly incorporated in the constitution as fundamental rights and has enforced international treaty provisions into national legal regime.<sup>8</sup>

### **Policy measures**

10. Since UPR 2009, the Government demonstrated its human rights commitment by adopting a number of new policies for promotion and protection of human rights. The major ones are:

- National Child Labour Elimination Policy, 2010;
- National Education Policy, 2010;
- National Child Rights Policy, 2010;
- Domestic Workers Protection and Welfare Policy 2010;
- National Labour Policy, 2011;
- National Skill Development Policy, 2011;
- National Women Development Policy, 2011;
- National Children Policy, 2011.

## **IV. Strengthening institutional framework for protection and promotion of human rights**

### **National Human Rights Commission (NHRC)**

11. Since UPR 2009, the Government prioritised transforming the NHRC into the primary institution that oversees human rights implementation in Bangladesh [Recommendation nos. 6 and 7]. With the appointment of an eminent Chairperson, the NHRC enhanced its credibility, underwent comprehensive reorganisation and secured 'B'-status rating by the International Coordinating Committee of NHRI. The freedom to use its allocated budget and the guarantee of tenure of the Chairman and members of the NHRC ensures its functional independence. The Government is actively considering further enhancement of its budgetary and human resources. The NHRC has set up an online Complaints Management System.

12. The National Human Rights Commission Act, 2009 empowers the NHRC to exercise its investigative power *suo moto* to probe into any alleged violation of human rights. Its mandate extends, inter alia, to summon explanation from the Law Enforcing Agencies (LEAs) and other public authorities, visit jails, prisons or correctional centres, lodge writ petitions to the High Court Division on behalf of an aggrieved and exercise the powers of a civil court while conducting any inquiry.

### **Anti-Corruption Commission (ACC)**

13. The ACC acts as an independent institution to investigate and prosecute offences related to corruption. The present Government has undertaken significant reforms to ensure independence of ACC [**Recommendation 24**]. ACC has gained public confidence by summoning ministers, members of parliament, political leaders, high government officials and top businessmen.

14. The Anti-Corruption Commission (Amendment) Act, 2012 remains under consideration of National Parliament to give ACC stronger institutional powers and capacity to combat corruption. The ACC has formed Corruption Prevention Committees in 9 Metropolitan areas, 62 districts and 421 upazillas (sub-districts) with a view to raising awareness and promoting anti-corruption movement among citizens [**Recommendation 24**].

### **National Election Commission (EC)**

15. The EC is vested with the task of conducting elections in Bangladesh. The President appointed a new Chief Election Commissioner through a consultative selection process in 2012. The Election Commission Act, 2009 and subsequent reforms have delinked EC from the Executive to guarantee its independence. EC has also been given financial autonomy.

### **Law Commission of Bangladesh**

16. The Law Commission is a statutory body empowered to recommend enactment, amendment or repealing of laws relating to fundamental rights and values of society. It codifies laws and advises reforms of the judicial system. Before finalising draft laws, the Commission consults, solicits and considers submissions from various stakeholders. Since 2009, the Commission has prepared a number of reports on reform of laws for promotion of human rights, including abolition of corporal punishment, prevention of sexual harassment in educational institutions and workplaces, prevention of violence against women, protection of victims and witnesses to grave offences, ensuring speedy disposal of civil and criminal cases, and reform of Hindu family laws. The Law Commission is currently working on reports on the Protection of the Rights of the Marginalized and Disadvantaged Sections, the enactment of new laws on medical negligence, prevention of torture and death in police custody.

### **Information Commission (IC)**

17. The IC has been established as per Right to Information Act, 2009 (RIA) with a view to ensuring citizens' *access to information* under public and private domain. IC retains the power to impose legal sanctions for breach of RIA, including failure of any public or private organization to provide information to anyone who may apply.

### **National Legal Aid Services Organization (NLASO)**

18. The GOB, through the Legal Aid Act, 2010, has set up the country's first legal aid institution NLASO in order to facilitate poor citizens' access to justice and enforcement of their rights. The NLASO has put in place hotline numbers which are accessible by the people. The NLASO provides service through District Legal Aid Committees (DLAC) operating in all districts. Each DLAC reserves a legal aid fund financed by the Government.

### **Non-governmental and civil society organizations (NGO/ CSOs)**

19. Bangladesh takes pride in its most vibrant and internationally acclaimed NGOs and CSOs that complement the government's efforts for promoting human rights, development and good governance. The present government has built a strong institutional partnership with NGOs and CSOs that have been contributing actively in human rights law and policy making process in follow-up of UPR 2009 [**Recommendation 42**]. According to NGO Affairs Bureau, 2,170 NGOs are currently operating in the country. The NGOs are actively engaged in a wide range of activities such as micro-financing, poverty alleviation, disaster management, protection of environment, vulnerable groups such as children, women and persons with physical and mental disabilities, non-formal education and training and advocacy on protection and promotion of civil and political rights and good governance. The government welcomes the tradition of local NGOs and CSOs contributing to strengthening the national human rights regime.

### **Press and media**

20. A vibrant and vigilant media are considered to be an integral democratic institution to ensure promotion and protection of human rights and strengthen democracy. The Government is vigilant that media can always perform its role in full freedom. The present Government has issued licences to 14 new private television channels, 14 new community radio channels and 7 new private FM radio channels.

### **Citizens**

21. Article 102 of the Constitution empowers citizens to enforce their fundamental rights through the intervention of SC. The SC, by way of interpretation, recognised the right of individuals to institute public interest litigations.<sup>9</sup>

## **V. International legal obligations and commitments**

22. Bangladesh has reaffirmed its commitment to promote and protect human rights through its unequivocal pledge to uphold the principles and purposes of the UN Charter, international peace and security, respect for international law and rejection of colonialism and racism. Bangladesh is party to 16 international human rights instruments and has enacted domestic laws for their implementation. During 2009-12, Bangladesh has ratified the Rome Statute of the International Criminal Court 1998 (23 March 2010); the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (24 August 2011) and the UN Convention against Transnational Organized Crime 2000 (13 July 2011) and Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Beijing, 3 December 1999 (24 August 2010). Bangladesh is always committed to cooperate with international human rights mechanisms. Since UPR 2009, UN Special Rapporteurs on Housing and Water and Sanitation have visited Bangladesh, while the UN Special Rapporteur on Violence against Women has been invited to visit in early 2013 [**Recommendation 12**]. During this time, Bangladesh has submitted its periodic reports to CEDAW and CRC Committees and has initiated work, in cooperation with UNDP, to strengthen reporting capacity to other treaty bodies, particularly ICPPR and ICESCR [**Recommendation 39, 40**].

## VI. Best practices and challenges

23. Bangladesh believes that all human rights are equal, indivisible, inter-dependent and mutually reinforcing. Civil and political rights cannot truly be enjoyed by those who do not have access to economic, social, and cultural rights. It is in this spirit that the Government of Bangladesh (GOB) focuses on a balanced approach to instituting best practices for the promotion and protection of both sets of rights.

## VII. Civil and political rights

### Consolidation of democracy

24. Bangladesh has drawn important lessons from the political and social evils that ensued from illegal overthrow of democratically elected governments. The 15th Amendment to the Constitution has expressly declared act of abrogation or suspension of Constitution as *sedition* and made it punishable with the highest punishment provided by law.

### Free and fair election

25. During 2009-12, EC held 5,509 elections in all tiers of governance, including 15 Parliamentary by-elections and several city corporation elections. Each of these elections was free, fair and credible, and there was no allegation regarding their conduct or results. As part of preparation for next Parliamentary elections, EC is holding consultations with all major political parties and is currently updating the electoral voter list with photo ID, in which about 7 million new voters are to be enlisted.

### Local government

26. Bangladesh considers a strong local government system to be critical for development at the grass root level. In 2009, the Election Commission held elections for 481 upazilla (sub-district) councils. The District Councils have been infused with dynamism with the appointment of administrators after a long hiatus. Three new City Corporations have been formed where elected representatives are discharging their functions.

27. During 2009-12, 57,373 chairmen and members in 4,421 union councils, 1,443 chairmen and vice chairmen in 481 upazillas, 3,782 Mayors and Councillors in 282 municipalities, as well as four Mayors and 171 Councillors in four City Corporations got elected. A total of 63,194 peoples' representatives got elected during this period.

### Ensuring justice and rule of law

#### Judicial independence

28. Since UPR 2009, the Government separated Judiciary from Executive by amending the Code of Criminal Procedure (CrPC), 1898 to make the lower and upper judiciary fully independent [**Recommendation 25**]. To further strengthen administration of justice, a separate Judicial Service Commission, a Judicial Service Pay Commission and a Judicial Administration Training Institute have been established.

### **Access to and delivery of justice**

29. During 2009–12, 46,737 people, including 234 children, who sought national legal aid, received legal aid under the aegis of NLASO. A total 18,625 legal aid supported cases have been disposed of. The NLASO is actively encouraging its clients to settle their disputes through Alternative Dispute Resolution (ADR) mechanism. Since 2010, full-time legal aid staff have been assigned in all 64 Districts and have been trained on effective utilisation of the legal aid funds. Village courts in rural areas and municipal conciliation boards in the urban areas are empowered to decide civil and criminal cases of petty nature.

30. 71 judges have been appointed in upper court and 125 judges in sub-ordinate courts to reduce backlog of cases. Justice delivery system in upper and lower judiciary has been digitalized.

### **Ending the culture of impunity**

31. The GOB has initiated a number of trials to bring to justice the perpetrators of some heinous crimes that continue to blight the national psyche and socio-political fabric [Recommendation 10].

### **Bangabandhu murder trial**

32. The Father of the Nation and the then President of Bangladesh, Bangabandhu Sheikh Mujibur Rahman and 18 members of his family were killed on 15 August 1975. Martial law was imposed in the country and an Indemnity Ordinance was promulgated by the then military-backed President, later declared usurper by SC. Government providing immunity from prosecution to the self-confessed killers of Bangabandhu. After 34 years, the nation was relieved of this ignominy when, in November 2009, the Appellate Division of SC gave its verdict on the killing. Significantly, this judgement emerged through an independent and transparent judicial system following all due process, rather than by any special tribunal or special courts. The trial demonstrates the Government's resolve to strengthen the democratic culture by deterring those who try to change the course of politics through assassinations.

### **Trial of genocide and crimes against humanity**

33. In order to bring the perpetrators of genocide, war crimes, crimes against humanity and other international crimes committed during the Liberation War of 1971 to justice, a long cherished aspiration of citizens of Bangladesh, the GOB in 2010, has established the International Crimes Tribunal, Bangladesh (ICTBD). It is notable that one of the most heinous genocides and crimes against humanity of the 20<sup>th</sup> century is being tried in a domestic tribunal with a mandate to try internationally defined crimes under the International Crimes Tribunal Act, 1973. This trial is being conducted in independent, open tribunals, witnessed by media and independent observers, to ensure the requirements of fair trial in compliance with international standards and following due process. The prosecution and defence procedures are digitalized. The Rule of Procedures of the Tribunals provide for victim and witness protection measures. Currently, there are eleven cases under trial, two cases at final stage, and one already disposed of with conviction.

### **Trial of Bangladesh Rifles (BDR) Mutiny**

34. The trial of the BDR Mutiny, that took place in February 2009 causing 78 deaths and other casualties, has been conducted in open courts ensuring fair treatment of the accused. The trial of 6,041 BDR personnel for committing mutiny has been completed. Of them, 5,926 have been awarded imprisonment for different terms. Trials of 850 personnel



for committing murders and other offences are under process. Following the Mutiny, the Parliament enacted the Border Guard of Bangladesh Act, 2010 to reconstitute the force.

## **VIII. Transparency and governance**

### **Parliamentary oversight and accountability**

35. The 50 PSCs have emerged as an effective oversight mechanism, thereby providing greater scope for participation of citizens in governance. They examine draft Bills and other legislative procedures and review and monitor enforcement of legislations. The PSCs investigate activities of and serious complaints in respect of a Ministry falling within their respective jurisdictions, and may seek explanations from all concerned, including Ministers and public officials.

### **Anti-corruption measures**

36. During 2008-12, the ACC investigated 4,790 complaints and filed 1,213 cases for alleged corruption. ACC has submitted charge sheets in 2,087 cases and ensured speedy disposal of cases. Very recently, ACC has been able to bring illegally laundered money back to Bangladesh. ACC has also formed 14,097 *Integrity Alliances* in educational institutions across the country. Each year, it observes International Anti-Corruption Day on 9 December and Corruption Prevention Week from 26 March to 1 April.

### **National integrity strategy**

37. The Cabinet has approved the National Integrity Strategy in October 2012 for a comprehensive and coordinated initiative to eliminate corruption in all spheres of national life.

### **Right to information**

38. During 2010–12, the IC has received 306 complaints, among which 138 were taken into cognizance, 135 resolved and 146 addressed through communications. Only in 2011, 7,808 applications were made to various authorities seeking information under the RIA of which 97 percent were disposed of. Since 2009, IC has organized public sensitization meetings and trainings in divisional and district towns. 2,299 designated officers received training on RIA by the IC. Mobile service operators sent millions of SMSs on the RIA to raise public awareness.

### **Citizens' Charter**

39. Most Government Ministries and agencies have formulated their respective Citizen's Charters to better inform citizens of the services they provide, and also the remedial steps in case those services are not duly provided. The Citizens' Charters are available on websites.

### **Protection of whistleblowers**

40. Bangladesh encourages whistleblowers to report on corrupt practices to appropriate authorities. The Parliament has enacted the Disclosure of Public Interest Related

Information (Protection) Act, 2011 to protect whistleblowers who may inform public authorities about activities prejudicial to law and order and security.

## **E-Governance**

41. The GOB has established a new Ministry of Information & Communication Technology and has adopted the National ICT Policy, 2009 to materialize the present Government's vision to build a 'Digital Bangladesh'. The Parliament has also enacted the National ICT Act, 2009. Bangladesh has now e-service centres in all districts, 147 upazillas and about 4,700 unions. Approximately, 8,000 rural post offices and 500 upazilla post offices are in the process of being converted into e-centres. People in remote areas are using these centres for accessing government forms and information, results of public examinations and information on agriculture, education, health and law. Currently, tele-density in the country has increased to 61 percent and internet density to 21.3 percent. Public procurement is increasingly being brought under e-Tendering system. A programme has been undertaken for digitalising land registration system.

## **IX. Right to life and liberty**

### **Law enforcing agencies and human rights**

42. The GOB continues to maintain its 'zero tolerance' policy towards violation of human rights by LEAs. A Police Reform Act with stringent code of conduct is in place, while pro-people policing has been introduced through establishment of model police stations and victim support centres in key police stations. According to existing laws, there is no scope for impunity for human rights violations by armed forces and LEAs [**Recommendation 10**]. Wherever criminals resort to use of firearms during regular operations against them, LEA members may have to resort to use of force or exchange of fire only as the last means of protection of public life and property and to exercise the right of self-defence, as per the provisions of the PC. The LEAs follow their respective Codes of Conduct and Rules of Engagement. This cannot be conflated with 'extra-judicial killing' since there is no legal basis for this term in the laws of Bangladesh [**Recommendation 10 and 20**].

43. After every incident of use of force or exchange of fire by police, RAB or other LEAs, even though occurred in the course of authorised duty, a series of inquiries and investigations are conducted by competent authorities. If it is found through inquiry that any LEA member has breached Code of Conduct and human rights, appropriate legal and disciplinary actions are taken against such persons. For instance, during 2010-12, more than 1,600 RAB members have been brought to justice, including imprisonment, dismissal and removal from service for committing various offences and human rights violations. [**Recommendation 26**] An Internal Enquiry Cell, a special team trained and organised with the US Government support, investigates any incident of use of force or exchange of fire by RAB members.

44. During 2009-12, the number of criminals that died during exchange of fires with RAB has marked a sharp decline compared to previous five years (from 546 to 188). In case of casualties during any operations, prompt and proper medical treatment has been ensured for the injured persons. On the other hand, a total of 77 RAB members died and another 250 sustained vital injuries during such incidents.

## Detention and torture

45. Article 33 of the Constitution provides that no person shall be arrested or detained in custody without being informed of the grounds for such arrests. In *BLAST vs. Bangladesh and others*<sup>10</sup>, the Supreme Court laid down safeguard measures against arbitrary arrests by the police under section 54 of CrPC. Whenever any criminal or suspect is brought into custody, such person is treated as per the applicable legal provisions under the CrPC; PRB, 1860 and relevant laws. As per CrPC, any death incidents occurring in police custody is enquired by a magistrate.

46. Article 35 of the Constitution stipulates that no person shall be subjected to torture or cruel, inhumane or degrading punishment or treatment. The PRB also provides certain safeguards for protecting prisoners from torture. Any incident or allegation of torture in imprisonment is dealt with seriously and departmental actions are ensured against those responsible. As per the Jail Reform Commission's recommendation, corporal punishment in prison had been abolished. The GOB, in collaboration with ICRC, is carrying out advocacy and training programmes for LEAs and prison authorities on international safeguards against torture [Recommendation 10, 20].

## Prison reform

47. The number of prisoners exceeds the official capacity of prisons in Bangladesh leading to overcrowding. During 2009-12, the GOB has taken steps to construct new prison facilities in spacious, healthy conditions. Four new central jails have already gone into operation while construction work is ongoing for two more central jails for under-trial prisoners [Recommendation 20].

48. The prison authorities are making sustained efforts to turn jails into correctional homes where prisoners would get opportunity to go through corrective measures and a disciplined lifestyle, and also learn new skills to pursue gainful employment upon release. In every jail, there are enclosed, protected accommodation arrangements for female prisoners, where children up to 6 years of age are allowed to stay with their mothers.

## Kidnapping/abduction of citizens

49. The existing legal regime does not contain any reference to 'disappearance'/ 'enforced disappearance'. The legally recognised term for it under the PC is 'kidnapping/ abduction'. According to CrPC, it is a cognizable offence and an officer in charge of a police station is bound to lodge a case and investigate on receipt of any abduction related information. From January 2009 to June 2012, a total of 2,941 abduction cases were recorded with the police through out the country. In more than 50% cases, the LEAs were able to recover the victims and, in some instances, recovered the abandoned dead bodies. For instance, RAB has recovered more than 1,400 abducted persons and arrested 800 abductors.

50. In recent times, there has been a tendency to use the name of RAB and other LEAs in relation to cases of kidnapping/ abduction. RAB has, so far, arrested more than 500 criminals disguised as LEAs, including those involved in abduction.

## Death penalty

51. Even if there is provision for death penalty in Bangladesh laws, its application is restricted to very selective cases of the most serious and heinous crimes and is applied with

due legal process and judicial safeguards. The convicts sentenced to death penalty have option to seek Presidential clemency. Bangladesh maintains an extremely low rate of execution of death sentences. During 2009-12, death sentence has been carried out against 19 people. In the case *BLAST vs. Bangladesh*<sup>11</sup>, the Supreme Court held that any provision of law which provides that a law providing for mandatory death penalty as punishment without exploring other options is not in accordance with the Constitution. **[Recommendation 19]**

### **Combating human trafficking**

52. The GOB attaches the highest priority to eliminating human trafficking, people smuggling and other related crimes. The GOB has enacted a comprehensive anti-trafficking legislation titled Human Trafficking Deterrence and Suppression Act, 2012, and the National Plan of Action 2012-2014 to combat human trafficking **[Recommendation 16, 23]**.

53. An Inter-ministerial Committee has been formed under the Ministry of Home Affairs (MHA) to coordinate ongoing efforts in preventing human trafficking. Similar committees have been formed at district, upazilla and union levels. A monitoring cell has been established at the Police Headquarters and in each district to monitor, in particular, criminal prosecution of human trafficking. The MHA has also set up a Taskforce for rescue, recovery, repatriation and reintegration of victims of trafficking, especially women and children. Owing to all these initiatives, Bangladesh has graduated from “Tier 2 Watch List” to “Tier 2” in the US State Department Report on Trafficking in Persons.

54. At the regional level, Bangladesh has ratified the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002. Bangladesh and India have set up a joint task force for prevention of trafficking in children and women. Bangladesh is an active member of the Bali Process on Human Trafficking, People Smuggling and other related crimes. Ratification of Palermo Protocol on Human Trafficking is under consideration.

### **Fight against terrorism**

56. The present Government has taken an uncompromising stance on combating terrorism and extremism. As such, during last four years, Bangladesh has been successful in destroying most of the known terrorist networks and outfits within its borders. The Parliament has enacted the Anti Terrorism Act, 2009 and Money Laundering Prevention Act, 2012 in line with UN Global Counter Terrorism Strategy. The GOB has finalized a comprehensive national counter terrorism strategy. The MHA has set up a core committee to coordinate work on prevention and suppression of terrorism.

57. As a state party to all 13 UN counter-terrorism instruments, Bangladesh is working on necessary legal reform to ensure national compliance. Bangladesh has ratified the SAARC Convention on Mutual Assistance in Criminal Matters as reflection of its commitment to counter-terrorism efforts at the regional level. The GOB has taken a host of measures to combat money laundering and terrorist financing, including proscribing terrorist individuals and organisations listed by the UN Security Council 1267 Committee.

### **Road safety**

58. To minimize road accidents, the Government has taken measures to develop a National Road Safety Strategic Action Plan after every three years. The Parliament has

enacted the National Road Transport and Traffic Act, 2012. The GOB has deployed highway police to enforce road safety measures and set up trauma centres on the national highways.

### **Freedom of assembly**

59. The Constitution guarantees the right to every citizen to assemble and to participate in public meetings and processions peacefully and without arms, subject to reasonable restrictions imposed by law. According to CrPC, the provision of restriction on any Assembly is imposed by the District Magistrate, except in metropolitan areas. However, the police can legally intervene in any Assembly when it turns into an unlawful gathering posing threat to public life and property.

### **Freedom of expression**

60. Pursuant to the constitutional guarantee for freedom of expression, conscience and press, the GOB has encouraged a vibrant media and free flow of information across the country. The provisions of Special Powers Act, 1974 relating to the control of media have been withdrawn to make the media free from any form of control. The provision of CrPC regarding issuance of warrant of arrest for defamation cases has been withdrawn to the effect that journalists would not be arrested or harassed without being notified well ahead about the allegations brought against them [**Recommendation 8**].

61. The new agencies and media outlets are entirely free to disseminate news and information. The GOB is currently working on drafting a National Broadcasting Policy through a committee comprising media and civil society representatives. The Government has been earnest in bringing to justice any criminals involved in the murder or assault on journalists. Any print or electronic media that were closed was due to court decisions concerning their ownership disputes or bank loan defaults.

62. As of April 2012, the total number of countrywide print media is 463. The Government formed the 8<sup>th</sup> Wage Board in June 2012 to review the payment and allowances for journalists.

63. The Bangladesh Telecommunication Regulatory Commission imposed a temporary moratorium on Youtube for uploading derogatory videos and comments that would have hurt the religious sentiments of the majority population. The GOB remains committed to free and independent functioning of print, electronic and social media as a means to consolidate democracy.

## **X. Human rights education and awareness**

64. The National Education Policy, 2010 has made provision for imparting knowledge of human rights at all education levels. The judiciary, armed forces, police and other law enforcing agencies have undertaken various reforms and training programmes aimed at improving observance of human rights among their members [**Recommendation 27**]. The GOB supports NHRC's human rights awareness initiatives. Since 2009, the NHRC has regularly organized interactive dialogues with stakeholders to increase public awareness about human rights and in 2011 conducted a comprehensive baseline survey on citizen's perception of human rights. [**Recommendation 9**]

## **XI. Economic, social and cultural rights**

### **Poverty reduction**

65. Economic constraints being one of the major root causes of violation and non-fulfilment of human rights, Bangladesh has adopted a multi-pronged approach aimed at alleviating human poverty on one hand and ensuring human rights of its citizens on the other. The GOB's inclusive economic growth strategy has resulted in impressive poverty reduction from 40.0 percent in 2005 to 31.5 percent in 2010. The recent Household Income and Expenditure Survey, 2010 reveals that incidence of poverty has declined at an annual rate of 2.46 percent in Bangladesh during 1992-2010 against the MDG target of 2.12 percent. Bangladesh has already met one of the indicators of Target-1 by bringing down the Poverty Gap Ratio to 6.5, against MDG target of 8. If this trend continues, Bangladesh would achieve the MDG target of halving population living under poverty line from 56.6% to 29% ahead of 2015. The GDP per capita has doubled in the past two decades. Bangladesh has maintained a steady growth rate of above 6 percent during last five years. **[Recommendations 30, 36]**. However, despite these achievements, poverty reduction still remains one of the major challenges for Bangladesh.

### **Employment generation**

66. During 2009–12, the GOB has created employment opportunities for 450,000 people in public sector. 600,000 unemployed youth have been given training for self-employment and 55,254 young people have been provided temporary employment under the National Service Scheme. Collateral free loans to the tune of Tk. 100,000 are being disbursed among the youth from the Employment Bank. The Government remains committed to generate employment opportunities and train people for self-employment. **[Recommendation 30]**

### **Food security**

67. Since Independence, Bangladesh has tripled its food production. The country now produces over 34 million tons of food grains each year and it is near self-sufficient in rice. There is a reserve of record 1.5 million tons of food grains. The GOB aims to achieve the three dimensions of food security, i.e. availability, access and utilization, through implementation of the National Food Policy and its Plan of Action (2008–15) and the Country Investment Plan (2010–15).

68. In order to ensure food security of poor people, the present Government has enhanced the scope and allocation of the Open Market Sale, Vulnerable Group Development, Vulnerable Group Feeding, Test Relief and Food for Work programmes. The number of beneficiaries rose from 30 million to 40.17 million. The Government has also introduced a fair price card which provides 20 kilogram food grain to per person per month at subsidized rate.

69. Per capita daily calorie intake has increased from 2238.5 K.cal in 2005 to 2318.3 K.cal in 2010. Protein consumption has also increased from 62.5 grams in 2005 to 66.26 grams in 2010. In northern parts of the country, the near-famine situation that used to prevail during the pre-harvest season earlier has been alleviated through concerted action by Government and NGOs. **[Recommendation 30, 31, 36]**

## Universal healthcare

70. The GOB has undertaken a “Health, Population and Nutrition Sector Development Programme” (2011-16). The Government has so far launched 13,000 community clinics, each with a catchments area of 6,000 people, to reach health care services to all citizens. Bangladesh has developed a very good health and family planning infrastructure network at the grass root level with 3,500 Union Health and Family Welfare Centre and 407 Maternal Child Health-Family Planning units operating in the upazilla Health Complexes. During 2009–12, the GOB has upgraded 2,722 upazilla Health Complexes, and appointed 5,700 physicians, enhancing doctor-patient ratio.

71. Bangladesh has made considerable progress (50 per 1,000 live births in 2009 from 146 in 1990) in child survival over the last several decades. Bangladesh is among the 16 countries in the world that are on track to achieve MDG 4 on child mortality. In 2010, in recognition of the success in reducing child mortality rate, Prime Minister Sheikh Hasina received MDG Award 2010. Maternal mortality declined from 322 in 2001 to 194 in 2010, a 40 percent decline in 9 years. In 2011, Bangladesh Prime Minister received the South South Award for successful utilization of ICT for improving women and child health. The HIV/ AIDS prevalence rate remains less than 1 percent. The prevalence rate of Malaria has decreased from 776.9 per 100,000 persons in 2008 to 475 in 2011. The population growth rate is 1.34 percent and contraceptive prevalence rate 61 percent. In last two decades, life expectancy of Bangladeshis has increased from 59 years to 69 years. **[Recommendation 32]**

## Food safety

72. The Consumer Rights Protection Act, 2009 provides for setting up consumer rights protection committees to address adulteration in food and other commodities for profit making. The GOB conducts regular mobile courts to ascertain food safety standards and prosecute those found guilty of food adulteration. The GOB has taken further initiatives to make kitchen markets in metropolitan areas free from chemical contamination of food.

## Water and sanitation

73. The Government has built 130,823 arsenic free water sources throughout the country. Currently for every 95 people in rural areas, there is at least one source of safe drinking water. Disregarding the arsenic contamination, around 97.8 percent population of Bangladesh is using improved drinking water source, while arsenic adjusted figure is about 86 percent.

74. The GOB has initiated an extensive programme of National Sanitation Campaign to ensure 100 percent sanitation. The GOB has adopted a National Sanitation Strategy to achieve universal sanitation coverage. About 63.5 percent of population is using improved sanitation across the country.

## Housing and rehabilitation

75. Giving special attention to the landless and marginal poor, the GOB has rehabilitated 109,000 families under the *Asrayan Project* in two phases. 1,038 families have benefited from the present Government’s flagship *One House, One Farm* programme. The *Ghorey Phera (Back to Home)* programme has been designed to reverse rural-urban migration. Around 52,000 acres of agricultural *khas* land has been distributed among 1,11,673 landless

families. About 2,600 floating families have been rehabilitated in the capital city. The Parliament enacted the Vagrants and Homeless (Rehabilitation) Act, 2011 to provide shelter and rehabilitation to distressed persons. The GOB is building 41,000 plots and 25,500 flats in the capital and other districts to provide housing facilities for low and middle income people.

## **Education for all**

76. The GOB has attached top priority to education for all with the highest allocation in national budget. The National Education Policy, 2010 has set the ground for far-reaching qualitative changes in the country's education sector. Primary education is compulsory and free for all children aged between 6 and 10. All children attending primary and secondary schools receive textbooks free of cost on the first day of the year in a festive atmosphere. The education of girls up to grade XII in public institutions is free of cost. 7.8 million students, particularly girls in rural areas, are given stipends in secondary schools. It has set up an Educational Assistance Trust Fund to the tune of Tk. 10 billion to give financial support to poor and meritorious students. **[Recommendation 33]**

77. The Government conducts food-for-education programme in support of students from underprivileged families. Between 2004 and 2011, 'Reaching Out-of-School Children' project provided primary education to more than 750,000 dropouts in 22,000 learning centres, popularly known as *Ananda* schools. Bangladesh has already achieved the MDG-2 target of gender parity in primary and secondary school enrolments and school enrolment rate has reached up to 99.64 percent.

78. A total of 3,047 ICT laboratories have been set up in the Upazilla Service Centres and educational institutions. The introduction of multi-media classrooms in 20,500 educational institutions and converting 106 textbooks into e-Books have helped move towards digitalization of education. As part of the initiative to modernise religious education, vocational courses have been introduced in 100 madrassas and graduation courses in four different disciplines has been introduced in 31 madrassas each.

79. During 2009–12, 63,000 teachers have been appointed in government primary and secondary schools. 4,500 Government and registered primary schools have been constructed and rebuilt. In January 2013, the GOB nationalised 26,193 private primary schools all over the country. Because of this decision, 103,845 teachers will draw their salaries and wages from government exchequer.

## **Environmental protection**

80. The 15<sup>th</sup> amendment to the Constitution obliges the government to protect environment, bio-diversity, wetlands, forests and wildlife. The Parliament has enacted the Environment Tribunal Act, 2010 and Environment Conservation (Amendment) Act 2010. The proportion of land area covered by forests has reached to 19.42 percent in 2012. During 2009-12, seven new national parks and eight wildlife sanctuaries have been set up to protect the country's bio-diversity. Bangladesh has earned international recognition for its social forestry programme. The present Government has initiated a major river dredging initiative to enhance the navigability of the waterways. The Cabinet has recently approved the draft National River Protection Commission Act, 2012.

81. The GOB has declared ship breaking as an industrial sector and formulated the Bangladesh Ship Breaking and Recycling Rules, 2011 to regulate exposure to hazardous substances and ensure application of labour law provisions, including occupational health and safety measures.



## Climate change adaptation

82. Despite Bangladesh's almost no contribution to global warming, it is one of the most vulnerable countries to climate change. Currently, Bangladesh loses 1.5% of its GDP due to increased frequency and intensity of climate induced natural disasters. Available estimates suggest that a 1 meter sea-level rise will inundate 15-20% of the coastal region of Bangladesh. This may result in displacement of about 30 million people by the mid-21st century.

83. The GOB has adopted Bangladesh Climate Change Strategy and Action Plan, 2009. It has undertaken various adaptation measures including developing flood, drought and salinity tolerant crop varieties, construction of embankments, polders and cyclone shelters, and coastal afforestation projects. The Parliament has enacted the Climate Change Trust Act, 2010, whereby the GOB has set up a Climate Change Trust Fund with its own resources and Climate Change Resilience Fund with support from development partners. In 2011, Bangladesh assumed the Chair of the Climate Vulnerable Forum and organized the launching of the Climate Vulnerability Monitor 2012.

84. In 2012, Bangladesh, along with the Philippines, steered the negotiations and adoption of a resolution on Climate Change and Human Rights at the Human Rights Council with a view to underlining the human rights dimension of climate justice and promoting better interface between climate change and human rights communities. **[Recommendation 41]**

## Disaster management

85. The GOB has taken measures for disaster risk reduction, preparedness and management. The Parliament has enacted the Disaster Management Act, 2010 and the GOB has developed a National Disaster Management Policy. The Comprehensive Disaster Management Programme promotes active community involvement and the Cyclone Preparedness Programme helps mobilize around 42,000 community-based volunteers in the coastal areas in emergency situations. During 2009-12, 500 multi-purpose cyclone shelters have been built for emergency evacuation and early warning and forecast system has been strengthened through enhanced capacity building of meteorological and space research agencies. Necessary machinery and equipment have been purchased to further equip the Fire Service and Civil Defence to respond to fires, earthquakes and other disasters.

## Social Safety Net Programmes (SSNP)

86. In FY 2012-13, the GOB allocated Tk. 2, 27, 505.5 million which is 2.18% of the estimated GDP and 11.87 percent of the budget.<sup>1</sup> The present Government has significantly increased the number of beneficiaries for the old age, widows and destitute women allowances, freedom fighters' allowance and other SSNPs introduced during its first term. About 25.3 percent of all families in the country has been brought under the coverage of SSNP.

87. The GOB through the Palli Karma Shahayak Foundation (PKSF) has disbursed micro-finance loans to the tune of USD 2404.97 million up to June 2011 among 6,631,870 borrowers, out of which, 91.29 percent have been women. **[Recommendation 30, 35]**

## Sharing of best practices

88. Bangladesh has been sharing its pro-people best practices, including home-grown methods of poverty reduction, education, healthcare and food security, with countries in comparable milieu. **[Recommendation 35]**

## XII. Groups in need of special protection

### Children

89. During 2009–12, the GOB has adopted the National Children Policy 2011, strengthening and incorporating the principles of non-discrimination, best interest of children, respecting children’s opinions and ensuring children’s participation for realization of child rights. The GOB is drafting a National Child Protection Policy and finalizing the Early Childhood and Care Development Policy. The National Children Act, 2012 remains at the last stage of finalization. The National Children Policy defines a ‘child’ as any person under the age of 18 years with a view to ensuring the rights of children in line with CRC **[Recommendation 16]**.

90. For effective oversight of implementation of the National Children Policy, 2011, a provision for the appointment of an Ombudsman for children has been created **[Recommendation 13]**. As regards reservation to Article 21 of the CRC, the GOB is of the view that the purpose of the Article is served through existing domestic laws, particularly the Guardians and Wards Act, 1860.

91. The GOB has adopted the National Child Labour Elimination Policy (NCLEP), 2010. The NCLEP aims at, *inter alia*, withdrawing working children from different forms of occupations, especially hazardous works and the worst forms of child labour by 2016. A National Plan of Action has already been formulated to implement NCLEP and the list of hazardous works has been finalized through the Tripartite Consultative Committee. **[Recommendation 22]** A Child Labour Unit (CLU) has been established in the Ministry of Labour and Employment (MOLE) to plan and monitor implementation of all child labour related interventions.

92. The Supreme Court passed judgment in Writ Petition No. 5684/2010 prohibiting all forms of punishment in all primary and secondary educational institutions. Accordingly, the GOB has prohibited, by issuing a circular, all forms of corporal punishment in all educational institutions. In Writ Petition No. 5916/2008, the Supreme Court has issued a guideline on protection of children from sexual harassments. **[Recommendation 16, 21, 23]**

93. The draft National Children Act addresses the issue of the minimum age for criminal responsibility to improve juvenile justice in line with CRC. Juveniles up to 18 years of age are kept in separate wards in prisons and are most often sent to juvenile development centres under supervision of the Department of Social Welfare. **[Recommendation 16]**. A programme for empowering boys and girls is being implemented in 7 divisional cities to bring about positive attitudinal changes towards adolescents.

### Women

94. The present Government has demonstrated unwavering commitment to women’s empowerment. In the National Parliament, 50 seats are reserved for women. Women can also contest and get elected in the remaining 300 seats. The Prime Minister, the Deputy

Leader of Parliament, the Leader of Opposition and a number of ministers with important portfolios are women. In local government bodies, one third seats are reserved for women for direct election. **[Recommendation 37]**

95. The National Women Development Policy, 2011 aims at creating further enabling environment for women's empowerment and development and eliminating all forms of violence and discrimination against women. The Domestic Violence (Prevention and Protection) Act, 2010 contains strict legal provisions to protect women and children from all forms of domestic violence. The Control of Pornography Act, 2012 prohibits production, marketing and dissemination of all forms of pornographic items, with focus on protection of women and children. **[Recommendation 23]**

96. For women entrepreneurs, the GOB has extended collateral free credit for up to Tk. 2.5 million. The GOB has established a sales centre in the capital to promote direct market access for women entrepreneurs. The growing participation of women in the formal labour sector has significantly increased. The GOB has formed monitoring teams to ensure non-discrimination in wages, access to maternity benefit and implementation of gender-sensitive labour law provisions **[Recommendation 13]**. The GOB has extended maternity leave for all government employees up to six months with full pay **[Recommendation 15]**. The private sectors are encouraged to follow suit. During 2011-12, 101,200 working women, particularly lactating and pregnant women, received maternity allowances.

97. The Citizenship (Amendment), Act, 2009 ensures that Bangladeshi women married to foreigners can confer citizenship rights to their children. In 2010, the GOB made it mandatory to include mothers' identity in all documents related to children **[Recommendation 15]**.

98. Withdrawal of reservation to Article 2 of CEDAW remains under active consideration of the Government and the implication of withdrawal of reservation to Article 16.1(c) is being examined further in consultation with all religious and ethnic groups **[Recommendation 3]**.

## **Violence against women**

99. The GOB gives priority to ensuring protection of women against violence. The MOWCA operates a Central Cell to ensure coordination of work on prevention of violence against women and children and extend necessary support to the victims of violence. The MOWCA now maintains a helpline (10921) to provide legal, medical, rehabilitation and counselling help to victims of violence.

100. One stop crisis centres in each of the 7 divisional cities for providing medical services, legal support, shelter, and rehabilitation of women victims of violence have been set up. A national trauma counselling centre has also been established for providing psycho-social counselling to such victims. The MoWCA provides skills development and legal assistance training to facilitate rehabilitation of victims of violence.

101. A 'Special Cell' comprising female police personnel has been set up at the Police Headquarters and four police stations to receive complaints and help women and children victims of violence. As per the directives of the Supreme Court, complaint committees have been set up in all government Ministries/ Divisions, educational institutions and other workplaces to receive and address allegations of sexual harassment against women. The MHA has set up an 'Acid Cases Monitoring Cell' for effectively monitoring progress of legal proceedings prosecuting acid attacks against women and girls. The GOB has created a special fund to assist victims of Acid attacks. In order to address the social evil of harassment of young women, particularly students, the GOB has inserted it as an offence in the Mobile Court Act, 2009 which provides for a summary trial procedure. The National

DNA Profiling Laboratory provides services to victims of rape and other violent crimes. **[Recommendation 15, 21]**

102. In May 2011, the Appellate Division of SC passed a judgment declaring the imposition of *Fatwas* illegal for punishing any individual. The GOB has initiated review of the Early Marriage Restraint Act, 1929. The GOB has sent directives to all marriage registrars to make it a mandatory provision to consult Birth Registration Certificates and/ or National ID Cards for any girls or boys getting married on their own. Due to stringent enforcement of the Dowry Prohibition Act, 1980, cases of dowry are hard to come by. **[Recommendation 15, 16]** *[Annex D]*

### **Religious minorities**

103. The 15th Amendment to the Constitution has restored *Secularism* as a fundamental principle and ensures equal status and equal right in the practice of Hindu, Buddhist, Christian and other religions. The main festivals of all religions are public holidays and are celebrated at State level. The GOB provides budgetary allocations for development of religious minority groups through separate Religious Welfare Trusts for the Hindus, Buddhists and Christians. The present Government promotes the value of 'Each unto his or her own religion, but Festivals are for All'. **[Recommendation 29]**

104. The Parliament has passed the Vested Property Return (Revised) Act, 2010 to specify time periods for preparation and dissemination of list of vested properties to be reinstated to Hindu community members. The Parliament has enacted the Hindu Marriage Registration Act, 2012 to provide legal safeguards to married Hindu women, including through marriage registration.

105. The incumbent Government set up a Judicial Probe Commission to investigate the incidents of assault, looting, rape, and arson committed against religious minorities following the 2001 Parliamentary elections. The GOB has already initiated legal proceedings to bring the perpetrators to justice as per findings of the Commission's report. **[Recommendation 17]**

106. The GOB denounced in the strongest terms the attacks in November 2012 on Buddhist households and religious sites in Ramu in Cox's Bazar District and its nearby areas. The Government immediately set up an inquiry committee, deployed extra security personnel in the area, arrested the perpetrators and took action against the negligent duty bearers. The GOB extended financial and other assistance to the affected families for their rehabilitation and took early steps to reconstruct religious sites destroyed during the attacks. As advocated by Prime Minister Sheikh Hasina, Inter-faith Committees have been formed at the local level to guard against recurrence of such crimes.

### **Ethnic minorities**

107. The 15<sup>th</sup> amendment to the Constitution has inserted Article 23A that stipulates that the State shall undertake responsibility to protect and develop the unique local culture and tradition of tribal and ethnic communities. In follow-up, the GOB has enacted the Small Ethnic Groups Cultural Institutions Act, 2010 to preserve and promote the cultural heritage, language, religious practices and traditional lifestyle of all ethnic communities living in the hill districts and plain lands. Five percent quota is maintained for ethnic minority candidates for recruitment in the public sector. Again, 325 seats are reserved for ethnic minority students in higher educational institutions. The GOB has taken measures to provide primary education in mother tongues of various ethnic groups. In recognition of

these initiatives, Prime Minister Sheikh Hasina has been awarded the ‘Cultural Diversity Medal’ by UNESCO in 2012.

108. Bangladesh is a State Party to the ILO Convention no. 107 on Indigenous and Tribal Populations. The GOB takes part in consultations on the ILO Convention no. 169 on Indigenous and Tribal Peoples 1989.

### **Implementation of CHT Accord**

109. In order to establish peace, stability and development in the three hill districts, the Government of Prime Minister Sheikh Hasina, during its previous term, signed the CHT Accord 1997 with the Parbottyo Chottogram Jonosonghoti Shomity, representing all citizens of CHT. The present Government remains firmly committed to further accelerate the implementation of the Accord. The CHT Accord Implementation Monitoring Committee has been reconstituted in 2009, with the Deputy Leader of the Parliament as Chair. The CHT Regional Council, three Hill District Councils and CHT Development Board are working in tandem to coordinate various development activities in CHT.

110. Till date, 48 out of the 72 clauses of the Accord have been implemented, while 15 have been partially implemented and 9 remain under process of implementation. Till date, two thirds (up to 23) of the departments out of the mandated 32 have been transferred to the three CHT District Councils. 238 army camps have already been withdrawn. The present Government has taken initiative to further review and amend the Land Commission Resolution Act, 2001 in consultation with the CHT Regional Council. Currently, the per capita development expenditure in CHT is two and a half times higher compared to national average. Since 1997, the CHT Affairs Ministry has received Tk. 16,470 million in the Annual Development Programme. 3,500 neighbourhood centres have been set up to provide education, healthcare and sanitation services, even in remote and difficult terrains. [*Annex E on CHT Accord Implementation Status*] [**Recommendation 34**].

### **Persons with disabilities**

111. Prime Minister Sheikh Hasina has attached special priority to protection and care for persons with disabilities (PD), including children affected with Autism Spectrum Disorder and other developmental disorders and associated disabilities. The Government has conducted the National Disability Survey 2011 and, among other initiatives, established 35 specialized assistance and service centres during the last three years. The draft Protection of Rights of Persons with Disabilities Act, 2012 is expected to be adopted soon. So far, 13,000 disabled students have been trained and rehabilitated through 55 specialized schools. For the first time, 1 percent quota in all first class Government services has been reserved for the disabled. The GOB through the Department of Social Services has introduced an interest free loan up to Tk. 25,000 for self-employment of PDs. During 2009-12, 3 million poor disabled have been ensured pension and 20,000 disabled students given monthly stipend. Decision has been taken to construct a national complex to provide multi-pronged support to PDs. To support PDs in remote areas, a mobile therapy program has been introduced. [**Recommendation 8**]

112. The Government has initiated autism screening through all community clinics and developed a National Action Plan for Autism and developmental disabilities. The JPUF has introduced a special resource centre for Autism and is currently operating 48 schools for children with developmental disorders, including 7 inclusive schools. Bangladesh launched the first Global Autism Public Health Initiative and tabled the first ever UNGA Resolution on Autism and other developmental disorders in 2012, adopted by consensus.

## **Elderly persons**

113. The present Government has given increased attention to the protection and welfare of elderly persons, especially the poor and destitute. Only in FY 2011-12, the GOB allocated Taka 89.10 million for old age allowances targeting 4.76 million beneficiaries (65 years and above). Priority is given to the physically and mentally challenged, homeless and landless, widows, divorcees and those abandoned by their families. 99.5% of the funds have been successfully disbursed among the beneficiaries. **[Recommendation 30]**

## **Rights of workers**

114. The Government has prioritized for protection and well-being of workers in both formal and informal sectors. During 2009-12, the GOB has re-fixed wages of workers in 38 private industrial sectors. In particular, the minimum wage in ready-made garments (RMG) sector has been increased up to Taka 3,000 per month.

115. The Parliament has enacted the EPZ Labour Welfare Association and Industrial Relations Act, 2010 to ensure EPZ workers' well-being. According to Labour Act, 2006, there is no bar in setting up trade unions in RMG sector, and the Government remains committed to promoting trade union activities in the sector. Currently, there are around 136 registered trade unions in RMG industries.

116. The Government, in collaboration with ILO, has initiated implementation of the preparatory phase of the "Better Work Programme". A National Plan of Action has been developed under the Programme to promote freedom of association and collective bargaining in RMG sector. The National Industrial Health and Safety Council has drafted an Occupational Safety and Health Policy which remains at the final stage of approval. A tripartite Statement of Commitment on fire safety at workplaces has been signed recently. The Civil Defence and Fire Service is working closely with RMG sector for developing an integrated inspection guideline and providing fire safety training to factory managers.

## **Migrant workers**

117. As a leading migrant worker origin country, the government has made protection of rights of migrant workers a policy priority during the last four years. Since 2009, the number of migrant workers employed abroad has doubled to 2.04 million with US \$48 billion in remittances contributing to socio-economic development. The Parliament has enacted the Expatriates Welfare Bank Act, 2010, whereby the Bank provides collateral free easy loan to aspirant migrant workers as well as expatriates and returnees for investment and self-employment.

118. The GOB is working with destination countries on reducing migration costs with particular emphasis on preventing exploitation, enhancing minimum wage levels and ensuring safe and decent working and living conditions of migrant workers abroad, particularly women. In 2012, the GOB instituted a Government-to-Government mechanism with Malaysia for legal migration of low-skilled workers with minimum wage and safe migration provisions. A Model Employment Contract with built-in enforcement mechanisms is being developed with certain Middle Eastern destination countries. Bangladesh Embassies abroad are providing welfare and legal aid services to migrant workers abroad. The Government has set up the first resource centre for aspirant women migrants to help them obtain proper information.

119. The GOB, in collaboration with UN agencies and IOM, is working at further mainstreaming migration in national development process. Bangladesh actively participates

in the Global Forum on Migration and Development and is the current Chair of the Colombo Process, a regional forum of Asian major labour origin countries. Bangladesh will co-host with Switzerland a global roundtable on population dynamics in the context of post-2015 development agenda in March 2013. **[Recommendation 36, 38, 39, 41]**

### **Socially marginalised groups**

120. During 2009-12, the GOB has taken initiatives to protect various marginalized segments (*Dalits, Harijans*) of the population from discrimination and stigmatization. The Prime Minister's Office has instructed concerned authorities to reserve minimum 80% quota for their employment in special positions in Government, autonomous and private agencies and special quota in educational institutions. They have also been included in the SSNP and free housing scheme for vulnerable groups **[Recommendation 18]**.

121. In FY 2012-13, the GOB has allocated Taka 167.5 millions to the Ministry of Social Welfare for promoting the well-being of the trans-gendered people **[Recommendation 27]**, the gypsies and others. The GOB has sustained and focused HIV/ AIDS intervention programme for commercial sex workers, men who have sex with men and injecting drug users. The GOB is working with NGOs to sensitise the wider section of the populations about the rights of the socially marginalized groups.

### **Refugees**

122. Bangladesh is not a party to the 1951 Refugee Convention and its 1967 Protocol, and yet been hosting refugees from Myanmar for the last three decades with full respect to the international protection regime. Under an agreement with UNHCR, the Government has been hosting approximately 29,000 refugees in two refugee camps in Cox's Bazar district with a total expenditure of US\$47.5 million per year. Earlier the Government, in close consultation with the Myanmar Government had achieved, with support from the UNHCR, voluntary repatriation of 250,000 refugees to Myanmar during 1991-2005. During 2009-12, the present government took a number of initiatives to deepen dialogue with the Myanmar government to arrange voluntary repatriation of the remaining refugees **[Recommendation 18]**. Owing to its socio-economic, environmental and demographic challenges, Bangladesh is constrained to accept any further influx of Rohingyas from Myanmar.

## **XIII. Structural challenges**

123. As an LDC, Bangladesh is beset with certain structural challenges that pose persistent impediments to ensuring the full enjoyment of all human rights by all its people. Some of the key challenges include: poverty and income inequality; resource constraints; capacity deficit; gap between national priorities and donor policies; climate change impacts; socio-cultural mindset; lack of human rights awareness; inadequate protection of migrant workers; and legal enforcement gaps.

124. The Government will continue its unremitting efforts, in partnership with local NGO, CSOs and the international community, to overcome these challenges and progressively realize the human rights aspirations of its people, as enunciated in its Vision 2021.

## XIV. Future pledges

125. In pursuance of its commitment to the UPR process, Bangladesh will:
- continue to enact national legislations to implement international human rights instruments to which it is a party;
  - continue to cooperate with Special Procedures and mechanisms and consider extending invitations to Special Rapporteurs;
  - continue to give particular attention to empowerment of women, children and other vulnerable sections of the population;
  - further strengthen institutions that promote human rights, democracy, good governance and the rule of law;
  - strengthen human rights training and awareness programmes for Parliamentarians, judges, civil servants, LEAs, lawyers and journalists;
  - particularly promote realization of the right to development, as an inalienable right, and support ongoing efforts to further develop the concept and its operationalization;
  - continue to pursue the issue of human rights and climate change at national and international levels;
  - continue to fully involve NGOs, CSOs and private sector in the follow up to this UPR and in promoting human rights at all levels.

### Notes

<sup>1</sup> 'People's Empowerment and Development', A/Res/67/107, A/Res/66/224.

<sup>2</sup> 'Sustainability and Equity: A Better Future for All', Human Development Report 2011.

<sup>3</sup> 'World Economic Situation and Prospects', UN/DESA and UNCTAD, 2013.

<sup>4</sup> Annex A contains the list of Acronyms for this document.

<sup>5</sup> Part III of the Constitution.

<sup>6</sup> Article 152 of the Constitution.

<sup>7</sup> Part II of the Constitution.

<sup>8</sup> *Dr. Mohiuddin Farooque vs. Bangladesh* (right to healthy environment), *Prof. Nurul Islam v Bangladesh* (banning tobacco advertisements), *BLAST v Bangladesh* (safe custody).

<sup>9</sup> *Kazi Mukhlesur Rahman v Bangladesh* [1974] 26 DLR (AD) 44.

<sup>10</sup> 65 DLR [2003] 363.

<sup>11</sup> 63 DLR (2011) 10.