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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Written statement* submitted by ODHIKAR - Coalition for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[01 February 2021]

* Issued as received, in the language(s) of submission only.



Bangladesh: Freedoms of expression, peaceful assembly and association are systematically violated amid the pandemic

ODHIKAR – Coalition for Human Rights draws the special attention of the Human Rights Council and other United Nations (UN) human rights monitoring mechanisms regarding the systematic violations to freedoms of expression, assembly, and association in Bangladesh by persistently imposing repressive laws. Rights to freedom of opinion and expression, freedom of peaceful assembly and freedom of association are essential elements of democracy. Regrettably, such rights are being systematically violated by the incumbent Awami League government. The government imposed various repressive laws and policies targeted at dissenters and are harassing the opposition political parties' activists. Journalists, human rights defenders (HRDs), university teachers, civil society actors, bloggers and online activists have been harassed and accused of different criminal charges for criticising the inactions of the government.

The government has severely curtailed freedoms of speech, thought, conscience, expression, assembly and association and consistently targets dissidents with the Digital Security Act, 2018, the Special Powers Act, 1974 and other draconian laws. Interference of the government and the ruling party leaders and activists in citizens' freedom of expression has been very visible amid the COVID-19 pandemic. HRDs and journalists were subjected to various forms of harassment, including lawsuits and arrests, for their independent expressions. In most cases they are forced to maintain self-censorship while publishing reports. There is no mechanism for the protection of journalists and human rights defenders in the country. People from different walks of life including writers, cartoonist, bloggers, opposition leaders-activists, teachers, lawyers, journalists and many others have been arrested and jailed under the repressive Digital Security Act (DSA), for criticising the government's failure in dealing with the Coronavirus outbreak, insulting 'religious sentiments' and 'liking or sharing' any post on social media about high-ranking members of the ruling party or their family members, Ministers and Members of Parliament. Furthermore, the government also brought social media under scrutiny as social media has become vigilant in publishing reports which cannot be published in many media outlets due forced self-censorship under government pressure.

On 24 February 2020, a bench comprising of Justice Sheikh Hasan Arif and Justice Mohammad Mahmood Hossain Talukder of the High Court Division of the Supreme Court issued a Rule as to why Sections 25¹ and 31² of the Digital Security Act, 2018 shall not be deemed unconstitutional.³ It is to be noted that the government, on 8 March 2020, issued the Rules of this law in order to enforce the DSA more strictly. According to ODHIKAR, in 2020, a total of 142 persons were arrested under the DSA for their comments against high officials of the government and their families, and critical views and comments on religion. Law enforcement officials and ruling party members have filed lawsuits and the courts refused to grant bail to those arrested under the DSA.

This is to be noted that Bangladesh has hardly implemented the global recommendations it accepted in the third cycle of the Universal Periodic Review (UPR) in 2018 while human rights defenders expressed their concern over a deteriorating human rights situation and the shrinking space for dissent in the country. On 2 December 2020, the Solidarity Group for Bangladesh - a platform of eight local and international human rights organisations, including ODHIKAR - submitted a joint mid-term UPR assessment report to the Working Group on the Universal Periodic Review detailing the performance of Bangladesh. The report assessed the status of implementation of the UPR recommendations accepted and noted by the Bangladesh government during its third UPR cycle held in Geneva in May

¹ Available at: <http://bdlaws.minlaw.gov.bd/act-1261/section-47483.html>.

² Available at: <http://bdlaws.minlaw.gov.bd/act-1261/section-47489.html>.

³ HC issues rule on sections 25, 31 of Digital Security Act 2018, Dhaka Tribune (24 February 2020), Available at: <https://www.dhakatribune.com/bangladesh/court/2020/02/24/hc-issues-rule-on-sections-25-31-of-digital-security-act-2018>.

2018. Bangladesh failed to implement the recommendations to ensure the effective protection of human life and the security of human rights defenders and journalists against human rights violations. It also failed to implement the recommendations to protect HRDs and journalists from harassment by combating impunity and ensuring prompt and impartial investigations into all violations against HRDs.

Human rights defenders and international human rights organisations, including the UN bodies, expressed concern over the use of the DSA to silence dissenting voices, particularly since the onset of the pandemic. Front Line Defenders condemned the Bangladeshi government's growing intolerance towards human rights defenders and all those critical of its actions. Human Rights Watch urged the Bangladeshi authority to repeal the abusive laws used to crackdown on critics.

The government had imposed a ban on doctors, nurses and government employees on expressing their views regarding the pandemic in an effort to conceal the failure of the government to take appropriate measures to prevent the pandemic.⁴ The government issued a notification regarding this as well. On 7 May 2020, the government issued a circular directing government employees to refrain from uploading, commenting, liking or sharing any post, photo, audio or video that 'tarnishes' the image of the government or the state through social media. The notice states that legal action would be taken if the Order is violated. By banning what is essentially the freedom expression, the government also seeks to cover up its failure of taking appropriate action to control the pandemic.

Aside from filing cases against journalists under the DSA, the government continues to put pressure on the media to disrupt the distribution of objective and impartial news. The media, especially electronic media, are controlled by the government through their owners and pro-opposition media such as Amar Desh, Diganta TV and Islamic TV have been shut down since 2013. According to ODHIKAR, in 2020, 74 journalists were injured, 31 were assaulted, 28 were attacked, 17 were threatened, seven were arrested, one was tortured, three were abducted, four were harassed and 70 journalists were sued while carrying out their professional duty.

Furthermore, the government barred and attacked meetings and assemblies organised by various political parties and progressive organisations, which is in clear violation of the rights to freedom of expression, peaceful assembly and association guaranteed in Article 36 and 37 of the Bangladesh Constitution and Article 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR). The government cracked down on various opposition parties and dissidents and curtailed citizens' rights to freedom of assembly and association. In 2020, several cases were filed and arrests were made against leaders and activists of the opposition political parties. Bangladesh Nationalist Party (BNP) leaders and activists have even been detained from indoor private meetings and cases were filed against them on the allegation of 'planning sabotage'. The current government has made it mandatory to seek police permission for organising rallies or processions and even indoor meetings, which is in conflict with Article 37 of the Constitution. The Dhaka Metropolitan Police said in a press release, on 2 December 2020, that legal action would be taken if any procession, meeting or rally is held in the Dhaka Metropolitan Area without the permission of the police.⁵ Rallies and meetings of the ruling party and its allies were not obstructed by the police, but public meetings of the opposition political parties and non-political organisations in protest of various demands from the government were stopped due to obstacles and attacks by law enforcement agencies and the ruling Awami League-backed Chhatra League and Juba League leaders and activists. For example, the 31st Anniversary programme of Drik Gallery had to be cut short due to the disruption by ruling party supporters in Dhaka on 4 September 2020. The Drik Gallery was staging an exhibition and performance titled 'Crossfire' to protest extrajudicial killings in Bangladesh. In October 2020, there were attacks against protesters who were involved in mass demonstrations against rape and sexual harassment in Bangladesh which consisted of rallies and human chains. The protests were sparked by a spate of rape cases and other forms of violence

⁴ The daily Prothom Alo, 17 April 2020; <https://www.prothomalo.com/bangladesh/article/1651469>.

⁵ Bangla Tribune, 2 December 2020; <https://www.banglatribune.com/c/655482/>.

against women across the country. The police attempted to smear the protesters saying that “vested groups were trying to manipulate the anti-rape movement to further their ill-interests”.⁶

Recommendations:

Odhikar calls the UN Human Rights Council to:

1. Urge Bangladesh to repeal all repressive laws, including the Special Powers Act, 1974, the Information and Communication Technology Act, 2006 and the Digital Security Act, 2018.
2. Urge Bangladesh to refrain from political and judicial harassment against the journalists, human rights defenders and civil society activists and release all detainees arrested under the Digital Security Act, 2018.
3. Urge Bangladesh to send an invitation for a country visit to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on the rights to freedom of peaceful assembly and of association.
4. Urge Bangladesh to continue constructive cooperation with the UN human rights mechanisms to protect and promote human rights.

⁶ Available at: <https://monitor.civicus.org/updates/2021/01/26/artists-journalists-and-activists-targeted-bangladesh-while-protesters-threatened-and-attacked/>.