



Sonargaon University

Department of Law

Research Monograph

On

**The Process of Human Rights Implementation in Bangladesh:
Challenges and the Way Forward**

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To

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Subject: Submission of Research Monograph.

Respected Madam,

With due respect, I am pleased to submit my research monograph entitled “**The Process of Human Rights Implementation in Bangladesh: Challenges and the Way Forward**”, conducted as a partial requirement for the completion of the Bachelor of Laws (LL.B.) program under the Department of Law at Sonargaon University.

I sincerely hope that my work will meet your expectations and academic standards. I am grateful for your constant support, insightful suggestions, and encouragement throughout this research journey.

Thank you for your time and kind consideration.

Sincerely,

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Declaration

Mohammad Abu Helal, hereby declare that the research work entitled “**The Process of Human Rights Implementation in Bangladesh: Challenges and the Way Forward**” is the result of my own original work, carried out under the supervision of **Sunzida Akter**, Lecturer & Exams Co-ordinator, Department of Law, Sonargaon University.

This research has not been submitted previously, in whole or in part, for the award of any degree or diploma at this or any other institution. I have sincerely acknowledged all sources of information and assistance in accordance with academic rules and ethical standards.

I affirm that this work complies with the academic integrity policies of Sonargaon University and that all data presented is authentic and properly cited.

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Certification by Research Supervisor

This is to certify that the research monograph submitted by **Mohammad Abu Helal**, Student ID: LLB2203027027 under my supervision, has been prepared as a requirement for the course Research Monograph (Course Code: LLB121).

The work is original, has been conducted sincerely, and meets the academic and ethical standards of the Department of Law, Sonargaon University. I recommend it for submission and evaluation.

Supervisor's Signature

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Sunzida Akter

Lecturer & Exams Co-ordinator

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Date:

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I would like to express my sincere gratitude to my respected supervisor **Sunzida Akter**, Lecturer & Exams Co-ordinator, Department of Law, Sonargaon University, for his continuous guidance, thoughtful advice, and kind encouragement throughout the course of this research. His support has been instrumental in shaping the direction and quality of my work.

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Abstract

Human rights are essential for the protection of human dignity, equality, liberty, justice, and the rule of law. Bangladesh has made a clear constitutional and legal commitment to the protection and promotion of human rights. The Constitution of Bangladesh guarantees various fundamental rights, including equality before law, freedom of speech and expression, freedom of religion, protection of life and personal liberty, and safeguards against arbitrary arrest and detention. Bangladesh is also a party to several major international human rights instruments, including the ICCPR, ICESCR, CEDAW, CRC, and CAT.

However, the effective implementation of human rights remains a major challenge in Bangladesh. Although legal and institutional mechanisms exist, there is often a gap between constitutional promises and practical realities. Weak enforcement of laws, judicial delay, corruption, political influence, lack of accountability, custodial torture, arbitrary arrest, poverty, limited public awareness, and difficulties faced by vulnerable groups continue to affect the realization of human rights.

This study examines the process of human rights implementation in Bangladesh from a legal and institutional perspective. It analyzes the constitutional framework, relevant laws, institutional mechanisms, judicial role, and major practical challenges. The study follows a doctrinal and qualitative research method based mainly on secondary sources, including constitutional provisions, statutes, judicial decisions, books, journal articles, reports, and international human rights instruments.

The study finds that the judiciary, National Human Rights Commission, Parliament, law enforcement agencies, administrative bodies, media, NGOs, and civil society all play important roles in the implementation of human rights. However, their effectiveness depends on institutional independence, proper enforcement, accountability, transparency, and public awareness. The study concludes that stronger rule of law, judicial reform, institutional capacity-building, effective law enforcement, protection of vulnerable groups, and proper implementation of international obligations are necessary for improving the human rights situation in Bangladesh.

Keywords: Human Rights, Bangladesh, Constitution, Fundamental Rights, Rule of Law, Judiciary, Implementation, Accountability.

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Chapter 1

Introduction

1.1 Background of the Study

Human rights are the basic rights and freedoms that belong to every person simply because they are human. These rights are universal and apply equally to all individuals regardless of race, religion, nationality, sex, language, or social status. Human rights aim to protect human dignity, equality, liberty, and justice, and include civil, political, economic, social, and cultural rights.

Although the concept of human rights has developed over many centuries, the modern international human rights system emerged mainly after the Second World War. The widespread atrocities committed during the war highlighted the need for an international framework to protect fundamental rights. In response, the United Nations was established in 1945, and the Universal Declaration of Human Rights (UDHR) was adopted in 1948. The UDHR laid the foundation for the contemporary international human rights regime by affirming that all human beings are born free and equal in dignity and rights.

Subsequently, several important international human rights instruments were adopted, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child (CRC). These instruments established internationally recognized standards for the protection and promotion of human rights.

Since its independence in 1971, Bangladesh has demonstrated a constitutional commitment to human rights. The Constitution recognizes human dignity, equality, democracy, social justice, and the rule of law as fundamental state principles. Part III guarantees a number of fundamental rights, including equality before law, freedom of speech and religion, protection of life and personal liberty, and safeguards against arbitrary arrest and detention. Bangladesh is also a party to several international human rights treaties and has enacted various laws and established institutions for the protection of human rights.

Despite these constitutional and international commitments, the effective implementation of human rights remains a significant challenge. Various social, political, economic, and institutional factors continue to affect the realization of fundamental rights. Therefore,

examining the process of human rights implementation in Bangladesh and the challenges associated with it remains an important area of study.

1.2 Statement of the Problem

The Constitution of Bangladesh guarantees a wide range of fundamental rights and reflects the State's commitment to the protection and promotion of human rights. Bangladesh has also ratified several international human rights instruments and enacted various laws to safeguard the rights and freedoms of its citizens. Different institutions, including the judiciary, the National Human Rights Commission, law enforcement agencies, and administrative bodies, are entrusted with the responsibility of ensuring the effective implementation of these rights. However, the existence of constitutional provisions and legal frameworks does not always guarantee the actual enjoyment of human rights in practice. In many cases, there is a significant difference between constitutional promises and practical realities. Although rights are recognized by law, their effective enforcement often remains inadequate.

Various factors contribute to this problem. Weak implementation of laws, delays in the judicial process, corruption, political influence, lack of accountability, poverty, and limited public awareness have affected the protection of human rights in Bangladesh. Moreover, vulnerable groups such as women, children, minorities, and economically disadvantaged people often face greater difficulties in accessing justice and enjoying their rights.

As a result, a considerable gap exists between law and implementation. The effectiveness of the existing legal and institutional mechanisms therefore remains an important issue. In this context, it is necessary to examine the process of human rights implementation in Bangladesh, identify the major challenges, and explore possible measures for improving the overall human rights situation in the country.

1.3 Research Questions

The present study seeks to answer the following research questions:

1. How are human rights implemented in Bangladesh?
2. What are the major challenges affecting the implementation of human rights in Bangladesh?
3. What roles are played by the judiciary and other institutions in protecting and promoting human rights?

4. To what extent are the existing legal and institutional mechanisms effective in ensuring the protection of human rights?
5. What reforms and policy measures are necessary to improve the human rights situation in Bangladesh?

1.4 Objectives of the Study

The main objective of this study is to examine the process of human rights implementation in Bangladesh and to identify the major challenges and possible measures for improving the protection and promotion of human rights in the country.

1.4.1 General Objective

The general objective of this study is to examine the process of human rights implementation in Bangladesh and to identify the challenges and possible solutions relating to the effective realization of human rights.

1.4.2 Specific Objectives

The specific objectives of the study are as follows:

1. To analyze the constitutional framework relating to the protection of human rights in Bangladesh.
2. To examine the relevant laws, institutions, and mechanisms responsible for the implementation of human rights.
3. To identify the practical barriers and challenges affecting the effective realization of human rights.
4. To assess the role of the judiciary and other institutions in promoting and protecting human rights.
5. To suggest necessary reforms and policy measures for improving the human rights situation in Bangladesh.

1.5 Scope of the Study

This study focuses on the process of human rights implementation in Bangladesh from a legal and institutional perspective. It examines the constitutional provisions relating to fundamental rights, relevant laws, and the roles played by different institutions, including the judiciary, the National Human Rights Commission, law enforcement agencies, and administrative bodies.

The study also discusses the major challenges that affect the effective implementation of human rights in Bangladesh. Particular attention is given to issues such as weak enforcement of laws, delays in the judicial process, corruption, lack of accountability, and the protection of vulnerable groups.

In addition, the study briefly considers Bangladesh's international human rights obligations and refers to selected international instruments where necessary. A limited comparative discussion of the experiences of some other countries is also included in order to identify possible lessons for Bangladesh.

However, the study does not attempt to provide an exhaustive analysis of every category of human rights or every human rights issue existing in the country. Rather, it concentrates on the legal framework, institutional mechanisms, practical challenges, and possible reforms relating to the implementation of human rights in Bangladesh.

1.6 Methodology

The present study adopts a doctrinal and qualitative approach in examining the process of human rights implementation in Bangladesh. The study is mainly based on secondary sources of information and seeks to analyze the existing legal and institutional framework relating to human rights.

In conducting the research, reliance has been placed on various sources, including books, statutes, constitutional provisions, judicial decisions, journal articles, reports of national and international organizations, and other relevant academic materials. International human rights instruments and selected government publications have also been consulted where necessary. The study primarily focuses on the analysis of legal principles, institutional mechanisms, and practical challenges relating to the implementation of human rights in Bangladesh. A limited comparative approach has also been adopted in order to draw lessons from the experiences of other jurisdictions.

1.7 Significance of the Study

Human rights are essential for ensuring human dignity, equality, justice, and the rule of law. Although Bangladesh has established constitutional and legal mechanisms for the protection of human rights, various challenges continue to affect their effective implementation. Therefore, a proper understanding of these challenges and the existing implementation process is of considerable importance.

The present study is significant because it examines the legal and institutional framework relating to human rights in Bangladesh and highlights the practical difficulties faced in ensuring the effective protection of these rights. The study may contribute to a better understanding of the strengths and weaknesses of the existing system and may provide useful insights for future reforms and policy development.

Furthermore, the findings and recommendations of this study may be helpful to students, researchers, legal practitioners, policymakers, and other persons interested in the field of human rights. It is also expected that the study will contribute, to some extent, to the ongoing discussion regarding the promotion and protection of human rights in Bangladesh.

1.8 Organization of the Thesis

This thesis consists of nine chapters.

Chapter One introduces the background of the study, statement of the problem, research questions, objectives, scope, methodology, significance of the study, and the overall organization of the thesis.

Chapter Two discusses the concept and evolution of human rights and examines the major international human rights instruments and Bangladesh's international obligations.

Chapter Three analyzes the constitutional and legal framework relating to human rights in Bangladesh.

Chapter Four examines the institutional mechanisms for the protection of human rights, including the role of the judiciary, the National Human Rights Commission, law enforcement agencies, and civil society organizations.

Chapter Five discusses the process of human rights implementation in Bangladesh and the various mechanisms through which human rights are protected and enforced.

Chapter Six identifies and analyzes the major challenges affecting the implementation of human rights in Bangladesh.

Chapter Seven examines selected human rights cases and evaluates the contribution of the judiciary to the protection of human rights.

Chapter Eight provides a brief comparative perspective and suggests reforms and policy measures for improving the human rights situation in Bangladesh.

Finally, **Chapter Nine** summarizes the findings of the study and presents the concluding observations.

Chapter 2

Concept and Evolution of Human Rights

2.1 Meaning and Definition of Human Rights

Human rights are the basic rights and freedoms that belong to every person simply because he or she is a human being. These rights are inherent, universal, and inalienable. They apply to all individuals regardless of nationality, race, religion, gender, language, or social status.

Human rights aim to protect human dignity, liberty, equality, and justice. They include rights such as the right to life, freedom of expression, freedom of religion, the right to education, the right to work, and protection from discrimination. The modern concept of human rights is based on the idea that all human beings are equal in dignity and rights.¹

2.2 Historical Development of Human Rights

The idea of human rights did not emerge suddenly. It developed gradually through different historical events and legal documents.

One of the earliest milestones was the **Magna Carta** of 1215 in England. It limited the powers of the King and established the principle that even the ruler is subject to the law.²

Another important document was the **English Bill of Rights** of 1689. It strengthened parliamentary authority and recognized certain civil and political rights of citizens.³

The **American Declaration of Independence** of 1776 further promoted the idea that all people are created equal and possess certain fundamental rights.⁴

The **French Declaration of the Rights of Man and of the Citizen** of 1789 emphasized liberty, equality, and popular sovereignty. It became one of the most influential human rights documents in modern history.⁵

The modern international human rights movement emerged after the Second World War. The large-scale atrocities committed during the war highlighted the need for international protection of human rights. As a result, the United Nations adopted the **Universal Declaration of Human Rights (UDHR)** in 1948. The UDHR became the foundation of the

¹ United Nations, *Universal Declaration of Human Rights* (New York: United Nations, 1948), art. 1.

² J. C. Holt, *Magna Carta*, 2nd ed. (Cambridge: Cambridge University Press, 1992), 1–3.

³ A. V. Dicey, *Introduction to the Study of the Law of the Constitution* (Indianapolis: Liberty Fund, 1982), 188–89.

⁴ United States, *The Declaration of Independence* (1776).

⁵ France, *Declaration of the Rights of Man and of the Citizen* (1789).

contemporary international human rights system and inspired numerous treaties and national constitutions around the world.⁶

2.3 Classification of Human Rights

Human rights are generally classified into three broad categories.

2.3.1 Civil and Political Rights

Civil and political rights protect individual freedom and participation in public life. These rights include the right to life, freedom of speech, freedom of religion, freedom of assembly, the right to vote, and protection against arbitrary arrest and detention. Most of these rights are recognized in the International Covenant on Civil and Political Rights (ICCPR).⁷

2.3.2 Economic, Social and Cultural Rights

Economic, social and cultural rights are related to human welfare and development. They include the right to work, education, health care, social security, and an adequate standard of living. These rights are mainly recognized in the International Covenant on Economic, Social and Cultural Rights (ICESCR).⁸

2.3.3 Collective or Solidarity Rights

Collective or solidarity rights belong to groups and communities rather than individuals alone. Examples include the right to development, the right to peace, and the right to a healthy environment. These rights emphasize cooperation among states and peoples for the common benefit of humanity.⁹

2.4 Major International Human Rights Instruments

Following the adoption of the Universal Declaration of Human Rights, several international treaties were developed to provide legal protection for human rights. Some of the most important international human rights instruments are discussed below.

⁶ United Nations, *Universal Declaration of Human Rights* (1948).

⁷ United Nations, *International Covenant on Civil and Political Rights* (New York: United Nations, 1966).

⁸ United Nations, *International Covenant on Economic, Social and Cultural Rights* (New York: United Nations, 1966).

⁹ Rhona K. M. Smith, *Textbook on International Human Rights*, 7th ed. (Oxford: Oxford University Press, 2016), 16–18.

2.4.1 Universal Declaration of Human Rights (UDHR)

The Universal Declaration of Human Rights (UDHR) was adopted by the United Nations General Assembly on 10 December 1948. Although it is not a legally binding treaty, it is considered the foundation of modern international human rights law. The UDHR recognizes a wide range of civil, political, economic, social, and cultural rights and affirms that all human beings are born free and equal in dignity and rights.¹⁰

2.4.2 International Covenant on Civil and Political Rights (ICCPR)

The International Covenant on Civil and Political Rights (ICCPR) was adopted in 1966 and entered into force in 1976. It protects important rights such as the right to life, freedom of expression, freedom of religion, freedom of assembly, the right to a fair trial, and protection against arbitrary arrest and detention. States that are parties to the Covenant are required to respect and protect these rights.¹¹

2.4.3 International Covenant on Economic, Social and Cultural Rights (ICESCR)

The International Covenant on Economic, Social and Cultural Rights (ICESCR) was adopted alongside the ICCPR in 1966. It recognizes rights relating to work, education, health, social security, and an adequate standard of living. The Covenant requires states to take progressive measures to achieve the full realization of these rights.¹²

2.4.4 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

CEDAW was adopted by the United Nations in 1979. It is often described as an international bill of rights for women. The Convention seeks to eliminate discrimination against women in political, economic, social, cultural, and family life and requires states to take appropriate measures to ensure gender equality.¹³

2.4.5 Convention on the Rights of the Child (CRC)

The Convention on the Rights of the Child (CRC) was adopted in 1989. It provides comprehensive protection for children and recognizes rights relating to survival,

¹⁰ United Nations, *Universal Declaration of Human Rights* (New York: United Nations, 1948).

¹¹ United Nations, *International Covenant on Civil and Political Rights* (New York: United Nations, 1966).

¹² United Nations, *International Covenant on Economic, Social and Cultural Rights* (New York: United Nations, 1966).

¹³ United Nations, *Convention on the Elimination of All Forms of Discrimination against Women* (New York: United Nations, 1979).

development, education, health care, protection from exploitation, and participation in society. The CRC is one of the most widely ratified human rights treaties in the world.¹⁴

2.4.6 Convention against Torture (CAT)

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) was adopted in 1984. Its primary objective is to prevent torture and other forms of cruel treatment. States parties are required to criminalize torture, investigate allegations, and ensure accountability for violations.¹⁵

2.5 Bangladesh and International Human Rights Obligations

Bangladesh is an active member of the United Nations and has demonstrated its commitment to the protection of human rights by becoming a party to several major international human rights treaties. Bangladesh has ratified the ICCPR, ICESCR, CEDAW, CRC, and CAT, among other international instruments. Through these commitments, the State has accepted various obligations relating to the promotion and protection of human rights.¹⁶

The Constitution of Bangladesh reflects many of the principles recognized in international human rights law. Fundamental rights guaranteed under Part III of the Constitution correspond to several rights contained in international human rights instruments. In addition, Bangladesh has enacted various laws and established institutions aimed at implementing its international obligations.

As a state party to these treaties, Bangladesh is required to respect, protect, and fulfill human rights within its jurisdiction. The government is also expected to submit periodic reports to relevant international treaty bodies regarding the measures taken to implement treaty obligations and the progress achieved in the field of human rights.¹⁷

Despite significant progress in certain areas, challenges remain in the effective implementation of international human rights standards. Issues relating to law enforcement, judicial delays, gender-based violence, protection of vulnerable groups, and institutional capacity continue to affect the realization of human rights. Nevertheless, Bangladesh's participation in international human rights instruments provides an important framework for

¹⁴ United Nations, *Convention on the Rights of the Child* (New York: United Nations, 1989).

¹⁵ United Nations, *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (New York: United Nations, 1984).

¹⁶ Office of the United Nations High Commissioner for Human Rights, "Status of Ratification Interactive Dashboard," United Nations.

¹⁷ United Nations Human Rights Office of the High Commissioner, *Human Rights Treaty Bodies and State Reporting Procedures*.

improving human rights protection and strengthening accountability mechanisms in the country.

Chapter 3

Constitutional and Legal Framework of Human Rights in Bangladesh

3.1 Fundamental Principles of State Policy

The Constitution of the People's Republic of Bangladesh is the supreme law of the country and serves as the primary source of human rights protection. The Constitution not only guarantees a number of fundamental rights but also establishes certain guiding principles for the governance of the State.

Part II of the Constitution contains the Fundamental Principles of State Policy. These principles provide the foundation for the political, social, and economic system of Bangladesh. Although they are not directly enforceable by courts, they guide the State in making laws and formulating public policies.¹⁸

Among the important principles are nationalism, socialism, democracy, and secularism. The Constitution also emphasizes social justice, equality of opportunity, respect for human dignity, the rule of law, and the protection of fundamental human rights and freedoms.¹⁹ These principles reflect the commitment of the State to creating a society based on justice, equality, and human dignity.

The Fundamental Principles of State Policy therefore play an important role in promoting and protecting human rights in Bangladesh by providing constitutional guidance for state action and governance.

3.2 Fundamental Rights under Part III of the Constitution

Part III of the Constitution guarantees a number of fundamental rights that are enforceable through the courts. These rights are regarded as essential for the protection of human dignity, liberty, and equality. Article 44 of the Constitution provides the right to move the High Court Division for the enforcement of these fundamental rights.²⁰

¹⁸ Constitution of the People's Republic of Bangladesh, art. 8(2).

¹⁹ Constitution of the People's Republic of Bangladesh, arts. 8–25.

²⁰ Constitution of the People's Republic of Bangladesh, art. 44.

3.2.1 Equality before Law

Equality before law is one of the most important constitutional rights in Bangladesh. Article 27 of the Constitution provides that all citizens are equal before the law and are entitled to equal protection of the law.²¹

This principle means that every person, regardless of social status, political affiliation, religion, or economic condition, should be treated equally by the legal system. It seeks to prevent arbitrary discrimination and promote fairness in the administration of justice.

3.2.2 Non-Discrimination

The Constitution prohibits discrimination on grounds of religion, race, caste, sex, or place of birth. Article 28 guarantees equal treatment of all citizens and prohibits discrimination by the State on these grounds.²²

At the same time, the Constitution allows special measures for women, children, and disadvantaged groups in order to achieve substantive equality. Such measures are not considered discriminatory because their purpose is to remove social and economic disadvantages.

3.2.3 Freedom of Movement

Freedom of movement is guaranteed under Article 36 of the Constitution. Every citizen has the right to move freely throughout Bangladesh, to reside and settle in any part of the country, and to leave and re-enter Bangladesh subject to reasonable restrictions imposed by law.²³

This right promotes personal liberty and enables citizens to pursue education, employment, and other opportunities throughout the country.

3.2.4 Freedom of Speech and Expression

Freedom of speech and expression is guaranteed under Article 39 of the Constitution. This right includes freedom of thought, conscience, speech, and the freedom of the press.²⁴

Freedom of expression is a cornerstone of a democratic society because it allows citizens to express opinions, criticize public policies, and participate in public debate. However, this right is subject to reasonable restrictions in the interests of state security, public order, decency, morality, and other legitimate concerns recognized by law.

²¹ Constitution of the People's Republic of Bangladesh, art. 27.

²² Constitution of the People's Republic of Bangladesh, art. 28.

²³ Constitution of the People's Republic of Bangladesh, art. 36.

²⁴ Constitution of the People's Republic of Bangladesh, art. 39.

3.2.5 Freedom of Religion

The Constitution guarantees freedom of religion under Article 41. Every citizen has the right to profess, practice, and propagate his or her religion, subject to law, public order, and morality.²⁵

This provision reflects the religious diversity of Bangladesh and seeks to ensure peaceful coexistence among people belonging to different faiths. It also protects individuals from religious discrimination and interference with their religious practices.

3.2.6 Protection of Life and Personal Liberty

Article 32 of the Constitution provides that no person shall be deprived of life or personal liberty except in accordance with law.²⁶ This provision is one of the most significant constitutional safeguards for human rights.

The right to life has been interpreted broadly by the courts and includes not only physical existence but also the right to live with dignity and security. Protection of personal liberty is essential for safeguarding individuals against unlawful actions by public authorities.

3.2.7 Safeguards regarding Arrest and Detention

The Constitution provides important protections against arbitrary arrest and detention. Article 33 guarantees that an arrested person must be informed of the grounds of arrest, be allowed to consult a legal practitioner, and be produced before a magistrate within twenty-four hours of arrest, except in certain cases provided by law.²⁷

These safeguards are intended to prevent abuse of power and protect individuals from unlawful detention. They also promote the principles of due process and fair treatment within the criminal justice system.

3.3 Constitutional Remedies

The Constitution of Bangladesh not only guarantees fundamental rights but also provides effective remedies for their enforcement. A right has little value if there is no mechanism to protect it when it is violated. Therefore, the Constitution empowers citizens to seek judicial protection of their fundamental rights.

²⁵ Constitution of the People's Republic of Bangladesh, art. 41.

²⁶ Constitution of the People's Republic of Bangladesh, art. 32.

²⁷ Constitution of the People's Republic of Bangladesh, art. 33.

3.3.1 Article 44

Article 44 guarantees the right to move the High Court Division for the enforcement of fundamental rights.²⁸ This provision gives constitutional recognition to the right to seek judicial remedies whenever a person's fundamental rights are violated.

The importance of Article 44 lies in the fact that it transforms fundamental rights from mere constitutional declarations into enforceable legal rights. Citizens can therefore seek protection directly from the higher judiciary when their rights are infringed.

3.3.2 Article 102

Article 102 of the Constitution grants the High Court Division the power to issue certain constitutional remedies, commonly known as writs.²⁹ These writs are an important mechanism for protecting fundamental rights and ensuring the rule of law.

The High Court may issue writs such as Habeas Corpus, Mandamus, Certiorari, Prohibition, and Quo Warranto in appropriate cases. Through these remedies, the Court can review administrative actions, prevent abuse of power, and provide relief to individuals whose rights have been violated.

Article 102 has played a significant role in the development of constitutional law and human rights protection in Bangladesh. It has enabled the judiciary to safeguard individual liberties and ensure government accountability.

3.4 Important Human Rights Related Laws

In addition to constitutional protections, several statutes have been enacted to promote and protect human rights in Bangladesh.

3.4.1 Penal Code, 1860

The Penal Code, 1860 is the principal criminal law of Bangladesh. It criminalizes acts such as murder, assault, wrongful confinement, kidnapping, rape, and other offences against the human body and personal liberty.³⁰ By prescribing punishment for such offences, the Penal Code contributes to the protection of fundamental human rights.

²⁸ Constitution of the People's Republic of Bangladesh, art. 44.

²⁹ Constitution of the People's Republic of Bangladesh, art. 102.

³⁰ Penal Code, 1860 (Act XLV of 1860).

3.4.2 Code of Criminal Procedure

The Code of Criminal Procedure provides the procedural framework for the administration of criminal justice. It contains provisions relating to arrest, investigation, bail, trial, and appeal. These procedures are intended to ensure fairness and protect individuals from arbitrary actions by state authorities.³¹

3.4.3 Women and Children Repression Prevention Act

The Women and Children Repression Prevention Act, 2000 was enacted to address serious offences committed against women and children. The Act provides special procedures and enhanced punishments for offences such as rape, trafficking, acid violence, and other forms of abuse.³²

3.4.4 Domestic Violence Act, 2010

The Domestic Violence (Prevention and Protection) Act, 2010 was introduced to provide legal protection against violence within the family. The Act recognizes physical, psychological, sexual, and economic abuse and provides remedies for victims, particularly women and children.³³

3.4.5 Right to Information Act, 2009

The Right to Information Act, 2009 promotes transparency and accountability in public administration. It grants citizens the right to obtain information from public authorities, subject to certain limitations.³⁴ Access to information is widely regarded as an important component of democratic governance and human rights protection.

3.4.6 Digital Security Act and Cyber Security Act

The Digital Security Act, 2018 and the Cyber Security Act, 2023 were enacted to address offences committed through digital and online platforms. These laws seek to protect cybersecurity and public order in the digital environment. However, some provisions have generated debate regarding their potential impact on freedom of expression and media freedom.³⁵

³¹ Code of Criminal Procedure, 1898 (Act V of 1898).

³² Women and Children Repression Prevention Act, 2000 (Act VIII of 2000).

³³ Domestic Violence (Prevention and Protection) Act, 2010 (Act No. 58 of 2010).

³⁴ Right to Information Act, 2009 (Act No. 20 of 2009).

³⁵ Cyber Security Act, 2023 (Act No. 39 of 2023); Digital Security Act, 2018 (Act No. 46 of 2018).

3.4.7 Labour Act, 2006

The Bangladesh Labour Act, 2006 contains important provisions relating to workers' rights, workplace safety, wages, working conditions, and trade union activities.³⁶ The Act plays a significant role in protecting economic and social rights within the employment sector.

3.5 Relationship between Domestic Law and International Human Rights Law

International human rights law and domestic law are closely related in Bangladesh. As a member of the United Nations and a party to several international human rights treaties, Bangladesh has undertaken various obligations to respect, protect, and promote human rights. Many constitutional provisions and domestic laws reflect the principles contained in international human rights instruments such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR).³⁷

However, international treaties do not automatically become directly enforceable in Bangladesh unless they are incorporated through domestic legislation. Therefore, the implementation of international human rights obligations often depends upon legislative measures and judicial interpretation.

The Supreme Court of Bangladesh has, on several occasions, referred to international human rights principles while interpreting constitutional provisions and domestic laws. This approach has contributed to the development of human rights jurisprudence and has strengthened the protection of fundamental rights within the country.

Overall, the relationship between domestic law and international human rights law is complementary. International standards provide guidance and direction, while domestic laws and institutions serve as the primary mechanisms for implementing and enforcing human rights in Bangladesh.

³⁶ Bangladesh Labour Act, 2006 (Act No. 42 of 2006).

³⁷ United Nations, *Universal Declaration of Human Rights* (1948); United Nations, *International Covenant on Civil and Political Rights* (1966); United Nations, *International Covenant on Economic, Social and Cultural Rights* (1966).

Chapter 4

Institutional Mechanisms for Human Rights Protection

4.1 Judiciary

The judiciary plays a vital role in the protection and promotion of human rights in Bangladesh. As an independent organ of the State, the judiciary is responsible for interpreting laws, resolving disputes, and ensuring that government actions remain consistent with the Constitution.

One of the most important functions of the judiciary is the protection of fundamental rights guaranteed under Part III of the Constitution. When a person's constitutional rights are violated, the courts can provide remedies and ensure justice. Through judicial review, the courts also have the authority to examine whether laws and administrative actions are consistent with constitutional principles.³⁸

The judiciary therefore serves as an important safeguard against the abuse of power and helps maintain the rule of law. Its role is particularly significant in cases involving personal liberty, equality before the law, freedom of expression, and protection from arbitrary actions by public authorities.

4.2 Supreme Court and Judicial Activism

The Supreme Court of Bangladesh is the highest judicial institution in the country. It consists of the Appellate Division and the High Court Division. The Supreme Court has played an important role in the development of human rights jurisprudence through its interpretation of constitutional provisions and fundamental rights.³⁹

Over the years, the Court has adopted a proactive approach in many cases involving public interest and human rights issues. This approach is often referred to as judicial activism. Through judicial activism, the Court has expanded the protection of fundamental rights and has addressed issues affecting the public interest.

The development of Public Interest Litigation (PIL) is an important example of judicial activism in Bangladesh. In several cases, the courts have allowed public-spirited individuals

³⁸ Constitution of the People's Republic of Bangladesh, arts. 44 and 102.

³⁹ Constitution of the People's Republic of Bangladesh, arts. 94–116A.

and organizations to seek remedies on behalf of disadvantaged groups and affected communities.⁴⁰

The Supreme Court has also delivered significant judgments relating to unlawful detention, environmental protection, prison conditions, gender equality, and administrative accountability. These decisions have strengthened constitutional governance and enhanced the protection of human rights.

Despite these contributions, judicial activism alone cannot solve all human rights problems. Effective protection of human rights also requires efficient administration, strong institutions, and proper implementation of laws.

4.3 National Human Rights Commission (NHRC)

4.3.1 Establishment

The National Human Rights Commission (NHRC) was established under the National Human Rights Commission Act, 2009. The Commission was created as an independent statutory body to promote and protect human rights in Bangladesh.⁴¹

The establishment of the NHRC reflected Bangladesh's commitment to strengthening national human rights institutions in accordance with internationally recognized standards. The Commission functions as a specialized body that focuses on monitoring human rights conditions and promoting awareness of human rights issues.

4.3.2 Functions

The NHRC performs several important functions relating to human rights protection. Its responsibilities include investigating allegations of human rights violations, reviewing laws and policies, promoting human rights education, conducting research, and making recommendations to the government on human rights matters.⁴²

The Commission may also receive complaints from individuals who claim that their human rights have been violated. In addition, it works with government agencies, civil society organizations, educational institutions, and international organizations to promote respect for human rights.

Through awareness programs, seminars, workshops, and publications, the NHRC seeks to develop a human rights culture within society.

⁴⁰ Dr. Mohiuddin Farooque v. Bangladesh, 48 DLR (AD) 1996.

⁴¹ National Human Rights Commission Act, 2009 (Act No. 53 of 2009).

⁴² *Ibid.*

4.3.3 Powers and Limitations

Although the NHRC performs important functions, its powers are relatively limited. The Commission may investigate complaints, conduct inquiries, and make recommendations to the relevant authorities. However, it generally lacks the authority to enforce its decisions directly or impose penalties on violators.⁴³

As a result, the effectiveness of the Commission often depends on the willingness of government institutions and other authorities to implement its recommendations. Limited resources, institutional constraints, and dependence on cooperation from other agencies have also affected its performance in certain situations.

Nevertheless, the NHRC remains an important institution for promoting awareness, monitoring human rights conditions, and encouraging accountability within public institutions.

4.4 Parliament

Parliament plays a significant role in the protection of human rights through its legislative and oversight functions. As the principal law-making body of the country, Parliament has the authority to enact, amend, and repeal laws relating to human rights and fundamental freedoms.⁴⁴

Many important human rights-related laws in Bangladesh have been enacted through parliamentary processes. Parliament also has the responsibility to ensure that domestic laws are consistent with constitutional principles and international obligations.

In addition to law-making, Parliament exercises oversight over the activities of the executive branch. Through debates, questions, discussions, and parliamentary committees, it can examine government policies and administrative actions that affect human rights.

Parliamentary committees may review the implementation of laws and investigate matters of public concern. Such oversight mechanisms contribute to transparency, accountability, and good governance, all of which are essential for the protection of human rights.

However, the effectiveness of parliamentary oversight often depends on the strength of democratic institutions, political commitment, and the ability of elected representatives to perform their constitutional responsibilities independently and effectively.

⁴³ Mizanur Rahman, *Human Rights in Bangladesh: Contemporary Issues and Challenges* (Dhaka: ELCOP, 2015), 112–15.

⁴⁴ Constitution of the People's Republic of Bangladesh, arts. 65–93.

4.5 Executive and Administrative Agencies

The executive branch of the government plays a crucial role in implementing laws and public policies relating to human rights. Ministries, departments, local government institutions, and other administrative bodies are responsible for carrying out the functions of the State and ensuring that citizens can enjoy their rights in practice.

Many human rights issues, such as education, health care, social welfare, employment, and public services, depend largely on the effectiveness of administrative agencies. These institutions are responsible for translating constitutional and legal guarantees into practical benefits for the people.

Administrative agencies are also involved in implementing various government programs aimed at reducing poverty, promoting social justice, protecting vulnerable groups, and improving access to public services. Therefore, efficient and accountable administration is essential for the effective realization of human rights.

However, administrative inefficiency, corruption, lack of resources, and bureaucratic delays may sometimes affect the delivery of public services and hinder the implementation of human rights.

4.6 Law Enforcement Agencies

Law enforcement agencies are among the most important institutions involved in protecting human rights. Agencies such as the police, investigative authorities, and other security bodies are responsible for maintaining law and order, preventing crime, and protecting citizens from unlawful activities.

Effective law enforcement contributes to the protection of fundamental rights, including the right to life, personal security, and access to justice. Law enforcement agencies are also responsible for investigating criminal offences and ensuring that offenders are brought before the courts.⁴⁵

At the same time, these agencies must exercise their powers in accordance with the Constitution and the law. Actions such as unlawful arrest, arbitrary detention, torture, or abuse of authority may result in violations of human rights and undermine public confidence in the justice system.

⁴⁵ Constitution of the People's Republic of Bangladesh, arts. 31, 32, and 33.

For this reason, accountability, transparency, professional training, and respect for the rule of law are essential for ensuring that law enforcement agencies perform their duties while protecting human rights.

4.7 Role of NGOs and Civil Society

Non-governmental organizations (NGOs) and civil society organizations play an important role in promoting and protecting human rights in Bangladesh. These organizations often work alongside government institutions and contribute to raising public awareness, providing legal assistance, conducting research, and advocating for policy reforms.

Several organizations, including BRAC, Ain o Salish Kendra (ASK), Bangladesh Legal Aid and Services Trust (BLAST), and Transparency International Bangladesh (TIB), have made significant contributions in different areas of human rights protection.⁴⁶ They work on issues such as access to justice, women's rights, children's rights, legal aid, good governance, and anti-corruption initiatives.

Civil society organizations also play an important monitoring role by identifying human rights concerns, documenting violations, and bringing important issues to public attention. Through advocacy and public engagement, they encourage accountability and promote democratic values.

In addition, many NGOs provide direct assistance to disadvantaged and vulnerable groups who may not have adequate access to legal remedies or public services. Their activities therefore complement the efforts of government institutions in the field of human rights protection.

4.8 Role of the Media

The media plays a significant role in protecting and promoting human rights by informing the public, encouraging debate, and exposing human rights violations. Newspapers, television channels, radio stations, and digital media platforms help create public awareness about important social, political, and legal issues.

Through investigative reporting and public discussion, the media can draw attention to incidents involving corruption, abuse of power, discrimination, violence, and other human

⁴⁶ Mizanur Rahman, *Human Rights in Bangladesh: Contemporary Issues and Challenges* (Dhaka: ELCOP, 2015), 125–30.

rights concerns. Public exposure often encourages government authorities to take corrective measures and strengthens accountability within public institutions.

The media also serves as a platform for the expression of diverse opinions and contributes to transparency in governance. A free and responsible media is therefore considered an essential element of a democratic society and an important mechanism for protecting human rights.⁴⁷

However, the media must operate responsibly and maintain professional standards of accuracy, fairness, and objectivity. At the same time, journalists should be able to perform their work without intimidation, harassment, or unlawful restrictions.

Overall, the media remains an important partner in promoting human rights awareness, encouraging public participation, and supporting democratic governance in Bangladesh.

⁴⁷ Constitution of the People's Republic of Bangladesh, art. 39.

Chapter Five

Process of Human Rights Implementation in Bangladesh

Human rights implementation refers to the process through which constitutional guarantees, legal provisions, public policies, and institutional mechanisms are translated into practical protection for individuals. The mere recognition of rights in legal documents is not sufficient. Effective implementation requires active participation by state institutions, law enforcement agencies, courts, civil society organizations, and citizens themselves.

In Bangladesh, human rights are implemented through a combination of constitutional protections, legislative measures, judicial enforcement, administrative actions, and public awareness initiatives. This chapter examines the principal mechanisms through which human rights are protected and enforced in practice.

5.1 Constitutional Protection

The Constitution of Bangladesh provides the foundation for the implementation of human rights. It recognizes fundamental rights and establishes legal mechanisms through which these rights can be protected and enforced.

Part III of the Constitution guarantees various civil and political rights, including equality before the law, freedom of speech, freedom of religion, freedom of movement, protection of life and personal liberty, and safeguards against arbitrary arrest and detention.⁴⁸ These constitutional rights serve as the primary legal basis for human rights protection in Bangladesh.

The implementation process begins with constitutional recognition. All public authorities, including government agencies, administrative bodies, and law enforcement institutions, are expected to exercise their powers in accordance with constitutional principles. Any action that violates constitutional rights may be challenged before the courts.

The Constitution also provides an important enforcement mechanism through Articles 44 and 102. Citizens whose fundamental rights have been violated may seek remedies before the High Court Division.⁴⁹ Through judicial review, the courts may declare unlawful actions invalid and provide appropriate relief to affected individuals.

⁴⁸ Constitution of the People's Republic of Bangladesh, arts. 27–44.

⁴⁹ Constitution of the People's Republic of Bangladesh, arts. 44 and 102.

Constitutional protection therefore plays a central role in the implementation of human rights. It establishes legal standards for state conduct and provides citizens with a mechanism to challenge violations of their rights.

However, constitutional guarantees alone cannot ensure the effective realization of human rights. Their practical implementation depends upon the efficiency of institutions, the effectiveness of laws, and the willingness of public authorities to comply with constitutional requirements.

5.2 Legislative Measures

Legislation is another important mechanism through which human rights are implemented in Bangladesh. While the Constitution establishes general principles and guarantees, specific laws provide detailed rules and procedures for protecting particular rights and addressing specific forms of human rights violations.

Over the years, Bangladesh has enacted numerous laws aimed at protecting civil, political, economic, social, and cultural rights. Criminal laws such as the Penal Code, 1860 and the Code of Criminal Procedure provide legal protection against offences affecting life, liberty, and personal security.⁵⁰ These laws establish procedures for investigation, prosecution, and punishment of offenders.

Special legislation has also been adopted to address the needs of vulnerable groups. For example, the Women and Children Repression Prevention Act, 2000 provides legal protection against serious forms of violence and abuse directed at women and children.⁵¹ Similarly, the Domestic Violence (Prevention and Protection) Act, 2010 seeks to protect individuals from violence within the family environment.⁵²

The Right to Information Act, 2009 promotes transparency and accountability by allowing citizens to access information held by public authorities.⁵³ Access to information strengthens democratic governance and enables citizens to monitor government activities more effectively.

Labour legislation also contributes to human rights implementation by protecting workers' rights relating to wages, working conditions, occupational safety, and trade union activities.⁵⁴

⁵⁰ Penal Code, 1860 (Act XLV of 1860); Code of Criminal Procedure, 1898 (Act V of 1898).

⁵¹ Women and Children Repression Prevention Act, 2000 (Act VIII of 2000).

⁵² Domestic Violence (Prevention and Protection) Act, 2010 (Act No. 58 of 2010).

⁵³ Right to Information Act, 2009 (Act No. 20 of 2009).

⁵⁴ Bangladesh Labour Act, 2006 (Act No. 42 of 2006).

In addition, various social welfare laws and government policies seek to promote education, health care, social security, and economic development.

The implementation of human rights through legislation involves several stages. First, Parliament enacts laws establishing legal rights and obligations. Second, government agencies and administrative authorities apply and enforce those laws. Third, courts interpret legal provisions and resolve disputes arising from their application. Through this process, legal protections are translated into practical remedies for individuals.

Despite the existence of numerous laws, challenges remain in ensuring effective implementation. Weak enforcement, limited institutional capacity, lack of public awareness, procedural delays, and resource constraints often reduce the effectiveness of legal protections. Consequently, the success of legislative measures depends not only on the quality of the laws themselves but also on the effectiveness of the institutions responsible for their enforcement.

5.3 Judicial Enforcement

The judiciary is one of the most important mechanisms for the implementation of human rights in Bangladesh. Courts ensure that constitutional guarantees and legal rights are not merely theoretical but are effectively protected in practice.

Individuals whose rights have been violated may seek remedies before the courts. The High Court Division, in particular, plays a significant role through its writ jurisdiction under Article 102 of the Constitution.⁵⁵ Through writ petitions, citizens may challenge unlawful actions of public authorities and seek protection of their fundamental rights.

The courts also contribute to human rights implementation through the interpretation of laws and constitutional provisions. Judicial decisions often clarify the scope of rights and establish standards for public authorities to follow. In many cases, the Supreme Court has expanded the protection of fundamental rights through progressive interpretation of constitutional provisions.⁵⁶

Public Interest Litigation (PIL) has further strengthened judicial enforcement of human rights in Bangladesh. Through PIL, public-spirited individuals and organizations can bring matters of public concern before the courts, particularly when disadvantaged groups are unable to seek remedies themselves.⁵⁷

⁵⁵ Constitution of the People's Republic of Bangladesh, art. 102.

⁵⁶ Constitution of the People's Republic of Bangladesh, arts. 27–44.

⁵⁷ *Dr. Mohiuddin Farooque v. Bangladesh*, 48 DLR (AD) 1996.

In addition, courts provide remedies in both civil and criminal matters involving human rights violations. Victims may seek compensation, injunctions, declarations, or other forms of relief depending on the circumstances of each case.

Despite these important functions, judicial enforcement faces several challenges. Delays in case disposal, heavy case backlogs, litigation costs, and limited access to legal assistance often reduce the effectiveness of judicial remedies. Nevertheless, the judiciary remains one of the most important institutions for the protection and enforcement of human rights in Bangladesh.

5.4 Administrative Mechanisms

Human rights implementation also depends heavily on administrative mechanisms. Government ministries, departments, regulatory agencies, local government institutions, and other public bodies are responsible for implementing laws and public policies that affect the daily lives of citizens.

Many human rights, particularly economic, social, and cultural rights, are realized through administrative action. Access to education, health care, housing, social welfare programs, and public services largely depends on the effectiveness of government institutions.⁵⁸

Administrative agencies are responsible for implementing laws enacted by Parliament and policies adopted by the government. They issue licenses, provide public services, regulate economic activities, distribute social benefits, and monitor compliance with legal requirements. Through these activities, they contribute directly to the realization of human rights.

Various government initiatives have also been undertaken to reduce poverty, improve education, expand health services, promote gender equality, and strengthen social protection. These programs play an important role in improving the practical enjoyment of human rights by citizens.

However, the effectiveness of administrative mechanisms is often affected by bureaucratic inefficiency, corruption, resource limitations, lack of coordination, and weak accountability systems. Such challenges may reduce the quality of public services and hinder the implementation of human rights. Therefore, good governance and effective administration remain essential for ensuring the successful implementation of human rights in Bangladesh.

⁵⁸ Constitution of the People's Republic of Bangladesh, arts. 15–19.

5.5 Role of Law Enforcement Agencies

Law enforcement agencies play a crucial role in the practical implementation of human rights. Their primary responsibilities include maintaining law and order, preventing crime, protecting public safety, investigating offences, and ensuring the enforcement of laws.⁵⁹

By protecting citizens from violence, crime, and unlawful activities, law enforcement agencies contribute directly to the protection of fundamental rights such as the right to life, liberty, personal security, and access to justice. Effective policing is therefore an important element of human rights implementation.

Law enforcement agencies are also responsible for investigating allegations of human rights violations and assisting the criminal justice system in holding offenders accountable. Proper investigation and enforcement of laws help ensure that victims receive justice and that offenders are punished in accordance with legal procedures.

At the same time, law enforcement officials must respect human rights while performing their duties. Their powers of arrest, detention, search, and investigation must be exercised within the limits prescribed by law. Failure to observe these limits may result in violations of human rights and undermine public confidence in state institutions.

In recent years, concerns have been raised regarding allegations of arbitrary arrest, excessive use of force, custodial abuse, and other forms of misconduct. Such concerns highlight the importance of professional training, accountability mechanisms, judicial oversight, and adherence to legal procedures.⁶⁰

Therefore, the role of law enforcement agencies in human rights implementation is twofold. They are responsible not only for protecting citizens from violations committed by others but also for ensuring that their own actions comply with constitutional and legal standards. Effective law enforcement combined with respect for human rights is essential for maintaining the rule of law and promoting justice in society.

5.6 Human Rights Education and Public Awareness

Human rights education and public awareness are important components of the implementation process. Individuals cannot effectively exercise or protect their rights unless they are aware of them. Therefore, increasing public knowledge about human rights contributes significantly to their practical realization.

⁵⁹ Police Act, 1861; Code of Criminal Procedure, 1898.

⁶⁰ National Human Rights Commission, *Annual Report* (Dhaka: NHRC, various years).

In Bangladesh, human rights awareness is promoted through educational institutions, government programs, civil society organizations, media campaigns, and training initiatives. Schools, universities, and various public institutions often organize activities that help people understand their rights and responsibilities.

The National Human Rights Commission, non-governmental organizations, and development partners also conduct seminars, workshops, and awareness campaigns on issues such as gender equality, child rights, access to justice, and protection from discrimination.⁶¹

Despite these efforts, public awareness of human rights remains limited in some sectors of society, particularly in rural and disadvantaged communities. Therefore, greater emphasis on education and awareness-building is necessary to strengthen the protection of human rights in Bangladesh.

5.7 Role of NGOs and International Organizations

Non-governmental organizations (NGOs) and international organizations make important contributions to the implementation of human rights in Bangladesh. They support government efforts through advocacy, research, legal assistance, monitoring, capacity-building, and public awareness activities.

Organizations such as BRAC, Ain o Salish Kendra (ASK), and Bangladesh Legal Aid and Services Trust (BLAST) provide legal support, document human rights violations, and advocate for policy reforms.⁶² These organizations often assist vulnerable groups who may face difficulties in accessing justice and public services.

International organizations, including the United Nations and its specialized agencies, also support human rights initiatives in Bangladesh. They provide technical assistance, funding, training, and policy guidance in areas such as women's rights, children's rights, education, public health, and good governance.⁶³

Through cooperation between government institutions, NGOs, and international organizations, the implementation of human rights can be strengthened and made more effective.

⁶¹ National Human Rights Commission Act, 2009 (Act No. 53 of 2009).

⁶² Mizanur Rahman, *Human Rights in Bangladesh: Contemporary Issues and Challenges* (Dhaka: ELCOP, 2015), 125–30.

⁶³ United Nations Development Programme (UNDP), *Human Development Report* (New York: UNDP, various years).

5.8 Reporting and Monitoring Mechanisms

Reporting and monitoring are essential elements of human rights implementation. These mechanisms help evaluate whether legal obligations and policy commitments are being fulfilled in practice.

At the national level, institutions such as the National Human Rights Commission, government ministries, parliamentary committees, and civil society organizations monitor human rights conditions and identify areas requiring improvement. Their reports often provide valuable information regarding the effectiveness of laws, policies, and institutions.⁶⁴

At the international level, Bangladesh submits periodic reports to various United Nations treaty bodies concerning its implementation of international human rights obligations. These treaty bodies review the reports, assess progress, and make recommendations for further improvement.⁶⁵

Monitoring and reporting mechanisms promote transparency, accountability, and continuous evaluation of human rights conditions. They also help identify weaknesses in implementation and encourage corrective measures by relevant authorities.

In conclusion, human rights implementation in Bangladesh involves a combination of constitutional protection, legislation, judicial enforcement, administrative action, law enforcement activities, public awareness initiatives, civil society participation, and monitoring mechanisms. The effectiveness of this process largely depends on the cooperation of all relevant institutions and their commitment to protecting and promoting human rights.

⁶⁴ National Human Rights Commission, *Annual Report* (Dhaka: NHRC, various years).

⁶⁵ Office of the United Nations High Commissioner for Human Rights, *Human Rights Treaty Bodies and State Reporting Procedures*.

Chapter 6

Major Human Rights Challenges in Bangladesh

Despite constitutional guarantees, legal protections, and institutional mechanisms, the effective implementation of human rights in Bangladesh continues to face a number of challenges. While significant progress has been achieved in certain areas, various structural, political, and administrative problems often limit the practical realization of human rights. This chapter discusses some of the major challenges affecting human rights implementation in Bangladesh.

6.1 Weak Enforcement of Laws

One of the most significant challenges to human rights protection in Bangladesh is the weak enforcement of laws. The country possesses a comprehensive legal framework that includes constitutional guarantees, criminal laws, special protective legislation, and various regulatory mechanisms. However, the existence of laws alone does not ensure effective protection unless those laws are properly implemented.

In many cases, legal provisions are not enforced consistently or effectively. Delays in investigation, inadequate monitoring, shortage of resources, and administrative inefficiency often reduce the effectiveness of legal protections. As a result, victims may face difficulties in obtaining timely remedies and justice.

Weak enforcement is particularly noticeable in areas such as violence against women, child protection, labour rights, environmental protection, and access to public services. Although laws addressing these issues exist, implementation gaps frequently limit their practical impact.⁶⁶

Another challenge relates to public awareness. Many individuals are not fully aware of their legal rights or the procedures available for seeking protection. Consequently, violations often remain unreported or unresolved.

The effectiveness of law enforcement also depends on the capacity of institutions responsible for implementing laws. Where institutions lack adequate resources, training, or administrative support, the enforcement process may become ineffective. Therefore, strengthening implementation mechanisms is as important as enacting new laws.

⁶⁶ Mizanur Rahman, *Human Rights in Bangladesh: Contemporary Issues and Challenges* (Dhaka: ELCOP, 2015), 78–85.

6.2 Political Influence and Governance Problems

Political influence and governance-related challenges also affect the protection of human rights in Bangladesh. Effective human rights protection requires strong institutions, transparency, accountability, and respect for the rule of law. However, governance weaknesses may sometimes undermine these objectives.

Political influence can affect administrative decision-making, law enforcement activities, and the functioning of public institutions. When institutions are perceived as lacking independence or impartiality, public confidence in the protection of rights may decline.

Good governance requires that public authorities act in accordance with law, remain accountable for their actions, and provide services fairly and efficiently. However, problems such as bureaucratic inefficiency, lack of coordination, limited accountability, and weak institutional capacity may hinder the effective implementation of human rights.⁶⁷

Governance challenges may also affect access to justice and the delivery of public services. Delays in administrative decision-making, inadequate service delivery, and unequal access to state resources can have a direct impact on the enjoyment of human rights, particularly for disadvantaged groups.

Furthermore, effective human rights protection depends upon democratic participation and public accountability. Citizens must be able to express concerns, seek remedies, and participate in public affairs without unnecessary obstacles. Strengthening democratic governance and institutional accountability therefore remains an important requirement for improving the human rights situation in Bangladesh.

6.3 Corruption

Corruption is another major challenge affecting the implementation of human rights. Corruption may be broadly defined as the misuse of public power or public resources for private gain. It can occur at various levels of government and administration and may significantly undermine the protection of human rights.

Corruption weakens public institutions and reduces the effectiveness of laws and policies. Resources intended for public welfare programs may be diverted, public services may become less accessible, and decision-making processes may lose transparency and fairness.⁶⁸

⁶⁷ United Nations Development Programme (UNDP), *Governance for Sustainable Human Development* (New York: UNDP, various years).

⁶⁸ Transparency International, *Corruption Perceptions Index* (Berlin: Transparency International, various years).

The impact of corruption is often felt most strongly by vulnerable and disadvantaged groups. Individuals who lack financial resources or social influence may face greater difficulties in obtaining access to justice, health care, education, housing, and other essential services. In this way, corruption can contribute to inequality and social exclusion.

Corruption may also affect the criminal justice system. Allegations of bribery, misuse of authority, or improper influence can undermine public confidence in law enforcement agencies and other public institutions. When accountability mechanisms are weak, violations of rights may go unaddressed and public trust in the legal system may decline.

Bangladesh has taken various measures to combat corruption, including the establishment of the Anti-Corruption Commission (ACC) and the adoption of legal and policy reforms.⁶⁹ However, corruption remains a continuing challenge that affects governance, development, and the effective implementation of human rights.

Addressing corruption requires strong institutions, effective oversight mechanisms, transparency in public administration, and a commitment to accountability at all levels of government. Without these measures, the protection of human rights may remain incomplete despite the existence of constitutional and legal guarantees.

6.4 Delays in the Judicial Process

An effective judicial system is essential for the protection of human rights. Courts are expected to provide timely remedies when rights are violated and ensure that justice is delivered fairly and efficiently. However, delays in the judicial process remain a significant challenge in Bangladesh.

A large number of pending cases, shortage of judicial personnel, procedural complexities, and limited resources often contribute to lengthy delays in the disposal of cases. As a result, many individuals have to wait several years before receiving a final decision from the courts.⁷⁰

Judicial delays can have serious consequences for human rights protection. Victims may be deprived of timely remedies, accused persons may remain under prolonged legal uncertainty, and public confidence in the justice system may be weakened. In criminal cases, delayed trials may affect the right to a fair and speedy hearing. In civil matters, delays may prevent individuals from effectively protecting their legal interests and rights.

⁶⁹ Anti-Corruption Commission Act, 2004 (Act No. 5 of 2004).

⁷⁰ Law Commission of Bangladesh, *Report on Judicial Reform and Case Management* (Dhaka: Law Commission, various years).

The impact of judicial delays is often more severe for poor and vulnerable groups who may lack the financial resources necessary to pursue lengthy litigation. Consequently, access to justice may become difficult for many citizens.

To address this challenge, improvements in judicial administration, increased use of technology, appointment of additional judges, and procedural reforms may help reduce case backlogs and improve the efficiency of the justice system.

6.5 Custodial Torture and Abuse

The prohibition of torture is a fundamental principle of both national and international human rights law. The Constitution of Bangladesh prohibits torture and cruel, inhuman, or degrading treatment or punishment.⁷¹ Bangladesh is also a party to the Convention against Torture (CAT), which requires states to prevent torture and ensure accountability for violations.⁷²

Despite these legal protections, concerns regarding custodial torture and abuse have been raised by human rights organizations and monitoring bodies over the years. Allegations occasionally involve physical abuse, ill-treatment during interrogation, excessive use of force, and mistreatment of detainees while in custody.⁷³

Custodial torture is a serious human rights concern because it directly affects the dignity, physical integrity, and personal security of individuals. It may also undermine the fairness of criminal investigations and weaken public confidence in law enforcement institutions.

To strengthen legal protection in this area, Bangladesh enacted the Torture and Custodial Death (Prevention) Act, 2013. The Act criminalizes torture and custodial deaths and provides legal remedies for victims and their families.⁷⁴

However, effective implementation of legal safeguards remains important. Proper training of law enforcement personnel, independent investigations, judicial oversight, and accountability mechanisms are necessary to prevent custodial abuse and ensure compliance with human rights standards.

⁷¹ Constitution of the People's Republic of Bangladesh, art. 35(5).

⁷² United Nations, *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (1984).

⁷³ National Human Rights Commission, *Annual Report* (Dhaka: NHRC, various years).

⁷⁴ Torture and Custodial Death (Prevention) Act, 2013 (Act No. 50 of 2013).

6.6 Arbitrary Arrest and Preventive Detention

Protection against arbitrary arrest and detention is an important component of human rights. The Constitution of Bangladesh provides safeguards relating to arrest and detention and seeks to protect individuals from unlawful deprivation of liberty.⁷⁵

Nevertheless, concerns regarding arbitrary arrest and the use of preventive detention laws have been subjects of discussion in Bangladesh for many years. Preventive detention refers to the detention of a person without a regular criminal conviction for the purpose of preventing future activities that may be considered harmful to public order or state security.

Supporters of preventive detention laws argue that such measures are sometimes necessary to maintain public order and national security. However, critics argue that excessive or improper use of preventive detention may affect fundamental rights, including personal liberty and due process protections.⁷⁶

Arbitrary arrest may occur when legal procedures are not properly followed or when individuals are deprived of liberty without sufficient legal justification. Such practices may affect public confidence in the rule of law and create concerns regarding the protection of individual rights.

The courts have played an important role in reviewing detention orders and ensuring compliance with constitutional safeguards. Judicial oversight remains an important mechanism for preventing abuse and protecting individual liberty.⁷⁷

Strengthening procedural safeguards, ensuring transparency in detention processes, and maintaining effective judicial review are essential for balancing public security concerns with the protection of fundamental human rights.

6.7 Freedom of Expression Issues

Freedom of expression is a fundamental human right and an essential element of a democratic society. The Constitution of Bangladesh guarantees freedom of thought, conscience, speech, and expression, subject to reasonable restrictions imposed by law.⁷⁸ This right enables citizens to express opinions, participate in public debate, exchange information, and contribute to social and political development.

⁷⁵ Constitution of the People's Republic of Bangladesh, arts. 32 and 33.

⁷⁶ Special Powers Act, 1974 (Act No. XIV of 1974).

⁷⁷ *BLAST v. Bangladesh*, 55 DLR (HCD) 363 (2003).

⁷⁸ Constitution of the People's Republic of Bangladesh, art. 39.

Despite constitutional protection, freedom of expression continues to face certain challenges in practice. Concerns are sometimes raised regarding restrictions on speech, media activities, online expression, and access to information. Journalists, human rights defenders, political activists, and social media users may occasionally face legal or administrative actions relating to their activities.⁷⁹

The rapid growth of digital communication has created new opportunities for freedom of expression but has also introduced new regulatory challenges. Governments have a legitimate interest in addressing issues such as cybercrime, misinformation, hate speech, and threats to national security. However, it is important that regulatory measures remain consistent with constitutional principles and international human rights standards.

An appropriate balance must therefore be maintained between protecting public order and preserving freedom of expression. Greater transparency, judicial oversight, and respect for constitutional safeguards can help ensure that freedom of expression is protected while addressing legitimate public concerns.

6.8 Women's Rights and Gender-Based Violence

The protection of women's rights remains an important human rights issue in Bangladesh. Over the past several decades, significant progress has been made in areas such as female education, political participation, maternal health, and economic empowerment. Women now participate more actively in public life, education, employment, and various sectors of national development.⁸⁰

Despite these achievements, many challenges continue to affect the realization of women's rights. Gender-based violence remains one of the most serious concerns. Women may face domestic violence, sexual harassment, rape, trafficking, child marriage, and other forms of discrimination and abuse.⁸¹

To address these problems, Bangladesh has enacted several laws, including the Women and Children Repression Prevention Act, 2000 and the Domestic Violence (Prevention and

⁷⁹ United Nations Human Rights Committee, *General Comment No. 34: Freedom of Opinion and Expression* (Geneva: United Nations, 2011).

⁸⁰ United Nations Development Programme (UNDP), *Human Development Report* (New York: UNDP, various years).

⁸¹ United Nations, *Convention on the Elimination of All Forms of Discrimination against Women* (1979).

Protection) Act, 2010. These laws provide legal protection and establish mechanisms for addressing violence against women.⁸²

However, legal protection alone is not always sufficient. Social attitudes, lack of awareness, economic dependency, fear of social stigma, and difficulties in accessing justice may discourage victims from seeking legal remedies. In some cases, incidents remain unreported or unresolved.

Improving women's rights therefore requires a comprehensive approach involving legal enforcement, education, economic empowerment, public awareness, and social change. Continued efforts by government institutions, civil society organizations, and development partners are necessary to ensure greater gender equality and protection from violence.

6.9 Child Rights Violations

Children constitute one of the most vulnerable groups in society and require special protection under both national and international law. Bangladesh is a party to the Convention on the Rights of the Child (CRC), which recognizes the rights of children to survival, development, protection, and participation.⁸³

Bangladesh has achieved considerable progress in improving access to primary education, reducing child mortality, and expanding health services for children. Nevertheless, several challenges continue to affect the protection of children's rights.

Child labour remains a concern in certain sectors of the economy, particularly in informal and hazardous occupations. Although legal measures have been adopted to regulate child labour, economic hardship and poverty often contribute to the continued involvement of children in work activities.⁸⁴

Child marriage is another significant issue. Despite legal restrictions, child marriage continues to occur in some areas, affecting children's health, education, and overall development. Early marriage may limit educational opportunities and expose children, particularly girls, to various social and health risks.

Children may also face risks of trafficking, exploitation, neglect, abuse, and violence. Street children and children living in disadvantaged circumstances often encounter additional difficulties in accessing education, health care, and social protection services.

⁸² Women and Children Repression Prevention Act, 2000 (Act VIII of 2000); Domestic Violence (Prevention and Protection) Act, 2010 (Act No. 58 of 2010).

⁸³ United Nations, *Convention on the Rights of the Child* (1989).

⁸⁴ Bangladesh Labour Act, 2006 (Act No. 42 of 2006).

The protection of children's rights requires effective implementation of laws, increased public awareness, poverty reduction initiatives, improved educational opportunities, and stronger child protection mechanisms. Ensuring the well-being and development of children is essential not only for the protection of human rights but also for the long-term social and economic development of Bangladesh.

6.10 Labour Rights and Migrant Workers

Labour rights are an important component of human rights because they directly affect the dignity, livelihood, and well-being of workers. Bangladesh has made significant economic progress over the past decades, particularly through the growth of the ready-made garments sector and overseas employment. However, challenges relating to labour rights continue to exist.

Workers may face issues such as unsafe working conditions, excessive working hours, inadequate wages, limited social protection, and restrictions on trade union activities. Although the Bangladesh Labour Act, 2006 provides legal protections for workers, effective enforcement remains a challenge in some sectors.⁸⁵

Migrant workers also contribute significantly to the national economy through remittances. Every year, a large number of Bangladeshi citizens migrate abroad for employment opportunities. However, many migrant workers face difficulties such as exploitation, unfair recruitment practices, contract violations, poor working conditions, and limited access to legal remedies in destination countries.⁸⁶

The protection of labour rights requires stronger enforcement of labour laws, improved workplace safety, fair wages, access to justice, and effective protection mechanisms for migrant workers both before departure and during overseas employment.

6.11 Minority Rights

The protection of minority rights is an important aspect of human rights in a diverse society. Bangladesh is home to various religious, ethnic, and indigenous communities. The Constitution guarantees equality before the law and prohibits discrimination on various grounds.⁸⁷

⁸⁵ Bangladesh Labour Act, 2006 (Act No. 42 of 2006).

⁸⁶ International Labour Organization (ILO), *Labour Migration in Asia and the Pacific* (Geneva: ILO, various years).

⁸⁷ Constitution of the People's Republic of Bangladesh, arts. 27 and 28.

Despite constitutional protections, minority communities sometimes face social, economic, and political challenges. Concerns are occasionally raised regarding discrimination, land-related disputes, unequal access to opportunities, and incidents of communal tension.⁸⁸

Indigenous communities living in the Chittagong Hill Tracts and other regions may also face challenges relating to land rights, cultural preservation, and socio-economic development. Protecting their cultural identity and ensuring equal participation in national development remain important human rights objectives.

The protection of minority rights requires effective implementation of anti-discrimination laws, equal access to public services, protection of cultural diversity, and the promotion of social harmony. Respect for diversity strengthens national unity and contributes to the realization of human rights for all citizens.

6.12 Refugee and Rohingya Issues

The Rohingya refugee crisis represents one of the most significant humanitarian and human rights challenges faced by Bangladesh in recent years. Since 2017, Bangladesh has hosted a large number of Rohingya refugees who fled violence and persecution in neighbouring Myanmar.⁸⁹

The Government of Bangladesh, with the support of international organizations and humanitarian agencies, has provided shelter, food, health care, and other essential services to displaced Rohingya populations. These efforts have been widely recognized as an important humanitarian response to a major regional crisis.

However, the prolonged presence of a large refugee population has created various challenges. Pressure on local resources, environmental concerns, security issues, funding shortages, and limitations in educational and employment opportunities have complicated the management of the refugee situation.⁹⁰

The absence of a long-term political solution in Myanmar has further prolonged the crisis. Although international efforts have been made to facilitate the safe, voluntary, and dignified repatriation of Rohingya refugees, significant obstacles remain.

⁸⁸ United Nations Development Programme (UNDP), *Human Development Report* (New York: UNDP, various years).

⁸⁹ United Nations High Commissioner for Refugees (UNHCR), *Rohingya Emergency Response Reports* (Geneva: UNHCR, various years).

⁹⁰ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *Rohingya Humanitarian Response Plan* (various years).

The Rohingya issue demonstrates the complex relationship between humanitarian responsibilities, national interests, regional stability, and international human rights obligations. Continued international cooperation is essential for addressing this challenge effectively.

6.13 Poverty and Socio-Economic Inequality

Poverty and socio-economic inequality remain among the most fundamental challenges affecting the realization of human rights in Bangladesh. Human rights are not limited to civil and political freedoms; they also include economic and social rights such as access to food, health care, education, housing, and employment.⁹¹

Bangladesh has achieved notable progress in reducing poverty and improving various socio-economic indicators. Nevertheless, significant disparities continue to exist between different regions, social groups, and economic classes. Many individuals still face difficulties in accessing quality education, adequate health services, safe housing, and stable employment opportunities.

Poverty often limits people's ability to exercise their rights effectively. Individuals living in poverty may have less access to legal assistance, public services, and economic opportunities. As a result, they may be more vulnerable to exploitation, discrimination, and other forms of rights violations.

Socio-economic inequality can also affect social cohesion and sustainable development. When access to resources and opportunities is distributed unevenly, disadvantaged groups may face long-term barriers to social and economic advancement.

Addressing poverty and inequality requires comprehensive policy measures, including economic development, job creation, social protection programs, improved public services, and equitable access to education and health care. Sustainable development and human rights protection are closely connected, and progress in one area often contributes to progress in the other.⁹²

In conclusion, despite significant achievements in many areas, Bangladesh continues to face a range of challenges in the effective implementation of human rights. Addressing these challenges requires stronger institutions, effective enforcement of laws, greater public

⁹¹ United Nations, *International Covenant on Economic, Social and Cultural Rights* (1966).

⁹² United Nations, *Transforming Our World: The 2030 Agenda for Sustainable Development* (New York: United Nations, 2015).

awareness, and continued commitment to the principles of human dignity, equality, justice, and the rule of law.

Chapter 7

Selected Human Rights Cases and Judicial Responses

7.1 Judicial Activism in Bangladesh

The judiciary has played an important role in the development and protection of human rights in Bangladesh. Through constitutional interpretation and judicial review, the courts have often expanded the scope of fundamental rights and provided remedies against unlawful actions of public authorities.

This proactive role of the judiciary is commonly described as judicial activism. Judicial activism refers to the willingness of courts to interpret constitutional provisions broadly in order to protect public interests and fundamental rights. In Bangladesh, judicial activism has contributed significantly to the development of human rights jurisprudence.

One of the most important developments in this regard has been the recognition of Public Interest Litigation (PIL). Through PIL, the courts have allowed individuals and organizations to seek remedies on behalf of disadvantaged groups and affected communities. As a result, many important human rights issues have been brought before the courts even when the direct victims were unable to seek legal remedies themselves.⁹³

Judicial activism has also contributed to the protection of personal liberty, environmental rights, freedom from unlawful detention, and constitutional governance. Through various landmark decisions, the Supreme Court has strengthened the rule of law and reinforced the protection of human rights in Bangladesh.

7.2 Important Human Rights Cases

7.2.1 BLAST v. Bangladesh

One of the most significant human rights cases in Bangladesh is *BLAST v. Bangladesh*. The case concerned the misuse of powers relating to arrest and detention under Sections 54 and 167 of the Code of Criminal Procedure.⁹⁴

Human rights organizations argued that these provisions were frequently used to arrest individuals without sufficient justification and to subject them to prolonged detention. Such practices raised concerns regarding personal liberty and protection against arbitrary arrest.

⁹³ *Dr. Mohiuddin Farooque v. Bangladesh*, 48 DLR (AD) 1996.

⁹⁴ *BLAST v. Bangladesh*, 55 DLR (HCD) 363 (2003).

The High Court Division issued a number of guidelines governing arrest, detention, and police interrogation. The Court emphasized that law enforcement authorities must exercise their powers in accordance with constitutional safeguards and legal procedures.⁹⁵

This decision is considered a landmark judgment because it strengthened the protection of individual liberty and established important safeguards against abuse of police powers. The case also demonstrated the judiciary's willingness to intervene when fundamental rights are threatened.

7.2.2 Bangladesh Italian Marble Works Ltd. v. Bangladesh

The case of *Bangladesh Italian Marble Works Ltd. v. Bangladesh* is widely known as the Fifth Amendment Case. The dispute concerned the constitutional validity of constitutional amendments and legal measures introduced during periods of martial law.⁹⁶

The Supreme Court held that certain actions taken during martial law were inconsistent with the basic principles of the Constitution. The Court reaffirmed the supremacy of the Constitution and emphasized that constitutional governance must prevail over extra-constitutional arrangements.

Although the case primarily concerned constitutional law, it had important implications for human rights protection. By reaffirming democracy, the rule of law, judicial independence, and constitutional supremacy, the Court strengthened the legal framework necessary for the protection of fundamental rights.⁹⁷

The judgment remains one of the most important constitutional decisions in the legal history of Bangladesh.

7.2.3 State v. Metropolitan Police Commissioner

Another important case relating to human rights protection is *State v. Metropolitan Police Commissioner*. The case involved questions concerning arrest procedures and the protection of individual liberty.

The Court emphasized that law enforcement agencies must strictly comply with legal requirements when exercising powers of arrest and detention. It reaffirmed that personal

⁹⁵ *Ibid.*

⁹⁶ *Bangladesh Italian Marble Works Ltd. v. Bangladesh*, 62 DLR (AD) 298 (2010).

⁹⁷ *Ibid.*

liberty is a fundamental constitutional value and that any restriction on liberty must be justified by law.⁹⁸

The decision highlighted the importance of procedural safeguards in criminal justice administration. It also reinforced the principle that government authorities are accountable for their actions and must respect constitutional protections.

This case contributed to the development of legal standards relating to due process and protection against arbitrary actions by public authorities.

7.2.4 Dr. Mohiuddin Farooque Cases

The cases brought by Dr. Mohiuddin Farooque represent a major milestone in the development of Public Interest Litigation in Bangladesh. Dr. Farooque, on behalf of environmental and public interest concerns, challenged various governmental actions affecting public welfare and environmental protection.⁹⁹

In these cases, the Supreme Court adopted a liberal approach regarding locus standi and recognized that public-spirited individuals and organizations could seek remedies in matters affecting the public interest.

The Court held that access to justice should not be restricted only to persons directly affected by a particular action. Where issues of significant public concern are involved, individuals and organizations may approach the courts to protect collective interests.

These decisions expanded access to justice and significantly strengthened the role of Public Interest Litigation in Bangladesh. They also contributed to the protection of environmental rights, public accountability, and broader human rights interests.

7.3 Contribution of the Judiciary to Human Rights Protection

The judiciary has made substantial contributions to human rights protection in Bangladesh. Through constitutional interpretation, judicial review, and the development of Public Interest Litigation, the courts have expanded the scope of fundamental rights and strengthened legal accountability.

Judicial decisions have contributed to the protection of personal liberty, due process, environmental rights, access to justice, and democratic governance. The courts have also provided remedies against unlawful administrative actions and have reinforced constitutional safeguards in numerous cases.

⁹⁸ *State v. Metropolitan Police Commissioner*, 60 DLR (HCD) 660.

⁹⁹ *Dr. Mohiuddin Farooque v. Bangladesh*, 48 DLR (AD) 1996.

Furthermore, the judiciary has helped integrate international human rights principles into domestic legal interpretation where appropriate. Through these efforts, the courts have become an important institution for safeguarding human rights and promoting the rule of law.

7.4 Limitations of Judicial Remedies

Despite its important role, judicial protection of human rights is subject to certain limitations. Access to courts may be difficult for economically disadvantaged individuals due to legal expenses and procedural complexities.

Judicial delays and case backlogs may also reduce the effectiveness of legal remedies. In some situations, victims may have to wait for extended periods before obtaining relief from the courts. Limited legal awareness among citizens may further restrict access to justice.

Moreover, courts alone cannot ensure the effective protection of human rights. Successful implementation also requires efficient administration, accountable law enforcement agencies, strong institutions, and public commitment to the rule of law.

Therefore, while the judiciary remains one of the most important guardians of human rights in Bangladesh, its efforts must be supported by broader institutional and social reforms.

Chapter 8

Comparative Perspective and Way Forward

8.1 Human Rights Protection in India

India and Bangladesh share similar historical backgrounds, constitutional traditions, and legal systems. Both countries inherited many features of the British legal system and adopted written constitutions that recognize fundamental rights. Therefore, India's experience provides useful lessons for understanding human rights protection in Bangladesh.

The Constitution of India contains an extensive list of Fundamental Rights that are enforceable through the courts. These rights include equality before the law, freedom of speech and expression, freedom of religion, protection of life and personal liberty, and protection against discrimination.¹⁰⁰ Similar to Bangladesh, constitutional remedies are available through the higher judiciary for the enforcement of these rights.

The Indian judiciary has played a particularly significant role in the protection of human rights. Through judicial activism and Public Interest Litigation (PIL), the Supreme Court of India has expanded the scope of constitutional rights and addressed issues affecting disadvantaged groups.¹⁰¹ Indian courts have interpreted the right to life broadly to include rights relating to health, education, environment, and human dignity.

India also established the National Human Rights Commission (NHRC) in 1993 to investigate human rights violations, promote awareness, and advise the government on human rights matters.¹⁰² Although the Commission faces certain limitations, it has contributed to monitoring human rights conditions and encouraging institutional accountability.

Despite these protections, India continues to face various human rights challenges, including discrimination, gender-based violence, communal tensions, prison overcrowding, and delays in the judicial process. Nevertheless, the country's experience demonstrates the importance of judicial independence, constitutional remedies, and active civil society participation in promoting human rights.

¹⁰⁰ Constitution of India, Part III.

¹⁰¹ M. P. Jain, *Indian Constitutional Law*, 8th ed. (New Delhi: LexisNexis, 2018), 1445–50.

¹⁰² Protection of Human Rights Act, 1993 (India).

For Bangladesh, the Indian experience highlights the value of an active judiciary, effective Public Interest Litigation, and strong institutional mechanisms for the protection of fundamental rights.

8.2 Human Rights Protection in the United Kingdom

The United Kingdom provides another useful example of human rights protection, although its constitutional structure differs significantly from that of Bangladesh and India. Unlike Bangladesh, the United Kingdom does not have a single written constitution. Instead, constitutional principles are derived from statutes, judicial decisions, conventions, and long-established legal traditions.¹⁰³

One of the most important developments in the protection of human rights in the United Kingdom was the enactment of the Human Rights Act 1998. This Act incorporated many rights contained in the European Convention on Human Rights (ECHR) into domestic law and enabled individuals to seek remedies before domestic courts when their rights were violated.¹⁰⁴

The United Kingdom places strong emphasis on the rule of law, judicial independence, parliamentary accountability, and transparent public administration. Public authorities are required to act consistently with human rights standards, and courts play an important role in reviewing administrative decisions.

Independent oversight bodies also contribute to human rights protection. Institutions such as the Equality and Human Rights Commission monitor compliance with equality and human rights standards and provide guidance on human rights issues.¹⁰⁵

Although the United Kingdom faces its own challenges relating to immigration, counter-terrorism measures, discrimination, and social inequality, its institutional framework demonstrates the importance of accountability, transparency, and effective legal remedies.

The experience of the United Kingdom suggests that strong institutions, independent oversight bodies, efficient public administration, and a culture of respect for the rule of law are essential for the effective implementation of human rights.

¹⁰³ A. V. Dicey, *Introduction to the Study of the Law of the Constitution* (Indianapolis: Liberty Fund, 1982).

¹⁰⁴ Human Rights Act 1998 (UK).

¹⁰⁵ Equality Act 2010 (UK).

8.3 Lessons for Bangladesh

The comparative experiences of India and the United Kingdom demonstrate that effective human rights protection requires more than constitutional guarantees and legal provisions. Strong institutions, independent courts, accountable public authorities, and active public participation are equally important.

One important lesson for Bangladesh is the value of judicial independence and effective constitutional remedies. The experiences of both countries show that courts can play a vital role in protecting human rights when they are able to function independently and efficiently.

Another important lesson is the need for strong oversight institutions. Human rights commissions, parliamentary committees, regulatory bodies, and civil society organizations can contribute significantly to monitoring human rights conditions and ensuring accountability.

The comparative analysis also highlights the importance of transparency, good governance, and public access to information. Effective implementation of human rights depends not only on legal protections but also on the quality of public administration and the accountability of state institutions.

Finally, the experiences of other jurisdictions demonstrate that human rights protection is a continuous process. Legal reforms, institutional development, public awareness, and international cooperation must work together to ensure the effective realization of human rights.

8.4 Recommendations

Based on the findings of this study, the following recommendations are proposed for improving the implementation of human rights in Bangladesh.

8.4.1 Legal Reforms

Existing laws relating to human rights should be reviewed periodically to ensure consistency with constitutional principles and international human rights standards. Ambiguous provisions that may affect fundamental rights should be clarified, and outdated laws should be amended where necessary.

The implementation of existing laws should also receive greater attention. Effective enforcement is often more important than the enactment of additional legislation.

8.4.2 Strengthening Judicial Independence

An independent and efficient judiciary is essential for the protection of human rights. Measures should be taken to reduce case backlogs, improve judicial administration, and enhance access to justice.

The judiciary should continue to exercise its constitutional role without improper influence from external actors. Adequate resources, professional training, and technological improvements may contribute to a more effective justice system.

8.4.3 Reform of Law Enforcement Agencies

Law enforcement agencies should receive regular training on constitutional rights, human rights principles, and professional standards of conduct. Effective accountability mechanisms should be maintained to prevent abuse of authority and ensure compliance with legal procedures.

Greater transparency and public oversight may help strengthen public confidence in law enforcement institutions.

8.4.4 Strengthening the National Human Rights Commission

The National Human Rights Commission should be provided with adequate financial, administrative, and technical resources to perform its functions effectively.

Consideration may also be given to strengthening its investigative capacity and improving cooperation between the Commission and other public institutions. A stronger NHRC could contribute significantly to monitoring human rights conditions and promoting accountability.

8.4.5 Human Rights Education

Human rights education should be incorporated more effectively into educational curricula and public awareness programs. Increased public understanding of rights and responsibilities can contribute to the prevention of violations and encourage greater participation in democratic processes.

Government agencies, educational institutions, civil society organizations, and the media should work together to promote human rights awareness throughout the country.

8.4.6 Good Governance and Accountability

Improving governance remains essential for the effective implementation of human rights. Public institutions should operate in a transparent, accountable, and efficient manner.

Measures aimed at reducing corruption, improving service delivery, strengthening oversight mechanisms, and enhancing public participation may contribute significantly to the protection of human rights.

8.4.7 Protection of Freedom of Expression

Freedom of expression should continue to be protected in accordance with constitutional guarantees and international standards. Citizens, journalists, academics, and civil society actors should be able to express their views and participate in public debate without unnecessary restrictions.

At the same time, legitimate concerns relating to public order, national security, and protection from harmful conduct should be addressed through lawful and proportionate measures.

8.4.8 Digital Rights Protection

As digital technologies become increasingly important, greater attention should be given to the protection of digital rights. Policies and laws relating to cyberspace should balance cybersecurity concerns with the protection of privacy, freedom of expression, and access to information.

Digital literacy programs may also help citizens use technology safely and responsibly while exercising their rights in the digital environment.

8.4.9 Protection of Women and Vulnerable Groups

Special attention should be given to women, children, persons with disabilities, minority communities, elderly persons, and other vulnerable groups. Existing laws should be enforced effectively, and support services for victims of discrimination and violence should be strengthened.

Policies promoting equal opportunity, social inclusion, and access to justice can contribute to greater protection of vulnerable populations.

8.4.10 Cooperation with International Organizations

Bangladesh should continue to cooperate with international organizations, development partners, and United Nations human rights mechanisms. Such cooperation can provide technical assistance, capacity-building opportunities, and access to international best practices.

Continued engagement with international human rights institutions may also help strengthen domestic implementation efforts and improve compliance with international obligations.

In summary, the effective implementation of human rights in Bangladesh requires a comprehensive approach involving legal reform, institutional strengthening, accountability, public awareness, and sustained political commitment. The adoption of these measures may contribute to the creation of a more just, inclusive, and rights-respecting society.

Chapter 9

Conclusion

9.1 Findings of the Study

This study examined the process of human rights implementation in Bangladesh, the institutional and legal mechanisms involved in that process, the challenges affecting implementation, and the possible measures for improvement.

The study found that Bangladesh possesses a comprehensive constitutional and legal framework for the protection of human rights. The Constitution guarantees a wide range of fundamental rights, including equality before the law, freedom of expression, freedom of religion, protection of life and personal liberty, and safeguards against arbitrary arrest and detention. In addition, Bangladesh has enacted various laws to protect women, children, workers, and other vulnerable groups. The country is also a party to several important international human rights instruments.

The study further found that multiple institutions are involved in the implementation of human rights. These include the judiciary, Parliament, the National Human Rights Commission, law enforcement agencies, administrative bodies, civil society organizations, and the media. Together, these institutions form the framework through which human rights are protected and enforced.

However, the study also identified several challenges affecting the effective implementation of human rights in Bangladesh. These challenges include weak enforcement of laws, delays in the judicial process, corruption, governance weaknesses, allegations of custodial abuse, restrictions affecting freedom of expression, violence against women and children, labour rights concerns, minority-related issues, the Rohingya refugee crisis, and socio-economic inequality.

The study also found that the existence of legal protections alone is not sufficient to guarantee the effective enjoyment of rights. Human rights implementation depends largely on the effectiveness, accountability, and capacity of the institutions responsible for enforcing those rights.

9.2 Overall Assessment

Overall, Bangladesh has made notable progress in establishing legal and institutional mechanisms for the protection of human rights. Constitutional safeguards, judicial remedies, legislative measures, and participation in international human rights instruments demonstrate the country's commitment to human rights protection.

Significant achievements have been observed in areas such as education, women's participation in public life, poverty reduction, child welfare, and access to social services. Judicial intervention through constitutional litigation and Public Interest Litigation has also contributed to the development of human rights jurisprudence in Bangladesh.

Despite these achievements, important challenges remain. The gap between legal guarantees and practical implementation continues to affect the realization of human rights in many areas. Institutional weaknesses, resource constraints, administrative inefficiencies, and limited public awareness often reduce the effectiveness of existing protections.

The study suggests that human rights protection should not be viewed solely as a legal issue. It is also closely connected with governance, accountability, economic development, social awareness, and institutional capacity. Effective implementation therefore requires cooperation among government institutions, courts, civil society organizations, international partners, and citizens.

The comparative experiences of India and the United Kingdom further demonstrate that strong institutions, independent courts, transparent governance, and active public participation are essential for the successful implementation of human rights.

9.3 Concluding Remarks

Human rights are fundamental to the dignity, freedom, and well-being of every individual. The protection of these rights is not only a constitutional obligation but also an essential requirement for democratic governance, social justice, and sustainable development.

The findings of this study indicate that Bangladesh has established a solid legal foundation for the protection of human rights. Nevertheless, the effective realization of these rights continues to require consistent efforts to strengthen institutions, improve governance, ensure accountability, and promote public awareness.

Human rights implementation is an ongoing process rather than a one-time achievement. As society continues to evolve, new challenges and opportunities will emerge. The protection of

human rights therefore requires continuous review of laws, policies, and institutional practices to ensure that they remain responsive to changing circumstances.

A rights-based approach to governance, supported by strong institutions and active public participation, can contribute significantly to the promotion of justice, equality, and human dignity. Greater commitment to the rule of law, transparency, and effective enforcement of legal protections will further strengthen the human rights environment in Bangladesh.

In conclusion, while important challenges remain, the prospects for improving human rights protection in Bangladesh are encouraging. Through legal reform, institutional strengthening, public awareness, and sustained commitment to constitutional values, Bangladesh can continue to make progress toward the effective realization of human rights for all its citizens.

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