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Bangladesh's recommendations – session 4

Recommendation

Pursue its efforts within the Human Rights Council on the issue of climate change and human rights

community, to combat poverty, particularly among women, including material and non material poverty in terms of exclusion

In Bangladesh Dalit women face multiple forms of discrimination and violence as a result of both their caste and gender, and are particularly vulnerable. Dalit communities are often deeply patriarchal with severe restrictions placed on women's rights, mobility and freedom, particularly in relation to marriage. Many girls marry young, are unable to leave their homes without being accompanied and have no financial independence. Dalit women who are allowed to work are mainly sweepers or cleaners and face regular abuse from both employers and the public. The standard government maternity leave is 4 months but Dalit women often are denied leave or only receive 2 months. According to CEDAW General Recommendation 28, protection from discrimination under the Convention encompasses not only grounds explicitly mentioned but also other grounds such as age, class, caste, race and ethnicity. To address multiple forms of discrimination against women, realization of the rights of women and women's empowerment as an important sector of society that can contribute significantly to the development of the country

for its full implementation

Take measures to ensure the independence of the judiciary

the Early Marriage Act and the Dowry Act

Take measures to protect human rights defenders, including journalists

Take steps to eradicate child labour such as finalizing the National Child Labour Policy and implementing the plan of action to eliminate the worst forms of child labour

Bonded labour and child labour represent a human rights problem in Bangladesh. Many Hindu Dalits and Muslim Dalits are, to a larger or smaller degree, bound by loans from employers. The Constitution prohibits forced or compulsory labour; however, the GoB does not enforce this prohibition effectively. There is no law that uniformly prohibits child labour and as a result, the phenomenon is widespread in practice. A labour force survey conducted by the GoB in 1996 revealed the existence of 6.3 million child labourers. In the draft UN principles and guidelines for the effective elimination of discrimination based on work and descent, it is recommended that "national and local governments, corporations, labour groups, and international labour, financial, and

Take steps to further strengthen the National Human Rights Commission and the Anti-corruption Commission to ensure that they will be able to operate independently and effectively

The National Human Rights Commission should incorporate the Dalit issue as an aspect of its work as a national human rights monitoring mechanism. To promote the socio-economic status of Dalits and other excluded groups in Bangladesh, the Government should form a special Dalit Commission

Take steps to address the culture of impunity for human rights violations by law enforcement agencies

and financial assistance of the international community

large

Continue its efforts in combating corruption

Consider ratifying or acceding to: ICRMW

poverty

dangerous jobs in Bangladesh, such as cleaning toilets and emptying the septic tanks of others. Unemployment and underemployment are major issues particularly given the lack of skills, training and education. In a recent survey of the cobbler community it was found that 53% earn between 2,000-3,000 taka a month. Dalits who live and work in tea plantations face specific forms of discrimination. Many live in bonded labour or are paid extremely low wages (approx 30 Taka per day) and are unable to afford adequate food, health-care or to educate their children. To ensure

Continue the efforts to draw up a national plan to provide health care to all without discrimination

The Dalit community in Bangladesh do not have equal access to health care, and live under horrible conditions. The majority of Dalits live below the poverty line, lagging behind in all development indicators (e.g. maternal mortality rates are much higher amongst Dalit women). In urban areas Dalits usually live in so called 'colonies' in slum like conditions with often three generations of 8-12 people living in one small room. Around 60,000 Dalits living in Dhaka have inadequate water and sanitation. The majority of Dalits are landless and in rural areas live in houses built with straw and

Continue and strengthen, with international support and cooperation, its efforts to mitigate the negative impact of climate change, as well as disaster management programmes

Continue its good work in further strengthening the judiciary in the country

Continue, with international support and cooperation, efforts to ensure basic necessities of its people, particularly in terms of food, clothing, shelter and education

violence against children, including corporal punishment and to raise the minimum age of criminal responsibility

Consider ratifying or acceding to: 1951 Refugee Convention, bearing in mind resolution 9-12 of the Human Rights Council entitled Human rights goals

abolishing the death penalty

Positively consider the visit requested by the special rapporteur on summary executions

Continue to fight poverty with the active support of the international community

Consider ratifying or acceding to: 1951 Refugee Convention

Consider ratifying or acceding to: OP-ICCPR 2, OP-CAT, ICRMW, CED and OP-ICCPR 1

Adopt a moratorium on the death penalty, as a primary step towards its abolition

nature

education level

Pursue its positive efforts for the promotion and protection of the rights of women

girls

Despite the GoB's efforts to promote the right to education, most Dalit children do not complete formal education, with the majority attending for only one or two years. School enrolment rates are as low as 10%, with drop out rates of those that did attend school at around 95%, (national enrolment rates are 85%). Poverty and caste discrimination within schools from both teachers and students are key reasons why Dalit families choose for their children to work rather than attend school. In one survey 82% of Hindu Dalits and 84% of Muslim Dalits had experienced discrimination by the time they had started school and many experience discrimination in schools, for example being forced to sit on the floor or to clean toilets. Despite the Government's recent education policy which committed them to educate children in their mother tongue, this is still not being implemented. Also there is no provision made for Dalit children to learn Bangla which is also a major barrier to them attending schools. In 2009, the CRC Committee strongly recommended that "the principle of non-discrimination, as provided for under article 2 of the Convention, be fully and vigorously applied by the State party and integrated into the implementation of all other articles to guarantee, without discrimination, the rights set out in the Convention. The Committee further recommends that the State party take the necessary measures to ensure that efforts to address persistent discrimination citizenship to children of women in mixed marriages

protection of the rights of women, children and persons of minority sexual orientation or gender identity and adopt further measures to ensure protection of these persons against violence and

obligations in the area of the rights of the child, in particular regarding i protection against kidnapping and trafficking, and ii the juvenile justice system including through providing adequate separate facilities of corresponding capacity for juveniles in detention or prison and adopting specific

Adopt further measures to fight impunity for human rights violations, including by law enforcement officials

Consider ratifying or acceding to: 1951 Refugee Convention

Consider ratifying or acceding to: OP-CAT

tolerance in this regard

Issue and implement a standing invitation to all special procedures

visits by Special Rapporteurs without extending invitations. BDERM and IDSN urge the GOB to extend a standing invitation to all Special Procedures as they serve as an important mechanism to monitor and promote human rights implementation in the country, as was the case of the visit by the Independent Experts on water and sanitation and extreme poverty in December 2009, where they

bodies

Several periodic reports to the treaty bodies are long overdue, including the reports to the CAT, CCPR, CESCR, and CERD. BDERM and IDSN urge the GoB to comply with its obligations to report to the treaty bodies, and urge the GoB to include disaggregated data based on caste in its periodic reporting to the treaty bodies.

human rights watchdog

conventions which it has ratified

Continue its efforts to strengthen its national human rights mechanisms and continuously upgrade its laws, policies and institutions in the area of the promotion and protection of human rights

In order to eliminate discrimination against the Dalit community, the GoB should declare the practice of 'untouchability' in public and private places against the Dalit community a punishable crime, using model legal acts from other caste affected countries (e.g. India and Nepal), and on the basis of existing human rights frameworks, such as the CERD General Recommendation 29 on descent. Furthermore the GoB may decide to make use of a comprehensive framework to address caste

Withdraw reservations to CEDAW

Consider ratifying or acceding to: OP-CAT

moratorium on executions

laws and implementing them effectively

As a signatory to the core international human rights treaties, including the International Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the GoB has the obligation to promote and protect human rights for all, including those discriminated on the grounds of caste as affirmed in CEDAW General Recommendations 25 and 28. In particular, the Government should observe its general obligations under the CEDAW Convention and seek guidance on how to eliminate this form of discrimination from CEDAW General Recommendation (reference) and Concluding Observations. In the Concluding Observations by CEDAW in 2011 (reference), the Committee expressed concern "at the very limited information and statistics provided on disadvantaged groups of women and girls, including minority women such as Dalit

Fight impunity and hold all officers and persons acting on their behalf accountable for acts of torture and harassment of civilians

Adopt without delay a uniform Family Code that fully complies with the provisions of CEDAW.

Investigate complaints concerning discrimination against members of minority religions, while developing educational and awareness programmes addressing these human rights violations.

The GoB must enforce and implement legislation protecting Dalit women and girls in Bangladesh from attacks and harassment effectively and such cases should be investigated promptly and

Continue its efforts to further the enforcement of child rights and laws

Intensify its efforts to implement without delay existing laws concerning the protection of the rights of the child, including the births and deaths registration Act of 2004

promoting awareness raising campaigns

and adjust it to the international minimum standards on the death penalty, and, in the light of the increasing awareness of the international community on the matter, as reflected in General Assembly resolutions approved in 2007 and 2008, consider the establishment of a moratorium on the use of the death penalty with a view to abolishing capital punishment in the national legislation

Enhance the promotion and protection of fundamental human rights in accordance with the level of socio-economic development of the country in keeping with international human rights instruments

national leadership

Adopt a comprehensive strategy to combat all forms of violence against women and girls

The GoB should adopt a comprehensive strategy to combat all forms of violence against women and girls, taking into consideration specific measures aimed at combating violence and discrimination against Dalit women and other excluded groups. In the draft UN principles and guidelines for the effective elimination of discrimination based on work and descent, it is recommended that "National and local governments should introduce and apply special measures to eradicate the persistence of social and cultural stigma of impurity and pollution that de facto intensify its efforts to protect children from early and forced marriages

Consider ratifying or acceding to: OP-CAT

and children in this area, in particular through increasing women's empowerment, public awareness, education and training as well as increase vigilance and monitoring by the relevant authorities

To promote the socio-economic status of Dalits and other excluded groups in Bangladesh, the GoB should form a special Dalit Commission or create a special cell in the National Human Rights Commission. Share its experience and best practices in realization of the right to food and the fight against poverty, in particular in the area of micro-credit, with other developing countries

Take measures to ensure the effective protection of the human rights of refugees

determination to tackle national problems, such as a culture of impunity, arbitrary and extrajudicial executions and a practice of torture and degrading treatment

Consider ratifying or acceding to: 1951 Refugee Convention and ILO No. 169 Convention on Indigenous and Tribal Peoples

Consider ratifying or acceding to: ICRMW, CED

efforts in these areas

development of a comprehensive national action plan to combat violence against women and the adoption of a family code complying with the provisions of CEDAW

The GoB should enact and effectively implement laws and develop a comprehensive national action plan to fight violence against women, including Dalit women and other excluded groups. Such framework should be developed in compliance with the obligations under CEDAW, and take into consideration the provisions on caste in CEDAW Recommendations 25 and 28. The development of a national action plan could take general guidance from the draft UN principles and guidelines. Eradicate child labour starting with taking steps to finalize the National child labour policy and to implement the plan of action to eliminate the worst forms of child labour

Take measures to protect human rights defenders, including journalists

Take steps to further strengthen the National Human Rights Commission and the Anti-corruption Commission to ensure that they will be able to operate independently and effectively

Address the problems of extrajudicial killings and torture by security forces and improve prison situations

Consider ratifying or acceding to: OP-CAT

children, including those with disabilities and the overall human rights situation, both in the enjoyment of civil and political rights as well as social, economic and cultural rights

in all public and private employments

for its full implementation

Withdraw reservations to Articles 2 and 16 1 c of CEDAW

Consider ratifying or acceding to other individual complaints procedures under the treaties to which it is a party

Adopt a uniform Family Code that fully complies with the provisions of CEDAW.

considering the impact of natural disaster and degradation of natural resources on human rights despite all existing challenges

Adopt a comprehensive approach to address violence against women and girls and to take effective measures to protect them

The GoB should adopt a comprehensive approach to address violence against Dalit women and other excluded groups. In the draft UN principles and guidelines for the effective elimination of discrimination based on work and descent, it is recommended that "National and local governments should take into account the situation of women and girls of affected communities in all measures taken to address discrimination based on work and descent, and explicitly create provisions tailored reduce poverty, in particular in isolated regions

Continue, while working with concerned parties, its comprehensive national strategy to improve the health situation, in particular to promote women's health during pregnancy and post natal care

children's rights

The GoB should pay adequate attention to the human rights situation of marginalised groups, including Dalit women and children, in all assessments, including census, data collation, planning, Reconsider its position on reservations to CEDAW

Consider ratifying or acceding to other core international treaties to which it is not a party

Continue its efforts to protect and promote human rights in compliance with international standards

On paper, Bangladesh has a progressive Constitution which guarantees the equal rights of all citizens; irrespective of sex, caste, religion, ethnicity, or race. Bangladesh has ratified all major international human rights treaties and conventions including the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social, and Cultural Rights, and the International Convention on the Elimination of All Forms of Discrimination Against Women. However Dalits and other minority communities across the country continue to experience caste discrimination, social exclusion and practices linked to untouchability. technical assistance

report and especially poverty alleviation and improvement of the living standards of its people and all environmental constraints that challenge human rights and development efforts

implementation of any human rights, development and humanitarian programmes.

Ensure the full and effective implementation of existing laws and policies relating to the rights of women and children, in order to protect these rights and eliminate all forms of discrimination

Labour Policy

Continue to take measures towards the effective implementation of the National Plan of Action against Sexual Abuse and Exploitation of Children including Trafficking

Give powers to the NHRC to effectively protect human rights in accordance with the Paris principles

Recommended the full involvement of civil society in the follow-up to this review

the follow up to the review, as well as in the implementation of recommendations and mid-term reporting.

Take further steps to address discrimination against vulnerable groups

The Dalit community in Bangladesh is considered 'unclean' in society, and are therefore forced to live separately from other so called 'clean' groups in their own neighbourhoods; a circumstance exacerbated by the GoB's rule of housing in a particular locality. Dalits are not allowed to rent or build houses outside these designated localities. They are regularly denied entry to the temples and religious activities of non-Dalits, to tea shops and restaurants, to houses of non-Dalits, playgrounds, movie theatres, burial grounds, social gatherings, music concerts, and cultural events. Dalit sometimes also face severe forms of human rights violations, including abduction, rape, torture, society and government

As a signatory to the core international human rights treaties, the GoB has the obligation to promote and protect human rights for all, including those discriminated on the grounds of caste, work and descent. In effect, legislation protecting Dalits in Bangladesh from attacks and harassment must be enforced effectively and such cases should be investigated promptly and adequately with the perpetrators being swiftly brought to justice and held accountable for their crimes. In particular, the Government should observe its general obligations under the Convention on the Elimination of All programmes for the transfer of food, development programmes on behalf of vulnerable groups, particularly women in poverty, and micro-credit programmes which have produced positive results for this segment of the population

Continue its efforts to ensure the right to food for the citizens

Call on the international community to respond favourably to Bangladesh's request for capacity building and technical assistance to overcome the difficulties and challenges facing the country

eradication

The GoB has taken some steps to mainstream a Dalit perspective into its development policy, e.g. by including Dalits and excluded communities in the national Poverty Reduction Strategy Paper. However, there is still a serious need for producing disaggregated data on caste as recommended by the CEDAW Committee in 2011 and in accordance with the provisions in CERD General Recommendation 29 on descent. In the CEDAW Concluding Observations from 2011, the Committee recommends that the State party "collect disaggregated data on the situation of disadvantaged groups of women facing multiple forms of discrimination and adopt pro-active

Recommending State	Recommendation
Algeria	Accepted

Algeria	Accepted
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Algeria	Accepted
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Australia	Accepted
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Australia	Accepted
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Australia	Accepted
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Australia	Accepted
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Australia	Accepted
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Australia	Accepted
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Australia	General Response
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Azerbaijan	Accepted
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Azerbaijan	Accepted
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Azerbaijan	Accepted
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Azerbaijan General Response

Bahrain Accepted

Bahrain Accepted

Bhutan Accepted

Bhutan Accepted

Bhutan Accepted

Brazil Accepted

Brazil General Response

Brazil Rejected

Brazil Rejected

Cambodia Accepted

Chile General Response

Chile General Response

Chile Rejected

Chile Rejected

China Accepted

Cuba Accepted

Cuba

Accepted

Czech Republic

Accepted

Czech Republic

Accepted

Czech Republic

Accepted

Czech Republic

General Response

Czech Republic

General Response

Czech Republic

General Response

Czech Republic

Rejected

Czech Republic

Rejected

Egypt

Accepted

Egypt

Accepted

Egypt

Accepted

Egypt	Accepted	
France	Accepted	
France	General Response	
France	Rejected	
Germany	Accepted	x

Germany	General Response	
Germany	Rejected	

Holy See	General Response	
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Indonesia	Accepted	
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Italy	Accepted	
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Italy	Accepted	
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Italy	Rejected	
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Laos	Accepted	
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Laos	Accepted	
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Liechtenstein	Accepted	
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Liechtenstein	Accepted
Liechtenstein	General Response
Malaysia	Accepted
Malaysia	Accepted
Mexico	Accepted
Mexico	General Response
Mexico	General Response
Mexico	General Response
Mexico	Rejected
Netherlands	Accepted

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Netherlands	Accepted
Netherlands	Accepted
Netherlands	Accepted
Netherlands	General Response
Netherlands	General Response

Nigeria	Accepted
Norway	Accepted
Norway	Accepted
Norway	Accepted
Norway	General Response
Norway	Rejected
Palestine	Accepted
Republic of Korea	Accepted
Saudi Arabia	Accepted
Saudi Arabia	Accepted
Singapore	Accepted
Slovenia	Accepted
Slovenia	General Response
Sudan	Accepted
Sudan	Accepted
Sudan	Accepted

Sudan Accepted

Thailand Accepted

Turkey Accepted

Turkey Accepted

United Kingdom Accepted

United Kingdom Accepted

United Kingdom Accepted

United Kingdom Accepted

Venezuela Accepted

Viet Nam Accepted

Viet Nam Accepted

Zimbabwe Accepted