



**ASIAN LEGAL RESOURCE CENTRE**

Bangladesh

Joint Submission to the UN Universal Periodic Review  
44th Session of the UPR Working Group

Submitted 5 April 2023

**Submission by CIVICUS: World Alliance for Citizen Participation,  
NGO in General Consultative Status with ECOSOC**

And

**Asian Legal Resource Centre,  
NGO in General Consultative Status with ECOSOC**

---

**CIVICUS: World Alliance for Citizen  
Participation**

CIVICUS UPR Lead, Josef Benedict      Email:  
[josef.benedict@civicus.org](mailto:josef.benedict@civicus.org)

Nicola Paccamiccio  
Email: [nicola.paccamiccio@civicus.org](mailto:nicola.paccamiccio@civicus.org)

Tel: +41 22 733 3435  
Web: [www.civicus.org](http://www.civicus.org)

**Asian Legal Resource Centre**

Md. Ashrafuzzaman  
Email: [zaman@ahrc.asia](mailto:zaman@ahrc.asia)

Tel: +852 6073 2807  
Web: [www.alrc.asia](http://www.alrc.asia)

## 1. Introduction

- 1.1 CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 180 countries throughout the world.
- 1.2 Asia Legal Resource Centre (ALRC) is a regional human rights organisation founded in 1986. The ALRC works towards the radical rethinking and fundamental redesigning of justice institutions in Asia, to ensure relief and redress for victims of human rights violations, as per Common Article 2 of the International Conventions. Sister organisation to the Asian Human Rights Commission, the ALRC is based in Hong Kong and holds General Consultative Status with the UN Economic and Social Council.
- 1.3 In this submission, the two organisations examine the Government of Bangladesh's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Bangladesh's fulfilment of the rights to freedoms of association, peaceful assembly and expression and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination in 2017. To this end, we assess Bangladesh's implementation of recommendations received during the 3<sup>rd</sup> UPR cycle relating to these issues and provide follow-up recommendations.
- 1.4 During the 3<sup>rd</sup> UPR cycle, the Government of Bangladesh received 29 recommendations relating to the space for civil society (civic space). It accepted 22 of these recommendations and noted seven. However, an evaluation of a range of legal sources and human rights documentation addressed in this submission demonstrates that the Government of Bangladesh has partially implemented only one recommendation and not implemented any of the others. The government has persistently failed to address unwarranted restrictions on civic space since its last UPR examination. Acute implementation gaps were found with regard to the rights to freedoms of association, peaceful assembly and expression.
- 1.5 We are deeply concerned by the harassment of critical human rights groups as well as the criminalisation and harassment of and threats and attacks on HRDs, journalists and critics, with impunity.
- 1.6 We are further alarmed by restrictions on press freedom, the systematic use of the Digital Security Act to silence dissent and unwarranted restrictions and use of excessive force to crush protests.

**1.7** As a result of these issues, civic space in Bangladesh is currently classified as ‘repressed’ by the CIVICUS Monitor, indicating the existence of severe civic space restrictions.<sup>1</sup>

- Section 2 of this submission examines Bangladesh’s implementation of UPR recommendations and compliance with international human rights standards concerning freedom of association.
- Section 3 examines Bangladesh’s implementation of UPR recommendations and compliance with international human rights standards related to the protection of HRDs, civil society activists and journalists.
- Section 4 examines Bangladesh’s implementation of UPR recommendations and compliance with international human rights standards concerning freedom of expression and media freedom.
- Section 5 examines Bangladesh’s implementation of UPR recommendations and compliance with international human rights standards related to freedom of peaceful assembly.
- Section 6 contains recommendations to address the concerns raised and advance implementation of recommendations under the 3<sup>rd</sup> cycle.
- Section 7 is an annex on the implementation of 3<sup>rd</sup> cycle UPR recommendations related to civic space.

## **2. Freedom of association**

**2.1** During Bangladesh’s examination under the 3<sup>rd</sup> UPR cycle, the government received two recommendations on the right to freedom of association: to ‘amend the Bangladesh Labour Act and Export Processing Zone Labour Act’, which it accepted, and to ‘repeal all laws and policies that restrict civil society organizations’, which it noted. The recommendation on amending labour laws were partially implemented. However, as evidenced below, there are ongoing concerns about restrictions related to freedom of association in law and policy.

**2.2** Article 38 of Bangladesh’s Constitution guarantees the right to freedom of association.<sup>2</sup> Moreover, article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Bangladesh is a state party, also guarantees freedom of association. However, despite these commitments, CSOs are subject to restrictive laws and regulations related to their operations and access to funding and some have faced harassment for their work. There are also restrictions related to the formation and operation of trade unions as well as of the operation of opposition political parties.

---

<sup>1</sup> CIVICUS Monitor: Bangladesh, <https://monitor.civicus.org/country/bangladesh>.

<sup>2</sup> ‘The Constitution of The Islamic Republic of Bangladesh’, 27 April 2022, [https://www.constituteproject.org/constitution/Bangladesh\\_2014.pdf?lang=en](https://www.constituteproject.org/constitution/Bangladesh_2014.pdf?lang=en).

**2.3** CSOs in Bangladesh can be registered under the Societies Registration Act, 1860, the Trust Act, 1882, or the Companies Act, 1913 (amended in 1994). The Foreign Donations (Voluntary Activities) Regulation Act, 2016 regulates the receipt and expenditure of foreign donations.<sup>3</sup> The law requires all foreign-funded CSOs to submit almost all activities for approval to the NGO Affairs Bureau (NGOAB) that sits under the prime minister's office, without clear criteria for grounds for rejection or a timeframe in which decisions should be made. Registration is similarly at the discretion of the Bureau.<sup>4</sup> Further the NGOAB has powers to cancel or withhold the legal registration of a CSO or ban its activities for having 'engaged in anti-State activities', or for 'making derogatory comments about the Constitution and constitutional institutions' of Bangladesh, including the offices of the president, prime minister, parliament and supreme court.<sup>5</sup>

**2.4** According to the International Center for Not-for-Profit Law (ICNL), CSOs in Bangladesh face barriers in seeking international funding due to NGOAB regulations. According to a 2021 NGOAB regulation, newly registered organisations are given just six months to secure foreign funding. Failure to secure could result in their registration being cancelled by the Bureau. In addition, a November 2021 prime minister's circular has introduced a new barrier to re-granting. Specifically, CSOs registered with the NGOAB can provide grants or financial assistance only to another organisation registered with it. Due to this, CSOs registered under other governing laws but not with the NGOAB will no longer be able to receive grant support from domestic or international CSOs registered with the Bureau.<sup>6</sup>

**2.5** CIVICUS and ALRC are deeply concerned by the systematic harassment of critical human rights groups, particularly Odhikar, by the authorities. The request for renewal of Odhikar's registration had been pending with the NGOAB since March 2015, resulting in the organisation facing significant hurdles in conducting its legitimate human rights work. On 5 June 2022, an order issued by the NGOAB cancelled Odhikar's request to renew its registration.<sup>7</sup> The decision to not renew registration stemmed from baseless allegations that the organisation published

---

<sup>3</sup> 'Foreign Donations (Voluntary Activities) Regulation Act 2016', International Center for Not-for-Profit Law (ICNL), [https://www.icnl.org/wp-content/uploads/Bangladesh\\_FDVA.pdf](https://www.icnl.org/wp-content/uploads/Bangladesh_FDVA.pdf).

<sup>4</sup> 'Bangladesh: New Law Will Choke Civil Society: Law Allows Arbitrary Closure, Denies Free Expression Blocks Funding To NGOs', Human Rights Watch, 19 October 2016, <https://www.hrw.org/news/2016/10/19/bangladesh-new-law-will-choke-civil-society>.

<sup>5</sup> 'Parliament Adopts NGO Law Aimed At Eradicating Any Critical Voice', World Organisation Against Torture, 6 October 2016, <https://www.omct.org/en/resources/urgent-interventions/parliament-adopts-ngo-law-aimed-at-eradicating-any-critical-voice>.

<sup>6</sup> 'ICNL: Bangladesh', ICNL, 8 September 2022, <https://www.icnl.org/resources/civic-freedom-monitor/bangladesh>.

<sup>7</sup> 'Bangladesh Authorities Intensify Persecution Of Rights Group, Odhikar, Journalists and Critics', CIVICUS Monitor, 10 August 2022, <https://monitor.civicus.org/updates/2022/08/10/bangladesh-authorities-intensify-persecution-rights-group-odhikar-journalists-and-critics>.

misleading information about human rights violations and extrajudicial killings that tarnished the government's reputation.<sup>8</sup> The action disregarded the judiciary, as a writ petition from Odhikar challenging the government's failure to renew registration was pending disposal.<sup>9</sup> In response, the Office of the UN High Commissioner for Human Rights raised concerns over the decision and also noted that 'intimidation and reprisals against Odhikar appear to have intensified'.<sup>10</sup> On 22 June 2022, the High Court dismissed the writ petition<sup>11</sup> and on 1 September 2022, the prime minister's office upheld the order issued by the NGOAB to decline registration renewal following an appeal hearing on 3 August 2022.

- 2.6** Other human rights groups have also been subjected to harassment. On 13 January 2022, two police officers from the Dhaka Metropolitan Police's (DMP) Counter Terrorism and Transnational Crime and Cyber Crime Department came to the offices of Ain O Salish Kendra (ASK), an organisation that documents gross human rights abuses in Bangladesh. The police officers asked about its leadership and inquired about the data and sources used for its finding that there had been 80 extrajudicial killings in 2021, which had recently been publicised in a media report.<sup>12</sup>
- 2.7** The Bangladesh Labour Act 2006 was amended in 2018 and reduced required factory worker participation to form a trade union from 30 per cent to 20 per cent and cut the maximum time for approving union registration to 55 from 60 days. Further, the unrestricted power of the director-general of the Labour Department to revoke union registrations was curtailed.<sup>13</sup> However, according to the International Trade Union Confederation, workers attempting to form and join trade unions are regularly met with employer threats, physical violence and mass dismissals. Even where workers succeed in forming a union, registration can be arbitrarily denied by the authorities.<sup>14</sup> Further, the Export Processing Zone Labour Act still denies workers in export processing zones the right to form union. Instead, they can join a

---

<sup>8</sup> The allegations stemmed from a fact-finding report issued by Odhikar in 2013 about extrajudicial killings by Bangladesh authorities, which highlighted the deaths of 61 people under an armed operation by security forces in Dhaka on 5 and 6 May 2013.

<sup>9</sup> 'Bangladesh: Arbitrary Deregistration Of Human Rights Organisation, Odhikar Is A Clear Act Of Reprisal', FORUM-ASIA, 14 June 2022, <https://forum-asia.org/?p=37022>.

<sup>10</sup> 'Press Briefing Notes on Bangladesh', FORUM-ASIA, 10 June 2022, <https://www.ohchr.org/en/press-briefing-notes/2022/06/press-briefing-notes-bangladesh>.

<sup>11</sup> 'Writ Petition Seeking Odhikar's Registration Dismissed', The Daily Star, 27 July 2022, <https://www.thedailystar.net/news/bangladesh/rights/news/writ-petition-seeking-odhikars-registration-rejected-3080901>.

<sup>12</sup> 'Despite Sanctions, Abuses Against Activists, Journalists And Protesters Persist In Bangladesh', CIVICUS Monitor, 2 March 2022, <https://monitor.civicus.org/updates/2022/03/02/despite-sanctions-abuses-against-activists-journalists-and-protesters-persist-bangladesh>.

<sup>13</sup> 'Bangladesh: Bangladesh Labor Law Changes Planned', UCANEWS, 6 September 2018, <https://www.ucanews.com/news/bangladesh-labor-law-changes-planned/83260>.

<sup>14</sup> 'Bangladesh: Abuse of Workers' Rights On Increase, Warns ITUC', International Trade Union Confederation, 3 November 2021, <https://www.ituc-csi.org/bangladesh-abuse-of-workers-rights>.

Workers' Welfare Association, which cannot bargain for workers' rights.<sup>15</sup>

- 2.8** There has also been ongoing targeting of the political opposition. There have been repeated instances of arbitrary arrest and detention of opposition figures and acts of violence and intimidation by members of the ruling party and their student wings. Events and rallies organised by the opposition Bangladesh Nationalist Party (BNP) have been blocked or shut down by the authorities.<sup>16</sup>

### **3. Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists**

- 3.1** Under Bangladesh's previous UPR examination, the government received 12 recommendations on the protection of HRDs, journalists and civil society representatives. The government committed to several relevant recommendations including to 'ensure that human rights defenders, journalists and civil society have a safe and enabling environment and can operate freely without fear of reprisals' and 'ensure that investigations into cases of killings, abduction attempts, physical attacks and threats against human rights defenders are prompt, effective and impartial'. Nine recommendations were accepted and three were noted. However, the government has not implemented any of the recommendations.
- 3.2** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure the protection of HRDs. The ICCPR further guarantees freedoms of association, peaceful assembly and expression. However, in spite of these protections the criminalisation, harassment, intimidation of HRDs and journalists, as well as attacks on them and surveillance, have been documented.
- 3.3** The digital security law has been often used to target HRDs, activists and journalists. Prior to 2018, the Information and Communication Technology (ICT) Act, 2006, amended in 2013, with vague definitions of crimes and harsher penalties, was used to restrict freedom of expression, with section 57 of the law most frequently used. The provision criminalises online comments deemed to be false, obscene, defamatory, likely to harm law and order, tarnish the image of the state or an

---

<sup>15</sup> 'EPZ Labour Law Reform Demanded', New Age Bangladesh, 12 August 2022, <https://www.newagebd.net/article/178290/epz-labour-law-reform-demanded>.

<sup>16</sup> 'Opposition Under Assault And News Websites Blocked Ahead of Bangladeshi Elections', CIVICUS Monitor, 20 December 2018, <https://monitor.civicus.org/updates/2018/12/20/opposition-under-assault-and-news-websites-blocked-ahead-bangladeshi-elections>; 'Bangladeshi Government Brutally Cracks Down On Opposition Rallies As Well As Journalists And Dissidents', CIVICUS Monitor, 22 December 2022, <https://monitor.civicus.org/updates/2022/12/22/bangladeshi-government-brutally-cracks-down-opposition-rallies-well-journalists-and-dissidents>.

individual, offend religious sentiments, or provoke individuals or organizations.<sup>17</sup> In September 2018, the ICT Act was replaced by the Digital Security Act (DSA).<sup>18</sup> The new law incorporates section 57 of the ICT Act and contains other measures that are overly broad and vague, and that impose disproportionate sentences and lengthy prison terms on offenders.<sup>19</sup>

- 3.4** Shahidul Alam, a well-known photojournalist and activist, was detained on 5 August 2018, hours after giving an interview to Al-Jazeera on student protests in Dhaka. He was charged a day later under section 57 of the ICT Act for making ‘false’ and ‘provocative’ statements. According to Alam, he was beaten while in custody. After 108 days in detention, Alam was granted bail.<sup>20</sup> In 2019, the High Court stayed the investigation by the authorities.<sup>21</sup>
- 3.5** Mohammad Abdul Kaium, an activist and editor of news portal Mymensinghlive, was arrested on 12 May 2019. He was accused of extortion under the penal code and dissemination of ‘false or fear inducing information/data’ (section 25) and defamation (section 29) of the DSA. Human rights groups believe the case was fabricated to silence him. He was also allegedly tortured in custody before being released on bail on 3 July 2019.<sup>22</sup> On 17 January 2022, he was again charged in a court in Mymensingh District under the DSA for documenting cases of enforced disappearances, extrajudicial killings and other human rights violations.<sup>23</sup>

---

<sup>17</sup> Section 57 of ICT Act authorizes the prosecution of any person who publishes, in electronic form, material that is fake and obscene; defamatory; “tends to deprave and corrupt” its audience; causes, or may cause, “deterioration in law and order;” prejudices the image of the state or a person; or “causes or may cause hurt to religious belief.” The 2013 amendments eliminated the need for arrest warrants and official permission to prosecute, restricted the use of bail to release detainees pending trial, and increased prison terms if convicted.

<sup>18</sup> Problematic provisions include sections 25 (transmission, publication of offensive, false or threatening information), 29 (transmission, publication of defamatory information) and 31 (transmission, publication of information that leads to the deteriorating law and order). Section 43 of the Act gives arbitrary powers to the police to search a place, seize devices and contents and arrest an individual without a warrant if they believe that an offence under the DSA has been or is being committed.

<sup>19</sup> ‘Persistent Suppression Of Critics In Bangladesh Following Elections’, CIVICUS Monitor, 9 April 2019, <https://monitor.civicus.org/updates/2019/04/09/suppression-critics-persist-bangladesh-after-elections>.

<sup>20</sup> ‘Smear Campaign Against Leading Human Rights Group, As Elections Loom’, CIVICUS Monitor, 29 November 2018, <https://monitor.civicus.org/updates/2018/11/29/smear-campaign-against-leading-human-rights-group-elections-loom>.

<sup>21</sup> ‘HC Rejects Shahidul Alam’s Writ Petition Challenging Legality Of ICT Case’, The Daily Star, 13 December 2021, <https://www.thedailystar.net/news/bangladesh/crime-justice/news/hc-rejects-shahidul-alams-writ-petition-challenging-legality-ict-case-2916491>.

<sup>22</sup> ‘Bangladesh Authorities Suppressing Critics And Restricting Freedoms In Refugee Camps’, CIVICUS Monitor, 18 September 2019, <https://monitor.civicus.org/updates/2019/09/18/bangladesh-authorities-suppressing-critics-and-restricting-freedoms-refugee-camps>.

<sup>23</sup> ‘Bangladesh: Stop Reprisals Against Human Rights Defenders And Their Families’, Robert F Kennedy Human Rights, 8 February 2022, <https://rfkhumanrights.org/bangladesh-stop-reprisals-against-human-rights-defenders-and-their-families>.

- 3.6** HRDs Adilur Rahman Khan and ASM Nasiruddin Elan, respectively the Secretary and Director of Odhikar, have continued to face judicial harassment. In September 2021, the Cyber Tribunal of Dhaka resumed the trial of the two activists on charges under section 57 of the ICT Act and in November 2021 resumed its examination of prosecution witnesses.<sup>24</sup>
- 3.7** The family and relatives of activists in exile have also been targeted by the authorities. Amnesty International reported that in July 2020 the authorities had been harassing and intimidating the family members of exiled blogger Asad Noor. Their house had been raided and there were detained for 40 hours. The police inquired about Asad's whereabouts and warned his parents to urge Asad not to write or publish anything critical of the government.<sup>25</sup> In October 2020, The Observatory for the Protection of Human Rights Defenders reported harassment against relatives of Pinaki Bhattacharya, a blogger and HRD in exile who regularly speaks up about human rights violations perpetrated by the authorities, including extrajudicial killings and enforced disappearances.<sup>26</sup> In October 2021, Rapid Action Battalion (RAB) officers raided the home of Nusrat Shahrin Raka, the sister of exiled journalist Kanak Sarwar, in Uttara and took her and her three sons, who are minors, to the battalion's headquarters.<sup>27</sup> She was charged under the DSA for criticising the prime minister and other ministers and under the Narcotics Control Act, and granted bail after 160 days in detention.<sup>28</sup>
- 3.8** Journalists have also been criminalised, harassed and attacked for their reporting. In February 2019, five journalists were charged after a report was filed against them under the DSA in response to their publication of a report about allegations of corruption linked to Nawabganj police officer Mostafa Kamal.<sup>29</sup>
- 3.9** At least 10 journalists were physically attacked by activists from the Awami League, the ruling party, on 1 February 2020 while covering the municipal elections in the

---

<sup>24</sup> The case was filed against the two in relation to a fact-finding report issued by Odhikar documenting extrajudicial killings by security forces and law enforcement agencies during a protest in May 2013. See CIVICUS Monitor, 2 March 2022, op. cit.

<sup>25</sup> 'Suppression Of Journalists And Activists By Bangladesh Ruling Party And Supporters Intensifying', CIVICUS Monitor, 9 September 2020, <https://monitor.civicus.org/updates/2020/09/09/suppression-journalists-and-activists-bangladesh-ruling-party-and-supporters-intensifying>.

<sup>26</sup> 'Artists, Journalists And Activists Targeted In Bangladesh While Protesters Threatened And Attacked', CIVICUS Monitor, 26 January 2021, <https://monitor.civicus.org/updates/2021/01/26/artists-journalists-and-activists-targeted-bangladesh-while-protesters-threatened-and-attacked>.

<sup>27</sup> CIVICUS Monitor, 2 March 2022, op. cit.

<sup>28</sup> 'Bangladesh court Grants Bail To Sister of Exiled Journalist', VOA News, 9 March 2022, <https://www.voanews.com/a/bangladesh-court-grants-bail-to-sister-of-exiled-journalist-/6492205.html>.

<sup>29</sup> CIVICUS Monitor, 9 September 2020, op. cit.



capital, Dhaka.<sup>30</sup>

**3.10** Journalists were also targeted for reporting on abuses linked to the COVID-19 pandemic. In April 2020, police arrested Golam Sarwar Pintu, a journalist with Dainik Bangladesher Alo, under the DSA for reporting on a protest of people deprived of relief amid lockdown. On 19 April 2020, cases were filed against four journalists under the DSA over a report on the alleged embezzlement of aid in Baliadangi Upazila, Thakurgaon District.<sup>31</sup> Rozina Islam, a senior reporter with Prothom Alo, a widely circulated national daily, faces charges for reports critical of the public health sector during the pandemic. She has been accused of stealing confidential official documents and espionage.<sup>32</sup> She was arbitrarily detained for six days in May 2020 and faces an ongoing investigation under the colonial-era Official Secrets Act and the Penal Code.<sup>33</sup>

**3.11** Photojournalist Shafiqul Islam Kajol, editor of fortnightly magazine 'Pakkhokal', went missing on 10 March 2020, a day after a criminal defamation suit under the DSA was filed against him and 31 others.<sup>34</sup> He disappeared for 53 days before reappearing in May 2020 at the Benapole Port police station in Jashore District, a town close to the Indian border. According to Kajol he was abducted by men in civilian clothes and held in a small, confined space. After he reappeared, he was detained by the authorities. On 25 December 2020, he was released on bail from Dhaka Central Jail in Keraniganj.<sup>35</sup> He is facing three separate offences under the DSA for allegedly circulating defamatory material about various ministers, lawmakers and Jubo Mahila League leaders on social media.<sup>36</sup> In May 2020, UN experts expressed alarm at his ongoing persecution.<sup>37</sup>

---

<sup>30</sup> 'News Site Blocked While Critics And Journalists Arrested Or Attacked With Impunity In Bangladesh', CIVICUS Monitor, 19 February 2020, <https://monitor.civicus.org/updates/2020/02/19/news-site-blocked-while-critics-and-journalists-arrested-or-attacked-impunity-bangladesh>.

<sup>31</sup> Cases were filed against Toufique Imrose Khalidi, editor-in-chief of bdnews24.com, Mohiuddin Sarker, acting editor of jagonews24.com, Rahim Suvho, Thakurgaon correspondent of bdnews24.com and local journalist Shaown Amin. See 'Journalists In Bangladesh Face Criminalisation Amid The Pandemic While Critics Are Silenced', CIVICUS Monitor, 19 June 2020, <https://monitor.civicus.org/updates/2020/06/19/journalists-bangladesh-face-criminalisation-amid-pandemic-while-critics-are-silenced>.

<sup>32</sup> 'Press Freedom Under Assault In Bangladesh While Critics, Protesters Also Silenced', CIVICUS Monitor, 28 May 2021, <https://monitor.civicus.org/updates/2021/05/28/press-freedom-under-assault-bangladesh-while-critics-protesters-also-silenced>; CIVICUS Monitor, 2 March 2022, op. cit.

<sup>33</sup> 'Bangladesh: Civil Society Groups Call On Government To Cease Harassment Of Journalist Rozina Islam', CIVICUS, 28 February 2023, <https://www.civicus.org/index.php/media-resources/media-releases/open-letters/6279-bangladesh-civil-society-groups-call-on-government-to-cess-harassment-of-journalist-rozina-islam>.

<sup>34</sup> 'AL MP Sues Manabzamin Editor, 31 Others', New Age Bangladesh, 11 March 2020, <https://www.newagebd.net/article/101880/al-mp-sues-manabzamin-editor-31-others>.

<sup>35</sup> CIVICUS Monitor, 26 January 2021, op. cit.

<sup>36</sup> CIVICUS Monitor, 2 March 2022, op. cit.

<sup>37</sup> 'Bangladesh Must End Persecution Of Journalist, Say UN Experts', Office of the High Commissioner for Human Rights, 26 May 2020, <https://www.ohchr.org/en/press-releases/2020/05/bangladesh-must-end-persecution-journalist-say-un-experts>.

**3.12** Human rights activists have reported that police and RAB officers have been coercing families of the victims of enforced disappearances to issue statements that they deliberately misled police by hiding information about how their relatives went missing. The security agencies themselves are writing the statements and asking the families to sign them to make them look like voluntary statements.<sup>38</sup> According to Human Rights Watch, despite credible and consistent evidence that Bangladesh security forces routinely commit enforced disappearances, the government has ignored calls to address the culture of impunity.<sup>39</sup>

#### **4. Freedom of expression, media freedom and access to information**

**4.1** Under the 3<sup>rd</sup> UPR cycle, the government received 14 recommendations relating to freedom of expression, media freedom and access to information. For example, the government pledged to ‘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’ and ‘guarantee freedom of expression in the Digital Security Act’. Eleven recommendations were accepted and three were noted. However, as discussed below, none of the recommendations have been implemented.

**4.2** Article 19 of the ICCPR guarantees the right to freedoms of expression and opinion. Article 39 of the Constitution of Bangladesh also guarantees the right to freedom of expression.<sup>40</sup> However, in law and practice freedom of expression is widely restricted offline and online.

**4.3** According to Reporters Without Borders, members and supporters of the Awami League often subject journalists they dislike to targeted physical violence, while judicial harassment campaigns are carried out to silence journalists or force media outlets to close.<sup>41</sup>

**4.4** The government has also blocked news websites for reporting on news critical of the government. In December 2018, the government blocked 54 news websites with the declared aim of preventing the spread of ‘rumours’ in the run-up to the general election held that month. The information ministry accused the websites of spreading ‘anti-government propaganda and fake news’ and said they were being

---

<sup>38</sup> CIVICUS Monitor, 2 March 2022, op. cit.

<sup>39</sup> ‘Journalists Covering Bangladesh Face Criminalisation, Vilification And False Copyright Claims’, CIVICUS Monitor, 1 September 2021, <https://monitor.civicus.org/updates/2021/09/01/journalists-covering-bangladesh-face-criminalisation-vilification-and-false-copyright-claims>.

<sup>40</sup> ‘The Constitution of The Islamic Republic of Bangladesh’, op. cit.

<sup>41</sup> ‘Bangladesh’, Reporters Without Borders, <https://rsf.org/en/country/bangladesh>.

blocked ahead of the election on ‘national security’ grounds.<sup>42</sup> In March 2019, the authorities blocked TheJoban, a news website, after the outlet reported allegations that the prime minister’s security adviser was involved in the disappearance of three men.<sup>43</sup> In May 2019, the authorities blocked access to a popular news portal, Poriborton.com, one of the country’s top five online news outlets. In December 2019, access to Netra News, a Sweden-based online investigative media outlet founded by exiled journalist Tasneem Khalil, was blocked within three days of it publishing a report alleging corruption by an influential party leader and a government minister.<sup>44</sup> In August 2020, the government blocked Amar Desh UK, a pro-opposition news portal, within 12 hours of its relaunch in the UK.<sup>45</sup>

- 4.5** As noted in the section above, the authorities have weaponised the digital security law to silence online expression. According to Amnesty International, many people have been subjected to indefinite pretrial detention as the police fail to complete investigations within the timeframe of 75 days stipulated in section 40 of the Act. Amnesty International reported that at least 433 people had been imprisoned under the DSA from October 2018 until 11 July 2021.<sup>46</sup> Another report by the Centre for Governance Studies claimed that between January 2020 and February 2022, as many as 207 journalists were prosecuted under the DSA. Among them, 70 were associated with national-level media houses while 117 were local journalists.<sup>47</sup> In 2022, according to ASK, 2,249 cases were registered under the DSA.<sup>48</sup>
- 4.6** The government has also used defamation provisions in section 500 of the Penal Code against critics. In March 2019, Mahfuza Akhter Kiron, who was the chairperson of the women’s wing of the Bangladesh Football Federation, was arrested for defamation for accusing Prime Minister Sheikh Hasina of favouring cricket over football.<sup>49</sup>
- 4.7** Blasphemy charges continue to be brought against people under the DSA and Penal Code for expressing their critical views on religion. In January 2020, the DSA

---

<sup>42</sup> ‘Opposition Under Assault And News Websites Blocked Ahead Of Bangladesh Elections’, CIVICUS Monitor, 20 December 2018, <https://monitor.civicus.org/updates/2018/12/20/opposition-under-assault-and-news-websites-blocked-ahead-bangladeshi-elections>.

<sup>43</sup> CIVICUS Monitor, 9 April 2019, op. cit.

<sup>44</sup> CIVICUS Monitor, 19 February 2020, op. cit.

<sup>45</sup> CIVICUS Monitor, 9 September 2020, op. cit.

<sup>46</sup> ‘Bangladesh: No Space For Dissent – Bangladesh’s Crackdown On Freedom Of Expression Online’, Amnesty International, 26 July 2021, <https://www.amnesty.org/en/documents/asa13/4294/2021/en>.

<sup>47</sup> ‘Digital Security Act: 147 Sued, 67 Arrests A Month’, The Daily Star, 24 April, 2022, <https://www.thedailystar.net/news/bangladesh/news/detentions-under-dsa-recent-average-spikes-67-month-3010906>.

<sup>48</sup> ‘Report: 2,249 cases registered under DSA in 2022’, Dhaka Tribune, 31 December 2022, <https://www.dhakatribune.com/bangladesh/2022/12/31/report-2249-cases-registered-under-dsa-in-2022>.

<sup>49</sup> CIVICUS Monitor, 9 April 2019, op. cit.

was used to arrest Sufi folk singer Shariat Sarker after he accused Islamic clerics of misinterpreting the Quran to forbid music and stated he was against religion being used as a political tool.<sup>50</sup> In March 2022, schoolteacher Hriday Chandra Mondal was arrested under section 295A of the Penal Code after he discussed the distinction between religion and science in a classroom. The provision criminalises any person who has ‘deliberate’ or ‘malicious’ intent to ‘hurt religious sentiments’. On 5 July 2022, schoolteacher Debabrata Das Debu was sentenced to eight years in jail under the ICT Act for ‘hurting religious sentiments’ for comments he made about Islam on social media in 2017.<sup>51</sup>

- 4.8** There are also concerns that governmental agencies and pro-government entities have been deploying false copyright claims to target online content critical of the government. In August 2021, a series of false and malicious takedown notices was sent to YouTube immediately after Netra News posted a video accompanying its investigative story detailing alleged breaches of anti-corruption laws by the state minister at the Ministry of Power, Energy and Mineral Resources. The notices claimed that three videos posted on the Netra News account were not produced by the news organisation but by someone else.<sup>52</sup>
- 4.9** The authorities have also targeted publishers, writers and cartoonists in recent years. In February 2020, publisher Nur Mohammad, the owner of Guardian Publications, was arrested and charged under the DSA. The arrest came after Guardian Publications was blocked from taking part in the Ekushey Book Fair, the country’s largest annual book fair. The company has published two books by Pinaki Bhattacharya, a leading critic of the prime minister.<sup>53</sup> Writer Mushtaq Ahmed died in detention after he was arrested under DSA in May 2020. Prior to his arrest he had published an article criticising the shortage of personal protective equipment for doctors during the pandemic. No one has been held to account for his death.<sup>54</sup> In May 2020, cartoonist Ahmed Kabir Kishore was detained under the DSA after publishing a series of cartoons satirising society’s response to the pandemic and criticising the government’s handling of public health.<sup>55</sup> He was released on bail in March 2021 and now lives in exile in Sweden.<sup>56</sup> In 2023, the government denied Adarsha Publishers a book stall at the Ekushey Book Fair, after it published three books that criticised the government’s socio-cultural and economic narratives and

---

<sup>50</sup> CIVICUS Monitor, 19 February 2020, op. cit.

<sup>51</sup> CIVICUS Monitor, 10 August 2022, op. cit.

<sup>52</sup> CIVICUS Monitor, 1 September 2021, op. cit.

<sup>53</sup> CIVICUS Monitor, 19 February 2020 op. cit.

<sup>54</sup> CIVICUS Monitor, 26 January 2021, op. cit.

<sup>55</sup> Ibid.

<sup>56</sup> ‘Bangladeshi Cartoonist Released From Jail, Says He Was Severely Beaten’, Benar News, 4 March 2021, <https://www.benarnews.org/english/news/bengali/bd-cartoonist-folo-03042021183114.html>.

policies.<sup>57</sup>

**4.10** Human rights groups are also concerned about a draft ‘Regulation for Digital, Social Media and OTT Platforms’, that could undermine freedom of expression, the right to privacy and online safety.<sup>58</sup> Among other problems, the draft regulations prohibit social media users posting anything that threatens friendly relations with foreign states, information that creates enmity, hatred, or hostility among different classes or communities of society, or that destroys communal harmony or creates unrest or disorder, or that deteriorates law and order.<sup>59</sup>

## 5. Freedom of peaceful assembly

**5.1** During Bangladesh’s examination under the 3<sup>rd</sup> UPR cycle, the government received one recommendation on the right to freedom of peaceful assembly, which it accepted. This was to ‘ensure democratic space for all political actors, including the implementation of domestic laws, without restrictions on the exercise of the rights to freedom of expression and of peaceful assembly’.

**5.2** Article 37 of the Bangladesh Constitution guarantees the right to freedom of peaceful assembly.<sup>60</sup> Article 21 of the ICCPR also guarantees this right. However, in practice, freedom of peaceful assembly is undermined in Bangladesh through the blocking and disruption of protests and a repressive crackdown on protesters.

**5.3** The law gives the government broad discretion to ban assemblies of more than four people. Section 127 of the Code of Criminal Procedure empowers Executive Magistrates and Officers-in-Charge of police stations to ‘command any unlawful assembly, or any assembly of five or more persons likely to cause a disturbance of the public peace, to disperse’. The police have been selective and discriminatory in granting permission for protests, with the Awami League and its affiliates often allowed to hold regular public gatherings and meetings.<sup>61</sup> Section 144 allows the government to impose a temporary ban on public assemblies, while a DMP order requires advance permission for gatherings such as protests and demonstrations in

---

<sup>57</sup> New Age Bangladesh: ‘Publisher Denied Stall On Political Consideration’, 19 January 2023, <https://www.newagebd.net/article/192144/publisher-denied-stall-on-political-consideration>.

<sup>58</sup> ‘Bangladesh’s Proposed Digital, Social Media, and OTT Platforms Regulation Needs A Complete Overhaul’, Access Now, 7 March 2022, <https://www.accessnow.org/bangladesh-digital-social-media-ott-platforms-regulation>.

<sup>59</sup> ‘BTRC Submits Draft Regulation For Digital, Social Media, OTT Platforms To High Court’, The Financial Express, 20 October 2022, <https://thefinancialexpress.com.bd/national/btrc-submits-draft-regulation-for-digital-social-media-ott-platforms-to-high-court-1666198225>.

<sup>60</sup> ‘The Constitution of The Islamic Republic of Bangladesh’, op. cit.

<sup>61</sup> ‘Shrinking Democratic Space And Freedom Of Expression In Bangladesh’, FORUM-ASIA, December 2018, <https://www.forum-asia.org/uploads/wp/2018/12/Shrinking-Democratic-Space-and-Freedom-of-Expression-in-Bangladesh-Dec-2018.pdf>.

Dhaka.<sup>62</sup> These provisions are used to effectively restrict the right to freedom of peaceful assembly.

- 5.4** Human rights groups have documented numerous restrictions on peaceful assembly and attacks on protesters. In April 2018, senior students from universities mobilised to call for reform in the quota system for government jobs. Three months later, in July and August, junior students from schools and colleges led protests demanding public transport safety reform after students were killed in traffic accidents. Law enforcement agencies responded to both movements with excessive force. Protesters reported that the police attacked them with teargas, rubber bullets and hot water cannon. Unidentified armed individuals believed to be members of the student wing of the ruling party, the Bangladesh Chhatra League, operated as an auxiliary force to Bangladeshi security forces to attack protesters with wooden logs, sticks, iron rods and sharp weapons.<sup>63</sup>
- 5.5** Protests by workers have also been stifled. In January 2019, almost 5,000 workers were fired after they walked out in protest and held demonstrations demanding decent wages. During the protests, the police used excessive force, including the firing of rubber bullets and teargas, which left one worker dead and at least 100 others injured. There were reports of widespread arrests.<sup>64</sup> In February 2022, at least 20 workers were injured when the industrial police used batons and sound grenades to disperse around 500 garment workers who blocked the Dhaka-Mymensingh highway at Cherag Ali point at Tongi in Gazipur. The workers from Gooryong Fashion Limited were protesting against the factory employers for issuing show cause notices to 28 of their colleagues and firing several others without, they claimed, any basis.<sup>65</sup>
- 5.6** On 30 December 2019, the DMP attacked a rally by the Democratic Left Alliance, a combination of eight left parties, organised to protest against alleged vote rigging in the December 2018 general election, leaving at least 31 people injured. On the same day, the police also denied the BNP permission to hold a rally in Dhaka protesting against the same issue.<sup>66</sup>
- 5.7** Opposition protests have also been blocked and brutally suppressed. In December 2021, the BNP alleged that police attacked its peaceful rally in Habiganj and fired bullets indiscriminately on its leaders and activists, leaving around 300 injured.<sup>67</sup> In August 2022, the BNP and its associated organisations launched nationwide protests against rising fuel and commodity prices and mismanagement in the energy sector.

---

<sup>62</sup> 'Crushing Student Protests – Bangladesh's Repression Of The Quota Reform And Road Safety Movements', CIVICUS and Front line Defenders, June 2020, [https://www.frontlinedefenders.org/sites/default/files/report\\_-\\_june\\_2020-compressed.pdf](https://www.frontlinedefenders.org/sites/default/files/report_-_june_2020-compressed.pdf).

<sup>63</sup> Ibid.

<sup>64</sup> CIVICUS Monitor, 9 April 2019, op. cit.

<sup>65</sup> CIVICUS Monitor, 2 March 2022, op. cit.

<sup>66</sup> CIVICUS Monitor, 19 February 2020, op. cit.

<sup>67</sup> CIVICUS Monitor, 2 March 2022, op. cit.

Police and Awami League supporters reportedly attacked and obstructed BNP rallies in various districts. On 21 September 2022, at least 50 people were injured in an attack by police on BNP leaders and activists in Muktarpur, Munshiganj District for holding a party rally protesting at the costs of fuel and daily essentials and the killing of three opposition leaders in Bhola and Narayanganj.<sup>68</sup>

**5.8** In early December 2022, the government launched a repressive campaign against the BNP ahead of a mass rally scheduled for 10 December.<sup>69</sup> On 6 December 2022, an Awami League leader publicly threatened to kill opposition activists if they joined the mass protest in Dhaka. On 7 December, thousands of BNP activists were standing in front of the party's headquarters when police opened fire with live ammunition, pellets, rubber bullets and teargas. The activists retaliated by throwing bricks and stones at the police, witnesses reported. At least one person was killed and 60 people were wounded.<sup>70</sup>

## **6. Recommendations to the Government of Bangladesh**

CIVICUS and ALRC call on the Government of Bangladesh to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be guaranteed: freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect.

In the light of this, the following specific recommendations are made:

### **16.1 Freedom of association**

- Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit freedom of association.

---

<sup>68</sup> CIVICUS Monitor, 22 December 2022, op. cit.

<sup>69</sup> The protest was part of the opposition's demand for a non-political, neutral caretaker government before the January 2024 election. See 'Bangladesh Opposition Not To Contest Next General Elections', Anadolu Agency, 12 March 2023, <https://www.aa.com.tr/en/asia-pacific/bangladesh-opposition-not-to-contest-next-general-elections/2843825>.

<sup>70</sup> CIVICUS Monitor, 22 December 2022, op. cit.

- Remove all undue restrictions on the ability of CSOs to receive international and domestic funding in line with best practices articulated by the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association.
- End the judicial harassment of human rights group Odhikar and immediately reinstate them and any other CSOs that have been arbitrarily deregistered.
- Amend the Foreign Donations (Voluntary Activities) Regulation Act, 2016 and laws and regulations related to the operations of civil society groups to remove undue restrictions on freedom of association, to bring them into compliance with ICCPR articles 21 and 22.

## **16.2 Protection of human rights defenders**

- Provide civil society members, HRDs and journalists with a safe and secure environment in which to carry out their work, conduct impartial, thorough and effective investigations into all cases of killings, enforced disappearances, attacks, harassment and intimidation against them and bring the perpetrators of such offences to justice.
- Ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction, or legal and harassment of themselves or their families.
- Undertake a consolidated process of repeal or amendment of legislation and decrees that unwarrantedly restrict the legitimate work of HRDs, in line with the UN Declaration on Human Rights Defenders.
- Immediately and unconditionally drop all charges and release all HRDs, journalists and critics detained for exercising their fundamental rights to freedoms of association, peaceful assembly and expression, and review their cases to prevent further harassment.
- Publicly condemn at the highest levels and put an end to all acts of harassment and intimidation of HRDs, activists and CSOs, including judicial harassment.
- Systematically apply legal provisions that promote and protect human rights and establish mechanisms that protect HRDs, including by adopting a specific law on the protection of HRDs in accordance with Human Rights Council resolution 27.31.



### **16.3 Freedom of expression, media freedom and access to information**

- Ensure freedom of expression and media freedom by all bringing national legislation into line with international standards.
- Review the Digital Security Act 2018 and other provisions criminalising defamation or blasphemy in the Penal Code in order to bring them into line with ICCPR article 19 and other international law and standards in the area of freedom of expression.
- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the government may deem sensitive.
- Take steps to lift restrictions on freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment.
- Enable unfettered access to online information resources by removing restrictions on access to domestic and international news websites, social media platforms and CSO websites.
- Refrain from adopting any laws providing for censorship or undue control over social and conventional media content.

### **6.4 Freedom of peaceful assembly**

- Adopt best practices on freedom of peaceful assembly, as put forward by the 2012 report of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, which calls for simple processes for the notification of assemblies being held rather than permission being required, and by General Comment No. 37 on the right to peaceful assembly adopted by the UN Human Rights Committee in 2020.
- Amend the Penal Code and other regulations in order to guarantee fully the right to freedom of peaceful assembly.
- Unconditionally and immediately release all protesters who have been detained for exercising their right to freedom of peaceful assembly and review their cases to prevent further harassment.

- Immediately and impartially investigate all instances of extrajudicial killing and excessive force committed by security forces in the context of protests.
- Review and if necessary update existing human rights training for police and security forces, with the assistance of independent CSOs, to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.
- Provide recourse to judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to freedom of peaceful assembly by state authorities.

### **6.5 Access to UN Special Procedures mandate holders**

- The government should extend a standing invitation to all UN Special Procedure mandate holders and prioritise official visits by the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; 3) Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association; and 4) Working Group on Arbitrary Detention.

### **6.6 State engagement with civil society**

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical comprehensive consultations with a diverse range of civil society.
- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.