

# We must do better in upholding human rights

## Just talking the talk won't do

Today, as Bangladesh observes Human Rights Day with the world, we cannot help but notice the long shadow that has been cast upon it by the recent political violence. It is even more disheartening to note that, 51 years after our independence, demonstrators are still losing their lives to police brutality in clashes surrounding an issue as simple as a political rally. According to Ain O Salish Kendra (ASK), till November this year, there have been 448 incidents of political violence, leading to 64 deaths and 6,496 injured.

We are reminded of the times when the current ruling party was in the opposition, and took to the streets to press forward their demands. Back then, a number of human rights – peaceful assembly, freedom of expression, freedom from arbitrary arrest and detention, etc – were first and foremost in their rhetoric. Yet now, the party that once upheld these rights no longer seems to be interested in them.

We feel there is no better day than today to remind our leaders that the rights they once held dear are applicable to all, including their opponents. In the current political situation, we must reiterate this simple fact: human rights are universal and inalienable, and cannot be wielded as a weapon for political gain.

While our democratic rights are most in the public eye in the run-up to elections, we must also remind the government of other rights violations that are relevant today.

The family members of the victims of enforced disappearances – around 86 are still reported to be missing – are still coming together to demand the return of their loved ones. Although there was a temporary lull, “crossfires” with security forces are again leading to unexplained deaths, and allegations of torture and ill-treatment are yet to be seriously investigated. According to ASK, 56 people have died in police custody this year. In all of these instances, we have seen little progress in terms of justice; an environment of impunity and fear has been created instead.

The state of minorities, women and children also leave much to be desired. There has been a spate of communal attacks across the country this year, but in most cases, law enforcers failed to apprehend the perpetrators. At least 886 women and 535 children have faced sexual violence so far, and 474 children have been killed.

Beyond these near-daily acts of violence that have somehow become normalised, the recent economic downturn and cost of living crisis mean that a large portion of citizens are being deprived of the right to education and an adequate standard of living as well.

Clearly, there is a lot that needs to change, but before any of that can happen, the authorities must demonstrate their commitment to upholding human rights. So far, the total abandon with which we have recently witnessed armed police obstruct protests, the aggressive tone that has been used by political leaders who should be trying to avoid escalating conflict, and a general disregard towards an equitable application of law, seem to point towards the opposite.

# A class above the rest?

## Bureaucrats should be reminded that they are meant to serve the public

We fully agree with the High Court that bureaucrats in Bangladesh have been negligent in their duties because they don't consider the public their friends. In fact, there have been plenty of instances in the past where our bureaucrats have demonstrated a certain level of contempt towards the public, seeing themselves as much superior to ordinary citizens, as the court rightly pointed out. This misconstrued perspective of reality that they hold has been one of the major factors that has regularly led to increased public suffering.

Despite the fact that in any civilised society with a working democracy – one we, too, should aspire to – bureaucrats, even those at the highest levels, should consider the public the source of all their power, the attitude of many bureaucrats in Bangladesh continues to be different. A perfect example of this has been the LGRD secretary's office's refusal to comply with a High Court order to dispose of two applications for creating “an accounting and audit department” at municipality offices. The court issued the directive more than five years ago, which was later upheld by the Appellate Division of the Supreme Court in 2020. Yet, the LGRD ministry has had the audacity to completely ignore the court's directive. And this is not a rare occasion where something like this has happened. The court itself has observed that some secretaries don't abide by court orders, but feel embarrassed to appear before the court when directed to.

In recent years, we have seen how the government has continually obstructed numerous investigations into alleged corruption and mismanagement by bureaucrats. The media has also reported how the Anti-Corruption Commission (ACC), for example, did not take up cases against government officials due to internal and external pressure. As ACC investigators themselves admitted to the media, had the ACC taken some actions against top bureaucrats, it would have created instances where government officials would not dare commit corruption. But in the absence of such accountability, it's not surprising to see that bureaucrats have begun to consider themselves above the law.

In fact, the attorney general himself told the apex court that the parliament had passed the Government Service Act, 2018 to protect public servants, considering them a “different class of people.” When the act was passed, we had mentioned in this column that it was discriminatory against the public and anti-constitutional because it protected public servants against prosecution in ways that ordinary people were not.

When the law of the land itself is bent in ways that are anti-constitutional in order to grant special privileges to bureaucrats, why wouldn't they see themselves as being above the law? When allegations against them are routinely swept under the rug, and political parties start to rely on bureaucrats to hold onto power, naturally they would want a return on their investment. The increased arrogance of our bureaucrats on full display is the result of poor governance and institutional failures. Unless there are systemic changes in governance, with accountability at its centre, the public will continue to suffer due to bureaucratic negligence and arrogance.



## BLACK, WHITE AND GREY

Ali Riaz is a distinguished professor of political science at Illinois State University in the US, and a non-resident senior fellow of the Atlantic Council.

ALI RIAZ

A year after the United States imposed sanctions on the Rapid Action Battalion (RAB) and seven of its former and current officials for gross violation of human rights, it is pertinent to ask whether it has impacted Bangladesh, especially in addressing human rights violations perpetrated by law enforcement agencies and the impunity the members of these forces enjoy. On December 10, 2021, Human Rights Day, the US Treasury imposed these sanctions; concurrently, the Department of State designated two officials as ineligible to enter the US. The allegations against RAB of perpetrating extrajudicial killings and engaging in enforced disappearances were neither new, nor did they come as a surprise, because international human rights groups have been making these allegations with credible evidence for almost a decade. Members of the US Senate urged the State and Treasury Departments to impose sanctions in October 2020. As such, these actions were viewed by many as a long time in the making.

The Bangladesh government's reaction was quick and predictable – denial. The government has been denying any instance of extrajudicial killings and enforced disappearances for years, at international forums and in bilateral exchanges. But it was also evident that the government was rattled by the sudden actions of the US government. Bangladesh's image on the global stage took a hit; those who were not closely following the political situation in Bangladesh and were unaware of the extent of extrajudicial killings and enforced disappearances came to know that such incidents are prevalent and that state actors enjoy impunity. The government's denial was less convincing, particularly due to its unwillingness to hold any investigations under international supervision. In some measures, the US sanctions and subsequent media coverage shed light on the democratic backsliding in the country.

Soon after the sanctions, the government reactivated lobbyists in Washington, DC to convince US policymakers that they were ill-informed, and later considered appointing lawyers to plead for the sanctions' removal. But those familiar with the US policymaking processes reminded that these actions would

bear no fruit. In the meantime, Foreign Minister AK Abdul Momen claimed that those listed as victims of enforced disappearance by UN bodies “have actually drowned in the Mediterranean.”

Instead of trying to address the incidents of enforced disappearance, taking measures to find those who have remained unaccounted for, and reforming the unaccountable system within RAB, police began to put pressure on the victims' families and reportedly coerced them to sign statements stating that they had



VISUAL: STAR

deliberately misled the police by concealing information. These actions only indicated that the government was more interested in covering up and continuing the practice. By March, with Prime Minister Sheikh Hasina questioning the “motive” of the sanctions, a clear message was sent that defiance would be the government's strategy, and it was followed. In August, when the UN Commissioner for Human Rights Michelle Bachelet visited Bangladesh, the government continued its claim that the list provided by the human rights groups of enforced disappearance was untrue.

Further defiance of the government is revealed in its decisions to award medals to Chowdhury Abdullah Al-

scrutiny. However, it is worth noting that since the imposition of sanctions, extrajudicial killings and enforced disappearances have declined. For example, according to the human rights group Odhikar, between January and September of 2022, 25 people were victims of extrajudicial killings by various law enforcement agencies. Data gathered for a study by the Centre for Governance Studies (CGS) revealed that between January and September of 2021, 59 people were such victims. The total number of victims stood at 78 at the end of 2021 (CGS, “Executions at Will?” March 2022). As for enforced disappearances, Odhikar documented 16 cases between January and September of 2022. The comparable

assembly, but it has also used state institutions to silence its critics and political opponents in a brutal manner.

What Angelita Baeyens, vice-president of international advocacy and litigation at Robert F Kennedy Human Rights, said in August is worth recalling, “The total denial of the problem by the government further confirms the level of tolerance and involvement of the Bangladeshi authorities in it. Further, it signals a complete lack of will to change course, which is extremely concerning and shouldn't go unnoticed by the international community.” Perhaps Bangladesh's strategy of denial and defiance is not going unnoticed and may have some consequences in the future.

# Why politicians should study human rights



## OF MAGIC & MADNESS

Badiuzzaman Bay is assistant editor at The Daily Star.

BADIUZZAMAN BAY

For human rights advocates, 2022 has been a catastrophic year. Just pick a random day from the calendar and scroll through the archive of that day's newspaper, any newspaper. Inevitably, you will come across some egregious abuses of human rights. And just as inevitably, you will have some politician or wannabe politician or public servant doing what they should have known better than to do: allowing those abuses or, worse still, engaging in them.

Public representatives and servants are not immune to the faults and follies of the wider society. Nor are they the only ones to violate human rights. But the way they position themselves – as guardians of public interests – and the power they exercise in that capacity make them the central focus of any discussion on rights issues. Right now, that focus is firmly, and justifiably, on people's right to freedom of assembly, thanks to the increasing hostilities faced by the supporters of a resurgent BNP. As I write this, news has emerged that several top BNP leaders were jailed before being picked up by police. Over the past three days, BNP saw its activists killed, injured, detained and sued, its central office raided, and its supporters harassed in various other ways, all because of its planned rally today, with the permission for its choice of venue eluding it even at the last minute.

This, incidentally, marks a dramatic build-up not only to its rally but also to the Human Rights Day, which also falls on December 10.

Despite claims to the contrary, all this had less to do with law and order than with political considerations. You could say this is politics 101 in Bangladesh. But it is also human rights abuse 101. And it is just one case among many. By the year's end, we will probably have a rundown on such abuses of rights and crimes in different sectors – the annual list of “objectionables,” as I call them – courtesy of NGOs. What they will most certainly show is how human rights are being violated on the flimsiest of pretexts with no accountability for the accused perpetrators, often at the behest of those who should have known better.

Why do I stress on having knowledge of human rights? Can an awareness of what constitutes human rights make them less likely to be violated? For politicians, one should hope, it might. It might make them more cautious, help them understand the full context of the lives of people they swore to serve, and sensitise them to the pain and suffering caused when a right is violated. At the minimum, it will make them recognise those rights. It's not enough to just know about human rights, however. Politicians need to see them in the wider context of their political, civic,

economic and cultural dynamics, and strive to become activists for the sake of the people.

One way this can happen is by making it compulsory for all aspirants and occupants of public office to read – and discuss among peers – the Universal Declaration of Human Rights, adopted on this day in 1948.

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It's ironic how few people actually read the document, despite it being short and translated in over 500 languages and dialects. The declaration lists 30 fundamental rights to which everyone is entitled. They range from the sublime to the mundane, some less obvious than others, but each equally enforceable. Among them are the right to life and liberty, right to freedom of thought, conscience and religion, right to freedom of opinion, right to freedom of peaceful assembly and association, right of equal access to public service, right to equal pay, and right to education.

Our constitution as well as major human rights treaties, all inspired by the UN declaration, should also be studied.