

# BRIEFING PAPER

## Universal Periodic Review

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### THE SITUATION OF HUMAN RIGHTS DEFENDERS IN

# BANGLADESH

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During the last Universal Periodic Review (UPR) of Bangladesh in April 2013, Bangladesh accepted 185 of 232 recommendations. One concerned the protection and ability of human rights defenders (HRDs) to conduct work without intimidation or harassment. Bangladesh also accepted 6 recommendations regarding freedom of association, the press, opinion and expression. Other concerns related to worker's rights, attacks on journalists, and the ability of civil society organisations to function. Four years

on, attacks on these freedoms persist through violence against HRDs, restrictive legislation, lack of effective protections, and the hesitancy of the Bangladeshi government to publicly denounce attacks against HRDs.

#### A. RISKS FACING HUMAN RIGHTS DEFENDERS

- Human Rights Watch reports that between 2013 and 2016 over 50 individuals, including writers, bloggers, and gay rights activists, were killed by Islamic militants. ASK, a Bangladeshi human rights NGO, reported 117 cases of attacks against journalists in 2016<sup>1</sup> and 244 cases in 2015.<sup>2</sup>
- Human Rights Watch reports that of over 90 individuals disappeared in 2016, 21 have been found dead, 9 are still missing, and the rest were formally arrested following their release from secret detention. Many were student activists politically opposed to the current administration. Law enforcement agencies were allegedly involved in the secret detentions and extrajudicial killings, and police stations regularly refused to file formal complaints made by family members regarding these disappearances.<sup>3</sup>
- 2013 and 2015 'hit lists' published by extremist organisations identified bloggers and writers that allegedly offended Islam. Front Line Defenders states that these lists and the failure to protect those that seek protection, have led to an increase in HRDs seeking emergency relocation and being forced into exile. Police have also denied HRDs the right to file formal complaints on death threats and harassment.<sup>4</sup>
- The UN Human Rights Committee expressed concern over violent killings of 'secular bloggers' by extremist groups, as well as continued threats, harassment, intimidation and attacks of HRDs, that have been met with a lack of investigation and prosecution.<sup>5</sup>
- In the February 2017 report by Front Line Defenders, HRDs reported an increase in self-censorship and reduced activity for fear of physical attack.<sup>6</sup> One indigenous and woman HRD said she has limited her activism for fear of attack because she has worked with non-Muslim indigenous people.<sup>7</sup> Further, women HRDs have reduced their writing for fear of gender-based violence or attacks against their sons.<sup>8</sup>

#### B. ATTACKS ON CIVIL SOCIETY ORGANIZATIONS

- Transparency International Bangladesh (TIB) has been the target of the Government on a number of occasions. Most recently, in November 2015 after releasing a monitoring report on parliamentary activities, members of parliament (MP) demanded TIB be

summoned and threatened to cancel TIB's registration. Suranjit Sen Gupta, Chair of the Parliamentary Standing Committee on Law and a leading figure in finalising the Foreign Donations (Voluntary Activities) Regulation Act, said in parliament: 'Never speak about the constitution and the parliament ever again in your life.'<sup>9</sup>

#### C. OFFICIAL RESTRICTIONS ON THE SPACE FOR HUMAN RIGHTS DEFENDERS

- The Information and Communication Technology Act 2006 (amended 2013) (ICT Act) criminalised the online publication of information that 'hurts or is likely to hurt religious sentiment' or that may harm 'the image of the state', with a minimum penalty of 7 years' imprisonment; these terms are unclear and broad, according to an analysis by ARTICLE 19.<sup>10</sup> Under the 2013 amendment, individuals suspected of offending the ICT Act could be arrested without a warrant.<sup>11</sup> The UN Human Rights Committee expressed concern over the ICT and the right to freedom of opinion, expression, and association, and reported that in 2016, the Act was used to arrest 35 'secular bloggers', journalists, and HRDs.<sup>12</sup> 21 journalists were sued within a four month period in 2017.<sup>13</sup> In June 2017, the Dhaka Tribune reported that Chiana Patwari, a female trade union leader, was arrested under Section 57 of the ICT Act for a Facebook post.<sup>14</sup>
- The Foreign Donations (Voluntary Activities) Regulation Act, enacted in October 2016, requires NGOs accepting foreign donations to register with the NGO Affairs Bureau and to obtain project approval for projects using foreign donations. The Act criminalises foreign funded NGOs which engage in 'anti-state activities' or making 'inimical' or 'derogatory' comments about the Constitution and constitutional institutions of Bangladesh. While 'inimical' and 'derogatory' are undefined they can result in de-registration.<sup>15</sup> In a 2014 letter to the Prime Minister, Lawyers Rights Watch Canada and the Centre for Law and Democracy expressed concern over provisions in the Bill relating to freedom of association, freedom of expression, and the Government control over NGOs allowed by the bill.<sup>16</sup> The Act requires foreign consultants involved in projects to undergo security screening by Home Ministry, and this appears to specifically target those involved in civil society. Additionally, a

‘donation’ is broadly defined to include a ‘contribution of any kind’. In 2015, the UN Special Rapporteur on the rights to peaceful assembly and of association urged Parliament not to adopt the then Bill.<sup>17</sup>

- The National Human Rights Commission has no specific mandate or mechanism to provide protection for human rights defenders.<sup>18</sup>

#### D. INTIMIDATION AND REPRISALS FOR COMMUNICATING WITH HUMAN RIGHTS MECHANISMS

- According to Association for Land Reform and Development (ALRD), land rights HRD Lutfar Rahman has faced several abduction and death threats regarding protests against land grabbing by four commercial companies. Since 2009, land grabbers have filed false cases against farmers as a form of intimidation and harassment. Rahman submitted a written complaint to the National Human Rights Commission in 2013 against the undue and illegal activities of the companies. A joint investigation team of several human rights organisations visited the affected victims. Following that visit in 2014, anonymous agents, allegedly associated with the companies, threatened Rahman several times with kidnap or death, and warned him not to communicate with such human rights organisations. He now lives in utter insecurity and faces a desperate situation, in fear of possible attacks.

#### E. HUMAN RIGHTS DEFENDERS FACING PARTICULAR RISKS

- On 2 June 2017, **woman HRD** Sultana Kamal was publicly threatened with arrest, exile and violence by radical group Hefazat-e-Islam, who misrepresented comments she made during a talk show. Hefazat Vice President, Junayed Al- Habib, stated: ‘we will break every bone in [her] body.’<sup>19</sup> Following this threat, Sultana has received a number of other threats.<sup>20</sup>
- In April 2016, **LGBTI rights defender** Xulhaz Mannan, the founder of *Roopbaan*, the first and only LGBTI magazine in Bangladesh, was hacked to death.<sup>21</sup> Since then, *Roopbaan* ceased its publications and many LGBTI activists dramatically reduced their public, private, and online activities. Amnesty International found that dozens of LGBTI activists have fled Bangladesh or gone into hiding. As of May 2017, no one had been charged with the killing of Mannan.<sup>22</sup>
- Reuters reported that professor and HRD Anu Muhammad faced threats, beatings, and persecution for his activism against the construction of the Rampal Power Plant, which would potentially harm the Sundarbans mangrove forest, a UNESCO World-Heritage site.<sup>23</sup> A December 2016 communication by Special Rapporteurs expressed serious concern over reports of excessive force against **environmental defenders** as well as harassment and stigmatisation of environmental HRDs by associating their activities

with terrorist activities.<sup>24</sup> The Bangladeshi government has not issued a reply.

- On 16 April 2014, unidentified individuals abducted Abu Bakar Siddique while he was travelling from Narayanganj to Dhaka. He was released by his abductors the next day, unharmed, but it is suspected that the abduction was in retaliation for his wife’s environmental protection work as the Executive Director of the Bangladeshi Environmental Lawyer’s Association (BELA).<sup>25</sup>
- Amnesty International reports that in August 2016, a Bangladeshi **journalist** was beaten after publishing a report on how businessmen linked to the district’s MP attempted to drive an indigenous community off its land by poisoning their fish farm. When the reporter tried to file a complaint, police refused to accept it until the MP’s name was removed.<sup>26</sup>
- In April 2017, Romel Chakma, a 19-year-old **indigenous HRD**, died from severe injuries, allegedly as the result of torture by members of the Bangladesh Army. Several human rights organisations called for an impartial judicial investigation into Chakma’s death and effective remedy for his family.<sup>27</sup>
- Two Special Procedures communications have been sent regarding events in the indigenous area Chittagong Hill Tracts. A July 2014 communication expressed concern over members of the Chittagong Hill Tracts Commission, which monitors the regions’ human rights situation, facing attacks by protesters.<sup>28</sup> Special Rapporteurs submitted a second communication in April 2016 on the situation in the region, expressing grave concern over the alleged excessive use of force by police to end a demonstration.<sup>29</sup> Allegedly police opened fire on a peaceful demonstration, killing at least four persons. The Bangladeshi government noted both communications but failed to substantively respond or remedy the violations.
- On 16 August 2015, the Ministry of Housing and Public Works issued an order to all local administrations to remain cautious in allowing organisations to hold public meetings and use the unconstitutional word ‘indigenous’ either verbally or on banners.<sup>30</sup>
- Factory workers informed Human Rights Watch that they received threats after attempting to create or join **labour unions**. Women labour activists faced additional threats of sexual violence.<sup>31</sup> There has also been continued intimidation by authorities towards labour organisers, with many alleging that after December 2016 wage strikes, they are being charged with falsified criminal cases.<sup>32</sup> In April 2012, trade union organizer Aminul Islam was found killed two days after disappearing.<sup>33</sup> His body ‘showed signs of torture under circumstances that raise concerns of involvement by Bangladeshi security forces.’<sup>34</sup> Five years on, there has been no determinate progress in the case, except for charging a former factory worker

(who also disappeared) with murder. There has been no investigation into the serious allegations of the involvement of Bangladeshi authorities.

- The 2013 ‘hit list’ released by a radical Islamist group included Nazimuddin Samad, a secular activist, who in April 2016 was hacked and shot dead by at least four people.<sup>35</sup> At least eight individuals on the list have been murdered.<sup>36</sup> Niladri Chattopadhyay Niloy, also listed, sought police protection days prior to being killed in August 2015, but was refused, reports Amnesty International.<sup>37</sup> Two years on, there has been no progress in the case.<sup>38</sup>

#### F. THE RESPONSE OF THE STATE REGARDING THE PROTECTION OF HUMAN RIGHTS DEFENDERS

- The Special Rapporteur on the rights to freedom of peaceful assembly and of association requested a visit in January 2014. No dates have been proposed or accepted for the visit.<sup>39</sup>
- The Special Rapporteur on HRDs has sent 15 communications to the Bangladeshi government since Sep-

tember 2013, and has received 7 replies.<sup>40</sup> An October 2015 communication conveyed concern over acts of harassment and intimidation against HRDs, family members of victims of enforced disappearances, and four NGOs, including Odhikar, which has been the subject of a number of communications.<sup>41</sup> In February 2017, he expressed concern over the killing of HRD Abdul Hakim Shimul, working on issues of corruption. It appears the killing was related to his activism.<sup>42</sup> The Permanent Mission of Bangladesh noted the contents of this communication.<sup>43</sup>

- A September 2014 communication by Special Rapporteurs brought attention to the arrest, detentions, and physical attacks on trade union leaders and other HRDs. Seven HRDs were specifically targeted for involvement in a 1200-person hunger strike demanding unpaid wages from five factories.<sup>44</sup> The Bangladeshi government has not issued a reply.

#### RECOMMENDATIONS TO THE GOVERNMENT OF BANGLADESH:

- Refrain from criminalising the legitimate activities of HRDs and repeal all laws and policies that restrict their activities and rights, including the Information Communication Technology Act of 2006 (amended 2013) and the Foreign Donations (Voluntary Activities) Regulation Act of 2016.
- Develop and enact specific laws and policies to recognise and protect the work of human rights defenders and which give full force and effect to the International Declaration on Human Rights Defenders at the national level.
- Combat impunity by ensuring the prompt, thorough and impartial investigation of all violations against HRDs, the prosecution of perpetrators, and access to effective remedies for victims.
- Implement campaigns to raise awareness about the important and legitimate work of HRDs, targeting public officials and law enforcement agencies, as well as wider society.
- Demonstrate strong, high-level political support for HRDs through public statements by State officials, which recognise their important and legitimate work.
- Ensure strong public statements recognising the legitimate and important role of women human rights defenders, and those working on women’s rights or gender issues.
- Issue a standing invitation to the Special Procedures of the Human Rights Council, as well as relevant regional mandate holders, and specifically invite and facilitate visits from the UN Special Rapporteur on the Situation of HRDs, the UN Special Rapporteur on Freedom of Opinion and Expression, and the UN Special Rapporteur on Freedom of Assembly and of Association.

#### ABOUT THIS BRIEFING PAPER

ISHR and CSA, supported by Association for Land Reform and Development, Kapaeeng Foundation, and Network of Non-Mainstreamed Marginalised Communities Foundation-NNMC, encourage States to consult UPR submissions by local activists and make recommendations to the Republic of Burundi regarding the protection of HRDs. This paper is a result of compiling public information and direct contact and experience of ACAT in the protection of HRDs. Readers should consult sources cited for additional information.

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