

**Opening Statement by Hon'ble Law Minister during the consideration of Initial Report of Bangladesh on International Covenant on Civil and Political Rights (ICCPR) on 06 March 2017 at the Human Rights Committee in Geneva**

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Mr. Chair,  
Distinguished members of the Committee  
Excellencies,  
Ladies and Gentlemen,

Let me begin by thanking the Chair and the other members of the Human Rights Committee for inviting us to this meeting today. It is indeed an honour to be present here amongst you and speak about our endeavours towards implementation of the provisions of International Covenant on Civil and Political Rights (hereinafter "ICCPR") in our national context.

Bangladesh acceded to ICCPR in 2000 and submitted its initial report in 2015. To put this piece of information into perspective I would like to shed some lights on our journey from a just struggle to freedom and thereafter to an inclusive society. This would warrant reference to some of the relevant historical accounts.

Mr. Chair,

Bangladesh was born in 1971 after a heroic armed struggle against Pakistan. The 1971 war of liberation was not an isolated and sudden event; it was rather a culmination of the struggle of this land's people for centuries of this land against aggression, imperialism and exploitation. Our birth as a sovereign country was thus premised on restitution of certain inalienable fundamental rights to our people that were denied to us during the colonial times. That is why, after emerging as an independent country, in less than one year, we have adopted a Constitution which is committed to international law and principles of the UN Charter.

Having gained independence through a long nationalist struggle and liberation war, Bangladesh, from its inception, advocated international peace, opposed war, denounced invasion and interference in the internal affairs of other states, renounced nuclear proliferation and committed to 'friendship towards all, and malice to none'. The Father of the Nation Bangabandhu Sheikh Mujibur Rahman, conveyed the same message during his first address at the United Nations General Assembly in 1974.

The true spirit of our liberation was to create an inclusive society based on democratic values and ethos. The journey however was obstructed before it could even reach a stable track. The first and worst assail on our path was made in 1975 when the Father of the Nation, Bangabandhu Sheikh Mujibur Rahman was brutally killed, putting us in an inconceivable set back. The country was forced to take reverse course. The secular and republican character of the state was palpably impaired. Instead, assassinations, military and quasi-military regimes, and a wholly untenable system based on the 'doctrine of necessity' halted national focus on internal and international issues. One military coup followed another. One undemocratic government followed another. The people of Bangladesh were therefore required to fight another battle against the encumbrances and roadblocks on its path to democracy. Bangladesh Awami League, that led the nation to independence, again led us in our struggle for restoring democracy. The constitution which had lost much of its democratic and secular character in the hands of military and quasi-military rulers was restored to its original spirit.

After restoration of democracy and rule of law we focused on fulfillment of our obligations as a responsible member of the international community. As an LDC, economic social and cultural rights are always a priority for us. However from the belief that realization of economic development alone will take us only half-way through if the civil and political rights of the citizens are not simultaneously protected and promoted, Prime Minister Sheikh Hasina's government took the initiative to accede to ICCPR and it was in 2000 when Bangladesh formally acceded to it. Unfortunately the accession in 2000 was followed by change in the regime. Those subsequent regimes neither had the commitment to ensure these rights, nor did they ever consider complying with the reporting obligation. As the present government took office for the second time in 2009, implementation of ICCPR was made a priority issue and after dedicating a considerable period of time to the implementation, Bangladesh submitted its initial report in 2015.

Mr. Chair,

I would now like to turn my deliberation on our initial report.

The Constitution of Bangladesh is the supreme law of the country. The fundamental rights as envisaged in the Constitution are enforceable and reflect the rights prescribed by the ICCPR.

Before we go into issue specific interaction on our compliance of ICCPR, I would now like to impress upon a few important legal and administrative actions we have taken over the last 7 years.

Securing the sanctity of the Constitution was the first initiative we have taken during the report period. 'Secularism' has been restored as one of the fundamental principle of state policy. Taking lessons from the past, provision has been incorporated to declare act of 'abrogation or suspension of the Constitution' as a sedition and punishable with the highest punishment provided by law.

We believe independence of the judiciary is critical in ensuring good governance and rule of law, and by extension, protection of human rights and fundamental freedoms. Therefore, a number of institutional reforms have been undertaken to strengthen rule of law and good governance. Securing the legal framework for an independent judiciary, establishment of institutions like National Human Rights Commission; Law Commission; Anti-Corruption Commission; Information Commission are examples of such reforms. The National Human Rights Commission (NHRC), for example, is empowered to conduct investigation and inquiry, summon explanation from the Law Enforcement Agencies (LEAs) and other public authorities, and file writ petitions with the High Court Division on behalf of an aggrieved person.

Gender mainstreaming is one of our major policy thrust. Apart from ensuring constitutional safeguard on nondiscrimination on the grounds of sex, affirmative actions have been taken to mainstream women in national development efforts through introducing gender sensitive budget, arranging literacy programmes, increasing representation in the workforce, ensuring economic emancipation and enhancing political representation. In Bangladesh, women are increasingly assuming leadership roles in all walks of life. For example, in the current Parliament, we have 70 women law makers including in the positions of the Prime Minister, the Speaker, and the Leader of the Opposition and the Deputy Leader. Bangladesh consistently ranks among the first ten countries around the world in terms of reducing gender gap in the political sphere as per World Economic Forum's Gender Gap Index. In recognition of our success in women empowerment, Hon'ble Prime Minister has been accorded with 'Planet 50-50 Champion' award from the UN Women and the 'Agent of Change Award' from the Global Partnership Forum.

In order to ensure an inclusive society, we have invested in the backward section of population, such as people with disabilities, religious minorities and ethnic minority community. We have taken initiatives aimed at preserving the space for the ethnic groups to pursue their own lifestyle and tradition while we also believe in creating opportunities for them to connect with the mainstream population. The 15th

amendment of the Constitution has granted for the first time the Constitutional recognition to our ethnic and tribal groups that they deserve. Implementation of the Chittagong Hill Tracts Peace Accord concluded in 1997 during the first tenure of our government remains a priority for us. Till date, 48 out of the 72 clauses of the Accord have been implemented, while 15 have been partially implemented and 9 remain under process of implementation. For preservation of their unique lifestyle and culture, the Government has established 7 small cultural institutions and introduced pre-primary education for 5 tribal groups in their own language. In recognition of these initiatives, Prime Minister Sheikh Hasina has been awarded the 'Cultural Diversity Medal' by UNESCO in 2012.

As a humble reflection of our national policy of inclusion, we are honoured to have in our delegation the Secretary of CHT Affairs who belongs to the ethnic minority communities.

Mr. Chair,

Bangladesh is one of the most liberal countries of the world in terms of freedom of press and media. Publications of 1106 daily newspapers, 1169 weeklies, 127 fortnightlies, and 280 monthlies bear the testimony of that. In addition, currently, there are more than 28 TV channels, 25 of them are private. 13 more private channels are in the offing. Access to information has been greatly enhanced through widespread and unhindered internet outlets. As many as 1654 online newspapers and 41 online versions of printed dailies are accessible through computer and mobile phones. These wide varieties of free media are actually working as vanguards for protection of people's rights by holding the government accountable.

Mr. Chair,

I would now turn my focus toward some critical issues, particularly on the allegations against the law enforcement agencies. In this regard I would like to request the distinguished members of the committee to take a look on these criticisms from perspective of ground realities.

The Committee may recall the incidents of widespread violence which was orchestrated by the BNP-Jamaat combine during the 9<sup>th</sup> Parliamentary election in 2013 and during the 1<sup>st</sup> anniversary of the current parliament in 2015. The indiscriminate attacks on the innocent civilians with petrol bombs, arson, destruction of public property and

disruption of national transport system posed a major threat to public order and safety. During 2015 and in 2016, there had been sporadic incidents of target killings by homegrown terrorist and extremist groups aspiring for international attention. All these and the unprecedented terror attack in the Holey Artisan Bakery in July last year has exposed our government machinery to a totally new and daunting challenge of maintaining public safety by thwarting the threats.

In the face of such challenges, we had to take a firm stand against any kind of violence in the pretext of religion or political freedom. I believe the committee would take that perspective into consideration while taking cognizance of the allegations of use of force.

In this regard I would like to share another side of the story. We have seen widespread public outcry when our police personnel came under indiscriminate attacks during the political violence in 2013 and 2015 and ordinary citizens rushing to rescue injured police personnel during violent clashes. Our firm stand for maintenance of public safety caused lives of 25 police personnel during 2013 to 2016.

With regard to the allegations of 'extra-judicial killings', 'enforced disappearances', and 'torture in custody', I would like to stress that, our Government has taken meaningful actions to bring such incidents of human rights violations by law enforcing agencies to a very low level. For instance, there had been 25 casualties by RAB members in 2014-15 compared to 261 in 2005-06. Moreover, we stand by our principled position that any incident of use of force or exchange of fire is duly investigated as per existing legal provisions, including the Code of Criminal Procedure, Police Regulations of Bangladesh as well as the Codes of Conduct and Standard Operating Procedures of the concerned law enforcing agencies. Again, our written response mentions till date 2516 RAB personnel were brought to justice for committing various offences and human rights violations.

Similarly, any allegation of torture or ill-treatment in custody or during investigations is duly investigated upon and departmental actions have been ensured against law enforcement personnel found guilty of committing such offences.

Regarding allegations of 'Involuntary or enforced disappearance' I would like to stress that there is no such term used in our national laws. In our criminal environment, there are incidences of 'kidnapping' or 'abduction' of citizens by criminals, with specific penal provisions laid out in our Penal code. During 2014 to 2016, there had been 2323 cases of abduction filed with the police. Investigation has been completed in 2183 cases while 790 cases have been disposed of by the court.

Mr. Chair,

One of the dark episodes of our history is deliberate efforts to establish a culture of impunity into the society which had afflicted many aspects of our national life through accumulation over time. However, our Government made a commitment to our people to end the cycle.

We have brought to conclusion the trial of the murder of the Father of the Nation Bangabandhu Sheikh Mujibur Rahman and 18 members of his family on 15 August 1975. The nation has been relieved of an ignominy and liability after 34 years when the self-proclaimed killers of the Father of the Nation were handed over justice for the atrocious crimes they had committed who had evaded justice by virtue of an infamous Indemnity Ordinance that had been promulgated to protect them.

One of our major electoral pledges was to initiate the trial of crimes against humanity and genocide perpetrated by the local collaborators and affiliates of the occupying forces during our War of Liberation in 1971. To that end, our Government set up the first International Crimes Tribunal, Bangladesh in 2010, under the International Crimes Tribunal Act, 1973. As recognised in the Rome Statute on the International Criminal Court, Bangladesh has demonstrated the maturity, capability and ownership to try one of the most heinous crimes against humanity and genocides of the 20th century and has set a new paradigm to international criminal justice system by trying internationally defined crimes through domestic tribunals. True to our commitment, we have made continued efforts to ensure fair trial and due process following international standards and to some extent by creating new international standard.

Mr. Chair,

One of the main priorities for our Government has been to consolidate the basis for a secular democracy where people from all religions, faiths and beliefs would enjoy their fundamental and basic rights as citizens. It is unfortunate that certain vested quarters continue to remain active to shake our secular fundamentals whenever they find a pretext in the name of political violence. The cowardly and clandestine attacks on secular writers, publishers and online activists during the 2015 were direct affront to our age old tradition of tolerance. Sporadic incidents of violence against religious and ethnic minorities in various parts of the country are nothing but part of brazen scheme of our political opponents who tried to tarnish our image and discredit this government. Attacks foreign nationals living in Bangladesh unabashedly testifies this motive.

However, the government took all out effort to bring the culprits to book. The judgments in the cases of online activist Rajib Haider and Japanese social worker Kunio Hoshi within shortest possible time have helped us restore faith in the rule of law. As a long term measure, we are also addressing the curse of violent extremism by scaling up initiatives across the country to inculcate the secular values and tradition particularly among our younger generations.

The rights of our workers are admittedly yet another ground for human rights challenge for us. In keeping with our election commitment, we have adopted the National Labour Policy and Occupational Safety and Health Policy. We have also amended the Labour Act of 2006 in 2013 to further simplify trade union systems, collective bargaining and workplace safety in the industrial sector and raised the wages for workers. After the amendment, number of registered trade unions has increased dramatically. Currently there are 550 trade unions in RMG sectors out of which 418 has been registered after amendment of BLA.

Mr. Chair,

The Government will continue to promote and disseminate human rights education and awareness to progressively foster a culture of human rights in all spheres of our society. In our endeavour to establish a just society, we have always taken international community, particularly the United Nations as an essential partner. Our sincerity and commitment is evident in the fact that during the tenure of this government, we have twice been elected as member of Human Rights Council. We have also taken initiative to clear the backlog of our Periodic Reports to the Treaty Bodies starting with the Human Rights Committee and the Committee on Social, Economic and Cultural Rights.

Mr. Chair,

I acknowledge that these opening remarks are not exhaustive and may not have covered all issues of your interest. In our National Report, we have made an effort to inform the committee about all our legal, administrative and other initiatives for implementation of specific provisions ICCPR. In my presentation here I have also tried to touch upon some of the advance questions we had received from the committee earlier. I look forward to responding to your other questions during our subsequent interventions.

I thank you.