

HUMAN RIGHTS FORUM BANGLADESH (HRFB)

PRESS STATEMENT

Review on Bangladesh's progress on Prevention of Torture 20 years after signing United Nations Convention Against Torture: Response of Human Rights Forum Bangladesh (HRFB)

[08 August 2019] Human Rights Forum Bangladesh (HRFB) expresses its deep concern on the lack of accountability of the Law Enforcement Agencies (LEAs) with regard to torture and other ill-treatment of people in custody in Bangladesh and the failure of the Government in preventing such gross violations from taking place and punishing the perpetrators.

On 30 and 31 July 2019, the progress of Bangladesh under the United Nations Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (UN CAT), was reviewed by the Committee Against Torture during its 67th Session in Geneva. This Special Committee reviewed the situation in Bangladesh in light of the initial report submitted by the State as well as the reports submitted by multiple non-governmental human rights organisations. The review session was attended by high-level government delegation led by the Minister of Law, Justice and Parliamentary Affairs. During this review, representatives of HRFB as well as other international human rights organisations and mass media were present.

The UN CAT was adopted on 10 December 1984 in New York. On 5 October 1998, Bangladesh became a state party to this Convention through accession. Although Article 19 of this Convention obligated Bangladesh to send its initial report to the Committee against Torture a year after its accession, Bangladesh finally submitted the report on 23 July 2019, twenty years after it was officially due.

HRFB appreciates the Government of Bangladesh for its participation in the review and submitting its report under this mechanism. The Government was informed 9 months prior to the review that it will take place even if the state report is not submitted. However, the government submitted the state report a week before the review session and the Ministry of Foreign Affairs (MoFA) arranged for a consultation with the civil society organisations on 23 July 2019 on the draft report. In the consultation meeting, certain organisations were invited. Moreover, the full report was not shared in the meeting and submitted to the OHCHR within few hours on the same date. We thus believe that the consultation meeting was not productive.

Furthermore, the state report highlighted only the existing legal, ethical and institutional framework issues. However, it did not cover issues relating to the implementation of such matters. In particular it emphasised on the adequacy of the Prevention of Torture and Custodial Death Act 2013, but failed to demonstrate any evidence of its application in practice by victims of torture or their families to obtain justice.

In the review session, the scenario that was portrayed by the state representative was at odds with the actual scenario in Bangladesh. Furthermore, the government went beyond and tried to defend its stance when allegations were brought against the LEAs in the report

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provided by the civil society organisations. But the arguments they presented were not satisfactory at all. The Committee commended the detailed response of the Government representatives; however, many questions raised by the Committee remained unanswered by the State as was mentioned by the Committee Chairperson and other Committee members. The Committee further mentioned that the necessary information and data were not presented and the actual application of the legal safeguards against torture was not adequately emphasised upon.

The Committee, at multiple times, raised the issue of the complaints of the human rights violations by the law enforcement agencies, especially torture in custody and remand, extra-judicial killings, incommunicado detention, enforced disappearance, illegal detention, etc., and the lack of accountability within the law enforcement agencies which HRFB also highlighted both in its stakeholders' report as well as at the national level through its activities. Moreover, the Committee also raised questions regarding the prison conditions, independence of the judiciary, election violence, rights of voters, and on various other matters. The Committee also expressed its concern regarding the fact that despite the enactment of the 2013 Act, numerous allegations exist given the low number of cases filed under the same in the last few years. The Committee asked for the number of incidents in which justice has been ensured. In response to these questions, the Minister of Law, Justice and Parliamentary Affairs, who was leading the state delegation team, shed light on the existing legal framework and the High Court Directives. He reiterated Government's 'Zero Tolerance' Policy against the extra-judicial killings and the existence of the various other departmental remedial measures. However, information on these actions is not publicly available and serious doubt remains on its neutrality. Affected person or his/her family members fear taking the help of the law in fear of being a victim of further torture and harassment. Due to the absence of an effective, fair and impartial monitoring system, it is not being possible to provide remedies, establish justice and sufficient compensation against these complaints.

Furthermore, the Committee urged the Government to make a commitment to not harass the human rights organisations and other participants who had actively participated in the review process including the affected persons or their family members that were cited in the reports. The Law Minister reassured the Convention that the matter will be dealt with utmost priority.

The Forum hopes that the Government will participate more effectively in these mechanisms in future, create a conducive relationship with human rights and civil society organisations, and adopt an action plan with the cooperation of various ministries for the implementation of the recommendations received from the Committee.

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