



PHILIPPE DAN

Oral Statement

20 September 2013

Item 6 - Adoption of the outcome of the UPR of Bangladesh

Human Rights Watch welcomes the adoption of some important recommendations in the UPR of Bangladesh, but regrets that key recommendations made by member states were not adopted. Positive developments include the government's pledge to criminalize all acts of violence against women and girls, counter human trafficking, provide necessary resources to strengthen the National Human Rights Commission and other institutions, and cooperate with the UN's special mechanisms and treaty bodies. These pledges need to be implemented.

The government has made little progress on ending impunity during its term in office. Bangladeshi activists and victims are still waiting for the government to make good on its promise to the HRC in 2009 of "zero tolerance" for extrajudicial killings by creating a mechanism for independent investigations, which was also a recommendation of this UPR. Even high profile cases -- such as the murder of labor rights activist Aminul Islam or the disappearance of opposition member Elias Ali -- continue to founder. The government has claimed that security forces conduct internal investigations into alleged violations, but Human Rights Watch is unaware of any human rights abuse being followed by a successful criminal prosecution of members of the notorious Rapid Action Battalion or army. Investigations should be conducted by an impartial and independent body. Human Rights Watch has from the outset called for justice for victims of the 1971 atrocities. The government accepted the recommendation that all trials of war crimes accused before the International Crimes Tribunal should meet fair trial standards. However, the trials have been marred by irregularities, including serious allegations of prosecutorial and judicial misconduct which have yet to be answered. A recent judgment in the case against Abdul Qader Mollah sentenced him to death using retroactive legislation which is prohibited by international law. Given that Mollah and many of these accused face the death penalty, these trials must be beyond reproach.

Although the government accepted the recommendation to ensure the full participation of NGOs, civil society and the private sector in promoting human rights, the Bangladeshi authorities have regularly been clamping down on civil society and those critical of its rights record. Of particular concern is the arrest and detention of Adilur Rahman Khan, Secretary of Odhikar, who has been in custody since August 15, 2013 after Odhikar published a report disputing government claims about the number of deaths during the May 5-6 protests in Dhaka. Khan has been denied bail twice. Media houses critical of the government's action have been shut down indefinitely, bloggers charged for promoting atheism, and an editor jailed.

Although the government accepted recommendations to improve occupational health and safety, including fire safety and protection against toxic chemicals, there has been almost no progress on the ground. Workers in tanneries continue to face exposure to harmful toxins. The government's pledge to begin systematic inspections of garment factories in the wake of the tragic collapse of the Rana Plaza factory remains stalled, leaving workers at continued risk.

Bangladesh rejected a recommendation to ratify the 1951 Convention on the Status of Refugees and its 1967 Protocol. While the government claims to adhere to the principles of the international protection regime for refugees, including the principle of non-refoulement, the reality is that the government at very high levels has engaged in a policy of aggressively pushing back refugees from Burma fleeing ethnic violence in Rakhine into the sea in often unseaworthy and overcrowded vessels. We recognize that Bangladesh has hosted large

numbers of Rohingya refugees for many years, but this does not decrease the legal obligations not to return. We are also concerned that international humanitarian agencies report being denied access to the Rohingya population and having their operations severely constrained.

Finally, we regret that Bangladesh refused to adopt the recommendation to abolish the death penalty. We are particularly concerned at the possible imminent death by hanging of AQ Mollah in trials which did not meet minimum international standards of fairness.