



Bangladesh

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**Submission by CIVICUS: World Alliance for Citizen Participation, NGO in  
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**CIVICUS: World Alliance for Citizen  
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## 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, we proudly promote marginalised voices, especially from the global south, and have members in more than 170 countries throughout the world.
- 1.2** In this document, we 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 the freedoms of association, peaceful assembly and expression, and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination in May 2013. To this end, we assess Bangladesh's implementation of recommendations received during the 2<sup>nd</sup> UPR cycle relating to these issues and provide a number of specific, action-orientated follow-up recommendations.
- 1.3** During the 2<sup>nd</sup> UPR cycle, the Government of Bangladesh received seventeen recommendations relating to civic space. Of these recommendations, sixteen were accepted and one was noted. An evaluation of a range of legal sources and human rights documentation demonstrate that the Government of Bangladesh has not implemented seventeen recommendations relating to civil society space. While 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 right(s) to protection of human rights defenders and issues relating to impunity for perpetrators of extrajudicial killings.
- 1.4** In particular, we are deeply concerned by the spate of killings against secular bloggers and LGBTI activists, which are yet to be impartially investigated by the Bangladeshi authorities. CIVICUS is alarmed at the lack of adequate protection offered to bloggers and journalists working on issues of anti-extremism and secularity in Bangladesh.
- 1.5** We are further dismayed by the broad and discretionary powers granted to the NGO Affairs Bureau (NGOAB), which has restricted CSOs from receiving foreign funds. Similarly, the unclear provisions in the Information Technology Communication (ITC) Law have also been broadly utilised to harass and detain human rights activists without charge.
- Section 2 of this submission examines Bangladesh's implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of association.
  - Section 3 examines Bangladesh's implementation of UPR recommendations and compliance with international human rights standards related to the protection of human rights defenders, civil society activists and journalists.

- Section 4 examines Bangladesh’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of expression, independence of the media and access to information.
- Section 5 examines Bangladesh’s implementation of UPR recommendations and compliance with international human rights standards related to the freedom of peaceful assembly.
- Section 6 contains a number of recommendations to address the concerns to raised and to advance implementation of recommendations under the 2<sup>nd</sup> cycle.
- An annex of implementation of 2<sup>nd</sup> cycle UPR recommendations related to civic space can be found in Section 7.

## 2. Freedom of association

- 2.1** During Bangladesh’s examination under the 2<sup>nd</sup> UPR cycle, the government received two recommendations on the right to the freedom of association and creating an enabling environment for CSOs. Among other recommendations, the government committed to ensuring “civil society can operate without intimidation and to ensure freedom of the press, including for independent media.” Of the recommendations received, the government accepted two. However, as evidenced below, the government has failed to take adequate measures to realise both of these recommendations. In particular, the strengthening of the Foreign Donations (Voluntary Activities) Act<sup>1</sup> has stymied operation of independent civil society groups in Bangladesh.
- 2.2** Article 38 of the Bangladeshi Constitution<sup>2</sup> guarantees the right to the freedom of association. Moreover, article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Bangladesh is a state party, also guarantees the freedom of association. However, despite these commitments, the government has continued to impose unnecessary legal and extra-legal restrictions on the right to association. Of particular concern is the climate of fear created by unwarranted restrictions on the work of groups promoting human rights and reprisals against human rights defenders.
- 2.3** While CSOs in Bangladesh are not required to register with the authorities,<sup>3</sup> under the Foreign Donations (Voluntary Activities) Regulation Act CSOs<sup>4</sup> wishing to receive funds from foreign sources or collaborate with international actors must register annually with the Non-Governmental Organisation Affairs Bureau (NGOAB) and seek permission for

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<sup>1</sup> The Foreign Donations (Voluntary Activities) Regulation Act (2016):

<http://www.icnl.org/research/library/files/Bangladesh/FDVA.pdf> (accessed 31st August 2016).

<sup>2</sup> Bangladesh’s Constitution (1972) is available here: <http://hrlibrary.umn.edu/research/bangladesh-constitution.pdf> (accessed 31st August 2017).

<sup>3</sup> CSOs in Bangladesh are encouraged to register with authorities for more information see: <http://www.icnl.org/research/monitor/bangladesh.html> (accessed 31st August 2017).

<sup>4</sup> According to the Foreign Donations (Voluntary Activities) Regulation Act (2016): <http://www.icnl.org/research/library/files/Bangladesh/FDVA.pdf> (accessed 31st August 2016).

planned activities prior to receiving funds.<sup>5</sup> After legislative amendments in 2016,<sup>6</sup> the NGOAB gained wide-ranging discretionary powers<sup>7</sup> to assess regularly, inspect or de-register civic groups who collaborate with international civic groups and donors. Many CSOs have reported that the process of annual registration is cumbersome and often subject to bureaucratic delays,<sup>8</sup> leading to a situation where CSOs can be financially enfeebled and unable to operate, pending permission from the NGOAB.<sup>9</sup>

**2.4** CIVICUS is deeply concerned by the NGOAB's unwarranted harassment of national human rights CSO Odhikar.<sup>10</sup> The NGOAB has deliberately imposed bureaucratic delays to deprive Odhikar of financial resources for over three years, while also withholding the renewal of its registration.<sup>11</sup>

**2.5** Groups working on human rights have also been publicly harassed by the Bangladeshi authorities. On 2 August 2015,<sup>12</sup> two CSOs, Odhikar and the Bangladesh Human Rights Commission,<sup>13</sup> were publicly threatened by the police<sup>14</sup> for carrying out "subversive activities" after documenting a spate of extrajudicial killings in Bangladesh.

**2.6** CIVICUS is further alarmed by threats against CSOs working to highlight the issue of enforced disappearances. On 30 August 2015, a meeting to mark the International Day of the Victims of Enforced Disappearances was unwarrantedly interfered with by the

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<sup>5</sup> More information on the NGO Affairs Bureau can be found here: <http://www.ngoab.gov.bd/site/page/092eab90-ba5f-4cba-933f-d9f28863d170/NGO-Bureau-at-a-glance> (accessed 31st August 2017).

<sup>6</sup> Passed on the 5<sup>th</sup> October 2016 for more information see:

<https://monitor.civicus.org/newsfeed/2016/12/15/strengthened-legislative-impediments-continue-choke-civil-society-bangladesh/> (accessed 31<sup>st</sup> August 2017). Bangladeshi authorities also consider whether an organisation's activities over the past 10 years are "satisfactory" when considering renewal applications, without giving a clear definition of what is deemed as satisfactory, thereby effectively permitting the NGOAB broad discretionary powers. For more information, see: [http://www.omct.org/files/2017/02/24220/bangladesh\\_iccr\\_report.pdf](http://www.omct.org/files/2017/02/24220/bangladesh_iccr_report.pdf) (accessed 31st August 2017).

<sup>7</sup> Section 14 of the Foreign Donations (Voluntary Activities) Regulation Act (2016), enables authorities in Bangladesh to withhold or reject a CSO's registration for anti-state activities, making malicious and derogatory statements against the Constitution and constitutional bodies of Bangladesh, subversive activities, financing and sponsorship of terror and militancy, and trafficking in women and children. For more information see: <http://www.loc.gov/law/foreign-news/article/bangladesh-controversial-new-law-regulating-work-and-activities-of-foreign-ngos/> (accessed 31<sup>st</sup> August 2017).

<sup>8</sup> The CIVICUS Monitor, Freedom of Association in Bangladesh is available here:

<https://monitor.civicus.org/newsfeed/2016/06/16/association/> (accessed 31<sup>st</sup> August 2017).

<sup>9</sup> There is evidence that burdensome registration process has been used to impede the work of groups working on human rights issues. Section 14 of the aforementioned Foreign Donations (Voluntary Activities) Regulation Act (2016) has been used to stymie the work of civil society and preclude them from criticising authorities or policies. For more information please see: <http://www.civicus.org/index.php/media-resources/media-releases/2658-alert-bangladesh-s-restrictive-ngo-law-undermines-development-efforts-should-be-reviewed> (accessed 31st August 2017).

<sup>10</sup> For more information on Odhikar please see: <http://odhikar.org> (accessed 31<sup>st</sup> August 2017).

<sup>11</sup> According to Odhikar's monitoring report 1<sup>st</sup> August 2017 available here:

[http://1dgv051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2017/08/human-rights-monitoring-report-july-2017\\_Eng.pdf](http://1dgv051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2017/08/human-rights-monitoring-report-july-2017_Eng.pdf) (accessed 31st August 2017).

<sup>12</sup> For more information see: <https://www.frontlinedefenders.org/en/case/ongoing-harassment-adilur-rahman-khan> (accessed 31st August 2017).

<sup>13</sup> For more information on the Bangladesh Human Rights Commission please see: <http://www.bhrc-bd.org/Press%20Release-1.htm> (accessed 31<sup>st</sup> August 2017).

<sup>14</sup> Police Memo No. M and PR/1705, released on 2<sup>nd</sup> August 2015. Translation available here: [http://odhikar.org/wp-content/uploads/2015/08/Odhikar\\_PHQ\\_02.08.15\\_Eng.pdf](http://odhikar.org/wp-content/uploads/2015/08/Odhikar_PHQ_02.08.15_Eng.pdf) (accessed 31st August 2017).

authorities.<sup>15</sup> The meeting<sup>16</sup> was forced into cancellation after Bangladeshi authorities threatened the families of victims and pressured venue owners into stopping the discussion from taking place.

- 2.7** On 25 November 2015, during the UN International Day against Violence against Women, local human rights defenders in Madaripur and Thakurgaon districts<sup>17</sup> were accosted and obstructed by the police from holding a meeting on violence against women.<sup>18</sup>
- 2.8** The continued and unjustified harassment of political opposition members is also a serious concern in Bangladesh. The ruling party<sup>19</sup> has frequently orchestrated the prevention of meetings organised of political opposition groups by inciting 144 of the Code of Criminal Procedure<sup>20</sup> which places blanket bans on meetings.
- 2.9** According to Forgotten Missionaries International<sup>21</sup>, increased scrutiny over foreign donations has imbued a chilling effect on the space for Christian groups in Bangladesh. Following the imposition of legislative amendments in 2016 which strengthened the NGOAB's discretionary powers, the CSO alleges 200 Christian CSOs have closed in 2017.<sup>22</sup>
- 2.10** Bangladeshi authorities have repeatedly used extra-legal measures to target activists affiliated to Odhikar, impeding the group's activities. Activists working with Odhikar have been targeted and injured while observing elections<sup>23</sup> and arbitrarily detained for their

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<sup>15</sup> For more information see: [http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2016/02/Human-rights-monitoring-monthly-report-January-2016\\_Eng.pdf](http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2016/02/Human-rights-monitoring-monthly-report-January-2016_Eng.pdf) (accessed 31st August 2017).

<sup>16</sup> The event was organised in by the Asian Federation against Involuntary Disappearances (AFAD), the Asian Legal Resource Centre (ALRC), the International Federation for Human Rights (FIDH) and Odhikar as well as the families of the disappeared.

<sup>17</sup> For more information, see: <http://archive.newagebd.net/178898/intl-day-for-elimination-of-violence-against-women-only-real-democracy-can-give-women-full-rights/> (accessed 31<sup>st</sup> August 2017).

<sup>18</sup> For more information see: [http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2016/02/Human-rights-monitoring-monthly-report-January-2016\\_Eng.pdf](http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2016/02/Human-rights-monitoring-monthly-report-January-2016_Eng.pdf) (accessed 31st August 2017).

<sup>19</sup> The Awami League Often working with the Jubo League and Chhatra League – the youth wings of the political party to disrupt and intimidate meetings by political opposition.

<sup>20</sup> Section 144 of the Code of Criminal Procedure, 1898 provides power to the Magistrate to issue orders to stop any meeting or gathering. See [http://bdlaws.minlaw.gov.bd/sections\\_detail.php?id=75&sections\\_id=20789](http://bdlaws.minlaw.gov.bd/sections_detail.php?id=75&sections_id=20789)

<sup>21</sup> For more information, see: <http://forgottenmissionaries.org> (accessed 31<sup>st</sup> August 2017).

<sup>22</sup> For more information, see: <http://www.christiantimes.com/article/200-christian-charities-shut-down-in-bangladesh-amid-crackdown-on-foreign-ngos/72652.htm> (accessed 31st August 2017).

<sup>23</sup> In March 2016, a journalist, Mohammad Afzal Hossain, was shot and severely wounded by police while he was observing the irregularities of a local government election in Bhola. For details, please see Odhikar's monthly report of March 2016. <http://odhikar.org/human-rights-monitoring-report-march-2016/> (accessed 31<sup>st</sup> August 2017).

activities under defamation laws.<sup>24</sup> They have also been the victims of extrajudicial killings.<sup>25</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 twelve recommendations on the protection of human rights defenders, journalists and civil society representatives. The government committed to several relevant recommendations including "Step up its efforts to ensure that human rights defenders are protected and allowed to conduct their work without hindrance, intimidation or harassment both at the national and local level." Of the recommendations received, eleven number were accepted and one was noted. However, as examined in this section, the government has failed to implement any these recommendations effectively. In particular, Bangladeshi authorities have failed to counter a culture of impunity of abuses perpetrated against HRDs, and at times, have been complicit in the harassment of individuals promoting human rights.
- 3.2** The aforementioned ICT law (2003/13)<sup>26</sup> section 57 contains excessively broad provisions that are often used to harass and arbitrarily detain HRDs and critical journalists.
- 3.3** CIVICUS is deeply concerned that between February and October 2015, seven secular bloggers were killed in a series of attacks against media workers.<sup>27</sup> On 26 February 2015, atheist blogger Avijit Roy<sup>28</sup> was hacked to death and his wife was critically

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<sup>24</sup> In April 2017, a plain-clothed police arrested Sheikh Mohammad Ratan, a human rights defender from Munshiganj, was arrested for 'liking' a post on social media platform, Facebook under Section 57(2) of the Information and Communication Technology Act (2006). Ratan was released on bail after being detained 21 days in jail. In another incident, Hasan Ali, Kushtia district correspondent of Bangla Vision TV and Aslam Ali, staff reporter of Dainik Kushtia Dorpan were detained without charge under Section 57(2) of the Information and Communication Technology Act (2006). For more information see: <https://advox.globalvoices.org/2013/09/18/bangladeshs-ict-act-stoops-to-new-lows/> (accessed 31st August 2017). They were released on 29 May 2017 on bail after 20 days in detention.

<sup>25</sup> In February 2017, journalist Abdul Hakim Shimul, was shot dead by Shahjadpur Municipality Mayor and Awami League leader Halimul Huq Miru. For details, please see Odhikar's monthly report of February 2017. <http://odhikar.org/human-rights-monitoring-report-february-2017/> (accessed 31st August 2017).

<sup>26</sup> Section 57 in Bangladesh's ICT (2006/13) law permits the detention of activists on vague grounds: "If any person deliberately publishes or transmits or causes to be published or transmitted in the website or in electronic form any material which is fake and obscene or its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it, or causes to deteriorate or creates possibility to deteriorate law and order, prejudice the image of the State or person or causes to hurt or may hurt religious belief or instigate against any person or organization, then this activity of his will be regarded as an offence." Is often used to silence dissidents. For more information, see: <http://www.icnl.org/research/library/files/Bangladesh/comm2006.pdf> (accessed 31st August 2017).

<sup>27</sup> 'Year in Review: Civic Space', 2016 State of Civil Society Report, CIVICUS, 2016, [http://civicus.org/documents/reports-and-publications/SOCS/2016/summaries/YIR\\_Civic-Space.pdf#page=16](http://civicus.org/documents/reports-and-publications/SOCS/2016/summaries/YIR_Civic-Space.pdf#page=16).

<sup>28</sup> For more information, please see: <http://www.thedailystar.net/city/memorial-slain-blogger-ananta-be-unveiled-today-1222468> (accessed 31st August 2017).

injured in an attack in Dhaka. While eight people were subsequently detained<sup>29</sup> in connection with Roy's murder, no charges have been filed against suspects.<sup>30</sup>

- 3.4** Avijit Roy's murder signalled the beginning of a spate of killings. Washiqur Rahman Babu,<sup>31</sup> Ananta Bijoy Das,<sup>32</sup> Niladri Chatterjee Nijoy,<sup>33</sup> Faisal Arefin Deepan, Rono Dipam Basu and Tareq Rahim were all subsequently killed in Dhaka by unknown assailants wielding machetes. Inadequate investigations into this spate of attacks have been indicative of the Bangladeshi authorities' disregard for critical journalists.
- 3.5** On 31 October 2015 Faisal Arefin Deepan, owner of Jagriti Publications and a publisher who had worked with Avijit Roy, was hacked to death in his office in Dhaka. On the same day, publisher Ahmed Rashid Tutul was murdered in a publishing house in Dhaka, along with Rono Dipam Basu and Tareq Rahim.<sup>34</sup> Although police later arrested a suspect, the investigation is ongoing.<sup>35</sup>
- 3.6** On 25 April 2016, LGBTI activists Xulhaz Mannan and Mahbub Rabbi Tonoy<sup>36</sup> were stabbed to death in Dhaka. Mannan was the founding editor of Bangladesh's only

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<sup>29</sup> For more information, please see:

<http://www.telegraph.co.uk/news/worldnews/asia/bangladesh/11808888/Bangladesh-arrests-suspected-British-mastermind-of-blogger-murders.html> (accessed 31st August 2017).

<sup>30</sup> For more information please see: <http://bdnews24.com/bangladesh/2016/02/26/who-killed-writer-blogger-avijit-roy-a-year-on-police-have-no-clue> (accessed 31st August 2017).

<sup>31</sup> On 30 March 2015, vocal secular and anti-extremist blogger Washiqur Rahman Babu was stabbed to death in Dhaka. After an investigation, police filed charges against five individuals of the extremist group Ansarullah Bangla Team (ABT) on 1 September 2015. For more information, please see: <http://www.thedailystar.net/backpage/five-ansarullah-men-indicted-1256896> (accessed 31st August 2017). In spite of warrants out for their arrest, two of the suspects remain at large and the other three suspects, who are in police custody, pleaded not guilty before the court, despite not having a lawyer to represent them.

<sup>32</sup> On 12<sup>th</sup> May 2015, atheist blogger, Ananta Bijoy Das attacked and killed in front of his house. While authorities subsequently arrested two suspects and reported an admission of guilt by one of the alleged perpetrators, police are yet to submit a charge sheet. Out of the two suspects, Mannan Rahi and Abul Khair, Mr Rahi is reported to have admitted the murder before Sylhet Metropolitan Magistrate Court that he, accompanied by Mr Khair and three others, had hacked Ananta Bijoy Das to death for his publications that promoted atheism, no charges have been filed or public trial has taken place in this case.

<sup>33</sup> On 7th August 2015, atheist blogger Niladri Chatterjee Nijoy was attacked and killed by a group of men wielding machetes in Dhaka. Three suspected were later arrested in connection with Mr Nijoy's murder and a fourth killed in an extra-judicial killing by Bangladeshi security forces. On 19 November 2015, Dhaka Metropolitan Police announced that they had arrested three men for this murder: one Mufti Abdul Gaffar, was arrested for sending a death threat to the atheist blogger via Facebook, and two others for claiming responsibility for the murder. For more information see: <http://www.theindependentbd.com/home/printnews/23547> (accessed 31st August 2017). On 19 August 2016 suspect Golam Faizullah Fahim was killed in Madaripur by the Detective Branch of Police who claimed the incident as a 'shootout'. For more information, see: <http://www.daily-sun.com/post/145805/Mastermind-killed-in-gunfight-claim-police> (accessed 31st August 2017).

<sup>34</sup> For more information, see: <http://newagebd.net/248259/publisher-Deepan-murder-key-accused-arrested/> (accessed 31<sup>st</sup> August 2017).

<sup>35</sup> On 23 August 2016, the Detective Branch of Police arrested Moinul Hasan Shamim, aged 24, alleged key suspect in the murder of Faisal Arefin Deepan. The police claimed that the suspect is a member of Ansar Al Islam, an extremist group that was previously known as Ansarullah Bangla Team. For more information see: <http://www.reuters.com/article/us-bangladesh-militant/bangladesh-police-arrest-militant-suspected-of-killing-publisher-idUSKCN10Z19C> (accessed 31 August 2017).

<sup>36</sup> For more information, see: <https://www.theguardian.com/world/2016/apr/25/editor-bangladesh-first-lgbt-magazine-killed-reports-say-roopbaan> (accessed 31st August 2017).

LGBTI magazine, *Roopban*. So far, police have missed the deadline to file an investigation into the murders nine times.<sup>37</sup>

- 3.7** On 11 April 2013, Mahmudur Rahman, the Editor of the pro-opposition Daily Amar Desh, was arrested and held without charge under the ITC Act.<sup>38</sup> He spent 1,322 days in arbitrary detention and was repeatedly denied bail<sup>39</sup> until his release on bail on 24 November 2016.<sup>40</sup>
- 3.8** On 16 April 2016 Shafik Rehman, an anti-death penalty campaigner and pro-opposition journalist<sup>41</sup>, was arrested during an unsanctioned raid on his home. Charged under allegations of conspiracy to murder,<sup>42</sup> Rehman was repeatedly denied bail despite being in a frail medical condition. He was freed from jail on 6 September 2016.<sup>43</sup>
- 3.9** The severity of the situation is indicated by the fact that there are many other examples of unjustified detentions under spurious allegations, including of Adilur Rahman Khan<sup>44</sup>, Nasiruddin Elan, Mahfuz Anam<sup>45</sup> and Shaukat Mahmud.<sup>46</sup>

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<sup>37</sup> On 10<sup>th</sup> January 2017, police missed their ninth deadline to file an investigation into the murders. For more information, see: <https://www.amnesty.org/en/latest/news/2017/04/one-year-after-the-murders-of-xulhaz-mannan-and-mahbub-rabbi-tonoy/> (accessed 31<sup>st</sup> August 2017).

<sup>38</sup> Mahmudur Rahman was arrested under suspicion of violating sections 57 and 58 of Cyber Crime and ICT Act -2006 and sections 124, 124(a), 120(b) and 511 of the Penal Code.

<sup>39</sup> Despite being repeatedly granted bail by the courts, the police prevented his release by implicating him in a separate pending criminal cases. For more information, see: The daily New Age, 15 February 2016

<sup>40</sup> For more information see <https://www.fidh.org/en/issues/human-rights-defenders/bangladesh-mahmudur-rahman-finally-freed-after-more-than-three-years> (accessed 31<sup>st</sup> August 2017). Despite this, Mr Rahman is still facing prosecution under 81 cases filed against him across the country, mainly for defamation and sedition. Mr Rahman was previously detained in 2010 on defamation and sedition charges and there is credible evidence that he was subjected to ill-treatment during detention. For more information, see: <https://www.amnesty.org/en/documents/asa13/007/2013/en/> (accessed 31<sup>st</sup> August 2017).

<sup>41</sup> Prior to his arrest, Mr Rehman convened the international affairs committee of the Bangladesh Nationalist Party (BNP) and headed a pro-opposition think-tank called G-9.

<sup>42</sup> Mr Rehman was charged with “conspiring to abduct and assassinate” Prime Minister Sheikh Hasina’s son. For more information, see: <http://www.bbc.co.uk/news/world-asia-36063520> (Accessed 31<sup>st</sup> August 2017).

<sup>43</sup> The High Court granted his bail on 31 August 2016. For more information see: <http://www.bbc.com/news/world-asia-37232018> & <http://www.thedailystar.net/backpage/shafik-rehman-out-bail-1281874> (accessed 31<sup>st</sup> August 2017).

<sup>44</sup> On August 10, 2013, Odhikar’s Secretary Adilur Rahman Khan was detained by persons claiming to be from the Detective Branch (DB) of Bangladesh’s Police. Along with Odhikar’s Director, Nasiruddin Elan, Khan was charged under section 57(1) of the Information and Communication Technology Act, 2006, after publishing a report on extrajudicial killings. The report was a fact finding report on extrajudicial killings during a rally organised by the religious group Hefazate Islam on May 5-6, 2013. They were released after being detained for 62 and 25 days respectively.

<sup>45</sup> Mahfuz Anam, Editor of *The Daily Star*, faces 82 charges of sedition and defamation after publishing reports in 2007 that accused the incumbent Prime Minister, Sheikh Hasina of corruption. These reports were based on uncorroborated information and Mahfuz Anam has since stated that it was a mistake to have published them. He faces 17 sedition and 65 defamation cases. For more information, see: <https://www.nytimes.com/2016/03/28/world/asia/bangladesh-editor-faces-79-court-cases-after-saying-he-regrets-articles.html> (accessed 31<sup>st</sup> August 2017). Despite securing bail, his trial has been repeatedly postponed. On 11 April 2016, the High Court stayed the proceedings of 72 of the cases filed against him for three months and later extended up to June 2017; the High Court stayed the remaining 10 cases on 13 June 2016 for six months till February 2017.

<sup>46</sup> On 18th August 2015, Shaukat Mahmud Editor of *Weekly Economic Times* and President of the Bangladesh Federal Union of Journalists, was arrested under spurious allegations of arson and vandalism for more information see: <http://archive.newagebd.net/149044/shaukat-mahmud-arrested/> (accessed 31<sup>st</sup> August 2017). After spending nearly a year in arbitrary detention, he was released on bail On 22 June 2016 and is currently awaiting trial.



## 4. Freedom of expression, independence of the media and access to information

- 4.1** Under the 2<sup>nd</sup> UPR cycle, the Government of Bangladesh received three recommendations relating to the freedom of expression and access to information. For example the government pledged to “take effective measures to ensure freedom of expression and a safe enabling environment for social media.” Of the recommendations received, three were accepted. However, as discussed below, the government did not take effective measures to implement these recommendations. Of the three recommendations pertaining to these issues, the government has not implemented any of these recommendations. In particular, the Government of Bangladesh has failed to create an enabling environment for plurality of political opinion. Of serious concern, is the excessive use of centralised powers which can be used to prevent independent media outlets from publishing their work.
- 4.2** Article 19 of the ICCPR guarantees the right to the freedom of expression and opinion. Article 39 of the Constitution of Bangladesh<sup>47</sup> also guarantees the right to the freedom of expression. However, in policy and practice, successive governments have taken steps to curtail free speech while harassing critical journalists and censoring independent media outlets.
- 4.3** Despite constitutional provisions, the Information and Communication Technology (ICT) Act, 2006 (amended in 2009 and 2013)<sup>48</sup> allows authorities to detain activists without a warrant, makes bail not available for some offences and carries a maximum sentence of 14 years’ imprisonment. In particular, the vague wording in clauses 46<sup>49</sup> and 57<sup>50</sup> has been exploited and invoked to censor online content and arbitrarily detain activists. The Bangladesh Telecommunication Regulatory Commission (BTRC)<sup>51</sup> oversees telecommunication and ICT-related issues in Bangladesh. The body has been known to exercise both formal and informal pressure<sup>52</sup> on internet service providers to suppress, temporarily block or censor online content and applications.

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<sup>47</sup> For more information, please see: <http://hrlibrary.umn.edu/research/bangladesh-constitution.pdf> (accessed 31st August 2017).

<sup>48</sup> For more information, on the law please see: <https://www.article19.org/data/files/medialibrary/38365/Bangladesh-ICT-Law-Analysis.pdf> (accessed 31st August 2017).

<sup>49</sup> Section 46 of the ICT law enables authorities under to censor content is: “If the Controller is satisfied that it is necessary or expedient so to do in the interest of the sovereignty, integrity, or security of Bangladesh, friendly relations of Bangladesh with other States, public order or for preventing incitement to commission of any cognizable offence, for reasons to be recorded in writing, by order, direct any agency of the Government to intercept any information to be transmitted through any computer resource. The subscriber or any person in charge of a computer resource shall, when called upon by any agency to which direction has been issued under sub-section (1) of this section, extend all facilities and technical assistance to decrypt the information.” For more information, see: <http://www.icnl.org/research/library/files/Bangladesh/comm2006.pdf> (accessed 31st August 2017).

<sup>50</sup> As previously mentioned, please see footnote 40.

<sup>51</sup> For more information, see: <http://www.btrc.gov.bd> (accessed 31st August 2017).

<sup>52</sup> For more information, see: <https://freedomhouse.org/report/freedom-net/2016/bangladesh> (accessed 31st August 2017).

- 4.4** CIVICUS is dismayed that the Bangladeshi authorities have unjustifiably blocked access to websites and social media platforms on several occasions, citing security concerns.<sup>53</sup>
- 4.5** On 18 November 2015, under the guises of ensuring national security, the BTRC issued a written order obliging all mobile phone operators and internet providers<sup>54</sup> operators to block social media apps.<sup>55</sup> On the same date, a blanket ban on internet connectivity was imposed for several hours.<sup>56</sup> After 31 days, restrictions on social media were lifted on 14 December 2015.<sup>57</sup>
- 4.6** On 5 August 2016,<sup>58</sup> the BTRC blocked access to 30 online portals and news websites, including some outlets aligned to the political opposition.<sup>59</sup> Many of these websites are still inaccessible within Bangladesh.

## 5. Freedom of peaceful assembly

- 5.1** The Government of Bangladesh received no recommendations on the right to the freedom of peaceful assembly during its last examination. However, as evidenced below, the government has failed to realise constitutional and international commitments on freedom of peaceful assembly.
- 5.2** Article 21 of the ICCPR guarantees the freedom of peaceful assembly. In addition, article 37 of the Bangladeshi Constitution<sup>60</sup> also guarantees the right to the freedom of assembly. However, in practice and policy, Bangladeshi authorities often prohibit marches and protests organised by actors who are critical of the government.

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<sup>53</sup> On 18<sup>th</sup> January 2015 the government blocked the internet calling and messaging services Viber and Tango for Bangladeshi users citing ‘security’ concerns. After blocking Viber and Tango, the government, on January 19, blocked three more online voice and messaging services–WhatsApp, Mypeople and Line. After criticism against the blocking, the government reopened the applications on January 22, 2015. For more information please see:

<http://www.thedailystar.net/country/govt-orders-blocking-facebook-whatsapp-viber-174289> (accessed 31<sup>st</sup> August 2017).

<sup>54</sup> International Internet Gateway operators are providers of internet access to people in Bangladesh. For a full list of companies that were affected by the ban please see:

<http://www.btrc.gov.bd/operators/International%20Internet%20Gateway%20%28IIG%29%20Services> (accessed 31<sup>st</sup> August 2017)

<sup>55</sup> The government again blocked almost all social networking media and mobile messaging and internet applications, including Facebook, Viber and WhatsApp from November 18, 2015 for an indefinite period on the pretext of maintaining ‘security’ in Bangladesh. Later on, through a similar order, other mobile messaging and internet applications including Line, Tango and Hangout were stopped.

<sup>56</sup> Please see: [https://www.theregister.co.uk/2015/11/18/bangladesh\\_shuts\\_down\\_its\\_internet\\_for\\_an\\_hour/](https://www.theregister.co.uk/2015/11/18/bangladesh_shuts_down_its_internet_for_an_hour/) (accessed 31<sup>st</sup> August 2017).

<sup>57</sup> For more information about the ban and steps taken to circumvent the ban please see: <https://advox.globalvoices.org/2015/12/14/bangladesh-unblocks-all-social-media-services-for-now/> (accessed 31<sup>st</sup> August 2017).

<sup>58</sup> For more information, please see: <http://indianexpress.com/article/world/world-news/bangladesh-attack-telecommunications-and-regulatory-commission-blocks-over-30-news-websites-2955491/> (accessed 31<sup>st</sup> August 2017).

<sup>59</sup> For more information on the outlets blocked please see: <http://www.risingbd.com/english/btrc-blocks-35-websites-news-portals/38271> (accessed 31<sup>st</sup> August 2017).

<sup>60</sup> For more information, please see: <http://hrlibrary.umn.edu/research/bangladesh-constitution.pdf> (accessed 31<sup>st</sup> August 2017).

Evidence also suggests that Bangladeshi security forces regularly use excessive force to disrupt peaceful assemblies.

- 5.3** Despite constitutional guarantees, organisers of protests must seek advance permission from a local police authority<sup>61</sup> before an assembly is planned to take place.<sup>62</sup> Organisers and participants of unsanctioned assemblies can face prosecution, and protests can be banned or disrupted if viewed to endanger public safety.<sup>63</sup> Section 144 of the Criminal Code<sup>64</sup> also grants the authorities the power to place blanket bans on protests or break up meetings. Permission is often denied to political opposition and civil society groups working on politically sensitive issues such as environmental rights, land rights and labour rights.
- 5.4** On 4 January 2015,<sup>65</sup> the authorities issued a blanket ban<sup>66</sup> on assemblies in Dhaka and confined political opposition leader of the Bangladesh Nationalist Party (BNP), Khaleda Zia, to her office.<sup>67</sup> Ms Zia was targeted after she called for citizens to protest<sup>68</sup> on the anniversary of alleged electoral fraud by the ruling Awami League.
- 5.5** While the authorities claim the blanket ban was legitimate in order to protect public safety, 31 people were killed and over 7,000 arrested in the ensuing political unrest.<sup>69</sup>
- 5.6** On 26 January 2017,<sup>70</sup> approximately 200 people protested in Dhaka against the construction of a coal power plant, which activists claim will cause irreversible damage to the environment in the local area.<sup>71</sup> The protest quickly escalated when Bangladeshi security forces clashed with activists, using teargas, rubber bullets, and

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<sup>61</sup> For more information, please see: <http://www.icnl.org/research/monitor/bangladesh.html> (accessed 31st August 2017).

<sup>62</sup> For more information, please see: <https://www.forum-asia.org/?p=16237> (accessed 31st August 2017).

<sup>63</sup> For more information, please see: [http://bdlaws.minlaw.gov.bd/sections\\_detail.php?id=511&sections\\_id=13553](http://bdlaws.minlaw.gov.bd/sections_detail.php?id=511&sections_id=13553) (accessed 31st August 2017).

<sup>64</sup> Section 144 of the Code of Criminal Procedure, 1898 provides power to the Magistrate to issue orders to stop any meeting or gathering. For more information, please see:

[http://bdlaws.minlaw.gov.bd/sections\\_detail.php?id=11&sections\\_id=2869](http://bdlaws.minlaw.gov.bd/sections_detail.php?id=11&sections_id=2869) (accessed 31st August 2017).

<sup>65</sup> For more information, please see: <https://www.dawn.com/news/1155050> (accessed 31st August 2017).

<sup>66</sup> Authorities incited article 144 of the penal code to ban protests. For more information, see <http://www.civicus.org/index.php/media-resources/media-releases/2393-bangladesh-restore-democratic-freedoms-and-end-onslaught-on-dissent> (accessed 31st August 2017).

<sup>67</sup> For more information please see: <http://www.bbc.co.uk/news/world-asia-30671434> (accessed 31st August 2017).

<sup>68</sup> The strikes were organised by the BNP but also included 19 other opposition groups in Bangladesh.

<sup>69</sup> The majority of those killed were involved in arson attacks on buses. For more information on the crackdown after the unrest see: <http://edition.cnn.com/2015/01/22/world/bangladesh-protests-violence-arrests/index.html> (accessed 31st August 2017).

<sup>70</sup> For more information, please see: <https://news.mongabay.com/2017/01/police-clash-with-protesters-marching-against-power-plant-in-bangladesh/> (accessed 31st August 2017).

<sup>71</sup> Local activists claim that the plant will cause irreversible damage to the Sundarbans mangrove forest and endanger the health of thousands of local residents.

water cannons. Reports allege that 50 people were injured<sup>72</sup> during the protest, including two journalists.<sup>73</sup>

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

CIVICUS calls 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: the freedoms of association, expression and peaceful assembly, 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 light of this, the following specific recommendations are made:

### **6.1 Regarding the freedom of association**

- Remove all undue restrictions on the ability of CSOs to receive funding, including international funding, in line with best practices, as articulated by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association.
- Amend Foreign Donations (Voluntary Activities) Regulation Bill (FDRB) to guarantee that undue restrictions on the freedom of association are removed to bring their provisions into compliance with article 21 and 22 of ICCPR.

### **6.2 Regarding the protection of human rights defenders**

- Provide civil society members, journalists and HRDs with a safe and secure environment to carry out their work. Conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against HRDs and bring the perpetrators of offences to justice.
- Amend ITC law in line with the ICCPR and the UN Declaration on Human Rights Defenders.

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<sup>72</sup> Reports offer conflicting accounts of the number of people injured. For more information please see: <http://www.straitstimes.com/asia/south-asia/bangladesh-uses-tear-gas-water-cannon-to-break-up-power-plant-protest> (accessed 31st August 2017).

<sup>73</sup> For more information, please see: <http://www.newagebd.net/article/7852/police-thwart-rampal-protests-with-teargas-rubber-bullet> (accessed 31st August 2017).

### **6.3 Regarding the freedom of expression, independence of the media and access to information**

- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the Government may find sensitive.
- Allow unfettered access to online information resources by removing restrictions on access to national and international news websites, social media outlets and CSO websites.

### **6.4 Regarding the freedom of peaceful assembly**

- Adopt best practices on the freedom of peaceful assembly, as put forward by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association in his 2012 report, which calls for the practice of simple notification of events being held rather than explicit permission being needed to assemble.