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**PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL**

Mandates of the Special Rapporteur on the situation of human rights defenders, Special Rapporteur on violence against women, its causes and consequences

REFERENCE: UA G/SO 214 (107-9) G/SO 214 (89-15)
BGD 6/2011

10 November 2011

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights defenders and Special Rapporteur on violence against women, its causes and consequences pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 16/5 and 16/7.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the acts of intimidation against human rights defender and teacher **Ms. Shampa Goswami**. Ms. Goswami works on issues related to violence against women at Odhikar, a well-known Bangladeshi human rights organisation.

According to the information received:

In May 2011, Ms. Shampa Goswami learned of the gang rape of an elderly woman. She allegedly visited the victim in hospital several times and advised her to go to the police, but the victim refused.

It is further reported that some days later, the police eventually came to know about the incident and arrested four men accused of gang rape. In September, a man reportedly made a threatening phone call to Ms. Shampa Goswami, saying that since she works for human rights she should intervene to get the men released. The man also reportedly approached her in person asking her the same. She allegedly expressed that there was nothing she could do and ignored all subsequent phone calls from him.

On 23 October 2011, Ms. Shampa Goswami and a close family friend were sitting in a local shop when four unknown men approached and harassed them, making suggestive sexual remarks. Ms. Shampa Goswami reportedly left the shop and was followed by a group of 10-12 men, including the man who had been calling her. The group of men allegedly surrounded her and took her to the roof of a nearby building. Once on the roof, Ms. Shampa Goswami realized that the family friend was also taken there.

The man reportedly made the two sit together and began taking pictures of them on a cell phone, whilst verbally insulting them. The men tried to blackmail Ms. Shampa Goswami for money, threatening to send the pictures to the press. It is reported that a stranger who had been passing by came up to the roof and managed to convince the men to let Ms. Shampa Goswami and the family friend go.

On 25 October 2011, Ms. Shampa Goswami went to Satkhira Police Station to inform the police, however according to the source, they have so far failed to provide adequate protection to ensure her safety.

Concern is expressed for the physical and psychological integrity of Ms. Shampa Goswami, given the acts of intimidation which she has been subjected. Concern is expressed that the aforementioned acts may be directly linked to her human rights activities, in particular due to her work in issues related to violence against women.

Without in any way implying any determination on the facts of the case, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice."

Furthermore, we would like to bring to the attention of your Excellency's Government article 12, paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary

action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We would also like to bring to your Excellency's Government's attention to article 7 (c) of the International Convention on the Elimination of all forms of Discrimination against Women, which requires States Parties to take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

In that sense, we would like to bring to Your Excellency's attention Article 4 (o & p) of the United Nations Declaration on the Elimination of Violence against Women which notes that States should recognize the important role of the women's movement and non-governmental organizations worldwide in raising awareness and alleviating the problem of violence against women, and should, moreover, facilitate and enhance the work of the women's movement and non-governmental organizations and cooperate with them at local, national and regional levels.

In addition, we would wish to recall article 4 (c & d) of the United Nations Declaration on the Elimination of Violence against Women, which stipulates that States should exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. To this end, States should develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence. Women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered. States should, moreover, also inform women of their rights in seeking redress through such mechanisms.

In this context, we wish to recall that the Committee on the Elimination of Discrimination against Women (CEDAW) in its general recommendation No. 19 (1992), defines gender-based violence against women as impairing or nullifying the enjoyment by women of human rights and fundamental freedoms, and constitutes discrimination within the meaning of article 1 of the Convention on the Elimination of All forms of Discrimination Against Women (ratified by your Excellency's Government on 6 November 1984) whether perpetrated by a State official or a private citizen, in public or

private life. Thus, the Committee considers that States parties are under an obligation to act with due diligence to investigate all crimes, including that of sexual violence perpetrated against women and girls, to punish perpetrators and to provide adequate compensation without delay. In general recommendation No. 19, the Committee sets out specific punitive, rehabilitative, preventive and protective measures States should introduce to fulfil this obligation; in paragraph 9, it makes clear that “under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation”.

We urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Ms. Shampa Goswami are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Ms. Shampa Goswami in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of this case accurate?
2. Has a complaint been lodged by or on behalf of Ms. Shampa Goswami?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders

Rashida Manjoo
Special Rapporteur on violence against women, its causes and consequences