



## **Joint Submission by the Solidarity Group for Bangladesh comprised of Odhikar, AFAD, ALRC, FORUM-ASIA, CIVICUS, FIDH, OMCT and Robert F. Kennedy Human Rights for the Human Rights Council's Universal Periodic Review on Bangladesh**

**UPR Working Group 30<sup>th</sup> Session, April – May 2018**

### **Odhikar**

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Odhikar meaning 'rights' in Bangla is a registered human rights organization based in Dhaka, Bangladesh established on October 10, 1994 by a group of human rights defenders, to monitor human rights violations and create wider awareness. Odhikar enjoys special consultative ECOSOC status at the United Nations.

### **Asian Federation Against Involuntary Disappearances (AFAD)**

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AFAD is a federation of human rights organizations working directly on the issue of involuntary disappearances in Asia. Envisioning a world without desaparecidos, AFAD was founded on June 4, 1998 in Manila, Philippines.

### **Asian Legal Resource Centre (ALRC)**

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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 organization to the Asian Human Rights Commission, the ALRC is based in Hong Kong and holds general consultative status with the ECOSOC.

**Asian Forum for Human Rights and Development (FORUM-ASIA)**

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FORUM-ASIA is a leading membership-based human rights organization in Asia. It is a network of 58 human rights organizations from 19 Asian countries. It addresses key areas of human rights violations that include freedoms of expression, assembly and association, human rights defenders, and democratization. Human rights advocacy at national, regional and international levels, including the UN Human Rights Council, is a central FORUM-ASIA's focus.

**CIVICUS Global Alliance**

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CIVICUS is an international non-profit organization dedicated to strengthening citizen action and civil society around the world. Founded in 1993, the organization currently has members in more than 170 countries, with headquarters in Johannesburg and offices in London, Geneva and New York.

**International Federation for Human Rights (FIDH)**

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FIDH is a non-governmental federation of human rights organizations around the world. Founded in 1922, FIDH is the oldest international human rights organization in the world, and today brings together 184 member organizations in 112 countries. Its core mandate is to promote respect for all the rights set out in the UDHR.

**Robert F. Kennedy Human Rights**

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Robert F. Kennedy Human Rights is a non-governmental organization based in Washington, D.C. Founded in 1968 as a living memorial, it strives to achieve Robert F. Kennedy's vision of a more just and peaceful world. Robert F. Kennedy Human Rights' core programs focus on the power of the individual and providing sustained advocacy, litigation, and capacity-building support to grassroots leaders to advance social justice movements around the globe.

**World Organization Against Torture (OMCT)**

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OMCT is the main coalition of international nongovernmental organizations fighting against torture, summary executions, enforced disappearances and all other cruel, inhuman or degrading treatment. OMCT has over 200 affiliated organizations in its SOS-Torture Network.

## I. Introduction

1. The Solidarity Group for Bangladesh – comprising Odhikar, the Asian Federation Against Involuntary Disappearances (AFAD), the Asian Legal Resource Centre (ALRC), the Asian Forum for Human Rights and Development (FORUM-ASIA), CIVICUS Global Alliance, the International Federation for Human Rights (FIDH), Robert F. Kennedy Human Rights, and the World Organization Against Torture (OMCT) – submit this report for consideration as part of the third Universal Periodic Review (UPR) of Bangladesh. During the second UPR cycle in April 2013, 196 recommendations were made, of which the government of Bangladesh accepted 171 and noted six.
2. Out of the 196 recommendations, Bangladesh did not take any clear position on 19 recommendations, particularly on those related to the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and to the establishment of an effective national preventive mechanism for torture; to the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED); the removal of reservations to Articles 2 and 16.1(c) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its optional protocol (OP-CEDAW), and full implementation of the national policies and laws on the protection of women; the issuance of an invitation to the UN Special Rapporteur (UNSR) on the promotion and protection of the right to freedom of opinion and expression; the facilitation of a visit by the UNSR on extrajudicial, summary or arbitrary executions; and the establishment of an independent and impartial commission of inquiry on all alleged cases of enforced disappearances and extrajudicial killings.
3. Furthermore, Bangladesh did not support recommendations to establish an official moratorium on executions and acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP2); to amend existing legislation in force to prevent the imposition of the death penalty and life imprisonment for offenses committed by minors under the age of 18; and to issue a standing invitation to all thematic UN special procedures and accept all visits requested by the mandate holders.
4. In this report, the Solidarity Group for Bangladesh highlights the developments to the normative and institutional human rights framework as well as the state of implementation of key recommendations since the second UPR of Bangladesh on 29 April 2013. The report covers the period from 1 May 2013 to 30 September 2017.
5. The Solidarity Group for Bangladesh illustrates that, since the second UPR of Bangladesh, the human rights situation in Bangladesh has worsened. The incumbent government has failed to improve the human rights situation despite the promise of “zero tolerance” for human rights violations by law enforcement agencies made during the second UPR.
6. The human rights situation in the country remains a matter of concern due to the lack of democratically functional state institutions, which are further marred by democratic deficit after the parliamentary elections on 5 January 2014. These elections were not genuine, inclusive, and participatory and fell short of international standards for elections. It has been reported that a majority of the people could not exercise their voting rights. Almost all local polls since were marred by widespread election fraud and irregularities, including ballot-box stuffing, voter suppression and intimidation, and violence.<sup>1</sup>

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<sup>1</sup> As a result of people’s movement led by the then-opposition Awami League and its alliance between 1994 and 1996, in 1996 the ‘caretaker government system’ was incorporated into the Bangladeshi Constitution through the 13<sup>th</sup> amendment to the Charter. However, in 2011 the Awami League government unilaterally removed the caretaker government system through the adoption of the 15<sup>th</sup> amendment to the Constitution, without any referendum and ignoring the protests from various sectors of society. A provision was made that elections were to be held under the incumbent government. As a

7. State repression, in particular of political opponents and those critical of the government, is a major destabilizing factor in Bangladesh, which leads to gross human rights violations. The unrestrained use of force by law enforcement agencies, coupled with pattern of persecution, harassment, and surveillance of human rights defenders (HRDs) and civil society activists has drastically reduced the civil and political space.
8. Restrictions on the rights to freedom of expression, peaceful assembly, and association have sunk to a new low and have made it almost impossible for HRDs to articulate their concerns without fear of reprisals and intimidation by government agencies. In addition, recourse to judicial protection is minimal and in most cases ineffective due to a politicized and dysfunctional judicial system that lacks independence from the executive branch.

## II. Developments to the normative and institutional framework since the second UPR

9. Despite recommendations for Bangladesh to consider ratifying the OPCAT, the First Optional Protocol to the ICCPR (ICCPR-OPI), the ICCPR-OP2, and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), and other core human rights treaties, the Bangladeshi government has not made any progress in this regard. Despite protests by rights groups, on 6 October 2013, the National Parliament of Bangladesh passed an amendment to the Information and Communication Technology (Amendment) Act, 2013 (ICT Act). The amended Act increased the punishment for cyber crimes from the original ICT Act (enacted in 2006) from 10 years' imprisonment to 14 years' imprisonment and a fine of 10 million Taka (123,222 USD), or both. Unlike under the original ICT Act, offenses under Sections 54, 56, 57, and 61 of the revised ICT Act are 'cognizable' and 'non-eligible for bail'.<sup>2</sup> Consequently, under the amended ICT Act, law enforcement officials are empowered to arrest anyone without a warrant for these offenses. The ICT Act has been used to curtail the right to freedom of opinion and expression of critical voices, including, HRDs, journalists, and online activists. Among others, examples include the arrest on 16 August 2015 of the editor of the online portal *Uttaradhikar 71 News*, Probir Sikdar, who was later on released on bail, and the arrest on 12 June 2017 of Golam Mostafa Rafiq, President of Habiganj Press Club and editor of the daily *Habiganj Samachar*.
10. On 24 October 2013, the National Parliament passed the Torture and Custodial Death (Prohibition) Act, 2013. The Act was passed due to pressure from the families of victims and HRDs, as well as the international community, to criminalize torture and custodial deaths and to address widespread impunity of law enforcement officers for these acts. However, torture has continued and the law enforcement agencies have adopted new methods of torture, including shooting at the limbs (mainly legs and knees) of detainees or suspects.<sup>3</sup>
11. On 5 October 2016, the National Parliament adopted the Foreign Donations (Voluntary Activities) Regulation Act, 2016. This law has resulted in tighter controls over the activities of human rights organizations and severely restricts the right to freedom of association. Under this

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result, the 10<sup>th</sup> parliamentary elections were held on 5 January 2014 despite the boycotting of the polls by a large majority of the political parties. One hundred and fifty-three candidates were declared elected before the polls took place, because they ran unopposed.

<sup>2</sup> Sections 54, 56, 57, and 61 of the ICT Act prescribe punishment for: damage to a computer system; hacking a computer system; publication of fake, obscene or defaming information in electronic form; and unauthorized access to protected systems.

<sup>3</sup> The practice of shooting in the limbs of detainees/accused persons has been highlighted as a new trend of police brutality since 2013. Several people have already become disabled due to such shooting by law enforcement agencies in the past few years. Such incidents reportedly widely took place at the time of countering the protests of the opposition Bangladesh Nationalist Party (BNP)-led alliance. The leaders and activists of the opposition political parties, HRD, and ordinary people have been the victims of such atrocities. For further information please see :Human Rights Watch, "No Right to Live" - "Kneecapping" and Maiming of Detainees by Bangladesh Security Forces, 29 September 2016

law, Bangladesh's NGO Affairs Bureau (NGOAB), which remains under the direct supervision of the Prime Minister's Office, is empowered to inspect, monitor, and assess the activities of NGOs that receive foreign funding. The law empowers the authorities to punish organizations and their representatives with fines and disciplinary action, including under the existing law of the country. The law has already been used against vocal civil society organizations, including the prominent NGO Odhikar. In addition, the registration of an NGO can be cancelled or suspended if the government has reason to believe that 'inimical' or 'derogatory' remarks have been made against the Constitution and state institutions, such as the Parliament, Supreme Court, Election Commission, and the Public Service Commission, among others. The Foreign Donations (Voluntary Activities) Regulation Act also bars persons engaged in not-for-profit activities from travelling abroad using foreign contributions without obtaining prior permission from the Director General of the NGOAB. This provision contravenes Article 12 of the ICCPR.

12. On 27 February 2017, the National Parliament passed the Child Marriage Restraint Act 2017, allowing the marriage of minors, without any specification of minimum age, under 'special circumstances' and for the 'best interest' of the minors with the consent of the court and parents. This law is a devastating step backward for the fight against child marriage in Bangladesh, which has the highest rate of child marriage in Asia, and one of the highest rates in the world, with 52 % of girls getting married before the age of 18, and 18% getting married before the age of 15. Under the previous law, the legal age of marriage was 18 for women and 21 for men, with no exceptions.

### **III. Implementation of recommendations from the second UPR**

#### **a) Cooperation with international human rights mechanisms**

13. The Solidarity Group for Bangladesh expresses concerns over the failure of the government of Bangladesh to implement key recommendations accepted during the country's second UPR. The government has failed to implement the accepted recommendations on inviting the UNSR on extrajudicial, summary or arbitrary executions and the UNSR on torture to conduct a country visit, and issue a standing invitation to all UN special procedures. Since Bangladesh's second UPR, the government has allowed only two visits by UN special procedures: one by the UNSR on violence against women; and one by the UNSR on freedom of religion or belief.
14. Bangladesh's record of cooperation with international human rights treaty bodies has also remained poor. Bangladesh did not submit any initial or periodic reports to any human rights treaty bodies on time. For instance, Bangladesh submitted its initial report to the Human Rights Committee (CCPR) on 19 June 2015, 14 years after the ICCPR ratification, and submitted its initial report to the Committee on Economic, Social and Cultural Rights (CESCR), 17 years after the ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Moreover, the submission of Bangladesh's initial report to the Committee on the Elimination of Racial Discrimination (CERD) has been pending since July 2002. Finally, Bangladesh has not submitted any report to the Committee Against Torture, missing its fifth deadline since ratification of the CAT in 1998, its first report being due since November 1999.

#### **b) Gross human rights violations perpetrated by the state**

##### **Enforced disappearance**

15. Since the second UPR of Bangladesh, acts of enforced disappearance have increasingly become an institutionalized practice of repression by the government. According to information gathered by Odhikar, at least 300 individuals were allegedly subjected to enforced disappearance by various law enforcement agencies during the period from May 2013 to September 2017.<sup>4</sup> Among

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<sup>4</sup> Odhikar classifies cases as enforced disappearance only when family members or witnesses report that the victim was

them, 44 were found dead, 172 were released after being left blindfolded at a particular location or shown as arrested or produced before a court after several days or months following their disappearance. The fate or whereabouts of 84 persons remained unknown.

16. Regrettably, the government denies the involvement of law enforcement agencies in cases of enforced disappearances, despite numerous and credible allegations from eyewitnesses and the families of victims. In many instances, law enforcement agencies deny alleged abductions, while days or months later the police or paramilitary forces produce the abducted persons before the media. When bodies of the victims are later recovered, the police often attribute such deaths to 'crossfire' or 'gunfire' killings. Alternatively, abductees are shown as arrested in criminal cases and are jailed by the courts. On 16 January 2017, Narayanganj District and Sessions Judge Syed Enayet Hossain found 35 individuals, including 25 members of the police special force Rapid Action Battalion (RAB)-11, to be responsible for the disappearance and murder of seven men on 27 April 2014. In the judgment, 26 accused, including 16 RAB officers and members, were sentenced to death. On 22 August 2017, the High Court Division of the Supreme Court upheld the death penalty of 15 of the RAB officers and members. On 4 July 2017, a Senior Judicial Magistrate of Satkhira, Habibullah Mahmud submitted an inquiry report to the High Court Division of the Supreme Court that found three high-ranking police officials to be involved in the arrest of homeopathic physician Sheikh Mokhlesur Rahman, aka Johny, and his subsequent enforced disappearance.<sup>5</sup>
17. In its 2017 annual report, the UN Working Group on Enforced or Involuntary Disappearances (WGEID) noted its concern that it continued to receive new reports of cases of alleged enforced disappearances in Bangladesh. It also expressed its concern regarding the lack of replies to the cases and communications it transmitted to Bangladesh. The WGEID regretted that no information had been received from the government in connection with two general allegations transmitted on 4 May 2011 and on 9 March 2016. The first letter of allegations concerned the alleged frequent use of enforced disappearance as a tool by Bangladeshi law enforcement agencies, paramilitary, and armed forces to detain and kill individuals. The second concerned the alarming rise of the number of cases of enforced disappearance in the country and the lack of replies from the government to communications sent by the WGEID. On 12 March 2013, the WGEID requested an invitation to undertake a visit to Bangladesh. However, no response was received from the government despite three reminders sent on 27 October 2014, 27 November 2015, and 18 November 2016.

#### **Extrajudicial killings, torture and custodial deaths**

18. During its second UPR, Bangladesh accepted recommendations that called on the authorities to address extrajudicial killings, torture, and custodial deaths, as well as impunity for perpetrators of such grave human rights violations. However, from May 2013 until September 2017, Odhikar documented 845 new cases of extrajudicial killings. At least 48 cases involved individuals being tortured to death. Despite the Bangladeshi government's reassurance during the second UPR of its "zero tolerance" policy towards human rights violations by law enforcement agencies, not a single incident of extrajudicial killing has been duly investigated. The government has ignored

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taken away by people in law enforcement uniforms or by individuals identifying themselves as belonging to law enforcement agencies or the administration. Cases in which returnees have confirmed that they were detained by members of a law enforcement agency are also recorded as cases of enforced disappearances.

<sup>5</sup> On August 4, 2016 at around 9:30 pm, Sub-Inspector (SI) Himel of Satkhira Sadar Police Station arrested Sheikh Mokhlesur Rahman, aka. Johny, and took him to the Police Station from the Rabony Cinema Hall intersection of the town where he had gone to buy medicine for his father. On 5-7 August 2016, the family members of Johny provided food to him at the police station custody cell and also talked to him. They also spoke to the then-Officer-in-Charge of the Police Station Emdadul Huq and SI Himel regarding Johny. The police informed them that Johny had involvement with 'Islamic extremists' and demanded a huge amount of money for his release. On 8 August 2016, the family did not find Johny at the police station and the police refused to inform them of his whereabouts.

calls by human rights groups for credible investigations into allegations of torture, extrajudicial killings, and deaths in custody. Extrajudicial killings continue despite the issuance of rules by the High Court Division of the Supreme Court of Bangladesh.<sup>6</sup> The law enforcement agencies often stage extrajudicial killings as deaths in ‘gunfights’ or ‘crossfire’. The perpetrators enjoy impunity in almost all cases: only one case involving the abduction and subsequent murder of seven men by the RAB has been investigated and resulted in a trial [See above, paragraph 16].

19. Bangladesh's law enforcement agencies have continued to resort to widespread and systematic use of torture. Such use of torture goes often unreported due to intimidation and threats against victims and their families by the law enforcement agencies. To address this, on 10 November 2016, the Appellate Division of the Supreme Court issued a 19-point guideline to judicial and law enforcement officials regarding arrests without warrant and the procedure of remand in police custody.<sup>7</sup> However, the government did not issue orders to law enforcement agencies to implement the guidelines. As a result, there has been no improvement in the actual situation. Detainees subjected to torture in custody often die as a result of deprivation of adequate medical treatment. According to Odhikar documentation, from May 2013 to September 2017, at least 251 individuals have died in jail due to the lack of treatment and negligence by the prison authorities.

### **Freedom of opinion and expression**

20. Since the second UPR of Bangladesh, the right to freedom of opinion and expression in the country has been under serious threat due to increased government control over the media, especially the electronic media. According to information gathered by Odhikar, from May 2013 to September 2017, three journalists were killed, 318 were injured, 63 were assaulted, 84 were threatened and 98 were sued. No measures were taken by the government to prevent or investigate any of these incidents. Many of the pro-opposition electronic and print media, such as *Channel 1*, *Diganta TV*, *Islamic TV*, and the *Daily Amar Desh* newspaper, were closed down.
21. There have been several emblematic cases of repression of the right to freedom of expression and judicial harassment of journalists. Mahmudur Rahman, Acting Editor of the *Daily Amar Desh* newspaper, was arrested on 11 April 2013 and arbitrarily held in pre-trial detention for 1,322 days until his release on bail on 24 November 2016. Despite his release, Mahmudur Rahman continues to face prosecution in 81 cases filed against him across the country, mainly on defamation and sedition charges. Shafik Rehman, an 81-year-old author and journalist, was arrested on 16 April 2016 by plainclothes men without a warrant. He was eventually charged with “conspiring to abduct and assassinate” Prime Minister Sheikh Hasina’s son, and was repeatedly denied bail despite his advanced age and frail health. He was freed from jail on 6 September 2016. Mahfuz Anam, Editor of *The Daily Star*, is facing 82 cases of sedition and defamation for having published reports in 2007 that allegedly accused Prime Minister Sheikh Hasina of corruption. Shaukat Mahmud, Editor of the *Weekly Economic Times* and President of the Bangladesh Federal Union of Journalists, was arrested on 18 August 2015 and held for nearly a year in arbitrary detention on 24 fabricated criminal charges of arson and vandalism. On 22 June 2016, he was finally released on bail on orders of the High Court Division. On 5 January 2016, the authorities arrested Abdus Salam, Chairperson of *Ekushay TV*, on trumped-up charges for broadcasting a speech of an exiled opposition leader. Abdus Salam is on bail.
22. HRDs and independent human rights organizations, particularly those working on civil and political rights faced harassment, threats, and violence, notably by law enforcement agents and

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<sup>6</sup> On November 15, 2009 the High Court Division of the Supreme Court of Bangladesh issued a *suomoto* rule asking the government to explain the extra-judicial killings of two brothers, Lutfar Khalashi and Khairul Khalashi, who died in a ‘crossfire’ while in custody in Madaripur.

<sup>7</sup> Prothom Alo, *Reform of Cr.PC Provisions of Arrest, What 19 SC guidelines for law enforcers stipulate*, 10 November 2016

ruling Awami League party activists. Human rights advocate Adilur Rahman Khan, Secretary of Odhikar, was picked up on the night of 10 August 2013 by persons claiming to be from the Detective Branch of police for publishing a fact-finding report on the extrajudicial killings of 61 people by police, RAB, and Border Guard Bangladesh (BGB) during a rally of the religious group “Hefazate Islam” between 5 and 6 May 2013 in Dhaka. He and ASM Nasiruddin Elan, Director of Odhikar, were later charged under Section 57(1) of the ICT Act 2006 (amended in 2009). The two were detained in prison custody for 62 and 25 days, respectively. In addition, on 3 February 2017, Abdul Hakim Shimul, a journalist associated with Odhikar, was shot dead while gathering information during a clash between two ruling-party affiliated groups in Sirajganj District. On 31 March 2016, Afzal Hossain, another journalist associated with Odhikar, was shot and injured by a police officer while filming an incident of ballot-box stuffing during local elections in Bhola District.

### **Freedom of peaceful assembly and association**

23. Since the second UPR of Bangladesh, the government has continued to restrict the right to freedom of peaceful assembly, which is guaranteed by Article 37 of the Constitution and Articles 21 and 22 of the ICCPR. The government used several laws, including Section 144 of the Criminal Procedure Code, to block meetings organized by opposition political parties and dissenting voices on the pretext of mitigating violence or due to ‘security’ reasons. Peaceful meetings organized by opposition political parties and civil society organizations were systematically disrupted by ruling party activists and members of the law enforcement agencies. In many cases, leaders and activists of the ruling party Awami League, including its youth and student wings, accompanied by members of the law enforcement agencies, attacked rallies and meetings of opposition parties with lethal weapons.
24. Human rights organizations have been subject to intimidation and harassment. Since 2013, severe harassment of Odhikar has been carried out by various government agencies, including the NGOAB, the Anti-Corruption Commission, and the Detective Branch of police. In addition, in a clear attempt to limit its human rights activities, since March 2014, the government has barred the clearance of any project-related funds to Odhikar. It has also withheld renewal of its registration since March 2015.

### **National Human Rights Commission (NHRC)**

25. Recommendations to strengthen the National Human Rights Commission (NHRC) to make it compliant with the Paris Principles have not been implemented effectively by the government. The process of selecting the NHRC Chairman and members brought into question the independence of the NHRC. The Selection Committee consists of the Speaker of the House of Nation, Ministers for Law and Home Affairs, Cabinet Secretary, Chairman of the Law Commission, and two Members of Parliament (MPs) (one from the ruling party and one from the opposition party) nominated by the Speaker of the Parliament. The financial and human resources allocated by the government to the NHRC remain insufficient for the body to be able to carry out its mandate effectively.
26. The selection process of the commissioners is not transparent. The law that established the NHRC does not have a specific provision to include civil society members in the selection committee. In addition, the Selection Committee has never conducted any formal process of consultation with civil society regarding candidates for membership to the NHRC.
27. The Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI) has highlighted the importance of a clear, transparent and participatory selection process that promotes the independence of, and public confidence in, the senior



leadership of the NHRC, and has called upon the NHRC to advocate for formalization of the selection process in relevant legislation, regulations or binding administrative guidelines.<sup>8</sup>

### **State of minority communities**

28. Since Bangladesh's second UPR, the government has failed to make progress toward ensuring protection of religious, ethnic, and linguistic minorities and other marginalized groups in the country. Bangladesh has an obligation to protect against human rights violations by companies operating within its territory, including against minority communities. Rather than rendering companies accountable for human rights abuses, Bangladeshi authorities have turned a blind eye to law enforcement agencies assisting companies in such abuses. For instance, land confiscation has become one of the most pressing issues that minorities regularly face. Victims from both the hills and the plain lands of Bangladesh complain that their lands have been confiscated either by law enforcement agencies or by powerful actors connected with ruling elites due to inaction of the administration. Influential leaders, including MPs of the ruling party, have been involved in the land grabbing that has affected Hindu, Christian, and other minority communities. For example, in 2015, ruling party MP Dabirul Islam and his son Mazharul Islam Sujon were accused of illegally grabbing land belonging to the minority Hindu community, accompanied by intimidation and violence. On 19 June 2015 around 30 individuals, led by Mazharul Islam Sujon, attacked members of the Hindu minority community in Dinajpur District. At least 10 people were injured in this incident.
29. The 6 November 2016 attack by the Rangpur Sugar Mills authority against members of the ethnic Santal community in Gobindaganj, Gaibandha District, is an example of violence perpetrated against minority groups with the active support – or acquiescence – of government authorities and law enforcement agencies. During this incident, over 500 Santal families were forcibly evicted from their ancestral farmland during raids by the Rangpur Sugar Mills authority, police, ruling party activists, and thugs. The huts belonging to the Santal community were looted and burnt by policemen, as confirmed by a judicial inquiry report.<sup>9</sup>

### **Workers' rights**

30. Since Bangladesh's second UPR, the status of workers' rights in the formal and informal sectors has remained poor. In June 2017, the International Trade Union Confederation's (ITUC's) Global Rights Index 2017 ranked Bangladesh among the 10 worst countries in the world for workers' rights. Despite the international attention accorded after the collapse of the Rana Plaza factory in April 2013, workers continue to face denial of their rights, particularly in the garment industry. Between May 2013 and September 2017, Odhikar documented that a total of 26 ready-made garment factory workers were killed and 4,039 were injured. Among them, 3,272 were injured by the police and security personnel hired by garment companies during worker unrest in the garment factories, and 524 in fires and in stampedes while fleeing from burning buildings. In addition, 6,387 workers were terminated for various reasons. Failure to provide due and timely payment of wages and overtime, along with health and maternity benefits, are reported to be widespread. The overwhelming absence of trade unions in factories remains a key issue of concern.
31. Research and interviews of workers conducted by Odhikar show that workers in the informal sector are deprived of their basic rights, exploited, and discriminated against due to the absence of any form of protection, particularly in construction work, brick factories, steel re-rolling mills,

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<sup>8</sup> GANHRI Sub Committee on Accreditation Report – November 2016; <http://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Documents/SCA%20Final%20Report%20-%20Nov%202016%20-%20English.pdf>

<sup>9</sup> Odhikar, FIDH, AHRC, *Slap on the wrist: Impunity for human rights violations against Santal community members in Bangladesh*, 25 July 2017

match and bidi factories, and balloon factories. Impoverished children under the age of 14 are frequently forced into hazardous work in such sectors.

32. Female workers face additional difficulties in both the formal and informal employment sectors. They are often sexually exploited, harassed, discriminated against, and paid less compared to their male counterparts.
33. Due to a lack of enforcement on the part of the authorities, most factories in Bangladesh do not comply with any existing safety standards. According to the Bangladesh Labour Act, 2006 (amended in 2013), employers must ensure basic standards of health and safety in the workplace. Despite this law, health and safety violations are widespread in garment factories. In addition to the violations of safety standards in garment factories, workers in Bangladesh's rapidly growing construction industry are exposed to hazardous conditions and enjoy very little protection.

#### **Women's rights**

34. Women and girls in Bangladesh continue to face discrimination and violence at several levels. A significant number of women and girls are victims of domestic violence, dowry-related violence, rape, acid attacks and sexual harassment. The absence of victim and witness protection laws, the judicial system's failure to deliver justice to the victims, patriarchy, the corruption of members of law enforcement agencies, are all factors contributing to the perpetuation of violence against women and impunity for perpetrators. From May 2013 to September 2017, Odhikar recorded 1,078 cases of women being victims of dowry-related violence, 3,214 cases of rape of women and girls, 1,089 cases of sexual harassment against women and girls, and 237 persons who suffered acid attacks.
35. The Dowry Prohibition Act, 1980, prohibits dowry in all its forms and the Women and Children Repression Prevention Act, 2000 (amended in 2003) make it a crime. However, in most cases, the perpetrators are not brought to justice for various reasons, including threats to the victim or her family, bribing of police officers, and lack of evidence. In many cases, victims are also persuaded to reach a compromise with the perpetrators. Several factors hamper the work of the judiciary in considering dowry-related cases. These factors include severe backlogs of pending cases, a lack of sufficient number of judges, discriminatory and patriarchal attitudes, and the incorrect formulation of cases.

#### **Situation of Rohingya refugees**

36. In August 2017, a new wave of large-scale attacks by Myanmar security forces against the civilian Rohingya population in the country's Rakhine State resulted in a massive exodus of Rohingya to Bangladesh. At the time of drafting of this report, more than half a million Rohingya had fled to Bangladesh.
37. More than two thousand unaccompanied children, whose families have been killed by security forces or Buddhist extremists during attacks in Myanmar's Rakhine State, have sought safety in Bangladesh. These children, along with young women, are at particularly high risk of becoming victims of human trafficking and organ trading.
38. There are also many women who have fled Myanmar with their newborns as well as pregnant women who are giving birth in Bangladesh. It is feared that many of these babies will perish if no action is urgently taken to ensure access to better hygienic conditions, health care, and adequate shelter.

### **IV. Recommendations**

39. The Solidarity Group for Bangladesh calls on UN member states to make the following recommendations during the third UPR of Bangladesh:

- i. Conduct free, fair, inclusive and participatory parliamentary elections under a non-partisan caretaker government and allow independent international monitoring missions to observe the electoral process;
- ii. Ensure the independence of the judiciary and reform its criminal justice institutions, particularly the policing, crime investigation, forensic medicine, prosecution, and adjudication systems;
- iii. Accede to the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED);
- iv. Criminalize enforced disappearance by immediately incorporating provisions of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) into domestic law;
- v. Issue an invitation to the UN Working Group on Enforced or Involuntary Disappearances (WGEID) for a country visit;
- vi. Urgently submit the initial report to the Committee against Torture (CAT) and ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT);
- vii. Take further steps in bringing domestic legislation and policies in line with Bangladesh's obligations under core human rights instruments to which Bangladesh is a state party;
- viii. Recognize the competence of the Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to receive and consider individual complaints of torture or other breaches of obligations under the Convention;
- ix. Make it mandatory for its law enforcement agencies to comply with international standards, such as the Basic Principles on the use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials, during the conduct of their operations;
- x. Take any necessary measure to effectively hold perpetrators of enforced disappearances, extrajudicial killings, torture, and other serious human rights violations accountable, including through the establishment of an independent commission tasked with impartially investigating all allegations of such abuses;
- xi. Ensure access to justice to victims of enforced disappearances, extrajudicial killings, and torture;
- xii. End the use of torture and ill-treatment as tools of the policing system and bring perpetrators to justice in accordance with international fair trial standards;
- xiii. Ensure adequate compensation to the victims of serious human rights abuses, without obstruction;
- xiv. Repeal all repressive laws, including the Special Powers Act, 1974, the Information and Communication Technology Act, 2006 (amended in 2009 and 2013), and the Foreign Donation (Voluntary Activities) Regulation Act, 2016;
- xv. Prevent and refrain from all acts of reprisals against HRDs, journalists, and civil society activists and adopt a national law to protect HRDs and promote their work;
- xvi. Take legislative, administrative, and judicial measures to deliver justice to the victims of violence and discrimination against women;
- xvii. Repeal Section 19 of the Child Marriage Restraint Act, 2017;

- xviii. Carry out mass awareness programs in the print and electronic media, and educational institutions in order to eliminate violence against women;
- xix. Protect the rights of religious, ethnic, and linguistic minorities and ensure the fulfillment of their fundamental rights, including their economic, social, and cultural rights;
- xx. Ensure adequate infrastructure in all factories to ensure safety and security for the workers;
- xxi. Protect the rights of workers in compliance with international standards, in particular the ILO Conventions;
- xxii. Provide urgent support and humanitarian aid to Rohingya who are currently seeking refuge in Bangladesh and adopt measures to guarantee their rights in accordance with international principles and standards concerning refugees, including the principle of *non-refoulement*.
- xxiii. Grant NGOs unfettered access to refugee camps and unofficial settlements on the Myanmar-Bangladesh border to allow them to provide assistance to displaced Rohingya;
- xxiv. Take all necessary measures to protect vulnerable Rohingya refugee women and children from being trafficked and provide them with the best possible care and relief as well as temporary rehabilitation.

-End of Report-