Human Rights Situation in Bangladesh 2019: An Overview

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ABSTRACT

Human rights violations have become the norm in Bangladesh notwithstanding the country's constitutional commitment to safeguarding fundamental rights and its ratification of numerous international treaties and conventions. State authorities have repeatedly failed to protect citizens' fundamental rights such that constitutionalism and democratic governance are a far cry. The main objective of this research is to portrait the real scenario of human rights violations in Bangladesh in 2019, and both state and nonstate actors would be acquainted with the prevailing human rights conditions. Considering the nature of the study, mixed methodologies have been applied and data collected from both secondary and primary sources. After analyzing the data the study has found that the rising incidents of rape, extrajudicial killings, disappearance, check on freedom of expression, child rights violation and border killings reveal a very gloomy scenario of the overall human rights situation in Bangladesh. Finally, this research will help mass people, civil society organizations, and international communities by providing them an evidential account of ongoing degrading treatment of human beings.

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INTRODUCTION

Bangladesh became independent from Pakistan in 1971, after a nine months bloody war by the sacrifice of three million lives and instead of the sanctity of 4,00,000 women and girls to ensure democracy, freedom of expression, security of life, and Human Rights of all its citizens(Mohajan, 2013). Ironically, immediately after gaining independence rulers failed to establish democracy as well as to ensure constitutionally guaranteed fundamental rights due to the establishment of a repressive autocratic regime till 1990. Although 20 years after independence a democratic government came into power and continues to present with some questions, Human Rights remain a dream for mass people because of the unwilling attitude of the government. However, the current scenario of Human Rights has become worst after the present ruling government came into power by a controversial election in 2018(Human Rights Watch, 2020). Despite having constitutional obligations and international laws and treaties, human rights are drastically violated in Bangladesh. Although the state is the defender of all sorts of human rights, in most of the cases related to human rights violations, state authorities fail to protect its citizen's rights with the help of law enforcement agencies (Human Rights Support Society, 2020). Sometimes we see law enforcement agencies and administrations to some extent were involved with a violation of human rights rather than protection of citizen's rights. Consequently, the state could not properly ensure justice, peace and security to its citizens. As the government limited political and civil society space, restriction on freedom of expression, the culture of impunity for security forces and the ruling party, culture of fear, hatred, intimidation and extortion by the law enforcing agencies along with the ruling party leaders were provoking the situation very frightful. As a result, significant human rights issues included: unlawful or arbitrary killings; forced disappearance; torture; arbitrary or unlawful detentions by the government or on its behalf; harsh and life-threatening prison conditions; arbitrary or unlawful interference with privacy; arbitrary arrests of journalists and human rights activists, censorship, site blocking, and criminal libel; substantial interference with the rights of peaceful assembly and freedom of association, such as overly restrictive NGO laws and restrictions on the activities of NGOs; significant restrictions on freedom of movement; restrictions on political participation, where elections were not found to be genuine, free, or fair; significant acts of corruption; criminal violence against women and girls; trafficking in persons; threats of violence targeting indigenous people; and the use of the worst forms of child labor were massively spread out in the society (United States Department of State, 2020). So the overall human rights condition in Bangladesh has deteriorated severally in 2019.

METHODOLOGY

Both qualitative and quantitative methodologies have been applied to achieve the objective of the study. The quest of the mixed methodology for this study is to depict the real scenario of human rights violations in the country because there is no such work that can be basis as a concrete and evidential exposure to the concerned authority both home and abroad. On the other hand, data have been driven from both primary and secondary sources. Data are collected from the prominent national dailies and fact-finding reports prepared by country-wide volunteers, human rights reports, periodic and interviews of victims. Likewise, the data analysis also followed by the mixed way, descriptive and critical technique.

LIMITATION OF THE STUDY

The study is based on the reported cases in the newspaper. Systematic statistical sampling did not follow to make the findings representative for the country. So, generalization based on the collected data may not give the real picture. It can be assumed that the real scenario is worse. Moreover, it has been faced difficulties to collect exact information from rural areas especially gender-related violence because of the victim's unwillingness to share the incident due to shame, stigma and political power surrounding it. Furthermore, the victim's family members has also shown reluctance in some cases to talk against law enforcement agencies due to fear, harassment, and a culture of impunity for security forces.

CONCEPT OF HUMAN RIGHTS

Human rights are a widely used and highly valued concept in the world. These rights are inherent to all human beings, whatever our nationality, place of residence, sex, ethnic origin, color, religion, language, or any other status. We all are equally entitled to our human rights without discrimination. So, these rights are universal, inalienable, interrelated, interdependent, and indivisible. Similarly, human rights have moral principles that set out certain standards of human behavior and are regularly protected as legal rights in national and international law. They are "commonly understood as inalienable fundamental rights to which a person is inherently entitled simply because she or he is a human being" (Icelandic Human Rights Centre, N.D.). Likewise, the UN defined

human rights as those rights which are inherent in our state of nature and without which we cannot live as human beings (UDHR, 1948). Thus, human rights are conceived as universal (applicable everywhere) and egalitarian (same for everyone). Additionally, the concept of human rights includes civil and political rights or public liberties, economic, social and cultural needs. It is the state's responsibility to protect and promote human rights. It is also the duty of the state to create conditions for peaceful existence which enable human rights to be enjoyed by every individual in that state (Abdur Rahman, 2018).

FINDINGS AND DISCUSSION

Extra-Judicial Killings

In Bangladesh, Extra-Judicial Killings by law enforcement agencies are now very common and it continues due to the absence of rule of law in the country. An extrajudicial killing is the killing of a person by governmental authorities without the sanction of any judicial proceeding or legal process. (The Stands4 Network, n.d.). The rights to life and personal liberty are under threat in Bangladesh; despite they are guaranteed by Article 32 of Bangladesh's constitution and Article 3 of the Universal Declaration of Human Rights (UDHR). On the other hand, different terminologies have been used by law enforcement agencies to avoid the liabilities of extrajudicial killing; such as deaths during 'crossfire, 'encounter', 'gunfight' etc. In the cases of "crossfire or encounters," however, we find that legal provisions are being ignored.

In 2019: a total of 396 persons were reportedly extra-judicially killed. Of them, 357 were killed in the name of 'crossfire/ gunfights /infights', 16 were tortured to death, one shot to death and 22 died in custody (Human Rights Support Society, 2020). On average, almost 33 persons have been killed extra-judicially by law enforcement agencies each month.

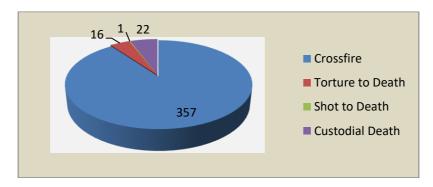


Figure 1: Statistics of Extra-Judicial Killing

Although law enforcement agencies are responsible to protect the safety and security of the citizen, they are charged for their participation and involvement in human rights violations including extra-judicial killing, torture, and illegal arrest and detention. Member of police and RAB (Rapid Action Battalion) have played a leading role in this regard.

Kinds	Police	RAB	DB Police	Join Force	Coast Guard	BGB	Army	Total
Crossfire	176	108	29	2	1	36	5	357
Shot To Death	0	0	1			0	0	1
Torture To Death	13	1	0	0		2		16
Custodial Death	22							22
Total	211	109	30	2	1	38	5	396

Figure 2: Actors of Extra-Judicial Killing (Human Rights Support Society, 2020)

Enforced Disappearance

Enforced disappearance is a brutal practice and frightful violation of multiple human rights, which are guaranteed by article 3, 5 and 6 of the Universal Declaration of Human Rights (UDHR) and article 1 of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPED). The cases of "Enforced Disappearance" have already triggered a gravest hurdle in our national life by polluting the political and administrative culture of Bangladesh. In Bangladesh, "Enforced disappearance" is frequently used as a strategy to spread the feeling of insecurity and fear not only to the close relatives of the disappeared person but also to the communities and society as a whole (Amnesty International, n.d.). The victims are mostly members of opposite political parties, human rights defenders, Journalists and those oppose the government. The widespread impunity of state agents has not only permitted this rise in enforced disappearances and associated crimes, but has also greatly eroded the rule of law in Bangladesh (Human Rights Council, 2020). The absence of both political will and a credible criminal justice system to hold personnel of law enforcement agencies to account for enforced disappearances has allowed this state policy to continue.

A total of 34 persons were allegedly disappeared after being picked up by members of law enforcement agencies, in 2019. Among them, eight were

found dead, 17 were shown arrested after a few days of disappearance, or seven surfaced alive, and the whereabouts of 9 persons remain unknown (Odhikar, 2020).

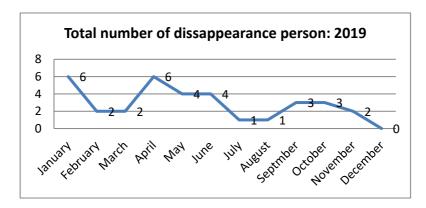


Figure 3: Monthly Comparison of Enforced Disappearance in 2019 (Odhikar, 2020).

It is also observed that, law enforcement agencies initially deny the arrest in many cases; but days or months later, the disappeared persons are produced before the public; or handed over to a police station and appear in Court, or the dead bodies of the disappeared persons are found.

Enforced Disappearance: 2019							
Months	Number of Disappeared persons	RAB	Police	DB Police	Other Law Enforceme nt Agency		
January	6	3	1	0	2		
February	2	0	0	1	1		
March	2	0	1	0	1		
April	6	0	0	2	4		
May	4	2	0	0	2		
June	4	3	1	0	0		
July	1	0	0	0	1		
August	1	0	0	0	1		
September	3	0	1	2	0		
October	3	1	0	2	0		
November	2	0	1	0	1		

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December	0	0	0	0	0
Total	34	9	5	7	13

Figure 4: Actors of Enforced Disappearance (Odhikar, 2020)

Violence against Women

Violence against women (VAW) has been a serious social, cultural and economic problem in Bangladesh, where nearly two out of three women have experienced gender-based violence during their lifetime, and domestic violence is a common, though largely under reported, occurrence (UNDP, n.d.). So Violence against women remains a main social problem in contemporary Bangladesh. The United Nations defines violence against women as "any act of gender-based violence that results in or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life (UN General Assembly, 1993). The study has found that the natures of violence commonly committed, are physical and psychological torture, sexual harassment, assault, rape, dowry-related violence, trafficking, coerced suicide and murder, acid throwing, and family feud-related violence. It is a clear violation of basic Human Rights, established in the Universal Declaration of Human Rights (UDHR) in 1948. The research has also identified that the reasons for domestic violence against women are often trivial for instance: questioning of the husband, failure to perform household work and care of children, economic problems, dowry-related disputes, etc. Moreover, the perpetrators are mostly husbands, in-laws, and other family members. The study has tried to find out different categories of domestic violence against women in Bangladesh.

The study has revealed based on collected data from newspapers and country-wide volunteers' reports in 2019, a total of 1429 females were raped. Among them, 595 victims were adults whereas alarmingly 834 were children under the age of 16. It's a rising concern in the incidence of raping crime that among victims at least 195 have been gang-raped. Among the victims, at least 58 were brutally killed after being raped. During this period, about 150 women were killed in the family feud-related violence. In the meantime, 54 were killed and 2 females committed suicide for dowry-related violence. Moreover, a total of 241 girls and women were reportedly victims of sexual harassment and 27 females were injured in acid violence between January and December 2019.

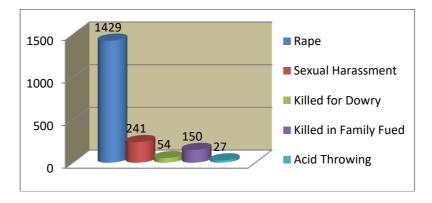


Figure 5: Violence against Women

Digital Security Act and Check on Freedom of Expression

The clampdown of the dissenting voice is a common phenomenon in Bangladesh because the government has enacted the "Digital Security Act" despite strong objections by the journalists and human rights activists. Right to freedom of expression and freedom of speech are tightly restricted by regulations and specific laws in Bangladesh, though Article 39 of the Constitution of the People's Republic of Bangladesh guarantees the "right of every citizen to freedom of speech and expression" and a member state to the ICCPR (International Covenant On Civil And Political Rights), among other core human rights treaties, and it has obligations to respect, protect and fulfill the rights set out in these accords (Faruk, 2019). But the government has been continuously violating constitutionally recognized rights as a result journalists, human rights defenders, bloggers, online activists and especially, opposition party members are facing systematic oppression from the state authority. Meanwhile, hundreds are continued to face charges for their social media commentary by members of the law enforcement agencies under the draconian "Digital Security Act, 2018" which was designed to monitor all electronic and social media communications. As a result, ordinary people have lost all hope and are reluctant to speak their minds due to the culture of impunity, lack of accountability, and an ineffective justice delivery mechanism.

This study has revealed that a total of 49 cases were filed under the "Digital Security Act 2018" and 45 arrested from different areas of the country in a total of 49 incidents in 2019.

Attack on Journalist

Threats, physical attacks, arrests and other forms of harassment for journalists are simple in Bangladesh notwithstanding the UN General

Assembly proclaimed November 2 as the International Day to End Impunity for Crimes against Journalists by the General Assembly Resolution adopted in 2014 (Ahmad, 2018). Moreover, the Universal Declaration of Human Rights (UDHR) contains, in Article 19, the first and most widely recognized statement of the right to freedom of expression: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek to receive and impart information and ideas through any media and regardless of frontiers" (United Nation, 1948). Despite this obligation, journalists have been subjected to an "unprecedented" wave of attacks in Bangladesh in 2019. Regrettably, individuals are not able to criticize the government publicly without the fear of reprisal and the government often attempts to impede criticism by shutting down several electronic and print media because of their critical reports against the government. This study also notices during data collection that, the number of attacks on journalists is increasing day by day in Bangladesh.

This research has found that a journalist was killed, 51 were injured, around 33 threatened and 17 were arrested in nearly 91 incidents between January and December '19.

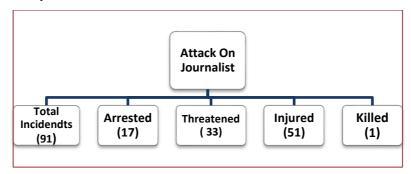


Figure 2: Attack on Journalist

Attack on Minorities

The status of minority groups all over the world has deteriorated day by day due to discrimination, insecurity, and violent attack. Like other countries, ethnic and religious minorities are the most persecuted and oppressed group in Bangladesh. Francesco Capotorti, Special Rapporteur of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities stated, a minority is: A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members - being nationals of the State - possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards

preserving their culture, traditions, religion or language (UN OHCHR, 2010). The seeds of violence against the minority communities are inherent within the structures of the modern system which has turned human beings into vote banks and vote constituencies (Ahmed, 2018). Lack of accountability and transparency of the state machinery only makes the situation worse. In 2019 like in previous years, the study observed the incidents of attacks on citizens belonging to ethnic minority communities and setting fire to their houses; attacks on houses of religious minority citizens and vandalizing their places of worship; and incidents of police attacks on linguistic minorities. Even though it is reported that ruling Awami League leaders and activists are involved in these incidents, no investigation or action was taken (Odhikar, 2020).

The study has shown that at least 38 temples and 3 houses were partially or fully destroyed, 4 lands grabbing and 11 minority members were injured in a total of 30 incidents in 2019.

Child Rights' Violation

The violation of child rights is a common problem in Bangladesh. Children have basic rights to education, a healthy and nutrient diet, safe water, and recreation. Every child has a right to a standard of living adequate for their physical, mental, spiritual, moral and social development" (Assembly, U.G., 1989). Unfortunately, most children in Bangladesh are deprived of these basic rights. As a signatory to the U.N. Declaration on the Rights of the Child in 1990, Bangladesh must protect child rights (Halim, 2016). Despite having the existence of such a comprehensive legal framework for the protection of children, violation of child rights has become a common phenomenon in Bangladesh. Children from all classes are facing various forms of physical, sexual, and psychological torture and abuse. It occurs within the family, at our homes, and our schools where children may even face sexual abuse and harassment. In particular, girls in villages are faced with the threat of child marriage. In schools, children might be beaten if they fail to perform or face humiliating and degrading punishments for minor errors or infractions. It is found that the incidents of violence against children, including killing, trafficking, abduction, and rape, have increased across the country in 2019.

As per statistics of the study, 56 children were killed and 157 children critically injured in a total of 112 incidents in 2019.

Border Killings

Bangladesh, Myanmar, and India, three neighboring countries are located in the South and southeast corner of Asia. Bangladesh shares a 4156-kilometer common border with India and a 271-kilometer border with Myanmar and always tries to maintain a good relationship with them

(Sajen, 2015). However, the border dispute is considered one of the prime issues of conflict among Bangladesh, India, and Myanmar as Bangladeshi people killed in the border area by Indian Border Security Force BSF & Myanmar Border Guard Police BGP. It is to be mentioned that according to the Memorandum of Understanding and related treaties signed between India and Bangladesh if citizens of the two countries illegally cross the border, it would be considered trespass and as per law, those persons should be handed over to the civilian authority (NEWAGE, 2016). However, the study has found that India has been violating treaties, and killing, torturing, abducting and beating Bangladeshi citizens on trivial grounds, which is a clear violation of international law and human rights. It also undermines the friendly relation between Bangladesh and India. It also noticed during data collection, human rights violations, including killing, abduction, and torture of Bangladeshi nationals by the Indian Border Security Force (BSF) continued in 2019 along the Bangladesh-India border.

This study has found that in 2019, roughly 42 Bangladeshis citizens were killed,4 injured, and 51 persons were arrested by BSF in a total of 78 incidents. In the meantime, roughly 2 Bangladeshi citizens were killed, 7 arrested and another 17 were shot by BGP.

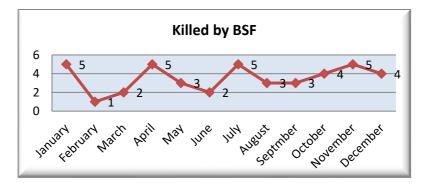


Figure 7: Monthly comparison of killing by BSF in 2019

Public Lynching

Mob behavior is usually defined to be a strange and mysterious one compared to the individual and personal character types from a psychological point of view (Hasan, 2019). Lynching is the practice of murder by extrajudicial action and it is an unlawful punishment by an informal group. Public lynching has become a national epidemic in Bangladesh due to the habitually impatient and overenthusiastic character of its citizens. In Bangladesh, many people are being killed in different places in public lynching due to a lack of respect for the justice

administration system, a culture of impunity, lack of confidence and mistrust in law enforcement, and social unrest. Public lynching incidents have dramatically increased across the country in 2019. On the other hand, men and women had become victims of mob beatings in different areas on suspicion of being child kidnappers (The Guardian, 2019). As a result, several innocent people were killed.

This research has revealed that about 103 people were injured and 73 people reportedly killed due to public lynching in a total of 112 incidents in 2019.

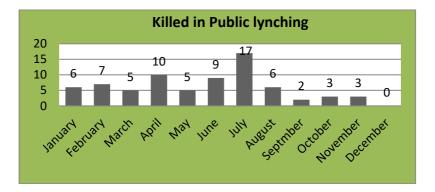


Figure 8: Monthly Comparison of Public Lynching in 2019

Political Violence

Political Violence is a common phenomenon of the Bangladeshi political landscape. Since the revival of the parliamentary system in 1991, tensions between the Bangladesh Nationalist Party (BNP) and the Awami League (AL) have often led to political violence. The present government assumed power through a controversial election in December 2018 and has been playing an oppressive role against oppositions. Opposition political parties face considerable difficulties in attempting to exercise their constitutionally guaranteed right to hold assemblies and meetings and to carry out regular political activities. This is a sign of immature political culture (Suykens, 2015). Since there is little political space for the opposition, most of the recently reported incidents of political violence occurred among the groups of the ruling party over political dominance, tender, collecting subscription and land grabbing, etc.

The study has illustrated that in 2019, a total of 49 people were killed, 57 bullet hit, and almost 2863 people were injured due to clash over political interests in a total of 280 incidents.

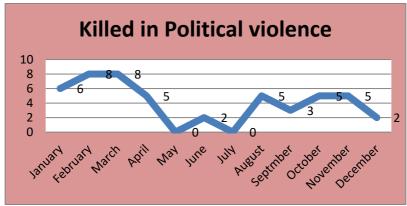


Figure 9: Monthly Comparison of Killing in 2019

Comparison of human Rights Violation between 2015 -2019

Type of Human Rights Violation		2015	2016	2017	2018	2019	Total
Violence Against	Sexual Harassment	189	266	201	107	241	1004
Women	Rape	574	739	832	693	1429	4267
	Killed for Dowry	139	153	145	44	54	535
	Killed for Family Feud	169	309	351	235	150	1214
	Acid Violence	42	39	27	14	27	149
Killed in C Violence	Killed in Child Rights Violence		100	93	43	56	370
Extr-judicial Killing		193	244	212	474	396	1519
Enforces D	Enforces Disappearance		34	62	92	23	261
Attack on N	Attack on Minority		81	39	38	30	360
Border	Killed	42	28	31	15	44	160
Disputes	Injured	57	35	38	12	4	146
	Arrested	62	50	81	32	58	283
Attack on	Injured	74	60	51	136	51	372
Journalists	Threatened	27	11	17	27	33	115
	Assaulted	10	10	36	22	7	75
	Arrested	10	10	6	9	17	52

Political Violence	Killed	172	101	71	83	49	476
	Injured	6516	3613	3931	5837	2863	22760
Digital Security Act-2018	Arrested				55	45	100
	Case Filed				31	49	80
Killed in Public Lynching		127	104	65	44	73	413

Figure 10: Yearly Comparison between 2015- 2019 (Human Rights Support Society, 2020)

Conclusion

From the review of 2019, this study has observed that the overall human rights situation especially civil and political rights were as appalling as it was in the previous year. Because government authorities failed to show respect for the life and property of the citizens. As a result, human rights violations, such as enforced disappearances, extrajudicial killings, torture, targeted killings, arbitrary arrests, border killings, and mob beating have become all-pervasive. Similarly, domestic violence especially rape and child abuse have risen alarmingly in 2019. On the other hand, a political vacuum has developed as the government undertook repressive measures against the opposition to continue its regime. Likewise, rule of law has been compromised as the government is restricted on freedom of expression by the digital security act. Finally, the study considers that the state authority should be more vigilant in protecting the life and property of the citizen and thereby fulfill their constitutional obligation. The study further appeals to every conscious citizen to raise their voice against flagrant human rights violations.

Recommendations

The government along with all relevant state authorities is under a duty to take appropriate measures to improve the situation and to meet the demands of human rights-related treaties. To improve the situation the study recommends the adoption of the following highly effective procedures.

- The government must ensure the accountability and transparency of the members of law enforcement agencies, and also establish a judicial inquiry committee to investigate each incident of extrajudicial killing.
- 2. The government should be respectful to the freedom of expression of all citizens, and print, electronic, and online media should be allowed to work freely.

- Actions should be taken to end structural and cultural violence against women from all spheres of life and ensure the safety and security of women and children.
- The Judiciary and the administrative authorities must ensure justice to all minority communities, including reconstruction of all damaged temples and places of worship.
- The government should establish a judicial inquiry commission to examine all violations of international human rights law by the BSF and BGP and take initiatives to investigate and compensate the victims' families.
- 6. The state should take necessary steps to identify the victims of enforced disappearances and hand them over to their families.

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