



UPR Submission: Bangladesh September 2017

During its second submission before the Universal Periodic Review (UPR) in April 2013,¹ Bangladesh failed to address key human rights concerns such as a well-documented history of extra-judicial killings, enforced disappearances and custodial torture.

National elections held in January 2014 were marred by violence from both government and opposition forces, with hundreds killed or injured. As opposition parties continued to demand inclusive elections, several members of the Bangladesh National Party (BNP) and Jamaat-e-Islami (JeI) faced false criminal cases, were arrested, disappeared, or killed. Critical media has been shuttered, several leading editors are facing charges, rights activists intimidated, and journalists are under pressure to self-censor.

Since late August, Bangladesh has been experiencing an influx of Rohingya refugees from across the border with Burma. This has created an unprecedented pressure on Bangladesh's already strained resources. As Bangladesh struggles to deal with this population, it is important that it ensures rights, provides access to international humanitarian agencies, and complies with international refugee protection standards.²

Lack of Accountability for Disappearances, Extrajudicial Killings and Torture

In the 2013 UPR, the Bangladesh government agreed to “thoroughly and impartially investigate and...prosecute all allegations of human rights violations, in particular enforced disappearances, custodial torture and extra-judicial killings,” including violations by members of the security forces. However, except for a few isolated incidents, the government has failed to honor this commitment.

Human Rights Watch investigations of dozens of disappearances confirm the involvement of law enforcement agencies including Detective Branch of the police, Rapid Action Battalion (RAB) and the Directorate General of Forces Intelligence (DGFI). In some cases, people remained in secret detention for months or days, before being produced in courts. In particularly egregious cases, security forces claimed that persons known to have been taken into custody, had died in so-called “crossfire.”³

In the vast majority of disappearances cases, police refuse to allow the families to file a criminal complaint against state agencies, at most only permitting them to file a ‘missing person’ complaint. The UN’s Working

¹ United Nations Human Rights, Office of the High Commissioner, *Universal Periodic Review Bangladesh*, April 29, 2013, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/BDIndex.accessed> (accessed October 4, 2017)

² Human Rights Watch, *Crimes Against Humanity by Burmese Security Forces Against the Rohingya Muslim Population in Northern Rakhine State Since August 25, 2017*, <https://www.hrw.org/news/2017/09/25/crimes-against-humanity-burmese-security-forces-against-rohingya-muslim-population> (accessed October 4, 2017)

³ Human Rights Watch, *We Don’t Have Him: Secret Detentions and Enforced Disappearances in Bangladesh*, July 6, 2017, <https://www.hrw.org/news/2017/09/25/crimes-against-humanity-burmese-security-forces-against-rohingya-muslim-population>

Group on Enforced and Involuntary Disappearances has requested an invitation to visit Bangladesh, but has received no response. Bangladesh is yet to ratify the International Convention for the Protection of All Persons from Enforced Disappearances.

A recent exception to this pattern of denial and impunity around enforced disappearances was the conviction in August 2017 of 15 men, including security force members, for their involvement in the disappearance and killing of seven people in Narayanganj district, outside Dhaka.⁴

Recommendations:

- Promptly investigate existing allegations of enforced disappearances, locate and release those held illegally by security forces, and prosecute the perpetrators.
- Investigate allegations of deaths of individuals in so-called crossfire or gunfights and as well as allegations of arbitrary or abusive use of force and firearms by law enforcement officials and criminally prosecute those found responsible.
- Instruct police stations to accept complaints of human rights violations against members of law enforcement agencies.
- Ensure serious and independent investigations by inviting the Office of the High Commissioner for Human Rights and relevant United Nations special procedures and act in a timebound, transparent manner on their recommendations
- Take steps to security sector reforms to ensure that government forces including the police act independently and professionally.
- Work to disband RAB, which has been responsible for numerous and serious human rights violations, and replace with a non-military counterterrorism unit.

Restrictions on Freedom of Expression and Association

In the 2013 UPR, the Bangladesh government committed to “take effective measures to ensure freedom of expression and a safe enabling environment for social media” and “to ensure that civil society can operate without intimidation and to ensure freedom of the press, including for independent media.”⁵ However, there have been serious attacks on free expression since 2013 both by government and extremist groups. Several bloggers, writers, activists and others have been targeted by Islamist groups; after some fatal attacks including on two LGBT rights activists, many are forced to remain in hiding.

As part of an ongoing crackdown on critics, in 2013, authorities closed down the pro-opposition newspaper, *Amar Desh*, and arrested its editor, who faces multiple charges. Television producers and journalists report constant interference by members of the security establishment to shut down programs considered anti-

⁴ Bdnews24.com, Narayanganj 7 Murders, August 22, 2017, <https://bdnews24.com/bangladesh/2017/08/22/narayanganj-7-murders-death-upheld-for-15-convicts-in-high-court> (accessed October 4, 2017)

⁵ United Nations Human Rights, Office of the High Commissioner, *Universal Periodic Review Bangladesh*, April 29, 2013, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/BDIndex.aspx> (accessed October 4, 2017)

⁶ United Nations Human Rights, Office of the High Commissioner, *Universal Periodic Review Bangladesh*, April 29, 2013, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/BDIndex.aspx> (accessed October 4, 2017)

government. The government has used the Information and Communications Act (ICT Act) to arrest critics on social media and other internet platforms.

In 2016, the government passed the Foreign Donations (Voluntary Activities) Regulation Act 2016 to restrict nongovernmental organization (NGO) access to foreign funding. The government's NGO bureau has the power to suspend the registration of any group or to close it down if it makes "derogatory" remarks about the constitution or "constitutional bodies" which include the parliament, the election commission, the comptroller and auditor general, the attorney general's office, the public service commission and the judiciary.

Recommendations:

- Publicly defend the right to free speech, and call upon its security forces to end arbitrary attack and misuse of laws to violate rights to freedom of peaceful assembly and expression.
- Repeal section 57 of the ICT Act which is overly broad and vague.
- Stop using sedition and other criminal laws to suppress free speech.
- Protect the right of all forms of media to operate freely, including that they can publish content that is critical of the authorities without suffering any detriment.

Protection of Labor Rights

In the 2013 UPR, the government agreed to take concrete legislative measures to improve occupational health and safety and to safeguard the rights of workers, including their right to free association. However, union leaders and those seeking to join unions faced threats and opposition from factory managers and owners, including violence in some instances.⁷

Recommendations:

- Support the work of the international labour safety inspectorates and seek to expand effective regulation beyond the garment manufacturing sector.
 - Change the law to make it easier to establish trade unions in factories, and stop practice of harassing those who seek to join or establish unions.
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