

ICCPR List of Issues Submission

Joint NGO Submission to the UN Human Rights Committee prior to the Adoption of the List of Issues for the review of Bangladesh

17 December 2015

Joint submission by:

International organisations:

FIDH (International Federation for Human Rights): FIDH is a non-governmental federation of human rights organizations around the world. Founded in 1922, FIDH is the oldest international human rights organisation in the world, and today brings together 176 member organisations in over 100 countries. Its core mandate is to promote respect for all the rights set out in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.

OMCT (World Organisation Against Torture): OMCT is the main coalition of international non-governmental organisations (NGOs) fighting against torture, summary executions, enforced disappearances and all other cruel, inhuman or degrading treatment. With 311 affiliated organisations in its SOS-Torture Network and many tens of thousands correspondents across the world, OMCT is the largest network of NGOs working for the protection and the promotion of human rights in the world.

World Coalition Against the Death Penalty (WCADP): WCADP is an alliance of more than 150 NGOs, bar associations, local authorities and unions. The aim of the WCADP is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty.

Regional organisations:

Asian Federation Against Involuntary Disappearances (AFAD): 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): ALRC is an independent regional NGO holding general consultative status with the Economic and Social Council (ECOSOC) of the United Nations. It is the sister organisation of the Asian Human Rights Commission. The Hong Kong-based group seeks to strengthen and encourage positive action on legal and human rights issues at the local and national levels throughout Asia.

Bangladeshi organisation:

Odhikar: Odhikar is a human rights organisation based in Dhaka, Bangladesh. It holds special consultative status with the ECOSOC of the United Nations.

Gender-based violence (arts. 2, 3, 7, 23 and 26)

Women in Bangladesh continue to be victims of various forms of violence including attacks linked to dowry demands, rape, sexual harassment, stalking, acid attacks and domestic violence.

Dowry violence¹: In November 2015 alone, our organisations received reports of at least 18 women subjected to dowry violence in Bangladesh. Of these women, 10 were allegedly killed because of dowry demands being unmet, and eight women were physically abused over dowry demands. One brutal example took place on 5 November 2015, when a housewife named Sheuly Akhter had her eyes gouged out with a knife by her husband Jewel over unmet dowry demands.

Rape²: In November 2015 alone, our organisations received reports of 60 females who were raped in Bangladesh. Among them, 21 were women, 36 were girls below the age of 16, and the age of three victims could not be determined. Additionally, 11 women and children reported being victims of attempted rape.

Sexual harassment/stalking³: A majority of the victims of sexual harassment and stalking in Bangladesh are young women at the school and college level. In November 2015 alone, our organisations received reports of 23 girls and women who were victims of sexual harassment. Of them, three were killed after resisting their harassers.

Acid violence⁴: Despite the existence of the Acid Control Act (2002) and Acid Crime Control Act (2002), girls and women continue to be victims of acid violence, due to the laws not being enforced by the authorities. A majority of the acid attacks on women have occurred after women have refused sexual advances, or over land disputes. From January to November 2015, our organisations received reports of at least 45 victims of acid violence.

Right to life (art. 6)

The Death Penalty⁵: Bangladesh continues to retain the death penalty for crimes not considered "the most serious" under international law, including for drug crimes, treason, and espionage. From 2007 to 2014, courts handed down at least 863 new death sentences, and 31 people condemned to death were executed. In 2014 alone, at least 175 people were sentenced to death, resulting in at least 1,235 people under sentence of death at the end of 2014.

Extra-judicial killings⁶: During November 2015 alone, our organisations received reports of at least nine persons killed extra-judicially by the police, and four persons by the paramilitary force called the Rapid Action Battalion (RAB). These deaths were registered by the authorities as being caused by "crossfire/encounters/gunfights", despite family members of the victims reporting that their relatives were intentionally shot dead by members of law enforcement agencies. The authorities have refused to further investigate these cases.

Enforced or Involuntary Disappearances⁷: The right to life is arbitrarily deprived in Bangladesh through the prevalent practice of enforced or involuntary disappearances. From 2009 to November 2015, human rights defenders have documented over 229 cases of enforced disappearances in Bangladesh. The pattern of

1 See Bangladesh Initial State Party Report of 19 June 2015; CCPR/C/BGD/1; paragraphs 47-50, pages 9-10

2 Ibid; paragraph 47, page 9; paragraph 50, page 10

3 Ibid; paragraph 50, page 10; paragraph 83, page 15; paragraphs 83-85, pages 15-16

4 Ibid; paragraph 50, page 10

5 Ibid; paragraphs 59-62, pages 11-12; paragraph 69, page 13;

6 Ibid; paragraph 58, page 11

7 Ibid

abduction, the political identities of the victims, the inaction on the part of the law-enforcement agencies and justice institutions, the ongoing harassment and intimidation by government intelligence agents against the families of the disappeared, and the statements of eye-witnesses suggest that the government and law-enforcement agencies are directly involved in these enforced disappearances. From January to November 2015, at least 59 persons have been reportedly disappeared. Seven of these individuals eventually reappeared with no acknowledgement by the authorities; 34 others resurfaced in police custody; and 10 others were found dead. The whereabouts of the eight other persons are still unknown. In most cases, eye-witnesses reported that the police and/or the RAB were involved in abducting the victims.

Accountability (arts. 2, 6, 7, 9, 10 and 14)

Impunity for labour rights violations⁸: Despite the initiatives enacted after the Rana Plaza disaster in 2013, many violations of labour rights and hazardous working conditions continue to prevail in Bangladesh with impunity. Notably, government officials implicated in serious factory disasters, such as the 2013 building collapse in Savar and the 2012 Tazreen factory fire, have yet to be charged with any crime relating to these tragedies. One contributing factor to this impunity is the fact that under Bangladeshi law, government ministries must give their approval in order for their employees to be prosecuted. This has permitted ministries to shield their employees from justice when they are accused of gross negligence or consciously permitting the violation of workers' rights.

Enforced Disappearances⁹: None of the cases of enforced disappearance in Bangladesh have been properly investigated or resulted in justice. The government has consistently denied that enforced disappearances have taken place in Bangladesh, and no action has been taken against any member of law enforcement agencies, despite evidence revealed through investigations by the Ministry of Home Affairs. The Bangladesh authorities are complicit in the numerous enforced disappearances that have occurred since 2009, both through alleged direct involvement in disappearances, and through inaction by both the police and the courts.

Human rights violations in jails and prisons (art. 10)¹⁰

Jails and prisons in Bangladesh are grossly over-crowded. It is alleged that due to lack of effective sanitation and proper treatment facilities and negligence by prison authorities, many prisoners become ill and some die. Some inmates have reported that they are given sub-standard and small amounts of food, and that prisoners are ill-treated if they complain about the conditions of the prisons.

Fair trial and independence of judiciary (arts. 9, 10 and 14)¹¹

Bangladesh's judiciary is accused of being politicised and not independent, and fair trial standards and rights of defendants are routinely violated, often resulting in severe and irreversible punishments including the death penalty. One important example is the trial of soldiers of the former *Bangladesh Rifles* (BDR) for charges related to the massacre of 74 people in 2009. On 5 November 2013, a court sentenced 152 soldiers to death and 411 soldiers to various prison terms. The trial was conducted by accusing the soldiers en masse, who allegedly did not know what specific charges were being brought against each of them. The defendants were allegedly tortured into confessing, and many reported that they were denied the right to present witnesses in their defence.

8 Ibid; paragraphs 15 and 17, page 4

9 Ibid; paragraph 58, page 11; paragraphs 97 and 99-102, pages 18-19

10 Ibid; paragraphs 112-114, page 22; paragraphs 120-122, page 23

11 Ibid; paragraph 151, page 27; paragraph 156, page 28; paragraphs 160-162, page 29; paragraphs 164-166, page 30; paragraphs 170-173, page 31

Rights of persons belonging to minorities, including freedom of religion and belief (arts. 2, 18, 20,23, 26 and 27)¹²

Incidents of land grabbing, intimidation, extortion and various kinds of human rights violations continue to take place against ethnic and religious minorities in Bangladesh. Attacks on places of worship have become a common phenomenon and take place with almost complete impunity, particularly during Durja Puja, the largest religious festival of the Hindu community.

Freedom of expression, freedom of assembly and freedom of association (arts. 19, 21 and 22)

Repression of civil society¹³: Several civil society groups in Bangladesh, including human rights organisation *Odhikar*, have been subject to increasing harassment and intimidation on the part of government authorities for the past several years. The government is presently preventing *Odhikar* from engaging in its peaceful and legitimate human rights work by barring their access to legal funding and by charging *Odhikar*'s members under the ICT Act. Several other human rights defenders remain arbitrarily detained or are being subjected to constant surveillance and harassment by the authorities. The government's repression of civil society has now been facilitated by the proposal and adoption of new legislation, including the Information and Communication Technology (ICT) Act and the Foreign Donations (Voluntary Activities) Regulation Act, which aim to limit free speech and to restrict NGOs in their activities.

Attacks on journalists and bloggers¹⁴: Professional and freelance journalists and bloggers in Bangladesh face imminent risks from the government and from private attacks, particularly if they attempt to investigate stories or publish material that is seen as critical of the government or the religious majority. Reporters and journalists covering the elections irregularities in 2015 were subject to harassment and attacks by ruling party supporters. In addition, several journalists have been arrested throughout 2015 on trumped up charges after having published material critical of the government. Five bloggers were brutally murdered between February and October 2015, ostensibly for their publications in support of atheism, and none of the perpetrators have been brought to justice. The government has yet to properly investigate these murders, and has even legitimised the attacks by publicly reminding bloggers that “hurting religious belief” is a criminal offence in Bangladesh.

Freedom of assembly¹⁵: The government has used section 144 of the Code of Criminal Procedure to illegitimately shut down meetings and assemblies organised by opposition political parties or alternative groups under the pretext of “mitigating violence”. Families of victims of enforced disappearance wanting to organise memorial and awareness raising events have faced intimidation from police and their events have been forcibly cancelled.

Right to take part in the conduct of public affairs, including through free and fair elections (art. 25)¹⁶

Mayoral and council elections in 2015 and upcoming municipal elections scheduled for the end of 2015 or early 2016 have been marred with vote-rigging, violence, intimidation, and attacks at polling centres by local authorities, police, and thugs affiliated to the ruling party. Electoral violence is not new in Bangladesh, and it

12 Ibid; paragraphs 195-197, page 35; paragraph 200, page 36; paragraph 217, page 39; paragraph 273, page 48

13 Ibid; paragraph 97, page 18; paragraph 190, page 34; paragraph 202, page 37; paragraph 224, page 40

14 Ibid; paragraphs 202-206, page 37; paragraphs 212-213, page 38

15 Ibid; paragraphs 218-222, pages 39-40

16 Ibid; paragraph 255, page 45

reached unprecedented levels in 2015; around 188 people were killed in political violence in 2015 alone, making it the worst year in the history of Bangladeshi politics.

In November 2015, the Joint Forces and police reportedly arrested 5481 persons by conducting special drives across the country. Most of the arrestees are engaged with the politics of opposition political parties, notably BNP and Jamaat-Shibir. Many of the arrestees had no cases filed or warrants of arrest against them. Houses and businesses belonging to the leaders and supporters of opposition parties have been forcibly locked and closed by the authorities.

Torture and cruel, inhuman or degrading treatment (art. 7)¹⁷

Torture is prohibited in Bangladesh's Constitution in Article 35.5. Torture and custodial death have also been formally criminalised under the Torture and Custodial Death (Prohibition) Act of 2013 (Act No. 50 of 2013). However, torture remains common-place at the hands of law-enforcement agents in the country. The law against torture is neither enforced nor promoted by the authorities; since the enactment of the law not a single perpetrator of torture has been held responsible. Nevertheless, numerous cases of torture resulting in temporary or permanent disabilities continue to be reported. For example, several reports were received of police deliberately shooting detainees in the knees while handcuffed, and leaving them to bleed from their bullet-wounds for hours. These victims were then transferred to hospital in critical condition, where doctors often had to amputate the bullet-injured limbs.

¹⁷ Ibid; paragraphs 70-78 and 80-81, pages 13-15