



National Human Rights Commission, Bangladesh Report to the UN Committee on Economic, Social and Cultural Rights

**February 2018
Dhaka, Bangladesh**

Introduction

1. The present report reviews Bangladesh's status of implementation of its commitments under the International Covenant on Economic, Social and Cultural Rights (ICESCR). Bangladesh's undertaking to implement its commitment under the Covenant stems from its voluntarily assumed obligations under the International Covenant on Economic, Social and Cultural Rights, 1966. The present report of the National Human Rights Commission, Bangladesh (NHRCB) to the UN Committee on Economic, Social and Cultural Rights reviews Bangladesh's status of implementation of its commitments under the International Covenant on Economic, Social and Cultural Rights (ICESCR) highlighting several important steps the Government of Bangladesh has taken towards progressive realization of rights under the Covenant. It then focuses on remaining challenges and concerns, and finally offers recommendations for action to be taken by the Government of Bangladesh in cooperation with civil society and the international community at large.
2. Per the Covenant, key features of article 2 (1) establish that the obligation undertaken by States Parties to the Covenant is programmatic and progressive. States Parties do not undertake to "respect" and "ensure" the rights contained in the Covenant from the moment of its entry into force (as do States Parties to the CPR Covenant). Rather, States undertake to "take steps" towards the progressive realisation of the rights.¹

Background: National Human Rights Commission, Bangladesh

3. The Commission was constituted by the enactment of the National Human Rights Commission Act (NHRC), 2009 in light of the 'Paris Principles' with the aim of strengthening, promoting and protection of human rights in Bangladesh. The Act mandates NHRCB to provide training to key stakeholders regarding protection of human rights and among other things to analyse treaties and other international instruments on human rights to make recommendations to the Government for their signature and ratification and on their effective implementation.² The NHRCB has adopted its 2nd five year Strategic Plan for 2016 – 2020³ that identifies priority areas including ensuring the right to improved access, particularly of disadvantaged and marginalized groups, to their economic, social and cultural rights. The NHRCB strategic plan also emphasizes the importance of building partnerships to raise awareness and promote human rights.

¹ The International Covenant on Economic, Social and Cultural Rights: A Study on Bangladesh Compliance, page 3, published by the National Human Rights Commission, Bangladesh: <http://nhrc.portal.gov.bd/sites/default/files/files/nhrc.portal.gov.bd>

² Section 12 of the National Human Rights Commission Act, 2009.

³ NHRCB Strategic Plan (2010-2015), published by NHRC (2011), p. 16 on violations of economic, social and cultural rights.

Legal Framework

4. The Constitution of the People's Republic of Bangladesh, is the supreme law of the country. Adopted in 1972 the Constitution is enshrined with dedicated chapters on Fundamental Rights⁴ and Fundamental Principles of the State Policy⁵. Modelled on the content of International Bill of Rights, Part II of the Constitution covers the economic, social and cultural rights and part III of the Constitution covers civil and political rights. According to Article 8(2) of the Constitution the rights in Part II of the Constitution is not automatically justiciable. However, the same Article states that the principles set out in this part shall be fundamental to the governance of Bangladesh. It shall be applied by the State in the making of laws, shall be a guide to the interpretation of the Constitution and other laws of the country and shall form the basis of the work of the State and its citizens. In addition, Article 15 of the Constitution emphasize the basic necessities of life to include food, clothing, shelter, education and medical care. Thus, the inclusion of economic, social and cultural rights in the Constitution as Fundamental Principles of the State Policy is very important. In addition. these principles will be the guidelines for the interpretation of fundamental rights enshrined in Part III of the Constitution which does not undermine economic, social and cultural rights in any way. Further Bangladesh also has many laws and policies directly and indirectly related to economic, social and cultural rights, which are discussed in detail in the below relevant sections.
5. The UN Committee on Economic, Social and Cultural Rights has emphasized the importance of judicial remedies for the protection of the rights recognized in the ICESCR. It considers that, in many cases, the other 'means used in the context of Article 2 (1) of the Covenant for realizing these rights could be rendered ineffective if they are not reinforced or complemented by judicial remedies'.⁶

Article 2 (1) of the ICESCR reads;

'Each State party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.'

The Appellate Division of the Supreme Court of Bangladesh stated in the landmark case **Kudrat-E-Elahi Panir & Ors vs. Bangladesh & Ors**⁷ that:

'They (ESC rights) are in the nature of people's program for socio-economic development of the country in peaceful manner, not overnight but gradually. Implementation of these programs requires resources, technical know-how and many other things including mass

⁴ Part III of the Constitution of the People's Republic of Bangladesh: on Fundamental Rights: http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367

⁵ Part III of the Constitution of the People's Republic of Bangladesh: on Fundamental Principles of State Policy: http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367

⁶ The International Covenant on Economic, Social and Cultural Rights: A Study on Bangladesh Compliance, page 3, published by the National Human Rights Commission, Bangladesh: <http://nhrc.portal.gov.bd/sites/default/files/files/nhrc.portal.gov.bd>

⁷ 1991, 20 CLC (HCD)

education. Whether all the prerequisites for a peaceful socio-economic revolution exist is for the state to decide’.

6. Bangladesh is a common law country and follows dualist principles⁸. Regardless of, its dualist nature the judiciary in Bangladesh cited international treaties and principles in some of its judgements. For example, the Appellate Division (AD) of Supreme Court of Bangladesh in the landmark decision, **Dr. Mohiuddin Farooque and another Vs. Bangladesh, 1997**⁹, found that the ‘right to healthy environment’ is included in ‘right to life’- a fundamental right ensured under Articles 31 and 32 of the Constitution. The court held that the Government was under a constitutional obligation to ensure that there was no violation of the fundamental rights of any persons. Art. 32 of the Constitution guaranteed a right to life. The expression ‘life’ did not mean merely an elementary life but also meant a qualitative life among others, free from environmental hazards. It was also one of the basic rights of the human being to live in a healthy atmosphere and constitutional remedy under Art. 102 would be available if this basic human right was threatened. The court was of the view that although various provisions had been enacted the Government had failed to execute and perform their duties to the letters of the law.
7. The High Court Division (HCD) of the Supreme Court of Bangladesh enforced ‘right to shelter and housing’ in **Ain o Shalish Kendra vs. Bangladesh (Slum case), 1999**¹⁰: The Court held that the State must ensure fundamental rights including life, respect for dignity and equal protection of the law and, further, that the State must direct its policy towards ensuring the provision of the basic necessities of life including shelter. According to the Court, this latter constitutional directive was not judicially enforceable but the right to life includes the right not to be deprived of a livelihood.
8. The ‘right to health and medical care’ was discussed in **Advocate Zulhasuddin vs. Bangladesh, 2010**¹¹ by making a ‘progressive interpretation’ of ‘right to life’. The judgement is a milestone where the Court held that the imposition of VAT on receipts of medical and dental treatment, pathological laboratory and diagnostics centre & fees of specialist’s doctor is ultra vires of right to life.
9. The Commission is of the view that the Sustainable Development Goals (SDGs) also provide an excellent platform to promote civil, political, economic, social and cultural rights. Launched with the objective of leaving no one behind, SDGs, from a human rights perspective, is a tool which bring core human rights under one umbrella. The country’s 7th five-year development plan (2016-20) reflects many of its policy directions are aligned with the 2030 Agenda for Sustainable Development.

⁸ Bangladesh is dualist country and needs domestic legislation to translate international obligations to the local context.

⁹ 50 DLR (HCD) (1998) 84

¹⁰ 19 BLD (1999) 488

¹¹ (2010) BLD 1

Part 1 - Articles 1 – 5 of the Covenant

Article 1: Right to self determination

Article 2: Progressive realization of ESC rights

Articles 2,3: Protection against Discrimination on the grounds of sex

Article 4: Extent of enjoyment of ESC Rights

10. The right of self-determination is not restricted to a political or civil right. It is equally important and is the gateway to economic, social and cultural rights. Per the Covenant it does not limit the right of self-determination to colonised or oppressed peoples but includes all peoples.
11. However, in its declarations made to the Covenant Government of Bangladesh states that; it is the understanding of the Government of the People's Republic of Bangladesh that the words "the right of self-determination of Peoples" appearing in this article apply in the historical context of colonial rule, administration, foreign domination, occupation and similar situations. Further the declaration referring to Articles 2 and 3 states that; the Government of the People's Republic of Bangladesh will implement Articles 2 and 3 in so far as they relate to equality between man and woman, in accordance with the relevant provisions of its Constitution and, in respect to certain aspects of economic rights viz. law of inheritance.
12. Women constitute half of the entire population in Bangladesh. The Constitution of the People's Republic of Bangladesh guarantees freedom from discrimination based on sex, but this guarantee extends only as far as the State and the public life. It does not apply to the private sphere, namely concerning matters related to marriage and family relations where women are denied both de jure and de facto equality by the personal laws which govern them. However, Article 28(4) of the Constitution emphasizes affirmative action towards the advancement of any backward section of citizens including the women and children. Further Article 19(3) of the Constitution emphasises equality of opportunity and participation of women in all spheres of life.
13. Party to CEDAW Bangladesh legal framework on VAW consist of several laws, policies and action plans including, Women and Children Repression Prevention Act 2000 (amended in 2003), Acid Crime Prevention Act 2002, Domestic Violence (Prevention and Protection) Act 2010 and Rules of Procedure 2013, Human Trafficking Deterrence and Prohibition Act 2012, Pornography Control Act 2012. In addition, the State has formulated National Plan of Action to Prevent Violence Against Women and Children 2013-2025 and National Plan for the National Women Development Policy in the recent past to address VAW across the country. The Commission lauds the government on its efforts to empower women in Bangladesh and encourages the government to withdraw the reservation to Articles 2 and 16(1)(c) of CEDAW. Article 2 sets forth all State Party obligations about

implementation of the Convention and Article 16(1)(c) guarantees that women enjoy the same rights and responsibilities during marriage and at its dissolution.

14. Prominent roles of women in the agricultural sector, garments and textiles industries, have contributed much to the economic development of the country. Bangladesh recognizes that empowerment of women is significant for the economic development and women's rights have been in the forefront debates. Despite improvement women are still not equal with their peers and it is an impediment in establishing the rights of women. They are still chained to poverty, unequal access to education, health care and a subject to discriminatory social and cultural norms. Despite laws and policies¹² aimed at women empowerment, violence against women persists as an endemic problem¹³ with an estimated 71.6 percent of married women reported to have experienced violence.¹⁴ Notwithstanding, the High Court directive specific legislation on sexual harassment is yet to be adopted¹⁵ and the Commission strongly advocates for same.
15. Child marriage is prevalent in poor communities in rural areas and urban slums. Girls as young as 12 years are given in marriage to avoid dowry¹⁶. UNICEF places child marriage in Bangladesh under the age of 15 at 18% and under the age of 18 at 52%¹⁷. The recently enacted CMRA¹⁸ has emphasized on the best interest of child and the Commission played a catalytic role to enact the law and advocate against marriage 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. This specific section was added despite strong objections from the Commission. Thus, the Commission is advocating to formulate Rules to ensure section 19 will be implemented under the close supervision of a competent court of law and the ultimate decision lies with the court.
16. Discriminatory laws and practices to a considerable extent govern and determine women's rights within the family. Religion-based personal laws discriminate against all women with respect to marriage, divorce, separation, maintenance, custody and guardianship and inheritance.¹⁹ For example, under Muslim law, women are entitled to dower, stipulated as a contractual term, but are rarely able to obtain settlements which reflect their actual contribution to a marriage. Registration of marriages, second marriages and divorces, while required under law are still not complied with in all cases. The law does not invalidate

¹² Party to CEDAW, the Bangladesh legal framework on VAW consist of several laws, policies and action plans including, Women and Children Repression Prevention Act 2000 (amended in 2003), Acid Crime Prevention Act 2002, Domestic Violence (Prevention and Protection) Act 2010 and Rules of Precedure 2013, Human Trafficking Deterrence and Prohibition Act 2012, Pornography Control Act 2012. In addition, the State has formulated National Plan of Action to Prevent Violence Against Women and Children 2013-2025 and National Plan for the National Women Development Policy in the recent part to address VAW across the country.

¹³ Human Rights Council *Report of the Special Rapporteur on violence against women, its causes and consequences* 23 May 2013.

¹⁴ See International Centre for Diarrhoeal Disease Research, Bangladesh *From Evidence to Policy: Addressing Gender-Based Violence against Women and Girls in Bangladesh* Dhaka, 2013. Almost two thirds (71.6%) of ever- married women experienced one or more forms of violence perpetrated by their husband at least once in their lifetime- Survey by BBS <http://www.bbs.gov.bd/publications/2014/03/08/22389> add title

¹⁵ <http://www.law.georgetown.edu/rossrights/chapters/BangladeshWomenLawyers.html>

¹⁶ Child Rights in Bangladesh, Mohajan, Haradhan (2014): Child Rights in Bangladesh. Published in: Journal of Social Welfare and Human Rights, Vol. 2, No. 1 (31. March 2014): pp. 207-238. <https://mpa.ub.unimuenchen.de/58424/>

¹⁷ Child Marriage Restraint Act 2017 to practise no restraint, February 28, 2017, Dhaka Tribune, <http://www.dhakatribune.com/bangladesh/law-rights/2017/02/28/child-marriage-restraint-act/>

¹⁸ Child Marriage Restraint Act No 6 of 2017

¹⁹ Faustina Pereira, *The Fractured Scales: The Search for a Uniform Family Code*, Stree, Calcutta, 2002.

unregistered marriages, but only imposes a minor financial penalty on the person responsible.²⁰ While men can divorce at will, women can only do so if they are delegated the right in their initial marriage contract. After the divorce, maintenance is only provided for 90 days from the date of official notice, or, if the wife is pregnant, until the birth of the child.

17. Hindu personal law in Bangladesh governs both Hindus and in some cases Buddhists. These laws deny women the right to divorce, even in cases of severe violence, and permit unlimited polygamy for men.²¹ The recent Hindu Marriage Registration Act 2012 remains optional, with even the minimal rights to separation being denied if a woman is found to be “unchaste”. With respect to succession, an unmarried daughter is excluded from any paternal property but may retain her *streedhon* property.
18. Under the Divorce Act, 1869 applicable to Christian women and those marrying under the Special Marriage Act, 1872(though not to Catholics), divorce is allowed on limited grounds with discriminatory conditions applied to women seeking divorce. Hence, while men may obtain a divorce simply by establishing adultery, women are required to prove adultery plus, they need to show an additional cause (such as conversion, bigamy, sodomy, bestiality, desertion or cruelty).
19. In 2013, the Government officially recognized Hijras (members of the third gender community), or transgender as a separate gender or the third sex. Measures was aimed at ending their discrimination in all spheres including education, health and housing.²² This is considered as milestone progress in the movement of recognizing them and to ensure their rights. The Election Commission of Bangladesh has amended the voter list to include the third gender in the voter’s list keeping their identity as Hijra²³. Hijra community is a very small portion of the total population of Bangladesh and are mostly discriminated in grounds of healthcare, inheritance (particularly when it involves land) and education.²⁴
20. The NHRCB notes with appreciation several initiatives²⁵ and affirmative action such as State funds allocated to uplift the plight of Dalit²⁶ community estimated to be 6.5 million in Bangladesh. However, per a research study²⁷ members of the Dalit community are faced with specific challenges which need close attention. Of the total responded 24% were totally illiterate, 37% able to sign their name, 61% girls and 89% boys marrying before

²⁰ Aruna Kashyap, *Will I get my dues before i die: Harm to Bangladeshi women from Bangladesh’s Discriminatory Laws on Marriage, Separation and Divorce*, Human Rights Watch, September 2012, at: <http://www.hrw.org/news/2012/09/16/bangladesh-discriminatory-family-laws-fuel-emale-poverty>

²¹ Shahnaz Huda, “Combating Gender Injustice: Hindu Law in Bangladesh”, SAILS, Dhaka, 2011 at: http://www.academia.edu/1586976/Combating_Gender_Injustice_-_Hindu_Law_in_Bangladesh_Dhaka_SAILS_2011

²² <http://www.msw.gov.bd/site/page/a3498c96-c94a-4fba-9518-13497bdfb46f/Transgender-People>

²³ <https://bdnews24.com/bangladesh/2018/01/13/election-commission-adds-hijra-gender-to-voter-list>

²⁴ <http://www.msw.gov.bd/site/page/a3498c96-c94a-4fba-9518-13497bdfb46f/Transgender-People>

²⁵ On January 26, 2014, the Bangladesh cabinet announced in its gazette that it has recognized the Hijra community of Bangladesh as a Hijra sex (Ministry of Social Welfare, Bangladesh Gazette, No. sokom/work-1sha/Hijra-15/2013-40.) Hijras and ethnic groups of Bangladesh are entitled to bank loans. The central bank issued a notice to all scheduled banks notifying them to take steps to bring these underprivileged sections within the SMEs. There are pilot programmes for livelihood development implemented by the Social Welfare Ministry for the third gender communities.

²⁶ Special quotas are allocated for Dalits quotas in universities -Extracted from a circular. from the Prime Minister’s Office dated 29 May 2012

²⁷ The Position of Women in Extreme Poor and Socially Excluded Dalit Communities of Bangladesh: A Sociological Study conducted by SHAREE

their legal age of 18 and 21 respectively. Informal dispute resolution system in Dalit communities were found to be heavily male dominant and have no room for female participation.

21. Despite the Vested Property Return Act being reviewed in 2013²⁸ the complexities negatively impacting on land rights of minorities still exists²⁹ and 70% of claims submitted by minorities are yet to be solved³⁰. Slow disposal of the cases, lack of accurate application of the law i.e. reluctance of officials concerned to conclude the mutation of the land and Assistant Commissioner - Land seeking directives from the higher authority whereas in the law there is no bar on mutation after the verdict of tribunal and appeal³¹, contributes to delays.
22. The National Human Rights Commission, Bangladesh observes that there are emerging grounds such as disabilities, sexual orientation, ethnicity, political or other opinion or status providing the basis for discrimination. With a view to address the emerging grounds as well as ensuing effective remedy by way of compensation or restitution for exiting grounds laid down in the Constitution the Commission, initiated the formulation of the draft law on Anti-Discrimination. It was done jointly with the Law Commission³² followed by a series of consultations conducted in collaboration with UNDP, Manusher Jonno Foundation, Bandhu Social Welfare Services and Nagorik Uddyog³³. The Commission recommends that the Anti-Discrimination Law should be enacted without any delay to address discrimination against marginalized excluded groups, minorities, Dalits and disadvantaged groups, including the gender dimensions of discrimination within these groups which will provide a mechanism for enforcement of civil & political rights and economic, social and cultural rights, i.e. education, medical & health services, equal opportunity to work and public service accessibility.
23. Recommendations;
 - ✓ Withdraw the reservation to Articles 2 and 16(1)(c) of CEDAW.
 - ✓ Further improve the environment to ensure basic necessities of life enshrined in Article 15(a) of the Constitution.
 - ✓ The Anti-discrimination draft law should be passed without further delay. This draft law if passed can provide for the protection of the economic, social and cultural rights of ethnic and religious minorities and excluded groups including Dalits will address direct and indirect discrimination in the public and private spheres.
 - ✓ The Ethnic Minorities Rights Act (2015) has been drafted by the Parliamentary Caucus on Indigenous People aiming to ensure economic, social, and cultural rights of the ethnic minorities of Bangladesh. The draft outlines the rights of the ethnic people on land,

²⁸ Circulars were issued in October 2013 and May 2014 directing all authorities to treat all "Kha" properties as any other normal property.

²⁹ Further, yet another circular was issued to dispose of the appeal of the land owners in April 2016.

³⁰ <http://www.dhakatribune.com/bangladesh/2016/06/21/panelists-70-cases-unresolved-despite-vested-properties-return-law/>

³¹ <http://www.daily-sun.com/arcprint/details/41880/Vested-Property-ReturnOwners-win-legal-battle-official-hurdles-remain/2015-05-05>

³² The Law Commission is a statutory body established under the Law Commission Act 1996 and mandated to review laws and draft laws

³³ Manusher Jonno Foundation, Bondhu and Nagorik Uddog are civil society organizations engaged in work related to Dalits, LGBT community and ethnic minorities

property, natural resource and customary rights, representation at the decision-making levels, language, education and cultural rights. This act should be passed without any further delay.

- ✓ In addition to the government gazette notification which declared the Hijras as the third gender in Bangladesh, formulate definitions of Hijras and ensure children identified as third gender enjoy their rights accordance with CRC. Further add the third gender as a category in the national census
- ✓ Ensure speedy disposal of Vested Property return cases
- ✓ Continue to take measures to address population growth enabling better enjoyment of economic and social rights among others.
- ✓ Continue to advance rights of women in areas linked with property right and private sphere to ensure the equality of women in matters of marriage, divorce, child custody and political empowerment.
- ✓ Affirmative action's such as State funds allocated to uplift the plight of Dalit and third gender communities should be extended to other socially excluded communities to ensure a culture of Human Rights in the country is instilled.
- ✓ Criminalize sexual harassment of women and girls in the public places, workplace and in school. Take initiative with the private sectors and schools to introduce mechanism to address sexual harassment.

Part 2 - Articles 6 – 8 of the Covenant

Article 6 Work as a right

Article 7 Just and favourable conditions for work

Article 8 Right to Trade Unions

24. The right to work recognizes work as an individual entitlement. Right to work means, the right to participate in the producing and servicing activities of human society and the right to participate in the benefits accrued through these joint activities to an extent that guarantees an adequate standard of living. The right to work thus ensures that nobody is excluded from the economic sphere³⁴.
25. The Constitution of Bangladesh in Article 20 (1) states that work is a right, a duty and a matter of honour for every citizen who is capable of working, and everyone shall be paid for his work on the basis of the principles “from each according to his abilities to each according to his work.”
26. Article 20 (2) states that the State shall endeavour to create conditions in which, as a general principle, persons shall not be able to enjoy unread incomes, and in which human labour in every form, intellectual and physical, shall become a fuller expression of creative endeavour and of the human personality. The right to work, that is the right to guaranteed employment at a reasonable wage having regard to the quantity and quality of works is

³⁴ The International Covenant on Economic, Social and Cultural Rights: A Study on Bangladesh Compliance, page 15, published by the National Human Rights Commission, Bangladesh: <http://nhrc.portal.gov.bd/sites/default/files/files/nhrc.portal.gov.bd>

provided under Article 15(b). However, Article 15 (d) of the constitution provides the right to social security for the unemployed persons as well as for disabled, widows, orphans, ill people, old aged person etc.

27. Bangladesh has a dedicated Ministry to handle labour matters. The objective of the Ministry of Labour & Employment is to alleviate poverty through creating employment opportunities for the poor, unemployed and unskilled labour force of the country. The legal framework governing the sector include, the Private Road Transport Labour Welfare Fund Act 2005, Labour Act 2006 (as amended 2013), Labour Welfare Foundation Act 2006, National Occupational Health and Safety Policy 2011, Child Labour Elimination Policy 2010 related to the Right to Work. Further, the Ministry, has thus far adopted a Domestic Workers Protection and Welfare Policy in January 2015 marks a paradigm shift, which provides a framework to ensure the protection and welfare of the domestic workers. According to ILO report titled World Employment and Social Outlook: Trends 2018 revealed 90% of jobs in Bangladesh are in informal sector. Thus, it is vital to ensure that the informal sector is regulated and rights of working community are upheld.
28. Despite many efforts to create a comprehensive legal and policy framework, implementation of these laws, policies and Rules remains a challenge. While appreciating ongoing efforts, the Commission would like to emphasize the need to translate laws and policies into actions. A well-grounded action plan with milestones and smart indicators must be in place to monitor progress made under these policies and laws.
29. The monthly income of the households increased to Tk 15,945 in 2016 from Tk 11,479 in 2010³⁵. Similarly, monthly household expenditure increased to 15,715 in 2016 from 11,200 in 2010 and there are variations in income between rural and urban areas of the country. Despite sustained economic growth over the last four decades, the issue of income inequality and poverty remains a major challenge in the country. OXFAM report titled 'Reward Work, Not Wealth' revealed that 1% of richest bagged 82% of wealth generated in last year. The report also found that a CEO from one of the world's top five global fashion brands has to work for just four days to earn what a garments worker in Bangladesh earns in his/her entire life. One of the key contributing factors to increasing income disparity include; wage inequality and non-adherence to minimum wages set for each sector. Thus, it is vital to review the minimum wages on a regular basis and ensure compliance.
30. Women in labour force increased from 9.8 million 2002/03 to 16.8 million in 2013.³⁶ The workforce 44% from agricultural sector, 36 % from services, 20 % from industries which contribute to the GDP respectively, 15%, 66.5% and 28.5%³⁷. While women's participation in the ready-made garments industry is significant and has contributed to their gaining a level of financial independence. However, discrepancies in other labour sectors remain

³⁵ Preliminary Report on Household Income & Expenditure Survey: page xvii, Published by: Bangladesh Bureau of Statistics (BBS):

<http://www.bbs.gov.bd/site/page/648dd9f5-067b-4bcc-ba38-45bfb9b12394/Income,-Expenditure-&-Poverty>

³⁶ http://www.worldbank.org/en/news/feature/2016/04/07/World_Bank_Group_s_New_Country_Partnership_Framework_helps_Bangladesh_Reach_Middle_Income_Country_Status

³⁷ http://www.worldbank.org/en/news/feature/2016/04/07/World_Bank_Group_s_New_Country_Partnership_Framework_helps_Bangladesh_Reach_Middle_Income_Country_Status

with women's work largely confined to lower-level jobs and their wages usually about half those of men in similar work.

31. Employers are still reported to avoid hiring women on the grounds that they may become pregnant. Sections 45 to 50 of the Labour Act ensure women workers in the formal sector receive maternity security and benefits. Keeping in mind the needs of mothers, the current government extended maternity leave for expecting mothers from four months to six months. However, gaps exist in the private sector and the commission recommends the government to take stronger measures to ensure compliance.
32. Women workers lack safety going to and from work, which acts as a deterrent for many. Sexual harassment also remains a major problem in the workplace. While Section 332 of the Labour Act begins to address such harassment, as does the High Court directive, the NHRCB believes there remains much to be done in terms of complying with both, specifically establishing workplace complaint mechanisms and a national monitoring framework.
33. Despite several initiatives by the Government and non-government actors, working women suffer due to lack of sufficient day care centres. Ministry of Women and Children Affairs (MOWCA) runs 43 day-care centres throughout the country with 24 located in Dhaka. There is no such facility still in 36 districts in the country.
34. In recent years, the Ready-Made Garments (RMG) sector has emerged as one of the biggest contributors of foreign currency in Bangladesh. The RMG sector has experienced an exponential growth since the 1980s and contributes significantly to the GDP of the country and is considered a critical engine of growth for the economy. The sector accounts for 81% of total export earnings of the country. Bangladesh is now the second biggest exporter of clothing after China. It also provides employment to around 4.0 million workers. Following, the Rana Plaza (RMG factory) tragedy which claimed the lives of more than 2000 workers, the government of Bangladesh took many initiatives to ensure better building regulations, enforcement of fire, health and safety regulations and improve overall working conditions for RMG workers. Despite efforts still concerns are highlighted by labour activist which needs to be addressed.
35. Party to the Convention on the Rights of Child and ILO Convention 182 Bangladesh is obligated and committed to eradicate child labour. The Labour Act 2006 has allowed engagement of children subject to ensuring the safety and security of children age between 14-18. The Government issued a regulatory order identifying 38 occupations considered hazardous for children aged 14-18. According to National Child labour survey 2013, there are 1.7 million child labourers in the country, which indicates that at least 1.7 million children are out of school. However, there is progress as the child labour Survey also found that child labour has reduced by about 50% during 2003 to 2013.
36. Following a writ petition Bangladesh National Women Lawyers Association (BNWLA) Vs The Cabinet Division (Writ Petition no 3598/2010) under article 102 of the Constitution, the plight of child domestic workers had been brought before the honourable

High Court and the court delivered the 10 directives to the government including for taking immediate steps to prohibit employment of children up to the age of 12 including employment in the domestic sector, particularly with the view to ensuring that children up to the age of 12 attend school and need to obtain the basic education. To eradicate child/forced labour particularly worst forms of child labour in Bangladesh the Commission has launched several stakeholder's consultations through its thematic committee on Child Rights. In collaboration with ILO the Commission has conducted several researches to review the existing laws and policies with the aim to reduce child labour.

37. Annually, many workers leave Bangladesh for overseas employment. International labour migration is an integral part of Bangladesh's economy and development since last three decades. An exclusive law governs matters related to migrant workers in the country. The Overseas Employment and Migrants (OEM) Act 2013, emphasizing in its preamble, that it is “expedient and necessary to promote opportunities for overseas employment and establish a safe and fair system of labour migration, to ensure rights and welfare of migrant workers and members of their families”. Per the International Labour Organization, this is the first-ever law on labour migration passed by the Parliament of Bangladesh and one that derives principles from the International Labour Standards and the UN Conventions and recommendations.
38. The Commission welcomes the adoption of Expatriates' Welfare and Overseas Employment Policy 2016; to ensure good governance and efficient administration relating to migrant workers' welfare. The policy takes a human-right based approach and follows the CMW. Further, the policy specifically focusses on safe migration of female workers³⁸. It provides for an increase of female staff at the labour wings³⁹ of foreign missions, provide training and capacity building for staff on protection and safety of female migrant workers, monitoring of workplaces and required legal, counselling, health and financial advice to the female migrant workers. The Commission is pleased to note progressive intentions and would urge authorities to implement these policy guidelines in its letter and spirit. Despite efforts, the Commission is concerned of migrant workers particularly women deprived of their basic rights in host countries, rising cost of migration and weaknesses in the system to hold fraudulent recruiting agents accountable. The Commission strongly advocates with the government to take measures to address these issues immediately.
39. The Commission notes the importance of effective implementation of the National Skills Development Policy⁴⁰, 2013. While appreciating key achievements under the policy the Commission would like to place emphasis on several gaps and challenges identified in a recent report⁴¹ related to this policy. As per the report better coordination among

³⁸ The policy identifies challenges for women migrant workers who take jobs in unregulated low-skilled sectors, such as domestic work etc. This should be addressed and diversified work should be identified for them. Further, the major challenge the female migrant workers face is lack of information relating to jobs and migration. The policy has proposed a set of guidelines for the improvement of the situation of the female migrant workers, amongst others, to adopt a plan of action through a participatory approach and for better improvement allocate more gender sensitive budget.

³⁹ Section 2.3.10: to increase financial and human resources leading to the establishment of 'Labour Welfare Resource Centre' and thus strengthening the roles and functions of the Labour Wings of the Foreign Missions abroad.

⁴⁰ The government in 2013 approved and adopted the National Skills Development Policy with the objective of improving employability of citizens locally and overseas.

⁴¹ National skills development in Bangladesh 2015, page 2 (http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-dhaka/documents/publication/wcms_445255.pdf)

institutions, gaps between the actual labour market and courses offered and inconsistent training quality need closer attention and the Commission would urge relevant authorities to take necessary action to address these gaps.

40. Recommendations:

- ✓ Full enforcement of existing labour law 2006 (amended 2013) towards achieving international labour standard with focus on health, safety, security, welfare and creating harassment and intimidation free working environments.
- ✓ Amend Labour law for inclusion of all categories of labours (informal) under the protection of law. Review sector wise labour wage standard with the objective of reducing income disparity. The Government should work together with the private sector to find mechanism to make the private sector accountable for their earnings and the standardized sector wise wages.
- ✓ Setting up national minimum compensation standards to ensure implementation of fair and transparent compensation processes.
- ✓ Protect labour rights of private sectors employees including professionals, engineers and others. In addition, a mechanism should be in place to address the issue relating to the bonds signed in the private sector jobs by the employees for years tantamounting to forced labour.
- ✓ Take measures to ensure that individuals from so-called lower castes are not relegated to caste based employment e.g. cleaning, and have equal opportunities to various employment both in public and private sectors with a reserved quota for them subject to fulfilling required criteria
- ✓ Ensure reserved quota for persons with disability in the public as well as private sectors for the persons with disabilities and skills development programmes should be introduced to benefit and create opportunities for the persons with disabilities.
- ✓ Ensure safe childcare facilities, in garment factories.
- ✓ Strengthen the implementation of labour laws by establishing labour inspections, including in the informal sector.
- ✓ Enforce the existing national legislation to eliminate child labour, including in the informal sector and family businesses, is in full compliance with international standards in terms of age, working hours, working conditions, education and health, and to ensure the full protection of children against all forms of sexual, physical and psychological harassment. Adopt programmes to reintegrate into mainstream education children who have been involved in labour.
- ✓ While strengthening the domestic polices it is also vital that the country remains aligned with international standards. Thus, it is the Commission's view that Bangladesh should consider ratifying the Domestic Workers Convention 2011 (No. 189).
- ✓ Enhance effectiveness of the Trade Union as the Trade Union Registration Process, has been simplified by the Government by virtue of the amendment of the Labour Act, 2006 in 2013.

Part 3 - Articles 9 -11

Article 9 Constitutional obligation for social security

Article 10 Recognition of Family in law

Article 11 Right to adequate standard of living

41. Provision of social security is embedded in the Article 15(d) of the Constitution. The Government has adopted the National Social Security Strategy in 2015 with the main vision of the Strategy to build social safety measures for all deserving citizens. Despite daunting challenges including climate change and natural and manmade disaster, Bangladesh has made remarkable progress in reducing poverty and advancing growth and development. Social safety nets have been a key component of resilience and transformation in Bangladesh. Evidence indicate that an extensive system of safety net programmes has virtually eliminated post-disaster secondary cycles of death and hunger. The National Human Rights Commission, Bangladesh appreciates the enactment of the Maintenance of Parents Act 2013 which reflects reinforcement of the family values and care for the family members by way of ensuring social security for the parents.
42. The present safety net programmes reflect the Government's response to support the poor and the vulnerable population. Household Income and Expenditure Surveys (HIES) show that the coverage of these programmes for the poor and vulnerable households has increased and they have helped lower poverty. The Commission recommends that the social safety net programme widen its scope and progressively implement social security programmes that would include employment policies and social insurance to address the emerging needs of a lower middle-income sectors in Bangladesh.
43. The Commission appreciates progress under these programmes and recommends that current efforts be expanded to include the excluded and very close coordination be maintained to avoid overlaps in project and programmes administered by as many as 23 ministries/divisions.
44. Bangladesh has made commendable progress in reducing poverty with national poverty headcount ratio declining from 56.7 per cent in 1991-92 to 31.5 per cent in 2010 and poverty declined from 31.5 percent in 2010 to 23.2 percent in April-June, 2016.⁴² The incidence of extreme poverty declined from 25 per cent in 2005 to 17.6 per cent in 2010 with 47 per cent decline in urban areas and 26 per cent in rural areas making extreme poverty largely a rural phenomenon. Eradication of extreme poverty remains a cardinal principle of the SFYP⁴³. However, Gini coefficient of 0.32⁴⁴ reflects high inequality

⁴² Bangladesh Development Update, The World Bank, 2017,

⁴³ Seventh Five Year Plan of the government

⁴⁴ Bangladesh Country Strategic Plan (2017–2020), WFP

leading to uneven social gains among wealth groups, and indicates the need to reduce inequalities through inclusive pro-poor growth, to which the Government is committed. The projected figures indicate that, the proportion of poor (people bellow upper poverty line) will reduce from 24.8% in 2015 to 18.0% in 2020 and the proportion of extreme poor (people bellow lower poverty line) will reduce from 12.9% in 2015 to 8.9% in 2020 while, the GDP growth will increase from 6.5% in 2015 to 8.0% in 2020. ⁴⁵

45. Poverty in Bangladesh is caused by multiple reasons. Low economic growth, disparities in distribution of income, unemployment, low level of human resources development, limited access to public services and disasters both manmade and natural. Poverty aggravates discrimination, particularly affecting the vulnerable groups including women, children, elderly and the disabled. Further, poverty acts as a barrier to realize and seek awareness on rights. Unfortunately, these circumstances not only affect individuals and their existence, it also traps their social structures in the vicious cycle of poverty with little opportunity to escape. Further, the patriarchal cultural practices in the country places women in both socially and economically vulnerable situations. They are not only isolated and neglected, but also deprived of their basic needs, exploited and repressed.⁴⁶ Thus, it is vital to ensure that projects designed to eradicate poverty consider views from women and other vulnerable population segments from the local communities. This must be done from the very inception to ensure efforts are tailor made to address grassroots problems. In addition, it is vital to include rights based awareness alongside programmes addressing poverty eradication.
46. Shelter is one of the very basic needs for human survival. It is more than a roof over one's head. It provides security, identity, a place to come back to, a place to call home and a place for family life. Shelter is a fundamental human right, vital to life, dignity and development of individuals and hence of the family, the society, the country and humankind at large.⁴⁷ The Government adopted a Policy on National Housing in 1993 but the rights of safe shelter are not ensured to every citizen of Bangladesh. Every year a considerable number of population are displaced due to natural disaster such as river erosion. The displaced rural people then migrate to urban area and take shelter in different slums specially in Dhaka city. In Dhaka alone, there are 4,000 informal settlements or slums home to 3.5 million people⁴⁸.
47. CESCR General Comment 4 emphasizes that, the right to adequate housing applies to everyone. While the reference to “himself and his family” reflects assumptions as to gender roles and economic activity patterns commonly accepted in 1966 when the Covenant was adopted, the phrase cannot be read today as implying any limitations upon the applicability of the right to individuals or to female-headed households or other such groups. Thus, the concept of “family” must be understood in a wide sense. In particular, enjoyment of this

⁴⁵ 7th Five Year Plan, Bangladesh

⁴⁶ Poverty and Human Rights in Bangladesh by DAVID BEGG 2010

⁴⁷ The International Covenant on Economic, Social and Cultural Rights: A Study on Bangladesh Compliance, page 5, published by the National Human Rights Commission, Bangladesh: <http://nhrc.portal.gov.bd/sites/default/files/files/nhrc.portal.gov.bd>

⁴⁸ <http://www.thedailystar.net/opinion/affordable-housing-urban-myth-or-reality-1476373>

right must, in accordance with article 2 (2) of the Covenant, should not be subject to any form of discrimination.⁴⁹

48. The Commission welcomes the commitment for ensuring housing for all by 2021 and implementing several projects across the country.⁵⁰ The government has started construction of 10,000 flats for slum-dwellers in 2017⁵¹. The Commission expects that the initiatives taken by the Government will contribute to addressing the housing problem for the slum-dwellers in the urban areas. The Commission also hope that these initiatives will also contribute to reductions in slum evictions.
49. The Commission welcomes the steps taken by the government to amend contradictory sections of the CHT Land Dispute Resolution Commission Act 2001, on 6 October 2016. The amendment is a positive step on the part of the government in implementing the CHT Accord. Following the amendment, the CHT Land Commission has started functioning. As of January 2017, a total of 22,866 applications have been received by the Land Commission. However, the office setup of the Commission is yet to be done according to its required capacity. While the head office has been established in Khagrachari, the government is yet to allocate adequate fund, approve adequate manpower and set up two sub-offices in Rangamati and Bandarban districts. The Commission advocates for the full implementation of the Peace Accord aiming to transfer identified service institutions to the Hill District Councils and guarantee that tribal communities play a significant role in CHT governance. To avoid any future crisis, trust between State and the tribal communities requires further strengthening.
50. The Food and Agricultural Organization (FAO) has developed a detailed guidance note which recommends that in order to ensure that the right to food is made justiciable in national law, State Parties to the ICESCR must adopt appropriate national legislation, conduct food assessments as well as develop training on, budgets for and monitoring of the food situation. Many countries around the globe have recognized the right to food through national legislation and some have included it in their Constitutions. Inserting the right to food in the Constitution as a fundamental legal right would make the right to food easier to implement by explicitly committing the State as a matter of constitutional legal obligation to ensure access to food on a permanent basis. The Constitution of Bangladesh recognizes the importance of availability, access, and adequacy of food as fundamental principles of State policy, but it has not endorsed the right to food specifically within the cadre of fundamental rights.
51. In addition to the Constitution, Bangladesh has several laws and policies on food security and safety. The Safe Food Act 2013 was enacted to ensure right to have safe food for protection of human life and health through control by coordination in food production, import, processing, storage, supply, sale and distribution⁵². However, the act does not provide for the right to food. Access to land and security of tenure are essential for the

⁴⁹ The International Covenant on Economic, Social and Cultural Rights: A Study on Bangladesh Compliance, page 5, published by the National Human Rights Commission, Bangladesh: <http://nhrc.portal.gov.bd/sites/default/files/files/nhrc.portal.gov.bd>

⁵⁰ <http://www.theguardianbd.com/nha-committed-to-solve-housing-problem-in-bangladesh/>

⁵¹ <http://www.dhakatribune.com/bangladesh/2017/10/26/pm-lays-foundation-first-ever-flat-construction-project-slum-dwellers/>

⁵² http://bdilaws.minlaw.gov.bd/bangla_pdf_part.php?act_name

enjoyment of the right to food⁵³. Bangladesh being an overly populated country the pressure on land is increasing. Use of land for industrial purposes, urbanization and large infrastructure projects have an impact on the ethnic minorities and small land owners in rural areas. The recent Rohingya influx has also negatively impacted on available land for agricultural purposes and destroyed massive areas of forest land. The Bangladesh Water Act 2013 could be cited as an example of positive step taken by the Government in vesting the right to dispose of natural resources and wealth on behalf of the peoples uses and interest. The Act provides for making policies, proper use of water, safe abstraction, proper distribution, proper protection, and proper conservation of water resources. The Commission recommends effective implementation of the Act.

52. The Commission also welcomes the passage of Groundwater Management in Agricultural Activities Act, 2018 aiming to reduce wastage of water and ensure well-planned use of groundwater and ensuring the best possible use of water and its management for continuing the trend of development in the agriculture sector. Since the enactment of the law Bangladesh has made significant progress in improving the water and sanitation situation. Access to improved drinking water sources is at 87 percent nationally, according to the WHO/UNICEF Joint Monitoring Programme.⁵⁴ Food security is a multi-sectoral issue. While the state is mainly responsible to ensure the full enjoyment of right to food, other stake holders; such as communities, non-governmental entities, private business and individuals themselves have the responsibility to support the realization of right to food. Thus, an integrated approach will be needed to bring all stake holders together and hold them accountable to ensure food security.

53. Recommendations:

- ✓ The Government to be very careful in land acquisition processes and ensure upholding of rights of the people particularly ethnic and religious minorities and due compensations to be awarded.
- ✓ Prior to evictions of slum dwellers due process should be followed and ensure rehabilitation or to be compensated adequately upholding their human rights and dignity.
- ✓ The government to ensure security of tenure and take measure to confer security of tenure to persons and communities lacking same with specific focus on disadvantage or ethnic groups.
- ✓ Avoid development of models which lead to evictions and disruptive shifts in land rights and encourage private sector, building developers to engage in social housing.
- ✓ Adopt an inclusive Social Security System in order to tackle and prevent poverty and inequality by efficient and effective use of resources, strengthened delivery systems and progress contributing to broader human development, employment and economic growth.
- ✓ Ensure food security for all, and take effective measures to prevent food adulteration by effective implementation of the Formalin Control Act, 2015 & the Food Safety Act 2013.

⁵³ Olivier De Schutter, 'The Right to Food', GA Res. A/66/281, 11 August 2010

⁵⁴ Extracted from the report: <http://www.thedailystar.net/towards-just-and-inclusive-society/safe-and-affordable-drinking-water-1367611>

- ✓ Expand the resources for family support, in particular, for single-parent families, and to allocate sufficient human, technical and financial resources for family support including safe child care facilities.

Part 4 - Articles 12 - 15

Article 12 Right to Health

Article 13 Right to Education

Article 15 Right to Culture

54. The Commission notes, as part of the ‘Health, Nutrition and Population Strategic Investment Plan (HNPSIP) 2016-21’ the Government of Bangladesh has introduced its fourth Health, Population and Nutrition Sector Program, covering the 5.5-year with an estimated cost of US\$14.8 billion. Per the government this is to ensure that all citizens of Bangladesh enjoy health and well-being by expanding access to quality and equitable healthcare.
55. Bangladesh has made significant progress in reducing child mortality; which is a proxy indication of improved access to rights to health and nutrition. Under-five mortality rate (per 1,000 live births) was 146 in 1990 and has persistently declined to 46 in 2014⁵⁵. Under-5 mortality is 9 percent higher in girls than boys (48 deaths and 44 deaths per 1,000 live births respectively). The infant mortality rate (per 1,000 live births) has also declined to 38 per 1,000 live births in 2014 from 92 in 1990 which is lower than that of India (52.7) and Pakistan (85.5).⁵⁶ Several reasons may be cited as reasons for this success; easy access to quality health services provided through 13,126 community clinics⁵⁷, health services at Upazila Health Complex (UFC) and establishing district hospitals. Further integration of sector-wide Health and Population Sector Programme (HPSP) has made a significant contribution to improve the health status of the people, particularly women, children and the poor by providing essential service packages (ESP). While appreciating, progress made, the Commissions find that success in reducing infant mortality is not evenly spread across different regions of the country. The division of Khulna still has a high infant mortality rate compared to the national average. Thus, moving forward closer attention will be needed to address specific circumstances affecting pockets of high infant mortality.
56. Maternal health is a key concern in Bangladesh. In South Asia, Bangladesh has the highest rate (35%) of adolescent pregnancy⁵⁸ and the use of skilled maternal health services is still low⁵⁹. Child marriages contributes to the high rates of pregnancies among adolescent girls in Bangladesh. Thus, it is vital to ensure the recently promulgated Child Marriage Restraint

⁵⁵Bangladesh Demographic and Health Survey (BDHS), 2014

⁵⁶ mdgs.un.org/unsd/mdg/

⁵⁷ The government of Bangladesh has launched 13,126 community clinics during the 6th FYP period, which is continued in the 7th FYP.

⁵⁸ National Institute of Population Research and Training (NIPORT), Mitra and Associates and II. Bangladesh Demographic and Health Survey 2014: Key Indicators. Dhaka, Bangladesh, and Rockville, Maryland, USA; 2015.

⁵⁹ WHO, UNICEF, UNFPA, Group WB, UNPD. Trends in Maternal Mortality: 1990 to 2015: estimates by WHO, UNICEF, UNFPA, World Bank Group and the United Nations Population Division. Organization. 2015; 1–38.

Act 2017, be implemented in its letter and spirit. A multi-pronged approach will be required to address child marriage. At policy level Rules under this Act must be devised in a manner to create a positive impact in the society. At the grass root levels, massive awareness campaigns must be launched to raise awareness among masses working towards eradicating child marriage.

57. The maternal mortality rate remains a challenge with 70% of pregnant mothers suffer from acute anaemia⁶⁰. It is estimated that about 16 women per 1 maternal death suffer from various diseases related to pregnancy and child birth e.g. Obstetric Fistula, Uterine Prolapse, anaemia, etc. The Government of Bangladesh has already set targets to reduce the mortality to 145 by 2015 and 63 by 2030⁶¹. To reduce the maternal mortality rate, the government has taken several initiatives, one of which is to provide 24/7 service for the pregnant women around the country. Further, the Family and Health Welfare Ministry plans to introduce 4,000 family welfare centres (FWC) to provide services round-the-clock⁶².
58. World Health Organization estimated 3.05 physicians and 1.07 nurses per 10,000 people respectively.⁶³ This is insufficient to meet the demand. The proportion of births attended by skilled health personnel has been increased from 5% in 1990 to 42.1% in 2014 (BDHS 2014). But the achievement still could not meet the target set at 50 percent by 2015. Efforts will be needed both in the short term and the long term to address these issues. In the short term a well-structured training for the mid wives to engage with satellite clinics, coupled with human rights education, emphasizing the importance of delivering quality services respecting the rights of the patient needs to be implemented across the country. In the long term, adequate measures will be needed to increase the number of physicians, nurses and other health care professionals.
59. Bangladesh also had pronounced reductions in birth rate (fertility) from about 7 children per woman in 1970, 2.4 in 2007, 2.24 in 2012 and 2.2 children per woman in 2017⁶⁴. The increasing trend of using contraceptive has made significant contribution to prevent unwanted pregnancies. The use of contraceptives among married women has risen from 40 percent in 1991 to 62.1 percent in 2015⁶⁵. The adolescent birth rate which is the age specific fertility rate for women aged 15 to 19 years has also declined from 79 per 1000 women in 1990 to 60 in 2013⁶⁶. The reduction of fertility rate not only contributed to the reduction of mortality, particularly maternal mortality but also slowing down the population growth in Bangladesh. The population growth is now 1.18⁶⁷.
60. The improvement of health services has also made significant contribution to improve life expectancy of the people in Bangladesh. Between 1990 and 2010, life expectancy rose by 10 years, from 59 to 69 years. The life expectancy rate of the people has been increased to

⁶⁰ <http://www.thedailystar.net/maternal-mortality-affects-development-of-a-country-44215>

⁶¹ <https://www.albd.org/index.php/en/resources/special-reports/1473-bangladesh-an-example-in-child-and-maternal-health>

⁶² *ibid*

⁶³ MDG Progress Report 2015

⁶⁴ <http://www.worldometers.info/world-population/bangladesh-population/>

⁶⁵ Sample Vital Registration System, Government of Bangladesh, 2015

⁶⁶ MDG Progress Report 2015

⁶⁷ *Ibid*

70.9 years in 2015⁶⁸ (BBS, June 2016) with 70.3 years for male and 70.9 for female⁶⁹. This said, further efforts will be needed to enhance available health services in the extremely poor pockets in the country. Health services must be made affordable and easily accessible.

61. The Commission notes with appreciation that efforts on immunization against six preventable diseases (tuberculosis; diphtheria, pertussis, and tetanus; polio; and measles) has continued unhindered. Overall, 78 percent of children age 12-23 months had received all the recommended vaccinations before their first birthday⁷⁰. Further efforts will be needed to reach universal coverage in the country and the services must be ensured to both children born from marriage and otherwise have access to these services.
62. Besides, the prevalence of HIV/AIDS incidence stands at 0.1 per cent which is far below epidemic level. Total 3,674 HIV positive cases have indented as of 2014 and among them 1,417 cases developed AIDS. 653 deaths have been recorded ⁷¹. The Commission notes with concern that patients suffering from HIV AIDS do not seek treatment due to stigma attached to it. The Commission recommends that specific efforts are needed to address this issue and a sensitization campaign to remove the stigma against the HIV patients is vital. In addition, the Commission is currently drafting a law on anti-discrimination and potential discriminations based on the ground of health including HIV patients have been addressed in this draft.
63. Bangladesh has made commendable progress in increasing equitable access to education, reducing dropouts, and implementing a number of quality enhancement measures in primary education. Bangladesh has already achieved gender parity in primary and secondary education at the national level. Currently more girls than boys are enrolled in primary and secondary education. The net enrolment ratio in primary education in 2014 was 97.7 percent rising from 60.5 percent in 1990 (girls 98.80%, boys 96.60%)⁷² and in 2016 was 97.96 percent (98.80 girls, 97.01 boy)⁷³. One of the key findings of a study is, in education, the gender parity is strongly tilted in favour of girls. Girls are participating more, and better, in primary education; for instance, more of them are reaching grade 5. While the positive gender parity index in primary education is evidence of successful efforts in this area, starting from age ten, the opportunity cost of sending girls (and boys) to school increases with their age.
64. It is not only poverty that plays a hand in gender inequalities but also the intricate connections of cultural and social influences and practices.⁷⁴ Despite Bangladesh has reported in achieving gender parity in primary and secondary school enrolment a study report finds: “The overall dropout rate for both boys and girls has decreased significantly

⁶⁸ BBS, June 2016: <http://www.bbs.gov.bd/site/page/>

⁶⁹ BBS, June 2016: <http://www.bbs.gov.bd/site/page/>

⁷⁰ Bangladesh Demographic and Health Survey (BDHS), 2014

⁷¹ National AIDS/STD Programme (NASP), 2014

⁷² General Economics Division (GED) Bangladesh Planning Commission Government of the People's Republic of Bangladesh, The Millennium Development Goals: Bangladesh Progress Report 2015, September 2015, page 35. at: http://www.plancomm.gov.bd/wp-content/uploads/2015/09/MDGs-Bangladesh-Progress-Report_-PDF_Final_September-2015.pdf

⁷³ http://dpe.portal.gov.bd/sites/default/files/files/dpe.portal.gov.bd/publications/b490814d_522e_4f81_b0a0_8f8727feab27/Final%20APSC%202016,%2029%20December%202016.pdf

⁷⁴ A Perspective of Gender Equality in Bangladesh, UNICEF Bangladesh, September 2011, Executive Summary, page 6, 7: https://www.unicef.org/bangladesh/knowledgecentre_7312.htm

over the time. From 2012 to 2015, the boys' dropout rate is higher than girls. In 2012, the girls and boys dropout rate was 24.20 percent and 28.30 percent and it reduced to 17 percent and 23.90 percent in 2015 respectively and in 2016 dropout rate has declined to 19.2% for both boys (22.3% and girls 16.1%)⁷⁵. There are few reasons for dropout from primary schools, of which 30 % girls were dropout because they could not afford and 43 % of boys who were dropout were not just interested. Further, net attendance for both boys and girls is still extremely low. In poorer areas, girls are more likely than boys to attend, due to the monthly governmental 100-taka stipend⁷⁶. In cities where education costs are much higher and girls have alternative employment opportunities in the garments industry or as domestic workers there is a much lower rate of school attendance.⁷⁷ High drop-outs contribute to low participation at the higher level of formal education; as a result only 25% of the total students at the tertiary level are women.⁷⁸ In 2005, out of a total of 20,757,774 students in 74 universities (both public and private) only 24 per cent were women, and out of 10,339 teachers only 17.7 per cent were women.⁷⁹

65. Article 23 of the Constitution provides that the State shall adopt measures to conserve the cultural traditions and heritage of the people, and so to foster and improve the national language, literature and the arts that all sections of the people are afforded the opportunity to contribute towards and to participate in the enrichment of the national culture. Bangladesh adopted a National Cultural Policy, 2006 for the safeguard and promotion of the national culture as well as the tangible and intangible cultural heritage of the country. Further, the Small Ethnic Groups Cultural Institutions Act 2010 has been enacted which provides for establishment cultural institutions to collect, preserve and research on history, social and cultural heritage including language, literature, song, dance, handicrafts, rituals & customs of the ethnic groups.
66. The culture of Bangladesh encompasses the cultural diversity of the several social groups of Bangladesh. It is viewed that the birth of Bangladesh was largely a result of the people's struggle to preserve their own cultural identity. It has been seen that the preserve of cultural heritage is done by way of institution building. Bangladesh has a full-fledged ministry under the name of Ministry of Cultural Affairs. The mission and vision of the ministry is to enhance and enrich nation's intellect through preservation, research, development and promotion of native culture, history, and heritage, spirit of liberation war and contemporary arts and literature. Several institutions including National Museum, Bangla Academy, Shilpokola Academy, Nazrul Institute have been established to collect, preserve and display the antiquities, works of art, ethnological specimens, relics connected with the liberation struggle of Bangladesh, products of intellectual activities, audio-visual documentary evidence, and such other objects and items related to the cultural and natural heritage of Bangladesh; to organise exhibitions, conferences, lectures, seminars and

⁷⁵http://dpe.portal.gov.bd/sites/default/files/files/dpe.portal.gov.bd/publications/b490814d_522e_4f81_b0a0_8f8727feab27/Final%20APSC%202016,%2029%20December%202016.pdf

⁷⁶ A Perspective of Gender Equality in Bangladesh, UNICEF Bangladesh, September 2011, page 28: https://www.unicef.org/bangladesh/knowledgecentre_7312.htm

⁷⁷ A Perspective of Gender Equality in Bangladesh, UNICEF Bangladesh, September 2011, Executive Summary, page 28: https://www.unicef.org/bangladesh/knowledgecentre_7312.htm

⁷⁸ Supra at 15

⁷⁹ *Ibid*

assemblies on the cultural and natural heritage of Bangladesh. Festivals and celebrations are an integral part of the culture of Bangladesh and secular festivals like Pohela Boishakh, Language Movement Day, Independence Day, Rabindra Jayanti, Nazrul Jayanti witness widespread celebrations irrespective of religious belief, thought and conscience and are national holidays in Bangladesh. These occasions are observed with public ceremonies, parades, rallies by citizens, political speeches, fairs, concerts, and various other public and private events, celebrating the history and traditions of Bangladesh.

67. Recommendations

- ✓ Ensure quality education, gender sensitization, human rights in mainstream education. And prevention of violence in education institutions.
- ✓ Expedite the process of enacting the integrated education law ensuring quality education.
- ✓ Continue to promote access to health facilities, paying closer to attention to making mental health, reproductive health, neonatal care facilities available to all including the sexual minorities.
- ✓ Ensure access to medical services for women - prevent exposure to unsafe and risky health services (sexual and reproductive health).
- ✓ Ensure access to health services for women, girls and sexual minorities living with HIV/AIDS.
- ✓ Continue to advocate to end the harmful practices of child marriages by addressing the root causes, raising awareness among parents, teachers, community and religious leaders about the negative effect of child marriage on the health and well-being of girl child.
- ✓ Social media / access to internet - exercise vigilance to avoid adverse impact on children/youth.

68. Conclusion

To achieve the exercise and enjoyment of economic, social and cultural rights, non-discrimination and equality are the fundamental components of international human rights law. The principles of non-discrimination and equality are recognised throughout the Covenant. In the Preamble it stresses the “equal and inalienable rights of all” and the Covenant expressly recognises the rights of “everyone” to the various Covenant rights such as, inter alia, the right to work, just and favourable conditions of work, trade union freedoms, social security, an adequate standard of living, health and education and participation in cultural life. The Covenant also explicitly mentions the principles of non-discrimination and equality with respect to some individual rights. Bangladesh has taken many steps to implement recommendations under its obligations falling within the ambit of ICESCR. Safety net programmes, declining poverty rates, recognition of third gender, steps taken to reduce child marriage and adoption of policies on informal labour sector are some examples. However, many challenges remain. Vulnerable groups suffer loss of land, the CHT Peace Accord needs full implementation and improvements are needed in health and education sector much needed. The Commission strongly believes to address gaps focused and collective approach is needed and reiterates its commitment to continue advocating for human rights for all everywhere equally