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Report of the Working Group on the Universal Periodic Review*

Bangladesh

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review**

* The present document was not edited before being sent to the United Nations translation services.

The recommendations supported by Bangladesh (Total: 164)

<i>Recommendation</i>	<i>Comments</i>
129.1.; 129.2.; 129.3.; 129.4.; 129.5.; 129.6.; 129.7.; 129.8.; 129.9.; 129.10.; 129.11.; 129.12.; 129.13.; 129.14.; 129.15.; 129.16.; 129.17.; 129.18.; 129.19.; 129.20.; 129.21.; 129.22.; 129.23.; 129.24.; 129.25.; 129.26.; 129.27.; 129.28.; 129.29.; 129.30.; 129.31.; 129.32.; 129.33.; 129.34.; 129.35.; 129.36.; 129.37.; 129.38.; 129.39.; 129.40.; 129.41.; 129.42.; 129.43.; 129.44.; 129.45.; 129.46.; 129.47.; 129.48.; 129.49.; 129.50.; 129.51.; 129.52.; 129.53.; 129.54.; 129.55.; 129.56.; 129.57.; 129.58.; 129.59.; 129.60.; 129.61.; 129.62.; 129.63.; 129.64.; 129.65.; 129.66.; 129.67.; 129.68.; 129.69.; 129.70.; 129.71.; 129.72.; 129.73.; 129.74.; 129.75.; 129.76.; 129.77.; 129.78.; 129.79.; 129.80.; 129.81.; 129.82.; 129.83.; 129.84.; 129.85.; 129.86.; 129.87.; 129.88.; 129.89.; 129.90.; 129.91.; 129.92.; 129.93.; 129.94.; 129.95.; 129.96.; 129.97.; 129.98.; 129.99.; 129.100.; 129.101.; 129.102.; 129.103.; 129.104.; 129.105.; 129.106.; 129.107.; 129.108.; 129.109.; 129.110.; 129.111.; 129.112.; 129.113.; 129.114.; 129.115.; 129.116.; 129.117.; 129.118.; 129.119.; 129.120.; 129.121.; 129.122.; 129.123.; 129.124.; 129.125.; 129.126.; 129.127.; 129.128.; 129.129.; 129.130.; 129.131.; 129.132.; 129.133.; 129.134.; 129.135.; 129.136.; 129.137.; 129.138.; 129.139.; 129.140.; 129.141.; 129.142.; 129.143.; 129.144.; 129.145.; 129.146.; 129.147.; 129.148.; 129.149.; 129.150.; 129.151.; 129.152.; 129.153.; 129.154.; 129.155.; 129.156.; 129.157.; 129.158.; 129.159.; 129.160.; 129.161.; 129.162.; 129.163.; 129.164.	These 164 recommendations enjoy the support of Bangladesh.

The recommendations further examined by Bangladesh and the responses (27)

<i>Recommendations</i>	<i>Comments</i>
130.1. 130.2.	Bangladesh believes that prior to becoming Party to any international instrument due consideration should be given to the capacity to fulfill the obligations under such instrument. A decision in this regard could be facilitated subject to submission of Bangladesh's Periodic Report to the concerned Treaty Body, which Bangladesh hopes to do in the near future.
130.3.	This recommendation has been accepted in part as Bangladesh became party to ICERD on 11 July 1979. Bangladesh would be in a position to consider ratifying the Optional Protocols to the ICCPR following submission of Bangladesh's Periodic Report to the concerned Treaty Body, which is expected to be done in the near future.

- 130.4. The issue of possible ratification of the International Convention for Protection of All Persons from Enforced Disappearances (ICPED) needs to be considered in the context of Bangladesh's existing criminal justice system. Criminal cases of "kidnapping" or "abduction" are well defined in the Bangladesh Penal Code and are treated as cognizable offences.
- 130.5. Bangladesh's consideration of ratification of ILO Convention 169 needs to be contextualized within the parameters of the Constitutional provision. The 15th Amendment to the Constitution in 2011 has incorporated a provision that the State shall undertake responsibility to protect and develop the unique local culture and tradition of tribal and ethnic communities. The Parliament has enacted the Small Ethnic Groups Cultural Institution Act, 2010 to preserve and promote the cultural heritage, language, religious practices and traditional lifestyle of all ethnic communities living in the hill districts and plain lands.
- 130.6. In the meantime, the Government, along with social partners, continues to implement the obligations under the ILO Convention 107 to which Bangladesh is a Party.
- 130.7. Even though Bangladesh is not a Party to the 1951 Convention on the Status of Refugees and its 1967 Protocol and the 1961 Convention on the Reduction of Statelessness, Bangladesh has always adhered to the core principles of the international protection regime, including the principle of non-refoulement. Bangladesh continues to host Myanmar refugees in one of the most protracted refugee situations in the world and continue to work with UNHCR and partners to upgrade protection and assistance for the refugees. The issue of considering ratification to the concerned Conventions needs to be considered in view of the realities on the ground as well as the overall regional context.
- 130.8. The issue of adopting a Uniform Family Code remains under the Government's active consideration, and to this effect, the Government is reviewing and holding consultations on the personal family laws of different religions.
- 130.9. The Law Commission of Bangladesh had undertaken a review of the possible withdrawal of the reservations to Article 2 and Article 16.1.(c) of CEDAW in 2012, and submitted its recommendations to the Government, which currently being examined by the concerned Ministries.
- The Government accords due priority to implementing the Domestic Violence (Prevention and Protection) Act, 2010.
- 130.10. Bangladesh does not have any Reservation to the International Convention on the Protection of the Rights of All Migrant Workers and their Families.
- 130.11. Bangladesh's national legislation is aligned with the provisions of the Rome Statute, and to the extent that it is not in conflict with the Constitution. The laws of Bangladesh allows for holding trials of war crimes, crimes against humanity and genocide committed in domestic courts in pursuance of the Rome Statute. The legislation remains under review for necessary amendments, as and when deemed necessary.
- 130.13.
- 130.14. The Government is taking a series of concrete and forward-looking measures to progressively implement the National Women's Development Policy, 2011.

- 130.16. Bangladesh has been fully cooperating with the Special Procedures. Some Special
130.17. Rapporteurs have visited Bangladesh in recent years. A few requests are pending. The
130.18. Government is in the process of working out mutually convenient dates for the visit of
some of the Special Rapporteurs.
- Bangladesh feels that the issuance of a standing invitation is not the only way to ensure full cooperation with the Special Procedures. Moreover, since this is an election year, the Government is not in a position to commit to extending Standing Invitation to the Special Procedures.
- 130.20. Issues such as “forced disappearance” or “extra-judicial execution” are not permitted under Bangladesh’s laws. Any incident of death, or any form of breach of human rights in the hands of the law enforcement agencies must be accounted for within the bounds of laws. The criminal justice system has absolute jurisdiction over the members of the law enforcement agencies for any alleged criminal offence and human rights violation. There is no legal provision that shields law enforcement personnel from prosecution and penalization if found guilty of committing excesses beyond their Codes of Conduct and Rule of Engagement.
- Any incident of use of force or firearms on the line of duty by the law enforcement agencies is subject to investigation, prosecution and legal and disciplinary actions as per provisions of the Police Regulations of Bengal, 1912; Police Officers Special Provision Ordinance, 1976; and Dismissal on Conviction Act, 1985. As per the provision of the Penal Code, 1860, the law enforcing agencies can resort to use of force or firearms only in the face of serious threat to public life and property and in exercising their right to self-defense. The law enforcing agencies must justify the use of force or firearms as the means of last resort.
- 130.21. This recommendation enjoys support of Bangladesh in part. As the Government has already initiated actions towards protecting the rights and well-being of workers in the readymade garments sector through a series of legal and administrative measures, adopted through tripartite consultations in cooperation with ILO.
- Bangladesh National Parliament enacted the *Bangladesh Labour (Amendment) Act 2013* on 15 July 2013 aiming to protect the interests and rights of the workers with focus on enhancing collective bargaining rights and ensuring occupational health and safety particularly in the RMG sectors.
- As regards the workers in handicraft sector, the Government would continue to ensure fair wages and social protection for the workers.
- 130.19. The Supreme Court of Bangladesh passed judgment in Writ Petition no. 5684/2010 prohibiting all forms of punishment in all primary and educational institutions. Accordingly, the Government has prohibited, by issuing a circular, all forms of corporal punishment in all educational institutions.
- The Government will continue to work towards raising awareness about the adverse effects of corporal punishment in all settings. However, prohibiting the same in all spheres needs extensive and proper educational and socio-cultural initiatives.

- 130.15. These recommendations enjoy the support of Bangladesh in part where they are in
 130.22. consonance with national policies and laws. The Constitution of Bangladesh
 130.23. guarantees equal rights and freedoms for all citizens, and gives accent on ameliorating
 130.24. the conditions of the vulnerable groups.
- The Government has made sustained efforts to ensure protection of religious, ethnic and linguistic minorities and other marginalized groups in the country.
- The Government has taken initiatives to protect various disadvantaged groups from discrimination and stigmatization. These groups have been included in the social safety net programmes and free housing schemes for vulnerable groups. Some of them have been provided with reserved quotas for their employment in the public sector and in educational institutions. An Anti-Discrimination Law is in the offing, which will criminalize any legal or social discrimination against these vulnerable groups and provide them with higher protection.
- As per the Constitution of Bangladesh, there are no ‘indigenous minorities’ or ‘group’ in Bangladesh. All citizens of the country are indigenous to the land.
130. 25. NGOs enjoy free access to work with the Muslim minority population from the Rakhine Sate in Myanmar residing in the Cox’s Bazar district under the rules and regulations applicable to all NGOs working in Bangladesh.
- 130.27. Bangladesh has always extended protection and assistance to refugees from the Muslim minority population in the Rakhine State in Myanmar, in conformity with the international protection regime and in full respect for their human rights. The overall situation of these refugees is continuously being improved with support from UNHCR and other partners. The Government maintains its position that durable solutions need to be found for the entire refugee population in a comprehensive manner, and that partial and selective resettlement would not be the effective and viable answer to this protracted refugee situation.
- 130.26 This recommendation enjoys support of Bangladesh in part as, Bangladesh has been granting access to aid agencies to provide humanitarian assistance to the Muslim minority population from the Rakhine State in Myanmar as well as members of the host communities in the border areas. The Government is, however, not in a position to grant access to other side of the border between Bangladesh and Myanmar.

The recommendations/parts of the recommendations that were not supported by Bangladesh (Total: 5)

<i>Recommendations</i>	<i>Comments</i>
131.1. 131.3. 131.4. 131.5.	<p>The provision of death penalty is maintained in Bangladesh only as an exemplary punishment for heinous crimes. Both the judiciary and administration deal with these cases of capital punishment with extreme caution and compassion, and such punishment is extended only in ultimate cases that relates to gross violation of human rights of the victims. Bangladesh has an extremely low rate of implementation of such death penalties.</p> <p>The existing legal mechanism also provides several legal recourses against such punishment through the High Court Division of the Supreme Court, which confirms or rejects death sentence passed by a trial court; through the Appellate Division of the Supreme Court, where a defendant can appeal against the death sentence; and through the President, who can pardon the person concerned. Parole is also allowed under death penalty.</p>

- 131.2. Bangladesh considers that the laws of the land should be in conformity with the prevalent socio-cultural norms and values of the country. Activities subject to the concerned Article in the Penal Code are not a generally accepted norm in the country.
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