

Human Rights in Bangladesh: An Evaluation of ICCPR and ICESCR Obligations and State Practices

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ABSTRACT: A comprehensive review of available data—ranging from academic journals and books to reports by rights watchdogs such as Odhikar, Amnesty International, and Human Rights Watch—reveals a singular, recurring theme: violation. In a democratic framework, human rights abuses typically occur when state machinery becomes overly centralized, sidelining the citizenry. Contemporary Bangladesh exemplifies this centralization, effectively shifting from a "People's Republic" to a governance model centered solely around the executive, a transition that has precipitated a human rights crisis. The spectrum of violations is broad, encompassing the suppression of voting rights, curtailment of free speech, extrajudicial executions, enforced disappearances, and targeted attacks on minorities and political opponents. While human rights theoreticians include social, health, economic, and cultural entitlements, the impoverished demographic in Bangladesh is systematically denied these necessities. The state and its institutions have paradoxically become the very wellsprings of inequality, corruption, and lethal violence. Ain O Salish Kendra (ASK) has noted that the alarming human rights trend observed in previous years has persisted without abatement. This reality stands in stark contrast to the Constitution of Bangladesh,

which theoretically guarantees major international rights and good governance. Despite ratifying core instruments like the UN Charter, the ICCPR, and the ICESCR, the state's actual performance creates a paradoxical legal landscape. This paper evaluates this disconnect, measuring Bangladesh's treaty obligations against the ground reality.

Keywords: *Civil Liberties, International Covenants, State Accountability, ICCPR, ICESCR.*

INTRODUCTION

Human rights are not government-granted privileges; they are inherent entitlements born of our humanity. As Mother Teresa implied, these rights reflect the fundamental interests of human existence. Consequently, the conceptualization of human rights has become a cornerstone of modern jurisprudence. Following the devastation of World War II, the global focus on human rights expanded exponentially. International charters and conventions proliferated, establishing a core set of obligations designed to protect human dignity and ensure justice.

However, a growing consensus suggests that merely ratifying treaties or legislating rights does not automatically translate into effective protection for the average citizen. True progress requires transmuting abstract legal norms into the vernacular of daily life, embedding them within ordinary human relations where they can enact real change. While human rights laws were originally designed to shield individuals from state oppression, recent decades have seen these concepts expand to address violations by non-state actors as well.

The year 1948 marked a watershed moment when nations agreed upon the Universal Declaration of Human Rights (UDHR). Subsequently, in December 1966, the UN General Assembly adopted the "International Covenants": the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Together with the UDHR, these form the International Bill of Human Rights. Democratic nations universally adopt these standards, operating on the maxim *vox populi, vox dei*—the voice of the people is the voice of the government.

Bangladesh has integrated most ICCPR civil and political rights into its Constitution as fundamental rights. The state accepted the ICCPR in 2000, albeit with specific reservations, and ratified the ICESCR in 1998. Regrettably, the trajectory of democracy in Bangladesh has been fragile, leading to a steady deterioration in human rights standards. While the period following 1990 saw some stability, with the years 1991, 1996, and 2001 being relatively better for democratic practice, the situation was never ideal.

The corruption that plagued the Ershad era persisted through subsequent administrations. During the 2001–2006 term, the introduction of the Rapid Action Battalion (RAB) and "Operation Clean Heart" drastically escalated rights violations. From 2008 to 2022, the situation reached a critical peak. Enforced disappearances—a terror previously unknown to the younger generation—became commonplace. In the first half of 2013 alone, law enforcement agencies extrajudicially killed 184 individuals.

Human Rights Watch reported that by 2012, the government had narrowed the space for civil society, protected abusive security forces, and ignored calls for legal reform. Odhikar documented 69 disappearances between June and August 2022. Furthermore, despite reports of torture, the government rarely prosecuted perpetrators in 2022. RAB personnel suspected of unlawful killings operated with impunity. The lack of transparency and accountability within governance machinery has fostered corruption and threatened the right to life, placing Bangladesh far below international standards in practice, despite its treaty obligations.

The International Covenant on Civil and Political Rights (ICCPR)

The ICCPR is a foundational treaty adopted in 1966 and effective from 1976. It comprises 53 articles protecting a vast array of liberties. Key protections include:

- **Article 6-8:** The right to life, freedom from torture, and prohibition of slavery.
- **Article 9-11:** Security of the person, rights of detainees, and protection against imprisonment for debt.
- **Article 12-13:** Freedom of movement and rights of foreign nationals.

- **Article 14-16:** Equality before the law, fair trial rights, and recognition as a person before the law.
- **Article 17-19:** Privacy rights, freedom of religion, and freedom of opinion.
- **Article 21-27:** Rights to assembly, association, marriage, child protection, political participation, and minority rights.

Bangladesh's ICCPR Obligations

Having ratified eight of the nine core human rights treaties, Bangladesh is bound by international law to protect these rights and submit compliance reports. After acceding to the ICCPR in 2000, the government submitted initial reports under Article 40. Accession implies an immediate undertaking to guarantee rights without discrimination and to adopt legislative measures to enforce them. The state must also ensure effective judicial remedies for victims of violations.

While the Constitution upholds many of these rights and the Supreme Court acts as a guardian—exercising jurisdiction over illegal detentions and custodial torture—challenges persist. Institutions like the National Human Rights Commission and the Anti-Corruption Commission exist to support these frameworks. However, full implementation is hindered by ongoing extrajudicial killings and attacks on free expression. Furthermore, Bangladesh maintains declarations limiting the application of Articles 10, 11, and 14, citing financial constraints regarding prisoner rehabilitation, though it claims to follow juvenile segregation laws.

The International Covenant on Economic, Social and Cultural Rights (ICESCR)

Developed in 1966, the ICESCR complements the UDHR by focusing on well-being and dignity. It emphasizes that human dignity encompasses not just political liberty, but economic subsistence, cultural freedom, and social welfare. The covenant mandates that states create affirmative conditions for human flourishing, recognizing the equal rights of men and women.

As of 2016, 164 nations have agreed to these terms. The ICESCR contains 31 articles, prioritizing:

- **Article 2 & 3:** Non-discrimination and gender equality.
- **Article 6 & 7:** Right to work and favorable conditions.
- **Article 10-12:** Protection of families, adequate standard of living (food/housing), and health.
- **Article 13-15:** Education and cultural participation.

Bangladesh's ICESCR Obligations

The Constitution of Bangladesh incorporates both civil-political and economic-social rights. However, a distinction exists: civil rights are "fundamental rights" and are judicially enforceable, whereas economic rights are termed "fundamental principles of state policy". According to Article 8(2), these principles are not directly justiciable in court but form the basis for law-making and interpretation. This inclusion reflects the influence of the UN Charter and the Covenants on the nation's supreme law.

Comparative Analysis: International Treaties vs. The Constitution of Bangladesh

The influence of the UDHR, ICCPR, and ICESCR on the Bangladeshi Constitution is evident in specific articles:

1. **Equality and Dignity:** The Constitution's Article 28 reflects the UN's call for equal dignity and non-discrimination (UDHR Art 2, ICESCR Art 2). Article 27 guarantees equality before the law, mirroring UDHR Art 7 and ICCPR Art 16.
2. **Life and Liberty:** Constitutional Articles 31 and 32 ensure protection of life and personal liberty, aligning with UDHR Art 3 and ICCPR Art 6.
3. **Prohibition of Slavery:** Article 34 prohibits forced labor, consistent with UDHR Art 4 and ICCPR Art 8.
4. **Arrest and Trial:** Articles 33 and 35 cover protections against arbitrary arrest and ensure fair trials, reflecting ICCPR Art 9 and UDHR Art 10.
5. **Freedoms:** Freedom of movement (Article 36) and freedom of thought and conscience (Articles 39 & 41) align with international standards.

6. **Torture:** Article 35(5) prohibits torture and cruel punishment, adhering to ICCPR Art.
7. **Socio-Economic Rights:** The right to education (Article 17) and social security (Article 15(d)) reflect ICESCR mandates.

Gaps in the Constitution: Despite these alignments, significant gaps remain. The Constitution does not explicitly protect the rights of aliens against arbitrary expulsion (ICCPR Art 13). It lacks provisions for workers to join international trade unions (ICCPR Art 8). While it mentions the right to work, it does not guarantee "favorable conditions" or equal promotion opportunities to the extent required by international law. Crucially, there is no constitutional restriction on the death penalty, contradicting the evolving standards of ICCPR Art 6 regarding the right to life.

Assessment of Human Rights Practices in Bangladesh

While Part III of the Constitution enshrines fundamental rights, experts argue that legal reforms are necessary to uphold democratic values. Suggestions include repealing laws that gag the press and disbanding abusive security agencies. Reports from major human rights bodies provide a grim assessment.

International Reports

- **Amnesty International:** Highlighted that freedom of expression is curtailed by draconian laws. Authorities have executed serious violations, including enforced disappearances and unlawful detentions. Violence against women spiked during the COVID-19 pandemic, and peaceful protests were suppressed with excessive force.
- **Human Rights Watch (HRW):** The 2022 World Report accused the government of ignoring UN and donor concerns regarding violations. HRW noted that authorities used the pandemic as a pretext to crush criticism of the ruling Awami League. Brad Adams, HRW's Asia Director, stated that the government jeopardizes its standing in UN peacekeeping by ignoring abuse allegations while seeking influence at the UN. The US has notably sanctioned the RAB for these serious violations.

Domestic Reports

- **Ain o Salish Kendra (ASK):** Reported that repression is frequently used to silence dissent against ruling elites. Torture is employed not for justice, but for coercion or extortion.
- **Odhikar:** Documented a culture of impunity. Between 2009 and 2020, thousands have been victims of extrajudicial killings and death in jail.

Statistical Overview of Violations (2009–2020):

Year(s)	Extrajudicial killings by Law Enforcing Agencies	Enforced Disappearances	Death in Jail	Death Penalty	Freedom of the Media(killed, injured, assaulted)
2020	225	31	76	218	235
2019	391	34	60	327	104
2018	466	98	81	319	126
2017	155	90	58	303	53
2016	178	93	63	229	121
2015	186	67	51	173	185
2014	172	39	54	176	190
2013	329	54	59	291	275
2012	70	27	63	77	342
2011	84	32	105	97	291
2010	127	19	60	76	263
2009	154	3	50	-	266
Grand Total	2537	587	780	2286	2451

- **Extrajudicial Killings:** 2,537 victims.
- **Enforced Disappearances:** 587 victims.
- **Death in Jail:** 780 victims.
- **Media Freedom Violations (Killed/Injured):** 2,451 victims.

In the first half of 2022 alone, Odhikar documented 14 extrajudicial killings and 8 enforced disappearances.

Statistics: Human Rights violations

Statistics: January - June 2022*								
Type of Human Rights Violation		January	February	March	April	May	June	Total
Extrajudicial killings	Crossfire	0	0	0	2	0	0	2
	Tortured to death	2	1	2	2	0	0	7
	Shot to death	4	0	0	1	0	0	5
	Total	6	1	2	5	0	0	14
Enforced Disappearances		0	0	3	5	0	0	8
Death in Jail		3	14	9	6	6	7	45
Death Penalty	Sentenced to death	19	30	42	18	36	35	180
	Execution of death sentence	0	0	2	0	0	0	2
Human rights violations by Indian BSF	Bangladeshis Killed	1	1	2	0	0	0	4
	Bangladeshis Injured	6	2	2	1	1	0	12
	Total	7	3	4	1	1	0	16
Attack on journalists	Killed	0	0	0	1	0	1	2
	Injured	17	25	4	11	18	1	76
	Assaulted	7	1	1	2	3	1	15
	Attacked	0	0	0	2	2	1	5
	Arrested	1	2	0	0	0	2	5
	Threatened	0	1	5	1	4	2	13
	Total	25	29	10	17	27	8	116
Public lynching		5	3	5	0	5	4	22
Arrest under the Digital Security Act, 2018	Allegations of posts criticizing the Prime Minister, high-ranking officials of the government, their family members, anti government in social media	7	4	6	4	6	9	36
	Allegations of making derogatory remarks against religion	0	0	0	0	0	4	4
	Total	7	4	6	4	6	13	40

* Odhikar documentation

Specific Areas of Violation

1. Impunity for Extrajudicial Killings: Torture and extrajudicial executions occur in an environment of absolute impunity. The Rapid Action Battalion (RAB) operates as a *de facto* power outside judicial control. The suppression of political dissent has necessitated a trade-off where the government allows RAB abuses to maintain power. High-profile cases, such as the killing of Rohingya leader Mohib Ullah and the scandal involving OC Pradip, illustrate this crisis.

2. Enforced Disappearances: This heinous crime has risen alarmingly. Individuals are abducted in broad daylight by men claiming to be law enforcement. While some bodies are recovered, many remain missing. HRW documented 86 cases in August 2022, allegations the government simply denied without providing updates. This led to US sanctions against RAB commanders in late 2021.

3. Freedom of Expression: Although Article 39 guarantees free speech, the Digital Security Act (DSA) has effectively nullified this right. In one year, 1,135 people were arrested under the DSA. Journalists like Shafiqul Islam Kajol and cartoonist Kabir Kishore have been charged for criticism.

4. Freedom of Assembly: The right to assembly is theoretically recognized but practically denied to opposition parties. Law enforcement and pro-government groups (often termed "helmet bahinis") attack opposition gatherings and student movements, such as the road safety protests.

5. Socio-Economic Failures: Despite constitutional principles, rights to shelter, water, health, and adequate food remain in a dire state.

Conclusion and Recommendations

An analysis of the obligations versus reality reveals a profound mismatch. While ICCPR Article 3 mandates gender equality, traditional *shalish* arbitrations continue to sanction violence against women. Article 6 protects life, yet "crossfire" killings persist. Article 7 forbids torture, yet custodial abuse is rampant. Article 19 guarantees free speech, which is practically absent in the current climate. Similarly, despite ICESCR obligations, unemployment and illiteracy remain high.

The American Declaration of Independence asserts that when a government becomes destructive to the ends of life and liberty, it is the right of the people to alter it. In a true democracy, the consent of the governed is paramount, ensuring accountability and rule of law. Conversely, Bangladesh claims to be democratic but lacks these essential institutional norms.

To restore human rights, the following steps are imperative:

1. **Electoral Integrity:** Ensuring free and fair elections to restore people's consent.
2. **Monitoring:** Intense scrutiny by national and international watchdogs.
3. **Engagement:** Active collaboration between media, civil society, and international bodies.
4. **Legal Reform:** Withdrawing reservations on ICCPR Article 14 and ratifying the convention against enforced disappearances.
5. **Institutional Overhaul:** Reforming institutions to reduce corruption and viewing democracy not just as elections, but as a system of equal treatment.

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