**Highlights & Observation on the 2nd Cycle UPR**

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The Universal Periodic Review (UPR) as we all know is a state-driven exercise but due to its very nature, UPR permits institutes like NHRC and civil society to advocate and to take part in implementation process of human rights obligations.

Bangladesh as a country has clearly demonstrated willingness to be part of the fast-developing human rights landscape. Party to 8 out of 9 core human right treaties and a good number of OPs. Bangladesh has enacted many laws translating international human rights obligations to domestically enforceable rights. We are pleased to note that 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. The enactment of National Human Rights Act-2009 and establishment of National Human Rights Commission under this 2009 Act as an independent statutory institution is a very bold step of the state and reflects Government commitment for promotion and protection of human rights. We appreciate Government initiative to enhance Financial allocation and processing of increased manpower. The Commission observes both civil society and Government bodies in the past few years have been proactively adhering to international reporting obligations.

Hon’ble Minister,

My statement today seeks to highlight some of the key issues on Ist & 2nd cycle of UPR recommendations and Summary of the Stakeholders Submissions, prepared by OHCHR and Treaty Bodies observations on Bangladesh.

Human Rights Council, Treaty Bodies and Joint Submissions of NGOs & INGOs recommend that Bangladesh to comply with the Paris Principles by strengthening institutional capacity, financial and human resource and to directly investigate all alleged human rights violation including the alleged violation by the law enforcing agencies through the amendment of NHRC Act and Rules in compliance with Paris Principles. The SCA of Global Alliance of NHRI(GANHRI) expressed their satisfaction with the performance of NHRC, Bangladesh but because of absence of fully compliance of Paris Principles, the NHRC,B was not awarded with the “A” status of GANHRI and full membership of APF of NHRI. In view of the above observations the NHRC Act and rules need to be revisited.

The Commission observes both civil society and Government bodies in the past few years have been proactively adhering to international reporting obligations. Wenote the successful compliance of a good number of recommendations and concluding observations and partial compliance of some. Still we need to address the others which Bangladesh accepted in the Human Rights Council working Group during 1st and 2nd cycle of UPR. Since Government has ratified so many international instruments as next steps the Commission is keen to work with the state and non-state actors to explore possibilities of ratifying pending core human rights instruments i.e. OP- CAT, OP3 of CRC, ILO Convention 138(minimum age convention) ILO Convention189 (Domestic Workers Convention) and PALERMO Protocol for combating Human trafficking,

1. **Women Rights**

Bangladesh has made several positive strides towards improving the plight of women. Per the Global Gender Gap Report 2017 Bangladesh has been ranked 47th among 144 nations and is ranked top in South Asia. 54 special tribunals have been established to address cases of violence against women. Despite all these efforts violence against women persists as an endemic problem.

Women as part of the workforce in the country contribute one third of the GDP with 35.6 % women taking part in labour force. As in many countries domestic work performed women are not accounted for. Wage gap between men and women in the informal sector needs to be addressed.

Efforts to ensure timely and effective remedies for survivors of violence against women cases are yet to be realized in its full potential. Low conviction rate in VAW cases needs to be addressed in its earliest to deter increasing incidence of VAW.

Notwithstanding, the High Court directive specific legislation on sexual harassment is yet to be adopted and the Commission strongly advocates for the same. Women suffer from incidence of human and organ trafficking. Rules under the Prevention and Suppression of Human Trafficking Act of 2012 are yet to be made in order to ensure the full implementation of this law.

Ladies and Gentlemen,

1. **Child Rights**

 We laud the Government for the enactment of the Children Act 2013 fulfilling its international commitments. NHRC was instrumental in preparing the draft law including the definition of child complying with CRC standards. To reap complete benefits, under this Act, Rules which are pending should be immediately formulated following an inclusive process.

The National Policy for Children commits to establish an office of the child ombudsman, an independent child rights institution. Based on comprehensive consultations on an independent Child Rights Commission a draft legislation was prepared by the Commission and submitted to MOWCA. The ministry shared it with the state and non-state actors and formed a working group. Since the same was accepted in principle by the government, further action needs to be taken at the earliest. The Commission is also advocating establishing a child rights directorate which can supervise all service providers linked with the wellbeing of children.

The recently enacted Child Marriage Restraint Act has emphasized on the best interest of child and the Commission played a catalytic role to enact the law and advocate for marriage not below 18. Despite progressive steps such as enhanced penal sanctions in CMRA, public remain apprehensive of Section 19 of the Act which provides for exceptional circumstances. The Commission has been advocating to formulate Rules to ensure the best interest of the child which can then effectively contribute to attain the Government’s vision to make the country free from child marriage, provided that the misuse of Section 19 (CMRA) can be fully avoided.

Government has huge achievements in education including enrollment in primary and secondary schools. Free books, stipends, nationalization of non-Government schools and so many steps. The Commission urge the Government to take necessary measures to prevent leakage of public exam papers and coaching centers and encourage teachers to follow ethical standards to guarantee quality of teaching. Further, the Commission recommends the Government to increase the number of schools with special facilities to children with disabilities, specially autism and have more specialized teachers to ensure inclusive and quality education. Despite many efforts to protect child rights violence against children has increased. Notwithstanding the high court directive, prohibiting corporal punishment, it still prevails.

Ladies and Gentlemen,

1. **Rights of Minorities and disadvantaged groups**

Bangladesh is a ‘multi-ethnic and multi-cultural’ country. The Constitutional amendment in 2011, restored a secular nature. The Commission is encouraged to see such an approach taken and hope the State will continue to take such initiatives. While we acknowledge the efforts to develop text books in five ethnic languages we encourage the Government to ensure social cohesion among ethnic and religious groups. So that incidence that took place on religious and ethnic communities in Brahmanbaria and Gaibandha can be prevented.

We acknowledge the efforts taken by the Government to reconcile a long pending conflict in the CHT districts through the signing of the peace accord in 1997. We also observe that in CHT districts, the prevalence of poverty is higher than the national average thus we urge the government to fully implement the CHT peace accord including ensuring land rights for the CHT people.

Government has recognized Hijra community as Hijra and extended several facilities. But they are often harassed and their rights violated due to absence of guidelines and clarity related to their identification.

Bangladesh is one of the first States to ratify CRPD & has enacted two laws (People with Disabilities Rights and Protection Act (2013) and Neuro Developmental Disability Protection Trust Act 2013). But most public entities and public transport are not PWD friendly. The draft National Action Plan on PWD was finalized and submitted to Government by NHRC. It needs to be reviewed, adopted and fully implemented.

NHRC has prepared its draft on Anti-Discrimination Law to address multiple levels of discrimination and gaps in the existing system. The law needs enactment urgently in mainstreaming the socially excluded and marginalized groups in light with the spirit of Art 28(4) of our Constitution and SDG agenda to leave no one behind.

Ladies and Gentlemen,

1. **Civil and P****olitical rights**

The Article 32 of the Constitution of Bangladesh guarantees right to life and liberty.

Despite efforts, case-backlog of more than 3.1 million cases snarls up the justice system undermining access to justice. In our recent inspection visit to Kashimpur prison, we were encouraged to observe the facilities extended to the inmates and the efforts taken to provide vocational training to impart work skills to the inmates which benefit them in finding livelihood option following their release. We request the Government to follow the same system in other prisons as well. Overcrowding of all prisons need to be addressed urgently and trials need to be expedited. Despite efforts to prevent custodial torture and deaths, concerted efforts are needed to completely eradicate this phenomenon.

Freedom of Expression is guaranteed in the Constitution. However, bloggers, writers, journalists expressing secular views and opinions were attacked and harassed in the recent past and some hacked to death. Government needs to expedite investigation and bring perpetrators to the law following due process.

In the year 2017, the Commission has received a total of 484 complaints of which 20 complaints are of alleged enforced disappearances and 16 complaints are of alleged deaths by crossfire. The Commission investigated such incidents *suo-moto,* have *expressed* grave concern advocating for zero tolerance for such violations.

The much-debated Foreign Donation Regulation Act, passed in October 2016 is being viewed by NGOs and CSOs as barrier for freedom of expression and association. The Commission urge the Government to use the law effectively to avoid all possibilities and avenues of funding terrorism and to ensure the law is applied judiciously.

Apprehending misuse of Section 57 (ICT Act) Government is formulating the Digital Security Bill. Section 32 of the proposed DSA has raised concerns from Media. NHRC urge the Government to consult media and other stake holders prior to finalizing the law.

Ladies and Gentlemen,

1. **Economic, social and cultural rights**

The commission is pleased to note the consistent and continuous economic growth maintained by Bangladesh. In the past year, GDP growth has increased by 7.24 percent, which has enabled the country to take its next leap to the developing country category from LDC. However, the Gini coefficient of 0.32 reflects high inequality leading to uneven social gains among wealth groups. Income inequality and poverty remains a major challenge in the country.

The Commission notes with appreciation the efforts of the Government for adopting the Domestic Workers Protection and Welfare Policy on 4 January 2016. This policy is a paradigm shift. Commission recommends to enact the legislation which can provide a framework to ensure the protection and welfare of the domestic workers. The Government has committed to eliminate all forms of child labour by 2025. (SDG 8.7). NHRC urge the Government to continue its efforts to ensure SDG commitments are achieved

Migrant workers are the 2nd highest source of foreign revenue earner for the country. However, migrant workers particularly women are deprived of their basic rights in host countries, rising cost of migration and weaknesses in the system to hold fraudulent recruiting agents accountable prevail.

Religion-based personal laws discriminate against all women with respect to marriage, divorce, separation, maintenance, custody and guardianship and inheritance. Commission strongly recommends the withdrawal of CEDAW reservations (Art 2 and 16.1.c) because of huge empowerment of women in Bangladesh and the society is now more prepared to withdraw the reservations of CEDAW. Vested Property Return Act was reviewed in 2013 – yet complexities negatively impacting on land rights of minorities still exists.

The Commission, as the national human rights institution will fail in its duty if it not mentioned that the benevolent and courageous steps of the Honorable Prime Minister for providing temporary shelter and other necessary support to the Rohingya refugees from humanitarian ground during the Rohingya crisis. The local communities also played a pivotal role as they were the first respondents. However, if a durable solution is not found soon the situation on the ground may not remain as calm as they are now. The host community is increasingly feeling the tension and the strain on their livelihood, cost of goods and public service delivery since the Rohingya has arrived in Cox’s Bazar.

The National Human Rights Commission, Bangladesh strongly recommends the Government to continue lobbying with the international community to do everything possible to encourage the Government of Myanmar to find durable solutions for the Rohingya crisis. The durable solutions must include the right to return as an integral part of the solution including a**ddressing the citizenship issues affecting Rohingya in a transparent and inclusive manner. The Commission has been advocating to all concern including the international community that the sustainable solution might be possible through the implementation of five point proposals of H.E. Prime Minister Sheikh Hasina and the recommendations made in the Kofi Annan Commission report.**

Dear Colleagues,

Allow me to conclude with our commitment,

The National Human Rights Commission, Bangladesh would like to reiterate its commitment to continue advocating for the promotion and protection of Human Rights for all persons in Bangladesh and for all humanity irrespective of their colour, caste, creed, gender or political opinion.

Thank you all for your kind patience!