

## RESOLUTION ON BANGLADESH

Recent years have seen a serious decline in respect for freedom of expression and the associated rights of freedom of association, assembly and of religion or belief in Bangladesh, currently a member of the United Nations Human Rights Council. Deeply entrenched political factionalism has contributed to the deterioration in the climate for freedom of expression, with Bangladesh's vibrant civil society also under attack. Legislative changes, poor law enforcement, lack of governmental support for the principle of freedom of expression, attempts to undermine independent media<sup>1</sup> and a justice system under-resourced and ill-equipped to provide recourse to victims of rights violations have all contributed to the silencing of dissenting voices, through murder, imprisonment, self-censorship or exile.<sup>2</sup>

Since blogger-led protests demanding capital punishment for war crimes committed during Bangladesh's liberation war and calling for a ban on religious politics broke out in 2013, radical Islamist groups have claimed the killings of seven bloggers, free thinkers and a publisher, eight since February 2015. The attacks have widened to include civil society actors, academics and religious figures with diverse views. Religious minority figures, including a Christian pastor, a Buddhist monk and a Sufi Muslim leader have been attacked or killed since October 2015. The recent siege of an upmarket restaurant in the diplomatic zone of Dhaka, the country's capital, by suspected Islamic militants is a major escalation of the violence. The attack left 28 people dead, including 20 mostly foreign diners held as hostages, two police officers and six militants.

As a consequence, secular and liberal freethinkers of Bangladesh are now living in a climate of intimidation, fear and extreme danger. Many have felt compelled to seek protection from the threat of persecution abroad, while others are in need of temporary protection and respite from the situation of intense strain in which they are living. The government has largely failed to bring the non-state perpetrators of violence to justice. Further, while condemning these attacks, the Bangladesh authorities have repeatedly made statements and taken actions implying that the responsibility for avoiding such attacks lies with the victims.<sup>3</sup>

Following the murders of Xulhaz Mannan – editor of Bangladesh's first and only LGBT magazine – and his friend, the Bangladeshi authorities launched a crackdown on extremists, arresting over 11,000 individuals between 10 and 16 June 2016 in connection with the killings.<sup>4</sup> Such sweeping arrests do little to allay concerns regarding the standard of the investigations themselves.<sup>5</sup>

In addition, retrograde amendments to laws affecting freedom of expression have been passed in recent years, with other draft laws still under consideration. Bangladeshi civil society has expressed serious concern at the trajectory of legal reform, highlighting how fundamental freedoms are at risk. Problematic laws and regulations include: The colonial-era Penal Code, which includes the prohibition of insult to the religious feelings of any class of citizens<sup>6</sup> and

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<sup>1</sup> <http://www.bbc.co.uk/news/world-asia-35594968>

<sup>2</sup> <http://www.pen-international.org/newsitems/un-human-rights-council-pen-leads-coalition-statement-of-concern-on-bangladesh/>

<sup>3</sup> <http://www.bssnews.net/newsDetails.php?cat=0&id=568097&date=2016-04-14>

<sup>4</sup> <http://edition.cnn.com/2016/06/15/asia/bangladesh-nationwide-raids/>

<sup>5</sup> <https://www.hrw.org/news/2016/06/17/bangladesh-halt-mass-arbitrary-arrests>

<sup>6</sup> [http://bdlaws.minlaw.gov.bd/sections\\_detail.php?id=11&sections\\_id=3116](http://bdlaws.minlaw.gov.bd/sections_detail.php?id=11&sections_id=3116)

which criminalises defamation;<sup>7</sup> Overbroad restrictions in the Information and Communication Technology (ICT) Act<sup>8</sup> which criminalise the online publication of material which is false, obscene, likely to harm law and order, prejudices the image of the State or hurts religious belief, attracting a maximum 14-year prison term, more severe than the penalty for offline publication; and, the National Broadcasting Policy,<sup>9</sup> which unduly restricts the dissemination of news, photos, or videos.<sup>10</sup>

**The Assembly of Delegates of PEN International, meeting at its 82nd World Congress in Ourense, Galicia (Spain), 26th September to 2nd October 2016, urges the Bangladeshi authorities to:**

- Thoroughly investigate the murders of bloggers, publishers, academics, civil society activists and religious minority figures, ensuring sufficient resources are allocated, make public the findings of the investigations and bring to justice those found responsible;
- End the culture of impunity for human rights abuses, whether committed by state or non-state actors;
- Ensure police provide adequate protection for all dissenting and minority voices, however controversial, particularly those who have been publicly targeted for attack; and ensure that all those requiring protection are able to access information about available measures to requests them with ease;
- Unequivocally uphold the right of all to freely express their views, in accordance with the Constitution, including of those who disagree with or question the government;
- Release immediately and unconditionally anyone held solely for peacefully exercising their right to freedom of expression, including anyone imprisoned for expressing views about religion;
- Abolish all forms of censorship, repeal unduly restrictive laws – including criminal defamation laws – and allow the free dissemination of information in line with international human rights standards;
- Facilitate dialogue and debate about religious tolerance in line with the Rabat Plan of Action;
- Abide by Bangladesh’s obligations under the International Covenant on Civil and Political Rights (ICCPR) to protect the rights to freedom of expression, association, and assembly.

**The Assembly of Delegates of PEN International also urges other governments to:**

- Support the government of Bangladesh in implementing measures in line with their international human rights obligations for the equitable, just and peaceful development of its society;
- Provide access to asylum to those Bangladeshis fleeing persecution for reasons of political opinion in line with their obligations under international refugee law;
- Offer more flexible visas to Bangladeshi writers seeking short term respite, so that they can manage their risk more effectively without being forced to claim asylum.

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<sup>7</sup> [http://bdlaws.minlaw.gov.bd/sections\\_detail.php?id=11&sections\\_id=3540](http://bdlaws.minlaw.gov.bd/sections_detail.php?id=11&sections_id=3540)

<sup>8</sup> <https://www.article19.org/data/files/medialibrary/38365/Bangladesh-ICT-Law-Analysis.pdf>

<sup>9</sup> [http://old.moi.gov.bd/National\\_Broadcasting\\_Policy.pdf](http://old.moi.gov.bd/National_Broadcasting_Policy.pdf)

<sup>10</sup> <https://www.cpj.org/blog/2014/08/concerns-following-approval-of-restrictive-broadca.php>