



The People's Republic of Bangladesh
Submission to the UN Universal Periodic Review
16th Session of the UPR Working Group

Submitted 9 October 2012

Submission by CIVICUS: World Alliance for Citizen Participation, NGO in General Consultative Status with ECOSOC

CIVICUS: World Alliance for Citizen Participation

Ms Charlotte Allan Email: charlotte.allan@civicus.org

Ms Renate Bloem Email: renate.bloem@gmail.com

Web www.civicus.org

1. (A) Introduction

- 1.1** CIVICUS: World Alliance for Citizen Participation is an international movement with members in more than 100 countries. Established in 1993, CIVICUS nurtures the foundation, growth and protection of citizen action worldwide, especially in areas where participatory democracy and citizen's freedom of association are threatened.
- 1.2** In this document, CIVICUS outline concerns related to the environment in which civil society organisations and human rights defenders operate in Bangladesh, and discusses threats they face in the exercise of the freedoms of expression, association and assembly.
- 1.3** CIVICUS is concerned by the persistent harassment, intimidation and attack against human rights defenders, trade union activists and independent journalists in Bangladesh. Impunity by security forces and the repression of civil society remain pressing issues for redressal by the Government.
- 1.4** CIVICUS is alarmed by the failure of the Bangladeshi Government to protect those citizens voicing their right to freedom of expression, association and assembly. In many instances, government officials are directly responsible and complicit in the violations.
- In section B, CIVICUS highlights concerns relating to the practical protection of the freedom of expression, association and assembly.
 - In section C, CIVICUS highlights concerns over harassment and attacks against civil society activists and rights defenders.
 - In section D, CIVICUS highlights concerns over harassment and attacks against journalists.
 - In section E, CIVICUS makes recommendations in the areas of concerns listed.

2. (B) Concerns regarding freedom of expression, association and assembly

- 2.1** Article 39 of the Bangladesh Constitution guarantees the freedom of speech and thought. It also states that the mass media are free and have a social responsibility and that there will be no censorship. Articles 38 and 39 guarantee the freedom of association and assembly respectively.
- 2.2** Articles 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Bangladesh is a party, also guarantee the freedoms of expression and the right to hold opinions without interference; the right of assembly and the right of association.
- 2.3** However, the 15th constitutional amendment, which the Bangladeshi parliament passed in July 2012, contained language equating criticism of the Constitution with sedition, and under the Penal Code, the punishment for

sedition ranges from three years' to life imprisonment. This amendment seriously violates the freedom of expression.

- 2.4 Between January and September 2012, 78 instances of the imposition of Section 144 of the Criminal Procedure Code, which prohibits assembly of five or more persons and the holding of public meetings, were also recorded across Bangladesh mainly to stop opposition political gatherings and rallies. This seriously impeded freedom of assembly. Various reports also indicate that unwarranted bans are frequently used to restrict civil society organisations. A ban on student protests in certain areas of Dhaka, issued by the Dhaka Metropolitan Police in 2010 citing traffic concerns, remained in effect throughout 2011.
- 2.5 Bangladeshi law also mandates that the public television station, Bangladesh Television, remains the country's only terrestrial (non-satellite) broadcast channel. As an estimated 60 percent of the population do not have access to private satellite channels, and almost 80 percent of citizens receive their information from television, the state heavily controls the flow of expression and information to the public. The government also shut down television channels Channel 1 and Jamuna-TV in 2011, while reportedly issuing new licenses to channels owned by political supporters.
- 2.6 The government is currently championing a new law to restrict the ability of civil society groups to access funding from international sources which drastically enhances the discretionary powers of the NGO Affairs Bureau. The Foreign Donations Regulation Act of 2011 would not only require NGOs to obtain permission to utilise foreign funds, but would also mean that NGOs will have to secure prior authorisation to carry out individual activities partly or wholly funded by foreign sources. If passed, the law will imperil civil society activities as a large proportion of civil society groups in the country rely on international funding to operate.
- 2.7 A further step back for Bangladeshi civil society was announced in August 2012, when the government stated its intention to launch a commission looking into the operations of NGOs, claiming that many were involved in "terror-financing and other anti-state activities." The government announced simultaneously that it had cancelled the registration of 6,000 NGOs because of links to "anti-state" activities and that it is in the process of examining the registration certificates of an additional 4,000 out of a government estimated 50,000. These actions have caused uncertainty in the civil society sector instilling fear of retribution amongst independent groups critical of official policies.
- 2.8 All these actions combine to create an intimidating environment for civil society in Bangladesh whose members often work highlighting sensitive issues critical of, or in opposition to, the government.

3. (C) Concerns involving harassment, threats and attacks against civil society activists and human rights defenders

Article 12 of the UN Declaration on Human Rights Defenders mandates states to take all necessary measures to ensure protection of human rights defenders. However various reports show that this has not equated to substantive practice in Bangladesh, particularly when it is state agents, such as the Rapid Action Battalion (RAB), that are often the perpetrators of political violence and intimidation which affects civil society activists and human rights defenders.

(Targeting of government critics, human rights organisations and human rights defenders)

3.1 In June 2012, CIVICUS raised serious concerns about the systemic crackdown on peaceful dissent and civil society activities in Bangladesh. As part of this clampdown, civil society members have been reportedly harassed and intimidated by members of law enforcement agencies with public meetings being disrupted and new legislation being proposed to curb the activities of independent civil society groups.

3.2 Additionally, NGOs seen as overly critical of the government in Bangladesh on human rights issues have been subject to routine harassment or denied permission for proposed projects. In July 2011, the NGO Affairs Bureau rejected an EU-funded project on torture by the human rights group Odhikar on the grounds that the application alluded to the fact that torture is endemic in Bangladesh. The government has also reportedly increased its surveillance of Odhikar's staff. Other local and international NGOs, have also reported credible instances in which the government has sought to impede their work, either by cancelling projects or subjecting them to restrictive operating requirements, which often resulted in a temporary or permanent cessation of their work.

3.3 More alarming still are the allegations of torturing activists by state agents. Mahmudul Haque Titu and Ferdousur Rahman Munna of the student wing of the Bangladesh Nationalist Party, were detained at Khulna Police Station on 22 April, 2012 following peaceful protests and claimed they were beaten and left to hang from ceiling fans by their arms, while on 21 May 2011, William Gomez, a representative of the Asian Human Rights Commission, was allegedly picked up by plain-clothed men from the RAB, physically and verbally abused, and threatened with severe physical torture during interrogation about his activities.

3.4 It should also be noted that there are a growing number of cases where opposition members and political activists have vanished without trace in recent months. Elias Ali, Sylhet Division secretary of the opposition Bangladesh Nationalist Party (BNP), vanished on 17 April, 2012 and has not

been heard from since. Numerous abductions and killings by Bangladeshi security forces, especially the RAB, have been reported by different rights organisations.

(Targeting of trade union leaders and members)

- 3.5 In April 2012, Aminul Islam, a leader of the Bangladesh Center for Worker Solidarity (BCWS) and the Bangladesh Garment and Industrial Workers Federation, was found dead on a street in Dhaka and showed signs of torture and abuse. His murder remains an open case, but no independent and impartial investigation into his death has been ordered.
- 3.6 Those involved with the BCWS have faced repeated intimidation. In 2010, the BCWS was stripped of its legal status by the NAB for allegedly inciting labour unrest; BCWS leaders faced criminal cases and reportedly suffered abuse in custody while one agency demanded that two union leaders facing criminal charges, resign as a precondition to renewed registration of the organization. BCWS has denied all allegations against it and continues to struggle against government harassment.
- 3.7 Labour unions in Bangladesh also face other administrative harassments. Their formation is hampered by a 30 percent employee-approval requirement, restrictions on organizing by unregistered unions, and rules against unionization by certain categories of civil servants, while labour activists themselves occasionally encounter harassment, and worker grievances sometimes fuel unrest at factories.
- 3.8 In the past several years, garment workers have regularly engaged in strikes and protests to demand higher pay and safer working conditions, in some instances leading to violence where people have been injured. On July 30 and 31, 2010, textile workers expressed their discontent by demonstrating in the streets, when the police forces reportedly fired tear gas on the demonstrators and charged at them. Several protesters and union leaders were arrested, including Aminul Islam, who were all accused of “inciting workers unrest during the protests” and later released.

(Attacks on Lesbian Gay Bisexual and Transgender (LGBT) Activists)

- 3.9 Homosexual acts are illegal in Bangladesh according to Section 377 of the Penal Code, which punishes consensual homosexual conduct with penalties of up to life imprisonment, although this provision is rarely enforced. Section 377 forces the local LGBT community into a shadow existence. Their official illegality silences their voices in the public sphere and makes the gathering of information on the targeting of LGBT activists difficult. Informal LGBT organizations reported that they were unable to organize, do outreach, petition for

changes to the law, or set up permanent establishments because of the possibility of police raids.

(Threats to women's rights activists)

3.10 Violence against women is widely considered to be under reported in Bangladesh. The story of abuse levelled at human rights defender and school teacher, Shampa Goswami, after she encouraged a female survivor of gang rape to report the incident to the police, is reason why. Shampa was confined for several hours by a group of men in Satkhira district in October 2011, and forced into compromising positions and photographed. The pictures were later doctored and circulated on the internet. The criminals threatened to harm Shampa if she did not withdraw the case filed against the criminals. She has now been suspended from her teacher position as a result of her abductors tactics and while she has filed complaints on her treatment, the status of these complaints is not publically available.

4. (D) Concerns involving harassment, threats and attacks against journalists

4.1 In 2011, there was an increase in security forces and members of the ruling party harassing, arresting, or assaulting journalists perceived to be critical of the government and/ or aligned with the opposition. It was reported that at least one journalist was killed, 139 were injured, 43 were assaulted, 53 were threatened, and 23 had cases filed against them in 2011. In the first 9 months of 2012, an additional 4 journalists were killed, 141 injured, 51 threatened, nine attacked, 45 assaulted and two reportedly tortured by the RAB.

4.2 Particular newspapers have also been singled out for attack. Over the last two years, the *Amar Desh* newspaper has experienced numerous arrests of, and filing of cases against, its staff on fabricated charges, particularly against its editor Mahmudur Rahman who served 9 months in prison where he reportedly experienced inhuman and degrading treatment. These events appear linked to the fact that the newspaper regularly reports on corruption cases and is critical of the Government.

4.3 On 31 July 2011, authorities also arrested Ekramul Haq, Editor of Sheersha News, on an extortion charge widely perceived as fabricated in retaliation for Haq's reports on corruption within various government ministries. Authorities then revoked the press credentials of Sheersha News journalists, making it impossible to cover official events and forcing the news agency to shut down indefinitely.

4.4 Violent attacks against journalists are also frequent. These have recently included the illegal detention and serious mistreatment of Mutafizur Rahman

Sumon from justnewsbd.com following his arrest on 13 July 2012, which is thought to have been prompted by his campaign against impunity for crimes against media workers, as well as the May 2012 attack by 15 unidentified men on the newsroom of bdnews24.com where journalists and other staff members were stabbed.

- 4.5 Meanwhile, the disappearance of senior politician M Ilias Ali has also impacted those who have covered the story. In May 10, 2012, Tuhin Sanzid, a reporter of the daily *Bhorer Dak*, was picked up from the street by the RAB allegedly due to his reporting on M Ilias Ali. He alleged that he was given electric shocks and was also threatened with death. Direct government affiliated abuse can also be seen in an attack by a group of activists tied to local Awami League leader Ali Hossain on three TV correspondents in Kushtia District in June 2011. The journalists were investigating irregularities in local government tenders.

5. (E) Recommendations to the Government of Bangladesh

- 5.1 CIVICUS calls on the Government of Bangladesh to operate in accordance with the rights enshrined in the ICCPR and the UN Declaration on Human Rights Defenders. At a minimum, the following conditions should be ensured: freedom of association, freedom of expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In light of this, the following specific recommendations are made.

5.2 Regarding threats to civil society activists and journalists:

- Impartial and effective investigations into all cases of attack, harassment, intimidation and disappearance of civil society activists and journalists should be conducted and perpetrators should be brought to justice.
- An independent and credible investigation into the reasons behind the recent rise in disappearances, particularly of opposition members and activists, should be implemented.
- Attacks on, and threats to, civil society activists and journalists should be publicly condemned by senior government officials to ensure protection by law enforcement agencies and to destroy the culture of impunity among law enforcement agencies, such as the RAB, considered to be responsible for many of these attacks and threats.
- A protection program for human rights defenders at risk, in particular for journalists and union leaders/those involved in garment worker's rights,

should be rigorously enforced and the protection measures as requested by the groups affected should be implemented as a matter of priority.

- All appropriate measures should be taken to ensure that women's rights defenders and anti-corruption activists in Bangladesh are accorded specialist protection through a new government agency programme so that they are able to carry out their legitimate human rights activities without fear of reprisals or restrictions. Any programme should include passing protective legislation.

5.3 Regarding legislative restrictions on freedom of expression, the Government of Bangladesh should ensure the following:

- The 15th constitutional amendment containing language equating criticism of the Constitution with sedition –should be repealed.
- The draft Foreign Donations Regulation Act of 2011 should be amended to reduce the discretionary powers of the NGO Affairs Bureau and restrictions on funding from international sources.

5.4 Regarding legislative restrictions on freedom of assembly, the Government of Bangladesh should ensure the following:

- An investigation into the heavy handed use of Section 144 of the Criminal Procedure Code to stop political gatherings and rallies, and to prevent opposition political groups from holding meetings and demonstrations, should be conducted.

5.5 Regarding access to UN Special Procedures and Mandate Holders

- A standing invitation should be extended to the UN Special Procedures, particularly to the Special Rapporteur on Human Rights Defenders, Special Rapporteur on Freedom of Expression, and Special Rapporteur on Freedom of Peaceful Assembly and Association.