



BANGLADESH: DETERIORATING HUMAN RIGHTS SITUATION

AMNESTY INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC
REVIEW, 30TH SESSION OF THE UPR WORKING GROUP, MAY 2018

AMNESTY
INTERNATIONAL



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INTRODUCTION

This document was prepared as a submission of information for the Universal Periodic Review (UPR) of Bangladesh in May 2018. In it, Amnesty International evaluates the implementation of some of the recommendations made to Bangladesh in its previous UPR in 2013, sets out its current human rights concerns in the country and makes a number of recommendations to the government of Bangladesh to address these concerns.

Amnesty International is concerned about extensive restrictions on the right to freedom of expression and attacks on activists, bloggers and journalists. It also sets out mounting concerns about an increasing number of enforced disappearances of supporters of opposition parties, discrimination and violence against Indigenous Peoples in the Chittagong Hill Tracts, the treatment of Rohingya refugees arriving from Myanmar, and discrimination against LGBTI persons.

FOLLOW UP TO THE PREVIOUS REVIEW

Despite accepting recommendations during its previous review in 2013 to improve its cooperation with human rights mechanisms,¹ Bangladesh has outstanding requests for visits from no less than 15 UN Special Procedures.² Some of these requests go back over 20 years – for example the request to visit Bangladesh by the UN Special Rapporteur on the independence of judges and lawyers is still pending despite a reminder to the government in 2012 (the original request was issued in 2007).

In its report issued on 10 August 2015,³ the UN Working Group on Enforced or Involuntary Disappearances noted that its request to undertake a visit to Bangladesh had not been responded to despite several reminders. It has also yet to invite the UN Special Rapporteur on extrajudicial, summary or arbitrary executions.

¹ Human Rights Council, Report of the Working Group on the Universal Periodic Review: Bangladesh, A/HRC/24/12, 8 July 2013, recommendations 129.48 (Sierra Leone, Peru, Turkmenistan), 129.49 (Slovenia, Ukraine, Zimbabwe), 129.51 (Palestine).

² According to the OHCHR website, the following Special Procedures have requested to visit Bangladesh: the Special Rapporteurs on Sale of children, Slavery, Extreme poverty, Human rights and counter-terrorism, Minority issues, Extrajudicial, summary or arbitrary executions, Independence of judges and lawyers, Violence against women, Racism, Toxic waste, Freedom of expression, Freedom of Assembly, Migrants, and Internally displaced persons, and the Working Group on enforced or involuntary disappearances.

³ Report of the Working Group on enforced or involuntary disappearances, A/HRC/30/38, 10 August 2015.

Bangladesh has yet to submit its first report to the Committee Against Torture since ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1998. At the 2013 UPR, Bangladesh also committed to consider ratifying the Optional Protocol to the Convention.⁴ Bangladesh also agreed to consider the possible ratification of the International Convention for Protection of All Persons from Enforced Disappearance.⁵

HUMAN RIGHTS SITUATION ON THE GROUND

RESTRICTIONS ON THE RIGHT TO FREEDOM OF EXPRESSION

There has been a string of fatal attacks on secular and other activists in Bangladesh in a context in which the right to freedom of expression in Bangladesh has been eroded.⁶

Journalists, editors, human rights defenders, secular activists, and others have suffered restrictions on their right to freedom of expression. They have faced repressive tactics, threats and physical attacks (some of which have proved fatal) by armed groups and other non-state actors. The government has failed to protect such dissenting voices and to hold accountable those who threaten them. It has also intensified its crackdown on public debate and criticism, harassing media workers and others, interfering with their work, and bringing criminal charges against them under draconian laws.

Since the last review, at least seven secular activists⁷ – five bloggers, one publisher and one online activist⁸ – have been killed in revenge attacks for exercising their right to freedom of expression.⁹ On 25 April 2016, prominent LGBTI activist and producer of the *Roopbaan* magazine¹⁰ Xulhaz Mannan and his colleague Mahbub Rabbi Tonoy were similarly targeted.¹¹ The armed group Ansar al-Islam has claimed responsibility for the attacks, citing the victims'

⁴ A/HRC/24/12, recommendations 129.2 (Peru, Argentina), 130.2 (Maldives, Germany, Chile, Czech Republic, Costa Rica, Sweden), 130.3 (Hungary, Tunisia), 130.7 (Austria).

⁵ A/HRC/24/12, recommendations 130.3 (Tunisia) and 130.4 (Uruguay).

⁶ See Amnesty International, *Caught between Fear and Repression: Attacks on Freedom of Expression in Bangladesh* 8 May 2017 (AI Index: ASA 13/6114/2017).

⁷ Those who have expressed their secular views in writing.

⁸ See for example: Amnesty International, *Bangladesh: Authorities must act as another secular activist hacked to death*, 7 April 2016, and Amnesty International, *Bangladesh: horrific pattern of violence against freedom of expression*, 31 October 2015.

⁹ Amnesty International, *Bangladesh: One year since secular blogger Ananta Bijoy Das was killed and still no justice*, 11 May 2016.

¹⁰ *Roopbaan*, Bangladesh's first and only magazine for LGBTI issues, was launched in 2014.

¹¹ See for example: Amnesty International, *Bangladesh: Authorities must act as another secular activist hacked to death*, 7 April 2016, and Amnesty International, *Bangladesh: horrific pattern of violence against freedom of expression*, 31 October 2015.

secular writings and activism¹² as their motivation.¹³ While the immediate threat appears to have receded (the last attack took place in April 2016), the killings have had a chilling impact on freedom of expression.¹⁴ Journalists based outside major towns are at increased risk of harassment or attacks from influential local actors because of their reporting and have less institutional support from their media outlets.

The authorities' response to the wave of violent attacks against secular activists has been marked by an unwillingness to condemn the killings and an attempt to shift the focus onto the victims. The police are often reluctant to investigate or to file charges against influential politicians or businessmen for threats or violence against media workers, thereby creating a culture of impunity. Some activists and bloggers who received threats from "militants" approached the police for assistance, but were turned away.¹⁵

In February 2015, following the death of secular blogger Avijit Roy, journalist and blogger Arnab Goswami approached the police after receiving threats. He was asked by the police not to mention that he was a secular activist in the complaint he lodged. However, his repeated requests for police protection were ignored and he eventually fled the country.¹⁶

In March 2017, the government stated that 22 suspects had been arrested in relation to the killings in 2015 of secular activists Bijoy Das, Avijit Roy, Faisal Deepan and Niloy Neel.¹⁷ To date, according to information available to Amnesty International, criminal convictions have only been secured in one of the cases.¹⁸ Police investigations are ongoing in some of the cases; in others, trials have yet to start.

Following the killing of the wife of a senior police officer in June 2016 and the attack on the Holey Artisan Bakery in Dhaka in July 2016, in which five men belonging to the armed group Jamaat-ul-Mujahideen killed 22 people, the authorities have significantly increased operations by the security forces. At least 11,000 people, including alleged supporters of armed groups, have been arrested¹⁹ and some have been killed in "shoot-outs" (portrayed as targeting armed

¹² Following the murder of Xulhaz Mannan and Mahbub Rabbi Tonoy, armed group Ansar al-Islam issued a statement in which they said they targeted these LGBTI activists because they were "pioneers of practicing and promoting homosexuality" in Bangladesh. For further information see: NPR.org, Editor of Bangladesh's Only LGBT Magazine Is Hacked to Death, 26 April 2016 <http://www.npr.org/sections/thetwo-way/2016/04/26/475717047/editor-of-bangladeshs-only-lgbt-magazine-is-hacked-to-death>

¹³ Since 2015, armed groups in Bangladesh have widened their list of victims from secular activists to other individuals and groups, such as members of religious minorities, foreigners and academics. Amnesty International's report however focused on those emblematic cases of those who have been targeted for exercising their right to freedom of expression.

¹⁴ According to the Committee to Protect Journalists, between 2013 and 2016, seven journalists were killed as a direct result of their work.

¹⁵ See Amnesty International, *Caught between Fear and Repression: Attacks on Freedom of Expression in Bangladesh*, 8 May 2017 (AI Index: ASA 13/6114/2017).

¹⁶ Similarly, both Niloy Neel and Faisal Abedin Deepan (two of the seven who were killed) stated shortly before their deaths that they had each approached police for protection but had been ignored. For further information see, Amnesty International *Caught between Fear and Repression: Attacks on Freedom of Expression in Bangladesh* 8 May 2017 (AI Index: ASA 13/6114/2017).

¹⁷ Human Rights Committee, 119th Session, Replies of the Bangladesh Government to the List of Issues – Annex 2, UN Doc. CCPR/C/BGD/Q/1/Add.1, 14 February 2017.

¹⁸ The 2013 murder of blogger Rajib Haider is still the only case, to date, where anyone has been convicted.

¹⁹ See Amnesty International: *Bangladesh: End illegal detentions immediately*. 14 August 2016.

groups). Human rights groups have raised serious concerns about the nature of these arrests, alleging that thousands of the arrests were politically motivated²⁰ and targeting supporters of opposition parties.²¹

The government has used draconian legislation against a wide spectrum of civil society in an attempt to silence them.²² For example, Adilur Rahman Khan and Nasiruddin Elan, the secretary and director, respectively, of the Bangladeshi human rights organization Odhikar, were charged under Section 57 of the Information and Communication Technology Act (ICT Act) for publishing a report on alleged extrajudicial executions by the security forces during a protest rally in May 2013.

Arbitrary restrictions on the media are not new and have to varying degrees taken place throughout Bangladesh's modern history. However, media workers consider that media freedom is now more restricted than at any point since the country returned to civilian rule in 1991. Some journalists have been charged with sedition and defamation,²³ while others have faced charges under the ICT Act²⁴ and other repressive laws,²⁵ often for reporting on government corruption or in other ways criticizing the authorities.

The ICT Act itself has had a harmful effect on freedom of expression. The Act²⁶ contains vague and overly broad provisions which give the authorities wide scope to bring criminal charges against critics.²⁷ Moreover, under amendments to the Act introduced in 2013, police now have the power to make arrests without a warrant and all offences are non-bailable, which leaves it to the discretion of the courts (which themselves are subject to executive interference) to grant or refuse bail.²⁸ On 2 May 2017, in response to calls to repeal the ICT Act, the Minister of Law, Justice and Parliamentary Affairs announced that Section 57 of the

²⁰ Human Rights Watch, "Bangladesh: Halt Mass Arbitrary Arrests", 17 June 2016 available at: <https://www.hrw.org/news/2016/06/17/bangladesh-halt-mass-arbitrary-arrests>

²¹ The BNP claim that at least 2,100 of its party leaders and activists were among those swept up in the crackdown. For further information see: CNN, "Bangladesh arrests more than 11,000 after wave of killings", 14 June 2016 available at <http://edition.cnn.com/2016/06/15/asia/bangladesh-nationwide-raids>

²² For further information see Amnesty International: *Caught Between Fear and Repression, Attacks on Freedom of Expression in Bangladesh*, 8 May 2017 (AI Index: ASA 13/6114/2017).

²³ In Bangladesh, defamation is a criminal offence as well as being a matter for civil litigation.

²⁴ The same Section 57 also criminalizes publishing anything online that hurts "religious sentiment", which has often used to bring criminal charges against religious minorities or secular activists who have been found to publish "offensive" remarks about Islam. For further information see Amnesty International: *Caught Between Fear and Repression, Attacks on Freedom of Expression in Bangladesh*, 8 May 2017 (AI Index: ASA 13/6114/2017).

²⁵ There are around 50 laws and regulations which govern the news media in Bangladesh, many of which overlap in sometimes contradictory ways, in particular related to online and broadcast media. For background, see Meer Ahsan Habib, "Where we stand on media governance", *The Daily Star*, 3 May 2016, available at <http://www.thedailystar.net/op-ed/politics/where-we-stand-media-governance-1217557>

²⁶ The ICT was first introduced in 2006 under the Bangladesh Nationalist Party, but amended in 2013 increasing the penalties that can be imposed and the police powers of arrest and detention.

²⁷ Amnesty's report, *Caught Between Fear and Repression*, illustrates the clampdown on freedom of expression detailing a litany of cases where restrictions have been placed on media workers, human rights defenders and others.

²⁸ International Crisis Group, *Political Conflict, Extremism and Criminal Justice in Bangladesh*, 11 April 2016 available at <https://www.crisisgroup.org/asia/south-asia/bangladesh/political-conflict-extremism-and-criminal-justice-bangladesh>

Act would be “scrapped” and replaced by the Digital Security Act (DSA).²⁹ The DSA,³⁰ however, itself falls short of international human rights standards imposing further restrictions on the right to freedom of expression.³¹

The Foreign Donations (Voluntary Activities) Regulations Act³² has been used to increase scrutiny of human rights organizations and media agencies thereby curtailing their right to freedom of expression. The Act makes it an offence for NGOs to make “inimical” or “derogatory” remarks against the Constitution or a constitutional body; however, neither term is defined in the Act. NGOs found to make such remarks may be deregistered.

Although the government regularly points to the proliferation of news outlets in Bangladesh as evidence of its vibrant and free media,³³ many of these are deeply divided along political lines with successive governments issuing broadcast licenses only to known supporters. Since 2014, the authorities have closed several news outlets.³⁴

Meanwhile, scores of activists have perceived no option for themselves but to flee Bangladesh. Self-censorship has become the norm among those who have remained.

DISCRIMINATION AGAINST LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

LGBTI people are among the most marginalised groups in Bangladesh and face both state and non-state harassment and violence. Section 377 of the Penal Code criminalises “carnal intercourse against the order of nature”, referring to same-sex relationships between men and women, and carries a maximum sentence of 10 years’ imprisonment. Police often use this law as a pretext to harass, intimidate and detain people on the grounds of their real or perceived sexual orientation or gender identity.³⁵

On 29 September 2017, Bangladesh joined 12 other states in voting against a UN resolution asking countries in which the death penalty is legal to ensure it is not applied “arbitrarily or in

²⁹ *Dhaka Tribune* Law Minister: Section 57 will be dropped from ICT Act 2 May 2017 available at: <http://www.dhakatribune.com/bangladesh/law-rights/2017/05/02/law-minister-section-57-dropped-ict-act/>

³⁰ The Digital Security Act was adopted by Cabinet on 22 August 2016. It has yet to be passed into law.

³¹ For detailed analysis on the act see Article 19, *Bangladesh: Draft Digital Security Act*, 11 May 2016 available at <https://www.article19.org/resources.php/%20resource/38368/en/bangladesh:-draft-digital-security-act>

³² The Financial Donations Regulations Act entered into force after the President gave his final approval to the law on 13 October 2016. For further information and analysis see Amnesty International: *Bangladesh: New law designed to stifle civil society must be repealed*, 17 October 2016 (ASA 13/4996/2016).

³³ In 2017, there were some 2,800 newspapers and magazines in Bangladesh as well as scores of independent TV and radio stations throughout the country with a further 500 news portals active by the end of 2014. For further information see Anis Rahman, “Print and electronic media in Bangladesh”, in *Routledge Handbook of Contemporary Bangladesh*, 2016, p. 502.

³⁴ For further information, see Amnesty International: *Caught Between Fear and Repression*, page 40, 8 May 2017 (AI Index: ASA 13/6114/2017).

³⁵ For further information, see Amnesty International *Bangladesh: 28 Arrested Suspected of Being Gay*, 22 May 2017 (AI Index: ASA 13/6305/2017) and Amnesty International, *Bangladesh: Further Information: All 28 Men Suspected of Being Gay Released*, 2 August 2017 (AI Index: 13/6854/2017).

a discriminatory manner” nor imposed to punish consensual same-sex relations.³⁶

ENFORCED DISAPPEARANCES

Enforced disappearances continue at an alarming rate and in February 2017 the Working Group on Enforced or Involuntary Disappearances³⁷ communicated its growing concern to the authorities.³⁸ Among the disappeared are supporters of opposition parties Bangladesh Nationalist Party and Jamaat-e-Islami. At its previous UPR, Bangladesh stated that neither “forced disappearances” nor “extrajudicial executions” were permitted under Bangladesh’s laws.³⁹

Amnesty has confirmed reports by the human rights organization Odhikar that 90 people were forcibly disappeared in 2016.⁴⁰ Some of them were subsequently found dead. The figures for 2017 present a similarly grim picture with 67 people reportedly having been subjected to enforced disappearance since January 2017.⁴¹

In April 2017, Swedish Radio disclosed details of a secretly recorded interview with a senior member of the elite anti-terrorism police force, the Rapid Action Battalion (RAB).⁴² In the interview, the officer candidly outlined how RAB operates and carries out enforced disappearances and extra-judicial executions. The recording matched Amnesty International’s observations over the past few years regarding this pattern of violations in which RAB and other law enforcement agencies have been repeatedly implicated.

CHITTAGONG HILL TRACTS

Indigenous Peoples in the Chittagong Hill Tracts (CHT) have made numerous complaints that land traditionally owned by them has been occupied either by the army or by Bengali settlers who arrived during the war in the 1990s or earlier. The Chittagong Hill Tracts Peace Accord of

³⁶ Salon, U.S. votes against U.N. resolution condemning death penalty for LGBT people; is this who we are? 3 October 2017, available at: <https://www.salon.com/2017/10/03/u-s-votes-against-u-n-resolution-condemning-death-penalty-for-lgbtq-people-is-this-who-we-are/>

³⁷ “UN expert group urges Bangladesh to stop enforced disappearances” 24 February 2017 available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21220&LangID=E>

³⁸ On 12 March 2013 the WGEID requested an invitation to undertake a visit to Bangladesh. No response has yet been received from the government in spite of reminders sent on 27 October 2014, 27 November 2015 and 18 November 2016.

³⁹ Bangladesh commented on recommendation 130.20 by stating that “Issues such as “forced disappearance” or “extra-judicial execution” are not permitted under Bangladesh’s laws. Any incident of death, or any form of breach of human rights in the hands of law enforcement agencies must be accounted for within the bounds of laws. The criminal justice system has absolute jurisdiction over the members of law enforcement agencies for any alleged criminal offence and human rights violation. There is no legal provision that shields law enforcement personnel from prosecution and penalization if found guilty of committing excesses beyond their Codes of Conduct and Rule of Engagement”, A/HRC/24/12/Add.1.

⁴⁰ Amnesty International: *Bangladesh: Man Released From Long Secret Detention*, 2 March 2017, available at: <https://www.amnesty.org/en/latest/news/2017/03/bangladesh-man-released-from-long-secret-detention/>

⁴¹ Odhikar, Human Rights Monitoring Report, 1 October 2017 available at: http://1dgy051vgvxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2017/10/human-rights-monitoring-report-September-2017_Eng.pdf

⁴² See Amnesty International, *Crimes unseen: Extrajudicial executions in Bangladesh* (Index: ASA 13/005/2011) and “Exclusive: Officer Exposes Brutal Killings by Bangladeshi Elite Police Unit RAB”, Swedish Radio, 4 April 2017 available at <http://sverigesradio.se/sida/artikel.aspx?programid=83&artikel=6665807>

1997 established a Land Commission to resolve such land disputes; however, since then the Commission has not resolved a single dispute. As a result, tension between the settlers and the Indigenous communities and the failure of the security forces to protect Indigenous Peoples against attacks by the Bengali settlers have led to frequent clashes between the two communities and injuries on both sides.

Indigenous women living in the CHT face multiple and intersecting forms of discrimination and barriers in their access to justice because of their gender, Indigenous identity and socio-economic status.⁴³ In a number of cases, the perpetrators of sexual and other gender-based violence against Indigenous women in the CHT are alleged to be Bengali settlers living on traditional lands or military and security officials based in the Tracts.

Discriminatory restrictions on the rights to freedom of expression and freedom of movement were imposed in January 2015 when the government issued a memorandum placing restrictions on people, including Bangladeshi citizens,⁴⁴ wishing to visit or organize activities in the CHT or hold meetings with Indigenous Peoples.⁴⁵ Human rights activists and journalists have told Amnesty International that the memorandum has had a negative impact on their work.⁴⁶

In early June 2017, a vicious mob attack on Indigenous Peoples in Langadu sub-district, in eastern Chittagong division, left at least one person dead and hundreds of homes torched.⁴⁷ Police and soldiers present reportedly did nothing to protect the Indigenous villagers. Two days later, soldiers were reported to have used excessive force against a group of about 50-60 students gathered in Dighinala sub-district peacefully protesting against the violence and the disappearance of Indigenous rights activist Kalpana Chakma (see below).

Amnesty International has received reports that some 30-45 attackers were arrested in connection with the violence and while this is a positive step, the authorities generally have a poor track record of ensuring justice to Indigenous Peoples who are victims of violent attacks. Other cases where Indigenous communities have been attacked have all met similar fates – Indigenous families have been left homeless while the alleged perpetrators are rarely held to account and court cases continue to languish.⁴⁸ Those who lost their homes remain homeless despite government promises of relief.⁴⁹

⁴³ See Amnesty International: *Submission to the United Nations Committee on the Elimination of Discrimination against Women*, 20 September 2016 (ASA Index: ASA 13/4863/2016).

⁴⁴ Under the new guidelines, even Bangladeshi citizens would need to apply for permission to hold meetings in the CHT, at which the presence of army officials would be obligatory.

⁴⁵ As Amnesty International stated in an open letter to the Prime Minister, these measures violate rights to freedom of expression, association and assembly, as they do not comply with Covenant criteria regarding permissible limitations on these rights. For further information see: Amnesty International: *Open Letter To The Prime Minister Of Bangladesh, Sheikh Hasina*.

⁴⁶ The title of the memorandum, “Regarding implementation of the decisions about meeting local ethnic minorities in the CHT by native/foreign persons/organizations” reveals its explicitly discriminatory intent.

⁴⁷ Amnesty International, *Bangladesh: Investigate vicious mob violence against Indigenous Peoples*, 5 June 2017.

⁴⁸ For example, in Sajek in 2008, clashes happened, according to reports by Indigenous villagers, when the army encouraged Bengalis to settle on Indigenous land. When Indigenous residents complained, there were clashes and the houses of 70 Indigenous residents were burnt to the ground. In 2010 there were further clashes and one Indigenous resident was killed. There has been no independent inquiry into the attacks and no one has been held to account for the violence.

⁴⁹ Daily Star, “Longadu Fire: 3 months on, they're still homeless”, <http://www.thedailystar.net/backpage/longadu-fire-3-months-theyre-still-homeless-1465837>

In June 1996, Indigenous rights activist Kalpana Chakma was abducted by an army officer and two members of a paramilitary force. The case has been characterized by numerous procedural failings and despite three investigations by 39 investigating officers neither crucial eyewitnesses nor the alleged perpetrators were interviewed until 18 years after the event. Kalpana's family has lodged a petition with a court in Rangamati requesting an investigation by the Police Bureau of Investigation.

ROHINGYA REFUGEES

Members of Myanmar's mainly Muslim Rohingya minority community have arrived into Bangladesh since at least the 1970s, fleeing violence, persecution and discrimination in Myanmar. Cox's Bazaar District which has been hosting these arrivals⁵⁰ has seen an influx of more than 650,000 Rohingya refugees.⁵¹

While Bangladesh has been extraordinarily generous in accommodating the Rohingya, Amnesty International remains concerned that the physical arrangement for the repatriation of the Rohingya by the governments of Bangladesh and Myanmar, may not be sufficiently robust to ensure safe, voluntary and sustainable returns.⁵²

The refugees have constructed thousands of shelters on whatever empty land they could find. On 16 September 2017, the government of Bangladesh announced that new settlements would be built in October 2017 on 2,000 acres in the Cox's Bazar District, including the construction of 14,000 shelters led by the military and supported by international agencies. However, the government has also announced restrictions on the inhabitants of the planned settlements. Rohingya are not permitted to leave the camp, including to live with family or friends. They are also barred from travelling by vehicle within the country and landlords are prohibited from renting to them; only those registered as refugees will qualify for official assistance.

RECOMMENDATION FOR ACTION BY THE STATE UNDER REVIEW

AMNESTY INTERNATIONAL CALLS ON THE GOVERNMENT OF BANGLADESH TO:

COOPERATION WITH INTERNATIONAL HUMAN RIGHTS EXPERTS

- Honour its commitment at the previous UPR to improve cooperation with human rights

⁵⁰ Cox's Bazaar is already home to 32,000 registered refugees as well as an additional 300,000 to 500,000 unregistered Rohingyas. A further 66,000 are estimated to have fled during 9 October 2016 to 6 January 2017 in response to an operation launched by the Myanmar military in Rakhine state.

⁵¹ Figures from Situation Report: Rohingya Refugee Crisis, Inter Sector Coordination Group, 8 October 2017 Available here: [Error! Hyperlink reference not valid.https://www.humanitarianresponse.info/system/files/documents/files/171008_weekly_iscg_sitreng_final.pdf](https://www.humanitarianresponse.info/system/files/documents/files/171008_weekly_iscg_sitreng_final.pdf)

⁵² When in the 1990s and 2000s, tens of thousands of Rohingya refugees were returned from Bangladesh to Myanmar in a large-scale repatriation operation those returned continued to face systematic state sponsored discrimination and waves of violence in Rakhine state. For further information see Amnesty International: *Myanmar/Bangladesh: Rohingya refugees must not be forced home to abuse and discrimination*, 4 October 2017.

mechanisms, including submitting outstanding reports to the treaty bodies and approving visits requested by the Special Procedures and acting promptly on their recommendations and communications;

- In particular, to facilitate invitations to the UN Special Rapporteurs on extrajudicial, summary or arbitrary executions, and the independence of judges and lawyers, and the UN Working Group on Enforced or Involuntary Disappearances.

RESTRICTIONS ON THE RIGHT TO FREEDOM OF EXPRESSION

- Promptly and fairly conclude ongoing police investigations and criminal prosecutions into the killing of secular bloggers, LGBTI activists and others;
- Unequivocally condemn attacks by armed groups on secular bloggers, LGBTI activists and others;
- Publicly commit to ensuring that journalists and other media workers are able to carry out peaceful journalistic activities without fear of surveillance, intimidation, harassment, arrest, prosecution or retribution;
- Ensure effective protection of the lives and personal integrity of journalists and media workers, including against attacks or threats from non-state groups;
- Immediately end the practice of bringing trumped-up criminal charges and unconditionally drop all such charges against journalists, activists and others for merely exercising their right to freedom of expression;
- Ensure that police officers are adequately trained and instructed to investigate reports of harassment, attacks and death threats against activists and ensure the protection of those under threat;
- Repeal or amend all laws that violate the rights to freedom of expression, association and peaceful assembly, including the provisions of the Penal Code related to defamation and sedition, the Information Communication Technology (ICT) Act, and the Foreign Donations (Voluntary Activities) Regulation Act, in line with international human rights law;
- Ensure that bills currently being considered for adoption into law are brought in line with international human rights law and standards, including the Digital Security Act.

ABDUCTIONS, ENFORCED DISAPPEARANCES AND LACK OF ACCOUNTABILITY

- Criminalize enforced disappearance by incorporating provisions of the International Convention for the Protection of All Persons from Enforced Disappearances into national law;
- Take effective measures to address past human rights violations, including abductions and enforced disappearances by security agents, with a view to establishing the truth, giving access to justice to the victims, bringing perpetrators to account in fair proceedings, and providing remedies to the victims, including compensation;
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, signed on 6 February 2007, without any reservations, incorporate it into its domestic legislation, including the Penal Code, and implement it in policy and practice;
- In ratifying the Convention, recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties under its Article 32.

CHITTAGONG HILL TRACTS

- Rescind the 2015 memo restricting visits to the Chittagong Hill Tracts and contact with

Indigenous Peoples;

- Urgently investigate reports of sexual and gender-based violence against Indigenous women and girls in the Chittagong Hill Tracts and strengthen the effectiveness of the justice system in addressing sexual and gender-based violence;
- Provide immediate relief to those made homeless by the mob violence in Langadu and ensure that those responsible for the violence are brought to justice in accordance with international standards for fair trial;
- Provide all necessary resources to the Chittagong Hill Tracts Land Commission to enable it to resolve unlawful land expropriations.

ROHINGYA REFUGEES

- Provide for or facilitate the provision of the humanitarian needs of refugees and migrants, including food, water, shelter and healthcare, as well as education for the children;
- Ratify the 1951 Refugee Convention and ensure that those claiming asylum are able to access refugee status determination procedures without discrimination;
- Ensure that any plan to repatriate Rohingya refugees to their homes in Myanmar is a voluntary, safe and sustainable process;
- Guarantee that no one will be forced back to a situation where they risk facing serious human rights violations, including systematic discrimination and segregation.

ANNEX

AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE⁵³

REPORTS

Bangladesh: Caught Between Fear and Repression, Attacks on Freedom of Expression, 8 May 2017 (AI Index: ASA 13/6114/2017).

Bangladesh: Submission to the United Nations Committee on the Elimination of Discrimination against Women, 20 September 2016 (ASA Index: ASA 13/4863/2016).

We are at Breaking Point, Rohingya Persecuted in Myanmar, Neglected in Bangladesh, 19 December 2016 (ASA Index: ASA 16/5362/2016).

PRESS RELEASES

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⁵³ All these documents are available on Amnesty International's website: <https://www.amnesty.org/en/countries/asia-and-the-pacific/bangladesh/>

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