



SUBMISSION BY ODHIKAR AND THE ALRC TO THE HUMAN RIGHTS COUNCIL'S UNIVERSAL PERIODIC REVIEW OF BANGLADESH

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The ALRC is a regional NGO with general consultative ECOSOC status. It was founded in 1986 by a prominent group of jurists and human rights activists in Asia, and is committed to the development of legal self-reliance and empowerment of people. It conducts research concerning human rights from the perspective of the functioning of states' institutions of the rule of law and justice delivery mechanisms, and issues reports and conducts local and international advocacy with the aim of protecting human rights and combatting impunity across Asia.

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Odhikar, means 'rights' in Bangla language, is a human rights organisation based in Dhaka, Bangladesh. A group of human rights defenders established this organisation in October 1994 to create a wider monitoring and awareness raising system on the abuse of civil and political rights in Bangladesh. The rights watchdog contributes to policy advocacy aiming to address the contemporary human rights situation in Bangladesh. It is registered as an NGO with the NGO Affairs Bureau of the Government of Bangladesh bearing registration no. 924, 1995. Odhikar has a special consultative status with ECOSOC at the United Nations.

I. Introduction

1. The Asian Legal Resource Centre (ALRC) and Odhikar, submit this report on Bangladesh for consideration as part of Bangladesh's second cycle Universal Periodic Review (UPR). It covers the period from July 01, 2008 to September 30, 2012 that includes two governments; the caretaker government in power from July 1, 2008 to January 5, 2009, and the current 14-party Grand Alliance government, led by the Awami League that assumed power on January 6, 2009. During the first UPR session, 42 recommendations were made of which the Bangladesh government accepted 34. In this report the ALRC and Odhikar highlight the state of implementation of key recommendations as well as human rights developments since the first cycle review took place.
2. In the following report, the ALRC and Odhikar show that since January 6, 2009, the current elected government has failed to improve the human rights situation a culture of impunity prevails; despite the promise of 'zero tolerance' by Foreign Minister of Bangladesh in the first UPR session on matters such as extra-judicial killings, torture and custodial deaths. Furthermore, Bangladesh made voluntary pledges to cooperate with Human Rights Council and Treaty Bodies, but, as will be seen in the following report, such cooperation is poor and should be taken into consideration next time Bangladesh seeks membership in the Human Rights Council.
3. A significant development in the way in which the authorities carry out grave human rights violations can be seen in the fact that while extrajudicial killings are declining in number, the number of enforced disappearance has increased in the period in question here. The media now reports that dead bodies are being dropped into the river Meghna the middle of night, suggesting that these are victims of enforced disappearance by the authorities. International attention concerning extrajudicial killings in Bangladesh is thought to have led not to the greater protection of the right to life, but rather to the greater dissimulation by the authorities of their violations of this right.
4. Bangladesh is also faced with a politicised and partisan judiciary that drastically limits the space for remedy and justice. Taking advantage of Article 142, the elected Parliament amended the Constitution, violating fundamental rights such as freedom of speech. This forces human rights defenders to repeatedly assert the fact that, while Parliament represents the people, they do not and cannot have the sovereign power to deprive people from liberty, dignity and equal treatment or any foundational democratic principle of the state. By abrogating the electoral arrangement of 'Caretaker Government' through the 15th Amendment of the Constitution, the present government is heading towards political unrest and violence.

II. Developments to the normative and institutional framework since the first UPR review

6. Despite recommendations for Bangladesh to consider ratifying OP-ICCPR 1, OP-ICCPR 2, OP-CAT, ICRMW, CED and other core international treaties and individual complaints procedures, the current government has not made any progress in this regard.
7. 15th Amendment of the Constitution: The insertion of two new Articles under Article 7 through the 15th Amendment to the Constitution threatens human rights. New Article 7A states that, “If any person, by show of force or use of force or by any other unconstitutional means – (a) abrogates, repeals or suspends or attempts or conspires to abrogate, repeal or suspend this Constitution or any of its Articles; or (b) subverts or attempts or conspires to subvert the confidence, belief or reliance of the citizens to this Constitution or any of its Articles, such act shall amount to sedition and such person shall be guilty of sedition.’ It also says that such persons shall be punished with death. The objective of this law is to discourage a military takeover but unclear and vague phrases such as ‘show of force’ or ‘use of force’ are open to abuse.
8. New Article 7B, curbs the power of the Parliament to amend the Constitution. The amendment has also deleted the provision allowing for referenda concerning changes to the Constitution.
9. Anti-Terrorism Act 2009 and the Death Penalty: The Anti-Terrorism Ordinance 2008 was first promulgated by the emergency government on June 11, 2008. The present government approved the Anti-Terrorism Bill on February 19, 2009, without any public consultation. On February 16, 2012, the Parliament of Bangladesh adopted the Anti-Terrorism (Amendment) Bill which widens the scope of sanctions provided in the Anti-Terrorism Act of 2009 (ATA) by approving the death penalty as the maximum penalty for financing terrorist activities. The vague definition of ‘terrorists activities’ provided under the ATA is open to abuse, and is incompatible with the principle of legality requiring that criminal liability and punishment be limited to clear and precise provisions. This principle is enshrined in Article 15 of the ICCPR, which Bangladesh ratified in 2000. By retaining a vague and broadly applicable definition of ‘terrorist activities’ and making terrorism-related offences punishable by death, the Amendment Bill makes the Anti-Terrorism Act even more vulnerable to the worst kind of abuses. Documentation shows how it is being used to repress political opponents, journalists and other dissenting voices.
10. Between January 1, 2010 and September 30, 2012, a total of 240 people were given death sentences. During this period 17 persons were executed. As there are serious concerns about fair trial standards in Bangladesh, the ALRC and Odhikar call for an immediate moratorium on executions, as well as the abolition of the death penalty.
11. NHRC: Recommendations to strengthen the National Human Rights Commission in line with the Paris Principles have not been implemented effectively. The NHRC’s selection process¹ is not credible, with six of the seven members of the Selection Committee being government officials, resulting in NHRC members’

¹Under Section 7 of the National Human Rights Commission Act-2009 (Act No. 53 of 2009).

selection being based on loyalty to the government. The NHRC, established in 2007, is in theory empowered to recommend the ratification of international human rights instruments, which it has not done. It is authorised to investigate any complaint of human rights violations, but has not undertaken any effective investigations citing a lack of resources. Provisions in the law setting up the NHRC, notably Sections 12 (2) and 18, render it toothless in holding state agents accountable for violations. The NHRC's recommendations are not binding and are therefore ignored. Similarly, the Anti-Corruption Commission (ACC) is also ineffective and used to cover up cases of corruption by government officials, as shown in the Padma Bridge case, while abusively targeting opposition figures.

III. Implementation of recommendations from the 1st cycle

6. The ALRC and Odhikar deplore the government of Bangladesh's failure to meaningfully implement key UPR recommendations. Firstly, the government has failed to take any action concerning the accepted recommendation to invite the Special Rapporteur on extra-judicial killings to conduct a country visit, and issue a standing invitation to Special Procedures. It has only allowed one joint visit by the mandates on water and sanitation and on extreme poverty during this UPR's time-frame. Concerning reporting to Treaty Bodies, Bangladesh's record is very poor. Bangladesh has not submitted reports to the UN committees on CAT, ICCPR and ICESCR. It has missed its deadline for the 4th time to submit periodic reports to the CAT, since ratification of the instrument in 1998. The deadlines were as follows: 11/4/1999, 11/4/2003, 11/4/2007 and 11/4/2011. Bangladesh's cooperation with the international human rights system remains cursory and inappropriately low for a country that holds membership in the Human Rights Council.
7. The accepted recommendation to develop a national human rights programme to tackle a culture of impunity, arbitrary and extrajudicial executions and torture, have not resulted in any effective actions. The government claims that such is the primary responsibility of the NHRC, but this has been shown to be incapable of carrying this out, for example in the case of Limon Hossain.²
8. Independence of the judiciary: The recommendation to devise a national strategy for delivering justice has not lead to any meaningful action. During the period in question here, the President of Bangladesh gave clemency to 22 convicts in two murder cases under political consideration, without due process of law. By-passing the judicial process, the present government has withdrawn at least 6855 cases of murder, rape, robbery, corruption, extortion and the keeping of illegal arms, by citing them as 'politically motivated cases', implying they were arbitrarily charged under BNP rule. Such clemency and withdrawal of cases, undermines the juridical process, the right of the victims to get justice and directly contributes to the criminalisation of politics. Most of these 'withdrawn' cases were filed against ruling party leaders and activists.

² Please see <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-075-2011> and <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAU-028-2012>.

9. The separation of the judiciary from the executive remains a theoretical exercise, with the appointment of judges to the higher judiciary continuing to be highly politicised. The judiciary does not enjoy independence as far as the administration of justice is concerned in terms of logistics, manpower, integrity and the adjudication of cases. Besides, there is a serious lack of judicial competence and commitment to upholding the rule of law among many judicial officers. The Supreme Court acts systematically in favour of the ruling party. Furthermore, the present Awami League-led alliance government deployed mobile courts under the Mobile Court Act, 2009 in the name of preventing ‘anarchy’ during general strikes. The mobile courts arrested and sentenced people after summary trials, without scope of defence, violating the fundamental rights of people. The mobile courts, which operate under the Executive, give the government unlimited power to misuse them to fulfil the political agenda. This illustrates clearly the government’s failure to implement the recommendation to ensure the independence of the judiciary.
10. Extrajudicial killings and torture: The government has accepted recommendations to address extrajudicial killings and torture, as well as the impunity for perpetrators of such grave violations. The government at the time of the first UPR claimed that “The Government is committed to bring an end to all extra-judicial activities by law enforcement agencies, and will bring any official found responsible for such actions to justice.”
11. In its first-cycle UPR submission, Odhikar reported 767 people killed extra-judicially, while from July 1, 2008 to September 30, 2012 a total of 506 such deaths have been reported. Victims are often picked up by the law enforcement agencies, detained and tortured while in custody, or taken to ‘remand’ in order to torture and extract information or evidence against themselves, or implicate others; or as directed by the agencies.
12. During the review period, Odhikar documented 284 cases in which persons were allegedly tortured, of which 70 died, allegedly due to torture in custody. Among those 70, 6 were BDR jawans who were arrested following BDR mutiny. In contrast during the first UPR it was recorded that 65 people were allegedly killed by torture. Odhikar has also been monitoring the human rights of the BDR³ members who have been incarcerated after the 25 February 2009 mutiny. Reports show that between 27 February 2009 and 31 August 2012, 53 BDR members died in custody, either by ‘heart attack’ or ‘suicide’.
13. The Constitution of the People’s Republic of Bangladesh categorically prohibits torture or any cruel, inhuman or degrading punishment or treatment. However, the government has yet to declare torture a criminal act; and even disregards a 2003 High Court Division judgment as to the safeguards against torture and ill treatment during police interrogation.⁴ Torture and law-enforcement are synonymous in Bangladesh, as this practice is at the heart of ordinary police work. It is also used as a tool to repress the government’s political opposition through the law-enforcement agencies.

³ The name ‘Bangladesh Rifles’ (BDR) was changed to ‘Border Guard, Bangladesh’ (BGB) in December 2010.

⁴In the matter of BLAST and Others vs. Bangladesh and Others. 55 DLR 232

14. The police are the main agency responsible for the endemic use of torture. They make use of torture for all manner of situation and operations, particularly at the time of arrest and during arbitrary detention of criminal suspects. Torture is used to extract confessional statements and bribes during investigations into routine criminal cases. The police have turned all of their police stations, barracks, interrogation cells - such as the Task Force for Investigation's (TFI) cells - and other departments, such as the Criminal Investigation Department (CID), Detective Branch (DB) and Special Branch (SB), into an industry that uses torture to generate wealth. This also generates large numbers of victims, who then face stigmatisation, social exclusion, medical problems and injustice for the rest of their lives. Torture continues unabated, as complaint mechanisms, which are mostly controlled by the police, do not allow survivors to register formal complaints at police stations.
15. Beside the police, the Rapid Action Battalion (RAB), a paramilitary force comprising members of the armed forces, border guards and the police, which is regarded by the authorities as an "elite force", is notorious for being a force of "licensed killers" due to its record of extra-judicial killings and torture. It maintains specialised torture cells with sophisticated equipment used to torture detainees. The armed forces and intelligence agencies operate their own secret torture cells, where detainees are kept for indefinite periods, without any access to the outside world. There is also a specialised team called the Joint Interrogation Cell (JIC), who are specialised in using torture as part of investigations.
16. Campaigns to criminalise torture have been resisted the government. Since September 10, 2009, a Private Member's Bill seeking the criminalisation of torture and extrajudicial killing has been pending before Parliament. The Bill was introduced by Mr.Saber Hossain Chowdhury, a Member of Parliament of the ruling party – the Bangladesh Awami League - and also a survivor of torture while he was an opposition politician.⁵ The Committee on Private Members' Bill and Resolutions submitted its review report⁶ recommending the Parliament adopt the Bill immediately. The incumbent Grand Alliance government has more than 300 seats out of 350 seats in the Parliament. However, it has failed to prove its commitment to eradicate torture and extrajudicial killings by continuing to block the adoption of the Bill. It is also important to note here that the present government has obstructed Odhikar from implementing its torture prevention projects.⁷
17. Enforced disappearances: The number of enforced disappearance has been increasing in the recent months in Bangladesh. In 2009 there were three cases of enforced disappearance, in 2010 it increased to 18, in 2011 there were 30 and so far 24 persons have disappeared till September 2012. In reality, the number of persons 'disappeared' are probably higher, but to be consistent with the definition of 'enforced disappearance', the reported number by Odhikar reflects cases when

⁵<http://bangladesh.ahrchk.net/docs/TortureandCustodialDeathBill2009.pdf>

⁶<http://www.humanrights.asia/countries/bangladesh/laws/legislation/CommitteeReportOnBillCriminalizingTorture10Mar2011-English.pdf>

⁷For details see www.odhikar.org

the victim's family or some witness claimed that the person 'disappeared' after being picked up or detained by men claiming to be members of law enforcement agencies, or were in recognised uniform.

18. Impunity: The government accepted several recommendations concerning the need to address impunity. At the time of the first UPR, the government stated that is "does not condone such practice, and will bring any official found responsible for such acts to justice." However, there is no evidence that the government or the institutions of the rule of law have taken any effective measures to investigate or prosecute those responsible for even the gravest abuses. The Rapid Action Battalion (RAB) in practice operates above the law and is effectively immune from investigations concerning extrajudicial executions, torture and disappearances. In the last four years there was no visible punishment against any RAB perpetrator allegedly involved in extrajudicial executions. The Government extends total immunity to security forces in matters of extrajudicial killings, enforced disappearance, illegal detention and torture.
19. In reality, high profile officials including the Prime Minister, Home Minister and the Prime Minister's Defence Adviser, along with other ministers, have repeatedly denied that extrajudicial killings take place in the country, despite hundreds of cases having been documented by human rights groups since the first cycle of UPR. Officers of the Rapid Action Battalion and the police have been awarded state honours every years, such as the Bangladesh Police Medal (BPM) and the President Police Medal (PPM), despite allegations that they were involved in grave abuses. This speaks to not only a failure to act to address impunity, but a clear role in ensuring its continuation with full state backing.
20. Suppression of the Media and attacks on journalists and human rights defenders: During the period under review, according to Odhikar's data, 11 journalists have been killed, 240 threatened, 188 assaulted, 497 injured, five arrested, three were kidnapped, 75 attacked and 80 sued. This represents a worrying increase with regard to the number of journalists that have been killed in particular. In the first UPR session, Odhikar reported that two journalists had been killed, 369 threatened, 134 assaulted, 321 injured, 36 arrested and 220 sued. The trend is very disturbing. During the first UPR session, the Government stated that Bangladesh was committed to ensuring freedom of media and protecting journalists⁸. In practice, the oppression against journalists continues either directly by the government and its agencies or by partisan elements. The evidence of the intolerance towards the dissenting media includes: banning of (private) Channel-1, the closing down of the Bangla newspaper *Daily Amar Desh* temporarily and the filing of several cases including under the Anti-Terrorism Act 2009, against its acting Editor, attempting to shut down a photo exhibition on 'crossfire' by DRIK Gallery, closing down Facebook and censoring YouTube and the indiscriminate use of the law of defamation – all of which occurred during this reporting period.
21. Concerning human rights defenders, the climate in which such persons work to defend human rights remains extremely difficult. Although the government claims that the presence of a large civil society in the country shows that conditions are

⁸ Ibid

good there, in fact, there are many civil society organisations working to provide relief and economic or other forms of assistance due to the lack of effective government mechanisms in this regard, those organisations that work on more controversial human rights issues such as torture, extra-judicial killings and forced disappearances face serious threats and reprisal attacks. In order to initiate repressive actions against the targeted organisations the Government is adopting the NGO Affairs Bureau Bill now.

22. The case of human rights defender Mr. F M A Razzak,⁹ the President of Human Rights Development Centre based in Paikgachha of Khulna district illustrates this clearly. On April 29, 2011, Razzak suffered an extremely violent physical attack by persons connected to an army officer who had a grievance against Razzak relating to his work in favour of human rights. Razzak was abducted, tortured and had his limbs fractured and his eye severely gouged, before being left for dead. Several members of his family, including the women, were attacked on several occasions before and after the attack on Razzak. The country's public hospitals denied him proper medical treatment even though he was in a critical condition. The perpetrators successfully influenced the entire administration including the local police and judiciary of the Khulna district not to protect him in extremely vulnerable circumstances. Razzak's family was ousted from their village home, which was looted on several occasions. None of the complaints of Razzak or his relatives have been properly investigated to date. On the contrary, fabricated cases ledged by the perpetrators have been taken as a priority by the police for the purpose of harassing Razzak and his relatives. The family has been forced into hiding for almost a year. The criminal justice institutions have clearly failed to administer justice in the case of Razzak and are therefore complicit in the provision of impunity and efforts to create a climate of fear for those who attempt to hold state agents accountable for grave human rights violations.

23. Freedom of assembly: The government hardly allows its political opposition to hold rallies in public. The law-enforcing agents are routinely used to arrest and detain the political dissidents in a large scale prior to any political programmes announced by the opposition parties. In order to prevent the opposition programmes the government stopped the operation of public transport system, for several days, preventing the citizens to reach to the capital in March 2012. Moreover, the authorities compelled the hotels of the capital not to accommodate anyone prior to the opposition's programme. The governmental repressive actions ultimately caused unimaginable sufferings in all aspects of life, hampering emergency medical treatment for serious patients, departures of migrant employees for abroad, job-interviews of unemployed people, important academic attendance and so on. More importantly, the travellers and pedestrians were arrested en mass during the period of more than a week. The police and other state agencies randomly applied draconian laws including Section 54 of the Code of Criminal Procedure-1898, Dhaka Metropolitan Police Ordinance-1976 and the Anti-Terrorism Act-2009 to arrest and detain people, who were fabricated in numerous criminal cases. The government has ultimately 'criminalised' political activities of the opposition. Apart from the state agents, various wings of the ruling regime regularly attack on their political opponents due to their privilege of

⁹For further details please see here: <http://www.humanrights.asia/campaigns/attack-on-fma-razzak>

enjoying impunity by the incumbent government. According to Odhikar's documentation, 764 persons were killed and 55,906 were injured in political violence during the incumbent regime. Many of the universities and academic institutions of the country were closed due to political violence initiated by the student wing of the ruling political party.¹⁰

24. Women's rights: The women of Bangladesh face manifold discrimination and violence in different levels, in family, society, workplace, academic atmosphere regardless whether it is a rural or urban setup of the country. The practice of early marriage and culture of paying dowry to the grooms for marrying a girl or woman is entrenched to the society regardless of the religion or financial status of the family. Failure in paying dowry leads to violence against women and subsequent deaths in many cases. The government introduced 'Domestic Violence (Prevention and Protection) Act' on 1 October 10, 2010 for addressing such issue, however, the proper functioning of the criminal justice system will play the key role in providing benefits of the legislation. From July 01, 2008 to September 30, 2012, Odhikar recorded 2,548 cases of rape of women, 1,987 cases of women being victims of dowry related violence and 345 women became victims of acid violence.
25. Extrajudicial arbitration, which has already been banned by the higher judiciary, continues unabatedly that also mostly victimizes the women more in number than the men in the rural Bangladesh. The incidents of stalking at girls on the streets by the people of the opposite gender has spread like an epidemic, which has caused a large number deaths of girls – either by suicide following the shame of public humiliation or as a result of murder by the attackers. The criminal justice system has been failing to protect the rights of the victims of all these types of violence against women due to the inability of the institutions and the culture of impunity in the country.¹¹ Although Bangladesh participated in the review process of the UN Committee on CEDAW on 25 January 2011, it appears to be extremely reluctant to withdraw reservations from the Article 2 and 16 (1) (c) of the CEDAW.
26. Workers' Rights: Bangladesh's government and industrialists invite foreign investors by tempting that labour is extremely cheap in the country. The workers of the readymade garment sector normally paid BDT 3,000 (\$36.38) as their starting monthly salary. Such an amount is not enough for even buying two proper meals a day for an individual worker while fulfilling the needs of her or his family's food, accommodation, healthcare, education of children and wellbeing remains a far reaching dream. Many employers delay paying wages and festival bonuses on time although the poor workers have to shoulder paying their house-rents and debts, which they have to go through regularly in order to mitigate their dire necessities. The workers hardly have any health insurance or other guarantee of benefits for unsafe and risky working condition. The workers in the

¹⁰ Please see further here: <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-054-2012>

¹¹ <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-051-2012/>
<http://www.ethicsinaction.asia/archive/2011-ethics-in-action/vol.-5-no.-6-december-2011/bangladesh-manifold-struggles-needed-to-realize>).

agricultural, construction and other sectors are also deprived of any sort of minimum wage.

27. The government does not have any comprehensive labour policy in favour of the workers. The given situation provokes the workers to demand their legitimate rights. All the subsequent political regimes that mostly rely on financial donation from the business companies and industrialists only consider protecting the interests of the money-mongers ignoring the rights of the ordinary poor workers. The state agents are deployed to stop the protests of the workers at the cost of gross human rights violations. For example, Mr. Aminul Islam, a prominent leader in the field of readymade garment sector, was allegedly abducted by the law-enforcing agents and remained missing until his dead body was discovered with explicit signs of torture. According to Odhikar's documentation, at least 18 workers died and 6,554 persons were injured since 2009 only in the readymade garments sectors while participating in protest rallies for demanding their overdue wages, increase of wages and benefits.
28. Status of the Minority Communities: The 15th Amendment of the Constitution of Bangladesh has made its Article 28(1) contradictory due to a new insertion of Article 6(2). Article 28 states that "The state shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth."¹²The Article 6(2) of the Constitution of Bangladesh, as inserted in the 15th Amendment in 2011, reads: "(2) The people of Bangladesh shall be known as Bangalees as a nation and the citizens of Bangladesh shall be known as Bangladeshis."¹³This provision of the 15th Amendment of the Constitution explicitly denies the existence, and unique identity, of non-Bengali-speaking ethnic minority communities, who have their own ethnic dialects. It has been considered by the ethnic communities that the government is imposing the 'Bangalee Nationalism' privileging one language and ignoring their originalities of ethnicity. Moreover, the status of the religious minorities is still undermined by retaining Islam as the nation's "state religion" in Article 2A of the Constitution.¹⁴
29. The Chittagong Hill Tracts Peace Accord of 1997 is still unimplemented and conflict over the ethnic minority communities' ancestral collective lands is not resolved. There are requirements of a people-friendly and sustainable solutions of the problems that can be achieved, if the authorities avoid militarized actions considering the citizens' psycho-socio-political as well as the civil and economic aspects of their day-to-day life and address them with sufficient care.
30. Bangladesh is experiencing communal attacks on the religious minority communities by the criminals who were led by the ruling party elements and which occurred due to the total failure of the law enforcement agencies to intervene for several hours. On September 29, 2012, there was a brutal attack against the Buddhist community in Cox's Bazar and Chittagong districts following a post about an alleged defaming of Quran on a Facebook Wall of an individual of the Buddhist community. Several Buddhist temples, houses and shops were gutted. According to the reports of media and rights groups, the

¹²http://bdlaws.minlaw.gov.bd/sections_detail.php?id=367§ions_id=24576

¹³http://bdlaws.minlaw.gov.bd/sections_detail.php?id=367§ions_id=24554

¹⁴http://bdlaws.minlaw.gov.bd/sections_detail.php?id=367§ions_id=24549

authorities and observers have assumed that the attack appears to be a pre-planned one by a 'vested interest groups.' However, the photographs of the local leaders of the ruling party leading the procession which contributing in the communal violence has been published in the media.

31. Right to food security: The right to food security for the poor is far away from the need of the people. Governmental food subsidy fails to reach the poor due to corruption by the bureaucrats and political leaders and public representatives of various level of the state. Food and health insecurity of elderly and the people below the poverty line is very high as the resources are inadequate in comparison to the need of the people. In several documentations on the situation only in Gaibandha district, as it is known as 'Monga' area meaning food insecurity caused by lack of employment, since 2010 has exposed that the administration distributed the food subsidy to the beneficiaries but almost 80% of them did not receive it. In addition, some of them were provided 3 kilograms of rice only, per month, which is much less than 15 kilograms earmarked by the government.¹⁵

IV. Recommendations

- i. Odhikar and ALRC call upon the Working Group of the Universal Periodic Review and the Human Rights Council, to ensure that the Bangladeshi authorities:
- ii. Reform its dysfunctional criminal justice institutions enabling the institutions function independently;
- iii. Ensure independence of judiciary and the basic institutions like the complaint mechanism, criminal investigation and prosecutorial system;
- iv. Criminalise torture by legislating "Torture and Custodial Death (Prohibition) Bill-2011 immediately;
- v. Stop carrying out extrajudicial executions;
- vi. Establish an independent commission to investigate all allegations of enforced disappearance, extra-judicial killings, torture, and other grave abuses; and ensure that the perpetrators are brought to justice;
- vii. End the use of torture and ill-treatment as tools of policing system and bring perpetrators to justice in accordance with international standards for fair trial;
- viii. Take legislative, administrative and judicial measures to administer justice to the victims of violence and discrimination against women'
- ix. Protect the rights of the ethnic and religious minorities;
- x. Develop comprehensive protection mechanism to protect the rights of the workers in compliance with international standards;
- xi. Ensure adequate compensation to the victims of gross human rights abuses, without obstruction;
- xii. Repeal all repressive laws and refrain from enacting the proposed repressive NGO Affairs Bureau Bill to regulate NGOs;
- xiii. Fulfil its voluntary pledges and obligations under international human rights procedures;
- xiv. Accede to the International Convention for the Protection of All Persons from Enforced Disappearances;

¹⁵<http://www.humanrights.asia/news/hunger-alerts/AHRC-HAG-004-2011>
<http://www.humanrights.asia/news/hunger-alerts/AHRC-HAG-002-2010>
<http://www.humanrights.asia/news/hunger-alerts/AHRC-HAG-003-2010>
<http://www.humanrights.asia/news/hunger-alerts/AHRC-HAG-004-2010>

- xv. Ratify the Optional Protocol to the Convention against Torture and remove its reservation under the Convention Against Torture and ratify its optional protocol.