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**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.

[15 January 2020]

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



Bangladesh: Torturous law-enforcement system with impunity and rewards to perpetrators impede protection of rights

The Asian Legal Resource Centre (ALRC) draws attention of the United Nations (UN) Human Rights Council and its Special Procedures about the institutionalised practice of torture in Bangladesh, which is an incumbent member of the Human Rights Council.

Bangladesh, being a State Party to 10 major Treaties including the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment and Punishment, poorly cooperates with the Special Procedures and the Treaty Bodies of the UN Human Rights mechanism. Its government always claims that the state “plays a constructive role in the international arena through the promotion of cooperation and dialogue, particularly at the United Nations” and that it “cooperates regularly with the [UN Human Rights] Council and its various mechanisms, including the Treaty Bodies, to uphold its commitments under the relevant international human rights instruments.” As a matter of fact, while Bangladesh has assisted the UN officials and international bodies working on the Rohingya crisis, its record of cooperation with the Special Procedures concerning the domestic human rights situation in the country is highly frustrating. Between January 2018 and December 2019 the Special Procedures sent at least 15 requests/reminders to undertake Country Visit. In contrast, Bangladesh remained unresponsive to those pending requests. Requests for country visits from Special Rapporteurs on extrajudicial, summary or arbitrary executions, independence of judges and lawyers, minority issues, human rights and terrorism, slavery, freedom of opinion and expression, racism, and the Working Group on Enforced or Involuntary Disappearances remain pending despite several reminders although the state is currently a member of the Council.

Bangladesh has spent two decades to submit its initial report to the Committee Against Torture (CAT Committee) during the 67th Session of the Committee in July 2019, which indicates its level of cooperation with the Treaty Bodies. The Concluding Observations of the CAT Committee reflects a horrific picture of the situation of torture and other serious violation of human rights. Yet the Bangladesh’s delegation misused the opportunity by denying the ongoing factual pattern of human rights abuses such as torture and arbitrary deprivation of life through enforced disappearances and extrajudicial killings.

Since the inception of the Human Rights Council the ALRC has been consistently raising the issue of torturous and coercive law-enforcement system of Bangladesh as the key obstacle to protect human rights. It is the criminal justice system’s institutional incompetence, which is deliberately kept incapable to maintain the status quo of the political, bureaucratic, and financial elites for their undeserving benefits, that determine the fate of citizens whether or not there will be protection from torture and remedies available for infringement of rights.

Almost every detainee is inflicted to torture as the established tool for, extracting statements from the detained suspects as per the preference of the law-enforcement agencies and, extorting bribes in Bangladesh. The Government of Bangladesh would certainly fail to produce a single instance of credible investigation into a case of torture since the criminalisation of the act from the date of enactment of Torture and Custodial Death (Prohibition) Act-2013. In reality, there is no resort to go for seeking remedy for the institutionalised practice of torture and ill-treatment in Bangladesh as the judiciary abdicates its constitutional powers to hold the executive authorities accountable. In contrast, Bangladesh government gives rewards to the perpetrators of the law-enforcement agencies with gallantry and service awards as well as prestigious positions.

Mere presence of a state occupying the membership of the Council and, simultaneously, denying the country visits by the key mandates of the Special Procedures do not demonstrate ‘cooperation with the Council’ and playing ‘constructive role’ at all. Membership of the Council must not be offered to the states that keep violating human rights obstructing the paths to justice, domestically, and block access of independent human rights experts to oversee the ground realities. If the UN Human Rights Council requires any kind of reform, then the existing election procedure of the membership should be among the top priorities. The apparent non-cooperative states that continue committing heinous crimes like torture and

arbitrary deprivation of life, what Bangladesh has been consistently doing, must be declared disqualified, and barred, to become the member of the Council.

The UN human rights mechanism needs to incorporate practical programmes combining the spirit of the Goal 16 of Sustainable Development Goals (SDG) of the United Nations to trigger transformation of the domestic justice mechanisms of countries like Bangladesh. Countable indicators of achieving the targets of Goal 16 of SDG and allowing access to justice for all crimes, including human rights violations with objectivity and non-selectivity regardless of the citizens' political or ethnic backgrounds, should make the States like Bangladesh eligible for the membership of the Human Rights Council. The Council needs to comprehensively understand that Bangladesh efficiently hides its catastrophic human rights records behind the Rohingya crisis and only allows access to those who merely focus on the Rohingya refugees' affairs and remain prepared to ignore the gross violation of rights against the native citizens. The Council should not fail itself and the international community by overlooking Bangladesh's coercive and torturous law-enforcement systems that manufacture torture and other forms serious human rights violations.
