

INTERNATIONAL
CONVENTION
ON THE ELIMINATION
OF ALL FORMS OF
RACIAL DISCRIMINATION



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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Fourth periodic reports of States parties due in 1986

Addendum

BANGLADESH */

[4 January 1988]

1. In order to present a picture of the situation in Bangladesh as regards implementation of the provisions against all forms of racial discrimination, we can start with the provisions of the Bangladesh Constitution having direct bearings to those ends. The Constitution of Bangladesh is committed to realize through democratic process a society in which the rule of law, fundamental human rights and freedom, equality and justice will be secured for all citizens.

*/ The present report constitutes the second, third and fourth periodic reports of Bangladesh, due on 11 July 1982, 11 July 1984 and 11 July 1986 respectively, combined in a single document pursuant to the request made by the Committee at its thirty-fifth session (see report of the Committee to the General Assembly, Official Records of the General Assembly, Forty-second Session, Supplement No. 18 (A/42/18) para. 56 (j)).

For the previous report submitted by the Government of Bangladesh and the summary record of the meeting of the Committee at which the report was considered, see: CERD/C/61/Add.4 (CERD/C/SR.531).

2. Fundamental rights have been set out in Articles 26-47 of the Constitution. Under Article 26 any law inconsistent with the fundamental rights is void. Article 27 of the Constitution faithfully follows Article 7 of the Universal Declaration of Human Rights and provides that all citizens are equal before law and are entitled to equal protection of law. According to Article 31 it is the inalienable right of every citizen to enjoy the protection of law, and to be treated in accordance with law, and only in accordance with law, wherever he may be.

3. No sort of racial discrimination whatsoever is recognized in the country. Any discrimination against any citizen on grounds of only religion, race, caste, sex or place of birth is prohibited in the Constitution (Article 28). The Constitution provides further that no citizen shall, on grounds of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution.

4. In Bangladesh not only the equality of opportunity in public employment is guaranteed in the Constitution, but there is also a special provision in favour of backward sections of citizens for the purpose of securing their adequate representation in the service of the Republic. The provision finds manifestation in rules of recruitment of public servants as the said rules reserve a quota for the backward sections of people of different areas and races. The Constitution of the country provides for enjoyment or exercise on equal footing, of human rights and fundamental freedoms such as equality before law and right to protection of law, protection of right to life and personal liberty, safeguard as to arrest and detention, prohibition of forced labour, freedom of movement, freedom of assembly, freedom of association, freedom of thought, conscience and of speech and freedom of religion.

5. The government's policy of elimination of racial discrimination is further borne out in laws followed in the administration of criminal justice, namely the Penal Code. Injuring or defiling place of worship, with intent to insult the religion of any class, deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs; disturbing religious assembly; trespassing on places of worship or any place of culture or any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offering any indignity to any human corpse, or causing disturbance to any persons assembled for the performance of funeral ceremonies, with the intention of wounding the feelings of any person or of insulting the religion of any person or with the knowledge that the feelings of any person are likely to be wounded or that the religion of any person is likely to be insulted thereby, have been made punishable under the Code in sections 295, 296, 297 and 298 respectively.

6. In Bangladesh religious and customary laws of different races, religions and ethnic groups are recognized as personal laws and are enforceable in courts of law.

7. In Bangladesh "the Convention" itself cannot be invoked and directly enforced by the courts, or tribunals.

8. The fundamental rights of the citizens in the Constitution encompass almost all the articles of the Universal Declaration of Human Rights which are all enforceable by the High Court Division of the Supreme Court under Articles 44 and 102.

9. It may, however, be mentioned here that during the period from March, 1982 to November 1986, the country was under Martial Law and the Constitution was under suspension. But nonetheless, no legislative or administrative measures were taken during this period which could be violative of the principles relating to prohibition of racial discrimination. Moreover, all the penal provisions of laws providing for protecting fundamental rights relating to religion remained undisturbed and enforceable. Any racial discrimination was emphatically condemned by the Government as a matter of national policy.