

**Human Rights Forum on UPR ('the Forum'), Bangladesh  
Universal Periodic Review (UPR): Bangladesh**

**4<sup>th</sup> UPR Session, February 2009**

**LIST OF ISSUES**

This List of Issues is drawn from a Report prepared by a coalition of 17 human rights', women's and development organisations ('the UPR Forum') and although it covers the period from 2004-2008, under the democratically elected (Bangladesh Nationalist Party led) Government (upto October 2006) and the Caretaker Government (from October 2006-August 2008), it reflects the reporting organizations' concerns in a longer term perspective, specially in terms of the institutional, legal and operational space developed over the years for opportunities and challenges for promotion of human rights in Bangladesh. It examines laws, policies and continuities in practice, focusing on civil, political, economic, social and cultural rights.

The Forum notes that the Government of Bangladesh's report focuses mainly on the two years of the Caretaker Government and on formal laws and policies, rather than actual impact or on proposed measures to protect and promote human rights on the ground. The Forum, while welcoming the consultations held by the Government with civil society relating to the UPR in June and August 2008 (prior to submission of the Government report) and in January 2009 (after submission), notes that many of its concerns were not expressly addressed in the Government report. These concerns are set out below.

**War Crimes**

1. What practical action does the Government intend to take with regard to addressing issues of **impunity**, in particular relating to holding inquiries into or **trials for genocide, war crimes**, crimes against humanity and the crime of aggression that occurred during the 1971 war of independence?

**Right to Life, Liberty and Security**

2. Will the Government make a clear commitment to cease extra-judicial killings and when and what action will it take to hold prompt, adequate and impartial investigations into allegations of human rights' violations, in particular **extra-judicial killings and torture under every government** - by members of the security forces, including the police, Armed Forces, and the Rapid Action Battalion, to prosecute those responsible, and provide reparations to victims? What action will the Government take to ensure that such trials can be held in **civilian courts**?
3. What action will the Government take to implement the High Court's directives regarding **arrests without warrant and police remand** (Sections 54 and 167 of the Code of Criminal Procedure)? What action will the Government take to repeal **laws that bar prosecution of public servants**, such as sections 197 and 132 of the Code of Criminal Procedure? When will it take actions to hold public consultations on and adopt a reformed police law, replacing the **Police Act 1861**? What measures will the

Government take to reform the legal system so as to ensure the security of citizens in accessing justice.

4. What measures will the Government take to reduce **prison over-crowding**, including through release of under-trial prisoners in minor offences on bail or use of parole, and to allow human rights organizations to undertake regular inspection of prisons?

#### **Right to Freedom of Expression**

5. What action will the Government take to declare and ensure **autonomy of state-run media namely Bangladesh Television and Bangladesh Betar**? What action will the Government take to adopt a **Right to Information** law?
6. What action will the Government take to amend the laws on **criminal defamation**, on **contempt of court**, and on **ensorship of books and films**, to ensure that journalists, writers, artists and cultural workers are able to operate freely and without harassment?

#### **Right to Shelter**

7. Will the Government **cease forcible evictions of slums and markets**, peasants and villagers from Khas lands, roadside, embankments without prior alternative resettlement and what actions does it propose to ensure effective rehabilitation of the urban poor?

#### **Right to Livelihood**

8. Will the Government take measures to stop the commercial exploitation of agricultural lands and forests eg for shrimp zones, Eco Parks, open pit coal mining, which displaces peasants, Adivasis in the plain lands and people in chars from their lands, and is a cause of food insecurity.

#### **Right to Equality and Non-Discrimination**

##### ***Women's Rights***

9. What steps will the Government take to reform **gender-discriminatory personal laws** - including Hindu, Muslim and Christian personal laws - affecting rights to inheritance, entry into and rights within marriage, divorce, maintenance, child custody, guardianship, adoption and inheritance?
10. When will the Government hold public consultations on and adopt the draft **domestic violence law currently under consideration by the Ministry of Law**, and the **Guidelines on Sexual Harassment** prepared by the University Grants Commission?
11. What steps will the Government take to ensure sector-wide implementation (in particular in health, education, employment and agriculture) of the **National Women's Development Policy 2007**?
12. Will the Government ensure **elected representation to reserved seats for women** in the National Parliament?

##### **Religious Minorities/Indigenous Peoples**

13. How will the Government fully implement **existing quotas for women and minorities** in public services and ensure non-discriminatory recruitment for the public services, security forces and judiciary?
14. How will the Government address the **systemic discrimination against religious and ethnic minorities** resulting from expropriation of their lands through continuing abuse and arbitrary application of the Vested Property Act? When will the Government review the **Vested Property (Repeal) Act 2001**? What measures

will the Government take to introduce **indigenous and minority languages** as medium of instruction?

15. What action will the Government take to implement fully the **Chittagong Hill Tracts (CHT) Accord 1997** in particular to activate the Land Disputes (Resolution) Commission, to fully hand over functions to the local government institutions in the Hill Tracts, to ensure repatriation and rehabilitation of refugees and internally displaced persons, to activate the Special Task Force on Internally Displaced Persons, to prevent further encroachments on land, and to expedite the withdrawal of security forces from the CHT?

#### **Dalits**

16. What has the Government done to implement the constitutional prohibition on caste-based discrimination and promote and protect **the human rights of Dalits**, and to end segregation, exploitation, restrictions on livelihoods and access to services.

#### **Linguistic Minorities**

17. What steps will the Government take to ensure **resettlement and rehabilitation of those Urdu-speakers who claim Bangladesh nationality?**

#### **Persons with Disabilities**

18. What measures will the Government take to promote inclusive education for **persons with disabilities**, provide comprehensive rehabilitation services, ensure access to all physical facilities, create employment opportunities and enhance social security programmes?

#### **Workers' Rights**

19. What steps will the Government take to ensure effective enforcement of the **labour laws**, appoint adequate and well-resourced factory inspectors, adopt a National Occupational Safety and Health Policy and ensure functioning of the National Council for Industrial Health and Safety to take action on the increasing number of workplace deaths and injuries, particularly **construction workers**? Will any legal protection be extended to **agricultural workers** and **domestic workers**?

#### **Children's Rights**

20. Will the Government provide mandatory training for all **unskilled migrant workers**, register and monitor recruitment agencies and establish stronger bilateral ties with receiving countries for protection of migrant workers?
21. What steps does the Government plan to establish strong work-place monitoring mechanisms to reduce hazardous work in both the formal and informal sector, review the operation of the **Children Act, 1974** to develop an effective mechanism to protect children from violence and exploitation, and fully implement High Court guidelines on juvenile justice?

#### **Institutional Reforms and Protection of Human Rights**

22. What action will the Government take to ensure **effective independence and accountability of the judiciary**? Will it reinstate judges who were not confirmed by the previous Government, or ensure that new appointments are based on specific criteria, and enable the lower judiciary to work freely in practice?
23. What action will the Government take to ensure that the **National Human Rights Commission** can operate independently, and that its governing law is consistent with the standards set out in the Paris Principles?

## **International Human Rights Standards**

24. When does the Government intend to **withdraw reservations** to the ICCPR, ICESCR, CERD, CEDAW, CAT and the CRC? Does it plan to **accept the communications procedure** under the ICCPR or the **inquiry procedure** under CAT or CERD? When does the Government plan to **submit its initial reports** under the ICCPR, ICESCR CAT and CRPD and its next report under CEDAW? Will the Government issue standing invitations to **Special Procedures** and/or agree to any requests for country visits? What steps are planned to **incorporate treaty obligations** into domestic law?
25. When will the Government **ratify remaining human rights treaties**, in particular the Refugee Convention, the Migrant Workers Convention, the Convention on Protection from Enforced Disappearance, ILO Convention No. 169 on Indigenous and Tribal People and the Optional Protocol to the ICESCR?
26. How does the Government plan to act in accordance with the CEDAW 2004, CERD 2001 and CRC 2003 concluding comments, especially in relation to
  - **adoption of legislation to penalize discrimination** on grounds of inter alia, race, religion, caste, gender, disability, age, and to ensure access to effective protection and remedies through competent national tribunals and state institutions?
  - ensuring that **domestic laws comply with the CRC**, particularly regarding minimum ages of marriage and criminal responsibility, child labour and harmful traditional practices affecting children?

*Prepared and disseminated by Human Rights Forum on UPR, Bangladesh (a coalition of 17 human rights and development organisations formed to prepare a joint stakeholders' report under the UPR).*

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