

**Analysis of 3rd UPR Cycle Recommendations
Categories – 1. Noted 2. Under Consideration**

Recommendation/ Member State	Member state	Recommendations from other Treaty Bodies	Justification for consideration/Acceptance	NHRCB's Observation
8.1 Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	Spain	<p>-Committee on ESCR in the Concluding Observation (72)¹ made this recommendation.</p> <p>-Committee on the Child Rights concluding observation (85)² recommended the same.</p>	<p>✓ In the 2nd UPR cycle this recommendation was accepted.</p> <p>The purpose of the protocol is to enable the Committee on Economic, Social and Cultural Rights to carry out the functions more effectively. It provides for competence of the Committee to receive and consider communications. This is conditional upon exercising all available domestic remedies. However, once a communication is submitted indicating grave or systematic violations by a State Party of any of the economic, social and cultural rights set forth in the Covenant, the Committee has the mandate to invite that State Party to cooperate in the examination of the information and to this end to submit observations about the information concerned.</p>	NHRCB recommend acceptance

¹ The Committee encourages the State party to consider ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

² The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely, ... the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights...

8.2 Accede to the first Optional Protocol to the International Covenant on Civil and Political Rights	Iceland	<p>-Human Rights Committee in the Concluding Observation (8)³ made this recommendation.</p> <p>-Committee on the Child Rights Concluding Observation (85)⁴ recommended the same.</p>	<p>✓ In the 2nd UPR cycle this recommendation was accepted.</p> <p>First Optional Protocol to the Covenant gives the Committee competence to examine individual complaints with regard to alleged violations of the Covenant by States parties to the Protocol. Complainants however will have to exhaust all domestic remedies, and anonymous complaints are not permitted. The Committee has the mandate to bring complaints to the attention of the relevant State party, which must respond within six months. Following consideration, the Committee would then forward its conclusions to the party and the complainant</p>	NHRCB recommends acceptance
8.5 Ratify the International Convention for the Protection of all Persons from Enforced Disappearance / Consider ratifying the International Convention on the Protection of All Persons from Enforced Disappearance	(Japan); (Bosnia and Herzegovina); (Iraq); (Senegal); (Togo);	<p>-Committee on the Child Rights Concluding Observation (85)⁵ recommended this.</p> <p>-Committee on the Elimination of Discrimination against Women in the Concluding Observation (50)⁶ recommended this.</p>	<p>✓ CEPD – ratification was accepted in the 2nd UPR cycle</p>	NHRCB recommend acceptance

³ The State party should also consider acceding to the First Optional Protocol to the Covenant, which establishes an individual complaint mechanism.

⁴ The Committee recommends that the State party, in order to further strengthen the fulfilment of children’s rights, ratify the core human rights instruments to which it is not yet a party, namely, ... the Optional Protocol to the International Covenant on Civil and Political Rights.

⁵ The Committee recommends that the State party, in order to further strengthen the fulfilment of children’s rights, ratify the core human rights instruments to which it is not yet a party, namely, ... the International Convention for the Protection of All Persons from Enforced Disappearance.

⁶ The Committee notes that the adherence of the State party to the nine-major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.

	(Ukrain); (Peru);	-Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families Concluding Observation (12) ⁷ recommended this. -Committee on Economic, Social and Cultural Rights Concluding Observation (72) ⁸ recommended this.		
8.6 Ratify the International Convention for the Protection of all people against Enforced Disappearances without reservations before the next UPR review	Greece	As above	As above	NHRCB recommend acceptance
8.7 Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (OPCAT)	Bosnia and Herzegovina; Ukraine	-Committee on the Child Rights Concluding Observation (85) ⁹ recommended the same	✓ Ratification was accepted in the 2 nd UPR cycle Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment is of treaty body in the United Nations human rights system. It has a preventive mandate focused on an innovative, sustained and proactive approach to the prevention of torture and ill treatment. (OHCHR – website). Ratification will further strengthen existing national procedures to ensure safety and security of the detainees and will	NHRCB recommend acceptance

⁷ The Committee recommends that the State party consider ratifying or acceding to the International Convention for the Protection of All Persons from Enforced Disappearance as soon as possible.

⁸ The Committee encourages the State party to consider ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

⁹ The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely, ... the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

			help to eradicate custodial torture and deaths.	
8.8 Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (OPCAT)	Denmark	As above	As above	NHRCB recommend acceptance
8.9 Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment	Poland	As above	As above	NHRCB recommend acceptance
8.10 Consider ratifying the Optional Protocol to the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (OPCAT) at the earliest convenience	Ghana	As above	As above	NHRCB recommend acceptance
8.11 Take steps to accede to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (OPCAT)	Sri Lanka	As above	As above	NHRCB recommend acceptance
8.12 Ratify the Optional Protocol to the Convention on the Rights of the Child establishing a communications procedure	Madagascar	-Committee on the Child Rights Concluding Observation (84) ¹⁰ recommended the same	<p>✓ It was accepted during 2nd UPR cycle</p> <p>The protocol provides children with the opportunity to access justice at the international level. It allows the UN Committee on the Rights of the Child hear complaints from children, groups of children or their representatives against any State that has ratified OP3 CRC. The Committee is also able to launch investigations into grave or systematic violations of children's rights and States can bring complaints against each other, if they accepted this procedure.</p>	NHRCB recommend acceptance

¹⁰ The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol on a communications procedure.

<p>8.13 Ratify the 1973 Convention 138, and Conventions 169 and 189 on the protection of the rights of all migrant workers and the members of their families of the ILO</p>	<p>Madagascar</p>	<p>-Committee on the Elimination of Discrimination against Women Concluding Observation recommended (33)¹¹ to ratify the ILO Convention 189.</p> <p>-Committee on the Rights of the Child Concluding Observation recommended for (75)¹² ratification of ILO Convention 189.</p> <p>-Migrant Workers and Members of Their Families Concluding Observation (32 & 50)¹³ recommended for ratification of 138, 189.</p> <p>-Committee on Economic, social and Cultural Rights in the Concluding Observation (16.e)¹⁴ recommended for ratification of ILO Convention 169</p>	<p>✓ Accepted during the 2nd UPR Cycle</p> <p>Ratification of ILO Convention 189 will complement GoB efforts to eradicate child labour and ensure the laws and judgements currently enforce will be linked with GoB international obligations. It will in addition to the current mechanisms available will address and ensure the followings:</p> <ul style="list-style-type: none"> -Education and attendance in school of children coming from the poorest households were more likely to be engaged in the labour force -Reinforce mechanisms to ensure that provisions relating to child labour are enforced and monitor working conditions, -address issues related to the majority of child workers continue to be engaged in informal sectors where occupational health and safety protections, wages and legal and social protection were either absent or inadequate. - Harmonize the definition of age of child. - Uphold the spirit of National Children Policy 2011 - Contribute to eradicate Child Labour from Bangladesh and achieve SDG goals - Complement the child labour elimination policy 2010 	<p>NHRCB recommend acceptance .</p>
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¹¹ The Committee also recommends that the State party ratify the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization.

¹² The Committee also recommends that the State party: Consider ratifying the International Labour Organization Domestic Workers Convention, 2011 (No. 189).

¹³ The Committee recommends that the State party: Ratify the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138) & Ratify the International Labour Organization Domestic Workers Convention, 2011 (No. 189).

¹⁴ The Committee recommends that the State party: Ratify the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization (ILO).

			<p>The provisions set forth in the ILO Convention 138 and 189 is also similar with the criteria set for eligibility under Generalised System of Preferences (GSP) i.e. minimum age for the employment of child, and a prohibition on the worst forms of child labour and the beneficiary must implement any commitments it makes to eliminate the worst forms of child labour and occupational safety and health. Bangladesh was privileged enjoying the facility which was unfortunately suspended in June 2013 after the Rana Plaza building collapse in April, the reasons cited being poor labour rights and unsafe working conditions in factories.</p> <p>The United Nations has recognized Bangladesh as a developing country ¹⁵ which has resulted to be ceased to get the existing GSP benefit in foreign markets. However, the European Union offers GSP plus benefit, a special incentive arrangement for developing countries with full removal of tariffs on over 66 percent of EU tariff lines which Bangladesh could enjoy if it meets the eligibility criteria for that.</p> <p>Bangladesh is lauded for ratifying almost all core international human rights instruments. Moreover, it is noted with appreciation that Domestic Workers Protection and Welfare Policy in 2016 is very much in line with ILO Convention 138 & 189 ensuring the minimum age, measures to ensure that domestic workers enjoy fair terms of employment as well as decent working conditions and ensure that domestic workers enjoy effective protection</p>	
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¹⁵ <http://www.albd.org/articles/news/31630/UN-recognizes-Bangladesh-as-a-'Developing-Country'>

			<p>against all forms of abuse, harassment and violence. Hence, there is strong justification for ratifying ILO Convention 189; as a positive step has already been taken at the domestic level for the protection of the domestic workers by adopting the policy. We also believe that the ratification of the ILO Convention will contribute to the effective implementation of the Domestic Workers Protection and Welfare Policy.</p> <p>In addition, since the Government is working to eliminate child labour and child labour has been eliminated in the RMG section there is no reason why the ILO Convention 138 that provides for the elimination of child labour; should not be ratified.</p> <p>Therefore, it is viewed that ratification of ILO Convention of 138 & 189 will facilitate ensuring GSP plus facility in the future.</p>	
8.14 Ratify ILO Conventions 138 and 139 on the elimination of child labour	Spain		As above	NHRCB recommend acceptance
8.15 Accede to the Convention on the Status of Refugees and the Protocol on the Status of Refugees to better assist and protect these persons in distress	Côte d'Ivoire	<p>-Committee on the Elimination of Discrimination against Women Concluding Observation recommended (27)¹⁶ to ratify the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto.</p> <p>-Human Rights Committee in the Concluding Observation (32)¹⁷</p>	<p>If Bangladesh becomes a State party; It will</p> <p>-Accept the entitlement of Refugees to ensure international protection to its territory (as the refugees are at risk of persecution in their own country).</p> <p>-Comply with the principle of non-refoulement (Article-33 of 1951 convention refers an obligation to State party not to return the refugees to a territory where his/her life or freedom would be</p>	NHRCB recommends for accepting with a reservation on Article 26 similar examples including in Honduras,

¹⁶ The Committee encourages the State party to ratify the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto.

¹⁷ The State party should consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

		<p>made this recommendation.</p> <p>-Committee on the Rights of the Child in the Concluding Observation (71.e)¹⁸ made this recommendation.</p>	<p>threatened on certain defined ground).</p> <p>-Ensure non-discrimination and freedom of movement of the refugees.</p> <p>-Ensure supply of essential needs for the refugees (i.e. clean water, food and medical care) Bangladesh has already complied with.</p> <p>-The customary principles of non-refoulment as part of temporary protection of Refugees;(Rohingya crisis).</p> <p>-Obligations under the Article-32 of Bangladesh Constitution: ‘no person shall be deprived of life or personal liberty save in accordance with law’.</p> <p>-Obligations under the international Human Rights instruments (i.e. Article-14-UDHR, Article-7 and 13 of the ICCPR; Article-3 of CAT; Article-22 of the CRC along with Article-53 of the Vienna Convention; Geneva conventions of 1949 and its protocols).</p> <p>-The mandatory provision of birth and death registration under the Birth and Death Registration Act, 2004 for all the persons who are born and die in Bangladesh --- as compliance to resolve the statelessness of persons in Bangladesh).</p> <p>-Providing necessary support to meet the essential needs of the refugees.</p> <p>In conclusion, it could be said that the core principle of the 1951 Refugee Convention is non-refoulment, which asserts that a refugee should not be returned to a country where they face serious threats to their life or freedom. 145 States have ratified it. Since there are risk factors relating to</p>	<p>Malawi, Mozambique ,Namibia, Rwanda, Angola</p>
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¹⁸ The Committee recommends that the State Party consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

			national security or public order Bangladesh should explore ratification of the Convention with a reservation to Article 26: Freedom of Movement and reserve its right to designate the place or places of residence of the refugees and to restrict their movements whenever considerations of national security or public order is required.	
8.16 Consider becoming a party to 1951 Refugee Convention	Georgia		As above	As above
8.17 Become a party to the 1951 Convention on Refugees	New Zealand		As above	As above
8.18 Ratify the 1951 Convention relating to the Status of Refugees and ensure the short and long-term conditions for the dignified, safe and voluntary return of displaced persons to their place of origin	Switzerland		As above	As above
8.19 Remove the reservations to article 2 and article 16.1 (c) of the Convention on the Elimination of All Forms of Discrimination against Women	Latvia	<p>-Committee on the Elimination of Discrimination against Women in the Concluding Observation (9)¹⁹ recommended this.</p> <p>-Committee on Economic, Social and Cultural Rights Concluding Observation (30)²⁰ recommended to expand the application of gender equality provided for in</p>	<p>The 2nd Cycle of UPR</p> <p>The Constitution of Bangladesh, already acknowledges gender equality in that it pledges its fundamental aim to realize through the democratic process a socialist society, free from exploitation- a society in which the rule of law, fundamental human rights and freedom, equality and justice, political, economic and social will be secured for all citizen.</p>	NHRCB recommend acceptance

¹⁹ Recalling its previous recommendations (CEDAW/C/BGD/CO/7, para. 12), the Committee recommends that the State party take prompt measures towards the withdrawal of its reservations to articles 2 and 16 (1) (c) of the Convention within a specific time frame.

²⁰ The Committee recommends that the State party:

- (a) Expand the application of gender equality provided for in article 28 (2) of the Constitution to all spheres of life;
- (b) Adopt a unified family law that provides for equal rights of men and women in relation to marriage, divorce, maintenance and property inheritance;

		<p>article 28(2) of the Constitution to all spheres of life and to adopt a unified family law.</p>	<p>The reservations conflicts with the Vienna Convention on the Law of Treaties, 1969, Article 19(3) of which stipulates a State may make a reservation provided it is not incompatible with the object and purpose of the treaty.</p> <p>However, Article 2 is essential to CEDAW implementation, and Article 16 is substantively important. Both Articles have strong focus on legal protections. Further the State is obliged not to discriminate and to prevent discrimination by private individuals and organizations.</p> <p>Further arguments;</p> <ul style="list-style-type: none"> - Bangladesh has already accepted article 1 of CEDAW which defines discrimination against women. - The State has already withdrawn its reservations to article 13 (a) which entitles women to equal rights ‘to family benefits’ - The government has already enacted several legislations and formulated bills and judicial rules that mitigate largely negative impact of the reservations. These include the Dowry Prohibition Act 1980, Muslim marriage and Divorce Rules 2005, Citizenship Act 2009, Domestic Violence Act 2010 etc. 	
8.20 Issue and implement a standing invitation to all Special Procedures	Czechia		<p>Bangladesh hosted the Special Rapporteur on Freedom of Religion or Belief in August 2015, and facilitated visit of Special Rapporteur on Human Rights Situation in Myanmar in 2017 & 2018 and the visit of the Special Advisor on Prevention of Genocide in 2018. Bangladesh has responded favourably to the requests of meetings from the Special Rapporteur on the Human Rights of Migrants, Working Group on Enforced</p>	NHRCB recommend acceptance

			Disappearance, etc. Noting this recommendation contradicts GOB position, given that it is mentioned as a voluntary pledge in the State report. In its exact words - Continue to cooperate with Special Procedures and mechanisms and consider extending invitations to Special Rapporteurs.	
8.21 Respond positively to pending visit requests by the special procedures mandate-holders of the Human Rights Council and consider the extension of a standing invitation to all mandate-holders	Latvia		As above	NHRCB recommend acceptance
8.22 Enhance its fight against impunity and torture including through ratifying the OP-CAT and establishing a national preventive mechanism accordingly	Czech Republic		Addressed above	NHRCB recommend acceptance
8.23 Providing human, technical and financial resources to the National Human Rights Commission, so it can fulfil its mandate and grant it a new mandate to investigate human rights violations	Honduras	-Human Rights Committee in the Concluding Observation (6) recommended this. -Committee on Economic, Social and Cultural Rights recommended (1) ²¹ for strengthening the independence of Commission including allocating adequate funding, amending recruitment rules and	Noting these recommendations contradicts the State position taken thus far to support and strengthen NHRCB. It also creates a confusion among the recommendations which are accepted, noted and under consideration. Given the recommendations 6.20 made by Qatar which advocates to support NHRCB to uphold Paris Principles which has been supported or accepted by Bangladesh, noting 8.23 and 8.24 is futile for the following reasons	NHRCB recommend acceptance

²¹ The State party should broaden the mandate of the Commission and allow it to investigate all alleged human rights violations, including those committed by State military and security actors. The State party should also provide the Commission with sufficient financial and human resources to allow it to impartially and independently fulfil its mandate in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

		expanding mandate of the Commission.	<ol style="list-style-type: none"> 1. Paris principles are broader than both recommendations 8.23 and 8.24 the principles encompass – inclusivity, guarantees of independence, broad mandate, quasi-judicial competence and financial autonomy 2. NHRC in its founding Act is mandated to investigate all human rights violations. <p>It is worth mentioning that Bangladesh accepted recommendations 6.15, 6.16, 6.17, 6.18, 6.19, 6.20 which is relating to supporting NHRCB to fulfil its mandate in the best manner and in line with the Paris Principles.</p> <p>Since GoB is committed to strengthen the capacity of NHRCB which has also been reflected in the supporting the recommendations even during the 3rd Cycle UPR. This is also in line with the mandate of NHRI's of other countries like, India, Nepal. Therefore, the rejection of the recommendations of 8.23, 8.24 should be withdrawn.</p>	
8.24 Expand the mandate of the National Human Rights Commission to investigate all human rights violations including those involving State security actors and to provide it adequate resources, to fulfil its mandate	Namibia		As above - 8.23	NHRCB recommend acceptance
8.25 Adopt without delay, a new non-discrimination legislation with view of promoting gender equality and that it, without discrimination on	Finland	-Committee on the Elimination of Discrimination against Women Concluding Observation (11.c) ²² recommended to	Noting this recommendation goes against the very genesis of Bangladesh – a State which was born to fight discrimination. Further all issues mentioned in this recommendation is covered in present laws	NHRCB recommend acceptance

²² The Committee urges the State party to accelerate the adoption of the anti-discrimination law, which is in compliance with the Convention, within a specific time frame.

<p>the basis of ethnicity, religion or any other status, criminalize all forms of violence against women and girls, including marital rape irrespective of the age of the victim, domestic violence and all forms of sexual abuse and harassment, ensuring also security and justice to the victims</p>		<p>accelerate the adoption of the anti-discrimination law.</p> <p>-Human Rights Committee in the Concluding Observation (12)²³ recommended this.</p> <p>-Committee on Economic, Social and Cultural Rights (24)²⁴ recommended this</p>	<p>and the Constitution. Furthermore, it in principle contradicts the voluntary pledge given in the UPR State report²⁵ – continue to give particular attention to empowerment of women, children and other vulnerable sections of the population. In addition, this was a public undertaking given by the Minister, Law, Justice and Parliamentary Affairs at the ICCPR review as well as during the presentation and interactive dialogue of the 3rd Cycle UPR that the GoB received an updated draft of the Anti -discrimination legislation from NHRCB. This reflects that the GoB has agreed in principle to enact the legislation.</p> <p>It is worth mentioning that Bangladesh accepted recommendations 6.25, 6.26, 6.27, 6.28, 6.29, 6.30, 6.31, 6.32, 6.33, 6.34, 6.35, 6.36 which is relating to enacting an Anti-discrimination legislation and eliminate all forms of discrimination. Therefore, the rejection of the recommendations of 8.25 should be withdrawn.</p>	
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²³ The State party should ensure that the anti-discrimination bill, 2015, protects against direct and indirect discrimination in the public and private sphere based on a comprehensive list of grounds for discrimination, including colour, descent, caste, national or ethnic origin, religion, sexual orientation and gender identity, disability and other status, and provide for effective remedies in case of violations. The State party should also accelerate the adoption of this bill and ensure its effective implementation. It should also develop education campaigns for schools, government officials and the general public to promote tolerance and appreciation for diversity and non-discrimination.

²⁴ The Committee recommends that the State party expedite the adoption of comprehensive anti-discrimination legislation that prohibits direct, indirect and multiple forms of discrimination on an open list of grounds and that provides for effective remedies for victims of discrimination, including in judicial and administrative proceedings. It also recommends that the State party decriminalize same-sex relations between consenting adults and take the measures necessary to raise public awareness regarding, and combat discrimination based on, sexual orientation and gender identity.

²⁵ National Report submitted: p.20, para 135: Future pledges: Continue to enact national legislations to implement the international human rights instruments to which it is a party. <https://daccess-ods.un.org/TMP/3184151.35145187.html>

<p>8.34 Ensure that threats and violence against human rights defenders, and in particular women defenders and LGBTI defenders, because of their work or perceived or actual gender identity, are effectively prosecuted and do not go unpunished</p>	<p>Belgium</p>	<p>-Human Rights Committee concluding observation (28.a)²⁶ recommended to take measures to protect the rights of journalists, bloggers, human rights defenders and civil society organizations: to protect them from unlawful killings, physical attacks and harassment; ensure police and officials receive adequate training regarding protection of HRDs.</p> <p>-Committee on Economic, Social and Cultural Rights concluding observation (11)²⁷ recommended for ensuring safe and favourable environment for human rights defenders.</p>	<p>As above – 8.26</p>	<p>NHRCB recommend accepting it.</p>
<p>8.35 Review the special provision of the Child Marriage Restrain Act</p>	<p>Germany</p>	<p>-Committee on the Rights of the Child concluding observation</p>	<p>Child Marriage Restraint Act (CMRA) March 2017 was enacted by repealing Child Marriage</p>	<p>NHRCB recommend</p>

²⁶ The State party should immediately undertake the following measures to protect the rights of journalists, bloggers, human rights defenders and civil society organizations:

(a) Protect them from unlawful killings, physical attacks and harassment; ensure that police and officials receive adequate training regarding the protection of human rights defenders; register complaints and thoroughly investigate all attacks on the life, physical integrity and dignity of these persons

²⁷ The Committee recommends that the State party ensure a safe and favourable environment for human rights defenders, review the above-mentioned legislation in close consultation with such defenders with a view to removing restrictive provisions, including section 57 of the Act on information and communications technology and similar provisions in the draft act on digital security of 2018, and repeal the Special Powers Act, 1974. The Committee draws the attention of the State party to its statement on human rights defenders and economic, social and cultural rights (E/C.12/2016/2).

<p>2017 and implement legislation that effectively criminalizes all forms of gender based violence</p>		<p>(23)²⁸ recommended to refrain from taking any legislative measures likely to reduce the age of 18 as the minimum age of marriage. And (45) to ensure that the minimum age of marriage set in the Children Act is applied.</p> <p>-Committee on the Elimination of Discrimination against Women recommended (17.c)²⁹ to take immediate measures to end the harmful practice of child marriage by addressing the root causes, holding accountable those responsible and retaining 18 years of age as the legal</p>	<p>Restraint Act 1929 and child marriage rules are under consideration. The present act has enhanced the penal provisions related to violations under the act.</p> <p>Further, GOB has taken every step to prevent child marriage. Rules are being formulated to ensure the best interest of the child by avoiding any misuse. GoB has also has pledged to eradicate child marriage by 2041.</p> <p>Refer recommendations 6.47, 6.48, 6.49, 6.50 which was accepted by the Government, NHRC recommends to revisit the recommendation 8.35.</p>	<p>to revisit.</p>
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²⁸ The Committee urges the State party to refrain from taking any legislative measure likely to reduce the age of 18 as the minimum age of marriage, as well as to prosecute violators who authorize the marriage of persons below 18 and those who forge official documents to raise the age of the child.

²⁹ Take immediate measures to end the harmful practice of child marriage by addressing the root causes, raising awareness among parents, teachers and community and religious leaders about the negative effects of child marriage on the health and well-being of girls, holding accountable those responsible and retaining 18 years of age as the legal minimum age of marriage for girls without exception. In doing so, the State party should be guided by joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices.

		<p>minimum age of marriage for girls without exception.</p> <p>-Human Rights Committee recommended (13)³⁰ to amend the child marriage restraint bill to maintain the legal minimum age of marriage for girls at 18 years, in accordance with international norms, without exceptions.</p> <p>-Committee on Economic, Social and Cultural Rights recommended (51)³¹ to amend</p>		
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³⁰ The State party should take immediate measures to sharply reduce early marriage and prevent dowry practices, including through the implementation of legislation preventing early marriage and dowry practices, by carrying out campaigns to publicize the legislation outlawing such practices and by informing girls, their parents and community leaders of the harmful effects of early marriage. The State party should amend the child marriage restraint bill to maintain the legal minimum age of marriage for girls at 18 years, in accordance with international norms, without any exceptions.

³¹The Committee recommends that the State party intensify its efforts to eradicate child marriage, in particular by:(a) Amending the Child Marriage Restriction Act, 2017 with a view to including provisions declaring such marriages void; repealing the provision providing for special cases that allow child marriage; ensuring the primacy of the Act over personal laws; adopting, as an interim measure, the rules that will guide the implementation of the Act in line with the aforementioned recommendations; and strictly enforcing the Act;(b)Ensuring that those who perform or facilitate child marriage are brought to justice and that those found responsible are punished; (c)Ensuring that victims of child marriage who seek to leave their marriage have access to effective legal remedies and all other forms of necessary support and protection; (d)Minimizing the negative consequences of child marriage, including by ensuring children who have been subjected to such marriage access to sexual and reproductive health information and services, including with regard to the use of contraceptives, and putting in place support mechanisms to enable them to continue their education after marriage and childbirth;

		the Child Marriage Restriction Act 2017 with a view to including provisions declaring such marriages void, repealing the provision providing for special cases that allow child marriage.		
8.36 Criminalize marital rape in all circumstances, and provide for the protection and psychological, mental and physical rehabilitation of victims (Portugal);		<p>-Committee on the Elimination of Discrimination against Women concluding observation recommended (19.a)³² to adopt legislation criminalizing all forms of violence against women and girls, including marital rape irrespective of the age of the victim.</p> <p>-Committee on Economic, Social and Cultural Rights concluding observation (53)³³ recommended, in particular, it recommends that the State party revise the Penal Code to recognize marital rape as an offence;</p>	Per Sec 375 PC – sexual intercourse with a wife under 13 is marital rape and this age now has been enhanced to 16 years in the WCRPA 2000 amended in 2003 in section (1) Further given the CMRA the above mention situation does not arise. Hence rejecting this recommendation serves no purpose.	NHRCB recommend to revisit.
8.46 Decriminalize defamation	Estonia		The United Nations Human Rights Committee	NHRCB

³² The Committee reiterates its previous recommendation that the State party give priority attention to combating violence against women and girls, in CEDAW/C/BGD/CO/8 16-20839 6/14 accordance with its general recommendation No. 19 (1992) on violence against women. It recommends that the State party:

(a) Adopt, without delay, legislation criminalizing all forms of violence against women and girls, including marital rape irrespective of the age of the victim, domestic violence and all forms of sexual abuse, and ensure that the perpetrators are prosecuted and adequately punished and that the victims have access to immediate protection, rehabilitation and means of redress, including compensation.

³³ The Committee recommends that the State party redouble its efforts to combat all forms of sexual and gender-based violence. In particular, it recommends that the State party revise the Penal Code to recognize marital rape as an offence; strengthen the enforcement of legislation on sexual and gender-based violence; bring perpetrators of such violence to justice and punish those found responsible; and improve the legal, physical and psychological support provided for victims of sexual and gender-based violence and increase the number of shelters available to them and their children.

<p>and include it in the Civil Code in accordance with International standards, and take steps to create an independent broadcast licensing authority (Estonia);</p>			<p>ruled in 2012 that the defamation law of Philippines, was inconsistent with Article 19 of the International Covenant on Civil and Political Rights. Several countries, including the UK, Sri Lanka and the US have decriminalized defamation and made it a civil wrong. Criminalization of defamation does not fall in the ambit of criminal offences, it goes against the basic principles which is required to make any conduct criminal.</p> <p>POINTS TO CONSIDER -</p> <p>If defamation is decriminalized it will remove the threat of imprisonment for defamatory speech (several individuals including politicians and media persons currently have cases of criminal defamation pending against them)</p> <p>It will balance the right to personal reputation within the right to free speech by providing for repeal of substantive offence of defamation and its punishments</p> <p>-It is not necessary to put an accused person in the case of defamation with hard-core criminals, when least alternative is available – Civil remedy – This is based DO NO HARM principle - as long as alternative remedy is available, which effectively curb the act, criminalization of defamation should not be avoided. Further, by claiming monetary compensation or by public apology the defamed person can restore his/her tainted reputation which is a much better alternative than making this offense criminal. Thus, civil remedy seems to be most effective way of curbing defamation than making it criminal offence.</p> <p>Criminalization of defamation violates fundamental right of an individual. The Constitution of BD guarantees all citizens the right to freedom of speech and expression.</p>	<p>recommend acceptance</p>
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			<p>-Reasonability of restriction - Sections 499-500 Penal Code do not constitute a “reasonable restriction” on speech because, even truth is not a defence. Although it is one of the exception mentioned under sec 499 but again it comes with a clause – “truth will only be a defence if the statement was made for the public good”, which actually is a question of fact to be analysed by the court. This is an arbitrary rule that stop people from making statements regarding politicians or political events even which they know to be true because they fear the risk of a court proceedings and court not finding it to be for the public benefit or for public good. Another lacuna of this law is that Instead of making the plaintiff prove that the accused made a false statement, section 499 gives the accused the burden of proving that the statement was not only true but also for the public good.</p> <p>-A person can be prosecuted under section 499 even if he or she has not made any verbal or written statement at all. There is nothing in section 499, nor in the case law, which protects a person who has not made any statement at all but only conspired with the person who made defamatory statement from being dragged into a defamation case. Thus section 499 have ill effects to the person who are not making any defamatory statement.</p>	
8.47 Revise media laws, in consultation with civil society, to decriminalize “defamation” and “hurting religious sentiment,” and limit proposed extended jail terms for these offences (United States of America);	United States of America	As above	Discussed above -8.46	NHRCB recommend acceptance
8.48 Expand its democratic space	Czechia	-Human Rights Committee	Noting this recommendation seriously conflicts	NHRCB

<p>on-line and off-line in which opposition politicians, journalists, human rights defenders and other civil society members can operate freely and without fear for their lives and to this end revise Section 57 of Information and Communication Technology Act and amend the Foreign Donation Regulations Act</p>		<p>concluding observation (28)³⁴ recommended to take measures to protect the rights of journalists, bloggers, human rights defenders and civil society organizations: to protect them from unlawful killings, physical attacks and harassment; ensure police and officials receive adequate training regarding protection of HRDs; register complaints and thoroughly investigate all attacks on the life, physical integrity and dignity of these persons, bring perpetrators to justice and provide victims with appropriate justice. In addition, to repeal or revise (the Information and Communication Technology (ICT) Act 2006 (amended in 2013), a de facto blasphemy law) with a view to bringing them into conformity with the State party's obligations under the Covenant. In</p>	<p>with bona fide efforts of the government to replace section 57 of ICT Act with the draft law - DSA. Since Bangladesh is committed to uphold FOE and given that recommendations 6.7 ,6.67, 6.68 ,6.70 - 6.75 are accepted the commission recommends to revisit.</p>	<p>recommend to revisit.</p>
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³⁴ The State party should immediately undertake the following measures to protect the rights of journalists, bloggers, human rights defenders and civil society organizations: (a) Protect them from unlawful killings, physical attacks and harassment; ensure that police and officials receive adequate training regarding the protection of human rights defenders; register complaints and thoroughly investigate all attacks on the life, physical integrity and dignity of these persons, bring perpetrators to justice and provide victims with appropriate remedies; (b) Repeal or revise the laws mentioned above with a view to bringing them into conformity with the State party's obligations under the Covenant, taking into account the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression. In particular, it should clarify the vague, broad and open-ended definition of key terms in these laws and ensure that they are not used as tools to curtail freedom of expression beyond the narrow restrictions permitted in article 19 of the Covenant; (c) Repeal the Foreign Donations (Voluntary Activities) Regulation Act, ensure that any legal provisions restricting access to foreign funding does not risk the effective operation of NGOs as a result of overly limited fundraising options, and ensure that NGOs can operate freely and without fear of retribution for exercising their freedom of expression.

		particular, it should clarify the vague, broad and open-ended definition of key terms in these laws and ensure that they are not used as tools to curtail freedom of expression beyond the narrow restrictions permitted in article 19 of the Covenant		
<p>8.49 Ensure that human rights activists and journalists can exercise their rights without fear, intimidation and harassment by redrafting the planned Digital Security Act, and repealing or amending all laws that violate the rights to freedom of expression, association and peaceful assembly, including the provisions of the Penal Code related to defamation and sedition, the Information Communication Technology Act (in particular Section 57), and the Foreign Donations (Voluntary Activities) Regulation Act, in line with international human rights law (Germany);</p> <p>8.50 Repeal the Information and Communication Technology Act (2006), as amended in 2013, or modify the ICT Act to bring it in line with international law and standards (Greece);</p> <p>8.51 Repeal all laws and policies that restrict the activities and rights of its citizens and civil society organisations, including the Information Communication</p>	(Germany); (Greece); (Netherlands);	As above -8.48	As above -8.48	NHRCB recommend acceptance

Technology Act of 2006 and the Foreign Donations Regulation Act of 2016 (Netherlands);				
8.52 Ensure that all refugee and stateless women and girls have effective access to justice without being threatened with arrest, by amending the 1946 Foreigners Act	Iceland		There is no national legislation governing the administration of refugee affairs or stateless people in Bangladesh. The legislation applicable to foreigners (the Foreigners Act 1946) and admission (the Control of Entry Act 1952) make no explicit reference to refugees.	NHRCB recommend acceptance
8.54 End impunity by conducting thorough investigations and criminal prosecutions of human rights violations and abuses against human rights defenders, journalists, bloggers and LGBTI	Germany	As above- 8.26	Violence against any one is prohibited in GOB laws and it is not justified – rejecting this recommendation means condoning violence or indication that the state is unable to protect its citizens.	NHRCB recommend acceptance
8.57 Adopt legislation criminalizing all forms of violence against women and girls, including marital rape	Iceland		As discussed above in 8.36	NHRCB recommends to revisit
8.58 Comprehensively review the legislation in order to recognise gender equality and the protection of indigenous people and ethnic minorities	Honduras		Gender equality and protection ethnic minorities are guaranteed in all public spheres irrespective of the sex, cast and creed in the Constitution of Bangladesh.	NHRCB recommends to revisit

Recommendations Under Consideration

7.1 Ratify the main international human rights instruments	Zambia		Main instruments refer to the core HR treaties and protocols – there are 9 core human rights treaties and the protocols. CPED is part of this core group. Noting recommendations (8.5 and 8.6) on CPED contradicts with this recommendation.	NHRCB recommend acceptance
7.2 Enforce constitutional provisions safeguarding freedom of expression, including by amending section 57 of the Information and Communication Act and relevant provisions of the draft Digital Security Act	Australia		Discuss above – 8.48-8.49	NHRCB recommend acceptance.
7.3 Ensure legal and constitutional protection of indigenous and religious minorities, and facilitate the reporting of violations of their rights	Estonia			NHRCB recommend revisiting
7.4 Fully comply with the Paris Principles and increase the institutional capacity and financial and human resources of the National Human Rights Commission	Chile		Discussed above – 8.23	NHRCB recommend acceptance.
7.5 Continue its efforts in strengthening the capacity of its NHRI, namely the National Human Rights Commission of Bangladesh and the newly established Ombudsman	Indonesia		Discussed above – 8.23	NHRCB recommend acceptance
7.6 Amend the Marriage Act and maintaining a minimum legal age of marriage at 18 without exceptions	Zambia		Discussed above in 8.35	NHRCB recommend acceptance
7.7 Eliminate child, early and forced marriage, including by reforming the Child Marriage Restraint Act to remove the exception for child marriage in “special cases,” as this	Canada		Discussed above 8.35	NHRCB recommend to revisit

term is open to abuse				
7.8 Eliminate early marriages and ensure education on sexual and reproductive health and rights for adolescents	Estonia		Discussed above 8.35 on early marriage	NHRCB recommend revisit
7.9 Step up the efforts to prevent child early and forced marriages, particularly in rural areas and slums, and to amend the Child Marriage Restraint Act by introducing a minimum legal age of marriage at 18 without any exceptions	Slovenia		Discussed above 8.35	NHRCB recommend revisit.
7.10 Take action against child early and forced marriages with or between children by reformulating the Child Marriage Restraint Act of 2017 to clarify the gaps in the legislation and to prevent misuse of the “special circumstances” clause	Sweden		Discussed above 8.35	NHRCB recommend acceptance.
7.11 Enhance efforts to prevent cases of torture and enforced disappearances and to prosecute perpetrators	Italy		Refer recommendation 6.8 which is accepted covers similar concerns. Also refer 8.7 and 8.34	NHRCB recommend revisit.
7.12 Review and amend the laws that restrict freedom of expression, such as section 57 of the 2006 Information and Communication Technology Act.	Mexico		Refer recommendations 6.7 ,6.67, 6.68 ,6.70 - 6.75 covers similar concerns and they are accepted. Discussed above in 8.48	NHRCB recommend acceptance.
7.13 Review and redraft the proposed Digital Security Act to ensure online freedom of expression	Norway		Refer recommendations 6.7 and 6.69-6.70 covers similar concerns and they are accepted. Discussed above 8.48	NHRCB recommend acceptance.
7.14 Redraft the Digital Security Act in line with international norms and standards for freedom of expression	Sweden		As above	NHRCB recommend acceptance.

7.15 Thoroughly investigate extra-judicial killings, abductions and forced disappearances taking place within law enforcement agencies while also ensuring that the perpetrators are brought to justice	Sweden		Refer recommendations 6.7 and 6.8 covers similar concerns and it is accepted.	NHRCB recommend acceptance.
7.16 Investigate all allegations of human rights violations by the police and security forces and take legal steps so that those responsible for enforced disappearances, custodial torture and extrajudicial killings are held accountable	Norway			NHRCB recommend acceptance.
7.17 Increase labour inspections and take action against individuals and organizations that subject migrant workers to forced labour and human trafficking	United Kingdom of Great Britain and Northern Ireland		Refer recommendation 6.111 refers to the same issue and it is accepted. The additional areas indicated in 7.12 on forced labour and trafficking are covered under existing domestic laws and GOB has taken many steps to eradicate forced and trafficking which included the enactment of Human Trafficking prevention and control act 2012.	NHRCB recommend acceptance.
7.18 Continue increasing efforts to combat all types of violence against women and girls, and eradicate discriminatory practices and measures against them, guaranteeing the full exercise of their rights, including those related to sexual and reproductive health	Uruguay		Refer 6.139 – 6.148 covers similar concerns and they are accepted.	NHRCB recommend acceptance.
7.19 Combat gender stereotypes and protect women from all forms of abuse and harm, including gender-based violence, marital rape, and addressing the persistent gender wage gap, among others	Namibia		As above	NHRCB recommend acceptance.
7.20 Raise the minimum age for	Austria	Committee on CRC (80-81)	Although the Children Act defines a child as	NHRCB

<p>criminal responsibility for juvenile offenders in line with recommendations by the CRC</p>		<p>mentioned as follows: -The Committee is concerned that owing to the large difference in population numbers among various districts, the number of juvenile courts on a per capita basis is limited. The Committee reiterates its previous concern that the minimum age of criminal responsibility (9) is still very low (see CRC/C/BGD/CO/4, para. 92). -In the light of its general comment No. 10 (2007) on children’s rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to: - Raise the minimum age of criminal responsibility to an internationally acceptable standard.</p>	<p>anyone below the age of 18, it is silent on the Minimum Age of Criminal Responsibility (MACR), i.e. the age below which the child cannot be held criminally liable for an offence. The reason for establishing a MACR is that children below a certain age are unable to fully understand and foresee the consequences of their acts. It is presumed that below this age they lack the capacity to commit an offence. The relevant provisions are to be found in the Penal Code. Section 82 of the Penal Code provides that nothing is an offence that is done by a child below the age of 9 years (In 2004, Bangladesh raised the MACR from seven to nine years). Section 83 provides that criminal responsibility between the ages of nine and 12 is subject to judicial assessment of their capacity to understand the nature and consequences of their actions at the time of the occurrence. While this amendment has made a modest improvement, the minimum age is still below international standards. It could be argued that the MACR in Bangladesh is 12 years since if the Court finds that the child did not have sufficient maturity of understanding to realise the consequence of his actions at the time of the occurrence then it would not be an offence. It could be said that the Children Act is a milestone for Bangladesh for the protection of children. And at the same time Section 83 of the Penal Code provides for a judicial assessment of the capacity to understand the nature and consequences of their actions at the time of the occurrence; making the</p>	<p>recommend acceptance.</p>
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			criminal responsibility at the age of 12. It could be argued that the same criteria apply for criminal responsibilities- therefore raising the age of criminal responsibility to 12 years in the piece of legislation harmonizing with internationally acceptable standard will upgrade the commitment of Bangladesh.	
7.21 Continue improving Rohingya refugees' conditions and investigating allegations of abuses and human rights violations against them in accordance with international standards	Holy See		Please see above 8.15	NHRCB recommend acceptance.
7.22 Step up efforts to guarantee the rights of refugees, with full respect to the principle of non-refoulment.	Mexico		Please see above 8.15	NHRCB recommend acceptance.
7.23 Strengthen those measures that had been taken to ensure that all children and young persons among the refugees have effective access to the right to education, as well as guarantee the registration of all refugee children born in Bangladesh regardless of race, religion, national origin or citizenship of their parents, particularly those children of Bangladeshi and Rohingya couples	Argentina		Please see above 8.15	NHRCB recommend acceptance.