

UNCT Bangladesh submission -Annex 1-

Recommendation:

- a) Government to implement the 2007 UN Declaration on the Rights of Indigenous Peoples and to ratify the ILO Convention No.169, as reiterated in the 8th Five-Year Plan.
- b) Government to ratify the two fundamental Conventions (Nos. 155 and 187) relating to occupational health and safety), and Domestic Workers Convention, 2011 (No. 189).¹ The latter was recommended for ratification during the previous UPR and was noted by Bangladesh,¹ but is not yet ratified. Enact the Domestic Workers Protection and Welfare Policy, 2015, into law and include therein provisions defining and prohibiting direct and indirect discrimination based on at least all of the grounds enumerated in the Convention in all aspects of employment and occupation.²
- c) To fully implement Peace accord signed in 1997 in Chittagong Hill Tracts, the government must clearly define the roles of various institutions set up for implementation of the peace accord and expedite setting up of Land Commission to protect land rights of indigenous people, resolve land disputes.
- d) Government to prioritize implementation and the establishment of an organized framework for following up on the recommendations provided by the UN Human Rights Council's Universal Periodic Review process as well as other treaty body and special procedure mechanisms.
- e) Government to establish an impartial, independent, transparent, and specialized institution that works closely with victims, families, and civil society to investigate, and take necessary measures as per the outcome of allegations of enforced disappearances and extrajudicial killings in conformity with international standards.³ Government to conduct independent investigations which has been repeatedly requested by ILO committee on Freedom of Association, on cases related to use of force against workers (including killings), where the alleged perpetrator is a member of the police.⁴
- f) Government to adopt judicial remedies to address the obstacles to ensuring adequate access to justice and expedite the e-judicial process by fostering Inter-Agency collaboration between the Law and Justice Division, Parliamentary Affairs Division, and Bangladesh's Law Enforcement Agencies.
- g) Bangladesh must systematically track the implementation of recommendations made by Special procedure mandates and make them public on periodic intervals.
- h) Government to ensure the current labour law reform process is transparent, inclusive and addresses comments of the CEACR, in particular those related to ILO Conventions Nos. 87, 98 and 81.
- i) Bangladesh must reform its rule of law sector to build back faith of population by addressing endemic problems of recruitment based on political affiliation, lengthy investigation, extortion of money from accused, torture, arbitrary detention, slapping of false cases, persecution of critics, political opponents and free thinkers using false cases, perception of being an arm of ruling party. This reform must include investigation by an independent body on allegations made against security sector.
- j) Government to apply a universal approach to streamline the NSSS's universal coverage following the NSSS's lifecycle approach⁵.
- k) Government to adopt 'Universal and Comprehensive' social protection approach to maximize coverage, Social Protection Floors Recommendation (No. 202), as well as initiate a process to consider the possibility to ratify the ILO's Social Security (Minimum Standards) Convention, 1952 (No. 102). Based on the instruments, create a framework for shock-responsive and flexible social protection, including strategy, planning, and implementation, in response to climate

¹ A/HRC/39/12 Para. 149.

² Observation (CEACR), published 111th ILC session (2023) Discrimination (Employment and Occupation) Convention, 1958 (No. 111), at 590, available online at https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_868115.pdf

³ Recommended by the UN High Commissioner for Human Rights Michelle Bachelet during her official visit to Bangladesh last August.

⁴ Interim Report - Report No 400, October 2022 Case No 3263 (Bangladesh) - Complaint date: 26-FEB-17, available online at https://www.ilo.org/dyn/normlex/en/f?p=1000:50002:0::NO:50002:P50002_COMPLAINT_TEXT_ID:4313408 and Interim Report - Report No 397, March 2022 Case No 3203 (Bangladesh) - Complaint date: 24-APR-16 – Active; available online at https://www.ilo.org/dyn/normlex/en/f?p=1000:50002:0::NO:50002:P50002_COMPLAINT_TEXT_ID:4141403

⁵ Life Cycle Approach-disability, child, and retirement benefits for the elderly.

- change-induced shocks and migration.
- l) Government to ensure and promote women's economic empowerment by effectively implementing gender-responsive legislation, policies, and guidelines, supported by budgetary allocation. The Government to adopt specific measures to assess and reduce the existing gender wage gap in both the formal and informal economy.⁶
 - i) Government to conduct a comprehensive review of all legislations to address discriminatory practices. Discriminatory provisions are embedded in various legislations. In particular, amend laws related to definition of wages,⁷ non-discrimination, sexual harassment and restrictions on work done by women as recommended by CEACR.⁸
 - ii) Enhance and strengthen services for GBV survivors including mental health services
 - iii) Government to allocate resources for implementation of policies, including the National Skills Development Policy (NSDP), to enhance decent work opportunities for persons with disabilities (PWD). Ensure access to employment for PWD in public and private sectors, including by providing incentives and implementing affirmative action programmes,⁹ establishing quota for the public and private training and educational institutions and providing the necessary financial support.
 - iv) Specific focus must be given to children, particularly girls and women with disabilities. Sufficient efforts should be made through implementation of relevant policies to address stigmatization of PWD's. A monitoring mechanism must be set for progress made regarding rights of PWD's as part of the broader mechanism of follow up on treaty body and UPR recommendations
 - v) *Ensure thorough investigations and prosecutions of all persons engage in trafficking and related offences, and imposition of effective and dissuasive penalties in practice. Adopt required SOPs and strengthen the capacities of the law enforcement officials.*
 - vi) *Ensure that children under the age of 18 years are not engaged in hazardous work and strengthening labour inspection in identifying and monitoring child labour¹⁰ and provide direct assistance to remove children engaged in domestic work from hazardous working conditions and ensure their rehabilitation and social integration. ¹¹ Increase penalties for violating provisions on child labour.*
 - vii) Government must ensure that National Human rights Commission is independent by bringing necessary amendment to the law, provide adequate resources for the commission to function and carry out its mandate.
 - viii) Pending review, DSA must be put on hold, and none should be subjected to the law in its current form. The review of DSA must consider the recommendations made by OHCHR and children should be excluded from DSA. Bangladesh should align its digital governance policies and legislations to international human rights standards, ensuring right to free speech, expression, and privacy. Draft Data Protection Act and OTT and social media guidelines must be reviewed to align them to human rights standards before they are implemented.
 - ix) Safety of journalists, and conducive environment for them to carry out their work must be ensured. Journalists must have legal protection to be able to carry out their jobs, must not be criminalized for it.
 - x) De- criminalize defamation and do not curb free speech through criminal regulations rather invest in development of ethical standards and independent bodies to implement the code of conduct (not the government).

⁶ Observation (CEACR), published 111th ILC session (2023) Equal Remuneration Convention, 1951 (No. 100) – Bangladesh; at 586, available online at https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_868115.pdf

⁷ Ibid at 587,

⁸ Observation (CEACR), published 111th ILC session (2023) Discrimination (Employment and Occupation) Convention, 1958 (No. 111), at 588-589 available online at https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_868115.pdf

⁹ CRPD/C/BGD/CO/1) at 52.

¹⁰ Observation (CEACR) - adopted 2021, published 110th ILC session (2022)

Minimum Age (Industry) Convention (Revised), 1937 (No. 59) - Bangladesh (Ratification: 1972). See also Observation (CEACR) - adopted 2021, published 110th ILC session (2022) Worst Forms of Child Labour Convention, 1999 (No. 182) - Bangladesh (Ratification: 2001), http://www.ilo.ch/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4117373,103500

¹¹ Observation (CEACR) - adopted 2021, published 110th ILC session (2022) Worst Forms of Child Labour Convention, 1999 (No. 182) - Bangladesh (Ratification: 2001), http://www.ilo.ch/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4117373,103500

- xi) Enhance digital literacy and invest in digital governance from rights perspective.
- xii) Ensure implementation of laws and policies to eliminate gender-based violence from survivors centred approach, through adequate budget allocation.
- xiii) Provide adequate assistance, protection and reintegration to all returnee migrants, and to increase labour inspections and prosecute and sanction persons or groups exploiting migrant workers. Reduce the cost of migration for migrant workers from Bangladesh and ensure that private recruitment agencies provide employment contracts and complete information to individuals seeking employment abroad and that they guarantee employment benefits, in particular salaries.
- xiv) Ensures that all Rohingya children born in Bangladesh have access to birth registration and birth certificates are issued by the Government of Bangladesh, including for children born from mixed marriages between Rohingya and non-Rohingya parents, in line with Section 2(n) of the Birth and Death Registration Act (2004).
- xv) -- Takes the necessary measures to ensure that all marriages, irrespective of the legal status or nationality of the persons, are formally registered through the national civil registration mechanism.
- xvi) Accede to the 1951 Convention relating to the Status of refugees, its 1967 Protocol, to the 1954 Convention relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness
- xvii) Continues to encourage access to livelihood opportunities that will contribute to enjoyment of basic rights and fully prepare the refugees' sustainable reintegration upon return to Myanmar.
- xviii) Establish all the necessary safeguards to ensure the respect in practice of the principle of non-refoulement and protect all refugees against rejection at the border or forcible returns, in line with customary international law, Article 7 of the International Covenant on Civil and Political Rights, and Article 3 of the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment
- xix) Continues to support the scale up of quality education in the Rohingya refugee camps, through recruitment of sufficient numbers of qualified teachers and the introduction of certification, and access to tertiary education abroad by means of complimentary education pathways.
- xx) Bangladesh must adopt a comprehensive legislation governing the education system, guaranteeing the right to education for all and prescribing free and compulsory education.
- xxi) To consider revising the Disability Act to adopt an inclusive education perspective, and to envisage amending the Children's Act to reinforce provisions of the *right of the child* to education.
- xxii) Strengthen transparency on economic crimes, corruption, banking scams to improve Bangladesh's global position and faith of citizens in the system.
- xxiii) With LDC graduation, invest more on governance, rights and transparency to allow smooth transition as well as the continued growth towards a developed country.
- xxiv) Facilitate work of UN agencies, INGO's and NGO's through open and transparent systems that allow smooth and speedy implementation of humanitarian, development and rights programs. Address the laws like NGO law to make legal regime a facilitator not an obstruction. Put adequate structures in place for inter- ministerial coordination on implementation of recommendations made by UN HR mechanisms, the ILO CEACR and CFA to allow speedy action and response.
- xxv) To develop a clear monitoring & evaluation framework, with cost estimation to measure the implementation progress of the National Action Plan (NAP) for on Violence Against Women (2018-2030);
- xxvi) · Ratify Violence and Harassment Convention, 2019 (No. 190). Enact a sexual harassment prevention law following the High court directives, 2009 and 2011, UN guidelines on sexual harassment to protect women and girls from all spaces including public transportation and ILO Convention No. 190.
- xxvii) Take measurable actions, in time bound manner the implementation of recommendations after country visits made by Special Rapporteurs.

- xxviii) Create mechanisms to support women accessing justice system, ensure speedy resolution of cases. Assess the low conviction rate of rape cases and take necessary steps to address justice delivery for rape victims.
- xxix) Invest resources in improving justice system, including appointment of judges, staff, forensic evidence facility, sufficient court structures and free legal aid to address long delays in the cases. For labour courts, improve grievance mechanism, collective bargaining, labour inspection, alternative dispute resolution to reduce cases in the courts.
- xxx) Protect human rights defenders from reprisals for their engagement with grievance mechanisms at national level, UN human rights mechanisms, ILO supervisory mechanism, and ensure that law enforcers understand the role of human rights defenders.

Review legislations and policies that have been restricting civic space,, engage civil society in developing policies, legislations, and programs, remove regressive legislations like DSA and other legislations criminalizing dissent, freedom of assembly, association etc and similar policies, Take urgent steps to not only amend the legal and policy framework but to ensure its robust implementation to protect civic space