



Christian Freedom
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Bangladesh

Joint Submission by
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International

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Set My People Free is a network of individuals, churches and organizations working for the freedom of converts from Islam to live and practice their new faith, to experience equality

and justice in their home countries. We seek to give the Muslim people the freedom to change their faith or no faith, to live out and practice their new belief, and to experience freedom, justice and equality in their homeland as non-Muslims.

Jubilee Campaign is a non-profit organization which promotes the human rights and religious liberty of ethnic and religious minorities. We assist individuals and families seeking asylum in the West from religious-based persecution as well as promoting the care and well-being of larger groups of refugees fleeing religious and ethnic persecution. Jubilee Campaign holds consultative status at the United Nations from the Economic and Social Council.

Christian Freedom International an organization dedicated to helping persecuted Christians including legal aid for survivors of persecution and those targeted by blasphemy charges.

Freedom of Thought, Conscience, Religion and Belief in Bangladesh

A. Acceptance of international treaty obligations

1. Bangladesh has acceded to the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Convention on the Elimination of All Forms of Racial Discrimination, International Covenant on Economic, Social and Cultural Rights. Bangladesh has also ratified the International Covenant on the Protection of the Rights of All Migrant Workers and Members of their Families, the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Optional Protocol on the Rights of the Child on the sale of children, child prostitution and child pornography and the Convention on the Rights of Persons with Disabilities.

Recommendations

We recommend Bangladesh:

2. Remove its remaining reservations with regards article 2 and article 16 (1) (c) of CEDAW to ensure human rights are enjoyed by all women regardless of belief. Religious or ideological mandates and edicts should be followed voluntarily, not under coercion.
3. Ratify the following inquiry procedures: CCPR-OP1 – the Optional Protocol to the International Covenant on Civil and Political Rights, CEDAW-OP, Art. 8-9 - Inquiry procedure under the Optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the CRC-OP-IC, Art. 13- Inquiry procedure under the Optional Protocol to the Convention on the Rights of the Child.
4. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance without reservations by the next Universal Periodic Review.

B. Freedom of Thought, Conscience and Religion, Rights of Minorities and Freedom of Expression

I. Introduction

1. During the last review Bangladesh supported four recommendations specific to protecting freedom of thought, conscience religion and belief. There were additional recommendations that fell under thematic categories related to impunity, combating racism, rights of refugees and asylum seekers, constitutional and legislative frameworks and one of which emphasised cooperation with international mechanisms and institutions, all of which still affected and pertained to the rights of religious minorities and individuals' to freedom of thought, conscience, religion, belief and expression.
2. We will be reporting on incidents that occurred during the reporting period and assess the actions of the government of Bangladesh and what they can do to improve, referencing recommendations Bangladesh committed to support. There is no room to list all cases of violations, therefore, those mentioned are used to raise systematic concerns and violations that are ubiquitous among those our different organisations aim to help.

II. *Cooperation with other international mechanisms and institutions*

3. Bangladesh supported the below recommendation during the last Universal Periodic Review which touches on the resolution 16/18:
 - a. *147.63 Work with civil society to develop a road map to implement Human Rights Council resolution 16/18 on combating religious intolerance (United Kingdom of Great Britain and Northern Ireland)*

Recommendations:

4. There have been no reports of a road map being drafted. To strengthen this recommendation for the upcoming review cycle we recommend the Government of Bangladesh:
 - Work with a diverse group of civil society members, ensuring representatives from minority faiths and beliefs are included, to develop a road map to implement Human Rights Council resolution 16/18 on combating religious intolerance;
 - Increase the representation of minority civil society members in decision-making positions;
 - Ensure representation and inclusion of exMuslims from different beliefs and secular Muslims in future civil society meetings during the next reporting period.

I. *Constitutional and legislative framework*

5. Bangladesh supported several recommendations emphasising the need to review and ensure the harmonisation of existing laws with its human rights obligations.
 - a. *147.4 Incorporate provisions of international human rights instruments to which it is a party into its domestic legislation*

- (Zimbabwe);
- b. 147.5 Make further efforts to strengthen existing national legislation to address discrepancies and to enact new legislation to implement international human rights instruments it is a party to (Bhutan);
 - c. 147.6 Continue to bring its national legislation and policies fully in line with its international commitments (Barbados);
 - d. 147.68 Review all existing and proposed legislation relating to freedom of expression, both online and offline, to ensure that it fully complies with the relevant international standards (Ireland);
6. In addition, there were also specific recommendations on legal amendments to be made which Bangladesh supported but which have not yet been implemented:
- a. 148.4 Ensure legal and constitutional protection of indigenous and religious minorities, and facilitate the reporting of violations of their rights (Estonia);
 - b. 148.3 Enforce constitutional provisions safeguarding freedom of expression, including by amending section 57 of the Information and Communication Technology Act and relevant provisions of the draft Digital Security Act (Australia);
 - c. 147.7 Bring legislation into conformity with the obligations under the International Covenant on Civil and Political Rights by repealing restrictive provisions that limit the rights of journalists, human rights defenders and civil society organizations to freedom of expression and free speech (Latvia)
7. While the government of Bangladesh has introduced new legislation, the Digital Security Act 2018, which replaces the Information and Communication Technology Act, it still contains paragraphs with the same concerning vague formulations that allow for violations of freedom of expression and belief as in the previous section 57 [article 25 and 28 in the new legislation].
8. The new Act has been called for urgent review by both civil society and the UN Special Procedures.ⁱ
9. The new bill calls into question the secular foundation of the Constitution of Bangladesh and its non-discriminatory nature by including in article 8 the right for the Director General of the Digital Security Agency to remove any data which hampers the “religious values” of the country.

Advanced question:

- 10. Which religious values is the Government of Bangladesh referring to in article 8 of the Act? How does the provision for a specific religious value ensure non-discrimination of other beliefs?**
11. Secondly, the new bill criminalises the sharing of any, “publication, broadcast, etc. of information in website or in any electronic format” which “hurts the religious values or sentiment.” The UN Special Rapporteur on freedom of religion or belief has made clear that Article 18

of the ICCPR protects the rights of individuals not religions per se. Moreover, even though some states have referenced a European Court of Human Right's decision to question the application of anti-blasphemy laws.ⁱⁱ The ECHR decision, which already received widespread criticism for opening up for the weighing in of religious sentiments, is not a valid justification on several accounts.

- a. The ECHR decision *E.S. vs Austria* was regarding a fine – an administrative penalty not a prison sentence. The article 28 of the Act introduced by the Government of Bangladesh allows for the imprisonment of an individual for alleged blasphemy up to 10 years.
- b. The provisions of the law in Bangladesh penalising blasphemy, have been used disproportionately to target *minority views* and beliefs, in contrast, the ECHR decision which granted the discretion to a European country to place a fine, granted this right since the speech was targeting the “religious sensitivities” of a *marginalised group*. There was no specific censorship or blanket rejection of the content of the speech, rather the context of the speech and who it targeted [a minority] was leading in the decision. Decision *Tagiyeva v. Azerbaijan* is evidence of this. In that case the state in question criminalised speech which would hurt the same religious sensitivities, the penalty however, was not permissible according to the court due to the disproportionality of the sentence [imprisonment] and since it targeted individuals who held a minority belief, violating freedom of expression and belief.
- c. In addition to the language of the Act being vague and unconstitutional and the penalties severe, they will have, as the ECHR decision noted, a “chilling effect” on the enjoyment of freedom of expression. The law also denies bail to any individual charged or under investigation for these charges.

12. CASE STUDY: Anti-blasphemy laws used and abused in Bangladesh

In October 2020, authorities arrested Hindu girl, Dipti Rani Das, a 17-year-old girl. The authorities detained her for over two years, denying bail four times, even if according to the Child Act Law she should have been granted bail. The paragraphs in the Digital Security Act which make blasphemy allegations a non-bailable offence took precedence over the right of the child in practice, until the High Court in May 2021 decided that the continued detention of the Dipti was unlawful. However, despite the High Court decision, Dipti was not released until one year later – this was due to the Deputy Commissioner of Dinajpur [the district where Dipti comes from], Khaled Mohammad Zaki, blocking the implementation of the High Court's decision by making an appeal to the Appellate Division of the Supreme Court seeking a stay on the bail order.

13. The treatment of Dipti shows several issues, apart from the violations already noted prior, how a law in favour of the majority perspective allows for the widespread violation of numerous other civil rights of individuals from minority groups or who hold minority beliefs. 1) The delay in

implementing the Child Act Law 2) The blocking of a High Court decision by local authorities by making an appeal to the Appellate Division of the Supreme Court due to the widespread societal animosity towards minority beliefs and/or fear of speaking out against anti-blasphemy laws and failing to recognise the dignity of individuals holding opposing or different views.

14. In addition to Dipti, authorities have arrested several bloggers from both the Hindu faith and Christians, as well as Muslims with dissenting opinions. The chilling effect has led to self-censorship but also the use of online violent speech by intolerant individuals to stoke by mobs to attack homes of individuals expressing diverse views, with ineffective protection from authorities who instead take the individual seeking protection into custody.
15. Since the penalties for blasphemy enjoy support from certain legislative representatives, they are open to rife abuse to target minority beliefs, violating the checks and balances that would have been adhered to and implemented had the accused of blasphemy been an adherent to the perceived majority belief and religion.
16. With regards to the recommendation 148.4 made by Estonia which calls for “legal and constitutional protection” of indigenous and religious minorities, there needs to be efforts to repeal anti-blasphemy laws since they are low-hanging fruit for intolerant actors to target the rights of minorities. Moreover, the recommendation of Estonia which was supported by Bangladesh called for actions to “facilitate the reporting of violations.” With regards to the government response to the targeted attacks of the Christian Rohingya minority refugees – which was not to recognise the targeted nature and intent of the attacks – encourages impunity. Therefore, an ombudsman or Commissioner to uphold the rights of minorities would be a valuable inclusion to ensure this recommendation is fully implemented.

Recommendations

17. Considering the above we therefore recommend the Government of Bangladesh:
 - a. Repeal its anti-blasphemy laws in efforts to protect freedom of expression in media, politics, and religion.
 - b. Cease immediately any arrests of individuals under laws which do not fully comply with the relevant international standards.
 - c. Establish an ombudsman for minority rights [to receive reports regarding discrimination of minorities with the ability for quick and effective review] at the earliest opportunity.

II. Good Governance

18. We welcome that the Government of Bangladesh supported the recommendation calling on it to improve its judicial system:
 - a. *147.88 Continue its policy to improve the judicial system, the law enforcement bodies and to reduce levels of corruption and poverty*

(Russian Federation);

19. However, with regards to the rights of minorities discriminatory legislation and biases of state legislators has resulted in discrepancy in implementation such as the denial of the rights of Dipti to be granted bail under the Child Rights Act.
20. In addition, there have also been several reports of discriminatory application of building rights laws with regards to non-Muslim houses of worship. In February 2021 authorities tore down a church in Bandarban district that was under construction, citing that it was unlawful, despite both mosques and Hindu temples enjoying building rights and the church having existed in the same location for several years; the only difference was that the congregants had saved money to refurbish and reconstruct the building.ⁱⁱⁱ According to the Forest Department official, S M Kawsar, his agency did not destroy any church, they only cleared government land, “Construction takes a permit and Christians did not have it,” he explained. “In this village, there are only three or four Christian families. There is no need for a church.” The statement by the official reveals the discrimination of Christians in Bangladesh. One of the leaders of the demolished church shared that their community which includes more than a hundred people now have to pray in the open air.
21. In another incident in Lalmonirhat district, four local Muslim men came and destroyed the church sign, cut trees, forced the entrance, and stole 30 chairs and two carpets. When the pastor went to file a police report, the police refused to and told the pastor to not inform journalists about the attack. The pastor shared that the violence against the church appears to be the result of anti-Christian propaganda at a local Islamic meeting place (*waz mahfil*) and anger from them that new members have joined the church, many who have left Islam, “Muslims are angry because we have received Christ, which is why they attack us. Now we live in fear, ten new believers have fled the village for their safety.”^{iv}

Advanced Questions:

22. **Could Bangladesh elaborate on their policy?**
23. **How has Bangladesh implemented its policy in investigating the crimes of the murder of secular bloggers in 2015?**

Recommendations:

24. We recommend the Government of Bangladesh to:
 - a. Establish policy to improve the judicial system and the law enforcement bodies which upholds the rights of Christians, former Muslims, and others.
 - b. Fund independent journalists reporting on violations of freedom of expression, thought, conscience, religion and belief as well as minority rights.

III. Racial Discrimination

25. Under this category, Bangladesh supported a recommendation which hollows out the strength of its previous supported recommendations and presents a conflict with the intent of the previous recommendations.
 - a. *147.28 Advance its policy of promoting a culture of peace, supporting collective measures against racism, xenophobia and*

hatred of Islam, and protecting the victims of these crimes (Oman)

26. This recommendation that was supported is problematic since it provides protection of a religion rather than to the adherents of a religion or belief. The UN Special Rapporteur on freedom of religion or belief has made clear that, “freedom of religion or belief protects individuals, not religions.”^v Unfortunately, some adherents of Islam – several which hold legislative positions in Bangladesh - equate hatred of Islam with non-belief or rejecting/ leaving Islam. This violates the fundamental freedom of thought, conscience, religion, or belief, which includes the freedom to adopt a religion or belief of choice, it also violates the freedom of expression of non-Muslims. This intolerant application of Islam can be seen in the way authorities in Bangladesh have dealt with cases of individuals under scrutiny of blasphemy. For example, in the case of Dipti, described in paragraph 12.
27. The effects of the laws have resulted in the arrests of young adults for posting social media content.^{vi}
28. The forum internum of religious freedom is a non-derogable right. The UN Special Rapporteur has called on all States to “repeal anti-blasphemy and anti-apostasy laws since they undermine both freedom of religion or belief and the ability to have healthy dialogue and debates on a wide range of human concerns, including religion or belief.”

IV. Right to an effective remedy

29. The government of Bangladesh supported two recommendations specific to the right to an effective remedy:
 - a. *147.89 Investigate all cases of murder and violence against journalists and bloggers and bring the perpetrators to justice (Slovakia);*
 - b. *147.86 Ensure that investigations into cases of killings, abduction attempts, physical attacks and threats against human rights defenders are prompt, effective and impartial (Ireland);*
30. While the government of Bangladesh has made several arrests and sentenced two militants to death [Set My People Free does not support the death penalty]^{vii} the process of investigation cannot be said to have been effective or impartial. A Bangladeshi advocate noted that a lot of the prosecution was mainly for show and gave the example of the arrests made in conjunction with the murder of Avijit Roy. The death penalty was meted out for two alleged perpetrators, however, the wife of the blogger, who was also a survivor of the attack was never contacted by law enforcement during or after the trial.^{viii} **This not only calls into question the rights of the accused but also the right to justice for the wife.** In addition, individuals who were detained by police as suspects for the murder of the bloggers have become victims of extrajudicial executions, thus, “fueling the idea that the government tried to cover something up.”^{ix} Human rights advocates local to Bangladesh have shared that the police could not and did not release any detailed results of their investigations, with the exception of the investigation into the murder of the blogger Rajib.

V. Impunity

31. Bangladesh supported two recommendations on impunity, one specifically mentioning religious minorities.
 - a. *147.156 Ensure the effective investigation and sanctioning of all cases of violence against religious minorities (Austria);*
32. During the reporting year there were several cases of violence against religious minorities – not least of which were stoked by blasphemy allegations and perpetuated by the States’ incarceration of individuals.
33. In addition, Islamists have attacked refugees from the Rohingya Christian minority. The response by authorities have been poor, with them denying the attacks were directed towards the Christians and not treating the attacks as hate crimes but rather as, “an ordinary law and order incident”.^x
34. One development was a meeting in May 2022 arranged between the Armed Police Battalion and some of the Rohingya Christian refugees in Cox’s Bazaar. 29 worshippers were present approximately. The authorities asked how the Christians spent their days and if they encountered any problems, however, they also went on to advising them not to get involved in criminal activities – when very few of the Christians engaged in such activities.
35. According to Asia News there are around 3000 Rohingya Christians and only one third dare to share their faith openly.

Recommendations:

36. We recommend the Government of Bangladesh:
 - a. Ensure the protection of religious minorities including refugees in Myanmar.

Advanced Questions:

- 37. Does the Government of Bangladesh allow for conversion from Islam? How does the Government of Bangladesh ensure protection for those who have left or question Islam – especially in light of the societal discrimination and hate speech directed towards individuals who leave Islam not limited to religious leaders?**

VI. Freedom of thought, conscience and religion

38. There were a total of four recommendations specific to the Article 18 protected right which were supported by Bangladesh:
 - a. *147.64 Continue working on enhancing religious freedom and prevention of extremism and violence extremism (Holy See)*
 - b. *147.67 Protect freedom of expression in media, politics and religion, and work with civil society to address concerns regarding section 57 of the Information and Communication Technology Act (United Kingdom of Great Britain and Northern Ireland)*
 - c. *147.74 Continue efforts to protect freedom of expression and freedom of religion or belief for all citizens and residents, and to support civil society participation (Poland);*
 - d. *147.139 Take additional measures, in consultation with civil society, to strengthen progressive social reforms, in particular to empower women and girls, and to combat religious extremism (Haiti);*

39. Article 41(1) (a) grants freedom of religion or belief but Open Doors has reported how converts from Islam face issues with societal pressure from lawyers who refuse to assist in the conversion.
40. The Digital Security Act (2018) which includes a maximum sentence of 14 years of prison is used to target freedom of expression of minority beliefs forcing Christians and other non-Muslims or secular Muslims to have to self-censor or face charges from authorities.
41. Section 295A of the Bangladesh Penal Code (1860)'s vague terminology is used to target belief especially those who have left Islam whether to become a Christian, atheist or to adhere to another religion or faith group.
42. We welcome the inclusion of Christian exhibition stand during the Dhaka Book fair.^{xi} The visibility of diverse voices in the public sphere is a welcome step and should be encouraged and promoted by the Government of Bangladesh in multiple forums.

Persecution of the Telugu Christian Minority

43. In February 2023 the Dhaka South City Corporation evicted over a thousand Telugu Christians from Dholpur, Jatrabari district.^{xii} The action took place within on day of issuing an oral notice and resulted in the tearing down of two places of worship, the Golgotha Baptist Church and the Jordan Church of Christ.
44. Authorities have not provided the forcibly evacuated Christian minority community any form of temporary housing. The families currently live in inhuman conditions, without electricity, cooking gas and drinking water.

Refugees

45. As reported above Christian Rohingya refugees have met persecution from Islamists in the camp with little no response from the government to protect. Bangladesh also supported a recommendation specific to the rights of refugees
 - a. *148.22 Continue improving Rohingya refugees' conditions and investigating allegations of abuses and human rights violations against them in accordance with international standards (Holy See);*

Recommendations

46. In light of the above we recommend that Bangladesh:
 - a. Develop training on religious diversity and acceptance of exMuslims in its work to combat extremism emphasising the importance of freedom to adopt and change religion or belief without reprisals.
 - b. Adopt the Faith for Rights Framework and take advantage existing training materials [such as that of the Alliance for Inclusive Muslim's training material].
 - c. Integrate human rights education into the national school curriculum, provide sufficient resources for human rights education and training of teachers and ensure that they receive training in topics such as freedom of thought, conscience, religion or belief

- and freedom of expression.
- d. Ensure it investigates, prosecutes and takes seriously reports of attacks against religious minorities.
 - e. Designate a special envoy or ambassador to monitor violence against non-Muslims and secularists in the country and promote freedom of thought, conscience and religion.
 - f. Establish the institution of an ombudsman to monitor violations of religious freedom, who can appeal cases brought against Christians and others before they reach the courts.
 - g. Provide justice for the victims of enforced disappearances and extrajudicial executions on the grounds of freedom of religion or belief.
 - h. Immediately eliminate harassment and intimidation of religious minorities [including apostates], including arbitrary short-term and pre-trial detentions;
 - i. Adopt measures to guarantee the freedom of religion and belief and integrity of believers and their places of worship, regardless of their creed or geographical location;
 - j. Eliminate provisions criminalising blasphemy to ensure conformity with international obligations related to freedom of religion or belief; and,
 - k. Continue improving Rohingya refugees' conditions and investigating allegations of abuses and human rights violations against them in accordance with international standards.

ⁱ “Bangladesh: Bachelet Urges Review of Digital Security Act Following Death in Custody of Writer.” *OHCHR*, 1 Mar. 2021, <https://www.ohchr.org/en/2021/03/bangladesh-bachelet-urges-review-digital-security-act-following-death-custody-writer>; Adams, Brad. “Bangladesh: Protect Freedom of Expression.” *Human Rights Watch*, 27 Oct. 2022, <https://www.hrw.org/news/2018/05/10/bangladesh-protect-freedom-expression>.

ⁱⁱ European Court of Human Rights 25 October 2018, Case no. 38450/12, *E.S. v. Austria*

ⁱⁱⁱ AsiaNews.it. “Two Protestant Churches Targeted, Attacked and Ransacked.” *BANGLADESH*, <https://www.asianews.it/news-en/Two-Protestant-churches-targeted,-attacked-and-ransacked-52497.html>.

^{iv} *Ibid.*

^v A/72/365, para. 28; see also A/HRC/40/58, annex II, commitment XI.

^{vi} “College Student Akash Saha Arrested for Blasphemous Facebook Post.” *Exmuslims of North America*, <https://persecution.exmuslims.org/cases/college-student-akash-saha-arrested-for-blasphemous-facebook-post/>.

^{vii} Staff, BenarNews. “US Offers \$5mn for Info on Secular Blogger's Killing in Bangladesh.” *Benar News*, 30 Dec. 2021, <https://www.benarnews.org/english/news/bengali/us-reward-for-killer-of-secular-blogger-12202021141839.html>.

^{viii} February, TBS Report 16, and TBS Report. “Verdict Won't Bring Peace to My Family: Avijit's Wife .” *The Business Standard*, 17 Feb. 2021, <https://www.tbsnews.net/bangladesh/verdict-wont-bring-peace-my-family-avijits-wife-202690>.

^{ix} Khiam, Sharif. “Suspect in Bangladeshi Publisher's Murder Shot Dead in 'Crossfire,' Police Say.” *Benar News*, 11 Oct. 2020, <https://www.benarnews.org/english/news/bengali/bangladesh-killings-06282018165314.html>.

^x AsiaNews.it. “Cox's Bazar: Rohingya Christians Seek Police Protection.” *BANGLADESH*, <https://www.asianews.it/news-en/Cox%27s-Bazar:-Rohingya-Christians-seek-police-protection-55788.html>; “Christians Abducted, Attacked in Bangladesh Refugee Camp.” *Human Rights Watch*, 28 Oct. 2020, <https://www.hrw.org/news/2020/02/13/christians-abducted-attacked-bangladesh-refugee-camp>. [ordinary law and order incident]; “What It's like to Be a Christian in the Rohingya Camps.” *Dhaka Tribune - Current & Breaking News Bangladesh & World*, 24 Dec. 2022, <https://www.dhakatribune.com/op-ed/2022/12/24/what-its-like-to-be-a-christian-in-the-rohingya-camps>; Deutsche Welle. “Offensive Facebook Post Prompts Bangladesh Riot – DW – 10/20/2019.” *Dw.com*, Deutsche Welle, 21 Oct. 2019, <https://www.dw.com/en/deadly-bangladesh-riot-over-facebook-post-about-islam/a-50907813>.

^{xi} AsiaNews.it. “Bible and Christian Literature at Dhaka Book Fair.” *BANGLADESH*, <https://www.asianews.it/news-en/Bible-and-Christian-literature-at-Dhaka-book-fair-57835.html>.

^{xii} AsiaNews.it. “More than a Thousand Telugu Christians Evicted and Abandoned in Dhaka.” *BANGLADESH*, <https://www.asianews.it/news-en/More-than-a-thousand-Telugu-Christians-evicted-and-abandoned-in->

