

Final Operation Report

The UN Human Rights Mechanisms: Advocacy on the Post Universal Periodic Review



Overview:

The Universal Periodic Review (UPR) was established through the UN General Assembly resolution 60/251 passed on 15 March 2006, which also created the UN Human Rights Council. This mandated the Council to "undertake a universal periodic review, based on objective and reliable information, of the fulfillment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States."

The UPR is a unique process which involves a review of the human rights records of all 193 UN Member States. The UPR is a State-driven process, under the auspices of the Human Rights Council, which provides the opportunity for each State to declare what actions they have taken to improve the human rights situation in their countries and to fulfill their human rights obligations. As one of the main features of the Council, the UPR is designed to ensure equal treatment for every country when their human rights situation are assessed.

The first cycle of the Universal Periodic Review ran from 2008 to 2011. The first UPR report on Bangladesh was submitted in February 2009, where the Government of Bangladesh made several commitments and pledges, including 'zero' tolerance on extrajudicial killings, torture and deaths in custody and also to adopt a comprehensive approach to address violence against women and to take effective measures to protect women's rights. However, the situation has not improved even after making such promises at the various levels including the UPR session. After four years, the second cycle of the UPR process started from April 22 – May 3, 2013. It provided an opportunity for all States to declare what actions they have taken to improve the human rights situation in their countries and for civil society and the national human rights institutions are to contribute to the process through the submission of reports.

Background

Bangladesh is a State Party to various human rights treaties, including ICCPR, ICESCR, CEDAW, CAT and the Rome Statute of the ICC. It has also been elected a second term in the UN Human Rights Council. The Government of Bangladesh has the obligation to implement provisions of those treaties by taking necessary steps in promotion and protection of human rights. Unfortunately, this has not influenced much improvement to its human rights record.

During the first cycle of the UPR session, 42 recommendations were made of which the Bangladesh government accepted 34. Odhikar highlighted the state of implementation of key recommendations as well as human rights developments since the first cycle review took place and published a midterm review on Bangladesh. Unfortunately, the Bangladesh Government has failed to implement most of the recommendations which it accepted.

The second cycle of the UPR on Bangladesh has been reviewed on April 29, 2013, during the 16th session of the UPR Working Group at the UN Human Rights Council. Odhikar had submitted an alternative report on the human rights situation, as part of its advocacy and a team of representatives from Odhikar also attended the 16th session of the UPR in Geneva, Switzerland from April 22 – May 3, 2013. During the interactive dialogue, 97 delegations made statements; among them, 94 delegations made recommendations.

Out of 196 recommendations, Bangladesh has accepted 171 recommendations. Six recommendations were rejected and 19 were responded without a clear position. These recommendations were adopted in the Plenary on 20 September 2013. Unfortunately most of the recommendations are unimplemented though they enjoyed the support of Bangladesh.

Project Goal

The goal of this project was to conduct consultation on post-UPR human rights situation at local and national level in order to make the government accountable for the implementation of the recommendations and pledges accepted and adopted by Bangladesh.

Specific Objectives

- To undertake advocacy and awareness raising campaigns to develop a broader constituency for the promotion of human rights in post-UPR session;
- To initiate dialogue against human rights violations and improve the human rights situation;
- To encourage the State to fulfill its human rights obligations and commitments;
- To lobby for the inclusion of the recommendations made at the UPR session at the manifesto of the main political parties before the next Parliamentary elections in 2014.

Specific Activities:

Under this project Odhikar intends to organise two regional consultations on post-UPR human rights situation of Bangladesh.

Plans:

Odhikar planned to conduct the discussions within three months after the UPR recommendations were adopted. But it could not do so as the Secretary and the Director of Odhikar were detained and persecuted during and following August 2013 for reporting on extrajudicial killings by security forces centering the Hefazate Islam rally. Moreover, the Organisation and its staff were

under constant surveillance and monitored by the intelligence agencies because of its dissenting voice against the acts of extrajudicial killings, torture and enforced disappearances. Given the circumstances, Odhikar had to extend the timeframe for organising the consultations.

Post-UPR Consultations

Odhikar has closely been monitoring the UPR process from the very beginning through documentation, fact finding and advocacy on human rights issues. In order to raise awareness on the issues relating to human rights, Odhikar organised two post-UPR consultations in Dhaka and in Chittagong to review the present human rights situation and to follow the pledges that Bangladesh had made at the UN Human Rights Council's 16th session of the Universal Periodic Review Working Group in Geneva in April 2013.

Both the consultations were focused on the UPR recommendations relating to an enabling environment for civil society including the freedoms of expression, assembly and association, and issues regarding persecution of human rights defenders.

The First Consultation

The first consultation was held in Dhaka on March 29, 2014 at the BRAC Centre Inn and was attended by representatives of the political parties, diplomats, lawyers, professionals, academics, human rights defenders and CSOs. The discussion was moderated by Odhikar's Secretary, Adilur Rahman Khan and a position paper¹ focusing on the right to life and freedom of expression, assembly, among others was presented by its President, Dr. C R Abrar. It said that the Information and Communication Technology Act 2006 and its recent amendments became a major threat to freedom of expression. The law has become a handy tool against those who may hold and express dissenting views. Already several journalists, bloggers and human rights defenders have been charged under this law.



¹ Keynote paper is attached in Annex-i

About 65 participants from various sections, including politician across the divide, academics, lawyers, journalists and human rights defenders attended the meeting. Among the distinguished guests, Yves Berthelot, President of OMCT; Senior journalist Mahfuz Ullah; Zakir Hossain, Chief Executive of Nagorik Udyog; Saiful Huq, General Secretary of Biplobi Workers Party; Dr. Asif Nazrul, Professor of Dhaka University; Farida Akhter, Executive Director of UBINIG; Mahmudur Rahman Manna, Convener of Nagorik Oikkya; Barrister Sara Hossain, Advocate of Supreme Court and Honorary Executive Director of BLAST; Dr. Piash Karim, Professor of BRAC University; Shariful Islam, Associate Professor of Dhaka University; Tanvir A. Chowdhury, Editor of News from Bangladesh; Zahed Ahmed, News Editor of the daily Amar Desh; Kazi Jesin, Chief Executive of Bioscope; and Julia Jacoby, representative of the Delegation of the European Union to Bangladesh spoke at the meeting.

Speakers at the discussion urged the government to form an independent body to investigate the allegations of extrajudicial killings, enforced disappearance and torture against law enforcement agencies especially the Rapid Action Battalion. They also expressed grave concern over 'persistent extrajudicial killings,' brutality by security forces and the continued trend of enforced disappearances.

Odhikar report states that despite the government's reiteration of 'zero tolerance' for extrajudicial killings, 245 people were killed extra-judicially, including 76 in 'crossfire', between May 2013 and February 2014. During the same period, 28 people, mostly political opponents, became victims of enforced disappearance.

The discussants denounced the role of National Human Rights Commission and its top officials for failure in protecting rights of citizens.

Yves Berthelot, President of World Organisation Against Torture said torture, extrajudicial killings and disappearances exist in Bangladesh. He stated that there is a difference between the concept of rule of law and good governance and many government are ruled by law, and not by the concept of rule of law. The situation of human rights defenders are same in all over the world and the the situation of Bangladesh is not an unique case. He also called upon the government to invite United Nations Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment.

In the UPR report, the government claimed that '1,678 battalion members had so far been subjected to prosecution and conviction, including imprisonment and dismissal' on various charges. The rights activists, however, doubted about the battalion's internal mechanism of inquiry against its personnel. Odhikar president Dr. CR Abrar said, 'It needs political will to make a break from the present and bring about change.'

Speakers emphasized on the freedom of the opinion, expression and of association in discussion. They stated that the successive governments in Bangladesh have consistently failed to meet obligations to investigate violations; to take appropriate measures in respect of perpetrators,

particularly in the area of justice, by ensuring that those suspected of criminal activities are prosecuted, tried and duly punished due to a culture of impunity.

Senior journalist Mahfuz Ullah alleged that the government was suppressing the dissent voices. Mahfuz alleged that the government was now providing the private television channels with ‘positive list’ of talk-show discussants.

About freedom of expression, Nagorik Oikkya Convener Mahmudur Rahman Manna alleged that the government was scared of Dhaka University teacher professor Asif Nazrul, BRAC Univeristy teacher Dr. Piash Karim and New Age editor Nurul Kabir for their outspoken remarks.

The Second Consultation

Odhikar organised the second consultation on May 17, 2014 in Chittagong at Hotel Favour Inn. The discussion was presided over by Odhikar President Dr. C R Abrar and the keynote paper was presented by Odhikar’s Programme Coordinator Sazzad Hussain. A total of 70 participants from various sections, including politician across the divide, representatives of the local government, academics, lawyers, journalists and human rights defenders attended the meeting. Among the distinguished guests, Professor Sikander Hayat Khan, Vice-Chancellor of East Delta University; Dr. Saroj Kanti Singha Hazari, Vice-Chancellor of BGC Trust University; Dr. Manzur-ul Amin Chowdhury, Senate Member of Chittagong University; Dr. Mahfuzur Rahman; and Mahmudur Rahman Manna, Convener, Nagorik Oikkya spoke during the discussion.



Dr. C R Abrar said that there is a huge gap between commitments and implementation. The UPR process can be an effective vehicle for the state-parties to ensure rule of law and to bring order in running the state machinery. It also empowers various arms of the state to make its functionaries, particularly those engaged in law enforcement be accountable and transparent. It is against this

backdrop of the importance of the UPR process and the commitments made by Bangladesh at the April 2013 session a brief evaluation of the country's performance in the post-UPR period is of relevance.

In the consultation, acts of torture, enforced disappearances and extrajudicial killings were highlighted and widely discussed. Throughout the consultation meeting, the discussants were heavily critical about the role of the law enforcement agencies particularly Rapid Action Battalion (RAB) and police. They urged for independent inquiry to investigate the allegations against the RAB and police.

In Bangladesh, torture and ill-treatment in the custody of law enforcement agencies is endemic and a common practice. It is one of the major obstacles to establish human rights and rule of law. It prevails due to lack of accountability and a culture of impunity of law enforcement agencies. Despite being a party to the Convention against Torture, Bangladesh has not yet followed the obligation to stop torture.

Enforced disappearance is deeply rooted in an exploitative and oppressive system that breeds poverty and violates basic human rights. In recent years, the instances of enforced disappearance have been on the rise in Bangladesh. People are abducted and are disappearing from various places even in broad day light, by men claiming to be members of law enforcement agencies.

Mahmudur Rahman Manna said, extrajudicial killings are infringements of the right to life and these killings have been carried out in Bangladesh by different regimes, since the independence of the country. The right to life is a fundamental human right, internationally recognised in Article 3 of the Universal Declaration of Human Rights and in Article 6 of the International Covenant on Civil and Political Rights.

Speakers urged the government of Bangladesh to publicly set out a comprehensive, measurable and time-bound action plan for the implementation of UPR recommendations, in cooperation and consultation with civil society.

Gratitude:

Odhikar expresses its gratitude to people and the Government of Switzerland, and in particular, the Embassy of Switzerland in Bangladesh, for their support at a time when the human rights situation has fatally deteriorated in Bangladesh and the UPR mechanism provides an opportunity for the government to engage in self-reflection. It also creates scope to take stock of their own performance and measure them against laws of their own lands and international standards. The support enabled Odhikar to highlight the freedom of opinion and expression, assembly and of association as a human rights organisation, and mobilise mass awareness to protect these rights.

Result Achieved:

The objectives of the programme have been largely achieved through this interactive dialogue. Odhikar has been raising awareness for the government to improve human rights situation by engaging the relevant stakeholders.

Eminent journalists and human rights defenders agreed that media should be engaged with civil society in order to act together more closely on human rights issues.

One of the key achievements of the UPR is the commitments that are agreed by the government and others stakeholders to put forward.

The Government has been urged to implement the recommendations accepted in the plenary session in the UN Human Rights Council.
