



University of Notre Dame
International Human Rights Clinic

SUBMISSION TO THE
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FOURTH CYCLE
BANGLADESH

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INTRODUCTION

1. The University of Notre Dame International Human Rights Clinic¹ respectfully submits this evaluation of Bangladesh's human rights record to the U.N. Human Rights Council for the 4th Cycle of its Universal Periodic Review.

I. ASSOCIATION AND ASSEMBLY

A. Overview

2. This section discusses violations of the rights to freedom of association and assembly.

B. Freedom of Assembly

3. Bangladeshi law protects the right to peaceful assembly; however, that right is limited. The government has the discretion to prohibit assemblies of more than four people, as well as requiring permission in advance for assemblies such as protests and demonstrations.² Peaceful protests by political opposition and students continue to be suppressed by Bangladeshi authorities, sometimes using excessive force.³ According to the Bangladeshi human rights group Ain o Salish Kendra, 157 people were killed and 10,833 were injured in 932 instances of political violence between police and protesters during 2021.⁴
4. Many assemblies are prevented before they occur: opposition leaders are routinely prohibited from holding protests. On 26 October 2021, police prevented Bangladesh Nationalist Party (BNP) activists from holding a "peace rally" to protest communal violence in Bangladesh, stating that they did not have permission to do so (thus violating the right to peaceful assembly).⁵ This grim trend has continued throughout 2022, with at least four persons reportedly killed and hundreds injured in clashes between BNP supporters, Awami League (AL) supporters, and the police since 22 August 2022, according to Human Rights Watch.⁶

¹ The University of Notre Dame International Human Rights Clinic is a practice-based course on the Universal Periodic Review, offered by the Notre Dame Washington Program. This submission was researched and authored by students in the Notre Dame Washington Program. The student research and drafting team includes: Rachel Hartmann, Mariela Montiel, Thomas Musgrave, Keegan Quinn, Nyla White and Jason Zhu. Thomas Kellenberg, the Executive Director of the Notre Dame Washington Program, oversees the clinic. This submission represents the views and opinions of the authors. It does not represent an institutional position of the University of Notre Dame. Contact: Thomas Kellenberg (tkellenb@nd.edu).

² *Bangladesh 2021 Human Rights Report - United States Department of State (2022) Country Reports on Human Rights Practices for 2021*. United State Department of State - Bureau of Democracy, Human Rights and Labor. https://www.state.gov/wp-content/uploads/2022/02/313615_BANGLADESH-2021-HUMAN-RIGHTS-REPORT.pdf.

³ *Bangladesh 2021* (no date) *Amnesty International*. Amnesty International.

⁴ <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/bangladesh/report-bangladesh/>.

⁵ Ibid.

⁶ Ibid.

⁶ *Bangladesh: Crackdown on Political Opposition* (2022). Human Rights Watch. <https://www.hrw.org/news/2022/10/10/bangladesh-crackdown-political-opposition>.

C. Freedom of Association

5. The politicization of law enforcement and the judiciary by the ruling AL violates opposition supporters' right to freedom of association. Despite clashes between supporters of the AL and the BNP, police have conducted mass arrests of BNP supporters while AL supporters operate with apparent impunity.⁷ For example, after a clash on 21 September 2022 when Shahidul Islam Shaon, a BNP youth wing activist, was killed, police filed two cases alleging 365 BNP supporters were responsible for crimes, as well as 1,400 individuals so far unidentified.⁸ BNP leaders allege that at least 20,000 cases have been filed against its supporters, with the tactic of filing cases against “unknown” persons, allowing police to intimidate and threaten anyone with arrest.⁹ Police have used these cases to raid the homes of the political opposition in what appears to be political harassment and intimidation.¹⁰

II. RELIGIOUS LIBERTY

A. Overview

6. This section discusses violations of religious liberty.

B. Violence Against Hindus

7. In October 2021, rumors that the Qu'ran had been desecrated led to dozens of Hindu temples being attacked during the Hindu celebration of Durga Puja, resulting in violence between Muslims and Hindus and deaths caused by the police.¹¹ More than 25 houses and shops belonging to members of the Hindu community were also subjects of arson attacks in Rangpur.¹² Government agencies reported “promptly” addressing these major disturbances,¹³ and police arrested at least 450 people over the clashes and attacks.¹⁴ Bangladesh Prime Minister Sheikh Hasina, referring to those involved, stated that “nobody will be spared. It doesn't matter which

⁷ Ibid.

⁸ Kabir, N. (ed.) *BNP people on run to avoid arrests* (2022) Media New Age Limited.

<https://www.newagebd.net/article/181997/bnp-people-on-run-to-avoid-arrests>.

⁹ Kabir, N. (ed.) (2022) *Attacks on BNP rallies continue, over 100 hurt*. Media New Age Limited.

<https://www.newagebd.net/article/180151/attacks-on-bnp-rallies-continue-over-100-hurt>.

¹⁰ Kabir, N. (ed.) (2022) *BNP activists in panic over police raids*. Media New Age Limited.

<https://www.newagebd.net/article/177749/bnp-activists-in-panic-over-police-raids>.

¹¹ Ellis-Peterson, Hannah. *Seven Dead after Violence Erupts during Hindu Festival in Bangladesh*. The Guardian, 16 October 2021. <https://www.theguardian.com/world/2021/oct/16/four-die-after-violence-erupts-at-hindu-festival-in-bangladesh>.

¹² *Arson Attack in Rangpur: 25 Houses, Shops Burnt; 42 Detained*. The Daily Star, 18 October 2021.

<https://www.thedailystar.net/news/bangladesh/crime-justice/news/arson-attack-rangpur-25-houses-shops-burnt-42-detained-2201176>.

¹³ Bhattacharjee, Kallol. *Bangladesh 'Promptly' Dealt with Communal Disturbances during Durga Puja: India*. The Hindu, 15 October 2021. <https://www.thehindu.com/news/national/bangladesh-promptly-dealt-with-communal-disturbances-during-durga-puja-india/article36999706.ece>.

¹⁴ *Cumilla Hindu Temple Attack Victim Dies in Dhaka*. bdnews24.com, October 21, 2021.

<https://bdnews24.com/bangladesh/cumilla-hindu-temple-attack-victim-dies-in-dhaka>.

religion they belong to.”¹⁵

8. However, attacks on Hindus have continued since these events. From 1 January 2022 to 30 June 2022, the properties of 157 Hindu families and temples were looted by extremists, and 79 Hindus were killed by Muslims.¹⁶ Many Hindus have fled within the past year, and those who stayed often consider themselves to be treated as second-class citizens.¹⁷

C. Violence against Christians and Buddhists

9. Both Buddhists and Christians, along with Hindus, have reported that the government is ineffective in preventing evictions and land seizures of religious minorities.¹⁸
10. In 2012, 12 temples and dozens of houses of Buddhists were destroyed by a Muslim mob in the Ramu area of Cox’s Bazar district.¹⁹ Similar to the events leading to the Durga Puja attacks this year, the violence was allegedly triggered by a Facebook post from a Buddhist man of a burned Qu’ran. Despite many eyewitnesses to the violence, 18 of the 19 cases from this decade-old event are still pending in the Bangladesh court system.²⁰

III. CHILDREN’S AND WOMEN’S RIGHTS

A. Overview

11. This section discusses violations to children’s and women’s rights.

B. Child Marriage and Trafficking

12. A deep-rooted patriarchal system in Bangladesh forces women to remain in abusive situations due to their economic and social dependence on men. The economic and social disparities have only increased in the aftermath of the COVID-19 pandemic, pressuring women and children into dependency and abuse. Child marriage has often led young girls into cycles of human trafficking. Children’s labor rights are also consistently violated, as punishments for labor offenses are not sufficient to deter businesses from forcing children into dangerous work. Despite Bangladesh signing the Convention on the Rights of the Child, the state has not lived up to its treaty obligations.²¹

¹⁵ *Disturbing Reports’: India on Attacks during Durga Puja in Bangladesh*. NDTV, 15 October 2021. <https://www.ndtv.com/india-news/india-terms-bangladesh-violence-disturbing-says-indian-high-commission-in-touch-with-authorities-2575595>.

¹⁶ *Islamists at It Again in Bangladesh*. Organiser, 22 October 2022. <https://organiser.org/2022/10/22/97082/bharat/islamists-at-it-again-in-bangladesh/>.

¹⁷ Das, Tanmaya. *Increasing Islamisation of Bangladesh Puts Hindus at Risk*. The Sunday Guardian, 19 February 2022. <https://www.sundayguardianlive.com/world/increasing-islamisation-bangladesh-puts-hindus-risk>.

¹⁸ *2021 Report on International Religious Freedom - Bangladesh*. United States Department of State. Office of International Religious Freedom, 2 June 2022. <https://www.state.gov/reports/2021-report-on-international-religious-freedom/>.

¹⁹ *Bangladeshi Buddhists Denied Justice for a Decade*. Union of Catholic Asian News, 30 September 2022. <https://www.ucanews.com/news/bangladeshi-buddhists-denied-justice-for-a-decade/98948>.

²⁰ *Ibid*.

²¹ *Convention on the Rights of the Child*. UNICEF, <https://www.unicef.org/child-rights-convention>.

13. Bangladesh has one of the highest rates of child marriage in the world;²² over 50 percent of Bangladeshi women who are now in their mid-20s were married before they turned 18. Nearly 18 percent were married before they turned 15.²³ The practice of child marriage is deeply rooted in Bangladeshi societal norms, especially because female children are seen as a financial burden to their families. Additionally, the majority of the Bangladeshi population does not see child marriage as a form of sexual violence.²⁴

C. Gender-Based Violence

14. Bangladesh saw an escalation of gender-based violence since the COVID-19 pandemic in 2020.²⁵ Women and girls are victims in 88.2% of violence cases; of these cases, 3 out of 5 involved sexual harassment.²⁶ Domestic violence is one of Bangladesh's most common forms of gender-based violence; the Indian Journal of Medical Research reported that 30% to 50% of women experience domestic violence²⁷ and 78.3% of women in abusive situations have reported having to visit a healthcare provider due to severe abuse. Health consequences from abuse have included chronic pain syndrome, gastrointestinal disorders, and sexually transmitted infections. Despite these cases, the Bangladesh government has failed to implement any sexual harassment legislation.²⁸

D. Economic Inequality

15. Only 25% of Bangladeshi women have an account at a formal financial institution; hence, 75% of women are financially dependent on their spouse.²⁹ This significant dependence forces a high portion of women to stay in abusive relationships.³⁰ Bangladesh ranked 133 out of 162 countries in the UNDP gender inequality index in 2020, with an estimated gender wage gap of 23.1%. The unemployment rate for women is 6.7%, which is double the rate for men. After the COVID-19 pandemic, 58% of women were forced into unpaid labor as more people stayed in their homes³¹ and over 2 million Bangladeshi garment workers, most of whom were women, were dismissed. While Bangladeshi women have protested for policies to close the wage gap and lower

²² *Ending Child Marriage*. UNICEF, <https://www.unicef.org/bangladesh/en/ending-child-marriage>.

²³ Ibid.

²⁴ Ibid.

²⁵ *Gender-Based Violence: Taking Stock of Bangladesh's Shadow Pandemic*. United Nations Development Programme, 10 April 2022, <https://www.undp.org/bangladesh/blog/gender-based-violence-taking-stock-bangladesh%E2%80%99s-shadow-pandemic>.

²⁶ Ibid.

²⁷ Tania Wahed and Abbas Bhuiya, *Battered Bodies & Shattered Minds: Violence Against Women in Bangladesh* (Indian Journal of Medical Research, 20 April 2007),

<https://www.proquest.com/openview/79daff7f5dbc0b1dae5eed534ea7a9a2/1?pq-origsite=gscholar&cbl=37533>.

²⁸ *World Report 2021: Rights Trends in Bangladesh*. Human Rights Watch, 13 January 2021, <https://www.hrw.org/world-report/2021/country-chapters/bangladesh>.

²⁹ *Income Security, Decent Work and Economic Autonomy for Women*, Income Security, <https://asiapacific.unwomen.org/en/countries/bangladesh/income-security>.

³⁰ Tania Wahed and Abbas Bhuiya, *Battered Bodies & Shattered Minds: Violence Against Women in Bangladesh* (Indian Journal of Medical Research, 20 April 2007),

<https://www.proquest.com/openview/79daff7f5dbc0b1dae5eed534ea7a9a2/1?pq-origsite=gscholar&cbl=37533>.

³¹ Ibid.

the rate of gender-based violence, inequality has only been exacerbated by the pandemic.³²

E. Children's Labor Rights

16. In 2022, the Bangladeshi government ratified International Labour Organization (ILO) Convention No. 138, which requires States to take measures to ensure the progressive elimination of child labor and to set a minimum age under which no one can be admitted to employment or work in any occupation, except for light work and artistic performances.³³ The government also removed 5,088 children in vulnerable situations from 23 districts through labor inspections.³⁴
17. Despite these positive changes, children in Bangladesh continue to be exploited for economic gain. Child labor, including commercial sexual exploitation and forced labor in the production of bricks and drying fish, continues to occur.³⁵ Children also perform dangerous tasks in the production of garments and leather goods and are sexually exploited throughout the country's brothels. According to estimates, 30,000 girls are sexually exploited in Bangladesh, many who work in brothels but also in parking lots, bus stations, and online.³⁶ Promises of work are used to lure women and children into exploitation, and often these women and girls, some as young as 10, are charged with extreme debts that they then must work to repay. Additionally, penalties for child labor violations are only imposed after a lengthy legal process and, if the courts do impose them, the fines are too low to deter violations. The government does not publicly release information on its criminal law enforcement efforts related to child labor, abandoning transparency in these matters.³⁷

IV. FREEDOM OF SPEECH

A. Overview

18. This section discusses violations of freedom of speech.

B. Suppression of the Press

19. Freedom of speech is a constitutional right in Bangladesh enshrined in Article 39, which states that "it is the right of every citizen to freedom of speech and expression" and the "freedom of the press."³⁸ From the 1990s to 2014, the public and the media enjoyed more freedom of speech than at any other time in their history. Nonetheless, after 2014, in which the incumbent Mohammad Abdul Hamid won the boycotted presidential election, freedom of speech has been significantly

³² *Income Security, Decent Work and Economic Autonomy for Women*. Income Security, <https://asiapacific.unwomen.org/en/countries/bangladesh/income-security>.

³³ *Bangladesh Ratifies the Minimum Age Convention*. International Labour Organization, 22 March 2022, https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/child-labour/WCMS_840125/lang--en/index.html.

³⁴ *Findings on the Worst Forms of Child Labor – Bangladesh*. United States Department of Labor, <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/bangladesh>.

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ *Law of Bangladesh*, Government of the People's Republic of Bangladesh, 2022, <http://bdlaws.minlaw.gov.bd/>

undermined by government censorship.³⁹ In 2020 and 2021, the government, led by the Awami League, enacted the Digital Security Act and a digital-first political manifesto “Vision 2021”, which further restricted free expression and media freedom.⁴⁰

20. The Hamid Administration has imposed a high degree of pressure on the media and press in Bangladesh. The ruling party has targeted the country’s two leading newspapers “The Daily Star” and “Prothom Alo” with numerous lawsuits and has unofficially encouraged businesses to stop advertising in them.⁴¹ This suppression has extended to the illegal detention of individual journalists and media groups. Bangladeshi journalists often face arbitrary criminal charges after publishing criticism of Prime Minister Sheikh Hasina. Specifically, pro-opposition journalists Mahmudur Rahman and Shafik Rehman were detained for prolonged periods of time, Nurul Kabir, editor of the New Age, received death threats, and Mahfuz Anam, editor of The Daily Star, has faced 83 lawsuits.⁴²

V. RULE OF LAW

A. Overview

21. This section addresses human rights violations related to the rule of law.

B. Extrajudicial Killings and Enforced Disappearances

22. The Human Rights Council’s Working Group on Enforced or Involuntary Disappearances continues to receive reports of new cases of alleged enforced disappearances in Bangladesh.⁴³ On 10 March 2020, photojournalist Shafiqul Islam Kajol had a case filed against him under the Digital Security Act.⁴⁴ The following day, Kajol went ‘missing’ only to be found 53 days later blindfolded and bound near a border control location. Along with enforced disappearances, there have been many reports of extrajudicial killings which are often politically inspired.⁴⁵ These killings are often blamed on “crossfire” or “gunfight” while, in reality, these persons are tortured or killed by law enforcement agencies. These types of extrajudicial killings are so institutionalized that in 2020 some Bangladeshi parliamentarians openly called for more “crossfire” killings⁴⁶. During the Awami League rule in the past decade, politically motivated extrajudicial killings and forced disappearances have spiked leading up to elections.⁴⁷

³⁹ *Free Press Woes Amid Controversial Surveillance Law*. Anadolu Agency, 2020, <https://www.aa.com.tr/en/asia-pacific/bangladesh-free-press-woes-amid-controversial-surveillance-law/1827461>

⁴⁰ *Bangladesh’s Digital Security Act*. Friedrich Naumann Foundation, 2021, <https://www.freiheit.org/bangladesh/bangladeshs-digital-security-act>

⁴¹ *Editors Worried at Threats to Nurul Kabir*. The Daily Star, <https://www.thedailystar.net/news-detail-128505>.

⁴² *Bangladeshi Editor Who Faced 83 Lawsuits Says Press Freedom Under Threat*. The Guardian, <https://www.theguardian.com/world/2017/may/18/it-all-depends-on-how-i-behave-press-freedom-under-threat-in-bangladesh>

⁴³ *Documents: Human Rights Council Working Group on Enforced or Involuntary Disappearances*. United Nations, 2 December 2019, <https://www.un.org/en/our-work/documents>.

⁴⁴ Kabir, Abu Ahmed Faijul, et al. *Human Rights Situation of Bangladesh in 2021: An Observation*. Ain O Salish Kendra (ASK) A Legal Aid & Human Rights Organization.

⁴⁵ *Where No Sun Can Enter*. Human Rights Watch, 20 September 2021, <https://www.hrw.org/report/2021/08/16/where-no-sun-can-enter/decade-enforced-disappearances-bangladesh>.

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

C. Politicization of Law Enforcement

23. The Awami League has reportedly brought 300,000 fabricated charges against their political opponents, Bangladesh Nationalist Party (BNP).⁴⁸ Sairul Kabir Khan, a spokesman for the BNP, said that since 22 August 2022, police have charged at least 4,081 named party supporters and leaders.⁴⁹ Another 20,000 unidentified citizens opposing the Awami League have also reportedly been charged.⁵⁰ Beyond law enforcement bringing fabricated charges, they also chose not to intervene during attacks on BNP rallies. Supporters of the BNP have also been arrested because of their political affiliation.⁵¹ According to Freedom House, BNP supporters have claimed that thousands of its supporters and nearly a dozen of its candidates were arrested ahead of elections; these candidates also report experiencing intimidation and violence.⁵²

⁴⁸ Ibid.

⁴⁹ *Bangladesh Opposition Says 4,000 Charged in Gov't Crackdown*. Al Jazeera, 11 October 2022, <https://www.aljazeera.com/news/2022/10/11/bangladesh-opposition-says-over-4000-charged-in-govt-crackdown>.

⁵⁰ Ibid.

⁵¹ *Bangladesh: Freedom in the World 2022 Country Report*. Freedom House, <https://freedomhouse.org/country/bangladesh/freedom-world/2022>.

⁵² Ibid.