

# Public Statement

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# Human Rights Charter

Bangladesh



*Bangladesh voted. But the challenges for democracy and human rights remain. Foto: Bernhard Hertlein © Amnesty International*

## Introduction

With this human rights charter, Amnesty International urges all political parties contesting the upcoming election in Bangladesh to ensure that the protection and promotion of human rights is a core part of their plans for the country. With this brief ten-point agenda, listed with no order of priority, Amnesty

International highlights Bangladesh's human rights obligations in accordance with the rights guaranteed by the country's commitment to international treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic Social and Cultural Rights (ICESR), as well as by the constitution of Bangladesh.

## 1. Respect and protect Freedom of Expression and media freedom

Freedom of expression in Bangladesh has seen a rapid deterioration with the introduction of laws such as the Cyber Security Act (CSA) of 2023, now repealed Digital Security Act (DSA) of 2018 as well as the Information and Communications Technology (ICT) Act of 2006. Though the Digital Security Act and controversial sections of the ICT Act have recently been repealed, there are cases filed under said laws that are still active in courts. There are misuses of laws as well, as seen in the case of Rozina Islam where she was charged under the Official Secrets Act for writing about how the government procured Covid-19 vaccines.

### Recommendations:

- Immediately and unconditionally release and drop all charges against all those charged under the Cyber Security Act, Digital Security Act, and ICT Act solely for exercising their right to freedom of expression.
- Amend the Cyber Security Act in accordance with international human rights law and standards. Remove sections 21, 25 and 28 of the CSA which criminalize legitimate expression of opinions or thoughts and have been used to stifle peaceful dissent under the now repealed DSA.
- Decriminalize defamation and end subjecting it to criminal sanctions such as fines or imprisonment. Defamation should exclusively remain a matter of civil law and civil litigation.
- Introduce legislation to provide access to justice and effective remedies including adequate compensation for human rights violations, such as the rights to freedom of expression, privacy, and liberty and security of the person.
- End the misuse of laws to harass and intimidate journalists.

## 2. Protect the Protest

Large groups of Bangladeshis took to the streets in Dhaka in December 2022 to protest against the government. These protests were led by the political opposition, demanding a caretaker government to be established ahead of the elections in 2024. The protests were also linked to the rising cost of living crisis. This wave of protests, which were largely peaceful continued throughout 2023, and was met with unlawful use of force by the law enforcement authorities firing live bullets, rubber bullets, tear gas and water cannons indiscriminately at the protesters. Amnesty International verified evidence of unlawful use of force by the law enforcement authorities at a mass protest held on July 29, analysing and geolocating photographs and video footages from the protests and collaborating with eyewitness accounts, which includes firing tear gas near hospitals, assaulting unarmed protesters, people clad in civilian clothing attacking protesters side by side the police.

### Recommendations:

- End the unnecessary and excessive use of force when responding to public demonstrations.
- Fulfil Bangladesh's obligations to protect and facilitate peaceful assembly and ensure that any responses (including restrictions) are lawful, necessary, proportionate, and in line with international standards.

- Ensure that all arrests are carried out in line with due process safeguards and in accordance with international human rights law and standards, including but not limited to the right to a free and fair trial, the right to be informed of the reason for arrest and the place of detention, and the right to be brought promptly before a judge, and ensure access to legal counsel and family

### 3. Sustainable solutions to the Rohingya crisis

Nearly three-quarters of a million Rohingya people fled to Bangladesh to escape a widespread and systematic assault on their villages launched by the Myanmar security forces and constituted grave crimes under international law in 2017. Both the government of Bangladesh and the international community have failed to address the long-standing issues faced by the Rohingya while they remain forcibly displaced. The UN Special Rapporteur in June 2023 expressed concerns over Bangladeshi authorities using coercive measures to get consent of the refugees for a pilot repatriation project. Attempts to relocate Rohingya people out of the camps to Bhasan Char, a remote island in the Bay of Bengal, has been a concern as the unstable, silt-deposit island with unreliable water sources, vulnerability to flooding, food shortages and restricted freedom of movement, was generally not considered safe for settlement. Added to these is the dwindling funding to support food and humanitarian responses for people living in the camps, as 2023 saw significant reductions in the funding available to the World Food Programme and the UN for Rohingya camps in Bangladesh that has made already overcrowded camps even worse for the refugees to live in, with reduced supply of food, medicines and other basic necessities.

According to the UNHRC, more than half the refugees in the camps are under the age of 18. According to UNHCR, women and children who make up more than 75 percent of the refugee population in the camps are at a higher risk of abuse, exploitation, and gender-based violence according to periodic factsheets issued by the UNHCR. Education for Rohingya children needs to be streamlined, as most of the children – around 300,000 out of the 400,000 school aged children - are enrolled in informal learning systems. According to UNICEF, the Myanmar Curriculum Pilot targets 10,000 children from grades six to nine.

#### Recommendations:

- Protect the rights of refugees as per international human rights law and investigate allegations of abuses by security forces and hold those responsible to account.
- Ensure that journalists, representatives of the UN, civil society organizations, including donor and humanitarian agencies and human rights organizations, have unfettered access to Bhasan Char island, to independently assess conditions.
- Ensure Rohingya children have access to appropriate and quality, formal education in a timely manner.
- Respect the principle of non-refoulement by ensuring that Rohingya refugees are not transferred to any place, including their country of origin, where they may be at real risk of serious human rights abuses or violations.
- Involve and consult the members of Rohingya refugee community, including women, people with disabilities, and other marginalized groups, on decisions related to their relocation, repatriation, relief, and development.
- Engage with neighbouring countries, regional organizations, and global stakeholders to find a comprehensive, inclusive and collaborative solution to the Rohingya crisis.

## 4. End impunity for Enforced Disappearances and Extrajudicial Executions

Bangladesh has a long, dark history of enforced disappearances, and it has become an institutional tool of repression in the country. Bangladesh is yet to ratify the Convention for the Protection of All Persons from Enforced Disappearance (CED) and enforced disappearance is not yet recognized as a crime in the domestic legal system. Human Rights Watch reported that from 2009-2023, there have been around 600 cases of enforced disappearances out of which, some people have been later released, produced in court or died in custody. However, around 100 out of them are still missing.

Especially since the law enforcement authorities refuse to register complaints of enforced disappearances, the families find little to no avenues for redress.

According to the local human rights organization Odhikar, at least 12 people were killed in extrajudicial executions and 32 people became victims of enforced disappearances in the first nine months of 2023. The Rapid Action Battalion, the Detective Branch as well as other branches of law enforcement agencies have been repeatedly called out by the civil society organizations for carrying out these human rights violations. The Rapid Action Battalion (RAB) has a reputation of not only carrying out extrajudicial executions and enforced disappearances, but also threatening, intimidating and harassing human rights defenders and relatives of the forcibly disappeared who are demanding justice for their loved ones.

### Recommendations:

- Ratify the Convention for the Protection of All Persons from Enforced Disappearance without reservations and incorporate it into the domestic legal system criminalizing enforced disappearances.
- Accept the UN Working Group on Enforced or Involuntary Disappearances' request to conduct an official visit to Bangladesh.
- Ensure victims and families of disappeared people are given full and effective reparations to address any hardships they have endured, including compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition.
- Launch effective, independent and impartial investigations into the conduct of the Rapid Action Battalion, Detective Branch and other departments of law enforcement, particularly in relation to allegations of enforced disappearances and extrajudicial killings perpetrated by its agents.

## 5. Protect Women's Rights

Despite legal age for marriage in Bangladesh is 18, child marriages are prevalent in Bangladesh, according to Plan International. Bangladesh Bureau of Statistics reported that over 70 percent of married women, and girls have faced some form of intimate partner violence, about half of whom say their partners physically assaulted them, while majority of women never reported the abuses and only 3 percent took legal action. Bangladeshi human rights group Ain o Salish Kendra (ASK) reported that at least 158 women were murdered by their husband or his family in just the first nine months of 2022.

According to another Bangladesh human rights group, Odhikar, between January 2001 and December 2019, over 3,300 women and girls were murdered over dowry disputes. These numbers, however, are based on media reports and are likely only a fraction of the true levels of such violence. According to data from the government's One Stop Crisis Centre, between 2001 and July 2020, only 3.56 percent of cases filed under the Prevention of Oppression Against Women and Children Act 2000 Act have resulted in a court judgment and only 0.37 percent of cases have ended with convictions.

Amnesty International has also documented violence against women and girls from indigenous communities in the submission to the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) in 2016. The Kapaeeng Foundation, a local non-governmental organization working on Indigenous issues in Bangladesh, reported that between 2007 and 2015, 434 Indigenous women and girls were subjected to gender-based violence, including sexual violence.

### **Recommendations:**

- Ensure effective implementation of the existing laws to hold perpetrators of violence against women accountable and provide timely and adequate access to justice and reparation for victims and survivors.
- Ensure effective access by women to judicial and legal services, including legal aid; provide adequate training for law enforcement officials to effectively interpret and enforce gender equality rights; and allow equal representation of women in the judiciary and law enforcement agencies.
- Ensure that the victims and survivors of gender-based violence can access timely and adequate compensation, and set up a compensation fund for them.
- Open more shelters and safe houses across the country, effectively disseminate information, and remove any restrictions that limit accessibility for women and children, such as requiring a police report or a court order to be admitted to a shelter/safe house.

## **6. Protect the rights of religious minorities and Indigenous Peoples**

Religious minority communities, mainly Hindus, have faced violence and discrimination in Bangladesh for decades. Ain o Salish Kendra reported that as many as 3,679 attacks on the Hindu community took place between January 2013 and September 2021. The attacks included vandalism of and setting fire to 559 houses and 442 shops and businesses of the Hindu community. At least 1,678 cases of vandalism and arson attacks on Hindu temples, idols and places of worship were also reported in the same period.

Bangladesh's constitution also guarantees special provisions in favour of advancement of historically disadvantaged groups. The Chittagong Hill Tracts Accord is one example, signed by the Bangladeshi government & the Parbatya Chattagram Jana Samhati Samiti - a political party representing the Indigenous Peoples of Chittagong Hill Tracts. The Accord recognizes the need to protect land rights, self-government and the culture and identities of the peoples of the region and work towards overall development. Amnesty International commented on the Accord is being violated by the state by deploying new units of the Armed Force Battalion to replace vacant army camps, without the consent of Indigenous Peoples, calling the authorities to fully enact the human rights reforms that the Peace Accord called for. Additionally, custodial deaths of indigenous rights activists have been reported, while they were in military custody.

### **Recommendations:**

- Enact the long-anticipated Anti-Discrimination Bill, introduced in parliament in April 2022, to outlaw discrimination on various grounds, such as gender, religion, ethnicity, and introduce a complaints mechanism for victims of discrimination to seek remedies.
- Fully enact the human rights reforms that the Peace Accord called for, including protections of the rights of the Indigenous Peoples to their traditional lands.
- Adopt special measures, including reinstating quotas in jobs and higher education scholarships, for the Indigenous Peoples to achieve effective equality and to secure their full and equal enjoyment of human rights and fundamental freedoms.
- Ensure constitutional guarantee for equality for minority communities and hold perpetrators of violence against minorities accountable.

## 7. Abolish the death penalty

Bangladesh retains death penalty in law. The Bangladesh government has not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of the death penalty; and it has not made any commitment to abolish this punishment or establish an official moratorium on executions as a first step towards this goal.

Between January 2018 and December 2022, Amnesty International recorded at least thirteen executions, with 912 death sentences imposed. As of December 2021, at least 2,000 individuals were believed to be under the sentence of death. The death penalty continues to be imposed in violation of international law and standards. While most individuals are sentenced to death for murder, there is a notable trend of death penalty being imposed for non-fatal offences such as rape and drug possession. Additionally, the controversial International Crimes Tribunal, continues to sentence individuals to death, even in absentia, despite concerns about lack of due process.

Death penalty must be restricted to the 'most serious crimes' and the government must establish an official moratorium on executions as first steps towards full abolition of the punishment.

### Recommendations:

- Abolish death penalty. Meanwhile, introduce an official moratorium on executions with a view to abolishing the death penalty
- Pending full abolition, bring national law in line with restrictions to the use of the death penalty set out under international law and standards, including narrowing the scope of the death penalty to the "most serious crimes", interpreted by the UN Human Rights Committee as referring to offences involving intentional killing; and ensuring that proceedings in all capital cases meet international standards for a fair trial;
- Raise awareness around studies showing that there is no conclusive evidence that the death penalty acts as a unique deterrent on crime, and the human rights violations associated with the use of this punishment.

## 8. Inclusive, sustainable responses to climate crisis

Bangladesh ranks seventh on the list of countries most vulnerable to climate devastation, according to Germanwatch's 2021 Global Climate Risk Index (CRI). Climate change has hit poor and vulnerable people the hardest. Average tropical cyclones cost Bangladesh about USD1 billion annually. By 2050, a third of agricultural GDP could be lost and 13 million people could become internal climate migrants. In case of severe flooding, GDP could fall by as much as 9 percent. It has been estimated that by 2050, one in every seven people in Bangladesh will be displaced by climate change. Specifically, with a projected 19.6 inch (50 cm) rise in sea level, Bangladesh may lose approximately 11 percent of its land by then, and up to 18 million people may have to migrate because of sea-level rise alone.

### Recommendations:

- Initiate and implement a suitable action plan for the implementation of a special programme regarding climate change and ensuring sustainable development.
- Make necessary action plans for capacity building for the people or groups of people of the affected and risky areas resulting from climate change, to upgrade their lives and mitigate short term and long term risks.
- Prioritize the climate impacts in Bangladesh in bilateral and multilateral discussions with countries with high Co2 emissions.

## 9. End impunity for custodial deaths and torture

Allegations of custodial torture and death remain prevalent in Bangladesh, with NGOs such as Odhikar and Ain o Salish Kendra (ASK) estimating that there were 94 alleged deaths in custody in the first nine months of 2023. Several people Amnesty International spoke to in 2019 for the report titled Killed in "Crossfire", reiterate that the law enforcement authorities demanded money in return to sparing them from torture or death.

### Recommendations:

- Conduct thorough, impartial and transparent investigations into custodial deaths and torture and hold perpetrators accountable, without recourse to the death penalty.
- Provide prompt reparations for the victims, from the state including financial compensation medical care and rehabilitation.
- Ratify the Optional Protocol to the ICCPR and issue a declaration under Article 22 of the Convention Against Torture so individuals facing violations of human rights guaranteed by these treaties can send complaints directly to the Human Rights Committee and Committee Against Torture.

## 10. Uphold corporate accountability and labour rights

Workers in Bangladesh face multiple barriers in their ability to exercise their rights to freedom of expression, freedom of peaceful assembly, freedom of association and collective bargaining. In October, at least three workers were killed during protests in the run up to the Minimum Wage Board's decision on the national minimum wage for readymade garment (RMG) workers. RMG workers called for their monthly wage to be increased from the current 8,000 BDT (74 USD) to at least 23,000 BDT (212 USD). On 7 November, it was announced that the minimum wage for the garment sector would only increase from the current minimum wage of 8,000Tk to 12, 500Tk. Workers' rights groups also demanded the withdrawal of the Essential Services Bill tabled in Parliament which would render industrial actions by such workers such as protests unlawful in any sector deemed 'essential' by the government.

Workers across the country are killed or injured daily in preventable occupational 'accidents', fuelled by a lack of corporate accountability. Bangladesh Labour Act 2006 sets arbitrary limits on the amount of compensation payable to victims and their families for occupational injuries and deaths: 200,000 BDT (1817 USD) for deaths and 250,000 BDT (2271 USD) for permanent disablement. Research has shown that in practice, the average time taken for a court to order an award of compensation from the date of application is 630 days, which is more than ten times longer than the statutorily prescribed time limit of 60 days.

Meanwhile, according to a survey published by the Bangladesh Bureau of Statistics 2022", there are 39.96 million children in the country, aged five to 17 years and 4.4 percent among them(1,776,097) are engaged in child labour, and 60.14 percent of whom are engaged in hazardous child labour. Under the Bangladesh Labour Act 2006, child labour remains legal for children aged above 14, on the basis of a distinction between children and adolescents, in contradiction of the definition of a child in the Children Act 2013 which gives effect to the UN Convention on the Rights of the Child ratified by Bangladesh.

### Recommendations:

- Amend the definition of a child in the Bangladesh Labour Act to align it with the UN Convention of the Rights of the Child and Children Act 2013 and hold corporations accountable for employing child labour.
- End violent repression of workers' protests and conduct impartial investigations into the deaths of unionists and other protesters and hold perpetrators accountable.

- Ensure that workers can exercise their right to freedom of association and collective bargaining by being able to form and join trade unions at the factory level, engage in genuine social dialogue with government authorities and factory owners, and enjoy the right to freedom of peaceful assembly and to strike.
- Ensure that garment factory workers earn an adequate living wage according to ILO standards.
- Amend the Fifth Schedule to the Bangladesh Labour Act, so the existing statutorily capped lump sum amounts (i.e., 200,000 BDT for occupational deaths and 250,000 BDT for permanent disablement) are treated as the minimum and not maximum amount of compensation payable in the event of death or permanent disablement.
- Introduce a provision in Chapter XII of the BLA that obliges Labour Courts to follow basic principles of damages assessment in tort law (e.g. factoring in the age and loss of earnings of the worker, number of dependents etc.) when adjudicating compensation cases under the BLA.
- Introduce a national repository on workplace deaths and injuries to ensure transparency and fill the gap in official data. The repository should list the total number of workplace injuries and deaths in any given year alongside the total number of compensation claims filed in all Labour Courts.