



Stakeholder Report to  
UN Human Rights Council on  
Universal Periodic Review - 4th Cycle

Submitted By:

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## **Introduction**

01. This report is submitted by the National Human Rights Commission, Bangladesh, to the UN Human Rights Council on the human rights situation in Bangladesh from May 2018-December 2022 in order to facilitate the 4th Cycle Universal Periodic Review (UPR) of Bangladesh. The report is premised on the development that took place following the adoption of Bangladesh's 3rd Cycle UPR including the Covid-19 situation and the mandate of the National Human Rights Commission conferred by the National Human Rights Commission Act 2009.

## **Methodology\***

02. The Commission has 12 thematic committees functioning as rights advocacy forums, the membership of which carries a cross-sectoral representation. The Commission also regularly organises or facilitates round table talks, studies, research, public hearings, investigations, inquiries, field visits, seminars, conferences, meetings, etc for soliciting/disseminating/exchanging views, data or information. Moreover, the Commission receives and addresses a large number of individual complaints from persons and institutions every year. This report is primarily based on information/data obtained from the aforementioned sources. Additionally, the Commission, in preparing this report, has consulted data collected by the government, non-government organizations (NGOs), international non-governmental organizations (INGOs), national and international human rights organizations, civil society reports, newspaper reports, etc as supplementary means of information.

## **Formation of the 6th National Human Rights Commission**

03. The 6th National Human Rights Commission (the Commission) was appointed on 10 December 2022 comprising seven members. Dr Kamal Uddin Ahmed is appointed as the Chairman and Mr. Md. Salim Reza is appointed as the Full Time Member of the Commission. The remaining five honorary members are Mr. Md. Aminul Islam, Dr. Bishwajit Chanda, Mr. Kongjori Chowdhury, Dr. Tania Haque, and Mr. Kawser Ahmed. Since assuming office, the Commission has been playing a very active role in the promotion and protection of human rights. Apart from its routine work, the Commission, in the meanwhile, among others, visited 08 districts, including the 03 hill districts in the Chittagong Hill Tracts (CHT), exchanged views with the respective district human rights committees, held a public hearing in Rangamati district, visited 07 jails, 01 hospital, held meetings with civil society, journalists, ambassadors, high government dignitaries, received and addressed 328 individual complaints, etc.

## **Human Rights Situation in Bangladesh at a Glance: 2018-2022**

04. Bangladesh's success in the field of human rights, especially economic, social and cultural rights was quite praiseworthy before the outbreak of Covid-19. Particularly, Bangladesh achieved high standards in many parameters of the SDGs in comparison to its neighbouring countries. With the onset of Covid-19, the overall scenario of the implementation of human rights faced various challenges. Bangladesh's achievement in female education and women empowerment was a success story all over the world. But the education sector became severely affected by the prolonged suspension of physical schooling due to the coronavirus. The stagnation of the education sector created some incidental but very severe consequences including child marriage and child labour. As the means of

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\* Data/statistics presented in the tables of this report only reflect the experience of the National Human Rights Commission, Bangladesh and in no way represent the national scenario.

livelihood faced challenges during the lockdowns, the living standard of people, especially the lower and lower-middle-income people also declined. During the series of lockdowns, a large number of people working in the private sector were victims of dismissal, lay-off, cut-off salaries, etc. This made them vulnerable since they could not afford to pay for the costs of food and, most importantly, accommodation. The lockdowns also put challenges to other aspects of the implementation of human rights. For example, access to justice became limited during this period.

05 The government took many initiatives to alleviate the sufferings of the mass people during the lockdowns including investment in medical sectors and relief activities. However, there were challenges as well. There were some reports of mismanagement and corruption in procurement activities. Bangladesh is endeavouring to return to its tract of development following its successful massive vaccination campaign. It is worth mentioning that Bangladesh stood 5th among 121 counties in the successful implementation of the COVID-19 vaccination programme. However, the ongoing geopolitical crisis is still hampering its potential to implement its goals of achieving SDGs.

### **Access to Justice and Fair Trial**

06. The Commission commends the steps the government has taken to strengthen the administration of justice in Bangladesh to lessen huge backlog of cases. However, the onset of the COVID-19 pandemic adversely impacted the government’s efforts to reduce the backlog of pending cases in Bangladesh. During the pandemic, the government attempted to alleviate the situation by promulgating the Usage of Information and Communication Technology by Court Ordinance 2020 (later enacted as an Act of Parliament). The Ordinance of 2020 did not provide a digitalized system for the complete trial process, and many judges contracted coronavirus infection while discharging their duties. As a result, only bail petitions were heard before the virtual courts. During this period, the government extended the scope of the Legal Aid Services Act 2000 that applies to foreigners including the Rohingya. Besides, the Parliament amended the Evidence Act 1882 by making digital evidence admissible before the court and deleting the provisions relating to questioning the character of rape victims in cross-examinations.<sup>1</sup> The Commission believes that the complete digitalisation of the administration of the justice system can help dispose of cases expeditiously. Additionally, the administration of justice should be strengthened by employing more judges, manpower, logistics, infrastructure etc.

### **Extra-Judicial Killing & Enforced Disappearance**

07. The Commission notes that there is a debate on the applicability of the term ‘enforced disappearance’ between law enforcement agencies and civil society in the context of the domestic legal system of Bangladesh. Individual complaints about extra-judicial killing and enforced disappearance received by the Commission are as follows:

| <b>Types of Complaints Received</b> | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> |
|-------------------------------------|-------------|-------------|-------------|-------------|-------------|
| Extra-Judicial Killing              | 09          | 15          | 03          | 01          | 00          |

<sup>1</sup>Evidence Act amendment bill placed in JS (*New Age* 31 August 2021), available at <https://www.newagebd.net/article/179825/evidence-act-amendment-bill-placed-in-js>>accessed 4 April 2023.

|                        |    |    |    |    |    |
|------------------------|----|----|----|----|----|
| Enforced Disappearance | 25 | 20 | 03 | 08 | 04 |
|------------------------|----|----|----|----|----|

08. Notably, the number of complaints alleging extra-judicial killing and enforced disappearance has declined during the pandemic years i.e., 2020, 2021 and 2022. However, a portion of the total number of complaints is still pending before the Commission. In this connection, it is worth mentioning that as per the National Human Rights Commission Act 2009, the Commission is not empowered to investigate any allegations against law enforcement agencies. It has to look to the cooperation of the law enforcement agencies as they conduct such investigations themselves. The Commission believes that the law should be amended to empower the Commission to investigate all allegations of human rights violations, including those committed by law enforcement agencies. The government should put in place an independent and impartial mechanism to investigate and prosecute every allegation of extra-judicial killings, disappearances, and excessive use of force.

### **Torture and/or Death in Custody**

09. The Commission notes a downward trend of reported incidents of torture and/or death in custody. This is also, to some extent, reflected in the number of individual complaints about torture and/or death in custody received and addressed by the Commission.

| <b>Types of Complaints Received</b> | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> |
|-------------------------------------|-------------|-------------|-------------|-------------|-------------|
| Torture in Custody                  | 05          | 10          | 07          | 03          | 03          |
| Death in Custody                    | 07          | 12          | 06          | 05          | 03          |

10. In 2020, the first-ever conviction under the Torture and Custodial Death (Prevention) Act 2013 was upheld. Investigation and prosecution of the cases of custodial deaths and tortures should be strengthened. The government should establish an independent complaint mechanism to investigate all reported allegations of torture and ill-treatment and ensure that alleged perpetrators of those crimes are effectively prosecuted. The Commission directs to mandatorily follow the guidelines it developed for the law enforcement agencies during their anti-crime operations.

### **Freedom of Expression**

11. Despite the constitutional guarantee for the freedom of thought, conscience and the press, concerns have been voiced against the manner of implementation of the Digital Security Act 2018 (the successor to the Information and Communication Technology Act 2006) against journalists, writers, social media users, etc. Violence against journalists has been reported. Individual complaints about violence against journalists and restrictions on freedom of expression received by the Commission are as follows:

| <b>Types of Complaints Received</b>  | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> |
|--------------------------------------|-------------|-------------|-------------|-------------|-------------|
| Violence against Journalists         | 02          | --          | 01          | 01          | 02          |
| Restriction on Freedom of Expression | 06          | 08          | 04          | 03          | 01          |

12. The Commission intervened in the above individual allegations. The Commission believes that violence against journalists impedes the freedom of the press and the freedom of expression. While the Commission recommends the concerned authorities take action against violence against journalists perpetrated by whomever it may be, it also notes that the government has pledged to amend the Digital Security Act 2018. It strongly urges the government to take immediate steps in this regard.

### **Human Trafficking**

13. The Commission is fully aware of the human trafficking scenario in Bangladesh. According to the Ministry of Home Affairs, the total number of cases of human trafficking pending before seven Anti-Human Trafficking Offence Tribunals is 5,781 (as of June 2022).<sup>2</sup> Individual complaints about Human Trafficking received and addressed by the Commission are as follows:

| <b>Types of Complaints Received</b> | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> |
|-------------------------------------|-------------|-------------|-------------|-------------|-------------|
| Human Trafficking                   | 02          | 03          | 01          | 05          | 03          |

14. In the Commission's view, mass awareness, strong family ties, and social resistance are crucial for preventing organised crimes like human trafficking. Especially, intensive surveillance by the administration and law enforcement agencies is needed to prevent drug and human trafficking. Furthermore, cases involving human trafficking need to be expeditiously disposed of. The Commission notes that the conviction rate in human trafficking cases is very low. For this reason, setting up sufficient numbers of courts/tribunals to handle human trafficking cases, proper implementation of the law, and capacity building of the judges, prosecutors and investigators are required.

<sup>2</sup> 'Victims of human trafficking deserve justice' (*The Daily Star* 28 November 2022), available at <<https://www.thedailystar.net/opinion/editorial/news/victims-human-trafficking-deserve-justice-3181611>> accessed 4 April 2023,

## **Access to Health Care**

15. The Commission observed that Bangladesh's decent healthcare system became utterly overburdened at the outbreak of COVID-19 causing massive challenges to healthcare access. Initially, many patients who tested COVID-19 positive could not be admitted to hospitals due to space and resource constraints. Hospitals had limited intensive care units (ICUs) required for emergency patients. In some cases, health services for patients not infected with COVID-19 needed to be restricted or curtailed. Moreover, this pandemic has severely affected Bangladesh's healthcare workers (HcWs), causing infections of around 7963 persons and the death of around 100 HcWs by October 2020. HcWs were required to work under pressure, and in some cases, they faced resource constraints. The main reasons were the low doctor-patient ratio (only 5.26 to 10,000), lack of testing facilities, overall logistical challenges, etc.

16. Despite constraints, the government undertook praiseworthy activities to alleviate these challenges. People got free vaccination at the initiative of the Government. The government had recruited around 9000 new doctors to combat the pandemic. The government also started to enhance ICUs and other facilities in hospitals. The Commission appreciates all of these endeavours of the government. The Commission recommends that the government continue its effort to improve the availability, affordability and quality of all types of healthcare services including mental health at the primary healthcare level and eliminate discrimination in access to healthcare services for all people.

## **Standard of Living**

17. The Commission has taken note of a survey conducted by the Bangladesh Institute of Development Studies (BIDS) that about 13% of people became unemployed during the COVID-19 pandemic. The Pandemic has adversely affected the income of working-class urban and rural people and consequently added 16.4 million new poor in Bangladesh. This study estimates that post-pandemic Bangladesh might witness an increase in poverty by 25.13%.<sup>3</sup> Bangladesh, like other countries, is also facing economic challenges in the post-pandemic global geopolitical context. Especially, prices of food and other daily necessities are soaring. It has particularly affected the underprivileged sections of people who have not yet financially recovered from the COVID-19 pandemic.

18. The government has taken several measures to extend social security safety nets to the underprivileged sections of people so as to allow them to maintain a minimum standard of living. For example, the Trading Corporation of Bangladesh (TCB) launched a subsidised food programme to enable poor and middle-income families to purchase food at subsidised prices from TCB lorries/trucks under the programme. The government has also undertaken programmes to provide cash assistance to poor and middle-income families. The scope and reach of such social security safety nets should be expanded and intensified until the national economy regains its pace at full throttle.

## **Housing**

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<sup>3</sup> '13pc People Lost Jobs due to Covid-19 Pandemic: BIDS Survey' (*The Daily Star* 25 June 2020), available at <<https://www.thedailystar.net/business/13pc-people-lost-jobs-in-bangladesh-due-covid-19-pandemic-1920309>> accessed 31 March 2023.

19. The Commission is highly appreciative of the *Asryan* project initiated by the Hon'ble Prime Minister Sheikh Hasina to implement the policy, "Not a single person will remain homeless or landless in Bangladesh". The project, by affording free housing, aims to bring the backward communities of the country into the mainstream. By the end of the 2021-2022 financial year, a total number of 183,003 houses had been provided for free to homeless families in Bangladesh through this project. The *Asryan* project is continuing.

20. On the other hand, the Commission observes that the COVID-19 pandemic has adversely affected housing rights, especially for those living in major cities. Most people living in the major cities of Bangladesh live in rented houses. They have to pay a good portion of their monthly income (40%-60%) as house rent. The COVID-19 pandemic has given rise to unprecedented job loss, cut-off salaries etc. In these circumstances, many renters could not pay the rent, which compelled them to be evicted.

21. The Commission recommends that the provision of free/ affordable social housing to disadvantaged and marginalized individuals and groups, including residents of informal settlements should continue. At the same time, the Commission also recommends improving living conditions and guaranteeing the security of tenure for residents of urban areas.

### **Right to Education**

22. The education sector was one of the most affected sectors in Bangladesh during the COVID-19 outbreak. The schools remained closed for 18 months. The government's efforts to leverage physical schooling by adopting digital platforms face notable challenges for various reasons. These include the lack of digital literacy for both teachers and students, lack of access to proper devices, lack of training in teaching methodology by using digital technology, inadequate internet speed and so on. The suspension of physical classes coupled with the financial crisis caused by the Covid-19 pandemic also created many social problems leading to the violation of other rights of the children. For example, many female children dropped out because of child marriage and many male children embraced the fate of child labourers. The incident of dropouts blurred Bangladesh's progress in the sector of female education in the last few decades. On the other hand, many non-government educational institutes faced financial distress and consequently, the teachers working at those institutes were adversely affected by the same. The prolonged suspension of the physical classes also deteriorated the mental health of both students and teachers.

23. The Commission recommends inclusive education for girls and children with disabilities, and ensuring consistency in the quality of education and school curricula across different types of educational institutions.

### **Climate Change**

24. Climate Change makes Bangladesh one of the most vulnerable countries in the world and adversely affects the protection of human rights. It poses a serious risk to the fundamental rights to life, health, food and an adequate standard of living of individuals. Bangladesh adopted an effective Climate Change Strategy and Action Plan in 2009, which is considered a blueprint for other climate-vulnerable nations. The Commission welcomes that the government has undertaken a series of proactive policies and investments that strengthen resilience against climate-related disasters, leveraging community-led action. The most notable policies include developing coastal embankment systems that protect over 6,000 km of vulnerable coastline and an early warning system for cyclones with more than 76,000

volunteers. Despite the positive measures taken by the government, the Commission is concerned about the adverse effects of climate change on the enjoyment of human rights.

25. The Commission recommends that the government continue to ensure effective and timely implementation of the Action Plan in line with Bangladesh Climate Change Trust Fund, in collaboration with the affected communities and stakeholders.

### **Violence against Women**

26. In order to address violence against women and children, the Commission conducted a ‘National Inquiry’ to identify its causes and find ways to eliminate them. The Inquiry, which was published in 2022, has identified causes of violence against women such as lack of women empowerment, economic independence, delay in disposal of criminal proceedings, gaps and lacuna in the existing laws, lack of sensitization of law enforcement agencies, low conviction rate, etc. To overcome this, the Inquiry recommends the adoption of comprehensive socio-legal programmes, amendment of the law, recruitment of more judges, speedy disposal of cases, enactment of a witness protection law, increasing efficiency of prosecution etc.

27. Individual complaints regarding violence against women received by the Commission during 2018-2022 are as follows:

| <b>Types of Complaints Received</b> | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> |
|-------------------------------------|-------------|-------------|-------------|-------------|-------------|
| Violence against Women              | 81          | 30          | 14          | 16          | 29          |

28. Although the number of complaints alleging violence against women received by the Commission decreased from 2018 to 2022, the actual number of incidents has been reported to have increased during the COVID-19 pandemic. Several empirical studies confirmed that forms of such violence include physical, financial, psychological, and sexual abuse. They also include dowry-related violence, forced child marriage, physical torture, verbal abuse, harassment, humiliation, etc. A survey conducted by a human rights organization shows that, among 38125 interviewees, 4,622 women were mentally tortured, 1,839 women were physically abused, and 203 were sexually abused.<sup>4</sup> By way of illustration, another NGO report shows that in January-September 2020, there were incidents of 975 rape, 43 death due to rape, 204 attempts to rape, and 12 rape-incited suicides.<sup>5</sup>

29. Taking into consideration the above context, the Commission strongly recommends the government strengthen the enforcement of legislation on sexual and gender-based

<sup>4</sup>See Manusher Jonno Foundation, Initiative of Manusher Jonno Foundation Survey Period; 2020. Violence against Women and Children: COVID 19 a Telephone Survey. June 2020, available at <<http://www.manusherjonno.org/wp-content/uploads/2020/03/Final-Report-of-Telephone-Survey-on-VAW-June-2020.pdf>> accessed 13 October 2020.

<sup>5</sup> ‘Violence against Women -Rape (Jan-Sep 2020) | Ain O Salish Kendra(ASK)’ (6 October 2020), available at<<https://www.askbd.org/ask/2020/10/06/violence-against-women-rape-jan-sep-2020/>> accessed 31 March 2023.



violence and bring perpetrators of such violence to justice. The Commission further recommends improvement of legal, physical and psychological support for victims of sexual and gender-based violence and an increase in the number of shelters.

### **Women’s Empowerment**

30. The Commission appreciates that Bangladesh ranks 1st in South Asia as per the Global Gender Gap Index of WEF for consecutive seven times, the last being in 2022. Nevertheless the Commission is aware of the fact that inequality between men and women in the workplace has been a challenge for Bangladesh. Adding to this problem, the COVID-19 pandemic intensified the existing inequalities and thus made women more vulnerable in places of work. Women working from home during this period were overburdened with the sudden increase in childcare responsibilities because of the shutdown of schools and other household chores. The boundary between home and work became blurred since their domestic roles were less defined. It compelled many women to take a career break, resign, or take part-time jobs, not invest time in career progression, etc., due to challenges regarding the work-family balance due to societal, cultural, family, and gender norms. A study shows that employers took advantage of lockdown and shutdown policies to terminate the employment of workers. Women workers in general, pregnant and older women in particular, were disproportionately targeted and were terminated without the compensation they were entitled to under the labour law of Bangladesh.<sup>6</sup> The lack of proper monitoring mechanisms under the existing laws accelerates the joblessness of women during the pandemic. Legal and institutional mechanisms would combat the challenges working women faced during COVID-19.

31. The Commission recommends that programmatic action be taken to raise awareness of gender equality in all spheres of life, public and private, as well as legal regime be strengthened to enable women to claim equal rights.

### **Violence against Children**

32. There are instances of incidents of violence against children, especially girl child every year. Violence against children includes rape, gang rape, attempt to rape, beating, sexual harassment, pornography, online sexual abuse, forced prostitution, etc.<sup>7</sup> Recently, many male children have also been reported to have become victims of rape at their educational institutions. The Commission has received a number of complaints relating to violence against children which are given below:

| <b>Types of Complaints Received</b> | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> |
|-------------------------------------|-------------|-------------|-------------|-------------|-------------|
| Violence against Children           | 40          | 07          | 04          | 01          | 00          |

<sup>6</sup> Muhammad Azizul Islam and others, ‘The Impact of Covid-19 on Women Workers in the Bangladesh Garment Industry Research Report’ (2022), available at <<https://media.business-humanrights.org/media/documents/Women-Bangladesh-garment-industry-report-final-smaller.pdf>> accessed 4 April 2023.

<sup>7</sup> ‘Status Report: Violence against Children in Bangladesh’ (Save the Children 2020), available at <<https://bangladesh.savethechildren.net/sites/bangladesh.savethechildren.net/files/library/VNR%20Status%20Report.pdf>> accessed 3 April 2023.

33. Bangladesh has re-enacted the Children Act in 2013, but it is yet to adopt the delegated legislation/ rules including the provisions related to juvenile justice. The Commission recommends that the government strengthen the enforcement of legislation on violence against children and bring perpetrators of such violence to justice.

### **Child Labour**

34. The Commission is concerned that despite remarkable progress made in eliminating child labour, still 1.70 million children are engaged as child labourers, of which 1.28 million children are engaged in the worst form of child labour (the Child Labour Survey 2013). Poverty and unemployment of the adult persons of a family have been identified as the main causes of child labour. Moreover, due to the dire impact of the COVID-19 pandemic on the economy, many children could be compelled to engage in child labour. Many of these children may be forced to engage in hazardous labour, which poses a serious threat to their health and safety. In order to eliminate all forms of child labour by 2025 – which is an SDG goal, the Commission, among others, emphasizes taking the following measures-

- Full implementation of the National Action Plan 2021-2025 immediately. The government is committed to eliminating all child labour by 2025 to implement the SDGs;
- The list of hazardous child labour needs to be updated;
- Institutional monitoring of child labourers engaged in informal sectors;
- Implementing child-oriented safety nets for marginalized families;

### **Child Marriage**

35. The COVID-19 pandemic affected people's earnings and pushed many into poverty. The closure of schools during the pandemic, isolation from friends and support networks, and the parents' loss of income contribute to the rise of child marriage. A study by an international NGO, BRAC, found that child marriage increased by at least 13% during the COVID-19 pandemic.<sup>8</sup> This is the highest rate of child marriage Bangladesh has witnessed in the last 25 years.<sup>9</sup> UNICEF report finds that the economic insecurity during the post-pandemic Bangladesh is also playing a pivotal role in the increase of child marriage because child marriage is being thought of as a way to relieve the financial burden on a family.<sup>10</sup>

36. Section 19 of the Child Marriage Restraint Act 2017, which provides for marriage on the grounds of 'the special circumstance of the minor', was incorporated despite strong objections from the Commission. Therefore, to ensure that section 19 is implemented most judiciously under the stringent legal procedure and the close supervision of a competent court, the Commission worked with the government to adopt Rule 17 of the Child Marriage Restraint Rules 2018.

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<sup>8</sup> 'Child Marriage up 13% during Covid-19 Pandemic in Bangladesh' (*Dhaka Tribune* 28 March 2021), available at <<https://archive.dhakatribune.com/bangladesh/law-rights/2021/03/28/child-marriage-up-13-during-covid-19-pandemic-in-bangladesh>> accessed 4 April 2023.

<sup>9</sup> Ibid.

<sup>10</sup> 10 Million Additional Girls at Risk of Child Marriage due to COVID-19 – UNICEF' ([www.unicef.org](http://www.unicef.org)), available at <<https://www.unicef.org/bangladesh/en/press-releases/10-million-additional-girls-risk-child-marriage-due-covid-19-unicef>> accessed 3 April 2023.

37. The Commission recommends that the government intensify its efforts to eradicate child marriage and bring those to justice who perform or facilitate child marriage. The Commission further recommends that victims of child marriage have access to effective legal remedies and all other forms of necessary support and protection. Finally, the government should continue its efforts to raise public awareness of the lifelong negative consequences of child marriage on girls and women.

### **Violence against Religious Minorities**

38. The Commission took note of incidents of violence at different scales against religious minorities in Bangladesh from 2018 to 2023. The primary victims were Hindus, Christians, Buddhists and Ahmadiyya community. The notable incidents of violence against religious minorities include the 2019 violence against Ahmadiyya in Panchagarh, the 2020 Bhola incident, the 2021 violence against Hindus in Rupsha (Khulna), the 2022 violence against Hindus in Sahapara (Norail), the 2022 violence in Majhipara, Peerganj, Rangpur, and 2023 violence against Ahmadiyya in Panchagarh.

39. Recently, it has been alleged that a few Muslim religious speakers spread hatred taking advantages of religious preaching exceeding the standard of freedom of speech. In 2019, the Ministry of Home Affairs issued a report containing six recommendations and identified fifteen Islamic scholars whose sermons allegedly encourage communalism, militancy, and intolerance against women's emancipation.<sup>11</sup> However, no follow-up was made public.

40. Individual complaints regarding violence against minorities received by the Commission during 2018-2022 are as follows:

| <b>Types of Complaints Received</b> | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> |
|-------------------------------------|-------------|-------------|-------------|-------------|-------------|
| Violence against Minorities         | 09          | 09          | 01          | 02          | 00          |

41. The Commission, either *suo motu* or on the basis of complaint investigated these incidents and makes the following recommendations to the government:

- Protecting the safety and security of persons belonging to minority religious groups and ensuring their ability to fully enjoy their freedom of religion and to worship without fear of attack;
- Establishing a Special Tribunal to ensure speedy trial of all the allegations of violence against minorities;
- Compensating the persons whose life and property have been affected due to communal riots;
- Initiating a departmental inquiry regarding the failure of intelligence and delay of deployment of adequate members of law enforcement agencies;

<sup>11</sup>15 Named for Fanning Communal Tension, Militancy thru Waz, The Daily Observer, 07 April 2019, available at <<https://www.observerbdt.com/news.php?id=192164>>accessed 4 April 2023.

- Improving the inter-agency relationships among district administration, police, RAB, BGB, intelligence, Ansar, Fire Service and Civil Defence, etc.

### **CHT Affairs**

42. As already mentioned earlier, the Commission, soon after its appointment, visited Khagrachari, Bandarban and Rangamati districts in the CHT from 16-19 January of 2023 intending to physically observe the human rights situation and find ways to solve problems there. In this course, the Commission visited several places, exchanged views with the local peoples and administrations, and held a public hearing. The Commission is of the view that despite the complex situation in the CHT districts, the ethnic communities and Bengalees want to live peacefully with human dignity. This can be achieved by concerted efforts from all concerned. For this reason, regular consultations should be held among the different stakeholders to minimise any differences and build mutual trust. The Commission notes that the land dispute problem is a perennial in the CHT which needs to be resolved immediately. Additionally, the Commission thinks that for full implementation of the CHT Accord, universal education should be ensured in the mother tongues of the hill population, economic and social rights should be ensured on an equal basis and all incidents of human rights violations in the CHT should be promptly investigated, published and acted upon.

### **Periodic Report to the CERD and Adoption of the Anti-discrimination Bill**

43. The Commission reminds that Bangladesh became a party to the International Convention on the Elimination of All Forms of Racial Discrimination by accession on 11 June 1979. The government did not submit any periodic report to the Committee on the Elimination of Racial Discrimination (CERD) after the year 2000.

44. While the drafting of a law safeguarding the rights and protection of transgender persons is underway, the Commission is concerned that the much-promised Anti-Discrimination law has not yet been passed. Individual complaints regarding discrimination on the grounds of being *Dalit, Harijan, Hijra* etc received and addressed by the Commission during 2018-2022 are as follows:

| <b>Types of Complaints Received</b>                                     | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> |
|---|-------------|-------------|-------------|-------------|-------------|
| Discrimination on the grounds of being <i>Dalit, Harijan, Hijra</i> etc | 03          | 02          | 00          | 05          | 04          |

45. In light of the foregoing, the Commission recommends the government:

- submit an updated periodic report to the Committee on the Elimination of Racial Discrimination;

- take measures to end the de facto caste systems i.e., *Dalit, Hijra*, and ensure that individuals from so-called lower casts have equal access to all rights guaranteed under international human rights law;
- protect the safety and security of persons belonging to religious minority groups and ensure their right to freedom of religion without any fear;
- constitution of a transgender welfare board in order for the protection of their human rights;
- facilitate the process of indicating in the national identity card the gender identity of transgender persons.

### **Rights of Persons with Disability (PWDs)**

46. The Commission welcomes accession to the Marrakesh Treaty (26 September 2022) which facilitates the production of specially adapted books for people with blindness or visual impairments. The Commission prepared an action plan in light of the Rights and Protection of Persons with Disabilities Act 2013 and sent recommendations to the government to adopt a national action plan for persons with disability. Then in 2019, the government adopted the National Action Plan for Persons with Disabilities.

47. Individual complaints regarding the rights of persons with disability received by the Commission during 2018-2022 are as follows:

| <b>Types of Complaints Received</b> | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> |
|-------------------------------------|-------------|-------------|-------------|-------------|-------------|
| Rights of Persons with Disabilities | 03          | 07          | 04          | 07          | 06          |

48. The Commission noted that the impact of the COVID-19 pandemic was particularly severe on disabled persons. The Commission has persuaded the government to enter into formal arrangements with other local and international stakeholders to alleviate the impact of the pandemic on disabled persons. The Commission has issued several recommendations to the government to improve disabled persons' access to a range of services such as healthcare, accessible information, the various needs of disabled children, and access to public places. In order to enable disabled persons to appear in public examinations, who are unable to write scripts without any external assistance, the Commission has recommended the adoption of unified, integrated guidelines on using scribes. The Commission is also collaborating with the government to improve digital accessibility and protect the rights of those with visual impairments.

### **Rights of the Migrant Workers**

49. Bangladesh is one of the major migrant worker-sending countries across the world and the foreign remittance sent by the migrant workers is the second largest source of foreign currency which played a significant role for the socio-economic development of the country. At present, 12 million Bangladeshi migrant workers are working in 174 countries in the

world and they sent remittances worth \$21.6 billion in 2022 contributing around 5.5% to the country's GDP.

50. Despite the efforts of the government to ensure safe, orderly and regular migration for workers, the Commission is concerned about the high migration cost, reported incidents of unemployment, denial of promised salary, poor living and working conditions faced by many Bangladeshi migrant workers. On the other hand, during the Covid-19 pandemic, many migrant workers were forced to return to Bangladesh and many of them could not succeed in returning to their workplaces.

51. The Commission recommends that the government negotiate with the destination countries to ensure the protection of Bangladeshi migrant workers (including the undocumented ones) such as salary, allowance, sick leave and job security as per the employment contract. The Commission further recommends strengthening the regulation of recruitment agencies, making easy access to consular and legal services for migrant workers, and reviewing regularly the existing bilateral agreements with the host countries to update the labour and social protection provided therein. The government should develop skilled workforces as per the demand of the overseas market and take initiative to send more skilled to the destination countries. Lastly, the government should ensure the proper reintegration of the returnee migrant workers.

### **Human Rights of Rohingya**

52. The Commission highly appreciates the continuing humanitarian efforts of the government dedicated to the displaced Rohingya population of Myanmar in Bangladesh. Despite its security, economic and environmental challenges, the government is trying its best to manage the Rohingya population in the refugee camps in cooperation with international partners. Since repatriation is considered the best solution to a refugee crisis, the government should ensure that the repatriation of the Rohingya should be done in a safe, voluntary and dignified manner. Furthermore, the relocation of the Rohingyas to *Bhasanchor* should be made on a voluntary basis. The Commission expects that the government will continue its humanitarian aid and action in keeping with Bangladesh's international legal obligations. The Commission expects that international community need to play more responsible and active role in solving the Rohingya crisis.

### **Way Ahead**

53. Since 2013, the government took part in the 2nd Cycle and the 3rd Cycle UPRs, as well as several treaty body considerations, including 03 initial state party reports on the ICCPR, the ICESCR, and the UNCAT. A good number of recommendations came from these reviews. The Commission thinks that there should have been more coordination among the different agencies and authorities of the government, which could expedite the implementation of these recommendations. Of course, the COVID-19 situation served as a huge impediment to the implementation of these recommendations. The Commission expects that despite this unfortunate setback as well as challenges posed by the global geopolitical crisis, the government will remain doubly committed to continuing its efforts to realise its international human rights obligations concerning the promotion and protection of human rights.