



# General Assembly

Distr.: General  
22 February 2019

English only

---

## Human Rights Council

### Fortieth session

25 February–22 March 2019

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Written statement\* submitted by Asian Legal Resource Centre, a non-governmental organization in general consultative status**

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

[11 February 2019]

---

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



## **BANGLADESH: Criminalisation of torture goes hand in hand with institutionalisation**

The United Nations Human Rights Council's faulty electoral system has adopted Bangladesh as a member of the highest global rights body from 2019 to 2021 despite the State's deliberate failure in extending full cooperation to the Council. Bangladesh's re-election to the Council has taken place at a time when the country's government is hiding its catastrophic domestic human rights records behind the showcase of accommodating the Rohingya refugees, who fled to escape a systemic genocide in Myanmar.

The Asian Legal Resource Centre (ALRC) has been consistently submitting analytical documentations to the Council about Bangladesh's ever increasing trend of human rights violation under blanket impunity. Regrettably, the Council either fails, or is disinterested, to hold the State accountable for its deteriorating human rights situation.

Facts suggest that only five mandates of the Special Procedures have been allowed to visit Bangladesh in the history. The last visit was in September 2015 by the Special Rapporteur on Freedom of Religion or Belief. Major mandates that deserve unfettered access to the country following its human rights situation are consistently being denied to make country visits. For example: sixteen mandates<sup>1</sup> including the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions; Special Rapporteur on Independence of Judges and Lawyers; and Working Group on Enforced or Involuntary Disappearances that have ever been received by State despite repeated requests for country visits.

The Council must be aware that since the accession to the Convention Against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment in October 1998 Bangladesh has not yet submitted the initial report to the Committee Against Torture (CAT) in two decades.

It is an undeniable truth that Bangladesh does not cooperation with the Council or the UN Human Rights Mechanism on its domestic human rights issues.

In reality, after criminalisation of torture<sup>2</sup> in October 2013, the government has institutionalised torture in the country's law-enforcement system for eliminating its political opponents and dissidents. There is not a single record of punishing a perpetrator for committing the crime of torture since the criminalisation of torture. Instead, the government has honoured police officers with gallantry awards for arbitrarily arresting acclaimed photographer Shahidul Alam and leaders of the Quota Reforms Movement<sup>3</sup>.

Bangladesh's Supreme Court has passed few glamorous verdicts when high profile lawyers brought issues of human rights abuses before it. Ironically, the jurisprudence survives merely as references in seminars or footnotes in research articles without being used to protect a victim or prosecuting a perpetrator for torture or any other human rights violation in the country.

The members of the Council – those who have stronger commitment to human rights – need to assess Bangladesh's human rights records and level of qualitative cooperation with the Council objectively. The international community should have the ability to assess Bangladesh's human rights situation looking beyond the Rohingya refugee issues. International and domestic media reports suggest that Prime Minister Sheikh Hasina

---

<sup>1</sup> Database of the Special Procedures of the UN Human Rights Council:  
[https://spinternet.ohchr.org/\\_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=BGD](https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=BGD)

<sup>2</sup> Bangladesh's National Parliament passed the "*Torture and Custodial Death (Prohibition) Act-2013*" on 25 October 2013; an unofficial English translation can be accessed from the website of Asian Human Rights Commission:  
<http://www.humanrights.asia/countries/bangladesh/countries/bangladesh/laws/legislation/Torture-CustodialDeath-ActNo50of2013-English.pdf>

<sup>3</sup> Muktadir Rashid, New Age, 8 February 2019: <http://www.newagebd.net/article/64173/police-week-awards-trigger-criticism>

initially refused to provide shelter to the Rohingya, which led to numerous deaths of the exudes after 25<sup>th</sup> August 2017. The government only opened its borders for the Rohingyas after two weeks following increasing pressures from the people of Bangladesh and the international community.

Time has come for the UN Human Rights Council to sincerely look into the ground realities of Bangladesh purely from the perspectives of human rights, democratisation, and functionality of the domestic justice mechanism. Admiring an authoritarian government will never bring any change to the life of the victims of torture and other gross human rights violations. Effective engagements are urgently required for democratisation and rebuilding the justice institutions in Bangladesh. Rebuilding must lead to fundamental transformation of institutions so that equality before the law and access to the justice mechanisms can be guaranteed, and impunity is abolished.

---