

Opening Statement by Hon'ble Foreign Minister at the 2nd Cycle Universal Periodic Review (UPR) of Bangladesh on 29 April 2013 at the Human Rights Council in Geneva

Mr. President,
Excellencies,
Ladies and Gentlemen,

We come here today with the heaviest of hearts at the national tragedy and loss of 377 valuable lives after the unfortunate collapse of a nine-storey building in the outskirts of our capital. We pray for the departed souls and early recovery of those injured. More than 2431 survivors have been rescued from the debris by our professional and voluntary rescuers. I start today's deliberations with the conviction that, as always, we would emerge stronger as a nation through this mournful, sad episode.

Mr. President,

In 2009, I concluded my UPR statement with the remarks, and I quote, "We have embarked on a path of inclusion. We shall be results-driven. Change will come!" Today, I reaffirm that change has indeed come to Bangladesh. As a nation, we have stayed on course along our aspired path of inclusion, pluralism and emancipation.

I also underlined at that time, "We believe that there cannot be a true people's Government not only unless conditions are created but also not until basic human rights are enjoyed by all our people". It was a matter of faith since I made those pronouncements within less than a month's time of the Grand Alliance Government led by Prime Minister Sheikh Hasina coming into office. Since then until now, we have devoted our energy to creating the right environment for the full enjoyment of all human rights by all our people.

And yet, we have a long way to go, given the enormity of challenges that we face in an environment of widespread poverty. In addition, many of our development gains tend to be reversed due to certain

inherent structural challenges, particularly our climate vulnerability, frequent natural disaster, population density and rapid urbanisation. We acknowledge that we have not been able to fulfill all our aspirations at a desired level and pace. Despite the underlying constraints, we remain committed as ever to deliver on the promise of change that we had made to our people four years earlier.

In order to deliver on the inviolability of the fundamental rights enshrined in our Constitution, we have focused on developing and strengthening the institutions that would safeguard these rights for our citizens. Since our last UPR, we have covered a long distance in building a robust normative and institutional framework that would allow human rights to flourish in every sphere of our democratic and secular polity.

Mr. President,

The birth of Bangladesh in 1971 led by the Father of our Nation Bangabandhu Sheikh Mujibur Rahman was premised on restituting certain fundamental rights to our people that were denied to them before independence. The Constitution of Bangladesh thus reaffirms all fundamental rights and freedoms as justiciable rights.

One of the major legislative and normative reforms since 2009 has been the 15th amendment to our Constitution, enacted on the basis of a Supreme Court verdict, restoring the Fundamental State Policies enshrined in our original Constitution. These policies laid the basis for building a democratic, pluralist, secular, and socially just and inclusive Bangladesh.

The 15th Amendment also paved the way for peaceful transfer of power between elected Governments. It is time that Bangladesh takes the critical step to allow national elections to be held under a strong, independent and effective Election Commission as is the norm of established Parliamentary Democracies around the world.

In the last four years, our Government has made multi-pronged efforts to further strengthen the National Election Commission by investing it with administrative and financial autonomy and severing any of its links with the Executive. The reconstituted Election Commission, have conducted more than 5,500 free, fair and impartial elections at different tiers of governance where around 65,000 people's representatives got elected. We look towards this Election Commission to hold an impartial and peaceful national election by the end of this year.

Mr. President,

In the last four years, the 9th Parliament has enacted an impressive 196 legislations, most of which have a human rights dimension one way or the other. The Parliament constituted 50 Parliamentary Standing Committees during its opening session and, for the first time in Bangladesh, appointed Opposition bench members as Chairpersons. These Committees have asserted their oversight functions over the Executive earning credibility as effective bipartisan watchdogs.

In 2009, I pledged that our Government would continue to do everything possible to further empower the Judiciary. We have ensured separation of the lower Judiciary from the Executive through the Code of Criminal Procedure (Amendment) Act, 2009. The 15th Amendment to the Constitution now obliges the President to consult the Chief Justice prior to the appointment of the Judges at the Supreme Court. Further judicial reforms for faster delivery of justice are underway.

During my last presentation, I had briefed you about a fledgling National Human Rights Commission which has by now turned into the primary institution to oversee the protection and promotion of human rights in Bangladesh. With an eminent Chairperson and a pluralist composition, the NHRC has been invested with enhanced human resources and functional independence and enjoys full investigative and litigation capacity.

The Anti-Corruption Commission (ACC) has never acted more independently and boldly, endeavoring to further enhance its capacity for inquiry, investigation and prosecution. The ACC has gained public confidence by summoning Ministers, MPs and senior public officials for investigation, and through the increased rate of conviction and punishment.

Our Government has also approved the first National Integrity Strategy last year for eliminating corruption in all spheres of our society through comprehensive action. In 2011, Bangladesh volunteered to be peer reviewed under the UNCAC.

The enactment of the Right to Information Act, 2009 and setting up of an independent Information Commission have also been a major institutional development during our time. The Commission has ensured disposal of all applications for information from public offices as well as complaints for non-compliance during 2011-12.

Mr. President,

As pledged in 2009, we worked towards transforming our law enforcement agencies into 'true friends' of the people. Today, we see a much greater confidence among our people in the law enforcement agencies. This has been reaffirmed by the way members of the public rushed to rescuing injured police personnel when they came under indiscriminate attacks during the recent political violence in the country.

As it happens everywhere else in the world, there can be cases of human rights violations by our law enforcement agencies. Our Government has, however, maintained an unequivocal stand on 'zero tolerance' to any form of human rights violation by them just as much we stand by 'zero tolerance' on their impunity. For instance, till date, legal and disciplinary measures have been taken against 1,678 personnel belonging to the Rapid Action Battalion (RAB).

We acknowledge that there are reported incidents of deaths during exchange of fires with criminals by our law enforcement agencies. We stand by our principled position that any incident of death or use of force on duty by the law enforcement agencies is duly investigated as per existing legal provisions and Codes of Conduct.

We find it to be a problematic suggestion that our law enforcement agencies have resorted to 'involuntary or enforced disappearance'. The police register incidences of 'kidnapping' or 'abduction' of citizens by criminals under our Penal Code. The figures are, however, much less compared to the global scenario according to the latest figures of 2012. *What has been a particular matter of concern for us is the rising trend of abductions under false personification of law enforcing agencies.* We remain on alert against this trend and have already apprehended more than 540 fake law enforcement personnel involved in abduction. On the other hand, RAB alone has so far rescued more than 800 abducted persons and arrested 1,431 abductors.

Mr. President,

I did express my commitment during our last UPR that our Government would remain steadfast in reversing the culture of impunity that had afflicted many aspects of our national life through accumulation over time. We knew that this would be an uphill struggle against time.

We have brought to conclusion the trial of the murder of the Father of the Nation Bangabandhu Sheikh Mujibur Rahman and 18 members of his family on 15 August 1975. The nation has been relieved of an ignominy and shame after 34 years when the self-proclaimed killers of the Father of the Nation were handed over justice for the atrocious crimes they had committed, thus ending the impunity they enjoyed under an infamous Indemnity Ordinance.

As we speak, we look forward to yet another brutal episode in our nation's history to be brought to closure through a verdict due

tomorrow on the killing of four national leaders in prison in November 1975.

One of our seminal electoral pledges was to initiate the trials of crimes against humanity and genocide perpetrated by the local collaborators and affiliates of the occupying forces during our War of Liberation in 1971. We received a huge endorsement to this commitment from the younger generation, most of whom had no direct experience of the war.

With this in mind, our Government set up a domestic Tribunal as per the International Crimes Tribunal Act, 1973 to try international crimes pursuing to the principle of complementarity under the ICC Statute. True to our commitment, we have made continued efforts to ensure fair trial and due process following international standards and for this adopted an enabling Rules of Procedure.

Mr. President,

One of the main priorities for our Government has been to consolidate the tradition of communal harmony and peaceful co-existence in a secular democratic society where people from all religions, faiths and beliefs would enjoy equal rights as citizens.

It is, however, unfortunate that our hard earned achievements in fostering a secular and inclusive society get disrupted time and again by certain vested quarters who find a soft target in our religious and ethnic minorities. Let me reaffirm that we would not countenance such threats and attacks against our minorities. The cowardly attacks that we have seen against the Buddhist community members in Ramu, Cox's Bazar or the recurrent violence against Hindu community members in certain pockets of the country have only redoubled our resolve to forge greater national unity and cohesion.

In order to drive home our message of inclusion, we are honoured to have in our delegation three distinguished personalities from the Buddhist, Hindu and ethnic Chakma communities. I would

particularly introduce the venerable Sreemath Satyapriyo Mahathero, who has been witness to the arson attacks in the historic Seema Bihar where he presides as Principal and has personally guided the reconstruction and rehabilitation work that has been spearheaded by the government in the aftermath of the attacks. We also have with us Adv. Rana Dasgupta, Secretary General of the Hindu Bouddho Christian Unity Council and Mr. Gyanandro Chakma, Trustee of the Buddhist Welfare Trust.

Mr. President,

The 15th amendment of the Constitution has granted for the first time Constitutional recognition to our 48 ethnic groups and tribal communities. We would like to ensure that they enjoy their full rights as citizens while preserving their own lifestyle and traditions. The enactment of Small Ethnic Group Cultural Institutions Act, 2010 has been a step in that direction.

Our Government demonstrated strong commitment to implementing the provision of the CHT Peace Accord concluded in 1997 during our previous term in office. This time we have already moved ahead with realizing certain critical issues within the Accord especially the transfer of two thirds of the departments out of the mandated 33 to the three Hill District Councils. The amendment to certain provisions of the CHT Land Commission Act, 2001 has reached the final stage in consultation with the CHT Regional Council and is expected to be placed before the Cabinet soon.

Mr. President,

Bangladesh today has earned for itself a distinct identity as a progressive nation owing to the brave and pragmatic policies for empowering its women. Women's visible presence in our political arena makes their voices more forceful everyday in policy making. Our women have emerged as an economic force to reckon with, whether as 25 million micro-entrepreneurs or as millions of RMG workers. Our girls outnumber our boys in schools and in most cases

outscore their male peers, contributing to our achieving MDG3. Their enhanced consciousness in child and maternal health promotion has helped us deliver MDG 4 and 5. We celebrate our women's achievements in contributing to the first all-female-police contingent to UN peacekeeping missions, their conquest of Mount Everest, their excellence as para-troopers in the armed forces or in the global IT industry, and their attainment of test cricket status.

And yet defying all our empowerment efforts, violence against our women continues. Our government has decided to combat this menace from the front by adopting a forward-looking National Women Development Policy and enacting a number of stringent laws including on domestic violence prevention, anti-trafficking and pornography control to give protection to women and provide support to victims. I personally believe that our empowered women will finally triumph over all other regressive forces at play.

Bangladesh's achievements in ensuring almost universal enrolment in schools, our universal immunization and oral rehydration campaign, and our success in significantly reducing child and infant mortality are often cited as role models for other comparable countries. For consolidating these gains, our development interventions for children now focus on increasing retention rates in schools and combating the scourge of malnutrition that is responsible for the stunted growth among children.

We have adopted a time bound Child Labour Elimination Policy, followed by a National Action Plan and identified 38 hazardous sectors where child labour would be phased out as a matter of priority. With a new, forward-looking National Education Policy and a National Children Policy in place, we are determined to win all our battles to protect our future, our children.

Mr. President,

With a view to addressing the rights of our workers in line with our election commitment, we have upgraded the National Labour Policy and have recently adopted in the Cabinet a number of amendments to the Labour Act of 2006. These amendments would make the trade union registration process easier and would ensure better workplace safety at the factory level. In 2010, Bangladesh became a Party to the Migrant Rights Convention. The rights of migrant workers continue to be central to our human rights concerns and we have adopted an Expatriates Welfare Act to promote their rights and well-being.

Mr. President,

We have further contributed to creating greater legal and social space for the vulnerable and marginalized groups in our society. To address the special needs of persons with disabilities, our Government has placed before the Parliament the draft Protection of Rights of Persons with Disabilities Act, 2012 which is expected to be adopted soon. Our Prime Minister's personal initiatives for the protection and care for children affected by Autism Spectrum Disorder and other Developmental Disorders have earned global acclaim and resulted in the adoption of the first ever UNGA Resolution on the subject last year.

Our Government has officially recognized the socio-economic discriminations faced by Dalits and other underprivileged groups and created provisions for their socio-economic development through affirmative action.

Despite our severe capacity constraints, Bangladesh continues to provide protection and assistance to the Rohingya Muslim refugees from Myanmar and prepare them for their voluntary repatriation to Myanmar as the preferred durable solution. We have made it clear that owing to our specific demographic, socio-economic and environmental challenges, we are constrained to accept any further influx of Rohingyas from Myanmar.

Mr. President,

The common thread that runs through my presentation so far is the development challenge posed by poverty to the full enjoyment of human rights by different groups of our people. Despite the significant achievements made poverty remains the overriding obstacle to the full enjoyment of human rights and also as both the cause and consequence of human rights violation. We therefore remain firmly committed to the Right to Development as an essential pre-condition for ensuring the human rights for our people. The blueprint of our national development framework, the 6th Five Year Plan for 2011-15, takes this as an underlying premise.

According to poverty head count ratio, 31.5 per cent of the population in Bangladesh lived below the poverty line in 2010. Poverty declined at a rate of 1.8 per cent annually between 2005 and 2010. At this rate our national poverty would stand at 22.5 per cent of the population by 2015, reaching the MDG target. One of the key challenges of our poverty reduction efforts is to reduce income inequalities and ensure social justice and equity.

As for food security, we have managed to triple our food production since our independence in 1971. We have reduced our import dependency for food-grains and have achieved near self-sufficiency in rice production. Diversity in food consumption pattern has led to considerable improvement in per capita daily calorie intake to 2,318 K.cal in 2010. Bangladesh's reduction of the hunger index in the last two decades has been the highest in South Asia.

In the area of public health, our Government has set up 13,000 community clinics to reach healthcare services to all our citizens. We have significantly reduced child mortality from 146 to 50 per-1,000 live births during 1990 - 2010 and received the MDG Award 2010 in recognition of this feat. Maternal mortality also declined from 322 to 194 per 1,00,000 live births, a 40% decline in 9 years.

Our Government has attached top priority to education with the highest allocation in the national budget. Primary education is compulsory and free for all children aged between 6 and 10. All children attending primary and secondary schools receive textbooks free of cost on the first day of the year in a festive atmosphere. Stipends are given to 7.8 million students in secondary schools, particularly to girls in the rural areas. The National Education Policy, 2010 has set the ground for far-reaching qualitative changes in the country's education sector. In line with our commitment to build a 'Digital Bangladesh', 3,047 ICT laboratories have been set up so far in educational institutions and local e-Service Centres across the country.

Mr. President,

Bangladesh remains one of the most vulnerable countries to climate change. Currently, Bangladesh loses 1.5% of its GDP due to increased frequency and intensity of climate induced natural disasters. Available estimates suggest that a 1 meter sea-level rise will inundate 15-20% of the coastal region of Bangladesh. This may result in displacement of about 30 million people by the mid-21st century and constitute a violation of their basic rights. In 2012, Bangladesh and the Philippines steered adoption of a resolution on 'Climate Change and Human Rights' at the Human Rights Council with a view to underlining the human rights dimension of climate justice and promoting better interface between climate change and human rights communities.

Mr. President,

Bangladesh takes pride in its vibrant civil society and community based organisations that play a critical role in complementing the government's socio-economic efforts and upholding fundamental rights. Our Government believes in preserving the space for NGOs to operate within their mandated areas of competence to fill the gaps where the Government's service delivery has not been able to effectively reach to our people. We maintain a healthy culture of

consultation with our civil society in national policy making efforts including in governance and development. Our UPR preparatory process is a classic example of that fruitful engagement.

Upholding the freedom of expression, we recognize the seminal role played by the print, electronic and online media in expanding the space for citizens' participation in democratic and development debates. We have issued license to an unprecedented 29() private TV and radio channels during this period. In ensuring full freedom of media we have done away with certain legal provisions that created hindrance to the free exercise of the journalistic vocation. We maintain an uncompromising stance on intimidation, harassment, violence or assault against media personnel by any quarter and would ensure that perpetrators are brought to justice.

We also continue to promote human rights education and awareness nationally to progressively ingrain a culture of human rights in all spheres of our society. As pledged during our 1st UPR, we have broadened our engagement with the Human Rights Special Procedures, and will continue to do so in the days to come.

Mr. President,
Distinguished delegates,

I acknowledge that these opening remarks are not exhaustive and may not have covered all the issues of your interest. In our National Report, we have made an effort to inform you about the follow up on most of the 42 Recommendations we had received during our 1st UPR. In my presentation here I have also tried to touch upon some of the advance questions we had received from the Czech Republic, Germany, Ireland, Liechtenstein, Mexico, Montenegro, Netherlands, Norway, Spain and the UK and we thank them once again for their engagement. I look forward to responding to your other questions during our subsequent interventions.

In general, I have made an effort to impress upon you our Government's unrelenting commitment to further protect and promote the fundamental rights of our people and the forward-looking initiatives that we have taken so far to live up to our commitment. We have also acknowledged our challenges and the work that remains to be done, and accordingly made pledges for the future. We believe that during the last four years, our Government has laid the groundwork for change that would enable our nation to take off to the next stage of development and emancipation. This critical transition year with national elections down the line will indeed determine the course for Bangladesh to forge ahead into the future, and test in many ways our strength as a nation to uphold a secular, inclusive and progressive society. We look forward to the continued support and cooperation of our friends in the international community towards that end.

I thank you.

Concluding Remarks:

We engage with the Human Rights Council and its mechanism with utmost seriousness. We believe that UPR is one of the most effective mechanisms of the Human Rights Council that can positively impact on the human rights situation on the ground. I am pleased to say that we have used this exercise as a platform for constructive engagement and consultations with our National Human Rights Commission, Human Rights NGOs, civil society and media. We highly appreciate the engagement of our NHRC, civil society and NGOs, some of whom are present in this room. I would like to recognize, in particular, the presence of our NHRC Chairman and Full Member and their contributions at different stages of our preparatory process. We appreciate their work and stress the need for continuing with our dialogue and cooperation even if we may not agree with them on all issues.

I take this opportunity to thank the States that participated in the interactive dialogue. We are grateful to our Troika members for their cooperation and guidance. I would like to particularly thank you Mr. President for your impeccable time management. I also thank the Secretariat and above all the interpreters without whom this interactive dialogue would not have been possible.