

Mandates of the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on freedom of religion or belief; and the Working Group on the issue of discrimination against women in law and in practice

REFERENCE:
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Excellency,

We have the honour to address you in our capacity as Special Rapporteur in the field of cultural rights; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on freedom of religion or belief; and Working Group on the issue of discrimination against women in law and in practice, pursuant to Human Rights Council resolutions 28/9, 32/32, 25/18, 31/16 and 15/23.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged threats of arrest, exile and violence by a fundamentalist group called Hefazat-e-Islam Dhaka City Committee, received by Ms. **Sultana Kamal**, human rights defender, and the recent request from a Supreme Court lawyer to arrest her for having allegedly hurt the religious feelings of the Muslim majority in the country.

Ms. Sultana Kamal is a human rights defender and lawyer known for her work on civil and political as well as women's rights. She served as the Executive Director of Ain o Salish Kendra (ASK), a legal aid and human rights organisation in Bangladesh for over 15 years. In addition to that, she is the Chairperson of the We Can End Violence Against Women Alliance, Chairperson for Transparency International Bangladesh, former Adviser to the Caretaker Government of Bangladesh and also Co-chairperson for the Chittagong Hill Tracts Commission.

According to the information received:

28 May 2017, Kamal was invited to a televised programme by the news channel 'News 24' to discuss the removal of the sculpture representing Lady Justice from premises of the Supreme Court of Bangladesh, together with other public figures and a representative of Hefazat-e-Islam, a coalition of Islamist groups.

During the programme, Ms. Kamal engaged in an exchange with the representative of Hefazat-e-Islam regarding the removal of the sculpture. In

response to an argument by the representative of Hefazat-e-Islam claiming that no religious edifice should be put in the court premises, Ms. Kamal put forward the hypothetical argument, that in the same logic, the mosque that is inside the premises of the Supreme Court should not be there either.

On 2 June 2017, a fundamentalist group known as the Hefazat-e-Islam Dhaka City Committee called for the arrest of Ms. Sultana Kamal and threatened her with violence based on a distorted interpretation of the statements she had made during the television programme.

The Vice-President of the Hefazat-e-Islam, Mr. Junayed Al-Habib, publicly claimed that Ms. Sultana Kamal had called for the removal of all mosques from the country and demanded her arrest within 24 hours. He also allegedly threatened that if she (Ms. Kamal) came out in the street, they would break every bone in her body. In addition, other members of the organisation allegedly threatened her with violence. Statements have been made saying, that Ms Kamal would share the same fate as the Bangladeshi author Ms. Taslima Nasrin, who has been in exile since 1994 due to her human rights advocacy work.

Moreover, numerous YouTube videos have been posted by Hefazat-e-Islam supporters threatening or inciting violence against Ms. Kamal. It is reported that Hefazat-e-Islam has been responsible for others threats and attacks against intellectuals and human rights defenders in the country, most of which are still unresolved.

On 5 June 2017, the Dhaka Metropolitan Police Ramna Division and the Detective Branch announced that they had taken joint measures to provide protection to Ms. Kamal. However, according to Ms. Kamal, the law enforcement agency has merely spoken to her and has informed her that the neighbourhood of her house will be closely monitored.

On 18 June 2017, a lawyer of the Supreme Court of Bangladesh served a legal notice “on behalf of millions of Muslims of the country” seeking arrest of Ms. Kamal for hurting religious sentiments of the Muslim majority in the country. The notice, which was served to the Inspector General of Police (IGP) and to the chairman of the Bangladesh Telecommunication Regulatory Commission (BTRC), allegedly claims that Ms. Kamal has hurt the majority of Muslims of Bangladesh and their faith with her “derogatory and irresponsible” comments. The lawyer also said that he had requested the court to order law enforcement agencies to arrest Ms. Kamal within seven days.

We express serious concern at the alleged public threats received by Ms. Kamal, which seem to be linked to her peaceful and legitimate work for the protection and

promotion of human rights in Bangladesh. We are also concerned about what appears to be a wide presence of fundamentalist discourses and intolerance from Hefazat-e-Islam in the Bangladeshi society, corresponding to the observations made by the Special Rapporteur on freedom of religion or belief in his country visit to Bangladesh that religion is sometimes used by various actors to achieve political goals to undermine the rights of others. Furthermore, we are concerned by the undermining of freedom of expression based on the justification of the need to “protect” religious sentiments of the majority. Such attempts of criminalization of free speech would further encourage negative social mobilization leading to expression of intolerance and incitement to hatred and/or violence.

The above allegations appear to be in contravention with international law, in particular with articles 6 (1), 18, 19 and 22, relating to the right to life and physical integrity, the right to freedom of religion or belief, freedom of opinion and expression and the right to freedom of association of the International Covenant on Civil and Political Rights (ICCPR), to which Bangladesh acceded on 6 September 2000. Any prohibition on freedom of expression must comply with the strict requirements of ICCPR’s article 19 (3), as well as articles 2, 5, 17, 18 and 26. It would not be permissible for such prohibitions to be used to prevent or punish criticism or commentary on religious doctrine and tenets of faith. The allegations also have a grave impact on the right to take part in cultural life without discrimination, as guaranteed by the International Covenant on Economic, Social and Cultural Rights (ICESCR), acceded to by Bangladesh on 5 October 1998 (article 15).

We would also like to refer your Excellency’s Government to 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, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 6 and 12. In this connection, we would like to draw your attention to General Assembly resolution 68/181 as well as Human Rights Council resolution 31/32, in which States expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders.

We would also like to draw your attention to the latest report by the Special Rapporteur in the field of cultural rights, which states that fundamentalist and extremist ideologies aim at forcing or coercing people into specific world visions, beliefs systems and cultural practices, therefore threatening human rights, and especially cultural rights. Governments must ensure there is a counterweight to fundamentalist and extremist discourses by publicly challenging them, by guaranteeing education in accordance with international standards specified in article 13 (1) of the ICESCR and article 26 (2) of the Universal Declaration of Human Rights and by creating conditions allowing all people to access, participate in and contribute to cultural life without discrimination (A/HRC/34/56, paras. 24 and 27).

Furthermore, reference is made to article 7(c) of the Convention on the Elimination of all Forms of Discrimination against Women in which States agreed to take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, to ensure to women, on equal terms with men, the right to participate in non-governmental organizations and associations. The Working Group on Discrimination against Women in Law and Practice has pointed out that women's human rights defenders are often the target of gender-specific violence, such as intimidation, attacks and death threats, sometimes condoned or perpetrated by State actors. States should eliminate all forms of violence against women in order to fulfil women's human rights and to improve the enabling conditions for women's participation in political and public life ((A/HRC/23/50, paras. 65 and 97(i)).

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we call on your Excellency's Government to take all necessary measures to ensure the safety and security of Ms. Kamal and would appreciate a response on the initial steps taken to safeguard her human rights in compliance with international human rights instruments and standards.

As 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, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please indicate whether the threats against Ms. Kamal have been thoroughly investigated with a view to identifying the perpetrators and bringing them to justice? If so, what are the results of the investigation?
3. Please indicate the protection measures taken to protect Ms. Kamal against new threats and other violations of her rights.
4. Please provide information about how the legal notice issued by the Supreme Court lawyer on 18 June 2017 requesting the arrest of Ms. Kamal "for hurting religious sentiments" is compatible with the international human rights norms and standards mentioned above.
5. Please indicate the actions taken by your Excellency's Government in condemning attacks against human rights defenders for exercising their rights to freedom of conscience, thought and expression.

6. Please detail the efforts undertaken by your Excellency's Government in combating the instrumentalisation of religions following the recommendation of the United Nations Special Rapporteur on freedom of religion or belief in his country visit report to Bangladesh in 2015.
7. Please indicate what measures have been taken to ensure that human rights defenders in Bangladesh are able to carry out their legitimate work in a safe and enabling environment without fear of threats, acts of intimidation directed against them or their family members, or harassment of any sort.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

Karima Bennoune
Special Rapporteur in the field of cultural rights

Annalisa Ciampi
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst
Special Rapporteur on the situation of human rights defenders

Ahmed Shaheed
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Chair-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice