



The People's Republic Of Bangladesh
ARTICLE 19 individual submission to the UN Universal Periodic
Review for Bangladesh

*For the consideration at the 16th session of the UPR Working Group 22nd
April - 3rd May 2013*

09 October 2012
www.article19.org

Executive summary

1. In this submission, ARTICLE 19 observes that Bangladesh has mostly failed to comply with the recommendations they accepted during its first UPR to advance protections for the right to freedom of expression and information in the country. In particular, the following trends are noted:

- Targeted physical assaults and murders of human rights defenders and journalists by state and non-state actors continue, and a culture of impunity persists. 3 journalists have been murdered in 2012 alone.
- Women remain under-represented at all levels of seniority in the media, and acts of gender-based discrimination and violence are prevalent.
- The Information and Communications Technology Act, 2006 has been used repeatedly to block websites in violation of the right to freedom of expression and information. The proposed Guidelines for the Regulation of Online Media, 2012 threaten to further erode these rights.
- Draft legislation currently under consideration may further restrict the financial and operational independence of civil society organisations in the country.

2. However, the adoption of the following acts of legislation are welcomed: the Community Radio Installation, Operation and

Broadcast Policy 2008; the Right to Information Act, 2009; the National Policy on Information and Communication Technology, 2009; and, the Whistle Blowers Act, 2011.

Positive legislation 2009 - 2011

3. ARTICLE 19 welcomes the adoption of the following legislative acts that will enhance protections for the right to freedom of expression and information, including media freedom:

- The Community Radio Installation, Operation and Broadcast Policy 2008.
- The Right to Information Act, 2009 and the establishment of an Information Commission;
- The National Policy on Information and Communication Technology (ICT), 2009;
- The Whistle Blowers Act, 2011;
- The establishment of a Human Rights Commission;
- The government has recently set-up the 8th Wage Board, responding to the long-standing demands of journalists for the review of pay scales and benefits.

Safety of journalists

4. During its last UPR, Bangladesh accepted recommendations to "take measures to protect human rights defenders, including journalists", and "address the problems of extrajudicial killings and torture by security forces." Bangladesh also accepted the recommendation to take "steps to address the culture of impunity of human rights violations by law enforcement agencies." These promises were reflected in the present government's 2008 election manifesto.

5. ARTICLE 19 has observed that the targeted physical assault and murders of human rights defenders and journalists by state and non-state actors has continued, and that a culture of impunity persists.

6. ARTICLE 19 has monitored the nature of attacks in recent years:

- Between May 2009 and March 2010 a total of 147 attacks against journalists were recorded, affecting over 257

people. These included 104 cases of threats and 61 cases of physical assault.

- Between June and September 2011, we recorded that 7 journalists were assaulted, 17 injured, and 2 threatened.
- So far in 2012 ARTICLE has recorded 69 incidents of physical assault affecting 137 journalists, and 21 incidents of threats. 3 journalists have been murdered, including Sagor Sarwar and Mehrun Runi, a couple who were brutally murdered in their own home (11 February 2012). Jamaluddin, a correspondent of the Daily Gramer Kagoj, was murdered in Jessore (16 June 2012).

7. In 2012, ARTICLE 19 has recorded an alarming increase in the number of violent attacks on journalists performing their duties by non-state actors, effectively censoring them. The following instances have been recorded by ARTICLE 19:

- 4 January 2012: Ruling Awami League MP Kamal Ahmed Majumder physically assaulted Aparna Sinha, a female television journalist in Dhaka, when she went to cover a story about a local school charging fees in excess of those stipulated by law. The MP pushed her aside and hurled verbal abuse;
- 2 February 2012: Matiur Rahman, editor of Prothom Alo (the largest circulating Bangla daily) and local correspondent Iftekhar Mahmud received death threats following their summons to a court in Khulna to give evidence on the local political situation and terrorism, based on three of their investigative reports. Both received calls telling them to *"come prepared for death as you have written a lot lies against my leader"*. (GD entry number 1848 Dhaka, Tejgaon)
- 15 March 2012: 18 journalists in Pirojpur lodged a complaint that local party workers and leadership had threatened to "chop them into pieces" if they reported on alleged corruption of the local MP, Akma Awal.
- 15 May 2012: Abdullah Al Mamun, zonal correspondent of Daily Kaler Kantha, was hospitalized after being physically assaulted with sticks and iron rods by members of the local Awami League. He had published a report alleging corruption in the procurement process for the food and work programme by the State Minister for Home, Shamsul Haque Tugin Bere

Mara Upazila of Pabna District. The nephew of the Minister is believed to have led the assault on Al Mamun;

- 29 May 2012: Newaz Mohammad Rifat and Salauddin Wahid Pritom sustained serious stab injuries when a group of youth armed with sharp weapons and iron rods forcibly entered the premises of the online news portal bdnews24.com. They injured several others;
- 23 July 2012: Six journalists and media workers were physically assaulted by interns of Dhaka Medical College Hospital when they went to cover a student demonstration protesting against a news item which alleged that a senior physician at the hospital had assaulted a patient. The police arrived after the incident. The journalists assaulted were: Rassel Hasan, reporter Bangla Vision TV; Ujjol Das, camera person; Mujahid Ahmed, reporter Ekushey TV; Azimuddin Chowdhury, ABC Radio; Abaduzzaman Shimul, Shokaler Khobor; and Kazi Shafiul Islam Al Amin, of NTV.

8. Journalist have also been violently assaulted by the police, including:

- 2 March 2012: Salam Biswas was beaten up by the Officer in Charge in Badarganj, Rangpur simply because he urged the police station to take cognisance of a complaint from a woman;
- 27 May 2012: Zahid Karim, Khaled Sarkar and Sajid Hossain, journalists for Prothom Alo, were beaten up by the police when they were stopped for a minor traffic infraction and the police learned they were journalists;
- 30 May 2012: In another incident journalists M.A Jalil Ujjol and Proshanti Kumar Karmaker were attacked by the police when they tried to stop the police from harassing a young girl at court premises in Dhaka.

9. Impunity for acts of violence against journalists remains a significant problem in Bangladesh. Of the 27 journalists killed in the last decade, only three perpetrators have been tried and only one convicted. The government has failed to promptly and thoroughly investigate the murders of Sagor Sarwar and Mehrun Runi, which has incensed the journalist community. This failure to investigate and prosecute threats and acts of violence, including murders, of journalists, not

only constitutes a violation of the right to life but also of the right to freedom of expression and information.

Rights of women journalists

10. Following its last UPR, Bangladesh agreed to the recommendation to "pursue its positive efforts for the promotion and protection of the rights of women". However, gender based discrimination and violence continue to be used as a means to silence women in the media in Bangladesh. In the period May 2011 - April 2012, ARTICLE 19 documented fifty-five cases of violations of women's right to freedom of expression. "Righting wrongs against women journalists" (15 May 2012, ARTICLE 19). The key findings were that:

- 60% of women journalists have complained to have suffered some sort of discrimination in the workplace
- 52.70% of women journalists have complained of some form of sexual harassment
- 47.30% faced other forms of censorship such as obstruction to reporting, destruction of property, assault, abduction/confinement and threats.

11. ARTICLE 19 has observed that there is a general lack of acceptance of women as journalists in most parts of the country. They endure attitudes that are stereotypical as part of their day to day work. ARTICLE 19 has recorded that women are significantly under represented in the media in Bangladesh:

- Women comprise less than 7% of the journalist community in Bangladesh;
- Women occupy only 0.6% of editorial and management positions.
- 66% of respondents indicated to be working on the basis of loose contractual arrangements such as verbal agreements.
- Women receive wages as low as taka 1000 to 2000 per month (8 - 16 GBP), significantly less than their male counterparts. Women journalists also suffer from irregular payments, under-payment and non-payment of wages, as well as refusal to pay benefits when they leave the profession.

Restrictions on internet expression

12. The Bangladesh Government does not have an official public policy on Internet filtering. However, there have been several instances of restricting access to websites, including social networks:

- March 2009: Youtube was blocked after the Bangladesh Rifles Mutiny to restrict the viewing of a conversation between the Prime Minister and an Army Officer regarding the government handling of that crisis. The government argued it was in the "national interest" to block Youtube under these circumstances.
- May 2010: Facebook was blocked due to postings of cartoons of Prophet Mohammed and alleged satirical images of political leaders.
- 18 August 2011: A Jahangirnagar University teacher Muhammad Ruhul Amin Khandakar was summoned before the Court on 18 August 2011 for his status update on Facebook, which read: "Tareq Musad died as a result of government giving licence to unqualified drivers. Many die, why does not (the Bangladesh Prime Minister) Sheikh Hasina die?"

13. The Information and Communications Technology Act, 2006 ("the Act") is the principal act for regulating Internet use in Bangladesh, and provides broad powers to the Bangladesh Telecom Regulatory Commission to restrict freedom of expression online, including broad content-based restrictions that do not comply with Article 19 (3) of the ICCPR. These include restrictions on the basis of sovereignty, for maintaining friendly relations with other states, false information, dishonesty, and information likely to hurt religious feelings.

14. The Government has circulated proposed Guidelines for the Regulation of Online Media, 2012. This repressive proposal poses a severe threat to the right to freedom of expression and information online. These features include:

- A requirement for news portals and similar websites to register and pay an exorbitant license fee of Bangladeshi taka 500,000 (USD \$6,100) to the Ministry of Information.

- A requirement for applicants for licenses to hold a university degree.
- A requirement that IP and DNS information be submitted to the Ministry of Information, which is enabled to store that information.
- Extensive content based restrictions.

Restrictions on the financing and operations of civil society organisations

15. The NGO Affairs Bureau, which is the regulatory body authorised to coordinate and regulate the activities of CSOs operating with foreign funding, released the Foreign Donations (Voluntary Activities) Regulation Act 2011 in January 2012 and has invited comment. The draft Act preserves many of the existing barriers to the receipt of foreign donations and contributions, but also adds new constraints to the regulatory process. Several areas of concern have been identified as posing a serious threat to the financial and operational independence of civil society organisations in Bangladesh:

- The requirement that NGOs receiving foreign donations/contributions to register with the NGO Affairs Bureau, and the broad discretion given to that Bureau to deny registration;
- The power of the Minister of Home Affairs to review and approve registrations;
- The requirement to seek advance approval of projects before activities can be conducted;
- The overly bureaucratic nature of registration and project approval processes;
- The limited validity of registration to five years;
- Vague grounds for penalising NGOs that do not comply with the regulations, with penalties including fines up to three times the value of foreign donations received
- The extensive grounds for cancelling the registration of NGOS.

Recommendations

16. In response to these concerns ARTICLE 19 calls upon Member States to put forward clear and strong recommendations to the Bangladeshi government, namely:

Protecting the safety of journalists and HRDs:

- All acts of murder, physical assault, harassment, threats, and intimidation against journalists and HRDs should be fully, effectively and speedily investigated and all perpetrators prosecuted. Victims should be afforded adequate redress.
- Ensure that all security forces including police are subject to full oversight by external bodies such as the Supreme Court, National Human Rights Commission and the Parliament.

Protecting the rights of women journalists:

- Ensure the formulation of guidance to address gender discrimination, gender-based censorship and sexual harassment as a serious barrier to women's participation and representation in the media and the establishment of robust and effective mechanisms to address complaints from women journalists.
- Promote policy measures such as gender policies, internal code of conduct, equal opportunity employment and anti-bullying and anti-harassment policies toward the development of good practices to free the media from such negative trends;
- Take active steps for the inclusion of women journalists in the Government's training and capacity building programmes;
- Work in partnership with NGOs to raise awareness among journalists on issues of discrimination, censorship and harassment on the basis of gender.

Protecting freedom of expression on the internet:

- The Bangladesh government must ensure that the right to freedom expression and opinion is upheld on the Internet and remove any provisions that fail to comply with international standards on the right to freedom of expression and information;
- The Online Media Guidelines should be developed in consultation with individuals from all sections of society,

and fully protect the right to freedom of expression and information on-line, in particular in respect of social media.

The financial and operational independence of civil society organisations:

- The Bangladesh government should promote the review process of the 1978 Foreign Donations (Voluntary Activities Regulation Ordinance) as an opportunity to ensure a more favourable environment for the functioning of civil society organisations and NGOs having a legitimate interest in promoting human rights, development and good governance.