Stakeholder Report to
UN Human Rights Council on
Universal Periodic Review – 3rd Cycle

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1. Objective

1. This submission is prepared by the National Human Rights Commission Bangladesh (NHRCB) seeking to provide an explicit update on the implementation status of UPR recommendations and presents recommendations[1] for future course of action.

2. Methodology[2]

2. NHRC has 11 thematic committees[3] functioning as rights advocacy forums and the membership of these committees' carries a cross sectoral representation[4]. This submission is prepared based on consultations under thematic committees, data gathered during fact finding missions, field visits and inquiries.

3. Update, Progress and Recommendations

3.1.Rights of Women

3. Women are half of the population in Bangladesh. Despite laws and policies[5] aimed at women empowerment, violence against women persists as an endemic problem[6] with an estimated 60 per cent of married women reported to have experienced violence.[7] In 2016[8],724 rape incidents, 65 attempts of rape, 37 deaths by rape and 8 suicides following rape and in 2017, 464 rapes and 27 deaths after rape were reported[9]. Notwithstanding, the High Court directive specific legislation on sexual harassment is yet to be adopted[10] and the Commission strongly advocates for same.

4. Women represent 20%[11] members in the Parliament. Local government Act allocates reserved seats[12] for women equivalent to one third of general seats in all local government bodies. Bangladesh is a top contributor[13] of women officers to UN- peacekeeping operations, 80% of work force in the garment sector are women but they are under-represented in other

[1] Key recommendations are added in the main submission and details are given in Annexure 2
[2] See Annex 1 for details
[3] Thematic Committees were established on 8th August 2016 (present commission and the first thematic committees were established in 2012) at the 41st Commission meeting and there are 11 thematic committees including Committee on Dalits, Hijra and other excluded minorities, the Committee on Women, Committee for protection of religious and Ethnic Minorities and Non-citizen's rights, Committee on persons with disabilities and autism, consist of civil society organizations, human rights activist, state institutions, academician, development agencies and intergovernmental agencies.(See annexure 3 for details)
[4] Membership of the Thematic Committees include NGOs, CSOs, government representatives, UN agencies and INGOs
[5] Party to CEDAW, the Bangladesh legal framework on VAW consist of several laws, policies and action plans including, Women and Children Repression Prevention Act 2000 (amended in 2003), Acid Crime Prevention Act 2002, Domestic Violence (Prevention and Protection) Act 2010 and Rules of Precedure2013, Human Trafficking Deterrence and Prohibition Act 2012, Pornography Control Act 2012. In addition, the State has formulated National Plan of Action to Prevent Violence Against Women and Children 2013-2025 and National Plan for the National Women Development Policy in the recent part to address VAW across the country.
[6] Human Rights Council *Report of the Special Rapporteur on violence against women, its causes and consequences* 23 May 2013.
[7] See International Centre for Diarrhoeal Disease Research, Bangladesh *From Evidence to Policy: Addressing Gender-Based Violence against Women and Girls in Bangladesh* Dhaka, 2013. Almost two thirds (71.6%) of ever- married women experienced one or more forms of violence perpetrated by their husband at least once in their lifetime- Survey by BBS Financialexpress-bd.com/2014/03/08/22389 add title
[8] http://www.askbd.org/ask/2017/03/28/human-rights-situation-in-bangladesh-2016/
[9] http://www.askbd.org/ask/category/hr-monitoring/
[10]ttp://www.law.georgetown.edu/rossrights/chapters/BangladeshWomenLawyers.html
[11] The Hon'ble Prime Minister of Peoples Republic of Bangladesh is a woman. For the first time, a woman has been appointed as the Speaker of the National Parliament. The Leader of the Opposition, Deputy Leader and Whip of the House in the Parliament are women. 2 women have been appointed as Vice Chancellors of public universities. 8 women are heading missions abroad out of 68 Missions and 3 of them are ambassadors and 9 women are judges in the Supreme Court.2 women are Counsellors at the Bangladesh Permanent Mission at UN Head Quarter. 3 women have represented Bangladesh on CEDAW Committee, one being a current member for the first time, a woman was elected as Mayor of a City Corporation, a city which carries significant political and economic importance in the country in 2011 and she reelected again as Mayor in 2016.
[12] 42,000 women participated at the local level 4552 Union Parishads[12] with three women were elected per UP and in Upazila[12] elections (2014) in 458 Upazilas 1,509 women candidates participated.
[13] 710 Women Police Officers have completed UN peacekeeping missions and presently, 168 women police officers from Bangladesh are working in different missions.

formal sectors[14]. Total amount of unpaid domestic work carried out by women is equivalent to 10.75% of the GDP, equivalent to 9.3 million employments per year and valued at $ 14.45 billion[15]. From[16] a total of 749 human trafficking cases, 285 cases were related to female victims and 106 related to children victims[17].Despite some laws[18] ensuring equal property rights, inheritance rights are governed under personal laws[19], which discriminate women.

Recommendations

- Adopt specific legislation to address sexual harassment.
- Withdraw CEDAW Reservations to the Articles 2 and article 16.1 (C).

3.2 Rights of Children

5. Children are 45%[20]of the population. Bangladesh is ranked 73rd in the Global Hunger Index [21]. At least 14% of children under five, suffer from undernutrition[22]. Despite progresses infant mortality rate and under-five mortality rate remains a problem [23]. Bangladesh allocates 2% of its GDP for education in last 14 years but budgetary allocations[24] for education related social safety net programmes remain inadequate. Child rights including rights of autistic children have been included in the curriculum for awareness raising. However, most schools still do not have disable friendly structures and specialized teachers.[25] The Commission has been strongly advocating to advance rights of autistic children.

6. The Children Act 2013 was adopted by government fulfilling its international commitments. The Commission was instrumental in preparing the draft law including the definition of child complying with CRC standards. To reap complete benefits, under this Act, Rules which are long pending should be immediately formulated following an inclusive process. Violence against children has increased significantly with 20 children killed, 30 raped every month, 3,589 subjected to violence of 1,441 victims of unnatural deaths and 686 of sexual violence and harassment[26]. High Court Division of Supreme Court in 2011 declared all types of corporal punishment in schools 'illegal and unconstitutional but 89% of children (88% of boys, 90% of girls) were physically punished at homes[27].

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[14]Bangladesh 2014- Human Rights Report - www.state.gov/documents/organization/236846.pdf
[15] http://archive.dhakatribune.com/law-amp-rights/2014/mar/08/womens-unpaid-work-accounts-1075-gdp
[16] During the period from September 2016 to August 2017
[17] http://www.police.gov.bd/Crime-Statistics-comparative.php?id=208
[18]Land Reforms Act of 1984 - A Government notification, issued under the 1984 act, on khas land and non-agriculture land distribution it was stated that if two acres of land is distributed to a landless family one acre should be given to the husband and one acre should be given to the wife.
[19] Applicable to Muslim and Hindu communities – Muslim women are not given equal rights under the inheritance law and Hindu women do not have inheritance rights.
[20] National Children Policy: The State of the World's Children Report 2008 by UNICEF, 2008: http://ecd-bangladesh.net/document/documents/National-Children-Policy-2011-English-04.12.2012.pd
[21] Grebmer, K.v., et al. Global Hunger Index: Armed Conflict and the Challenge of Hunger. 2015, International Food Policy Research Institute, and Concern Worldwide: Bonn, Washington, DC, and Dublin: Welthungerhilfe.2015.
[22] NIPORT, Mitra and Associates, ICF International. Bangladesh Demographic and Health Survey 2014. Dhaka, Bangladesh and Calverton, Maryland, USA: NIPORT, Mitra and Associates, and ICF International; 2016
[23] JAMAKON Report to the UN Committee on the Rights of the Child, National Human Rights Commission (JAMAKON), Bangladesh, November 2015
[24] Several initiatives have been taken by the government to provide equal access to education, including the distribution of 33 crores worth of text books in 2015. As a part of infrastructure development, the government established 22,000 extra classrooms in 2014, installed 2500 tube wells in 2015 and built 12,500 washing blocks separated for boys and girls.
[25] Children in Bangladesh, Progress towards Commitment in 2015, Child Rights Advocacy Coalition in Bangladesh, 2016
[26] Bangladesh Shishu Adhikar Forum (BSAF) report (2016)
[27] Baseline Report on Violence against Children in Bangladesh, Dhaka: Ministry of Women and Children Affairs – titled "National Initiative to End Violence against Children" (NIEVAC), in 2013 involving 1,210 children and 1,165 adults - Almost all children said they are physically

7. Child marriage is prevalent in poor communities in rural areas and urban slums. Girls as young as 12 years are given in marriage to avoid dowry[28].UNICEF places child marriage in Bangladesh under the age of 15 at 18% and under the age of 18 at 52%. [29] The recently enacted CMRA[30] has emphasized on the best interest of child and the Commission played a catalytic role to enact the law and advocate for marriage below 18. Despite progressive steps such as enhanced penal sanctions in CMRA, public remain apprehensive of Section 19 of the Act which provides for exceptional circumstances. This specific section was added despite strong objections from the Commission. Thus, the Commission is advocating to formulate Rules to ensure section 19 will be implemented under the close supervision of a competent court of law and the ultimate decision lies with the court.

Recommendations

- Take strong measures including preventing actions to eradicate child labor, corporal punishment, child marriage, violence and crimes committed against children.
- Inclusion of views and concerns of the children during formulation of laws and policies applicable to children.

3.3 Rights of Minorities

8. Bangladesh is a 'multi-ethnic and multi-cultural' country[31] with the numbers of religious minorities indicating a decline, from 23% in 1951 to 14.6% in 1974 and 9.5% in 2011[32]. The Constitutional amendment in 2011, restored a secular nature[33]. Several laws [34] provide for special budgetary allocations[35] aimed at welfare of religious groups and text books in five ethnic languages[36] for primary grades. Hindus and Buddhist communities and some ethnic minorities witnessed several violent attacks[37] and the Commission undertook fact-finding missions and conducted investigations in Brahmanbaria [38], Hobigonj[39]and Gaibandha[40].

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punished at work and in educational institutions 83% of children experienced physical punishment while girls are more often physically punished by female teachers (84%) than male teachers (16%). In residential institutions, 68% of children experienced physical punishment, and teachers of religious subjects were the most frequent perpetrators.

[28] Child Rights in Bangladesh, Mohajan, Haradhan (2014): Child Rights in Bangladesh. Published in: Journal of Social Welfare and Human Rights, Vol. 2, No. 1 (31. March 2014): pp. 207-238. https://mpra.ub.unimuenchen.de/58424/

[29] Child Marriage Restraint Act 2017 to practise no restraint, February 28, 2017, Dhaka Tribune, http://www.dhakatribune.com/bangladesh/law-rights/2017/02/28/child-marriage-restraint-act/

[30] Child Marriage Restraint Act No6 of 2017

[31] Per 2011 census, Sunni Muslims constitute 90 percent and Hindus are at 9.5 percent of the total population and the rest of the population is mainly made up of Christian (mostly Roman Catholic) and Theravada Hinayana Buddhist

[32] Report of the Minority Rights Group International, 2016

[33] The principle of secularism shall be realised by the elimination of – (a) communalism in all its forms; (b) the granting by the State of political status in favour of any religion; (c) the abuse of religion for political purposes; (d) any discrimination against, or persecution of, persons practicing a particular religion

[34] Christian Religious Welfare Trust (amendment) Act 2011; The Buddhist Religious Welfare Trust Ordinance, 1983; and the Hindu Religious Welfare Trust Ordinance, 1983 `

[35] Special budgetary allocation of 200 crores in the FY 2016-17 for the maintenance of temples and holy places of the Hindu community. It is noted here that In the FY 2015-2016, the Hindu Religious Welfare Trust received Tk 70 lakh; Buddhist Religious Welfare Trust Tk 80 lakh; and Christian Religious Welfare Trust Tk 10 lakh.

[36] Chakma, Marma, Tripura, Sadri and Garo languages.

[37] According to information of Hindu, Buddha and Christian Oikya Parishad (published in the Daily Star on June 03, 2016), 10 people from religious minorities were killed, 366 injured and eight women were raped in the country in the first three months of 2016. Another 24 people were killed, 25 women raped and 1,562 families were affected in 262 incidents of minority persecution in the country last year (2015).

[38]NHRC undertook a fact-finding mission to investigate violence against a religious minority; the Hindu community (November 2016) – NHRCB recommended that the perpetrators should be brought to justice and to take action against the negligence of local administration.

[39] A fact-finding mission to investigate a complaint by tea garden labors were not paid wages for a period of 7 seven months. NHRCB during its fact-finding mission investigated the matter and recommended to the tea garden authority to ensure wages have been paid. Many tea garden workers belong to the Dalits community.

[40] NHRC jointly with the Parliamentary caucus on Indigenous people, undertook a fact-finding mission (December 2016) to address violence perpetrated on this community – which has had a catalytic effect in expediting justice

Despite the Vested Property Return Act being reviewed in 2013[41] the complexities negatively impacting on land rights of minorities still exists[42] and 70% of claims submitted by minorities are yet to be solved[43].

9. In 2013, Hijra[44] was recognized as a third gender and budget allocations[45] made for their welfare[46]. However, no guidelines exist for their identification. Certain legal provisions[47] have reportedly been used by police as a pretext to harass and intimidate members of the Hijra community. Section 377[48]criminalizes LGBTI community, thus there is a strong appeal from CSOs to repeal same. Despite improvements [49] more than 50% of Horijons live under extreme poverty. NHRCB lauds the government for recognizing the Bihari's[50] and for the initiatives[51] to uplift Dalits[52].

10. The Commission has initiated the draft law on Anti-Discrimination. Notwithstanding, the undertaking given by the government at the ICCPR session the law is pending enactment. The Commission has sent several reminders and will continue to advocate for its enactment. An informal forum of parliamentarians named the Parliamentary Caucus on Indigenous Peoples has also submitted a draft law titled "Bangladesh Ethnic People's Rights Act 2015" to the parliament seeking to enact same.

11. In August-September 2017, over 500,000 people fleeing violence in Rakhine streamed into Bangladesh bringing the total to approximately 0.9 million[53]. The Government of Bangladesh has provided temporary shelter and humanitarian support. The Commission undertook a fact-finding mission led by its Chairman, from 9 to 11 September 2017 in addition to their mission in February 2017 and documented horrendous stories [54]. The Commission launched a Global

[41] Circulars were issues in October 2013 and May 2014 directing all authorities to treat all "Kha" properties as any other normal property.
[42] Further, yet another circular was issues to dispose of the appeal of the land owners in April 2016.
[43] http://www.dhakatribune.com/bangladesh/2016/06/21/panelists-70-cases-unresolved-despite-vested-properties-return-law/
[44] Members of third gender community
[45] The Ministry of Social Welfare made special budgetary allocation of 72,17000 BDT in the FY 2012-13 for third-gender community and the allocation is increased 12 times in FY 2014-15 as 11,35,00000 BDT (11.35 Crores) for the mainstreaming development of third-gender.

[46] The ministry of social welfare is implementing a programme on "livelihood development of the Hijra population" with an allocation of Taka 72.17 lakh in seven districts like Dhaka, Chittagong, Dinajpur, Patuakhali, Khulna, Bogra and Sylhet.The social welfare ministry is implementing a programme on "livelihood development of the Hijra population" with an allocation of Taka 72.17 lakh in seven districts like Dhaka, Chittagong, Dinajpur, Patuakhali, Khulna, Bogra and Sylhet.
[47] Section 86 of the Dhaka Metropolitan Police Ordinance, Section 290 of the Penal Code and Article 54 of the Code of Penal Procedure
[48] Section 377 of the Penal Code, 1860: Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with 2[imprisonment] for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. Explanation. Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.
[49] Extreme poverty as of 2016 was 12.9% http://bdnews24.com/economy/2016/10/03/bangladesh-s-extreme-poverty-rate-drops-to-12.9-percent-says-world-bank
[50] Bihari's are Urdu speaking minorities and 300,000 of them were recognized as citizens with voting rights
[51] On January 26, 2014, the Bangladesh cabinet announced in its gazette that it has recognized the Hijra community of Bangladesh as a Hijra sex (Ministry of Social Welfare, Bangladesh Gazette, No. sokom/work-1sha/Hijra-15/2013-40.) Hijras and ethnic groups of Bangladesh are entitled to bank loans. The central bank issued a notice to all scheduled banks notifying them to take steps to bring these underprivileged sections within the SMEs. There are pilot programmes for livelihood development implemented by the Social Welfare Ministry for the third gender communities.
[52] Special quotas are allocated for Dalits quotas in universities -Extracted from a circular. from the Prime Minister's Office dated 29 May, 2012
[53] http://www.thedailystar.net/frontpage/mayanmar-rohingya-refugee-crisis-stop-violence-rakhine-right-away-1471699
[54] Commission interviewed a Rohingya young women she mentioned her name as Mobashera, and she was 20-year-old. She narrated that the Myanmar military killed her two brothers and tortured her sister including her. She then ran away and after running for a very long time finally managed to reach the Bangladeshi border. She does not know the whereabouts of her sister. Rashida she was a girl of 12 years and she narrated that the Myanmar army burnt down their house and killed her parents in front of her. She then escaped but suffered bullet injuries. She received initial medical care when she reached Bangladesh. Mohammed Kayes is a 15-year-old boy and he narrated that both his parent was shot by the Myanmar military. He was shot too but managed to escape with severe injuries. Jobayer, aged 25 years was severely injured and had bullet injuries in his lower back. We say that he had been treated but the wounds were continuing to bleed. Johora aged 22 years narrated that she had to walk for 11 days through the jungles and did not have anything to eat during these days and survived with just water. She said she is

call for action and took part in several international forums[55] advocating for full implementation of Kofi Annan Commission Report.

Recommendations

- Enact legislations on anti-discrimination and protection for minorities and excluded groups including Dalits, tea garden workers and sexual minorities.
- Continue to lobby with the international community to do everything possible to pressurize Myanmar Government to find a durable solution for the Rohingya crisis. The durable solution must include the right to return as an integral part of the solution including addressing the citizenship issues affecting Rohingya in a transparent and inclusive manner.

3.4 Rights of Persons with Disability (PWDs)

12. The People with Disabilities Rights and Protection Act (2013) and Rules[56] are promulgated. A total of 15,19,755[57] PWDs identified to be eligible to receive identity cards; an entry point for benefits under the Act, yet many public places and transport facilities remain not disable friendly. NHRCB has submitted the National Action Plan (NAP) on PWDs to the government in August 2017. The Commission expects the NAP to be adopted and will be fully implemented. The Commission has organized many events with the participation of autistic children to advance their rights.

Recommendations

- Expedite adoption of NAP and take measures to fully implement same.
- Continue to advance rights of PWDs and ensure all public services and public places are accessible and disable friendly. Ensure future building construction accessible for the persons with disability.

3.5 CHT Affairs

13. The CHT Peace Accord is not fully implemented and has failed to address aspirations of the people from CHT. Land Dispute Resolution Commission Act was amended in 2016 with the objective of reforming the CHT Land Commission, yet the issues related to land ownerships remains unresolved. Prevalence of absolute and extreme poverty in CHT is 65 and 44 percent respectively which is above national average. 31% of household's express satisfaction with law and order against a national average of 62% [58]. Local government service providers remain remote from the population with 30% never having contact with local UPs and 60% never accessing healthcare services. The Commission advocates for the full implementation of the Peace Accord aiming to transfer identified service institutions to the Hill District Councils and guarantee that tribal communities play a significant role in CHT governance. To avoid any future crisis, trust between State and the tribal communities requires further strengthening.[59]

now she is now suffering from water borne diseases. Arefa a 35-year-old women narrated that the Myanmar military killed her husband. She managed to escape with her two children.

[55] The commission presented its findings to Permanent Peoples Tribunal held from 18 – 20 in Kuala Lumpur and at the Conference for Ombudsman's of OIC held from 24 to 27th in Istanbul.

[56] The Disabilities Rights and Protection Act was adopted in 2013 and the Rules were promulgated November 2015

[57] 924763 males and 594992 are female - Extracted from the Disability detection survey: (2013- 2014) A new horizon of development: https://www.dis.gov.bd/en/

[58] State of development in the Chittagong Hill Tracts household survey 2012-14. Survey commissioned by UNDP. 2014.

[59] Choudhury, ZA, et al. 2014. Social capital assessment in the Chittagong Hill Tracts. Report commissioned by UNDP. 2014.

Recommendation

- Take initiative to eliminate all forms of violence including preventive measures to protect the fundamental rights of the peoples in CHT.

3.6 Rights of Migrant Workers

14. Bangladesh is a source country for migrant workers[60], of which 20% are women, 35% categorized as skilled and the annual remittance revived as of August 2017 was USD 9132.09 million[61]. Overseas Employment and Migrants Act 2013 (OEM) and several laws [62] govern migration and despite efforts to reduce and regulate migration cost – it remains quite high[63]. Despite clear regulations[64], only a few well- established recruiting agents have direct contact with the foreign employers and others work as de facto sub agents[65] contributing to escalating migration costs. NHRCB observes, the OEM Act is currently implemented through three sets of Rules[66] which were formulated under its predecessor ordinance; a law which currently stands repealed. Furthermore, the bylaws were framed prior to Bangladesh ratifying CMW. As such, these Rules need to be reviewed and replaced to follow CMW. The Commission also understands, that the formulation of new Rules is in progress and would urge MoEWOE[67] to follow an inclusive process in formulating these Rules.

Recommendations

- The Commission encourages G2G system to be applied regarding migrant workers.

3.7 Civil, Political, Social, Economic and Cultural Rights

15. In Bangladesh, death penalty may only be pronounced on grave and heinous crimes[68] and in the last 8 years a total number of 35 executions have been carried out. NHRC is deeply concerned about the loss of lives during the pre-and post-election period in 2015. It is to be noted that the deaths were both related to political violence perpetrated by some political parties, inaction, highhandedness and unlawful arrests by law enforcement agencies.

16. Bloggers, writers, journalists expressing secular views and opinions were attacked and harassed in the recent past and some hacked to death. The Commission has been continuously

[60] Estimated number of migrant workers as of 2016 is 10,976,908
[61] http://www.bmet.gov.bd/BMET/viewStatReport.action?reportnumber=17
[62] Emigration Rules 2002, Wage Earners' Welfare Fund Rules 2002 and Recruiting Agents' License and Conduct Rules 2002. The initial report was due since December 2012 and same was submitted by the State party on 28 December 2015 to the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW).
[63] Daily Star Report: Migration Cost goes up, wages not so: Published in 9 December 2016 http://www.thedailystar.net/frontpage/migration-cost-goes-wages-not-so-1327447
[64] Section 21 of the OEM Act 2013 provides for the Cost of Migration: 'The Government may, by an Order, prescribe the ceiling of the cost of migration to be charged for recruitment and overseas employment'. However, a circular/notice prescribing the ceiling has not been issued.
[65] Average ratio of migration cost to monthly income standing at 40:1 for Saudi Arabia Despite clear regulations[65], only a few well- established recruiting agents have direct contact with the foreign employers and others work as de facto sub agents[65] contributing to escalating migration costs.
[66] These Rules were framed in pursuance of the now repealed Emigration Ordinance 1982, section 19. The effect of these Rules has, however, been saved by the OEM Act 2013, section 49 (2).
[67] Ministry of Expatriates' Welfare and Overseas Employment
[68] Death Penalty may be awarded to heinous crimes Including murder, sedition, offences related to possession of or trafficking in drugs, treason, espionage, military crimes, rape, hijacking planes, sabotage, or terrorism.

advocating[69] to bring the perpetrators to justice and expedite cases related to crimes committed against journalists and bloggers. This again indicates the urgent need to build a strong culture of human rights, promote respect to different views and the Constitutional guarantee on freedom of expression. The Commission urges not to misuse the Information, Communication and Technology Act (2006) and to revisit same. The Press Council Act 1974 amendments[70] are also pending. The Commission advocates for maintaining and improving the standard of freedom of expression including press freedom. The much-debated Foreign Donation Regulation Act[71], passed in October 2016 is being viewed by NGOs and CSOs as a freedom of expression and association. The Commission however, expects that the law will be carefully applied for regulating foreign donations and the functions linked to terrorism, militancy, children and women trafficking, drugs and arms.

17. 45 people have been abducted or disappeared as reported by family member or eye witness during January-July 2017[72]. According to NHRC media analysis 52 people were kidnapped from January to June 2017[73]. The Commission intervening in systemic gaps leading to human rights has thus received a total of 484 complaints of which 20 complaints are of alleged enforced disappearances and 16 complaints are of alleged deaths by crossfire[74]. The Commission investigated incidents of abduction and enforced disappearance, *suo-moto* expressed grave concern[75]advocating for zero tolerance. Deaths and injuries rustling in road accidents indicates a sharp increase, attributable to inadequate governance of the transport sector[76].

18. A case-backlog of more than 3.1 million cases[77] snarls up the justice system providing an ideal environment to undermine access to justice. Cases take years and languish with multiple adjournments.[78] Per the Department of Prisons, 74 percent of inmates were in pretrial detention or undergoing trial.[79] The Commission urges continuous and consistent efforts will be needed to quick dispose of cases, avoid prolong custody pending trail, and address prison overcrowding[80] provide vocational training for inmates and provide compensation to detainees found to be innocent[81]. Despite efforts to prevent custodial torture and deaths, concerted efforts are needed to completely eradicate this phenomenon; creating a zero-tolerance policy.

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[69] The NHRC Chairman in a gathering held at the Dhaka university criticized the intolerance towards journalist and the inaction by the Law enforcement agencies and demanded expeditious justice. NHRCB has hence forth continued to demand that justice be delivered.
[70] News report: Prothom alo: http://en.prothom-alo.com/bangladesh/news/103265/30-day-closure-of-newspaper-advised
[71] Laws of Bangladesh: http://bdlaws.minlaw.gov.bd/bangla_all_sections.php?id=1197
[72] E-Bulletin August 2017: http://www.askbd.org/ask/2017/08/08/enforced-disappearance-january-july-2017/ (information collected from Prothom Alo, Ittefaq, Samakal, Sangbad, Daily Star, New Age, Nayadigonto, Dhaka Tribune and ASK)
[73] Data from NHRC data base
[74] Please see annex 4 for details
[75] News report: The Daily Star: NHRC concerned over recent abductions and enforced disappearances: http://www.thedailystar.net/city/bangladesh-national-human-rights-commission-nhrc-concerned-over-recent-abductions-and-enforced-disappearances-1455844
[76] During the period of January-July 2017 At least 2,297 people were killed and 5,480 injured in road accidents from January-June, a sharp rise in the death toll compared to the same period last year. As per Bangladesh Road Transport Authority statistic on accidents and casualties 2027 incidents of road accidents caused a total 2067 deaths and 1535 injuries in 2014 .
[77] 7th five-year plan
[78] The average is 39.5 months for criminal cases to reach judgment according to the JSF Project, 2014. In extreme situations, it can take up to 15 years for a legal case to be processed: www.giz.de/en/worldwide/15252.html
[79] Bangladesh 2015 Human Rights Report: Department of State: https://www.state.gov/documents/organization/253171.pdf
[80]The prions in the country can accommodate only a total of 36,640 in 68 prisons but a total number of 78,000 inmates of which 60,000 are under trial prisoner's inmates are currently in the prisons
[81] A total of 1572 under trial detainees are in prisons for more than 3 years in 68 Prions in the country. Of which 98 are above 60 and zero juvenile offenders - Report as of 25th January 2017, under the hand of Additional Inspector General – Prisons Department. On the 26th of February 2017, NHRCB undertook an instant visit to the District Prions located in Cox's Bazzar and found that sincere efforts have been made by the district prison authorities to ensure basic needs of the prisoners were met. Proper sanitation, drinking water, clean food, separate cells for juvenile offenders and an overall clean environment was found in and around the prison premises. NHRCB will continue to undertake such visit in the future and will be using details gathered in the Cox's Bazzar District Prison as a good practice and encourage other prisons to follow this lead.

19. The tragic attack on the Holey Artisan Bakery[82] has turned the spotlight on Bangladesh's battle with terrorism[83]. The Government of Bangladesh has thus far been able to successfully diffuse several terrorist attempts/plots and the Holey Artisan Bakery incident. The Commission is keen to see that the perpetrators are brought to justice and due process meeting international human rights standards is followed in addressing violent extremism[84].

20. Amendments[85] to the Labour Act (2006) has ushered in, safer measures[86]and less cumbersome processes to register trade unions. NHRCB notes with appreciation the efforts by the Ministry of Labour and Employment for adopting the Domestic Workers Protection and Welfare Policy on 4 January 2016. This policy is a paradigm shift, which provides a framework to ensure the protection and welfare of the domestic workers. The Commission sees enormous potential in the cooperate sector and would propose that the sector take a more active and meaningful approach under their CSR policies to implement initiatives advancing human rights.

21. Climate change is one of the greatest threats to human rights, 347 government educational institutions and 11,398 non-government educational institutions have been reported to be impacted by climate change and disaster.[87]The Commission has launched a new thematic committee and will continue to urge the government to take steps in minimizing impact of climate change and protect environment.

22. The Commission budget allocated for advocacy, training and awareness campaigns has increased by 172 % and improvements made to the number of staff in the pipeline. It has also relocated to a spacious venue well placed in Dhaka providing easy access to public. Several[88] key forums and avenues of redress are available to victims of human rights violations. Unfortunately, not all victims of human rights violation can access these forums.[89] NHRC has appointed panel lawyers to provide legal aid to victims of human rights violation and will be

[82] 1July 2016 left 28 people dead, including taking of 20 hostages. The Counter Terrorism and Transnational Crime (CCTC) unit reported, involvement of 24 operatives of the neo-Jama'atul Mujahideen Bangladesh (JMB) in the horrendous attack on Holy Artisan bakery in July 2016. 15 of the 24 militants have already been killed in the encounter, and 4 of them are in prison undergoing trail, five others are yet to be arrested

[83] News report: http://www.daily-sun.com/arcprint/details/235754/'24-involved-in-Holy-Artisan-attack'/2017-06-22

[84] An inclusive participation of the society supported with strategic communications with victims and perpetrators alike is needed to build a strong counter narrative to terrorism and other forms of extreme violence. Section 12 (e) of the NHRCB Act specifically talks of its role related to countering terror. Particularly, of addressing actions of terror which can inhibit the safeguards of human rights and to recommend appropriate remedial measures. NHRCB recommends a multi-pronged approach in preventing and combating terrorism. As next steps NHRCB intends to include a communication strategy on counter terrorism within its overall Strategic plan 2016- 2020 and encourages the government and law enforcement authorities to put in place strict procedural checks and balances.

[85] Major changes included the simplification of provisions relating to the registration of trade unions and the stipulation for safety committees including members of the workforce to be established in every factory with over 50 workers. The adoption of rules for the Bangladesh Labour Act (2006) on 15 September 2015 is another key milestone in the area. Nonetheless, the labour law in requires further amendments to make it updated and efficient.

[86] Building collapses, factory fires, and other incidents in RMG sector killed 1,512 workers between 2005 and 2013[86]. The number of labour inspection has been increased to 284 in April 2016 which is 92 in June 2013[86].

[87] http://data.banbeis.gov.bd/images/chp12.pdf

[88] Enforcement of Fundamental Rights under Article 102 of the Constitution, the National Human Rights Commission, the Women and Child Repression Prevention Tribunal, the Acid Violation Prevention Tribunal and the Torture and Custodial Death (Prevention) Act of 2013. Details are as follows; the Women and Child Repression Prevention Act, (2000) - offences relating to ransom, kidnapping, trafficking, abduction, corrosive substances, dowry etc. Will follow the provisions of the Criminal Procedure Code. Highest punishment is death penalty for offences such as rape resulting death (section 9) and death caused due to use of corrosive substance (section 4). The tribunal exercises the powers under i) The Acid Control Act, 2002, ii) The Acid Violation Prevention Act, 2002.

The Torture and Custodial Death (Prevention) Act, 2013 is the only single piece of legislation on the right to freedom from torture in the legal system of Bangladesh enacted to implement the legal obligations under CAT. The main objective of the Act is to fulfil the obligations conferred by CAT.

[89]Lack of awareness, poverty, fear of reprisals and physical barriers has had an overall negative impact on access to Justice and other redress forums -Extracted from the Access to Justice in Bangladesh Situation Analysis, Summary Report, 2015, UNDP

establishing six more regional offices in addition to the two regional offices currently functioning. [90]

Recommendations

- Investigate and prosecute all cases of extra-judicial killings, enforced disappearances, and excessive use of force, in a transparent manner.
- Ensure a conducive environment to build a culture of human rights and create more opportunities and platforms for human rights activists, human rights defenders, NGOs, CSOs, journalists allowing constructive engagements to promote and propagate human rights.
- Address issues on terrorism in full conformity with the international human rights standards. Undertake extensive studies to find the root causes driving and fuelling extremism.

3.8 International Human Rights Treaties /Reporting

23. The Commission has been summitting reports under international human right mechanism in a timely manner and has been persuading government entities to submit their respective State reports. The Commission observes that designated Government bodies are now increasingly willingness to adhere to international reporting obligations[91].However, there is a general lack of authentic data in most sectors in the country. Improvements must be made to capture data at source and identify clear alternative sources to verify collected data. Bangladesh is signatory to 8 out of 9 core human rights treaties. Regardless of its dualist nature, [92]the judiciary in Bangladesh has cited international treaties and principles in some of its judgements[93]. The Commission is keen to work with the government and CSOs to examine the possibilities to ratify additional human rights instruments.

4 Conclusion

24.Bangladesh has taken many steps to implement recommendations under the 2nd cycle of UPR. Legislations on Children and PWDs have been adopted. The third gender community has been recognized. Policies on informal labour sector has been approved. Bangladesh under the leadership of its Honourable Prime Minister has provided temporary shelter and humanitarian aid to Rohingya fleeing violence. However, many challenges remain. Vulnerable groups suffer loss of land, the CHT Peace Accord needs full implementation and alleged human right violations committed by law enforcement officials continues. The Commission strongly believes to address gaps focused and collective approach is needed and reiterates its commitment to continue advocating for human rights for all everywhere equally.

[90] Rangamati is a district in south-eastern Bangladesh and part of the Chittagong division. The total population is 5,08,182 according to 2001 census of which tribal 52% and non-tribal 48%. And Khulna is the third largest city in Bangladesh, located in south-western Bangladesh. As of the 2011 census, the population of the district was 2,318,527.

[91] submission of the initial report of Bangladesh to the Human Rights Committee in 2015, Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) in 2016, and the Committee on the Rights of Persons with Disabilities in April 2017.

[92] Bangladesh is dualist country and needs domestic legislation to translate international obligations to the local context.

[93] *Anika Ali v Rezwanul Ahsan, (17 (2012) MLR (AD) 49)* the Appellate Division has pragmatically held the principle that unless provisions of international instruments are contrary to the domestic laws, the beneficial provisions of such instruments may be referred to and implemented in appropriate cases ; Metro Makers and Developers Ltd. v. Bangladesh Environmental Lawyers' Association (BELA) and Others, (31 (2011) BLD (HCD) 324) the Court considered the protection of environment and human rights inseparable from each other and focused on the people's right to healthy environment as found in many international instruments. On the issue of right to environment and sustainable development, it cited, specifically, article 11 of the Additional Protocol to the Inter-American Convention of Human Rights (1994), article 24(2)(c) of the Convention of the Rights of the Child 1989, and article 24(1) of the African Charter on Human and People's Rights 1981. The court also noted Stockholm Declaration and the United Nations General Assembly Resolution No.45/94 in order to emphasize the citizens' right 'to live in an environment adequate for their health and well-being'.