

Universal Periodic Review- UNCT Bangladesh submission 4th cycle

Introduction

Bangladesh is signatory to eight out of nine human rights treaties and was re-elected to Human Rights Council in 2022. The country received first time the High Commissioner for Human Rights in 2022, followed by five special rapporteurs within six months.¹

The report is prepared with 3rd cycle recommendations as the baseline and the recommendations from previous are referenced in footnotes in each section.

Under UPR 3rd cycle, in 2018, Bangladesh was given 251 recommendations, accepted 178 and noted the rest. Repeated attempts to develop an action plan for implementation of the recommendations as well as establishing national monitoring and reporting framework have not been entertained by the government. As a result, most recommendations from the last cycle remain unimplemented.

A closer scrutiny of Bangladesh's human rights commitments demonstrates a contradictory picture, internationally and nationally. While the country has ratified several human rights instruments, it avoids committing to any optional protocols. It remains an active advocate in the Human Rights Council and other related UN platforms, of economic, social and cultural rights, its spending on health care and education remains among lowest in the world. Bangladesh chaired Climate Vulnerable Forum in 2021, while protesters were killed, opposing a coal-based power plant in Banashkhali, Chittagong². Despite its commitment to leaving none behind, the indigenous people are not allowed to self-identify as indigenous.³

This contradiction got exacerbated during Covid 19, when the state had to assume larger control and continues to increase with looming economic challenges and upcoming elections at the end of 2023.

Fundamental freedoms

The constitutionally guaranteed fundamental freedoms like of expression, opinion and assembly has been reduced to mere rhetoric. Last five years have seen a definitive regressive trend. The criminalization of criticism, and dissent is a growing concern. Controversial Digital Security Act(DSA)

continues to be used without any review to silence dissent while new legislations and guidelines are being brought to further limit it like Data Protection Act and OTT platform and social media guidelines. (Despite review being an accepted UPR recommendation in 2018).⁴ Attacks on journalists, critics and human rights defenders increased and Bangladesh fell from 152 position to 162⁵ position in 2022 in press freedom index. Online and offline expression became increasingly difficult and dangerous. A report prepared by Centre for Governance Studies suggests that maximum number of accused under DSA are political activists, followed by journalists. Journalists outside Dhaka are at particular risk for reporting on issues of corruption, land grabbing and environmental concerns⁶.

Human rights defenders have faced threats, intimidation, harassment, imprisonment, and fake cases for their work. Additionally, organizations doing human rights work are perceived to be under strict scrutiny of the regulatory authority of NGO's (NGOAB within the PMO) and projects of these organizations are seldom cleared.⁷

Bangladesh has a rapidly growing pattern of surveillance on the citizens by the state in the name of national security, and curbing extremism, which has created an environment of fear and self-censorship. Any critique of the government is perceived as an act of treason, leads to harassment by

¹ 147.1,147.2

² <https://www.thedailystar.net/frontpage/news/banshkhali-power-plant-site-5-workers-killed-cops-open-fire->

³ 148.4,

⁴ 148.14,148.15,147.70

⁵ <https://rsf.org/en/country/bangladesh>

^{3rd} cycle recommendations 148.3,147.68,148.13,147.71

⁶ 147.65,147.66,147.74,

⁷ 147.78, 147.75

multiple actors, including various security agencies and student wing of the ruling party. There are hardly any online and offline spaces where people can express their views freely. Leading activists, politicians, and social entrepreneurs have faced intimidation at the hands of law enforcement, tax authorities. The fear of multiple cases in different courts of the country is a tactic that has successfully been used to silence most critical voices.

The Ministry of Information controls broadcast licensing for both commercial and community outlets. In June 2017, the Government approved a separate media policy for online media establishing that any individual or organization uploading written or multimedia content in Bangla, English or any other language via the internet from Bangladesh would be required to register with the Broadcast Commission that also governs television and radio stations. The Commission will prepare guidelines for online media.⁶

Freedom of assembly have been severely eroded due to increasing repression of assemblies through power of brute violence by security agencies, ruling party members as well as private security hired by companies. Political violence remains integral tool of establishing authoritarian systems which includes physical violence, intimidation, harassment using law enforcement machinery. With upcoming elections, the political violence has increased significantly. Since August 2022, at least 6 opposition activists have been killed in demonstrations and over 24000 thousand people were arrested in few weeks ahead of opposition's mass rally on December 10th, 2022. Many opposition leaders and activists continue to remain in jail, under pre-trial detention.⁸

At the 108th Session of the International Labour Conference, workers delegates submitted a complaint against the Government of Bangladesh under Article 26 of the ILO Constitution for non-observance of the three ILO conventions, including the Freedom of Association and Protection of the Right to Organise convention (No. 87). The Government of Bangladesh has two serious and urgent cases under the review of the ILO Committee on Freedom of Association related to allegations of serious violations of freedom of association. The allegations of violence and intimidation of workers have also been under deep concern of the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) for a number of years.⁹

Ongoing incidents of extra-judicial killings (EJK's) and enforced and involuntary disappearances (EID) combined with zero accountability of law enforcers, serious concerns regarding independence of judiciary, has led to breakdown of trust among population to get justice in country. In 2021 Instead of acknowledging the issue, reforming the system, the authorities have initiated a campaign of intimidation and threats against human rights defenders and relatives of victims of enforced disappearances¹⁰. In 2021 alone the number of EJK's was 107 and EID's were 23 as per Odhikar which has limited capacity to document. This reduced in 2022 after US sanctions against Rapid Action Battalion (RAB) based on the above-mentioned allegations.¹¹

Human rights defenders are regularly threatened, implicated in false cases, and stopped from doing their work. They are either not allowed to register their organizations or the registration is not renewed to intimidate them. Secretary General's reprisals report has regularly featured HRD's from Bangladesh. The attitude of Bangladesh's state machinery towards HRD's is that by raising issues with UN mechanisms, these organizations are tarnishing the image of the nation and immediately smear campaigns are launched against HRD's, sometimes supported by high level government personnel. Such attitude does not allow a lot of human rights organizations to grow and perform their job.¹²

The pattern with journalists, NGO's, HRD's, independent associations, women's groups, artists, are all part of growing mistrust in the state machinery towards civil society whose role is to bring forward

⁸ 147.66,147.73,147.109,147.54,149.6,148.17,149.52,148.16

⁹ ILO, Report of the Committee of Experts on the Application of Conventions and Recommendations (CEACR), 2023, at 105-107, available online at [wcms_868115.pdf \(ilo.org\)](https://www.ilo.org/wcms_868115.pdf)

¹⁰ Human Rights Watch Report (<https://www.hrw.org/world-report/2023/country-chapters/bangladesh>)

¹¹ 147.8,148.12,147.80

¹² 147.76,147.23,147.78,147.75

the unheard voices of the society, to provide independent critique of the government's policies and programs.

Administration of Justice¹³

Administration of justice in Bangladesh faces significant challenges, ranging from excessive delays, lack of required technical skills, facilities, to politicization of judiciary, raising serious doubts about its independence and ability to deliver justice. The court exercising its jurisdiction as Child Court alone has 35000 pending cases. The Children Act 2013 establishes a framework for comprehensive reform of the child justice system however the arrest and detention of children in conflict with the law is common, including sentencing that is disproportionate or inappropriate for children. There are often news reports of physical abuse, force, and torture frequently applied during arrest and interrogation.

A report suggests that 97% of cybercrime cases are dismissed as the prosecution is unable to prove the crime¹⁴, however given that these crimes are non-bailable, the accused have often spent lengthy pre-trial detention. Delays and lack of effective free legal aid, distance of competent courts from rural areas, makes cost of justice very high for marginalized groups who are forced to stop pursuing their legal cases due to costs. Marginalized people have limited access to the formal system due to its structural flaws. These flaws are mainly the burden of excessive case backlogs, high costs, and ineffective law enforcement agencies¹⁵.

Independent institutions that are supposed to be providing checks and balance are not independent. National Human Rights Commission holds "B" status which is linked to the weaknesses in the law and continuous appointment of the retired civil servants as the commissioners and the chair. Recently appointed chairperson is also a former civil servant. Procedural gaps, lack of action, and non-transparent appointments raise a lot of questions about anti-corruption commission, election commission etc.

Economic, Social and Cultural rights¹⁶

The impact of this is increased pressure in debt-servicing payments, which can take away already scarce fiscal resources from health, education, social assistance. Like many other countries, Bangladesh is being negatively impacted by economic conditions elsewhere¹⁷. The country is also still recovering from the impact of Covid, which set back the Bangladesh economy, resulting in higher unemployment particular impacting women, and their levels of poverty and deprivation. Families that include children, older people and persons with disabilities have been particularly hard hit. Informal sector workers, which is sizeable sector in Bangladesh would also have been affected, as they have less coverage to access social security benefits. More recently, in the last quarter, Bangladeshi policymakers raised **petrol prices** by 51.2 per cent and **diesel prices** by 42.5 per cent in August 2022, adding to the existing struggles of low income households and those in the informal economy. In November 2022, the **electricity tariff** went up by about 20 per cent. Inflation has increased by 9% in last six months. This overall situation, clubbed with income share of richest 1% being 16.3% of total national income in 2021, while the bottom 50% only shares 17.1% of national income, presents a complex picture of economic and social rights in the country.

¹³ 147.84,,147.83,147.85,147.87,147.54,147.82,148.22

¹⁴ <https://en.prothomalo.com/bangladesh/crime-and-law/cyber-crime-97-per-cent-cases-dismissed>

¹⁵ According to the information published in February 2019, the number of pending cases in the courts (both lower and higher) is **35,69,750**. Among them, the number of **criminal cases are 20,48,067**. Of which 20,442 is at Appellate Division and 5,16,652 is at High Court Division. The rest 30,32,652 cases are pending in the lower courts¹⁵. There are also backlog of several cases at the labour courts.

¹⁶ 147.91,147.43,147.72, 147.102,147.35,147.103,147.97,147.104,147.105,147.106,147.107,147.108

¹⁷ The total foreign debt held by Bangladesh rose 238% to \$91.43 billion in 2021 from \$27.05 billion in 2011 (World Bank).

In its proclamation, the 2030 Agenda considers human rights as one of its cornerstones. It underscores the agenda's foundation in the Universal Declaration of Human Rights and international human rights treaties¹⁸. Nonetheless, Bangladesh's steering capacity for advocating human rights has suffered due to authoritarian measures such as controlling access to information, restraining the participation of people in democratic processes¹⁹ unequal economic growth, non-consultative development policies, and rolling back of social protection. Covid 19 pushed back several gains and inequalities increased than ever before. Corruption remains rampant, and the nexus among politicians, corporates, bureaucracy, and judiciary has ensured impunity on issues of corruption. While there has been development in terms of some policies, plans and legislations, which if implemented, could have brought meaningful changes, most of them remain only documents. Implementation remains a huge challenge for multiple reasons, including resource allocation, corruption, lack of political will, bureaucracy, politicization of institutions, lack of coordination, capacity, and infrastructure.

Bangladesh ratified eight out of ten ILO fundamental Conventions,²⁰ and two out of four governance Conventions.²¹ In 2022, it ratified the Minimum Age Convention, 1973 (No. 138) as recommended by the 3rd cycle of UPR, and, ratified Protocol of 2014 to the Forced Labour Convention, 1930. Out of 36 ILO Conventions ratified, six are outdated (ILO Conventions Nos. 45, 96, 18, 32, 59 and 107 ILO Convention Nos. 139, 169 and 189, which were recommended for ratifications during the previous UPR and were noted by Bangladesh,²² are not yet ratified.²³

Bangladesh is in the process of reforming labour laws, which is one of commitments under the National Action Plan on the Labour Sector in Bangladesh (the NAP),²⁴ and the Roadmap of actions developed to address issues raised in the Article 26 complaint related to non-observance of the ILO Conventions No. 81, 87 and 98²⁵ (Roadmap), which includes actions on labour law reform; trade union registration; labour inspection and enforcement; and addressing acts of anti-union discrimination/unfair labour practices and violence against workers. In 2022, Bangladesh amended Bangladesh Labour Rules and adopted EPZ Labour Rules. It is currently in the process of amending the Bangladesh Labour Act, 2006. Many provisions under BLA and BLR are still yet to be aligned with ratified ILO Conventions based on the CEACR comments.

The anti-discrimination law that was drafted in 2013/ 14, is yet to be passed by the parliament.²⁶ A revised draft was placed before the parliament, which is considered weak by the civil society. It is still waiting endorsement. Law in Bangladesh is yet to provide protection against discrimination based on *all the grounds listed in ILO Convention No. 111. Bangladesh Labour Act does not contain a provision that prohibits discrimination, nor gender-based violence, including sexual harassment.* Section 332 of the Act merely prohibits 'indecent behavior which is repugnant to the modesty or honour'.²⁷ It also excludes specific vulnerable groups of workers from its application, such as domestic workers. In 2022 when the Government placed the 'Anti-Discrimination Bill 2022' in the

¹⁸ Out of 17 goals, nine goals (goal 1, goal 3, goal 4, goal 5, goal 6, goal 8, goal 10, goal 16 & goal 17) and their relevant targets correspond to essential dimensions of states' human rights commitments, as outlined in international human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC), as well as other international and regional instruments and documents relating to human rights.

¹⁹ BTI Country Report-Bangladesh 2022

²⁰ Protocol of 2014 to the Forced Labour Convention, 1930 and Minimum Age Convention, 1973 (No. 138) were ratified in 2022. Bangladesh has not ratified two fundamental Conventions, namely Occupational Safety and Health Convention, 1981 (No. 155) and Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).

²¹ Bangladesh has not ratified two governance Conventions, namely Employment Policy Convention, 1964 (No. 122) and Labour Inspection (Agriculture) Convention, 1969 (No. 129)

²² A/HRC/39/12 Para. 149.

²³ 147.110,147.111,147.13,147.116,147.118,147.114,147.115,147.109

²⁴ National Action Plan (NAP) on the Labour Sector of Bangladesh (2021-2026), available online at https://mole.portal.gov.bd/sites/default/files/files/mole.portal.gov.bd/page/a4e3595b_284f_44e1_8c62_f0fb170214c4/National_Action_%20Plan_on_Labour_Sector_on_%20Bangladesh.pdf

²⁵ GB.342/INS/INF/2(Rev.1), available online at https://www.ilo.org/gb/GBSessions/GB342/ins/WCMS_800701/lang--en/index.htm

²⁶ 147.25,147.27,147.30

²⁷ BGD/16/03/MUL, ILO, Overview of laws, policies and practices on gender-based violence and harassment in the world of work in Bangladesh, 2020, available online at https://www.ilo.org/dhaka/Whatwedo/Publications/WCMS_757149/lang--en/index.htm

parliament. There were several concerns raised, particularly regarding enforceability of the draft law, which was then sent to the parliamentary standing committee for further examination.¹⁴

The Prevention and Suppression of Human Trafficking Act (PSHTA) establishes an offence on forced or bonded labour or service but there is no standard operating procedure or guideline on how labour inspectors can identify cases of forced labour based on the Act and refer cases to criminal justice system. The Bangladesh Labour Act (BLA) does not contain a provision prohibiting forced labour and one of the main powers of labour inspector is to investigate or examine the compliance of provisions under the BLA. Hence, the labour inspector does not have legal basis to inspect this matter.

The delay and perceived weakness of the current draft of Anti-Discrimination Law has kept many related areas of discrimination on hold. Discrimination based on ethnicity, religion, gender, disability, economic status etc remain rampant and legal provisions to address them are limited.

Government adopted the National Social Security Strategy (NSSS) in 2015 to consolidate hundreds of social safety net programmes under one umbrella. However, despite considerable progress with social protection reforms, the national social protection system still consists of over a hundred minor programmes with a coverage gap of 49% and a resource deficit of 29% of the country's total social protection spending (3% of its total GDP). The challenges include limited progress on the national single registry system, low transfer value, slow progress in MIS, monitoring, and grievance redressal, which have affected the effectiveness of social protection programs, particularly during emergency responses related to COVID-19. High targeting errors, such as exclusion errors of 71% and inclusion errors of 46.5%, have resulted in almost three-quarters of poor and vulnerable households being left out of social protection coverage. The eligibility criteria of the MCBP have also led to the exclusion of a significant number of poor adolescent mothers (mothers below 20 years old). Additionally, children constitute nearly 37% of the population, but receive only 15% of the allocation, with the lowest allocation (2%) for children aged 0-4 years. Moreover, only 4% of the social protection schemes are exclusively for urban areas.²⁸

In addition to ILO Convention No. 182, the Government ratified Minimum Age Convention, 1973 (No. 138) in 2022, setting a minimum age at 14 and a limitation in the scope of application.²⁹ The Government adopted the National Plan of Action on Child Labour in 2021 and revised the list of hazardous work in 2022, increasing the number of types of dangerous work prohibited to children from 38 to 43 sectors. It is also working on the National Child Labour Survey. Despite of Government efforts, a 2021 study reveals that the number of children engaged in hazardous work decreased by just 0.01 million, from 1.29 to 1.28 million.³⁰ With the support of ILO, Bangladesh Bureau of Statistics (BBS) is conducting the National Child labour Survey, expected to be published in 2023.

The land rights of Bangladesh's ethnic minorities continue to be one of the most worrying human rights concerns and a significant contributor to human rights violations in the country³¹. This issue is more profound in the Chittagong Hill Tracts (CHT) region. After twenty years of signing the peace treaty in the CHT, the region continues to be plagued by violence, which Government portrays as a law-and-order issue rather than a political one^{32,33}.

Religious minorities face discrimination and violence from time to time. While the law itself does not discriminate, the corrupt systems, vulnerability of minority community, prevalent mob mentality and

²⁸ World Bank 2021

²⁹Ratifications for Bangladesh, available at http://www.ilo.ch/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103500. The scope of the Convention is limited to the branches of economic activity or types of undertakings listed in article 5, paragraph 3, of the Convention, namely mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.

³⁰ Unicef, Evidence on Educational Strategies to Address Child Labour in India and Bangladesh, 2021, at 7; available online at https://www.unicef-irc.org/files/documents/d-4178-Compendium_Summaries%20final.pdf

³¹ Indigenous peoples in Bangladesh, IWGIA, <https://iwgia.org/en/bangladesh.html>

³² BTI Country Report 2022

³³ 147.9,147.10,147.11,147.12

lack of space for their cultural practices within mainstream are some of the key reasons for continued discrimination.

Migration

On migration while Bangladesh made commitments in 8th five-year plan, however it does not include internal migration and climate induced displacement, often impacting the most vulnerable. The GoB has a specific legislative and institutional framework in place for combating trafficking in persons and protecting victims. The Prevention and Suppression of Human Trafficking Act (2012) provides a basis of reference for the purpose of identifying and protecting victims of trafficking. This legislation does include provisions for foreign citizens. The national plan of action on trafficking has been focussed mostly on prevention pillar. Recent reports by civil society organizations mention high rates of unnatural deaths of migrant workers in labour receiving countries, including suicides particularly by female migrant workers. The full realization of the legal and policy framework requires resource commitment and rigorous implementation. Without addressing the structural problems of migration, including intermediaries, complex processes and lack of support system in country of destination, full realization of rights of migrant workers, remains a distant dream.³⁴

Women

Bangladesh ranks 141st on the Global Gender Gap Index 2022 for women's economic participation and opportunity. Women's participation in the labour force is 34.87%, whereas men's engagement is significantly greater at 78.78%. Similarly, women hold only 20.86% of the seats in the Parliament³⁵. While Bangladesh has done better than other South Asian countries, it is worth noting that women's economic role is limited to low skilled jobs. Also, the lifetime prevalence of gender-based violence against women by an intimate partner is significantly high³⁶. While the recent amendment in the Evidence law, section 146(3) of Bangladesh, not allowing the past sexual history of the victim during rape trial is a welcome step, the conviction rate in rape cases remain as low as 3%.³⁷ This describes the reason why many women do not pursue their cases.³⁸

Sexual minorities

Bangladesh continues to criminalize homosexuality. Some progress has been made through legislation on recognition of 'Hijras' (a term for some trans groups) however most sexual minorities remain on the margins of society and are faced with routine, social, legal and economic discrimination, frequently manifested through violence. Similar stigma is faced by people living with HIV and AIDS. Often services are centralized and do not reach the communities, which pushed people out of service delivery mechanism.³⁹

Children

The issue of neonatal mortality in Bangladesh remains a pressing concern, with 26 deaths per 1,000 live births (MICS 2019) accounting for 67% of all under-5 deaths. The main causes of these deaths are prematurity, birth asphyxia, and sepsis. Another major concern is the high levels of lead in the blood of over 35 million children in Bangladesh (>5ug/dl), which is causing lifelong health and development impacts, including mental health, behavioural problems, learning disabilities, and diminished productivity in adulthood, costing the country \$15.9 billion in GDP annually. Other environmental hazards such as air pollution, improper recycling of e-waste, and climate change also pose a threat to the health of children in Bangladesh. Immediate, coordinated action is needed across multiple sectors.

³⁴ 147.58,147.59,147.60,147.61,147.62,147.63,147.51

³⁵ Global Data on National Parliament. IPU Parliament

[Data on women in national parliament |Parliament: the IPU's Open Data Platform](#)

³⁶ Bangladesh Bureau of Statistics, 2016. Report on Violence Against Women (VAW) Survey 2015. Dhaka: Bangladesh Bureau of Statistics (BBS)

³⁷ <https://archive.dhakatribune.com/bangladesh/dhaka/2019/11/26/only-3-convicted-for-rape-in-bangladesh>

³⁸ 149.18,149.24,,147.141,147.148,147.89,147.142,147.146,147.144,147.147,149.24,148.19,

³⁹ 149.54,149.25,149.27,149.26,

Bangladesh has made progress in achieving universal primary enrolment with a Net Enrolment Rate of 96% and a primary completion rate of 86% in 2021, with gender parity in primary enrolment. However, with an estimated 2.4 million children out of school at the primary level and 1.5 million at the lower secondary level, challenges remain. The quality of education at all levels is a concern, with poor performance by students in the last National Student Assessment in 2017. Before COVID-19, 57% of primary school-age children were experiencing learning poverty. The National Education Survey of 2021 indicated further learning losses due to school closures during C-19. The expected years of schooling in Bangladesh is around 12 years, but the World Bank's 2020 estimates of Learning Adjusted Years of Schooling is only 6 years. Bangladesh also has one of the lowest investments in education in the world, spending less than 2% of its GDP on education. The Compulsory Primary Education Act, 1990 sets the age of completion of compulsory schooling to be at 5th Grade (10 years) which is lower than the minimum age for admission to employment or work (14 years).⁴⁰

Health:

Covid uncovered weaknesses of health systems across the world and Bangladesh was not untouched. While the country managed the pandemic relatively well and administered vaccines to its large population, un-even access to health care across based on class, gender and rural -urban divide could not be ignored.

Low coverage, barriers to access and availability of SRHR services, especially for unmarried and adolescent girls, below the legal age of marriage excludes them from availing the services from public sector. Lack of health care, particularly mental health care for survivors of GBV remains minimal, with little investment and skills in the country.⁴¹

People with Disability

In Bangladesh, 2.4% of the overall population is physically or intellectually challenged, as stated by the Bangladesh Bureau of Statistics. Out of this population, only 27.21% of the disabled can participate in any economic activity, even with a 1% quota system. Therefore, PWDs' must be integrated into the economy by expanding their access to education and transforming into the workforce. Women with disabilities are subject to gender-based violence at even higher rates than the national average Bangladesh was reviewed under Convention on Rights of People with Disabilities in 2022 however the recommendations are not widely disseminated.⁴²

Refugees and Stateless people:

Bangladesh currently hosts nearly a million Rohingya refugees from Myanmar, the majority of whom reside in 33 extremely congested refugee camps. In the absence of a national asylum system and formal recognition of their status in the country, and as the government regards their stay as temporary, these refugees do not have freedom of movement, the right to work, or access to most public services. The Government, however, allows refugees to follow the Myanmar Curriculum in learning centres in the camps, and a larger, sustained program for skills development including vocational training, and for livelihood opportunities. While prospects for return are unlikely in the near term, Rohingya refugees in Bangladesh remain at risk to a range of protection challenges and fully reliant on humanitarian assistance for survival, with the potential for the conditions in the camps to deteriorate, especially in the face of a reduced funding outlook.

Since December 2020, the Government has been relocating Rohingya refugees to the island of Bhasan Char, amounting to close to 30,000 persons by end of 2022. Following the signing of a Memorandum of Understanding between the Government and UNHCR (on behalf of the UN) in October 2021, the Government has committed to guaranteeing the voluntary nature of relocations, allowing for movement between the camps and the island, and respecting minimum standards for the delivery of quality services and significant livelihood opportunities on the island⁴³

⁴⁰ 149.13,148.11,147.56,147.148,147.133,147.52,147.30,147.142,147.46,147.55,147.150,148.11,148.24

⁴¹ 147.117,147.93,147.94,147.31,147.112,,147.92,147.118,147.95,147.122,147.153,149.54,148.9

⁴² 147.13,147.152,147.153,

⁴³ 147.164,147.165,147.165.147.166,147.167,148.22148.24

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). The latter was recommended for ratification during the previous UPR and was noted by Bangladesh,⁴⁴ 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.⁴⁵

⁴⁴ A/HRC/39/12 Para. 149.

⁴⁵ 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

- 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.⁴⁶ 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.⁴⁷
- 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 approach⁴⁸.
- 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 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.⁴⁹
- 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,⁵⁰ non-discrimination, sexual harassment and restrictions on work done by women as recommended by CEACR.⁵¹
 - ii) Enhance and strengthen services for GBV survivors including mental health services

⁴⁶ Recommended by the UN High Commissioner for Human Rights Michelle Bachelet during her official visit to Bangladesh last August.

⁴⁷ 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

⁴⁸ Life Cycle Approach-disability, child, and retirement benefits for the elderly.

⁴⁹ 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

⁵⁰ Ibid at 587,

⁵¹ 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

- 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,⁵² 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 labour⁵³ and provide direct assistance to remove children engaged in domestic work from hazardous working conditions and ensure their rehabilitation and social integration. ⁵⁴ 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).
- 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

⁵² CRPD/C/BGD/CO/1) at 52.

⁵³ 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

⁵⁴ 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

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

