



**Human Rights Watch
UPR Submission
Bangladesh
October 2012**

Introduction

Bangladesh's human rights situation has seen little improvement since its first UPR review in 2009. A key undertaking in the 2009 UPR was to take a "zero tolerance" stand against abuses by security forces, and bring an end to impunity. Yet extrajudicial killings by the country's security forces continue with impunity.

While the government has taken some positive steps toward fulfillment of the promises it made in 2009, it has failed to live up to most of its pledges, including to fully implement the Chittagong Hill Tracts Accord and to ensure the effective protection of the human rights of refugees. Recently, increased disappearances, including of opposition politicians, and attempts to repress civil society and leaders of labor movements have also emerged as serious concerns.

Extrajudicial Killings, Torture and Impunity

In the last UPR, the Awami League government committed to bringing "an [end to all extra-judicial activities](#) by law enforcement agencies," and "any official found responsible for such actions to justice."

More than 200 people have been killed by the Rapid Action Battalion—a force comprised of military and police—since January 2009 when the Awami League assumed office. RAB claims that these victims were shot and killed in "crossfire," that is in legitimate self-defense. But investigations by human rights organizations have found that many victims were executed while in the custody of RAB, and their bodies often carried marks indicating torture. Many persons who survived periods in RAB custody have repeatedly alleged torture.

There are increased reports of fake "cross-fire killings" by the police, leading to concerns that as officials rotate through RAB and return to parent units, they are importing abusive methods.

In 2011 Human Rights Watch also documented RAB involvement in illegal detentions, killings, and torture of suspects in the 2009 mutiny by the Bangladesh Rifles border guards (BDR). During the mutiny, 74 people were killed, including 57 army officers. Thousands of suspects were rounded up by the security agencies soon after the mutiny ended and there are credible allegations of torture of these suspects by RAB and other forces. When Human Rights Watch published these allegations, the government refused to engage in any meaningful response to the reports and several ministers dismissed the allegations immediately.

Human Rights Watch is not aware of any attempt by the authorities to investigate and prosecute RAB or other security forces responsible for extrajudicial killings or torture. Despite repeated documentation of RAB's abuses, the Awami League government now denies that RAB is implicated in any abuses—even in cases where internal ministry investigations have found evidence of wrongdoing.

While RAB has set up an internal investigative unit reportedly only a handful of cases have been slated for prosecution, mostly for disciplinary issues. There has been no action yet on serious human rights violations.

Meanwhile, new allegations of torture, arbitrary arrest, and enforced disappearances by security forces continue to emerge. Given the government's continued failure to reform RAB, Human Rights Watch has called for the force to be disbanded and to be replaced by a strictly civilian force.

Labor Rights

Workers in Bangladesh regularly face poor working conditions, low wages, and excessive hours. Government repression prevents them from being able to organize effectively. Weak enforcement of labor laws by the government contributes to pervasive impunity for employers to harass and intimidate both workers and local trade unionists seeking exercise their right to organize and collectively bargain.

The April 2012 torture and murder of labor rights activist Aminul Islam remains unsolved. Aminul Islam had earlier been illegally detained and tortured by government security forces.

Over a dozen labor rights leaders currently face criminal charges on a variety of spurious grounds, including under the Explosive Substances Ordinance Act, which carries the death penalty as a sentence. Labor rights groups are facing registration problems, which in turn affects their funding and operations.

The government has continued to pursue legal action aimed at intimidating the Bangladesh Center for Worker Solidarity (BCWS), an NGO which works closely with trade unions, and has arbitrarily revoked its NGO accreditation. BCWS has denied all the allegations against it.

Restrictions on Civil Society and Political Opposition

At the last UPR session, Foreign Minister Dipu Moni said the [partnership between NGOs and the government](#) had played a critical role in improving social indicators and expressed the government's intention to further strengthen this partnership. However, the government has grown increasingly hostile to civil society groups, particularly those who are critical of government actions.

Following the July 2012 publication of a Human Rights Watch report on the 2009 Bangladesh Rifles mutiny, public statements by Bangladeshi officials seemed to threaten action against domestic rights groups who had assisted in the research.

Of particular concern is a draft law aimed at regulating foreign donations to Bangladeshi NGOs. Many NGO's, such as BCWS or Odhikar, have already been facing years of delays in getting critical foreign funds released for their projects. If passed this bill has the potential to legalise the already arbitrary and non-transparent process by which the government regulates the distribution of NGO's foreign funds. In August 2012 the government announced plans to establish a new commission charged solely with regulating NGO activities, in addition to the already existing NGO Affairs Bureau.

Political opposition parties allege ongoing harassment and restriction of their activities. There have been mass arrests during protests of hundreds of BNP and other opposition leaders throughout 2012. The government has also failed to conduct a credible and independent investigation into growing cases of disappearances of opposition members and political activists, including the high profile case of Elias Ali, a regional leader of the opposition Bangladesh Nationalist Party (BNP), who disappeared on April 17, 2012. As Bangladesh prepares for elections in 2013, it is critical that opposition parties be allowed to peacefully protest and be allowed to carry out legitimate political activities.

Refugees and Asylum Seekers

During its previous UPR, Bangladesh had said that despite not being a party to the 1951 Refugee Convention, Bangladesh had "consistently upheld its principles and objectives" and not "done a single refoulement" of the 300,000 Rohingya refugees who came from Burma. It noted how its "role in protecting the rights of refugees" from Burma had been recognized by the UNHCR.

Unfortunately, the government's response in 2012 to the influx of Rohingya refugees fleeing sectarian violence in Arakan state in Burma has exposed the Bangladesh government's assertions of respect for the Refugee Convention as false. Not only did Bangladesh push Rohingyas back at the border, regardless of the risk to them on return to Arakan state, it also began denying critical humanitarian assistance to its long-term Rohingya population in a bid to deter other refugees from entering. The Bangladesh government has also suspended any third-country resettlement of the Rohingya refugees, arguing that such a resettlement would only encourage other Rohingya in Burma to seek refuge in Bangladesh. Government officials began publicly labelling the Rohingya as "intruders" and "criminals."

The long-term Rohingya refugees in the country live in some of the poorest provisioned camps in the world. Government assurances at the last UPR to "provide improved facilities and upgrade protection measures" for them, have amounted to little.

Fair Trials: International Crimes Tribunal (ICT) and Bangladesh Rifles Mutiny

Human Rights Watch has long supported the desire of victims of atrocities in Bangladesh's 1971 war of independence to gain justice. But the trial process of the International Crimes Tribunal (ICT), set up in 2010, fails to meet international fair trial standards. Although amendments were made to the ICT Act in mid-2011 to address some of these shortcomings, the law still falls far short of meeting international standards of due process and fair trial.

The government should amend the ICT Act to ensure that the definitions of the enumerated crimes conform to international standards. The government should also repeal article 47(A) of the constitution which denies any accused under the ICT Act to move the Supreme Court for the enforcement of their fundamental rights, including basic protections such as safeguards against arbitrary arrest and detention

In June 2012 Human Rights Watch released a report detailing due process concerns for the almost 6,000 Bangladesh Rifles soldiers charged with taking part in a 2009 mutiny. In addition to the allegations of torture during arrest and questioning, most of the accused do not have proper access to lawyers, and are often unaware of the charges against them. Mass trials, with as many as 800 accused being tried at one time, in one courtroom, are of serious concern. Government officials dismissed the report immediately and launched a public relations campaign in which it denounced not only Human Rights Watch but local groups who had helped during the research into the report.

Women's and Girls' Rights

Violence against women and girls and their discriminatory treatment under personal status laws persists in Bangladesh. While Bangladesh has a strong set of laws to tackle violence against women, the implementation remains poor. Violence against women including rape, dowry-related assaults and other forms of domestic violence, acid attacks, and illegal punishments in the name of "fatwas," and sexual harassment continue.

New cases were reported in 2011 of beatings, isolation, and other public humiliation of girls, all imposed following so-called fatwas on issues such as talking to a man, pre-marital relations, having a child outside wedlock, and adultery. Women's groups are particularly concerned that such abuses continue even though the High Court division of the Bangladesh Supreme Court ordered government authorities to take preventive measures and prosecute perpetrators. Bangladesh maintains discriminatory and archaic personal laws for Muslims, Hindus, and Christians, which give men more powers during marriage and at the time of divorce or separation than women.

In September 2012 Human Rights Watch released a report describing how these discriminatory personal laws impoverish many women at separation or divorce, and trap some women in violent marriages because they

fear destitution. In many cases we documented how these discriminatory personal laws contribute to homelessness, hunger, and ill-health for divorced or separated women and their children. Current laws deprive women of an equal right to marital property. The limited entitlements these laws offer women are poorly enforced by family courts and local government arbitration councils. Female-headed households and women facing domestic violence need critical state support and social assistance.

Chittagong Hill Tracts

At the 2009 UPR session, the Bangladeshi government said most of the provisions of Chittagong Hill Tracts peace accord had already been implemented and the rest would be implemented “within the shortest possible time within the framework of the Constitution of Bangladesh.”

However, reports by both international and local human rights groups have found continued acts of violence and discrimination against indigenous groups. There have been repeated clashes between ethnic and religious minority groups and “settlers” who belong to the majority Bengali community, and there are credible reports of arbitrary arrests, torture and unlawful killings.

Environmental health

The Hazaribagh neighborhood of Dhaka is one of the most polluted urban sites in the world. The government estimates that the leather tanneries in Hazaribagh discharge about 22 thousand cubic metres of untreated effluent, containing chromium, sulphur, ammonium and other chemicals, into the Buriganga river, each day. In 2012 Human Rights Watch released a report on health and human rights crisis caused by the tanneries in Hazaribagh, Dhaka.

The report found that local residents, including poor families living in Hazaribagh slums, complain of a variety of health problems, such as fevers, skin diseases, and respiratory and stomach illnesses. Tannery workers suffer from respiratory problems as well as skin diseases like fungal infections, contact dermatitis, scabies, and urticaria. Despite working with some chemicals that are actual or potential human carcinogens, many workers complained that their tannery did not supply protective equipment such as gloves, masks, boots and aprons, or supplied it in insufficient quantities. Some tanneries deny workers sick leave when ill or compensation when injured.

Human Rights Watch also interviewed children, some as young as 11, employed in tanneries who work long hours each day directly with chemicals, heavy tannery machinery, or cutting hides with razor blades.

According to Bangladesh’s High Court, the government should have ensured that the tanneries installed adequate means to treat their waste over a decade ago. The government ignored that ruling. Officials from the Department of Environment as well as the Labor Inspectorate in the Department of Labour confirmed to Human Rights Watch that the government does not enforce labor and environmental laws against the Hazaribagh tanneries.

Recommendations

Human Rights Watch calls on the government of Bangladesh to:

- Halt mass trials for accused in the 2009 BDR Mutiny.
- Establish an independent investigative and prosecutorial task force with sufficient expertise, authority, and resources to rigorously investigate and, where appropriate, prosecute all allegations of unlawful deaths, torture, and mistreatment of suspects in the mutiny, regardless of the rank or institutional affiliation of the person responsible for the abuse.
- Ensure that all human rights violations committed by members of the security forces, including the police, Armed Forces, and RAB, are promptly and thoroughly investigated and prosecuted.

- Repeal all legal provisions that shield public officials from prosecution and punishment, including article 46 of the Constitution and sections 197 and 132 of the Code of Criminal Procedure.
- Revise the military laws to ensure the jurisdiction of the civilian criminal justice system over members of the armed forces for violations of human rights.
- Revise the Armed Police Battalion Act to clarify that all human rights violations committed by members of RAB are to be prosecuted by the civilian criminal justice system.
- Address concerns of domestic and international civil society organizations and ensure that any new law to regulate NGOs conforms to international laws and best practices.
- Ratify the Optional Protocol for Convention Against Torture.
- Allow independent humanitarian agencies free and unfettered access to the border areas.
- Keep border open to people fleeing threats to their lives and provide them protection.
- Accept offers that have been made by foreign governments of resettlement of Rohingya refugees already in official camps.
- Ensure ICT trials are fair and conform to international law standards.
- Repeal 47(A) of the constitution which denies basic rights to those accused under the ICT Act.
- Implement the phased withdrawal of the temporary military camps in the CHT as part of the peace accord.
- Establish an independent and impartial investigation into the acts of violence against the indigenous people and prosecute all those responsible, including army and law enforcement officials irrespective of their rank.
- Punish and take action against anyone who issues or implements extrajudicial punishments in the name of “fatwas.”
- Remove its reservations to the UN Convention on the Elimination of All Forms of Discrimination Against Women and reform its personal laws to ensure equality during marriage and at the time of divorce or separation.
- Enact a law governing marital property giving women an equal right to marital property, recognizing their financial and nonfinancial contributions.
- Streamline procedures in family courts and ensure that maintenance or alimony is awarded in a timely manner.
- Urgently implement the Domestic Violence (Prevention and Protection) Act, 2010, especially the economic entitlements available to women under the law.
- Ensure that female-headed households have access to social assistance.
- Allow free and easy access to the CHT to media and local and international civil society and human rights organizations.
- Take immediate and sustained action to enforce compliance by all tanneries in Hazaribagh with provisions of the Labour Act (2006), including the provisions on:
 - worker health and safety;
 - paid sick leave;
 - compensation for serious injuries;
 - effective disposal of waste and effluent.
- Ensure all tanneries in Bangladesh have an environmental clearance certificate for industrial units categorized as ‘red’ (i.e. heavily polluting). Close tanneries operating without an environmental clearance certificate.
- Foreign companies sourcing leather or leather goods from Hazaribagh should ensure that all leather and/or leather goods originate from tanneries in full compliance with Bangladeshi environmental and labor law.