

UNITED NATIONS HUMAN RIGHTS COUNCIL

16th Session of the Working Group on the Universal Periodic Review

22 April to 3 May 2013

**COMPARISON OF ICJ SECOND CYCLE RECOMMENDATIONS FOR THE UPR OF BANGLADESH
WITH CORRESPONDING FIRST CYCLE RECOMMENDATIONS AND COMMITMENTS**

Concerning the independence and impartiality of the judiciary		
<i>Second cycle ICJ recommendations</i>	<i>Corresponding 1st cycle recommendations</i>	<i>Corresponding 1st cycle voluntary commitments</i>
i) Establish an independent secretariat to work with the Judicial Services Commission to ensure that the appointment, transfer and promotion for members of the lower judiciary is not administered by the Ministry of Law, Justice and Parliamentary affairs;	<p>Related recommendation: 94(25). (Australia). Take measures to ensure independence of the judiciary – <i>Accepted</i></p> <p>Not taken up as a recommendation: 49. (Turkey). Encouraged Bangladesh to pursue the reform agenda to strengthen the independence of the judiciary and combat impunity</p>	No corresponding voluntary commitments
ii) Enact specific guidelines in the Constitution or by law for the appointment of judges so as to ensure that there is no discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, linguistic or social origin, property, income, birth or other status;	No corresponding recommendations	No corresponding voluntary commitments
iii) Implement the 2009 Supreme Court decision in <i>Idrisur Rahman v Bangladesh</i> so as to follow recommendations of the Chief Justice of the Supreme Court of Bangladesh concerning the appointment of Supreme Court judges;	No corresponding recommendation	No corresponding voluntary commitments
iv) Amend Article 95 of the Constitution to include more detailed minimum qualifications for the appointment of members of the judiciary; or enact legislation prescribing such	No corresponding recommendation	No corresponding voluntary commitments

qualifications as per Article 95;		
v) Respect the principle of seniority as reflected in articles 96 and 97 of the Constitution, in the appointment of the Chief Justice of the Supreme Court of Bangladesh;	No corresponding recommendation	No corresponding voluntary commitments
Concerning the appointment of public prosecutors		
<i>Second cycle ICJ recommendations</i>	<i>Corresponding 1st cycle recommendations</i>	<i>Corresponding 1st cycle voluntary commitments</i>
vi) Enact legislation ensuring that only persons of highest integrity and expertise, with appropriate training and qualifications, are appointed as public prosecutors;	No corresponding recommendation	No corresponding voluntary commitments
vii) Ensure that any appointment guidelines include safeguards against appointments based on partiality or prejudice, excluding any discrimination against a person on the grounds of race, colour, sex, language, religion, political or other opinion, national, social or ethnic origin, property, birth economic or other status;	No corresponding recommendation	No corresponding voluntary commitments
Concerning the use of Presidential pardons		
<i>Second cycle ICJ recommendations</i>	<i>Corresponding 1st cycle recommendations</i>	<i>Corresponding 1st cycle voluntary commitments</i>
viii) The granting of pardons or clemency should not be used to frustrate or interfere with the obligation to provide effective legal remedy and reparations to victims of human rights violations;	No corresponding recommendation	No corresponding voluntary commitments
Concerning international instruments and mechanisms		
<i>Second cycle ICJ recommendations</i>	<i>Corresponding 1st cycle recommendations</i>	<i>Corresponding 1st cycle voluntary commitments</i>
ix) Become party to: the OP to the ICCPR, the Second OP to the ICCPR, the OP to the ICESCR, the OPCAT, the Third OP to the CRC, and the	Related recommendation: 94(1). (Chile). Consider ratifying OP 1&2-ICCPR – <i>Not clear whether accepted or not.</i>	No corresponding voluntary commitments

<p>CPED;</p>	<p>See UN Doc 11/18/Add.1 at 1</p> <p>94 (1). (France, The Netherlands, Chile, Czech Republic, Lichtenstein). Ratify OP-CAT – <i>Not clear whether accepted or not. See UN Doc 11/18/Add.1 at 1</i></p> <p>94(1). (Slovenia). Ratify other international treaties it is not yet party to – <i>Not clear whether accepted or not. See UN Doc 11/18/Add.1 at 1</i></p>	
<p>x) Accept the requests of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Independent Expert on water and sanitation, the Independent Expert on minority issues, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on independence of judges and lawyers, the Special Rapporteur on contemporary forms of slavery, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and the Special Rapporteur on the human rights of internally displaced persons to undertake official missions in Bangladesh at the earliest possible opportunity, and extend to them all reasonable cooperation and assistance to facilitate a timely and effective country mission;</p>	<p>Corresponding recommendations:</p> <p>94(12). (Czech Republic). Issue a standing invitation to all special procedures – <i>Not clear whether accepted or not. See UN Doc 11/18/Add.1 at 12</i></p> <p>94(12). (Mexico). Extend a standing invitation to human rights mechanisms to visit the country and support national efforts in these areas – <i>Not clear whether accepted or not. See doc 11/18/Add.1 at 12</i></p> <p>Related recommendation:</p> <p>94 (12). (Brazil). Positively consider the visit from the special rapporteur on summary executions – <i>Not clear whether accepted or no. See Doc 11/18/Add.1 at 12</i></p>	<p>Related voluntary commitment:</p> <p>Doc. 11/18, 84. The Minister stated that Bangladesh is genuinely open to hosting the Special Procedures that are relevant to its contexts announcing that Bangladesh would soon be inviting a couple of special rapporteurs</p>
<p>xi) Present to the Council, as soon as possible after adoption of the outcome document for the UPR of Bangladesh, a national plan of action for the implementation of accepted recommendations and voluntary pledges and commitments;</p>	<p>No corresponding recommendation</p>	<p>No corresponding voluntary commitments</p>
<p>xii) Present to the Council, two years after adoption of the outcome document, a mid-term progress report on the status of implementation of recommendations and voluntary pledges and commitments.</p>	<p>No corresponding recommendation</p>	<p>No corresponding voluntary commitments</p>