



Permanent Mission of Bangladesh

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BMG/CESCR-301

The Permanent Mission of Bangladesh to the UN Office & other International Organizations in Geneva presents its compliments to the Committee on the Economic, Social and Cultural Rights (CESCR) and conveys its appreciation to CESCR for the fruitful interaction with the Bangladesh delegation on the initial report of Bangladesh under International Covenant on Economic, Social and Cultural Rights (ICESCR) from 15-16 March 2018 in Geneva.

The Permanent Mission would like to refer to the concluding observations of the CESCR and, with regard to the concerns and recommendations stated in its para 15-16, would like to state the following:

The Government of Bangladesh would like to refer to the ILO Convention no. 169 which is the only international instrument to provide a functional definition of 'indigenous peoples'. In Article 1(b), it identifies indigenous peoples as "peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions."

In light of this definition and in the historical, legal and socio-economic context of Bangladesh, there is no particular community or group of people in Bangladesh who could be identified as 'indigenous peoples'. As a nation, the people of Bangladesh are known as 'Bangalees' and there is no evidence suggesting that the 'Bangalees' had ever occupied or subjugated any of the communities who claim themselves as 'indigenous peoples'.

The Constitution of Bangladesh however recognizes such groups as 'tribes', 'minor races', 'ethnic sects and communities' and in its Article 23A the Constitution requires the Government to take steps to protect and develop the unique local culture and tradition of those communities. It is also pertinent to point that, as per Article 27 and 28 of the Constitution, Bangladesh considers all citizens are equal before law and it does not discriminate against any citizen on the grounds of religion, race, caste, sex or place of birth. The ethnic minorities of Bangladesh have been living in peace and harmony with the Bangalees in this land for centuries.

Among other factual issues, the Permanent Mission requests the following:

- a) In Para 4, the words 'bill for the' needs to be inserted before 17th Amendment to the constitution;
- b) In Para 42, "Labour 2016" needs to be corrected as "Labour Act 2006 as amended up to 2013".

In view of the above, the Permanent Mission of Bangladesh would like to request the CESCR to make necessary amendments in the said paragraphs of the concluding observations.

The Permanent Mission of Bangladesh to the UN Office & Other International Organizations in Geneva avails itself of this opportunity to renew to the Committee on the Economic, Social and Cultural Rights (CESCR) the assurances of its highest consideration.

Committee on the Economic, Cultural and Social Rights
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