

# **Joint Submission by Solidarity Group for Bangladesh to the Fourth Cycle of UPR of Bangladesh**

## **I. Introduction**

1. The Solidarity Group for Bangladesh submits this report for consideration as part of the fourth Universal Periodic Review (UPR) of Bangladesh.<sup>1</sup> The report covers the period from 1 June 2018 to 31 March 2023.

2. In May 2018, during Bangladesh's third UPR cycle, a total of 251 recommendations were made by UN member states, of which the Bangladeshi government accepted 178 and noted 73. Many of these recommendations were a continuation of the first and second UPR cycles.

3. During Bangladesh's third UPR cycle, the government has made no progress in implementing recommendations related to: the right to life; freedom of expression, association, and assembly; the prevention of torture and ill-treatment; enforced disappearances and extrajudicial killings; gender equality; and cooperation with UN human rights mechanisms.

4. Since the third UPR of Bangladesh, the human rights situation in the country has further deteriorated. State institutions remained politicized and damaged following the farcical 11<sup>th</sup> parliamentary elections in December 2018.<sup>2</sup>

5. The 2018 parliamentary elections shattered the electoral system of Bangladesh. The crisis of public confidence in the Election Commission has continued due to its active complicity in overseeing local and national elections that did not meet relevant international standards. Article 25 of the International Covenant on Civil and Political Rights (ICCPR), which has been ratified by Bangladesh, was violated in the 2018 elections, when voters across the country were prevented from casting their votes and numerous incidents of fraud and irregularities were reported.<sup>3</sup> Persecution and attacks on the opposition parties occurred in the lead-up to voting day. Across the country, security forces and ruling Awami League party activists attacked and obstructed opposition candidates' election rallies and meetings. Mass arrests and the filing of criminal cases against opposition leaders and activists also marred the electoral process.<sup>4</sup> Civil society found instances of ballot stuffing during the night before voting day in 47 out of 50 constituencies surveyed.<sup>5</sup> Local government polls and by-elections held in 2019,<sup>6</sup> 2020,<sup>7</sup> 2021,<sup>8</sup> and 2022<sup>9</sup> were also marred by widespread election fraud and irregularities, including ballot-box stuffing, voter suppression and intimidation, and violence.

6. The judiciary still lacks independence from the executive branch of government. The Ministry of Law controls promotions, postings, and transfers of subordinate court judges and takes disciplinary actions against them. No law has yet been enacted on the appointment of Supreme Court judges. As a result, there is no accountable and transparent appointment process, and qualified judges have not been appointed.<sup>10</sup>

7. Repressive policies and laws have been used to silence dissenting voices. Human rights defenders (HRDs) have faced regular persecution, and members and supporters of the ruling party have been directly engaged in human rights violations.

8. Excessive government restrictions have undermined the right to freedom of expression, peaceful assembly, and association, making it dangerous for HRDs and civil society organizations (CSOs) to voice their concerns without fear of reprisals and intimidation by state agencies. Those who seek to expose human rights violations have routinely fallen victim to intimidation by security forces.

9. Documentation and analysis carried out by HRDs and CSOs<sup>11</sup> shows there is a culture of impunity and systemic denial of access to justice in Bangladesh. Defendants in politically-motivated cases have been victims of judicial harassment without any access to effective remedy and amid blatant violations of their right to a fair trial.

10. The government has used state institutions, including the National Human Rights Commission (NHRC), the Election Commission, the Anti-Corruption Commission, law enforcement agencies, and the judiciary to implement its political agenda.

## **II. Normative and institutional framework**

### ***a) New repressive laws and policies***

11. The government has not made progress regarding the implementation of recommendations to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), the Optional Protocol to the Convention against Torture (OPCAT), or the First and Second Optional Protocols to the ICCPR. Instead, the government has promoted and enacted several laws that violate international human rights law. Other repressive laws such as the Special Powers Act 1974, the Anti-Terrorism Act 2009, and the Information and Communication Technology (ICT) Act 2006 remain in force.

12. Despite widespread criticism and protests by journalists, HRDs, and CSOs, on 19 September 2018, Parliament passed the Digital Security Act 2018 (DSA), which came into effect on 8 October 2018.<sup>12</sup> The DSA has been used to curtail the right to freedom of opinion and expression of HRDs, journalists, lawyers, academics, political activists, environmental and labor rights activists, writers, bloggers, government critics, and online activists.<sup>13</sup>

13. The Bangladesh Telecommunication Regulatory Commission (BTRC) has developed a new draft policy titled “Bangladesh Telecommunication Regulatory Commission Regulation 2021” to regulate digital, social media, and over-the-top platforms. Similar to the DSA, this regulation prohibits any content that “creates disturbance or disorder or tends to aggravate or worsen the law and order situation” or is “offensive, false or threatening and defamatory or insulting to a person.” This will severely curtail freedom of speech and bring private internet service providers under undue scrutiny. Under the BTRC Act 2001, private internet service providers who violate policies developed by the BTRC can be fined up to three billion Taka (USD 28 million) and sentenced to up to five years in prison.<sup>14</sup>

14. Most recently, the government drafted a Data Protection Bill 2022 (DPA) to “protect information,” saying it would restrict the unauthorized use of personal information for commercial purposes. However, the DPA, if enacted in the current form, will create the risk of unchecked administrative and governmental control over information in the name of protecting personal data. Due to the lack of proper definitions (including the absence of a definition of what constitutes “personal data”), and the sweeping and intrusive powers given to a Digital Security Agency, it is feared that the draft law will be used to repress individuals. In addition, the draft law does not include provisions for legal redress against possible abuse on the part of the authorities. Lastly, the draft law grants immunity from criminal and civil liability to the Director General of the Digital Security Agency and its staff for activities done “in good faith.”<sup>15</sup>

### ***b) National Human Rights Commission (NHRC)***

15. The legal framework governing the composition and functioning of the NHRC remains largely inconsistent with the Paris Principles. As a result, the government has taken the opportunity to select and appoint NHRC members who are not independent, through a process that lacked transparency.

16. The government has continued to ignore the calls of CSOs for a transparent and participatory selection process of NHRC members. On 8 December 2022, the government appointed its former Home Secretary, Dr. Kamal Uddin Ahmed, as NHRC Chairman, former Ministry of Railway Secretary Salim Reza as full-time member, and five other members without the participation of independent civil society.<sup>16</sup>

17. The government has installed loyal ex-bureaucrats with no track record of human rights work. Criticizing the process of appointment to top NHRC positions, HRDs said the Commission had become a retirement home for top government bureaucrats.<sup>17</sup>

18. The NHRC has failed to win the trust of the people because it has remained largely silent amid the ongoing commission of serious human rights violations, including enforced disappearances, torture, and extrajudicial killings in the country.

## **III. Implementation of third UPR recommendations**

### **a) Cooperation with international human rights mechanisms**

19. The Bangladeshi government’s record of cooperation with UN human rights mechanisms remains poor. The government has failed to implement recommendations it accepted during the third UPR

cycle of Bangladesh in relation to visits requested by UN special procedure mandate holders and the extension of a standing invitation to all UN special procedures.

20. Since Bangladesh's third UPR, the government has allowed the UN Special Rapporteur (UNSR) on human rights in Myanmar, the UNSR on migrants, the UNSR on trafficking, the UNSR on leprosy, the Independent Expert on older persons, and the UNSR on extreme poverty to conduct official visits to Bangladesh. However, requests for country visits by the UNSR on torture have been pending since 2018 and the last reminder to the government was sent in August 2021. The UNSR on extrajudicial, summary or arbitrary executions sent the latest reminder for a country visit in July 2018. The country visit requests from the UNSR on freedom of expression and the UNSR on freedom of assembly and of association have been pending since 2014, despite reminders in 2018. Similarly, the country visit requests from the UNSR on the independence of judges and the UNSR on human rights and counter-terrorism have been pending since 2017 and 2012, respectively.<sup>18</sup> The government did not respond to requests for a country visit from the UN Working Group on Enforced or Involuntary Disappearances (WGEID). The WGEID's latest reminder was sent to the government on 24 April 2020. The WGEID also transmitted five General Allegations letters to the government - none of which have received a response.<sup>19</sup>

21. The government has not ratified the Optional Protocol to the Convention on the Rights of the Child, despite accepting a recommendation that called for this measure. In addition, the government has never submitted any initial or periodic reports to any UN treaty bodies on time. For instance, the government submitted its initial report to the UN Committee Against Torture (CAT) on 23 July 2019, 20 years after the ratification of the UN Convention against Torture, Cruel and Inhuman or Degrading Treatment or Punishment.<sup>20</sup> The government also failed to submit a follow-up report to the CAT within one year after the adoption of the Concluding Observations on the initial report of Bangladesh, requested by the CAT by 9 August 2020.<sup>21</sup> The submission of Bangladesh's initial report to the Committee on the Elimination of Racial Discrimination (CERD) has been pending since July 2002.

## **b) Serious human rights violations perpetrated by the state**

### **Extrajudicial killings**

22. Extrajudicial killings have continued in Bangladesh. During Bangladesh's third UPR cycle, from May 2013 to September 2017, Odhikar documented 845 cases of extrajudicial killings. These kinds of extrajudicial killings have increased since the government embarked on a nationwide "war on drugs" in May 2018. From June 2018 to December 2022, Odhikar documented 1,220 cases (+44% from the third UPR cycle) of extrajudicial killings by law enforcement agencies, including the police, the Rapid Action Battalion (RAB), the Border Guard Bangladesh (BGB), and the Detective Branch (DB) of police. Among these cases, 45 persons were tortured to death in custody. Law enforcement agencies have regularly tried to cover up extrajudicial killings by falsely describing them as deaths due to "gunfights", "in crossfire", "an encounter", or "a shootout."

23. The victims' families allege that those killed were in fact executed while in the custody of members of law enforcement agencies. In most cases, no prompt or thorough investigations into the killings have been carried out.

### **Torture and custodial deaths**

24. Torture and other forms of degrading treatment have become institutionalized practices in Bangladesh, despite the enactment of the Torture and Custodial Death (Prevention) Act in 2013.<sup>22</sup> Members of law enforcement agencies have rarely been held accountable for these violations. Deaths in custody as a result of torture by law enforcement agencies have continued to occur and have been regularly labeled as "suicide."<sup>23</sup> During police remand, detainees have been normally tortured in custody for two reasons: 1) to extort money with threats of more torture; and 2) to punish government critics and political opponents. Police have also resorted to torture to extract statements from detainees, rather than carry out proper and thorough investigations. Victims and/or their families are extremely reluctant to speak out against the perpetrators due to fear of further harassment and reprisals. Those who have filed cases have faced harassment and intimidation.<sup>24</sup>

25. Although numerous allegations of torture and custodial deaths have been reported, the number of complaints filed under the Torture and Death in Custody (Prevention) Act has remained low. It has

been reported that about 50 cases<sup>25</sup> have been filed under the Act since its enactment.<sup>26</sup> The lack of a comprehensive campaign to make people aware of the law and the victims' fear of reprisals have been cited as the primary reasons for this low number. Meanwhile, there has been only one conviction under the law. The country's first known judgement was delivered on 9 September 2020 under this Act, after five years of legal battle, when a Dhaka court found three police officers guilty of the custodial torture and death of a man and sentenced them to life imprisonment. Two police informers were also sentenced to seven years in prison. Regrettably, justice has been elusive, as the victim's family is still fighting amid protracted legal proceedings, due to police inaction in arresting one of the "absconding" convicts.<sup>27</sup>

### **Enforced disappearances**

26. According to data gathered by Odhikar, from June 2018 to December 2022, a total of 192 persons were subjected to enforced disappearance. It has become difficult to determine the exact number of enforced disappearances because incidents have not always been reported in the media, as the families of the disappeared have faced various kinds of pressure and threats from law enforcement agencies to not publicise the incidents. In some cases, although law enforcement agencies denied the arrest, days or months later the arrested persons were produced before the public by the police or handed over to a police station and appeared in court. In other cases, the bodies of the disappeared persons were found. The resurfaced victims of enforced disappearance and/or their family members do not want to speak about their experience, out of fear of further violence. Some people were also reported to have disappeared after they were labeled as "Islamic extremists" in the name of "countering terrorism."

27. An investigative report published by *Netra News* unearthed a secret detention centre "*Aynaghar*" ("house of mirrors"), operated by the Directorate General of Forces Intelligence (DGFI), Bangladesh's military intelligence agency. According to the report, the facility has more than 30 holding cells and several soundproof interrogation rooms, where detainees are often tortured. The report documents the horrific experiences recounted by survivors of enforced disappearance.<sup>28</sup>

28. In recent times, "short-term" disappearances have been taking place and law enforcement officers later showed the disappeared persons as arrested on criminal charges, including under the Anti-Terrorism Act 2009.<sup>29</sup>

29. The government has continued to deny the existence of enforced disappearances in the country, and pro-government individuals and media outlets have been enthusiastically spreading false propaganda against human rights activists<sup>30</sup> and family members of the disappeared victims.<sup>31</sup>

### **Prison conditions**

30. Prison conditions in Bangladesh are extremely poor and characterized by severe overcrowding. According to information from the Directorate of Prisons, the official capacity of Bangladesh's 68 prisons, including Dhaka Central Jail, is slightly more than 42,500. However, as of 11 December 2022, Bangladesh's total prison population crossed 100,000.<sup>32</sup>

31. Due to inadequate medical facilities and a shortage of doctors, most of the inmates have been deprived of medical treatment. Allegations of torture of inmates emerged from almost all prisons in the country.<sup>33</sup> From June 2018 to December 2022, Odhikar documented the deaths of 318 inmates in prisons, with most reported to have died due to "illness."

32. On 7 March 2022, an inquiry committee formed by the Directorate of Prisons to investigate allegations of torture in prisons found these allegations were true. Prison officials in all 68 facilities were identified by the inquiry committee in connection with instances of torture. However, the government has failed to take any action against them.<sup>34</sup>

### **Freedom of opinion and expression**

33. Since the third UPR of Bangladesh, the right to freedom of opinion and expression has come under serious threat due to increased government control over the media, especially the digital media. The government has not taken any effective measures to ensure that media and journalists can work free from fear and oppression, including censorship, threats, intimidation, harassment, physical assaults, detentions, and killings. Many media outlets have been forced to practice self-censorship.

34. Independent journalists have been routinely harassed through the filing of lawsuits and arrests under various repressive laws, including the DSA 2018, for publishing various news items, including on corruption, against individuals associated with the ruling party and against government officials. It has been reported that between December 2019 and February 2022, 207 journalists were prosecuted under the DSA.<sup>35</sup> Journalists have also been attacked by ruling party members and supporters for covering criminal activities, including political violence, irregularities and corruption.

35. According to information gathered by Odhikar, from June 2018 to December 2022, 312 journalists were injured, 114 assaulted, 68 threatened, 123 sued, 27 detained, and three killed. No measures were taken by the government to prevent or investigate any of these incidents. The pro-opposition electronic and print media, such as *Channel 1*, *Diganta TV*, *Islamic TV*, and the *Daily Amar Desh* newspaper, have remained closed since 2013.

36. The government has systematically enforced the repressive DSA to silence and intimidate journalists, academics, activists, HRDs, artists, performers, and government critics. Although the government repealed Sections 54, 55, 56, 57, and 66 of the Information and Communication Technology (ICT) Act 2006, it has incorporated and expanded such provisions in the DSA. Despite accepted UPR recommendations, the government has neither reviewed nor amended the DSA to ensure it adheres to international norms and standards on freedom of expression.

37. According to cases documented by Odhikar, from June 2018 to December 2022, 405 persons have been arrested under the DSA for allegedly posting critical comments against the Prime Minister, high ranking government officials, or for posting “provocative” or “derogatory” remarks against religion.

38. There have been several emblematic cases of attacks and harassment against journalists. For example, on 4 May 2020, a group of men claiming to be from RAB-3 arrested writer Mushtaq Ahmed and cartoonist Ahmed Kabir Kishore at their homes, for criticizing the government’s failure to handle the Covid-19 pandemic, through writings and cartoons posted on Facebook. Mushtaq Ahmed later applied for bail six times but the court rejected all of his bail applications. On 25 February 2021, Mushtaq Ahmed died in Kashimpur Central Jail. On 4 March 2021, Ahmed Kabir Kishore was released following widespread protest in the country over the custodial death of the dissident writer.<sup>36</sup>

39. Shafiqul Islam Kajol, a Bangladeshi photojournalist and newspaper editor, went missing on 10 March 2020, a day after defamation charges were filed under the DSA against him and 31 others, including the Chief Editor of the daily *Manabzamin*, Matiur Rahman Chowdhury, and its chief reporter, Al-Amin, by an influential ruling party lawmaker, for allegedly publishing “false, offensive and defamatory” content on Facebook. On 3 May 2020, the BGB found Kajol near the Benapole border area and detained him. He was sent to jail by a Jashore court on the same day under Section 54 of the Code of Criminal Procedure.<sup>37</sup> Later, he was arrested in three separate cases filed under the DSA. The lower court rejected his bail requests for seven months, until the High Court, on 24 November 2020, granted him bail in one case. He was released from jail on 25 December, on bail granted by the High Court in the other two cases. The Dhaka Cyber Tribunal accepted a charge sheet against Kajol on 8 September 2021, stemming from a defamation complaint filed against him.<sup>38</sup>

40. Journalists have also been closely monitored at both the national and district levels, which has hampered investigative journalism. In 2021, Rozina Islam, senior reporter of the daily newspaper *Prothom Alo*, was confined in a room at the Health Ministry for about six hours and mistreated by the officials when she went there to collect information on corruption in the health sector during the Covid-19 pandemic. Later a case was filed against Rozina Islam at Shahbagh Police Station under Section 379 of the Penal Code and Sections 3 and 5 of the Official Secrets Act 1923.<sup>39</sup> She was granted bail almost a week after her arrest<sup>40</sup> and, in July 2022, all charges against her were dropped.<sup>41</sup>

41. Family members of exiled journalists and government critics have often been targeted in Bangladesh. On 13 September 2022, the DB of police in Noakhali District arrested Nur Alam Chowdhury Pervez, brother of Shamsul Alam Liton, editor of the privately-owned United Kingdom-based *Weekly Surma* newspaper. The police accused Liton of spreading anti-government propaganda on social media and alleged Pervez conspired with Liton to create “confusion and agitation” among the public.<sup>42</sup>

42. In April 2022, the mother of Bangladesh-born Swedish journalist Tasneem Khalil was questioned by members of a law enforcement agency in Sylhet. Khalil, who lives in Sweden, runs the *Netra*

News website, which has been blocked by Bangladeshi authorities since December 2019.<sup>43</sup> In July 2022, members of law enforcement agencies visited exiled blogger Asad Noor's house and threatened his family members in an attempt to make him stop criticizing the government and the ruling party.<sup>44</sup>

43. On 5 October 2021, Nusrat Shahrin Raka, sister of exiled journalist Konak Sarwar, was arrested and placed on a five-day remand in connection with two cases filed against her brother over allegations of airing "anti-government" talk shows abroad.<sup>45</sup> She was detained for 160 days on fabricated charges of "anti-state propaganda" and "possessing drugs."<sup>46</sup>

### **Freedom of peaceful assembly**

44. Since the third UPR of Bangladesh, the government has continued to violate the right to freedom of peaceful assembly, which is guaranteed by Article 37 of the Constitution. Law enforcement officials have threatened political parties and dissidents to not hold rallies, using repression, legal action, imposing fabricated charges, and harassment. Ruling party members and supporters have obstructed and attacked peaceful protest rallies of opposition political parties and independent civil society organizations.

45. In many cases, law enforcement agencies filed cases, arrested, and persecuted leaders, members, and activists of the main opposition Bangladesh Nationalist Party (BNP) after terming their peaceful assemblies "illegal" and accusing them of conducting "anti-state activities." Between August and December 2022, the BNP organised anti-government rallies in various parts of the country where six BNP leaders and activists were fatally shot after members of law enforcement agencies opened fire on protesters.

46. In March 2021, police attacked rallies organized by opposition political parties to protest against the official visit of Indian Prime Minister Narendra Modi to Bangladesh. Ruling party members and supporters, along with police, attacked protesters in different parts of the country. At least 19 people were killed and more than 100 injured after police and BGB fired on the protesters at various locations.<sup>47</sup> On 31 September 2021, Tejgaon police in Dhaka raided the house of Hajera Khatun, founder of Maayer Daak, a network of families and relatives of the disappeared persons, during a prayer meeting. During the raid, police forcibly entered different rooms of the house and beat the relatives of the disappeared persons.<sup>48</sup>

### **Freedom of association**

47. The right to freedom of association in Bangladesh has been widely restricted, despite being guaranteed by Article 38 of the Constitution. The ability of NGOs in Bangladesh to access foreign funding has long been hindered by formidable barriers, including the Foreign Donations (Voluntary Activities) Regulation Act 2016. The government introduced several new restrictions on NGOs. According to a 2021 regulation, NGOs that remain inactive for five years and cannot secure international funding during that period are subject to cancellation by the NGO Affairs Bureau (NGOAB), which is controlled by the Prime Minister's Office (PMO). Access to resources is now more limited than ever before.<sup>49</sup> In November 2021, the PMO introduced a circular with new restrictions on CSOs, including the requirement for NGOs registered with the NGOAB to provide grants or financial assistance only to other organizations registered with the NGOAB.<sup>50</sup> Due to this circular, CSOs registered under other governing laws, but not with the NGOAB, can no longer receive grant support from domestic or international NGOs. As of March 2023, 2,558 NGOs were registered with the NGOAB, and the registration of 737 other NGOs had been cancelled since 2002.<sup>51</sup>

48. Human rights organisations have been subjected to intimidation and harassment. For example, on 5 June 2022, the government arbitrarily cancelled the registration of Odhikar (after keeping its registration renewal application pending for over eight years) for documenting human rights violations in the country and for working closely with UN human rights monitoring mechanisms and international rights groups.<sup>52</sup>

### **Situation of human rights defenders**

49. HRDs in Bangladesh have been subjected to persecution, torture, surveillance, harassment and intimidation by state actors. Bangladeshi authorities have continued to harass HRDs and their family members for their activism and cooperation with international human rights organizations and UN mechanisms. Following the adoption by the US government of sanctions against Bangladesh's RAB

on 10 December 2021, the RAB and National Security Intelligence (NSI) made threatening phone calls to HRDs and families of victims of human rights violations, summoning them to their local offices, and visiting their workplaces and homes at night in different areas of Bangladesh.<sup>53</sup>

50. Adilur Rahman Khan and ASM Nasiruddin Elan, Secretary and Director of Odhikar, respectively, are facing trial based on trumped up charges under section 57 of the Information and Communication Technology (ICT) Act 2006.<sup>54</sup> The trial's first hearing was held on 12 September 2021 at the Dhaka Cyber Tribunal.

51. Prominent photographer and HRD Shahidul Alam was arrested on 5 August 2018, and was charged under Section 57 of the ICT Act 2006 for giving an interview with the TV network *Al Jazeera* concerning student protests in Bangladesh and providing commentary on live Facebook videos.<sup>55</sup> He alleged being tortured by police while in custody.<sup>56</sup> On 15 November 2018, the High Court Division of the Supreme Court granted Shahidul Alam bail. He was released from jail five days later on 20 November, following 108 days of detention. The charges against him have not yet been dismissed. In addition, on 9 February 2023, the Cyber Tribunal of Dhaka directed the Criminal Investigation Department (CID) to submit a probe report by 16 March 2023 in the same case against Shahidul Alam under the ICT Act.<sup>57</sup>

52. HRD and blogger Pinaki Bhattacharya was forced to seek political asylum in France after the government harassed him for writing social media articles criticizing the government. Before leaving Bangladesh in 2018, Pinaki Bhattacharya faced harassment and intimidation by law enforcement and intelligence agencies. On 15 October 2022, the Counter Terrorism and Transnational Crime (CTTC) unit of Dhaka Metropolitan Police filed a case against him, under the DSA for "conspiring to malign the image of the state."<sup>58</sup>

### ***Death penalty***

53. Capital punishment remains in force in Bangladesh. The laws of Bangladesh prescribe the death penalty for 33 offenses. According to information gathered by Odhikar, between June 2018 and December 2022, a total of 1,350 defendants were sentenced to death by lower courts and 13 people were executed by hanging.

54. Defendants sentenced to death are normally kept in solitary confinement in condemned cells<sup>59</sup> for many years, after the court imposed the death sentence. For example, Maqbool Hossain, from Kishoreganj, was arrested in 2003 for murder. The lower court sentenced him to death in 2006. Maqbool was imprisoned in a condemned cell for 15 years, awaiting execution. He was eventually released from prison after the Appellate Division of the Supreme Court acquitted him in 2021.<sup>60</sup>

55. The government has neither ratified the Second Optional Protocol to the ICCPR, nor made any commitments to abolish the death penalty or establish an official moratorium on its use. Rather, the government has amended existing legislation, introducing new capital offenses that do not meet the threshold of the "most serious crimes." On 17 November 2020, Parliament passed the Women and Children Repression (Prevention) (Amendment) Bill 2020 to include the death penalty as the maximum sentence for individuals found guilty of rape.<sup>61</sup>

## **IV. Recommendations**

56. The Solidarity Group for Bangladesh calls on UN member states to make the following recommendations during the fourth UPR of Bangladesh:

- i. Conduct free, fair, inclusive, and participatory parliamentary elections under a non-partisan interim government and allow independent international election monitoring missions to observe the electoral process.
- ii. Establish an independent body tasked with investigating cases of enforced disappearances, extrajudicial killings, and torture, and identifying the alleged perpetrators.
- iii. Ensure perpetrators of enforced disappearances, extrajudicial killings, and torture, are held accountable and victims have access to justice and reparations.
- iv. 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.

- v. Criminalize enforced disappearances in compliance with the International Convention for the Protection of All Persons from Enforced Disappearance.
- vi. Respect the right to freedom of opinion and expression, including by ceasing all interference with media and repealing the repressive laws and policies that restrict the exercise of such right.
- vii. Refrain from all form of attacks and harassment, including at the judicial level, against journalists, human rights defenders, and civil society activists.
- viii. Repeal or significantly amend the Digital Security Act 2018, the Anti-Terrorism Act 2009, the Special Powers Act 1974, the Information and Communication Technology (ICT) Act 2009, and the Foreign Donations (Voluntary Activities) Regulation Act 2016 in compliance with international standards.
- ix. Ensure a safe and an enabling environment for human rights defenders, civil society organizations and independent media, including by respecting their rights to freedom of peaceful assembly and freedom of association.
- x. Amend the National Human Rights Commission Act 2009, in consultation with civil society organizations and relevant stakeholders, to make it consistent with the Paris Principles.
- xi. Establish a clear, transparent, participatory, and merit-based selection and appointment process of NHRC members, by ensuring the meaningful involvement of civil society organisations in the process.
- xii. Reply without delay to all communications received from UN special procedures mandate holders.
- xiii. Extend a standing invitation to all UN special procedures mandate holders, and issue an invitation for an official country visit to the UN Working Group on Enforced or Involuntary Disappearances (WGEID).
- xiv. Establish a moratorium on the use of the death penalty as a first step towards its full abolition.

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<sup>1</sup> The Solidarity group for Bangladesh comprises the following organizations: Advocates for Human Rights, Anti-Death Penalty Asia Network (ADPAN), Asian Federation Against Involuntary Disappearances (AFAD), Asian Forum for Human Rights and Development (FORUM-ASIA), Asian Legal Resource Centre (ALRC), the Asian Network for Free Elections (ANFREL), Capital Punishment Justice Project (CPJP), International Coalition Against Enforced Disappearances (ICAED), International Federation for Human Rights (FIDH), Maayer Daak, Odhikar, Robert F. Kennedy Human Rights (RFKHR), and World Organisation Against Torture (OMCT).

<sup>2</sup> During the 11th Parliamentary elections on 30 December 2018, incidents of various irregularities, such as stuffing ballot boxes in most of the polling stations in the night before polling day; casting fake votes; voters being forced or coerced to vote openly for the ruling party candidates; 'capturing' polling centers; arrests and forcibly ousting of polling agents of the opposition party-nominated candidates; and intimidation of voters by supporters of the ruling Awami League-nominated candidates, election officials and members of law enforcement agencies, occurred. As a result, most of the people could not vote. See Transparency International Bangladesh, <https://www.ti-bangladesh.org/beta3/index.php/en/highlights/5749-2019-01-15-07-24-5>

<sup>3</sup> Time, 'They Threaten Everyone.' Sheikh Hasina's Landslide Win in Bangladesh Marred by Voter Suppression, 31 December 2018, <https://time.com/5490744/bangladesh-elections-sheikh-hasina-rigging-allegations/>; BBC, Bangladesh elections: Deadly clashes mar vote, 30 December 2018, <https://www.bbc.com/news/world-asia-46603113>; BBC Bangla, Parliament Election 2018: Ballot boxes stuffed before voting as caught on camera by BBC correspondent in Chittagong, 31 December 2018, <https://www.bbc.com/bengali/news-46720707>

<sup>4</sup> Dhaka Tribune, 15 hurt in Chhatra League attacks on Afroza's campaign, 12 December 2018, <https://archive.dhakatribune.com/bangladesh/election/2018/12/12/bnp-chhatra-league-men-attacked-afroza-abbas-s-campaign>; The Daily Jugantor, Election campaigns obstructed and vandalized: Candidate shot in Sirajganj, 130 injured in 20 districts, 15 December 2018, <https://www.jugantor.com/todays-paper/last-page/122139>

<sup>5</sup> Daily Star, Polls anomalies in 47 of 50 seats, 16 January 2019, <https://www.thedailystar.net/bangladesh-national-election-2018/bangladesh-election-2018-irregularities-47-out-50-seats-tib-1687840>



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- <sup>6</sup> Odhikar, *Annual Human Rights Report 2019*, pg. 10-12, [http://odhikar.org/wp-content/uploads/2020/02/Annual-HR-Report-2019\\_Eng.pdf](http://odhikar.org/wp-content/uploads/2020/02/Annual-HR-Report-2019_Eng.pdf)
- <sup>7</sup> Odhikar, *Annual Human Rights Report 2020*, pg. 26-28, <https://odhikar.org/bangladesh-annual-human-rights-report-2022-2/>
- <sup>8</sup> Odhikar, *Annual Human Rights Report 2021*, pg. 20-26, <https://odhikar.org/bangladesh-annual-human-rights-report-2021/>
- <sup>9</sup> Odhikar, *Annual Human Rights Report 2022*, pg. 25-28, <https://odhikar.org/bangladesh-annual-human-rights-report-2022-2/>
- <sup>10</sup> New Age, *Independent Judiciary still a far cry*, 31 October 2021, <https://www.newagebd.net/article/153331/>
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