Human Rights Situation of Bangladesh in 2018

An Observation

Ain o Salish Kendra (ASK)

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This report was shared with the journalists in a press conference held on 10 January 2019 at Dhaka Reporters Unity. It has been prepared on the basis of various news published in the national newspapers as well as ASK's fact finding on incidents of human rights violations.

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Executive Summary

The review of human rights situation in Bangladesh in the year 2018 reveals that, while there has been continuous advancement in one of the major indicators of human rights– the economic, social and cultural rights, not much of a progress has been seen in the other indicator– civil and political rights. In 2018, Bangladesh got UN recognition as being promoted from a least developed country to a developing country, due to its significant achievement as regards economic, social and cultural rights. According to UNDP's Human Development Report 2018, the country has moved three steps ahead in the global Human Development Index (HDI). Besides, similar to the last few years, progresses have been made in terms of reducing child and maternal mortality rates, expanding women's education, healthcare, etc.

On the other side, several positive measures were taken with regard to civil and political rights. Some notable steps were – providing continued shelter to the Rohingya people who have been victim of 'genocide', brutal torture and expulsion from Myanmar, adoption of Road Transport Act 2018, Children Act (Amendment) 2018, and the High Court's directives to abolish 'two-finger test' for the rape victims while making DNA test compulsory within 48 hours of the incident, in order to ensure fair investigation and trial of rape incidences, declaring investigating agencies' failure as punishable offence, as well as a total of 18 other directives.

In spite of all these, the human rights situation of 2018 like the previous years was worrying. Extra-judicial killings; especially incidences of crossfire/gunfight/encounter and enforced disappearance-assassination continued throughout the year. In particular, as of December 2018 crossfire/gunfight surrounding the anti-drugs operation, which started since May 2018, has left 292 killed in this short span of time.

Another distressing feature in 2018 was incidences of torture and death in custody as well as illegal detentions and mass arrests by law enforcement agencies.

There were huge criticisms regarding the news of "fictitious cases" published in the mass media. On 20 December 2018, news published in Prothom Alo revealed that the police filed 578 cases of sabotage at different police stations of Dhaka City in the month of September alone. According to the information provided in those cases, 90 incidents of attack on the police happened that year. But the news report revealed that in reality there were no such attacks.

According to newspaper reports, many people were attacked and injured during the 11th parliamentary elections. There have been allegations of attacks and indiscriminate arrests of political activists and supporters of candidates of opposition political parties or alliances, obstructing their election campaign, as well as threatening and intimidating them in different ways.

The situation regarding the rights of religious minorities was of a serious concern in the year 2018. Centering around the 11th national parliamentary election, there were incidences of burning and destroying houses of Hindu communities at different places of the country; besides, there were incidences of attacking their temples and idols at different times of the year. Moreover, there were incidences of violence against the indigenous community.

Regarding the right to freedom of expression, the year 2018 also saw a frustrating picture. The much debated Digital Security Act 2018 was passed in the parliament amidst huge criticisms from journalists and human rights activists. Although introduction of this law has revoked the much controversial Section 57 of the former Information and Communication Technology Act 2006 (ICT Act), the new law has certain provisions (8, 21, 25, 28, 29, 31, 32 and 43) that will squeeze up freedom of expression.

Moreover, the freedom of assembly has been impeded at different times of the year. In April-May 2018, there were incidences of attack by ruling party's student wing on the students' movements demanding quota reform, and in May, on the movement demanding safe roads; incidences of using excessive force including arrests, attacks and filing of cases by law enforcement agencies also took place. During that period, incidences of journalists being attacked and beaten-up, were hugely criticised. In context of these incidents, renowned photographer Shahidul Alam's arrest in allegation over his facebook post highlighting these incidents created huge criticisms around the country.

Similar to the previous years, violence against women, especially rape, sexual harassment, murder, domestic violence and tortures instigated by salish (informal local arbitration system) continued to 2018.

Additionally, like preceding years, irregularities in medical treatment including negligence or faulty treatment by doctors and other related

personnel, and harassment and deaths of patients for not getting treatment took place.

On 24 October, 'Sarkari Chakri Ain, 2018' was passed in the National Parliament. One clause of this bill mentions that employing authority's permission needs to be taken before arresting a government official even if s/he has committed criminal offence. This provision is in contrast with our Constitution, as it outlines that all citizens of the country are equal in the eyes of law.

Human Rights Situation in 2018: Issue based Observation

Extra-Judicial Killing (EJKs)

Gunfight/crossfire/exchange of fire/encounter and death in custody

In comparison to the last few years, in 2018, the number of deaths and injuries through gun-fight/cross-fire/exchange of bullets/encounter with RAB, police and other law-enforcement agencies increased alarmingly. One particular area of concern in this regard is the country-wide anti-drugs operation that started back on 4 May 2018. According to ASK documentation based on various national dailies and its' own sources, a total of 466 people were killed in these types of incidents. As many as 292 people died during the law enforcement agencies' drive against drug traffickers, which continued from 4 May to 31 December 2018. It is to be noted that back in 2017, the number of deaths in gun-fight/cross-fire/bullets-exchange/encounter and deaths in custody was 162.

CASE STUDY

According to various media reports, local sources reported that Ekramul Hoq, councillor of Ward no. 3, was killed at around 12:30 am at night on 26 May 2018 in an alleged encounter that took place at Noakhalipara area near Teknaf Marine Drive of Cox's Bazar district. Although when asked about that incident RAB identified Ekramul as a 'Yaba' trafficker, but his relatives and local people claimed that he was not a trafficker.

On 19 October 2018, Faruk Hossain, a driver of Glory Paribahan at Dhaka-Vulta route, along with four others were lifted up from a house near Purinda area of Narshingdi district by 5/6 plain-clothe men carrying guns. His bullet-hit dead body was recovered a day later on the morning of 21 October 2018 near the Dhaka-Sylhet highway roadside, a place near Panchrukhi of Araihazar Thana, Narayanganj. Taslima Begum, wife of the deceased, claimed to ASK representatives that she had seen her husband the next day after being picked up (20 October 2018) locked-up in the Vulta police station when she went there to find him.

Enforced Disappearance (ED)

Enforced disappearance and abduction are extreme violations of human rights, which have continued to take place over the recent years. These incidents are creating worries among the people. According to ASK documentation from national dailes, a total of 34 persons were victims of abduction, disappearance, and missing in 2018. Of them, 19 have been traced subsequently, most of whom are in prison in different cases.

CASE STUDY

According to ASK's fact-findings, on 10 June 2018, Mohon Mia, a resident of Mirpur, Dhaka was lifted up by men who identified themselves as members of law enforcement agencies. A general diary on his missing has been filed on behalf of Mohon's family. No traces of him have been found till date.

Political Violence

News of violence over the 11th national parliamentary election in different parts of the country was published in various media reports. There were allegations of attack on opposition political parties and candidates, obstructing their election campaign, and threatening or intimidating them in different ways. Besides, allegations of detaining or arresting opposition political party candidates and supporters, including hitting them, attacking their election campaigns, filing cases against them and harassing them in several ways, were also raised.

Ever since the announcement of the election schedule, till 31 December 2018, at least 470 incidents of violence took place taking away lives of 34 persons. Among the dead were 19 supporters of Awami League, 4 BNP supporters, 10 general people and 1 member of Ansar. Appart from them, there were incidences of candidates, supporters and journalists being beaten up on the Election Day. Allegations of preventing polling agents of different political parties from entering the polling centres and throwing them out of polling centers were also raised.

According to ASK documentation from news published in different mass media, a total of 701 incidences of political violence took place where clashes between political parties and law-enforcement agencies, conflicts between ruling and opposition political parties and internal political clashes took place in 2018. Altogether, 67 people died and 7287 were injured in those incidents.

CASE STUDY

On the night of 24 December 2018,t, at Dhaka's Nababpur upazilla, a bunch of men wearing masks attacked 12 journalists of Daily Jugantor and Jamuna Television. The attackers smashed up the vehicle that carried them.

An incident of gang-rape and beating up a woman, mother of 4 children, took place at Noakhali's Subarnachar on the night of 30 December 2018. The attackers were local Awami League supporters.

Right to Freedom of Expression (FoE)

Although freedom of expression and assembly is guaranteed as a constitutional right, allegations of clamping down these rights were found at different times all around the year. On 19 September 2018, the much talked about Digital Security Act was passed in the national parliament. However, the law has incorporated 8 provisions (8, 21, 25, 28, 29, 31, 32 and 43), which are similar to the controversial provisions of the ICT Act. These provisions have elements that can squeeze up right to freedom of expression, such as sharing any aggressive, false or threatening information and data in the digital media, defamation, hurting religious sensitivity, collecting and using someone's personal information without permission, etc. Human rights defenders and journalists have continued their protest and movements against these controversial provisions.

CASE STUDY

On the other hand, attacks by reactionary groups continued against expression of free thinking and dissents, against those who express them. On 11 June 2018, at his own village under Shirajdikhan upazilla of Munshiganj district, publisher Shahjahan Bachchu was shot dead by rogues for sharing his dissenting opinions.

On 24 July 2018, a former leader of Chhatra League filed a lawsuit under Article 57 of the ICT Act against Maidul Islam, Assistant Professor, Department of Sociology, Chattogram University. He was alleged of making offensive comments about the Prime Minister. The accused is currently on bail.

Right to Freedom of Assembly (FoA)

Right to assemble was also thwarted at various times of the year. Media published reports of students getting arrested who were involved in the protests and movements the right to assemble for safe road and quota reform. As many as 20 girl students of Kobi Sufia Kamal Hall were forced out at 19 April midnight. Besides, police filed cases against 700 unidentified students.

CASE STUDY

On 15 July 2018, an attack on general students, including girls, took place while they were winding up a human chain and preparing to bring out procession near Central Shahid Minar area. Some teachers were also harassed during the procession that was brought out demanding unconditional release of the student protestors, arrest of the attackers, and safe campus.

Besides, allegations of mass arrests over opposition political parties' activities were reported at different times of the year. Indiscriminate arrests were made in allegation of obstructing governmental activities, cocktail blasts, sabotage or plotting of sabotage. Over the judgement of BNP chairperson on 8 February 2018, as many as 1,786 people were arrested in eight days. On 7 November 2018, Dhaka Metropolitan Police (DMP) and district police brought 431 of the arrested persons to Dhaka Chief Metropolitan Magistrate (CMM) Court. It is to be noted that, newspapers have published reports that in some cases politically motivated "fictitious cases" were filed to harass opposition political leaders and activists even though there were no such incidents.

Women's Rights

Despite women's advancement in education, administration, sports and economic, social and cultural spheres as well as initiatives of different GO-NGO to curb violence against women, they continue to be victims of various forms of violence including rape, sexual harassment, etc. Like in the previous years, in 2018 women were subjected to many forms of violence as well.

Rape: According to ASK documentation, a total of 732 women became victims of rape and gang-rape in the year 2018. Among them, 63 were murdered after rape and 7 committed suicide. It is to be noted that in 2017, a total of 818 women were victims of rape while in 2016 the number was 724.

CASE STUDY

On 18 April 2018 a girl with disability was raped at Comilla's Homna.

On 17 May, at Sitakunda of Chattogram, Chhobi Rani Tripura (11) and Shukloti Tripura (15) were murdered after rape.

On 26 July 2018, at Tangail's Mirjapur area, after a failed attempt to rape, garments worker Sheuli Akter had been thrown out of a moving bus, leaving her dead as she was run over by the bus.

Stalking and sexual harassment: Although 9 years have passed since the High Court's directive to form sexual harassment prevention committee at every educational institute and workplace, most of these institutions have not complied with the directive yet.

In 2018, a total of 173 women and men were victims of sexual harassment and other forms of violence; among them, 116 were women. As many as 8 women committed suicide due to sexual harassment. Twelve persons including 3 women got murdered. It is to be noted that, in 2017, altogether 170 women were victims of sexual harassment.

CASE STUDY

Allegation of sexually harassing a female teacher was brought against ATM Rezaul Karim, Dean of Hajji Mohammad Danesh Science and Technology University, Dinajpur. Likewise, media published news of sexual abuse of two female students proven against teacher Abdul Halim Pramanik of Jagannath University.

There were allegations of sexual harassment of several women by some perpetrators from the processions who were going to a mass gathering organised at the capital's Shohrawardi Uddan. The attacks took place near Bangla Motor, Karwan Bazar, Rampura and some other spots in the city. Besides, reports of sexual harassment in public transports were published in different media.

Salish and Fatwa: According to ASK documentation unit statistics, 7 women became victims of torture instigated by Salish and Fatwa. Among them, 5 were victims of physical torture, 1 woman died after torture, and 1 committed suicide after Salish.

CASE STUDY

On 26 August 2018, on a false allegation of depravity, Shyamoli of Dinajpur's Parbotipur upazilla's indegeneous village Harirampur, was brutally beaten up by 6/7 men led by village leader and UP member. She fell sick after the torture and later died on 28 August 2018 while under treatment at Dinajpur's Abdur Rahim Medical College Hospital.

On the other hand, on 1 August 2018, a woman named Asma Akter, mother of 4 children, was physically tortured at Bekisatpara village Daudkandi upazilla of Cumilla district.

Dowry and domestic violence: In 2018, a total of 195 women were victims of physical torture for dowry. Of them, 85 died and 6 committed suicide as a consequence of torture. In that year, a total of 409 women became victims of domestic violence.

Violence against domestic workers and acid throwing: In 2018, as many as 54 women domestic workers were victims of torture. Among them, 4 were victims of rape, 26 were physically tortured and 18 died of torture and other reasons. This year, as many as 22 women were victims of acid attacks and 1 of them died after acid attack.

Violence against Religious Minorities

Incidences of attack and burning down houses of religious minorities took place throughout the national parliamentary election. Moreover, there were attacks on Hindu temples and destruction of idols, as well as threats to the Ahmadiyya community by

reactionary groups. According to ASK documentation unit statistics, in 2018 there were 97 incidents of demolishing and torching idols; 29 houses were attacked, damaged and burned down at different corners of the country. This year one member of the Hindu community was killed and 46 injured.

Case Study

Reports published in media and ASK's investigation have found that at Alampur village of Feni's Sonagazi upazilla, on 15 December 2018, a few days before the national election, miscreants set a Hindu family's house on fire using kerosene. In that incident, houses of Shisir Kumar Shil, Ranjit Kumar Shil and Ashit Kumar Shil, as well as the kitchen of Ajit Kumar Shil, another brother of theirs, were burned down.

Mota Saha Gosh's house at Shingia Shahpara village under Jagannathpur union of Thakurgaon Sadar upazilla was set on fire in the early morning of 21 December 2018. Eight rooms of that house burned down in that incident. On 25 December 2018, at early morning, Jatru Barmon's house at Moddhya Jhargaon village of Akhanagar union under Thakurgaon Sadar Upazilla was set on fire. Three rooms of the house were destroyed in that incident.

Violence against Journalists

Like the previous years, in 2018, journalists and media persons were victims of torture, lawsuits, arrests and harassment in different ways. As per ASK documentation, in 2018, a total of 207 journalists were victims of physical torture, attack, lawsuit, and threat and harassment in different ways by law enforcement agencies, influential persons, public representatives, terrorists and ruling political party leaders and activists. Two journalists were killed by miscreants this year and 1 deadbody recovered.

Case Study

While returning from Pabna Press Club to his house at Kofiluddinpara area, at about 11 or half past 11 at night, Habibur Rahman Swapan, President of Pabna Reporters Unity and district correspondent of Daily Sangbad, had been attacked and severely injured by miscreants. Three unidentified terrorists on motorcycle stopped his ricksaw and beat him up. Both of Swapan's hands were broken in that attack.

Border Killing and Torture

Despite an agreement from top Indian authority to reduce killing of unarmed Bangladeshi citizens by Indian Border Security Force (BSF) to zero level and in putting restraints in the use of fire-arms and instead using rubber bullets if needed, such practice has not been materialised in reality yet. Similar to the previous years, in 2018, there were allegations of using bullets and torture and violence on Bangladeshi citizens by BSF. In total, 14 Bangladeshis were killed, 8 by bullets and 6 by torture.

Case Study

On 30 April 2018, while grazing cattle near the Bangladeshi side at the border area of Kurigram district, Md. Rasel Mia, a ninth grade student, was shot by a BSF member in his right eye and lost vision. Following the incident, when Md. Rasel Mia pleaded to the Indian High Commission with support from ASK, High Commissioner Harsh Vardhan Shringla called upon him and expressed his regret. Later, the High Commission took Rasel to India and arranged better treatment for him. But the doctors there informed that his eye-sight cannot be recovered.

Violence and Killing of Children

Incidences of violence and killing against children continued throughout 2018. One positive aspect of the year 2018 is that the Children Act (Amendment) 2018 was passed in the national parliament. The Act has incorporated some amendments with regards to certain inconsistent provisions as suggested by human rights and child rights organisations. However, rules of procedures of the Act have not yet been finalised.

As per ASK documentation unit statistics, in 2018, 1011 children were victims of different forms of torture. Due to physical torture, murder after rape as wella as murder after failed attempt to rape, killing after kidnapping and disappearance, altogether 283 children were killed, and 28 were

victims of mysterious death. Moreover, as many as 444 children became victims of sexual harassment and rape.

Case Study

On 1 June 2018, a three-year old child of Kamolnagar, Lakkhipur was victim of rape. After the brutal incident, the child was admitted to Lakkhipur Sadar Hospital in a dying condition.

At the late night of 22 August 2018, an eighth-grade student named Riadh at Mymensingh's Gaforgaon upazilla was beaten to death in allegation of theft.

On 28 August 2018, two boys named Riaz (13) and Imran (15) were brutally tortured and beaten with their hands tied on the allegation of theft at Patuakhali's Baufal.

Workers' rights

In comparison to the year 2017, this year the number of deaths in accidents at workplaces has increased. According to statistics of non-governmental organisation 'Safety and Rights Society', in 2018, a total of 592 workers died in 484 accidents at various workplaces. It is to be noted that in 2017, 437 workers died in 324 incidents.

Similar to the previous years, in 2018 too, ready-made garments workers continued their movement to demand an increase of minimum wages, arrears pay and bonus. Although there was a demand from garments workers to fix a minimum salary of Tk12,000, this year the government announced Tk8,000 as minimum salary. Bangladesh Labour (Amendment) Act, 2018 was also passed in the national parliament this year.

On the other hand, Bangladeshi migrant workers going to different countries of the world were victims of different types of torture and rights violations. As the previous years, female migrant workers going from Bangladesh to Saudi Arabia, Jordan, Lebanon and other middle-eastern countries to do domestic work, continued to face various types of physical and mental torture in the year 2018. Many of them, with the support from the government or different human rights organisations, somehow managed to return home alive after lots of struggles.

Rights of Indegeneous People

The demand for full implementation of the Chittagong Hill Tracts (CHT) Peace Accord and constitutional recognition has not yet been fulfilled. On the other hand, similar to the previous years, news on the allegations of land grabbing and rape of indegeneous women were also reported.

Case Study

On 21 January 2018, during an operation conducted by Joint Forces in a remote village named Orachhari at Rangamati's Bilaichhari upazilla, two Marma sisters were allegedly raped and sexually abused. The two girls were later admitted to Rangamati Sadar Hospital in severe conditions.

On 22 August 2018, at Bandarban's Rangati Para, two Tripura girls had been victims of rape by members of the BGB. A case was filed over the incident.

Right to Health

Right to health is one of the fundamental human rights. Unlike the previous years, in 2018, there were allegations against doctors and associated medical personnel for negligence, faulty treatment, along with harassment and deaths of patients for not getting treatment.

Case Study

ASK investigation revealed that, on 5 September 2018, at Bangabandhu Sheikh Mujib Medical University (BSMMU), Dr. Habibur Rahman Dulal, Professor of Urology Department, removed the active right kidney of patient Rowshon Ara (55) while operating her infected left kidney. The patient later died at that hospital on 31 October 2018 while under treatment.

ASK's Expectation

We believe that the collective efforts of government and civil society are essential in order to build up a human rights culture in the country and ensure equal rights and dignity for all irrespective of race or religion.

ASK urges the government to:

- Implement the commitments it has made at the national and international level for the protection of human rights at different times;
- Form a judicial commission to investigate the incidences of extra-judicial killings and enforced disappearance;
- Immediately find out those who have been victims of enforced disappearance and ratify the international treaty "International Convention on Protection of All Persons Against Enforced Disappearance";
- Take measures to stop violence against women and children; and
- Take effective measures to ensure right to freedom of expression.

Ain o Salish Kendra (ASK), a national legal aid and human rights organisation, provides legal and social support to the dis empowered, particularly women, working children and workers. Its goal is to create a society based on equality, social and gender justice and rule of law.

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