

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report

Universal Periodic Review: 3rd Cycle, 30th Session

BANGLADESH

I. BACKGROUND INFORMATION

Bangladesh is not a State party to the *1951 Convention relating the Status of Refugees* and its *1967 Protocol* (jointly referred to as the *1951 Convention*), the *1954 Convention relating to the Status of Stateless Persons* (the *1954 Convention*), nor the *1961 Convention on the Reduction of Statelessness* (the *1961 Convention*). In the absence of a national asylum mechanism, the 1946 *Foreigner's Act* remains the key legislation governing the status of refugees and other persons under UNHCR's mandate.

The latest estimate¹ of the number of Rohingya who have arrived in Bangladesh since violence erupted in Myanmar's Rakhine State on 25 August 2017 has crossed the half million mark, at 501,000, making it the fastest growing refugee crisis of recent years. The massive influx of people seeking safety has been outpacing capacities to respond. Despite having found refuge in Bangladesh, the emergency is characterized by enormous and acute humanitarian needs in a country that is already hosting an estimated 350,000 Rohingya refugees coping with pressing needs and challenges of its own.²

The new arrivals, made up predominantly of women and children, are scattered in different locations in south-eastern Bangladesh. More than 40,000 of them are estimated to have sought shelter in the existing camps of Kutupalong and Nayapara which are now completely saturated, while others are putting down in so-called makeshift sites and local villages. There is acute congestion all round, very serious protection problems are evident and basic services – including water, health and, particularly, shelter and sanitation – are badly outstripped. As Bangladesh shoulders the full extent of this refugee crisis, UNHCR commends Bangladesh for its continuing efforts and calls on all countries in the region to show solidarity and do their part in keeping their borders open and protecting refugees who are fleeing discrimination, persecution and violence in Myanmar.

There have been a number of developments with regard to the protection environment of refugees since Bangladesh's 2nd Universal Periodic Review (UPR) in 2012. For instance, UNHCR has been allowed to provide Grade 6 and 7 non-formal education classes for refugee children in official registered camps, and Government's concurrence to significantly expand the self-reliance opportunities for adolescent girls and women in line with UNHCR's policy of enhancing women's empowerment. However, lack of durable solution prospects remain a key

¹ As of 28 September 2017.

² Bangladesh has historically faced large influxes of Rohingya refugees from Myanmar. During the 1991 influx, approximately 280,000 of Rohingya refugees were sheltered in 20 refugee camps within Cox's Bazar district. Repatriation was subsequently organized through bilateral arrangement between the Government of Myanmar and Bangladesh. By 2005, approximately 236,000 Rohingya refugees had been repatriated. As of 31 May 2017, 33,348 Rohingya refugees (15,675 men, 17,673 were women and 17,324 individuals (52 per cent) being under the age of 18) remained in the two official refugee camps (Kutupalong and Nayapara) in Cox's Bazar district.

concern. Political developments in Myanmar since the 2015 general election had initially raised some hope on Bangladesh side for an eventual solution to the protracted refugee situation. However the ongoing violence in Rakhine State has created further challenges to realising durable solutions.

Bangladesh is also host to 76 refugees of various nationalities who were recognised by UNHCR under its mandate, in the absence of a national asylum mechanism to determine refugee status. These refugees do not live in camps and are generally self-reliant.

Although Bangladesh has not yet acceded to the *1954 Convention* nor to the *1961 Convention* and despite the absence of a national legal framework for the identification and protection of stateless persons, the Government has taken measures to prevent and reduce statelessness in the past. UNHCR is also aware that the Government of Bangladesh is considering the reform of its *Citizenship Law*, noting that the amended law may nonetheless contain insufficient safeguards to prevent statelessness and facilitate its reduction.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Linked to 2nd cycle UPR recommendation no. 129.156: “Adopt measures to guarantee the rights of the Rohingya refugees who are in Bangladesh, applying the principle of non-refoulement and allowing NGOs to carry out their work regarding refugees (Spain)”; **no. 129.157:** “Promptly take effective measures to ensure the protection of refugees as well as the respect for their human rights, and provide the UNHCR and other relevant humanitarian actors with access to the sites where large numbers of Rohingya refugees are located (Canada)”; **and no. 130.27:** “Respect, protect and fulfil the human rights of stateless Rohingya persons, prioritize improving the situation of the Rohingya refugees, finalize its refugee policy and take measures to reinstate the resettlement programme (Czech Republic)”.

In September 2013, the Government of Bangladesh adopted its first *National Strategy on Myanmar Refugees and Undocumented Myanmar Nationals*. The document for the first time acknowledges the presence of an estimated 300,000-500,000 “Undocumented Myanmar Nationals” within Bangladesh territory and recognizes their humanitarian needs alongside the existing group of already recognized Myanmar refugees.

In order to meet the humanitarian needs of the undocumented Myanmar nationals, limited services (health, sanitation, shelter and education) were rolled out in Cox’s Bazar in a smaller scale. The *National Strategy on Myanmar Refugees and Undocumented Myanmar Nationals* also allows certain humanitarian actors, including from the UN country team, to implement their strategies for the Myanmar Refugees. In 2016, the Government also conducted a “census” whereby undocumented Myanmar nationals were listed and provided with documentation called “Information Cards” which can be used as a protection tool enabling access to the formal justice system.

Linked to 2nd cycle UPR recommendation no. 129.95: “Strengthen measures in order to ensure that all children have a valid birth certificate [...] (Uruguay)”.

In 2014 following advocacy by UNHCR, the Government agreed to register the births of all refugee children born in the official camps in the Bangladesh Civil Registry via its online birth registration system. The birth registration of new-borns in the online system started on 9 March 2015. This also includes the registration of backlog cases, i.e. refugees born in the official camps since 1992. So far more than 6,000 refugees residing in camps have benefited from the online birth registration system.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Challenges linked to outstanding 2nd cycle UPR recommendations

Issue 1: Implementing a national asylum mechanism

Linked to 2nd cycle UPR recommendation no. 129.3: “Consider ratifying the conventions on refugees and stateless persons and passing national legislation on refugees and stateless persons (Sierra Leone)”; **and no. 129.155: “Respect all provisions of the Convention relating to the Status of Refugees, including the principle of non-refoulement for all persons standing at the Bangladesh borders, whose life would be threatened (France)”**.

Despite not being party to the *1951 Convention*, Bangladesh has been hosting hundreds of thousands of Myanmar refugees over last three decades and has, in general, respected the principle of *non-refoulement*. However, the lack of a national asylum mechanism, including specific legislation to address refugee issues, has a negative impact on the protection environment of refugees in the country. As the 2013 *National Strategy on Myanmar Refugees and Undocumented Myanmar Nationals* is limited to Myanmar refugees only, there is no institutionalised approach for addressing the protection needs of asylum-seekers and refugees from other nationalities. For example, Syrian cases approaching Dhaka International Airport in 2016 were not allowed to enter and were sent back based on purely immigration rules.

Recommendations:

UNHCR recommends that the Government of Bangladesh:

- (a) Accede to the *1951 Convention*;
- (b) Develop a national asylum mechanism, and enact national refugee legislation, which would ensure unhindered access of persons in need of international protection to the territory of Bangladesh and full compliance with the principle of *non-refoulement*.

Issue 2: Gender-based violence and trafficking in persons

Linked to 2nd cycle UPR recommendation no. 129.10. “Ensure that all acts of violence against women and girls are criminalized, that perpetrators are prosecuted and punished, and that victims of violence have access to immediate measures of protection, reparations and social reintegration (Uruguay)”.

UNHCR is concerned about the deteriorating gender-based violence situation with respect to the women and girls from the unregistered Myanmar Rohingya population. Domestic violence, rape, forced prostitution, trafficking and child marriages are all daily concerns. One of the key causes contributing to this worsening situation is the Government restriction on inter marriages between locals and Rohingyas resulting into marriages without legal documentation. This has increased polygamy, abandonment of Rohingya spouses along with the children with no marital liabilities, such as alimentation, dower or any other legal entitlement following a dissolved marriage. Moreover, while there is a decrease in the use of the sea-route by human traffickers since 2015, trafficking via the internal land route to India and the Middle East is still at the same height. Furthermore, due to a lack of legal status, the unregistered Rohingya are considered to be irregular immigrants. Consequently, they fear arrest under the *Foreigner’s Act* of 1946 which bars foreign victims from accessing legal remedies, enabling perpetrators to continue their crimes against this population without being prosecuted.

Recommendation:

UNHCR recommends that the Government of Bangladesh:

- (a) Ensure that all refugee and stateless women and girls, including those belonging to ethnic minorities, have effective access to justice without being threatened with arrest, by amending the 1946 *Foreigners Act*.
- (b) Address the root causes of trafficking and exploitation of prostitution by regularizing the status of unregistered Rohingya, in particular of women and girls.

Additional protection concerns

Issue 3: Risk of statelessness for children born out of mixed marriages

The 2009 amendment to the *1951 Citizenship Act* provided that anyone born in Bangladesh to either a Bangladeshi mother or father will acquire Bangladeshi nationality. However, this amendment is not retroactive, meaning that children born to a Bangladeshi mother prior to 31 December 2008 are not entitled to Bangladeshi citizenship. In particular when the father is stateless, this increases the risk of the child becoming stateless as well. Furthermore, UNHCR is aware of children born to one Bangladeshi parent and one Rohingya parent who are not recognized as Bangladesh citizens, despite the enactment of the 2009 amendment.

Recommendation:

UNHCR recommends that the Government of Bangladesh:

- (a) Ensure the effective implementation of its current nationality legislation so children born to one Bangladesh and one Rohingya parent, who are entitled to Bangladeshi nationality can effectively acquire it.
- (b) Amend the *1951 Citizenship Act* to allow children born to Bangladeshi mothers before 31 December 2008 to acquire Bangladeshi citizenship.

Issue 4: Review the draft Citizenship Bill and accede to the 1954 and 1961 Conventions

According to Refugee and Migratory Movements Research Unit (RMMRU)³, many of the *2016 draft Citizenship Bill* provisions are contrary to the country's Constitution and in breach of international treaties to which Bangladesh is a Party. If passed in its current form, the draft Bill would create a risk of statelessness for several categories of people including, among others, persons living in enclaves in Bangladesh who have not yet been registered as citizens and children born abroad to Bangladeshi parents whose births are not registered in time.

In addition, the draft Bill does not contain protections against statelessness consistent with international standards. As stated above, Bangladesh is not a State Party to the *1954* or *1961 Conventions*. The *1961 Convention* establishes an international framework to ensure the right of every person to a nationality by establishing safeguards to prevent statelessness at birth and later in life. This treaty is therefore complementary to standards contained in other human rights treaties that address the right to a nationality. The *1954 Convention* encourages the assimilation and naturalisation of stateless persons and contains measures to protect stateless persons. An increase in the number of State parties to these Conventions is essential to strengthening efforts to prevent and reduce statelessness and ensuring full enjoyment of rights.

Recommendation:

UNHCR recommends that the Government of Bangladesh:

- (a) Review the *2016 draft Citizenship Bill* to ensure that its provisions are consistent with international standards and Bangladesh's obligations in international human rights law,

³ Refugee and Migratory Movements Research Unit, (2017), 'Draft Citizenship Bill, 2016: The Need for a Thorough Revision', Policy Brief 21, April 2017, available at: <https://www.dropbox.com/s/6kopua78zvvrbn4/Policy%20Brief%2021.pdf?dl=0>

- in respect of the prevention and reduction of statelessness and to realise the right to a nationality; and,
- (b) Accede to the *1954 Convention* and the *1961 Convention* and incorporate their provisions into its domestic legal framework.

UNHCR
October 2017

ANNEX

Excerpts of relevant Recommendations from the 2nd cycle Universal Periodic Review, Concluding Observations from UN Treaty Bodies and Recommendations of Special Procedures mandate holders

BANGLADESH

We would like to bring your attention to the following excerpts from the 2nd cycle UPR recommendations, UN Treaty Monitoring Bodies' Concluding Observations, and recommendations from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to Bangladesh.

I. Universal Periodic Review (Second Cycle – 2013)

Recommendation ⁴	Recommending State/s	Position ⁵
Refugees, asylum-seekers and IDPs		
129.2. Consider acceding to CPED and OP-CAT (Peru); Consider the possibility of ratifying CPED, the 1951 Convention relating to the Status of Refugees and its Protocol, and OP-CAT	Argentina	Supported
129.3. Consider ratifying the conventions on refugees and stateless persons and passing national legislation on refugees and stateless persons	Sierra Leone	Supported
129.155. Respect all provisions of the Convention relating to the Status of Refugees, including the principle of non-refoulement for all persons standing at the Bangladesh borders, whose life would be threatened	France	Supported
129.156. Adopt measures to guarantee the rights of the Rohingya refugees who are in Bangladesh, applying the principle of non-refoulement and allowing NGOs to carry out their work regarding refugees	Spain	Supported
129.157. Promptly take effective measures to ensure the protection of refugees as well as the respect for their human rights, and provide the UNHCR and other relevant humanitarian actors with access to the sites where large numbers of Rohingya refugees are located	Canada	Supported
129.158. Continue with measures to improve the situation of asylum seekers and refugees	Argentina	Supported
130.7. Ratify the 1951 refugee convention and its 1967 protocol, the 1954 and 1961 conventions on statelessness and OP-CAT	Austria	Noted ⁶
130.23. Continue improving the conditions of children, women, Dalits, indigenous people, refugees and migrants taking into	Holy See	Supported ⁷

⁴ All recommendations made to Bangladesh during its 2nd cycle UPR can be found in: "Report of the Working Group on the Universal Periodic Review of Bangladesh" (8 July 2013), A/HRC/24/12, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/BDIndex.aspx>.

⁵ Bangladesh's views and replies can be found in: *Addendum* (23 July 2013), A/HRC/24/12/Add.1, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/BDIndex.aspx>.

⁶ **Addendum:** "Even though Bangladesh is not a Party to the 1951 Convention on the Status of Refugees and its 1967 Protocol and the 1961 Convention on the Reduction of Statelessness, Bangladesh has always adhered to the core principles of the international protection regime, including the principle of non-refoulement. Bangladesh continues to host Myanmar refugees in one of the most protracted refugee situations in the world and continue to work with UNHCR and partners to upgrade protection and assistance for the refugees. The issue of considering ratification to the concerned Conventions needs to be considered in view of the realities on the ground as well as the overall regional context."

⁷ **Addendum:** "These recommendations enjoy the support of Bangladesh in part where they are in consonance with national policies and laws. The Constitution of Bangladesh guarantees equal rights and freedoms for all citizens, and gives accent on ameliorating the conditions of the vulnerable groups. The Government has made

account the special situation and difficulties that those groups have to overcome		
130.27. Respect, protect and fulfil the human rights of stateless Rohingya persons, prioritize improving the situation of the Rohingya refugees, finalize its refugee policy and take measures to reinstate the resettlement programme	Czech Republic	Noted ⁸
Trafficking in persons		
129.12. Continue its measures aimed at the elimination of human trafficking, people smuggling and other related crimes, including a comprehensive ant trafficking legislation titled Human Trafficking Deterrence and Suppression Act, 2012, and the National Plan of Action 2012-2014 to combat human trafficking	Azerbaijan	Supported
129.13. Intensify its efforts to combat and eliminate human trafficking	Nigeria	Supported
129.14. Make every effort to put an end to the cases of kidnapping of citizens, trafficking in persons, human smuggling, and similar offences	Chad	Supported
129.16. Take institutional building measure and effective awareness raising to combat trafficking in persons	Bahrain	Supported
129.17. Take effective measures both in terms of institutional building and raising awareness to combat trafficking in persons	Afghanistan	Supported
129.18. Combat the sale and trafficking in children and strengthen partnerships with all stakeholders so as to provide child victims with recovery and social reintegration services and programmes	Kyrgyzstan	Supported
129.19. Combat the sale and trafficking in children more effectively and strengthen partnerships with all stakeholders in order to provide child victims with recovery and social reintegration services and programmes	Republic of Moldova	Supported
129.20. With support from the UNODC and other relevant international organizations continues to strengthen its capacity to combat human trafficking and provide support for the victims of trafficking	Singapore	Supported
129.37. Continue with its successful policies to prevent trafficking in persons, especially women and girls	Venezuela	Supported
129.52. Continue to enhance its efforts to counter trafficking in persons, including to consider the possibility of inviting the Special Rapporteur on trafficking in persons, especially in women and children	Belarus	Supported
Groups with specific needs		
129.24. Consider the possibility of enacting laws for the protection of the most vulnerable groups from social discrimination	Ecuador	Supported
129.41. Continue to give particular attention to empowerment of women, children, and other vulnerable groups of the populations in the on-going and future agenda of the government	Cambodia	Supported

sustained efforts to ensure protection of religious, ethnic and linguistic minorities and other marginalized groups in the country. The Government has taken initiatives to protect various disadvantaged groups from discrimination and stigmatization. These groups have been included in the social safety net programmes and free housing schemes for vulnerable groups. Some of them have been provided with reserved quotas for their employment in the public sector and in educational institutions. An Anti-Discrimination Law is in the offing, which will criminalize any legal or social discrimination against these vulnerable groups and provide them with higher protection. As per the Constitution of Bangladesh, there are no 'indigenous minorities' or 'group' in Bangladesh. All citizens of the country are indigenous to the land."

⁸ **Addendum:** "Bangladesh has always extended protection and assistance to refugees from the Muslim minority population in the Rakhine State in Myanmar, in conformity with the international protection regime and in full respect for their human rights. The overall situation of these refugees is continuously being improved with support from UNHCR and other partners. The Government maintains its position that durable solutions need to be found for the entire refugee population in a comprehensive manner, and that partial and selective resettlement would not be the effective and viable answer to this protracted refugee situation."

129.61. Continue with the necessary attention to the empowerment of women and children care and other vulnerable groups of the population	Sudan	Supported
129.116. Take additional measures to enhance its social security network and to share with countries living in similar conditions its best practices aiming at improving the conditions of the social vulnerable groups in the country	United Arab Emirates	Supported
129.117. Provide more resources for the enjoyment of social and economic rights of vulnerable groups like women, children, persons with disabilities and minorities	Viet Nam	Supported
129.152. Continue working to provide State care to vulnerable and minority groups in the country, to ensure they are fully integrated into society	Nicaragua	Supported
130.23. Continue improving the conditions of children, women, Dalits, indigenous people, refugees and migrants taking into account the special situation and difficulties that those groups have to overcome	Holy See	Supported ⁹
130.24. Develop and implement appropriate, efficient measures to protect indigenous women and children from all kinds of violence and discrimination	Slovakia	Supported
129.147. Attach great importance to the promotion and protection of the rights of the person of disabilities, and put more efforts in the area of health care, particularly the health of children	Oman	Supported
129.142. Enact the Integrated Education Act, so as to ensure children's rights to education by way of a coordinated legal framework, prescribing – inter alia – the extension of the compulsory primary school at least to 13 years age	Italy	Supported
129.131. Widen access to free primary health services and strengthen preventive measures on HIV/AIDS transmission to children	Thailand	Supported
129.117. Provide more resources for the enjoyment of social and economic rights of vulnerable groups like women, children, persons with disabilities and minorities	Viet Nam	Supported
129.95. Strengthen measures in order to ensure that all children have a valid birth certificate and deploy additional and more coordinated efforts to protect children from early and forced marriages	Uruguay	Supported
129.90. Take active steps to effectively reduce the incidence of early forced marriage, including through the thorough implementation of existing laws such as the Child Marriage Restraint Act, the Dowry Prohibition Act and the Prevention of Women and Children Repression Act	Canada	Supported
129.66. Continue its work in defence of the rights of women, by promoting action to empower women; Take further measures aiming at women's empowerment ; Continue in giving particular attention to the empowerment of women and children	Bolivia, Romania, State of Palestine	Supported
129.65. Take further steps to promote and protect the rights of children and women	Afghanistan	Supported
129.61. Continue with the necessary attention to the empowerment of women and children care and other vulnerable groups of the population	Sudan	Supported
129.60. Continue efforts for the empowerment of women, children and the underprivileged sections of the society	Nepal	Supported
Sexual and gender-based violence		
129.88. Reinforce efforts in the fight for elimination of all forms of violence and discrimination against women and children	Senegal	Supported

⁹ See supra note 4.

129.8. Further criminalize violence against women and girls, prosecute perpetrators and adopt legislation on sexual harassment	Republic of Moldova	Supported
129.10. Ensure that all acts of violence against women and girls are criminalized, that perpetrators are prosecuted and punished, and that victims of violence have access to immediate measures of protection, reparations and social reintegration	Uruguay	Supported
129.11. Continue and step up its efforts to address cases of violence against women, particularly by providing legal, medical, rehabilitation and counselling help to the victims	Indonesia	Supported
129.38. Increase efforts to put the Domestic Violence Act into practice through public policies	Brazil	Supported
129.69. Take all possible measures to address violence against women and girls	Republic of Korea	Supported
129.70. Ensure that all forms of violence against women and girls, including domestic violence and all forms of sexual abuse, are criminalized	Finland	Supported
129.87. Take more concrete action to hold accountable those responsible of violence against women and remove obstacles faced by victims	Japan	Supported
129.92. Prevent violence against women by proper enforcement of laws and ensure prosecution and punishment of the real offenders through proper investigation and judicial process	Pakistan	Supported
129.89. Continue strengthening the effective application of laws to prevent, protect and criminalize domestic violence	Spain	Supported
Migrants		
129.154. Continue its efforts to reduce migration cost and provide greater skills development to aspiring migrant workers	Philippines	Supported
130.10. Consider withdrawing its reservations on Articles 76 and 77 of the International Convention on the Protection of the Rights of the All Migrant Workers and Their Families	Philippines	Noted ¹⁰

II. Treaty Bodies

Committee on the Rights of the Child

Concluding observations, (30 October 2015) [CRC/C/BGD/CO/5](#)

Non-discrimination

24. While noting the State party's efforts to combat discrimination, the Committee reiterates its previous concern that discrimination against certain groups of children, particularly girls, children with disabilities, children of ethnic and religious minorities, in particular Dalit and indigenous children, children living in rural areas, refugee and asylum-seeking children and children in street situations still exists in practice (see CRC/C/BGD/CO/4, para. 32).

25. The Committee reiterates its previous recommendation (ibid., para. 33) and urges the State party to adopt a comprehensive strategy to eliminate de facto discrimination against all groups of children in marginalized and disadvantaged situations and ensure the implementation of all legal provisions in full compliance with article 2 of the Convention.

Respect for the views of the child

32. While noting the positive steps taken by the State party to implement the principle of respect for the views of the child, such as the Children's Opinion Poll: Children's Views and

¹⁰ Addendum: "Bangladesh does not have any Reservation to the International Convention on the Protection of the Rights of All Migrant Workers and their Families."

Expectations from Political Aspirants and Leaders in Bangladesh initiative of 2013, the Committee remains concerned about the lack of information regarding the practical implementation of the right of the child to express his or her views in judicial and administrative proceedings and to participate in the preparation and implementation of policies and programmes affecting him or her. The Committee is further concerned that the persistence of such practices may impede the consideration of the views of child within the family and alternative care settings.

33. In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

[...]

- (b) **Guarantee that children and young people are actively consulted and involved in the preparation and implementation of laws, policies and programmes affecting them, and pay particular attention to the active involvement of children in vulnerable situations, including children with disabilities, minority children, refugee children, and children in street situations;**

[...]

Education, including vocational training and guidance

66. The Committee welcomes the adoption of the National Education Policy in 2010. However, it is concerned about:

- (a) The limited implementation of the policy due to the lack of adequate resources;
- (b) The quality of education, in particular in madrasas, not being up to national standards;
- (c) The lack of access to education for refugee children;
- (d) The low level of stipends provided by the State party to children;
- (e) The persistent dropout rate due to fees and other costs, such as for books and uniforms, to violence and harassment on the way to and from and at school, and to the lack of sanitation facilities that are separate for girls and boys and accessible for children with disabilities.

67. Building on its previous recommendations (see CRC/C/BGD/CO/4, para. 75) and in the light of its general comment No. 1 (2001) on the aims of education, the Committee urges the State party to:

- (a) **Increase the State budget dedicated to education and the implementation of the National Education Policy;**
- (b) **Ensure that education is available to all children in the State party, including asylum-seeking and refugee children;**
- (c) **Address the barriers faced by out-of-school children, particularly the direct and indirect costs of education, violence, in particular against girls, harmful traditional practices and negative attitudes towards children in vulnerable situations, including children with disabilities, children in street situations, refugee children and children belonging to minority groups;**

[...]

Asylum-seeking, refugee and unaccompanied children

70. The Committee welcomes the adoption in 2013 of a national strategy on Myanmar refugees and undocumented Myanmar nationals, which acknowledges for the first time that undocumented Rohingya from northern Rakhine State in Myanmar who are currently in Bangladesh, many of whom are children, have fled persecution and need humanitarian assistance. However, despite the decision to provide birth certificates to children born inside two refugee camps in the State party, the Committee is concerned that refugee children born outside the camps do not have birth certificates and have limited access to basic services, education and recreation. It is also concerned at reports that Rohingya asylum-seeking children from Myanmar and their families are routinely detained because of illegal entry into the State party.

71. In line with its general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin, the Committee recommends that the State party:

- (a) Provide birth registration and access to basic rights, such as to health and education, for all undocumented Rohingya children and their families on the State party's territory, irrespective of their legal status;**
- (b) Release asylum-seeking and refugee children held in detention centres and enable them to access the Office of the United Nations High Commissioner for Refugees;**
- (c) Ensure that unaccompanied, separated, refugee and asylum-seeking children are not detained because of illegal entry or stay in the State party;**
- (d) Grant unaccompanied, separated, refugee and asylum-seeking children the right to seek asylum and to stay in the State party until the completion of asylum procedures;**
- (e) Consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.**

Birth registration

34. While noting with appreciation the amendment to the Birth and Death Registration Act, which provides for the establishment of the Office of the Registrar General, the Committee is concerned that this permanent structure is not yet functional. It also remains concerned that despite the introduction of an online birth registration system the registration rate in 2013 remained at 37 per cent for children under the age of 5, and at less than 2 per cent for the registration of children within 45 days from birth as required by the law.

35. The Committee urges the State party to:

- (a) Expedite the operation of the Office of the Registrar General, in order to guarantee birth registration and the prompt issuance of birth certificates;**
- (b) Take all measures necessary to increase the birth registration rate, including by establishing mobile registration offices, in particular in rural areas, and undertaking a campaign aimed at registering all children who have not yet been registered and who do not have birth certificates;**
- (c) Promote awareness of the importance of birth registration among parents and relevant authorities through regular mass campaigns and provide information on the procedures for birth registration and the rights and entitlements deriving from such registration.**

Abuse and neglect

40. The Committee notes the establishment of a child helpline in 2011 to respond to the emergency needs of child victims of abuse and neglect. Nevertheless, it remains concerned at the reports of violence and abuse, including sexual abuse and neglect, of children in the State party in public and private institutions, the family, alternative care institutions, schools and the community, and that in many cases such abuse remains underreported. The Committee is also concerned at the lack of information on the number of cases of abuse and neglect of children that have been investigated and that have led to prosecutions.

41. The Committee urges the State party to take firm measures to tackle abuse and neglect of children effectively and to:

- (a) Accelerate the nationwide extension of the child helpline through the provision of sufficient human, technical and financial resources;**
- (b) Eliminate cultural taboos discouraging complaints of violence, abuse and neglect and adopt a comprehensive strategy to inform the general public about the inadmissibility of violence and abuse in any context;**

- (c) **Develop teaching materials on the subject, train teachers accordingly and ensure that children are trained from an early age on the inadmissibility of violence and abuse;**
- (d) **Establish an independent mechanism to which children can address complaints about all forms of violence, abuse and neglect;**
- (e) **Effectively investigate reported cases of abuse and neglect of children, prosecute those responsible and issue appropriate sentences, and report on those cases in the next periodic report.**

Sexual exploitation and abuse

42. The Committee is deeply concerned about the increase in prostitution in general, and that the prohibition of involvement in prostitution applies only to children under the age of 10.

43. **The Committee recommends that the State party prohibit and criminalize the involvement of children in prostitution and all forms of exploitation and take measures to prevent such exploitation, monitor the implementation of such measures and provide victims with rehabilitation and care.**

Children with disabilities

52. While noting with appreciation the State party's efforts to put in place an online database to store data and information on persons and children with disabilities and provide reports for planning and programming, the Committee is concerned:

[...]

- (c) At the persistence of negative attitudes and discrimination against children with disabilities;
- (d) At the deprivation of a high number of children with disabilities of education and that most schools are not accessible and lack adapted education;
- (e) That children with disabilities face major obstacles in accessing appropriate social and health-care services.

53. **In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and:**

- (a) **Expedite the launch of the online database on persons and children with disabilities and take other necessary measures;**
- (d) **Set up comprehensive measures to develop inclusive education and ensure that such education is given priority over the placement of children in specialized institutions and classes;**
- (e) **Train specialized teachers and professionals in inclusive education and assign them to integrated classes providing individual support and all due attention to children with learning difficulties;**
- (f) **Immediately take measures to ensure that schools are accessible and that educational services are tailored to children's needs;**
- (g) **Immediately take measures to ensure that children with disabilities have access to health care, including early detection and intervention programmes.**

Children belonging to minority or indigenous groups

72. The Committee is concerned that children from minority groups, in particular Dalit children and indigenous children face discrimination and violence and lack access to quality education, in particular to education in their mother tongue. The Committee is also concerned about the lack of recognition by the State party of indigenous identity of the Adivasi indigenous peoples.

73. **In the light of its general comment No. 11 (2009) on indigenous children and their rights under the Convention, the Committee recommends that the State party:**

- (a) **Take all measures necessary to protect minority and indigenous children from discrimination and violence;**
- (b) **Establish a standardized system for the collection and analysis of data on minority and indigenous children related to all areas covered by the Convention and its Optional Protocols;**
- (c) **Adopt comprehensive measures, including affirmative measures to ensure that minority and indigenous children enjoy all their rights, in particular in the areas of health and education.**

Sale, trafficking and abduction

78. The Committee notes with appreciation the enactment of the Prevention and Suppression of Human Trafficking Act and the inclusion of life skills-based education on adolescent reproductive health, including in relation to sexual abuse and exploitation, as part of the school curriculum from classes 6 to 10. However, it remains concerned about the prevalence of trafficking and exploitation of children in the State party.

79. **The Committee recommends that the State party:**

- (a) **Establish a comprehensive and systematic data collection mechanism on the sale, trafficking and abduction of children, and ensure that the data are disaggregated by, inter alia, sex, age, national and ethnic origin, geographical region, rural or urban residence and indigenous or socioeconomic status, with particular attention paid to children living in the most vulnerable situations;**
- (b) **Conduct awareness-raising activities in order to make parents and children aware of the dangers of internal and external trafficking;**
- (c) **Further strengthen its cooperation with South Asian countries to combat trafficking in children across States, including through the conclusion of bilateral and multilateral agreements.**

Committee on the Elimination of Discrimination against Women

Concluding observation, (18 November 2016) [CEDAW/C/BGD/CO/8](#)

Access to Justice

12. The Committee is concerned about the lack of access to justice for women, especially women and girls in marginalized and disadvantaged situations, due to their lack of awareness, legal illiteracy, costly legal procedures and the lack of capacity building programmes for judicial and law-enforcement officials as well as stigmatization of women seeking justice. While noting that the State party established a Legal Aid Fund for persons in need, the Committee is concerned that the Fund is largely inaccessible for women and girls without sufficient means.

13. **In line with its General Recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:**

- (a) **Ensure that all women and girls, including stateless women, refugee women and women from ethnic minorities, have effective access to justice, by raising their awareness about their human rights and the remedies available to claim them;**
[...]

Gender-based violence against women

18. The Committee notes that the State party has adopted Domestic Violence Prevention and Protection Rules and the National Action Plan to Prevent Violence against Women and Children in 2013. However, it notes with concern that:

- (a) **Gender based violence against women and girls, including domestic violence, rape, fatwa-instigated violence, dowry related violence and sexual harassment of women and girls in private and public spaces, continue to take place in the State party;**

- (b) Existing rules, policies and plans addressing gender-based violence against women are rarely implemented due to stereotypes and gender bias, and lack of gender sensitivity on the part of law enforcement officials, and lack of capacity among judges and lawyers;
- (c) The legislation criminalizing sexual harassment against women and girls in the workplace and in schools is absent;
- (d) Marital rape is not criminalized in the State party unless the victim is a child bride below the age of 13 years;
- (e) Gender-based violence, including rape, against indigenous women in Chittagong Hills Tract related to land grabbing is continuously reported; and
[...]

19. **The Committee reiterates its previous recommendation that the State party give priority attention to combating violence against women and girls, in accordance with its General Recommendation No 19 (1992). It recommends that the State party:**

- (a) **Adopt, without delay, legislation criminalizing all forms of violence against women and girls, including marital rape irrespective of the age of the victim, domestic violence and all forms of sexual abuse, and ensure that perpetrators are prosecuted and adequately punished and that the victims have access to immediate protection, rehabilitation and means of redress, including compensation;**
- (b) **Ensure the implementation of the existing legal and policy framework against gender-based violence by providing capacity building and awareness-raising programmes for the judiciary, the police and law enforcement officials, as well as health care providers, to sensitize them on all forms of gender-based violence against women and girls and enable them to strictly enforce relevant criminal law provisions and to provide adequate gender-sensitive support to victims;**
- (c) **Criminalize sexual harassment of women and girls in the workplace and in schools;**
- (d) **Effectively investigate all reports of gender-based violence against indigenous women connected with land grabbing and take measures to bring those responsible to justice;**
[...]

Trafficking and exploitation of prostitution

20. The Committee is concerned that trafficking in women and girls remains prevalent in the State party which is a source country and, in some cases, a transit country. It notes the Prevention and Suppression of Human Trafficking Act of 2012 and the related Action Plan. However, the Committee regrets the lack of information on the number of traffickers prosecuted and sentenced since 2012. It notes with concern that the Rohingya victims of trafficking are frequently denied the protection and support services required by the Act and the Action Plan. The Committee is also concerned about discrimination and violence against women in prostitution and their children who face stigmatization, forced evictions and frequent police harassment and are often denied access to education and health care.

21. **The Committee recommends that the State party ensure the effective implementation of the Prevention and Suppression of Human Trafficking Act of 2012 and the related Action Plan. It also recommends that the State party:**

- (a) **Speed up the adoption of the rules of procedure for the implementation of the 2012 Act and establish a clear timeframe for setting up specialized tribunals to effectively prosecute and adequately punish human traffickers;**
- (b) **Continue raising awareness about the criminal nature of human trafficking and provide capacity building for the judiciary and law enforcement officials on the strict enforcement of the 2012 Act, including as regards the protection and assistance for Rohingya women and girls who are victims of trafficking;**

- (c) **Develop a coordination mechanism to address trafficking and sexual exploitation of women and girls and allocate adequate human, technical and financial resources for the effective implementation of the 2012 Action Plan;**
- (d) **Address the root causes of trafficking and exploitation of prostitution by reducing poverty among women and girls and regularizing the status of Rohingya women and girls;**
- (e) **Collect sex- disaggregated data on the number of women victims of trafficking and exploitation in prostitution as well as on the number of complaints, investigations, prosecutions and convictions in cases of trafficking and forced prostitution, and include such data in its next periodic report; and**
- (f) **Provide effective protection and prevent discrimination and violence against women in prostitution and their children, including police harassment and forced evictions, and ensure that they have adequate access to health care, education, accommodation and alternative livelihood opportunities.**

Nationality

26. The Committee notes that the 2009 Citizenship Act, as amended, provides for equal rights of women and men to transfer their nationality to their children or foreign spouse. The Committee is, however, concerned that this amendment does not apply retroactively to children born prior to the entry into force of the new legislation. The Committee also notes with concern that despite the 2004 Birth and Death Registration Act, only three percent of children are registered at birth (under 45 days) in the State party and that 88 percent are registered once they reach school age, which puts children who are not registered at risk of statelessness and prevents them from accessing basic services. The Committee is further concerned that almost 60 percent of unregistered Rohingya population are women and children who remain without legal status and face obstacles to access legal and social services.

27. The Committee recommends that the State party ensure the effective implementation of its nationality legislation, with a view to providing citizenship to all children born to a Bangladeshi parent and ensuring that such laws are applied retroactively to children born prior to the entry into force of the 2009 Amendment to the Citizenship Act. The Committee also recommends that the State party ensure that all children born in its territory are registered immediately at birth and provided access to basic services, and encourage the State party to ratify the 1951 Convention Relating to the Status of Refugees and its 1967 protocol.

Disadvantaged groups of women

40. The Committee is concerned that disadvantaged groups of women and girls, including Dalit women, women with disabilities, elderly women, Rohingya refugee women and women of ethnic minorities face multiple intersecting forms of discrimination due to their gender, health, indigenous identity, caste and socio-economic status. The Committee is in particular concerned about:

- (a) The sexual and gender based violence against ethnic minority women for land grabbing purposes and the militarization of indigenous areas, particularly in the Chittagong Hill Tracts;
- (b) Lack of access to education, health, public facilities for women with disabilities and elderly women;
- (c) Abductions, sexual harassment, rape, intimidation and lack of access to public services and resources for Dalit women; and
- (d) Lack of access to education, employment and freedom of movement as well as increased rates of trafficking of Rohingya women and girls, especially those who are unregistered.

41. The Committee reiterates its previous recommendation and urges the State party to:

- (a) **Enact a comprehensive law and take immediate measures, including temporary special measures to eliminate all forms of discrimination against women and girls from vulnerable groups and protect them from all forms of discrimination, gender-based violence and abuse;**
- (b) **Promptly investigate and prosecute cases of gender-based violence targeting ethnic minority women and girls, including militarization of indigenous areas, and ensure that those convicted are punished with appropriate sanctions; and**
- (c) **Ensure that women and girls from vulnerable groups have access to basic services, including education, employment and health care without any discrimination.**

Committee on Migrant Workers

Concluding observations, (20 April 2017) [CMW/C/BGD/CO/1](#)

Right to an effective remedy

27. While noting the existence of the various grievances mechanisms, the Committee is concerned:

- (a) At the lack of information and adequate legal counsel for migrant workers on their rights and the remedies available in the State party's justice system;
- (b) At the ineffective handling of complaints owing, inter alia, to inadequate resources and training of staff, including on complaint management skills and gender sensitivity;
- (c) That undocumented migrant workers may be unable to seek justice for violations of their rights for fear of being punished with imprisonment of up to five years for illegal entry under the 1946 Foreigners' Act.

28. **The Committee recommends that the State party:**

- (a) **Ensure that, in law and in practice, migrant workers and members of their families, including those in an irregular situation, have opportunities equal to those of nationals of the State party to file complaints and obtain effective redress in the courts when their rights under the Convention have been violated, including by removing obstacles for access to justice of undocumented migrants such as the risk of punishment under the 1946 Foreigners' Act;**
- (b) **Intensify its efforts to inform migrant workers and members of their families, including those in an irregular situation, about the judicial and other remedies available to them in cases of a violation of their rights under the Convention;**
- (c) **Ensure that returned migrant workers whose rights have been violated obtain appropriate redress, including financial compensation, and that there are specific arrangements to handle complaints of sexual or gender-based violence**

Labour exploitation and other forms of ill-treatment, including child labour

31. The Committee is concerned at reports that:

- (a) Undocumented Myanmar nationals working in the State party, including children, are frequently subjected to sexual and gender-based violence as well as sexual and labour exploitation, including forced labour, and other forms of ill-treatment in the State party;
- (b) Indian migrant workers are subjected to debt bondage in the brick kiln sector in the State party.

32. **The Committee recommends that the State party:**

- (a) **Provide adequate assistance, protection and rehabilitation, including psychosocial rehabilitation, to all migrant workers victims of sexual and labour exploitation, especially women and children;**
- (b) **Increase labour inspections and prosecute, punish and sanction persons or groups exploiting all migrant workers both documented and undocumented, or**

subjecting them to forced labour and abuse, especially in the informal economy, in line with the Sustainable Development Goals (Targets 8.7 and 16.2)

Consular assistance

35. The Committee welcomes the various measures taken by the State party to strengthen its consular assistance, including the establishment of labour wings and labour attaches. The Committee is however concerned:

- (a) That Bangladeshi migrant workers suffer numerous violations of their rights in States of employment, including sexual and gender-based violence; the consular assistance they receive is insufficient; and the responsible officers are not adequately trained;

[...]

36. **The Committee recommends that the State party:**

- (a) **Make the proactive protection of migrant workers, including those in an irregular situation and those working in isolated conditions, a priority concern for its diplomatic missions in destination States;**
- (b) **Strengthen the welfare services and consular assistance provided to the State party's migrant workers in destination States, including psychological counselling, legal counselling and shelters for migrants in distress, and ensure that such services and assistance are gender-responsive;**
- (c) **Ensure that diplomatic missions are adequately staffed and that staff are properly trained on a human rights-based approach to dealing with all issues faced by migrant workers;**
- (d) **Ensure that diplomatic missions in States of employment have specific policies that address prevention of and response to arbitrary detention and sexual and gender-based violence, including having female officers to deal with cases of sexual abuse, a local 24/7 hotline free of charge, a roster of competent local lawyers able to help the State party's migrant workers with legal issues, and that they conduct frequent visits to migrant detention centres.**

Return and reintegration

54. **The Committee recommends that the State party:**

- (a) **Facilitate the repatriation of all migrant workers in need, including those who have escaped from abusive employers or have ended up in an irregular situation, in detention or elsewhere;**
- (b) **Enhance the gender-responsive services provided for the reintegration of returned migrant workers, including psychosocial services and livelihood opportunities, particularly providing response services for victims of sexual and gender-based violence and those who have experienced abuse during their migration process;**

Human Rights Committee

Concluding observations, (27 April 2017) [CCPR/C/BGD/CO/1](#)

Early marriage and harmful traditional practices

13. The Committee is concerned that the State party has one of the highest rates of early marriage in the world, with 32 per cent of girls married before the age of 15 and 66 per cent of girls married before the age of 18. It is also concerned that early marriage is prevalent in refugee camps, where 90 per cent of families have at least one married family member under the age of 18. The Committee notes efforts by the State party to reduce early marriage through the approval of a child marriage restraint bill in 2016, but remains concerned that marriage below the age of 18 will be permitted in "special circumstances". The Committee is further concerned at the continuation of harmful traditional practices such as the imposition of the payment of dowries on the families of girls (arts. 2-3, 24 and 26).

14. **The State party should take immediate measures to sharply reduce early marriage and prevent dowry practices, including through the implementation of legislation preventing early marriage and dowry practices, by carrying out campaigns to publicize the legislation outlawing such practices and by informing girls, their parents and community leaders of the harmful effects of early marriage. The State party should amend the child marriage restraint bill to maintain the legal minimum age of marriage for girls at 18 years, in accordance with international norms, without any exceptions.**

Violence against women

17. While noting the existence of laws and national action plans to prevent violence against women, the Committee is concerned at the lack of consistent implementation of these laws, particularly in the light of the reportedly high rates of domestic and sexual violence against women and girls in the State party. Of particular concern are acid attacks, rapes, gang rapes, dowry-related violence, fatwa-instigated violence, sexual harassment, sexual violence against indigenous women related to land grabbing in the Chittagong Hills Tract, and sexual and gender-based violence and domestic violence against Rohingya refugee women and girls in refugee camps (arts. 3, 6-7 and 27).

18. **The State party should redouble its efforts to prevent and combat all forms of violence against women. It should ensure the consistent implementation of the existing laws and national action plans on violence against women. It should intensify awareness-raising measures among police officers, the members of the judiciary, prosecutors, community representatives, women and men on the gravity of sexual, and gender-based violence and domestic violence, and its detrimental impact on the lives of victims. The State party should ensure that cases of violence against women, including indigenous and refugee women, are thoroughly investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that the victims are provided with full reparation. It should also ensure the availability of a sufficient number of shelters with adequate resources for victims.**

Refugees and asylum seekers

31. The Committee is concerned about reports that at times large numbers of asylum seekers fleeing violence in Myanmar were returned to Myanmar at the border. It is also concerned that the State party intends to relocate over 30,000 Rohingya refugees to the island of Thengar Char, an area which is prone to flooding and currently lacks the infrastructure necessary for respect of basic human rights, and that such relocation might take place without the full and free consent of the affected individuals (arts. 6-7, 12 and 27).

32. **The State party should implement legislative and administrative measures to fully comply with the principle of non-refoulement in line with articles 6 and 7 of the Covenant. It should consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. It should ensure that refugees are not forcibly relocated and that planned relocation sites offer conditions of life compatible with the international obligations of the State party.**