

RECOMMENDATIONS

Institutional Reforms

ASK calls on the Government to confirm its commitment to the protection and promotion of human rights by:

- endorsing and taking further the measures taken by the Caretaker Government to establish the National Human Rights Commission, provide access to freedom of information, ensure separation and independence of the judiciary, take steps against corruption, undertake police reforms, adopt a women's policy and draft guidelines on sexual harassment.
- ensuring full independence and accountability of the entire judiciary and consider establishing a Judicial Reforms Commission to review outstanding concerns regarding appointments and related matters.
- activating the NHRC, to enable it to carry out its functions independently and effectively, by amending the National Human Rights Commission Ordinance to conform to the Paris Principles for National Human Rights Institutions and providing the NHRC with sufficient resources and capacity.
- reviewing policing practices and procedures to bring them into conformity with human rights standards, including through enactment of a law to replace the Police Act 1861, following further public consultations on the Draft Police Bill.
- revising laws relating to the defence services and to RAB to ensure that any offences committed by personnel may be prosecuted by the civil courts.
- ensuring effective implementation of existing quotas in public service and implementation of fair recruitment policies and non-discriminatory practices (on grounds including sex, race, religion, disability, age, language) in both public and private bodies.
- enabling the functioning of independent and impartial human rights monitoring organisations.

ASK further calls upon the Government to take measures to ensure the protection of specific civil, political, economic, social and cultural rights by:

Right to Life

- Taking immediate steps for holding trials for war crimes, by establishing and activating a commission of inquiry on war crimes and crimes against humanity committed during the War of Liberation, and seeking the support of the United Nations for this purpose.
- Ensuring adequate and impartial investigation of allegations of extra-judicial killings by law enforcement agencies and security forces, including the Armed Forces, RAB and the police, prosecution of those responsible and reparation for victims.
- Expediting trials of political assassinations, and of killings of journalists and academics.
- Publishing reports of judicial inquiry commissions regarding arbitrary deprivation of life, including the report on Cholesh Richil's death in custody and taking appropriate action.
- Repealing all provisions applying to the death penalty, and desisting from any further establishment of offences providing for the death penalty as the maximum punishment.
- Removing reservations to international human rights instruments to which Bangladesh is a party including the Covenant on Civil and Political Rights, the Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women.
- Ratification of the Statute of the International Criminal Court.

Right to Liberty and Freedom from Torture

- Implementing existing High Court guidelines on safeguards regarding arrest without warrant and placing individuals in police remand under section 54 and 167 of the Code of Criminal Procedure, and incorporating these in the law, as recommended by the High Court and the Law Commission.
- Ensuring independent, impartial and adequate investigation of allegations of torture in previous regimes and prosecuting those found responsible, and providing adequate and effective redress to victims.
- Repealing existing legal provisions which provide impunity for or obstruct prosecution of law enforcing or security agencies for human rights violations such as torture or ill-treatment, for example Section 197 and Section 132 of the Code of Criminal Procedure and provision of the Armed Police Battalions Ordinance.
- Adopting specific legislation on redress including compensation for victims of arbitrary arrest and torture.

- Ratifying the Optional Protocol to the Torture Convention, withdrawing reservations to Article 14(1) of the CAT, and incorporating the treaty obligations into national laws.

Right to Freedom of Expression

- Ratifying the Right to Information Ordinance, subject to amendments, in the upcoming National Parliament following further public consultations and taking steps to ensure its effective implementation.
- Ensuring autonomy of Bangladesh Television and Bangladesh Betar.
- Amending the laws on contempt of court following further public consultations.
- Amending the Code of Criminal Procedure 1898 to provide for issuance of summons, not warrants, in cases of criminal defamation.
- Amending existing laws providing extensive powers on censorship of books and films.

Right to Association and Assembly

- Implementing High Court Guidelines in relation to arrest without warrant under section 54 of the CrPC and sections 86 and 100 of the DMP Ordinance.
- Ensuring equal application of laws on holding meetings and assemblies for all persons without discrimination.

Right to Food

- Adopting a food sovereignty policy with a view to ensuring the right to food.
- Expanding the 100 days' employment guarantee scheme and ensuring transparency and accountability in providing it to the most vulnerable with a support base at times of stress.
- Implementing a land reform programme to enable all citizens irrespective of ethnicity, sex and religion to involve themselves with the production process and establishing control over resources.
- Ensuring agricultural production, bringing farmers and sharecroppers directly under the cover of subsidy. Reintroducing service infrastructures such as BADC to ensure timely availability of seeds, fertilizer and irrigation.
- Preventing the commercial use of agricultural lands and urgently developing and implementing an effective land use policy in consultation with farmers.
- Establishing an effective mechanism for protection of natural sources and common properties i.e. rivers, canals, forests including through participation of *Adibashi*/local people, and ensuring the right of the people dependant on common properties to its use and enjoyment.

Right to Shelter

- Immediately demarcating 3.47 acres of land identified by the *Nagar Unnayan* Committee in Mirpur, Dhaka for settlement of slum residents evicted in 2007.
- Revising the Detailed Area Plan for Dhaka to comply with environmental priorities and to meet the housing needs of low income households, ensuring that no changes are made to land usage without formal public hearing and that any plans for such changes are approved by the *Nagar Unnayan* Committee.
- Making public information on availability of *khas* land in urban areas.
- Implementing court orders to arrange alternative housing for slum residents before eviction and ensuring that existing schemes for low-cost housing are implemented by allocation and allotment to slum-dwellers.
- Ensuring that all government, semi-government and autonomous agencies allotted any public lands provide in their construction plans for low income housing for slum residents who may be evicted as a result.

Right to Health

- Ensuring adequate and effective access to and quality of public health services, in particular reproductive health services.

- Creating effective mechanisms for the maintenance of quality control of food products and pharmaceuticals.
- Enacting laws with regard to medical negligence and ensuring prompt and effective investigation of all such allegations and taking action against persons found responsible.

Right to Education

- Increasing the budgetary allocation for primary education.
- Ensuring accuracy of information in school textbooks and their prompt and adequate distribution and availability.
- Taking steps to reduce primary school dropouts.
- Expanding the scope and extent of availability of vocational education.
- Establishing a uniform regulatory body for the educational system.
- Strengthening quality control of private educational institutions.
- Enacting a law against sexual harassment in educational institutions, drawing upon the Draft Guidelines on Prevention of Sexual Harassment.

Women's Rights

- Taking up specific plans and programmes to secure women's rights pursuant to the National Women's Development Policy 2008.
- Enacting a law on prevention and protection of victims of domestic violence, drawing upon the Draft Bill prepared by over 40 human rights and women's rights organisations, and holding public consultations on the same.
- Taking measures to ensure effective investigation of allegations of violence against women, and engaging concerned agencies including the police, health professionals and prosecutors in ensuring the provision of redress and protection for victims and for witnesses, and adopting a policy on sexual harassment in educational institutions and workplaces.
- Amending personal laws to eliminate gender based discrimination and ensure equal rights for men and women and holding public consultations on the issue.
- Amending the Constitution to ensure direct elections of women to reserved seats in Parliament.
- Allocating equal responsibilities and commensurate funds for women members elected to local government.
- Withdrawing all reservations to CEDAW, and incorporating its provisions in national laws.

Rights of Religious Minorities

- Amending the 2001 Vested Property Repeat Act, to remove all inequalities in the law, including extending coverage for all minority lands appropriated from 1969 to 2008; removing the requirement of the heir's "continuous" residence in Bangladesh; where return of land not possible, making provisions for financial compensation; extending the period of appeal for return of land to a reasonable and actionable period (e.g., one year), publishing a list of vested properties within a fixed timetable, and forming a judicial commission to investigate allegations of illegal expropriation of lands.
- Extending the mandate of the newly formed National Human Rights Commission to include comprehensive research into discrimination against the religious and ethnic minorities, and making recommendations for enhancing educational access, especially minority girls and women and creating job opportunities in both the private and public sector.
- Ensuring that concerned agencies and departments adopt and implement policies to create opportunities for religious and ethnic minorities in education, employment and in providing small business incentives.
- Reforming discriminatory personal laws to ensure equal rights for women and men from all communities to rights within the family.

Rights of Indigenous People

- Ensuring express constitutional recognition of the rights of *Adibashis* in the plains and in the CHT, and in the meantime effectively implementing existing constitutional provisions on affirmative action, and equal opportunities for all without discrimination on grounds of race, religion and language.
- Taking steps for immediate and full implementation of the CHT Accord, to activate the Land Disputes Resolution Commission, enable the civil administration to operate effectively, in particularly the Regional Council and the Hill District Councils, withdrawing remaining army camps, and ensuring rehabilitation of all repatriated refugees and in the meantime preventing new settlements in the area.
- Taking effective measures to ensure the protection of the rights to land and natural resources of *Adibashis*, including through return of vested properties.
- Recognizing indigenous languages and introducing them as medium of instruction.

Rights of Linguistic Minorities

- Enable teaching of mother tongues as a second language in Government schools to facilitate greater integration of minority populations.
- Establishing a high-level committee to inquire into Urdu-speaking camp dwellers' concerns regarding housing and settlement, and taking appropriate action.
- Ensuring resettlement of all Urdu-speakers who give up claims to Pakistani nationality and repatriation.

Rights of Workers

- Ensuring proper enforcement of the Bangladesh Labour Act 2006 (BLA 2006) through the employment of more factory inspectors, and provision of transport and other necessary facilities.
- Publishing Rules relating to the BLA 2006, which have not been enacted two years after the Act came into force.
- Establishing a body to enforce the National Building Code relating to safety of construction workers.
- Publishing a National Occupational Safety and Health Policy setting out the actions that the Government must take to improve workers' safety.
- Taking immediate steps to ensure the proper functioning of the National Council for Industrial Health and Safety.
- Removing obstacles to free trade union activity and ensuring legal provision for free monitoring of work places by citizens' organisations.
- Addressing labour disputes through tripartite (government, employer and worker) discussions and as a priority, redressing the grievances of jute mill workers such as settlement of arrears.

Rights of Migrant Workers

- Providing mandatory training for all unskilled workers before they leave the country, on language of the destination country, basic legal rights and remedies and emergency contact information.
- Registering all recruitment agents/agencies, specifying geographical area of operation, subject to photo identification and availability of public information regarding particulars of registered agents.
- Requiring all recruitment related transactions to be made through banks with issuance of receipts by agencies.
- Taking effective legal action against recruitment agencies for corruption or failure to comply with laws, including through cancellation of licenses.
- Establishing stronger bilateral ties with host countries, particularly new countries, which need to employ Bangladeshi workers.
- Strengthening/establishing labour wings in overseas consulates in key labour importing countries.
- Ensuring ratification of the Convention on Migrant Workers and their Families and its incorporation into national law.

Rights of Children

- Establishing strong work-place monitoring mechanisms to reduce hazardous work in both the formal and informal sector.
- Reviewing, amending and implementing the Children Act, 1974 to develop an effective mechanism to protect children from violence, abuse and exploitation.
- Implementing existing laws and High Court guidelines regarding juvenile justice and ensuring safety of children in conflict with law.
- Framing and adopting bilateral agreements between SAARC countries regarding source and destination countries' accountability to protect, rescue, repatriate trafficked children and punish perpetrators.

Rights of People with Disabilities

- Increasing budget provisions to ensure education, health services, self-employment and support for organizational development of people with disabilities.
- Ensuring increasing interaction and coordination of disability focal points within government agencies to develop a cross-cutting agenda and a plan for implementing the Convention on disability rights.
- Promoting inclusive education for persons with disabilities and training teachers to run such inclusive schools.
- Providing comprehensive rehabilitation services to support early identification, intervention and surgical correction, therapeutic and counseling services and ensuring training support for doctors, nurses and other care givers to deal with disability issues
- Ensuring access to all physical facilities including public buildings, utility and private buildings, infrastructure, transport, park and public places
- Ensuring the rights of language of the hearing-challenged by enriching and recognizing Bangla Sign Language.
- Creating employment opportunities and removing the barriers to implementing quota in government service and providing necessary support for self-employment.
- Enhancing social security programmes for persons with disabilities.
- Forming Standing Committees in Parliament and mainstreaming disability issues in development.
- Ensuring incorporation of provisions of the Convention on the Rights of People with Disabilities into national law.

Rights of Sexual Minorities

- Expand research on the relationship between existing laws and discrimination against/harassment of sexual minorities.
- Ensure access to justice without discrimination and hold law enforcement agents accountable for any abuse of law or harassment.

Rights of Prisoners

- Taking urgent measures to reduce over-crowding, including through release of under-trial prisoners in minor offences on bail.
- Undertaking regular inspection of prisons and publication of reports on such visits, including lists prepared of prisoners detained for minor offences, and ensuring legal aid for all indigent prisoners.
- Reviewing and enacting the Draft Jail Code following any necessary amendments through public consultation and discussion in Parliament.
- Ensuring application of laws and procedures on prisoners' rights without discrimination.
- Providing training to prison staff on their obligations to protect fundamental rights and on prison management.
- Ensuring access for prisoners to adequate health facilities and personnel.