

Status of Human Rights in Bangladesh for the 44th Session of the Universal Periodic Review

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the People's Republic of Bangladesh (Bangladesh) for the 44th session of the Universal Periodic Review (UPR).

Background

2. Bangladesh is located in Southern Asia along the Bay of Bengal with a population of approximately 167.2 million people.¹ The country is overwhelmingly Muslim, representing approximately 91% of the population.² Out of the remaining population, approximately 7.9% identify as Hindu, 0.6% as Buddhist, 0.3% as Christian, and 0.1% as other.³ In its 2022 World Watch List, Open Doors listed Bangladesh as the 30th worst place for Christians to live.⁴ This rank stems from the fact that in Bangladesh, Christians face persecution from the majority Muslim population.⁵

3. Bangladesh's previous review was held on May 14, 2018.⁶ As a result of the review, Bangladesh received 251 recommendations, 178 of which it accepted.⁷ One recommendation that was made by Estonia, and supported by Bangladesh, was that the government "[e]nsure legal and constitutional protection of indigenous and religious minorities, and facilitate the reporting of violations of their rights."⁸ It was also recommended by Austria, and supported by Bangladesh, that the government "[e]nsure the effective investigation and sanctioning of all cases of violence against religious minorities."⁹

Legal Framework

4. Under Article 2A of the Constitution of Bangladesh, "[t]he state religion of the Republic is Islam, but the State shall ensure equal status and equal right in the practice of the Hindu, Buddhist, Christian and other religions."¹⁰ Further, under Article 41:

1. Subject to law, public order and morality –

a. every citizen has the right to profess, practice or propagate any religion;

b. every religious community or denomination has the right to establish, maintain and manage its religious institutions.

2. No person attending any educational institution shall be required to receive religious instruction, or to take part in or to attend any religious ceremony or worship, if that instruction, ceremony or worship relates to a religion other than his own.¹¹

5. Under Article 295 of the Penal Code of Bangladesh:

Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.¹²

6. Further, under Article 28 of Digital Security Act:

Publication, broadcast, etc. of information in website or in any electronic format that hurts the religious values or sentiment.

(1) If any person or group willingly or knowingly publishes or broadcasts or causes to publish or broadcast anything in website or any electronic format which hurts religious sentiment or values, with an intention to hurt or provoke the religious values or sentiments, then such act of the person shall be an offence.

(2) If any person commits an offence under sub-section (1), he shall be punished with imprisonment for a term not exceeding 5 (five) years, or with fine not exceeding Taka 10 (ten) lac, or with both.¹³

7. Bangladesh is also a party to the International Covenant on Civil and Political Rights (ICCPR).¹⁴ Under Article 18 of the ICCPR:

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.¹⁵

8. Further, under Article 27 of the ICCPR:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.¹⁶

Religious Persecution

9. Since 2011, the “Christian portion of the population, already less than 1%, has demonstrably decreased.”¹⁷ The reason for this decline is because of the increasing number of “attacks against minorities in Bangladesh.”¹⁸ This has also resulted in the displacement of approximately 11,300 Christians over the past three years.¹⁹ According to a report by the Bangladesh National Hindu Grand Alliance, 154 religious minorities were killed in 2022.²⁰ The report further stated that “62 religious minorities went missing in 2022 and 849 people were threatened with death. Another 424 religious minorities were attempted to be killed and 360 of them were left injured.”²¹ As stated above, Christians and other religious minorities

are persecuted by the Muslim majority.²² In addition, Christians also face violence by Hindu and Buddhist extremists. In particular, Bangladeshi Christians who have converted “from a Muslim, Hindu, Buddhist or an ethnic/tribal background suffer the most severe restrictions, discrimination and attacks.”²³ As a result of this persecution Christians, “often gather in small house-churches or secret groups due to fear of attack.”²⁴

10. In October 2022, a group of Hindus disrupted the baptisms of forty-five new Christians at a church in Bangladesh by verbally abusing the Christians and picking up items to use as weapons.²⁵ According to the pastor of the church, “[t]he Hindu people were unhappy seeing that people from their community were converting to Christianity Now they are witnessing their people being baptised and they wanted to put a stop to it. They even tried to stop all church activities here.”²⁶

11. On September 28, 2022, a 35-year-old Christian went missing.²⁷ The next day, his family received a ransom note for 1.5 million taka (approximately \$15,000).²⁸ After a few days, “his dismembered body was found in a pond while six pieces were recovered near the factory where he worked.”²⁹ In connection with the murder, police arrested a Muslim man.³⁰

12. In June 2022, a Christian pastor and his family were attacked by a mob of about forty people.³¹ The attack was sparked when it was discovered that the pastor wanted to use the land to build a church.³² Thankfully, the pastor and his family survived the attacks and went to a local hospital to recover from the attack.³³

13. In May 2022, police in the capital city of Dhaka “arrested a Muslim man for throwing bricks at a Catholic church that damaged two pictures of the Virgin Mary and the church’s patron, St. Eugene De Mazenod.”³⁴ When the police arrested the individual, he confessed to carrying out the attack “with the intent of hurting religious sentiments.”³⁵ The parish priest, Father Gomes stated that

[t]his incident was motivated and planned for a purpose which has dealt a severe blow to the religious sentiments of all Christians. We strongly condemn this incident and demand the government of Bangladesh to find out the masterminds of the incident and bring them to justice under the law.³⁶

14. On April 3, 2022, an individual “entered a church and desecrated statues of Jesus, Mother Mary, and St. Teresa.”³⁷ Police were able to arrest the individual and started an investigation into the attack.³⁸

15. In February 2022, Catholics in a Bangladeshi diocese carried out a protest following the death of a 94-year-old Catholic.³⁹ According to one protestor, “Christians face various problems in the village, which was not the case earlier. I think we are being attacked because we are a minority.”⁴⁰ This protest was sparked by an incident on January 29, 2022, when unidentified attackers attacked the house of 94-year-old Melcome Costa.⁴¹ The unidentified attackers rendered six individuals unconscious using drugs and proceeded to loot valuables and killed Melcome Costa.

16. In January 2022, eight Christians were attacked and beaten on their way to a baptism class.⁴² Four of the individuals were beaten so badly that they had to be taken to the hospital to be treated.⁴³

17. That same month “a mostly-Buddhist organisation known as the Underground Army” destroyed a church that was under construction “and threatened to torture or kill the men of

the church.”⁴⁴ The men then fled into the jungle for several weeks while the women and children hid in one house for safety.⁴⁵ The Underground Army then “found the women and beat them with canes, leaving them bruised. The militant Buddhists then looted the believers’ empty homes, stealing their crops and livestock.”⁴⁶

18. In August 2021, Buddhist extremists attacked a church twice over a two-week period.⁴⁷

This violent incident took place one evening in a small community in the east of Bangladesh. The attackers – believed to be local villagers and politicians – were masked, carrying guns, machetes, and wooden sticks. They broke the doors and windows of the church building, cut the tin roof, and demolished the wall of the church.⁴⁸

A few days after this attack, Christians began to rebuild their church.⁴⁹ The extremists then returned a week later to destroy the church again.⁵⁰

19. That same month, a Christian convert and his family was attacked by his cousins after they learned “that he and his immediate family had converted to Christianity.”⁵¹ His cousins “initially tried to evict him and his parents from their home. When this failed, the cousins attacked them with axes and sticks.”⁵² Thankfully no one was killed in the attack, but the victims were afraid to report the incident to the police out of fear that persecution would only increase.⁵³

20. On February 10, 2021, four Muslims attacked the Emmanuel Church of Bangladesh at Aditmari in Lalmonirhat district.⁵⁴ According to the complaint submitted to the district police chief, “[t]he attackers destroyed the church signboard, cut down trees, entered the church after breaking the lock and left with 30 chairs and two floor mats worth 14,000 taka (US\$167).”⁵⁵

21. On October 7, 2020, a 23-year-old Catholic tribal woman was murdered by Muslims after they gang-raped her.⁵⁶

22. On January 27, 2020, “Taher, a Rohingya Christian pastor, and his 14-year-old daughter were abducted from their shelter in a refugee camp in Bangladesh.”⁵⁷ The previous day, twenty-two Christian families, who were also living in the refugee camp, were attacked.⁵⁸

The attackers beat up residents, vandalized homes, and looted personal property in the sprawling Rohingya refugee camp. At least 12 Rohingya Christian refugees were injured and hospitalized following the attack. A makeshift Christian church and school were also smashed. After the attack the families relocated to a United Nations transit center and filed a police case against 59 alleged assailants.⁵⁹

23. On September 30, 2019, Bangladesh enacted the Digital Security Act. As mentioned above, this Act criminalizes the publication of online information “which hurts religious sentiments or values”⁶⁰ We are concerned that this law, along with Article 295 of the penal code, can be (and has been) weaponized by the Muslim majority against religious minorities. The elements of freely practicing one’s religion include the ability to manifest that religion in private **or** in public, individually **or** in community with others. In the Christian faith, sharing the gospel through Christian booklets or through the distribution of Bibles is

common. In today's digital age, it is also common for Christians to be able to share their faith online through video messages and posting sermons. Because the standard, "hurting religious sentiments," under the Digital Security Act and section 295 of the penal code is vague as one can take offense to almost anything, it can be easily weaponized by anyone to stifle religious speech even speech shared online. For instance, under these vague laws, Christians' preaching and telling others that Jesus is the only way to achieve eternal salvation could be viewed as offensive to a Muslim's beliefs.

24. Furthermore, while there are no laws prohibiting conversion, there is still societal pressure and stigma facing those who convert to Christianity from Islam.⁶¹ In fact, "[m]any Christian men are attacked for converting from Islam The wider communal pressure – including from Muslim leaders – forces some men to flee their homes."⁶²

25. For example, one Christian reported that while he was at home "family members began attacking him to force him to renounce his new faith in Jesus – but he bravely refused."⁶³ His refusal to renounce his faith further angered those around him and he was soon surrounded by fifty to sixty people.⁶⁴ The crowd then "stabbed and beat him, and even tried to strangle him."⁶⁵ He was able to escape but was then "greeted by police who blamed him for the attack because it revolved around his conversion from Islam to Christianity."⁶⁶ After the police left, he "was attacked even more violently than before."⁶⁷

Recommendations

26. The few stories we have highlighted above clearly show that Bangladesh is failing to protect Christians from violence and harassment. Without immediate and meaningful action from the government, Christians will continue to be attacked because of their faith. Bangladesh must ensure that Christians are able to openly and freely practice the tenants of their faith without the fear of being attacked or having their places of worship destroyed. Additionally, Bangladesh must reform its vague law regarding "hurting religious sentiments" to ensure that it is not weaponized against Christians for simply practicing the tenants of their faith.

¹ *Bangladesh*, THE WORLD FACTBOOK, <https://www.cia.gov/the-world-factbook/countries/bangladesh/> (Mar. 2, 2023).

² Sumon Corraya, *Census Data Confirm Decline of Bangladesh's Religious Minorities*, ASIA NEWS (July 28, 2022, 1:37 PM), <https://www.asianews.it/news-en/Census-data-confirm-decline-of-Bangladesh's-religious-minorities-56363.html>.

³ *Id.*

⁴ *World Watch List 2023*, OPEN DOORS UK, <https://www.opendoorsuk.org/persecution/world-watch-list/> (last visited Mar. 9, 2023).

⁵ Int'l Christian Concern, *Muslim Groups Attempt to Stifle Christian Growth in Bangladesh*, PERSECUTION (Mar. 3, 2022), <https://www.persecution.org/2022/03/04/muslim-groups-attempt-stifle-christian-growth-bangladesh/>.

⁶ *Universal Periodic Review – Bangladesh*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/bd-index> (last visited Mar. 10, 2023).

⁷ *Bangladesh Infographic 30th*, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session30/BD/BANGLADESH_Infographic_30th.pdf (last visited Mar. 10, 2023).

⁸ OHCHR, UPR of Bangladesh (3rd Cycle-30th Session): Thematic List of Recommendations, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session30/BD/MatriceRecommendationsBangladesh.docx> (last visited Mar. 10, 2023).

⁹ *Id.*

¹⁰ CONSTITUTION OF THE PEOPLE'S REPUBLIC OF BANGLADESH 1972 (reinstated 1986, rev. 2014), art. 2A.

¹¹ *Id.* art. 41.

¹² THE PENAL CODE, 1860 art. 295 (Bangl.).

¹³ DIGITAL SECURITY ACT, 2018 art. 28 (Bangl.).

¹⁴ *Ratifications Status for Bangladesh*, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=14&Lang=EN (last visited Mar. 10, 2023).

¹⁵ International Covenant on Civil and Political Rights art. 18, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

¹⁶ *Id.* art. 27.

¹⁷ Int'l Christian Concern, *New Census Reveals Christian Decline in Bangladesh*, PERSECUTION (July 28, 2022), <https://www.persecution.org/2022/07/28/new-census-reveals-christian-decline-bangladesh/>.

¹⁸ *Id.*

¹⁹ Int'l Christian Concern, *supra* note 5.

²⁰ *Disturbing Statistics of Forced Conversions, Murders, and Rapes of Religious Minorities in Bangladesh: Reports*, OP INDIA (Jan. 7, 2023), <https://www.opindia.com/2023/01/disturbing-statistics-of-forced-conversions-murders-and-rapes-of-religious-minorities-in-bangladesh-reports/>.

²¹ *Id.*

²² *Muslim Groups Attempt to Stifle Christian Growth in Bangladesh*, *supra* note 5.

²³ *Bangladesh: Full Country Dossier*, OPEN DOORS 6 (Dec. 2021),

<https://www.opendoors.org/persecution/reports/Full-Country-Dossier-Bangladesh-2022.pdf>.

²⁴ *Id.*

²⁵ *Bangladesh: Baptism of 45 New Christians Disrupted*, OPEN DOORS YOUTH (Oct. 24, 2022), <https://opendoorsyouth.org/news/bangladesh-baptism-of-45-new-christians-disrupted/>.

²⁶ *Id.*

²⁷ Sumon Corraya, *Christians Protest in Gazipur After a Christian Man is Abducted and Murdered*, ASIA NEWS (Oct. 4, 2022, 5:04 PM), <https://www.asianews.it/news-en/Christians-protest-in-Gazipur-after-a-Christian-man-is-abducted-and-murdered-56805.html>.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Bangladesh: Pastor Attacked for Wanting to Build a Church*, OPEN DOORS YOUTH (June 13, 2022), <https://opendoorsyouth.org/news/bangladesh-pastor-attacked-for-wanting-to-build-a-church/>.

³² *Id.*

³³ *Id.*

³⁴ *Muslim Man Arrested for Church Attack in Bangladesh*, UCA NEWS (May 6, 2022, 2:39 AM), <https://www.ucanews.com/news/muslim-man-arrested-for-church-attack-in-bangladesh/97160>.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Vandal Targets Catholic Church's Statues in Bangladesh*, UCA NEWS (Apr. 5, 2022, 9:30 AM), <https://www.ucanews.com/news/vandal-targets-catholic-churchs-statues-in-bangladesh/96784>.

³⁸ *Id.*

³⁹ Stephan Uttom Rozario, *Church Seeks Justice Over Catholic's Murder in Bangladesh*, UCA NEWS (Feb. 3, 2022, 11:11 AM), <https://www.ucanews.com/news/church-seeks-justice-over-catholics-murder-in-bangladesh/95965>.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² Kevin Zeller, *Buddhist Beat Eight Christians in Bangladesh*, MISSION NETWORK NEWS (Jan. 12, 2022), <https://www.mnnonline.org/news/buddhists-beat-eight-christians-in-bangladesh/>.

⁴³ *Id.*

⁴⁴ *BANGLADESH: Militant Buddhist Attack Christian Families Constructing Church*, VOICE OF THE MARTYRS (Jan. 12, 2022), <https://vom.com.au/bangladesh-militant-buddhists-attack-christian-families-constructing-church/>.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Simon, *Two Churches. Two Parts of Bangladesh. Two Devastating Attacks*, OPEN DOORS UK (Aug. 11, 2021), <https://www.opendoorsuk.org/news/latest-news/bangladesh-church-attack/>.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ Cara Bentley, *Christian Teacher in Bangladesh Attacked by Relatives with Axes*, PREMIER CHRISTIAN NEWS (Aug. 29, 2021), <https://premierchristian.news/en/news/article/christian-teacher-in-bangladesh-attacked-by-relatives-with-axes>.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Christians Demand Justice After Attack on Bangladeshi Church*, UCA NEWS (Feb. 16, 2021, 3:38 AM), <https://www.ucanews.com/news/christians-demand-justice-after-attack-on-bangladeshi-church/91418>.

⁵⁵ *Id.*

⁵⁶ *Bangladesh: Full Country Dossier*, *supra* note 23, at 7.

⁵⁷ Brad Adams, *Christian Abducted, Attacked in Bangladesh Refugee Camp*, HUM. RTS. WATCH (Feb. 13, 2020, 9:00 PM), <https://www.hrw.org/news/2020/02/13/christians-abducted-attacked-bangladesh-refugee-camp>.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ DIGITAL SECURITY ACT, 2018 art. 28 (Bangl.).

⁶¹ *Bangladesh*, OPEN DOORS UK, <https://www.opendoorsuk.org/persecution/world-watch-list/bangladesh/> (last visited Mar. 9, 2023).

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*