

HUMAN RIGHTS VIOLATIONS COMMITTED BY THE GOVERNMENT OF BANGLADESH

OVERVIEW

In November 2023, Bangladesh will undergo its third [Universal Periodic Review \(UPR\)](#), a mechanism of the United Nations Human Rights Council wherein each member state is subject to a peer review of its human rights record.

Bangladesh has been governed by Prime Minister Sheikh Hasina and the Awami League party since 2009. Hasina won her third consecutive term as prime minister in 2018 in an election widely criticized by internal opposition and international observers for ballot rigging and politically motivated violence against opposition leaders and activists. Bangladesh has been a party to the International Covenant on Civil and Political Rights (ICCPR) since 2000 and a party to the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT) since 1998, and is therefore bound to comply with its human rights obligations under international law.

However, the Bangladeshi government has been involved in serious human rights violations, increasingly targeting journalists, human rights defenders (HRDs), and opposition leaders ahead of the January 2024 election. A joint submission to the United Nations by Robert F. Kennedy Human Rights, the Committee to Protect Journalists, and the Asian Legal Resource Centre offers a non-exhaustive list of recent and ongoing violations, including arbitrary detention, torture, enforced disappearances, and extrajudicial killings, violating protected freedoms of expression, association, and peaceful assembly and the right to equality before the law.

This fact sheet summarizes the findings of our joint submission and provides recommendations for the Government of Bangladesh to improve the country's human rights situation.

SUMMARY OF FINDINGS

The human rights situation in Bangladesh between 2018 and leading up to the January 2024 national elections has been defined by closing civic space, pre-electoral targeting of and violence against human rights defenders (HRDs), civil society organizations (CSOs), journalists, and the opposition; and reprisals in response to the United States sanction designations on the Rapid Action Battalion (RAB).

Reports of these violations have persisted in spite of prior UPR recommendations calling on the Government to cease such abuses, conduct credible investigations to hold perpetrators accountable, and take active measures to protect civic space and the exercise of fundamental human rights in Bangladesh.

CUSTODIAL TORTURE AND DEATHS

Source of Obligation: ICCPR Art. 7, 6; CAT Art. 2, 12, 13, and 16; UDHR Art. 5

Current Situation:

- Torture and other forms of degrading treatment towards detained individuals have become institutionalized practices in Bangladesh. At least 49 individuals were tortured to death while in custody from June 2018 to June 2023. Many official documents report these custodial deaths as “suicides.”
- Despite numerous allegations of torture, only about 50 cases have been filed under the Torture and Custodial Death (Prevention) Act since its enactment in 2013, and only one of these cases ended in a conviction. This low number of cases filed reflects the fear instilled in victims and their families by reprisals against those who seek accountability. Victims of torture and their relatives are frequently surveilled, harassed, threatened, and intimidated by state officials.

ENFORCED DISAPPEARANCES

Source of Obligation: ICCPR Art. 9, 16, 14(3)

Current Situation:

- Between June 2018 and June 2023, at least 1208 persons were subjected to enforced disappearance. However, this figure is likely under representative, as family members of disappeared individuals hesitate to report or publicize the disappearances of their loved ones due to pressure and threats from law enforcement agencies.
- Journalists, HRDs, and political opponents are disproportionately subjected to enforced disappearance; many have disappeared only to reappear in police custody, often on charges related to narcotics, terrorism, or the repressive Digital Security Act (DSA).
- The government consistently denies the occurrence of forced disappearances in Bangladesh, claiming that missing individuals have drowned or gone into hiding.

EXTRAJUDICIAL KILLINGS

Source of Obligation: ICCPR Art. 6, 14

Current Situation:

- From June 2018 to December 2022, Odhikar documented 1,220 cases (a 44% increase from May 2013 to September 2017) of extrajudicial killings by law enforcement agencies.
- Contrary to the allegations of victims' families, law enforcement agencies attempt to cover up their role in extrajudicial killings by falsely describing them as deaths due to “gun-

“shootouts.”

- In most cases, no prompt or thorough investigations into the killings are conducted.

FREEDOM OF EXPRESSION AND OPINION

Source of Obligation: ICCPR Art. 19, UDHR Art. 19

Current Situation:

- The right to freedom of opinion and expression is under serious threat due to increased government censorship and intimidation of the media. The repressive DSA is systematically enforced to silence and intimidate journalists, academics, activists, HRDs, and government critics. According to Dhaka-based think tank Centre for Governance Studies’ DSA tracker, at least 3,493 individuals had been accused of violating the DSA as of March 2023. Of these known cases, politicians comprised the highest number of targets with 374 cases, followed by journalists with 345 cases.¹
- The government curtails access to information by censoring media outlets, restricting internet access, and pursuing legislation that gives government agents virtually unfettered access to and control over personal information.
- Authorities have subjected journalists to arbitrary detention, alleged torture and abuse in police custody, and legal harassment in retaliation for critical reporting, particularly on human rights and alleged corruption of the Awami League government. Murders, abductions, and physical attacks on journalists are commonplace and continue with near impunity. Family members of critical exiled Bangladeshi journalists who remain in the country have been subjected to arrests, legal harassment, physical violence, questioning, and other forms of transnational repression.

FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

Source of Obligation: ICCPR Art. 21, 22, 26; UDHR Art. 20

Current Situation:

- Freedom of association is jeopardized by the harassment and attack of those affiliated with groups opposed to the ruling party. The government tends to dismiss these attacks when victims belong to political opposition groups, creating impunity for both state and non-state perpetrators.
- Human rights organizations find their work disrupted by judicial harassment, strategic arrests of their leaders based on fabricated charges, and intimidation of their members. Independent organization Odhikar has had its registration renewal denied after 8 years awaiting a decision, and its leaders have been surveilled, picked up by police, and facing trial on trumped-up charges.
- Law enforcement officials label peaceful demonstrations and assemblies coordinated by opposition parties as “illegal” and accuse organizers and participants of “anti-state activities.” Peaceful protests against the ruling party are frequently obstructed, and law enforcement uses excessively brutal tactics to disperse participants.

EQUALITY BEFORE THE LAW AND POLITICAL PARTICIPATION

Source of Obligation: ICCPR Art. 26, 2; UDHR Art. 21

Current Situation:

- The government frequently treats individuals inconsistently under the law on the basis of their political affiliations. Dis-

idents and their families are subjected to politically motivated arrests, searches, and surveillance, and their rights to a fair trial are strategically undermined.

- Victims of politically-motivated attacks are denied the ability to register complaints with relevant authorities when their attackers belong to the ruling party; when such complaints are registered, investigations are seldom conducted.
- Approaching the January 2024 national elections, government leaders dismiss concerns of corrupt electoral practices and accuse those critical of the government of conspiring to destabilize the state and tarnish its reputation internationally.

RECOMMENDATIONS

To address these serious human rights violations and honor its obligations under international law, the Bangladesh government should implement the following recommendations:

1. In consultation with victims, their families, and independent experts, create an independent commission of inquiry to investigate all allegations of torture, custodial deaths, enforced disappearances, and extrajudicial killings, and prosecute those responsible.
2. Conduct full and impartial investigations into all allegations of arbitrary detention, enforced disappearance, abductions, and violence against HRDs, journalists, and political opposition by state and non-state actors, and hold all perpetrators accountable.
3. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), the Optional Protocol to the Convention against Torture (OPCAT), and the First and Second Optional Protocols to the ICCPR.
4. Criminalize enforced disappearances in compliance with the International Convention for the Protection of All Persons from Enforced Disappearance.
5. Develop and implement credible measures to ensure the rights to freedom of expression, association, and peaceful assembly are respected, including by ceasing all interference with and repealing the repressive laws and policies that restrict the exercise of such rights.
6. Ensure that the new Cyber Security Act adheres to international standards and is not a replication of the DSA. Prevent its use against HRDs and journalists in retaliation for their work.
7. Protect the right of all forms of media to operate freely and independently and respect the public’s right to information through full and unrestricted access to critical news outlets. Ensure journalists are able to carry out free and independent reporting on the January 2024 elections.
8. End all arbitrary arrests, detentions, harassment, and attacks against opposition leaders and supporters and guarantee their right to assemble peacefully and to participate in the January 2024 elections.
9. End all harassment, intimidation, and attacks against HRDs, CSOs, and journalists, and re-register Odhikar so that they may continue their human rights work.
10. Fully and impartially investigate all alleged politically motivated attacks and disruptions of peaceful assemblies and ensure perpetrators are held accountable.
11. Conduct free, fair, inclusive, and participatory parliamentary elections under a non-partisan interim government.
12. Allow independent election observers into the country to monitor the electoral process and make recommendations as soon as possible leading up to the January 2024 elections.

1. After the joint submissions, the government announced in August 2023 that the DSA will be replaced with the Cyber Security Act, but it appears to be a gesture to appease the international community and replicates the repressive sections of the DSA used to criminalize several forms of free expression online.