

Press Release

19 March 2018

Bangladesh has been reviewed for the first time by the UN Committee on Economic, Social and Cultural Rights. The review took place at Geneva from 15 to 16 March, 2018. The eighteen-member committee reviews the progress of the International Covenant on Economic, Social and Cultural Rights. Bangladesh acceded to the covenant in 1998. It is mandatory to provide a report after accession; however, Bangladesh has submitted its first report only in June 2017. Along with the government, many human rights organizations have also submitted alternative reports on CESCR.

Human Rights Forum Bangladesh (HRFB) has submitted a report highlighting the current situation of economic, social and cultural rights in Bangladesh. Besides, a team also attended the review on behalf of the forum. They attended different sessions involving human rights and civil society organizations and presented the challenges faced in the enjoyment of the rights under this treaty to the members of ESCR Committee. During the discussions the ESCR committee asked the forum members about different issues, including the status of civil society, shrinking of freedom of media and dissenting opinion, negative aspects of the draft Digital Security Act, safety and environment of labourers and compensation process, freedom of forming trade unions, rights of the indigenous peoples and the Dalit community, freedom of the judiciary, application of the Special Powers Act 1974, current land management policy, the level of effectiveness of the Anti-Corruption Commission, education, health etc.

The main review started on 15 March 2018. A government team consisting of 24 members and representing different ministries attended the review led by Mr. Shahriar Alam, Honourable Minister of State, Ministry of Foreign Affairs. The speeches of the government representatives at the review frustrated us. The sum and substances of their contention is that there are no difficulties in the enjoyment of the rights under the covenant. The progress portrayed by them did not reflect the real scenario. Referring to their presentation, a member of the ESCR committee raised the question that if Bangladesh has indeed achieved such progress as stated, why then did they take so many years to send their initial report. The State Minister replied that the reasons for delay were lack of political will and writing skills. In response to questions on unequal development and discrimination raised by the ESCR committee, the State Minister mentioned that Bangladesh is on the way of ensuring equal development and status of a middle-income country. The forum thinks that the speech of the State Minister did not convey the real status of economic, social and cultural rights in the country. Despite Bangladesh's remarkable progress in the different indicators of Economic, Social and Cultural Rights, the gap between poor and rich is increasing. Many underprivileged communities still cannot avail of basic development opportunities.

Moreover, the Committee on ESCR inquired about the status of justiciability of the concerned rights since these are recognised as Fundamental Principles in the Constitution of Bangladesh. The government representatives mentioned that citizens deprived of these rights can seek redress in the superior courts of justice (Supreme Court). However, very few people in Bangladesh are able to access the higher courts. The lower courts have no jurisdiction to deal with these rights. The constitutional recognition of the right to food, education and healthcare as fundamental rights is the important pre-condition for enjoying these rights. We hope that government will take necessary steps to amend the constitution to recognize these rights as fundamental rights (Fundamental Principles, unlike Fundamental Rights, are not directly justiciable in the Supreme Court of Bangladesh).

At the beginning of the session the committee raised questions about the shrinking of space for the freedom of expression of mass media, opposition parties and human rights activists, as well as the freedom of assembly. In particular, the committee expressed concern over the draft Digital Security Act, which includes provisions that are suppressive. However, the government said that the anxiety is in this regard is unfounded and the Minister of Law, Justice and Parliamentary Affairs had assured that he would personally defend journalists in court if they were arrested under this Act. The Foreign Affairs State Minister emphasized that the government is very committed to protect the rights of the media and human rights activists and assured the committee that no legal action would be taken against them that would violate their freedom of expression or impede their professional conduct or otherwise use the Act as a tool to harass them. We do not however find any conformity between the government's assurances and the actions on the ground. The government's legal measures in the past few years, particularly the Foreign Donation Regulation Act, Information and Communication Technology Act and the recently drafted Digital Security Act, and the application of many of their provisions is a matter of concern for us.

The government again refused to recognize the indigeous peoples as 'Indigenous', stating instead that all the people of Bangladesh are indigenous, while accepting the existence of some "ethnic communities". **On the other hand, the government also objects to the use the term 'Dalit'. However, the members of the aforesaid peoples and communities respectively regard themselves as 'indigenous' and as 'Dalit'. In fact, the Ministry of Social Welfare has undertaken several projects for the development of Dalits and used the term'Dalit' in the concerned project documents. The ESCR committee wanted to know the reason behind the delay in adopting the Anti-Discrimination Act, which seeks to eliminate discrimination against excluded and minorities groups within society. The State Minister said that the draft Act needs some changes, and due to it being election year the government cannot commit to passing this Act at the present time. The statement of the State Minister is frustrating because the draft has been made after a long process of consultation with different stakeholders. Four years have already passed. The government's statement suggests that we may have to wait for many more years for the passage of this Act, which, indeed, is most unfortunate.**

In response to concerns over the use of the Special Power Act, the State Minister claimed that the Act was not invoked against anybody in the last year. He claimed that all the affected people of the Rana Plaza collapse have received compensation. He stressed that there are no impediments to forming trades unions. He mentioned that several steps have been taken to increase the number of labour inspectors and to provide professional health and safety measures after the Rana Plaza collapse. However, the Forum does not think that the government's statements in this regard were well received by the ESCR committee members.

In response to queries on the government's plans for employment of youth, the government representatives mentioned that steps had been taken for information and technological development. However, the government failed to show any integrated programme or plan for effective utilization of the huge youth work force.

In addition, the members of the committee enquired about Madrasa education, especially Kawmi Madrasa education and English medium education, which are to be integrated into the mainstream education process. The committee expressed their concern, especially on articles of the Child Marriage Restrain Act. But as usual the government referred to the socio-economic and religious norms and conditions and stated that if any adolescent girl becomes pregnant then the future of the girl and her

upcoming child remained uncertain. 'One size does not fit for all', said the government representative, trying to justify the government's stand against 'No marriage before 18', in an effort to show the needs of exceptions to meet special circumstances. In this regard the Forum raises the question - how such circumstances were addressed before the adoption of the new law?

The Forum thanked the government for the submission of the report after 17 years. At the end of the review, the State Minister, in his closing speech, gave the commitment of submitting reports regularly. We hope that the government will keep this commitment. The committee will share their concluding observations and recommendations in April 2018. Along with this, it will also share its opinions on three important issues to which they expect quick responses from the government. The government has to submit reports on these three issues within 18 months. However, the government will get five years to submit report for the next cycle of review.

We hope that the government will take the issues raised and recommendations provided by the committee with due importance. Besides, the government will also hopefully ratify the optional protocol associated with the covenant. HRFB also thinks that instead of basking in self-satisfaction on its development initiatives, the government should properly identify the challenges in this regard, and address them, in consultation with different parties concerned.