

Asian Centre for Human Rights

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Bangladesh: No 2 Human Rights Violator in South Asia

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In *South Asia Human Rights Violators Index 2008* published by Asian Centre for Human Rights in August 2008 (Bangladesh chapter is attached Annexure I and also available at www.achrweb.org/reports/SAARC-2008.pdf), Bangladesh ranked second worst with a total score of 46 points. Bangladesh's human rights indicators must be considered within a context of very high levels of impunity which tend to suggest a worsening over the human rights picture over the long term.

On political freedom, Bangladesh scores the worst in the region. By definition, any care-taker government must function within the ambit of the Constitution and other national laws to facilitate and expedite the installation of a new government with the people's mandate. Instead, after taking power following the imposition of a State of Emergency on 11 January 2007, political freedom was severely curtailed and the care-taker government banned all political activity, including processions, strikes and trade union activities, and banned political discourse (freedom of expression and opinion) including in print and electronic media under the Emergency Powers Rules, 2007 imposed on 26 January 2007.

On 8 March 2007, the care-taker government issued a blanket ban on political activities including "indoor politics". In the first 10 months, a total of 440,684 people were arrested and of these, only 2,39,480 arrested persons had arrest warrants and only 778 were wanted by the police for alleged criminal offences. Those arrested included political activists, criminals, businessmen, journalists and alleged corrupt persons.

On the right to life, the Rapid Action Battalion (RAB) was of deep concern. Formed in March 2002 to combat crime, RAB personnel have been responsible for systematic and widespread "extrajudicial executions" euphemistically called "cross-fire" killings. 184 persons were killed in 2007 in so called crossfire killings. The use of torture was routine in Bangladesh.

On judiciary and administration of justice, Bangladesh is the only country in South Asia where the Emergency Powers Regulations of 2007 were applied retroactively – a non-derogable principle in the administration of justice under international human rights law.

Though the High Courts resisted these ordinances, the Supreme Court validated them. The lack of independence of the Supreme Court of Bangladesh affected the administration of justice as hundreds were sentenced by speedy trial courts. The UN Special Rapporteur on the independence of judges and lawyers, Leandro Despouy, expressing concerns over the trial of Sigma Huda, then UN Special Rapporteur on trafficking in persons, especially in women and children, stated that “the right to legal representation and the independence of the court were severely affected during her trial”.

On National Human Rights Institutions, Bangladesh started the process of establishing an NHRI in 1996. On 19 March 2007, the caretaker government, in principle, agreed to set up a National Human Rights Commission but no measures were taken till the end of 2007.

On press freedom, Bangladesh ranked poorly. The care-taker government not only restricted the media under the Emergency Power Rules, 2007 but also arrested numerous journalists in cases that raised serious concerns over the application of the law.

Bangladesh ranked poorly with regard to its treatment of the indigenous /tribal peoples and minorities. Bangladesh not only failed to implement the CHTs Peace Accord of 1997 but intensified the implantation of plain settlers in the Chittagong Hill Tracts. There were repeated instances of ‘land grabbing’ of the lands of indigenous Jumma peoples by plain settlers with the support of the military.

Further, Hindu minorities continued to be targeted and their religious freedoms violated. A new study showed that some 1.2 million or 44 per cent of the 2.7 million Hindu households in Bangladesh were affected by the Enemy Property Act, 1965 and the Vested Property Act, 1974 which empowers to identify the Hindus as enemies of the State and seize their properties.

On human rights defenders, Bangladesh performed poorly. Human rights activists are subject to surveillance but human rights defenders from indigenous and minority communities or those working with indigenous and minority communities were the subject of particular harassment.

On women, Bangladesh again performed poorly. Minority and indigenous women were vulnerable to violence from the majority community.