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Home Office

Country Policy and Information Note

Bangladesh: Background information, including actors of protection, and internal relocation

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Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country information

COI in this note has been researched in accordance with principles set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#) and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), namely taking into account its relevance, reliability, accuracy, objectivity, currency, transparency and traceability.

All information is carefully selected from generally reliable, publicly accessible sources or is information that can be made publicly available. Full publication details of supporting documentation are provided in footnotes. Multiple sourcing is normally used to ensure that the information is accurate, balanced and corroborated, and that a comprehensive and up-to-date picture at the time of publication is provided. Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source is not an endorsement of it or any views expressed.

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

Independent Chief Inspector of Borders and Immigration,

5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

Email: chiefinspector@icinspector.gsi.gov.uk

Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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Policy guidance

Updated: 25 January 2018

1. Introduction

1.1 Key consideration

- 1.1.1 Whether, in general, a person who fears serious harm or persecution from non-state actors can obtain effective state protection and/or internally relocate within Bangladesh.

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1.2 Points to note

- 1.2.1 For further information and guidance on particular claim types, see the [Country Policy and Information Notes \(CPINs\) on Bangladesh](#).
- 1.2.2 In September 2017, the Home Office published a [report of a Fact-Finding Mission \(FFM\) to Bangladesh](#) undertaken in May 2017. The FFM had a wide brief, covering the political situation, police, judiciary, religious minorities, and sexual minorities, amongst other subjects. This CPIN should be read alongside the FFM report.
- 1.2.3 The [‘Bangladesh Country Overview’ report](#), dated December 2017, produced by the European Asylum Support Office (EASO), also provides useful background information about Bangladesh.

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2. Consideration of issues

2.1 Credibility

- 2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Protection

- 2.2.1 The police and the criminal justice system (including informal mechanisms such as Village Courts and the Shalish) are functioning. There are established legal rules and procedures, and, despite some weakness in infrastructure, the police are present throughout the country and do respond to criminal activity (see [Security apparatus](#)).
- 2.2.2 The justice system has a significant backlog of cases, particularly land disputes, which has opened space for monetary corruption, particularly at the lower levels of the judiciary. Limited attempts have been made to

improve this situation. Government legal support is available, but limited. (see [Judiciary](#) and [Corruption](#)).

- 2.2.3 In general, where the risk comes from a non-state agent, the state authorities are able to provide effective protection. However, the willingness of the authorities to protect will depend on the profile of the person seeking it. Corruption is endemic and state institutions are highly politicised, and their willingness to deliver justice depends on the complainant's or perpetrator's links with the ruling party, the Awami League (AL). Such links need to be more significant than mere membership or support for the AL. Decision makers must determine each case on its facts and, if applicable, consult the guidance for the relevant category of claim.
- 2.2.4 For further guidance on protection see Asylum Instructions on [Assessing Credibility and Refugee Status](#) and [Gender Issues in the Asylum Claim](#).

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2.3 Internal relocation

- 2.3.1 Bangladesh is a highly, and very densely, populated country and a person is legally (and practically) able to move freely around the country, except to Cox's Bazar and the Chittagong Hill Tracts (CHT) in the south because of the Rohingya migration crisis (see [Freedom of movement](#) and section 12 of the [Country Policy and Information Note on Burma: Rohingya](#)).
- 2.3.2 Access to economic means, social support and education are all available (see [Employment](#), [Social security system](#) and [Education](#)). Bengali culture exists in all parts of Bangladesh (see [Ethnic and religious groups](#) and [Languages](#)), so internal relocation is not culturally or linguistically unreasonable.
- 2.3.3 In general, where the risk is from non-state agents, relocation to another area of Bangladesh is likely to be reasonable, depending on a person's circumstances. Decision makers must determine each case on its facts and, if applicable, consult the guidance for the relevant category of claim.
- 2.3.4 For further guidance on internal relocation, see Asylum Instructions on [Assessing Credibility and Refugee Status](#) and [Gender Issues in the Asylum Claim](#).

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Country information

Updated: 8 January 2018

3. History

- 3.1.1 For an overview of Bangladesh's recent history, see the [BBC's Bangladesh Profile](#), which includes a timeline of events.

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4. Geography and demography

4.1 Area

- 4.1.1 Bangladesh borders India to the west, north and east, Burma (Myanmar) to the south-east and the Bay of Bengal to the south, and has a total land area of 130,168 sq. km¹. This is about the size of England².

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4.2 Population

- 4.2.1 The US Central Intelligence Agency (CIA) estimated Bangladesh's population at 157,826,578 in July 2017, making it the eighth most populated country in the world. Urban areas with significant populations include (according to 2015 data):

- Dhaka (17.598 million)
- Chittagong (4.539 million)
- Khulna (1.022 million)
- Rajshahi (844,000)³
- Sylhet (approx. 500,000)⁴

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4.3 Administrative Divisions and main cities

- 4.3.1 The capital of Bangladesh is Dhaka. The country is divided into eight administrative Divisions. These are:
- Barisal
 - Chittagong

¹ Central Intelligence Agency (CIA), The World Factbook – Bangladesh, Geography, updated 3 January 2018, <https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html>. Accessed: 8 January 2018

² Brilliant Maps, England vs Great Britain vs United Kingdom Explained, 10 April 2016, <http://brilliantmaps.com/eng-gb-uk/>. Accessed: 18 August 2017

³ Central Intelligence Agency (CIA), The World Factbook – Bangladesh, People and Society, updated 3 January 2018, <https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html>. Accessed: 8 January 2018

⁴ Sylhet City Corporation, undated but copyrighted 2014, <http://www.sylhetcitycorporationbd.org/index.php/cms/home/>. Accessed: 13 December 2017

- Dhaka
- Khulna
- Mymensingh
- Rajshahi
- Rangpur
- Sylhet⁵

4.3.2 [Maps of the World](#) provided a political map of Bangladesh showing the current eight Administrative Divisions.

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4.4 Ethnic and religious groups

4.4.1 The main ethnic group of Bangladesh is Bengali, who constitute over 95% of the population⁶.

4.4.2 Bangladesh's government recognizes 27 ethnic groups under the 2010 Cultural Institution for Small Anthropological Groups Act; other sources estimate there are about 75 ethnic groups; critics of the 2011 census claim that it underestimates the size of Bangladesh's ethnic minority populations (2011 estimate)⁷.

4.4.3 The CIA estimated (in 2013) that the population of Bangladesh is:

- 89.1% Muslim
- 10% Hindu
- 0.9% other (including Buddhists and Christians)⁸

4.4.4 Also see: [Home Office Fact-Finding Mission \(FFM\) to Bangladesh, May 2017](#), sections 1, 8 and 9, and the [Country Policy and Information Note \(CPIN\) on minority religious groups](#).

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⁵ Central Intelligence Agency (CIA), The World Factbook – Bangladesh, Government, updated 3 January 2018, <https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html>. Accessed: 8 January 2018

⁶ Central Intelligence Agency (CIA), The World Factbook – Bangladesh, People and Society, updated 1 August 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html>. Accessed: 18 August 2017

⁷ Central Intelligence Agency (CIA), The World Factbook – Bangladesh, People and Society, updated 3 January 2018, <https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html>. Accessed: 8 January 2018

⁸ Central Intelligence Agency (CIA), The World Factbook – Bangladesh, People and Society, updated 3 January 2018, <https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html>. Accessed: 8 January 2018

4.5 Languages

- 4.5.1 The official language is Bangla (Bengali)⁹. Many groups have their own language or dialect¹⁰.
- 4.5.2 Also see: [Home Office Fact-Finding Mission \(FFM\) to Bangladesh, May 2017](#), sections 1 and 8.

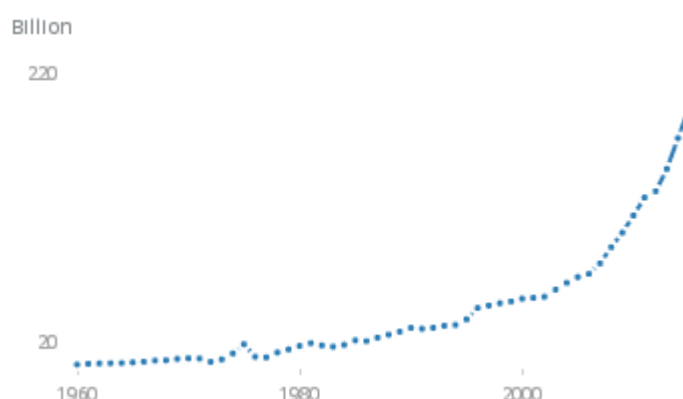
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5. Economy

5.1 Economic growth

- 5.1.1 The Central Intelligence Agency (CIA) World Factbook profile on Bangladesh, dated August 2017, noted Bangladesh's economy '... has grown roughly 6% per year since 1996 despite prolonged periods of political instability, poor infrastructure, endemic corruption, insufficient power supplies, and slow implementation of economic reforms. Although more than half of GDP [Gross Domestic Product] is generated through the services sector, almost half of Bangladeshis are employed in the agriculture sector, with rice as the single-most-important product.'¹¹
- 5.1.2 The World Bank provided a chart showing Bangladesh's growth in Gross Domestic Product (GDP) since 1960.

Chart showing Bangladesh's rate of GDP (US\$) since 1960 ¹²



- 5.1.3 The World Bank, in an undated profile of Bangladesh, noted it: ' [had] made substantial progress in reducing poverty, supported by sustained economic growth. Based on the international poverty line of \$1.90 per person per day, Bangladesh reduced [the proportion of people living in] poverty from 44.2% in 1991 to 18.5% in 2010, and is projected to decrease to 12.9% in 2016.

⁹ Central Intelligence Agency (CIA), The World Factbook – Bangladesh, People and Society, updated 1 August 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/bq.html>. Accessed: 18 August 2017

¹⁰ Minority Rights Group International, World Directory of Minorities and Indigenous Peoples – Bangladesh – Adivasis, 2017, <http://minorityrights.org/minorities/adivasis/>. Accessed: 18 August 2017

¹¹ Central Intelligence Agency (CIA), The World Factbook – Bangladesh, Economy, updated 1 August 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/bq.html>. Accessed: 18 August 2017

¹² The World Bank, Data – Bangladesh, copyright 2017, <https://data.worldbank.org/country/bangladesh>. Accessed: 8 January 2018

'The country achieved the MDG [Millennium Development Goal] 1 on halving poverty five years ahead of time, with 20.5 million people rising out of poverty during the 1991-2010 period. In parallel, life expectancy, literacy rates and per capita food production have increased significantly. Progress was underpinned by strong economic growth, with 6 percent plus growth over the decade and reaching to 7.1 percent growth in 2015/2016. Rapid growth enabled Bangladesh to reach the lower middle-income country status in 2014.

'However, sustained growth has rapidly increased the demand for energy, transport and urbanization. Insufficient planning and investment have resulted in increasingly severe infrastructure bottlenecks.'¹³

- 5.1.4 Also see: [Home Office Fact-Finding Mission \(FFM\) to Bangladesh, May 2017](#), section 1.5

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5.2 Employment

- 5.2.1 According to UN Data, 47.5% of people are employed in agriculture, 17.7% in industry and 35.3% in 'services and other' (2010 data). The unemployment rate is 4.5% (2014 data). 43.1% of women in the labour market are employed; the rate is 80.9% for men (2014 data)¹⁴. However, these figures do not consider those employed informally.

- 5.2.2 Also see [Home Office Fact-Finding Mission \(FFM\) to Bangladesh, May 2017](#), section 1.5

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5.3 Social security system

- 5.3.1 The [US Social Security Index](#) provided details of the social assistance and employer liability systems in Bangladesh, including: old-age pensions; disability pensions; survivor allowances; sickness benefits; maternity benefits; work medical benefits; death benefits; work injury benefit; death compensation; and disability benefit. There is no statutory unemployment benefit, although there is severance pay in certain areas of employment¹⁵.
- 5.3.2 Dr M Alimullah Miyan, of the International University of Business Agriculture and Technology, Dhaka, noted that pensions are available mainly for those employed by the government; that 36 million agricultural labourers are not covered by pensions; and that most people are reliant on family for support in old age¹⁶.

¹³ The World Bank, Bangladesh – Overview, 2017, <http://www.worldbank.org/en/country/bangladesh/overview>. Accessed: 7 September 2017

¹⁴ UN Data – Bangladesh, 2017, <http://data.un.org/CountryProfile.aspx?crName=bangladesh>. Accessed: 21 September 2017

¹⁵ US Social Security Index, 'Social Security Programs Throughout the World (SSPTW): Asia and the Pacific, 2016', <https://www.ssa.gov/policy/docs/progdesc/ssptw/2016-2017/asia/bangladesh.pdf>. Accessed: 13 December 2017

¹⁶ Dr M Alimullah Miyan, International University of Business Agriculture and Technology, Dhaka, Bangladesh, 'Retirement and Pension System in Bangladesh' (undated but quotes sources from 2005),

5.4 Education

5.4.1 The US State Department (USSD), in their 2016 human rights report, stated:

‘Primary education was free and compulsory through fifth grade, and the government offered subsidies to parents to keep girls in class through 10th grade. While teacher fees and uniforms remained prohibitively costly for many families, the government distributed hundreds of millions of free textbooks to increase access to education. Enrollments in primary schools showed gender parity, but educational attainment was low for both boys and girls. The completion rates fell in secondary school with more girls than boys at the secondary level. The 2010 Education Policy extended compulsory primary education to the eighth grade; however, in the absence of legal amendments to reflect the policy, it remained unenforceable. Government incentives to families who sent children to school contributed significantly to increased primary school enrollments in recent years, but hidden school fees at the local level created barriers to access for the poorest families, particularly for girls. Many families kept children out of school to become wage earners or to help with household chores, and primary school coverage was insufficient in hard-to-reach and disaster-prone areas. Early and forced marriage was a factor in girls’ attrition from secondary school.’¹⁷

5.4.2 See: [Home Office Fact-Finding Mission \(FFM\) to Bangladesh, May 2017](#), section 1.6.

6. Security apparatus

6.1 Police

6.1.1 See: [Home Office Fact-Finding Mission \(FFM\) to Bangladesh, May 2017](#), section 3.

6.2 Intelligence agencies

6.2.1 The main intelligence agencies in Bangladesh are:

- Directorate General of Forces Intelligence (DGFI) – the main military intelligence agency
- National Security Intelligence (NSI) – the main civilian intelligence agency, directly responsible to the Office of the Prime Minister
- Criminal Investigation Department (CID) – a specialised wing of the Bangladesh Police

<https://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fwww.airroc.org.tw%2FISLSSL2005%2Fprogram%2Fdoc%2FIII-2.doc>. Accessed: 13 December 2017

¹⁷ US State Department (USSD), Country Reports on Human Rights Practices for 2016 – Bangladesh, Section 6. Discrimination, Societal Abuses, and Trafficking in Persons, March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265532>. Accessed: 8 January 2018

- Special Branch (SB) – the main intelligence agency of Bangladesh
- Rapid Action Battalion (RAB) – an elite anti-crime and anti-terrorism unit of the Bangladesh Police¹⁸

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6.3 Armed forces

6.3.1 According to Jane's, the total strength of Bangladesh's armed forces was estimated at 172,000 (140,000 Army, 17,000 Air Force and 15,000 Navy personnel), with 50,000 reservists¹⁹.

6.3.2 Jane's noted:

'Successive governments have allowed the armed forces to devise their own concepts of operations, with resultant confusion. It has been observed that, especially since 2000, the armed forces have become pawns in the game of power played by the political leadership. Prime Minister Sheikh Hasina has been accused by the leader of opposition, former prime minister Khaleda Zia, of 'buying' the armed forces' loyalty by approving procurement deals of military equipment, promotions, and other inducements.

'The army's history is spiked with several coup attempts - the most notable between 2007 and 2009 - demonstrating its political nature. In a turn of events, despite speculations of a coup attempt in May 2015 when there was intense political unrest between the two major political parties, the Bangladesh Army did not engage in any such activity. In the past few years, the army has tried to maintain a positive image by focusing on its contribution to the UN peacekeeping force.'²⁰

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6.4 Effectiveness

6.4.1 The [website of the Bangladesh Police](#) provided data, up to 2015, of crimes recorded and investigated²¹.

6.4.2 The USSD 2016 report noted:

'Police, who fall under the jurisdiction of the Ministry of Home Affairs (MOHA), have a mandate to maintain internal security and law and order. The Police Special Branch enforces immigration law while the BGB and the Bangladesh Coast Guard (BCG)--also under MOHA--enforce the country's borders. Both Dhaka Metropolitan Police's Detective Branch and the Criminal Investigation Department conduct investigations. The Counter Terrorism and Transnational Crime Unit, which began operating during the year under the Dhaka Metropolitan Police but has now nationwide

¹⁸ Jagran Josh, 'Intelligence Agency in Bangladesh', 2 May 2012, <https://www.jagranjosh.com/general-knowledge/intelligence-agency-in-bangladesh-1335941325-1>. Accessed: 13 December 2017

¹⁹ Jane's Sentinel Security Assessment, Bangladesh: Armed forces, updated 19 July 2017, <https://janes.ihs.com/Janes/Display/bangs070-sas> (subscription only). Accessed: 7 September 2017

²⁰ Jane's Sentinel Security Assessment, Bangladesh: Armed forces, updated 19 July 2017, <https://janes.ihs.com/Janes/Display/bangs070-sas> (subscription only). Accessed: 7 September 2017

²¹ Bangladesh Police, Bangladesh Crime Statistics Comparative, undated, <http://www.police.gov.bd/Crime-Statistics-comparative.php?id=208>. Accessed: 13 December 2017

jurisdiction, has taken a leading role in counterterrorism efforts. RAB, composed of forces drawn from the police and military, also has a counterterrorism role in addition to other duties. The military, organized under the Prime Minister's Office, is responsible for external security, but it can be called to help as a back-up force with a variety of domestic security responsibilities when required in aid to civil authority. This includes responding to instances of terrorism. For example, elite military units based in Chittagong and Sylhet traveled to Dhaka to support local police to end an 11-hour terrorism hostage incident on July 1 [2016]. The Directorate General of Forces Intelligence and National Security Intelligence are the primary means by which the government gathers information on topics of interest, including national security matters.

'Civilian authorities maintained effective control over the military and other security forces, and the government has mechanisms to investigate and punish abuse and corruption within the security forces. These mechanisms were not regularly employed, however. The government took steps to improve police professionalism, discipline, training, and responsiveness and to reduce corruption. Police basic training continued to incorporate instruction on the appropriate use of force as part of efforts to implement community-based policing...

'Officers loyal to the ruling party occupied many of the key positions in the law enforcement agencies...

'Security forces failed to prevent societal violence.'²²

6.4.1 An October 2017 Asia Foundation report noted: 'In general, the police have done little to prevent...[religious and ethnic minority] violence, and authorities have failed to bring perpetrators to justice.'²³

6.4.2 The December 2017 EASO Country Overview report on Bangladesh, citing several sources, noted, regarding to the functioning of the police in response to common crimes:

'Bangladesh ranks among the ten countries in the world with the smallest police presence, with 96 police personnel per 100,000 citizens. Due to the centralised organisation, most personnel are stationed in the major cities with little police presence in the countryside. According to GAN Integrity's Anti-Corruption Portal, the low salaries, lack of training and expertise in the police force mean the risk of encountering corruption in the police is high...The police can also reportedly be reluctant to investigate people associated with the ruling political party.'²⁴

²² US State Department (USSD), Country Reports on Human Rights Practices for 2016 – Bangladesh, Section 1. Respect for the Integrity of the Person, 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265532>. Accessed: 7 September 2017

²³ Asia Foundation, The State of Conflict and Violence in Asia – Bangladesh, p.32, 18 October 2017, https://asiafoundation.org/wp-content/uploads/2017/10/Bangladesh-StateofConflictand_Violence.pdf. Accessed: 8 January 2018

²⁴ EASO, COI Report Bangladesh, Country Overview, p. 37, December 2017 https://coi.easo.europa.eu/administration/easo/PLib/Bangladesh_Country_Overview_December_2017.pdf. Accessed: 4 January 2018

- 6.4.3 See also: [Corruption](#) and the [Home Office Fact-Finding Mission \(FFM\) to Bangladesh, May 2017](#), sections 2.8, 6.5, 7.10, 8.9 and 10.6 – these sections are about profile-specific protection.

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6.5 Avenues of redress

- 6.5.1 See: [Home Office Fact-Finding Mission \(FFM\) to Bangladesh, May 2017](#), section 3.

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7. Judiciary

7.1 Organisation

7.1.1 Jane's noted:

'Bangladesh's legal system is based on English common law with a civil court system. The Supreme Court acts as the guardian of the constitution and has two divisions: the Appellate Division and the High Court Division. The legal decisions of the Supreme Court are binding on all other courts. Judges in the subordinate district and session courts deal with civil and criminal suits. In 2009, the International Crimes Tribunal (ICT) was set up to try individuals accused of committing crimes against humanity and war crimes. Under the remit of the ICT, persons accused of committing such crimes in 1971 are currently being tried. A law commission has been set up to undertake the necessary reforms of the judicial system. However, the backlog of cases and the lack of infrastructure remains a key challenge. Although the judiciary is formally separated from the executive, successive governments have used the judiciary for political gains. The practice of appointing political loyalists as judges to the Supreme Court has continued under the current government. This was further entrenched in 2014, when parliament was empowered with the authority to remove judges.'²⁵

- 7.1.2 The December 2017 EASO Country Overview on Bangladesh presented a useful diagram of the structure of Bangladeshi courts²⁶.

- 7.1.3 Also see: [Home Office Fact-Finding Mission \(FFM\) to Bangladesh, May 2017](#), section 4.1

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7.2 Fair trial

- 7.2.1 Article 35(3) of the Constitution states: 'Every person accused of a criminal offence shall have the right to a speedy and public trial by an independent and impartial court or tribunal established by law.' Article 27 provides: 'All

²⁵ Jane's Sentinel Security Assessment, Bangladesh: Internal affairs, updated 5 September 2017, <https://janes.ihs.com/Janes/Display/bangs070-sas> (subscription only). Accessed: 12 September 2017

²⁶ EASO, COI Report Bangladesh, Country Overview, p. 32, December 2017 https://coi.easo.europa.eu/administration/easo/PLib/Bangladesh_Country_Overview_December_2017.pdf. Accessed: 4 January 2018

citizens are equal before the law and are entitled to equal protection of law.’²⁷

7.2.2 The USSD’s 2016 human rights report noted:

‘The law provides for the right to a fair public trial, but the judiciary did not always protect this right due to corruption, partisanship, and weak personnel and institutional capacities. Lower court judges received base pay from 30,935 taka (\$386) to 78,000 taka (\$975) per month, depending on seniority. A High Court division judge of the Supreme Court receives a monthly base pay of 95,000 taka (\$1,213) and an appellate division judge is paid 100,000 taka (\$1,277). Lower court prosecutors’ low monthly retainer of 3,000 taka (\$37.50) plus 200 taka (\$2.50) per day spent in court led some to accept bribes to influence the outcome of a case.

‘Defendants are presumed innocent and have the right to appeal and to see the government’s evidence. Defendants also have the right to be informed promptly and in detail of the charges against them. The Speedy Trial Act was intended to prevent undue delay of proceedings for certain offenses, such as murder, sexual assault, and robbery, but frequent adjournments contributed to the backlog of cases. The accused are entitled to be present at their public trial where judges decide cases. Indigent defendants have the right to a public defender. Trials are conducted in the Bengali language and free interpretation is not provided by the government. Defendants also have the right to adequate time to prepare a defense. Accused persons have the right to representation by counsel, review accusatory material, call and question witnesses, and appeal verdicts. The government frequently did not respect these rights, and some government officials reportedly discouraged lawyers from representing defendants in controversial cases important to the state.

‘Mobile courts headed by executive branch magistrates rendered immediate verdicts that often included prison terms to defendants who were not afforded the opportunity for legal representation. In a July 26-28 [2016] conference in Dhaka, Deputy Commissioners from all 64 districts requested that the government expedite the passage of an amendment to the Mobile Court Act of 2009 giving the executive magistrates increased judicial powers. The act had not moved forward by the end of the year.’²⁸

7.2.3 Freedom House, in its 2017 World Report, stated:

‘Pretrial detention is often lengthy, and many defendants lack counsel. The indigent have little access to justice through the courts...

‘Concerns have repeatedly been raised that the current International War Crimes Tribunal’s procedures and verdicts do not meet international

²⁷ The Constitution of the People’s Republic of Bangladesh, 4 November 1972, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367. Accessed: 7 September 2017

²⁸ US State Department (USSD), Country Reports on Human Rights Practices for 2016 – Bangladesh, Section 1. Respect for the Integrity of the Person, 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265532>. Accessed: 7 September 2017

standards on issues such as victim and witness protection, the presumption of innocence, defendant access to counsel, and the right to bail.’²⁹

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7.3 Judicial independence

7.3.1 The USSD 2016 human rights report noted:

‘The law provides for an independent judiciary, but corruption, political interference, and a substantial backlog of cases hindered the court system. A provision of the constitution that accords the executive branch authority over judicial appointments to lower courts and over compensation and assignments for judicial officials undermines full judicial independence. The 16th constitutional amendment giving parliament impeachment power over high court judges was passed in 2014, but in August the High Court found it to be unconstitutional.

‘Corruption and a substantial backlog of cases hindered the court system, and the granting of extended continuances effectively prevented many defendants from obtaining fair trials due to witness tampering, victim intimidation, and missing evidence. Human rights observers stated that magistrates, attorneys, and court officials demanded bribes from defendants in many cases, or ruled based on influence by or loyalty to political patronage networks. Observers noted that judges who made decisions unfavorable to the government risked being transferred to other jurisdictions. There were allegations of political influence over court decisions.’³⁰

7.3.2 Freedom House, in its 2017 World Report, stated:

‘Under the AL [Awami League] government, anticorruption efforts have been weakened by politicized enforcement and subversion of the judicial process. In particular, the Anti-Corruption Commission (ACC) has become ineffective and subject to overt political interference. The government continues to bring or pursue corruption cases against the BNP [Bangladesh National Party]; proceedings against [Khaleda] Zia [leader of the BNP], among others, were ongoing in 2016.

‘Politicization of the judiciary remains an issue despite a 1999 Supreme Court directive ordering the separation of the judiciary from the executive. Political authorities have continued to make appointments to the higher judiciary, in some cases demonstrating an overt political bias. Harassment of witnesses and the dismissal of cases following political pressure are also of concern.’³¹

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²⁹ Freedom House, Freedom in the World 2017 – Bangladesh, January 2017, <https://freedomhouse.org/report/freedom-world/2017/bangladesh>. Accessed: 7 September 2017

³⁰ US State Department (USSD), Country Reports on Human Rights Practices for 2016 – Bangladesh, Section 1. Respect for the Integrity of the Person, 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265532>. Accessed: 7 September 2017

³¹ Freedom House, Freedom in the World 2017 – Bangladesh, January 2017, <https://freedomhouse.org/report/freedom-world/2017/bangladesh>. Accessed: 7 September 2017

7.4 Juvenile justice

- 7.4.1 [The Children's Act 2013](#) stipulated, amongst other provisions, that the definition of a child is someone under 18 (previously it was under 14)³².
- 7.4.2 The USSD 2016 report noted: 'While the law requires holding juveniles separately from adults, many juveniles were incarcerated with adults. Children were sometimes imprisoned (occasionally with their mothers) despite laws and court decisions prohibiting the imprisonment of minors.'³³

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7.5 Village Courts, Shalish and Alternative Dispute Resolution (ADR)

- 7.5.1 The United Nations Development Programme (UNDP) reported in July 2015 'Through an initiative adopted by the Bangladesh government with support from the United Nations Development Programme and funding from the EU, village courts have reduced the time, expenses and hassle that plaintiffs often associate with the conventional courts system.'
- 7.5.2 The UNDP added:
'Since 2010, nearly 85,500 cases have been reported to village courts across Bangladesh. About 78 percent of them have been resolved.
'Nearly 70 percent of village court beneficiaries – both petitioners and respondents – expressed satisfaction with their experience.
'An average of 28 days is required for the resolution of a case, compared to five years in the traditional courts system.'³⁴
- 7.5.3 The UNDP explained that a village court panel is composed of local community members nominated by parties in the dispute, headed by an elected representative and are heard locally³⁵.
- 7.5.4 The UNDP reported that Parliament had
'...passed The Village Court (Amendment) Bill, 2013 on 18 September 2013 with a provision to incorporate several new clauses into the existing Village Court Act, 2006 for the smooth carrying out of judicial activities at the village level. This represents a major achievement and presents itself as a key tangible result of the Village Courts project...

³² International Labour Organization (ILO), Natlex – Database of national labour, social security and related human rights legislation, Bangladesh, Children's Act 2013 (Act No. 24 of 2013), http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=94284&p_country=BGD&p_count=137&p_classification=04&p_classcount=8. Accessed: 8 January 2018

³³ US State Department (USSD), Country Reports on Human Rights Practices for 2016 – Bangladesh, Section 1. Respect for the Integrity of the Person, 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265532>. Accessed: 7 September 2017

³⁴ United Nations Development Programme (UNDP), 'Through village courts, justice for all in Bangladesh', July 2015, <http://www.undp.org/content/undp/en/home/ourwork/ourstories/through-village-courts--justice-for-all-in-bangladesh.html>. Accessed: 12 September 2017

³⁵ United Nations Development Programme (UNDP), 'Through village courts, justice for all in Bangladesh', July 2015, <http://www.undp.org/content/undp/en/home/ourwork/ourstories/through-village-courts--justice-for-all-in-bangladesh.html>. Accessed: 8 January 2017

‘Another aspect of the amended Act is gender sensitivity and women’s empowerment, through mandatory women representation in the village court panel thus ensuring that the voice of female victims are heard during case hearings... the bill incorporated rules aimed at stopping the trend of filing false cases with the village court. It also recommended a fine of Taka 5,000 in case of filing false charges.’³⁶

- 7.5.5 Also see: the [website of the Activating Village Courts in Bangladesh Project – Phase II](#); information from the [European Commission’s International Cooperation and Development page](#); and the [Home Office Fact-Finding Mission \(FFM\) to Bangladesh, May 2017](#), sections 4.8 - 4.10.

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7.6 Legal Aid

- 7.6.1 See: [Home Office Fact-Finding Mission \(FFM\) to Bangladesh, May 2017](#), section 4.4.

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8. Civil society groups

- 8.1.1 The International Center for Not-for-Profit (ICNL), in its [profile of Bangladesh’s civil society](#), noted:

‘Bangladesh is endowed with a rich tradition and culture of philanthropy. Religions that attempted to overcome social stratification and seclusion flourished there in past centuries. The civic tradition was reinforced following the devastating war for liberation in 1971, when a host of “self-help groups” emerged to provide relief and rehabilitation, and to support development. At the same time, however, given the legacy of colonial and authoritarian military administration, civil society remains in a formative stage.

‘Today in Bangladesh, mainstream civil society organizations (CSOs) are mostly philanthropic groups, citizen coalitions, and private voluntary agencies. Many CSOs seek to serve under-served or neglected populations, to expand the freedom of or to empower people, to engage in advocacy for social change, and to provide services. The exact number of CSOs in Bangladesh is unknown. According to one estimate, the number of CSOs registered with various governmental authorities totals 250,000. Among these, it is estimated that less than 50,000 organizations are active.’³⁷ See the source for further information.

- 8.1.2 The [Home Office Fact-Finding Mission \(FFM\) to Bangladesh, May 2017](#), spoke to many civil society organisations and NGOs. Refer to the report annexes for information about these organisations.

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³⁶ United Nations Development Programme (UNDP), ‘A major victory for village courts’, 18 September 2013, <http://www.bd.undp.org/content/bangladesh/en/home/presscenter/articles/2013/09/18/a-major-victory-for-village-courts.html>. Accessed: 12 September 2017

³⁷ The International Center for Not-for-Profit Law (ICNL) Civil Freedom Monitor: Bangladesh, 23 April 2017, <http://www.icnl.org/research/monitor/bangladesh.html>. Accessed: 21 September 2017

9. Corruption

- 9.1.1 In its 2016 Corruptions Perception Index, Transparency International ranked Bangladesh 145 out of 176 countries, with a score of 26 (0 = high and 100 = low perception of public corruption). This is a similar ranking to the previous four years³⁸.
- 9.1.2 In its National Household Survey for 2015, published in June 2016, Transparency International Bangladesh interviewed 15,206 households (10,743 in rural areas, 4,463 in urban areas) across 64 districts and 2 cities (Dhaka and Chittagong). 9.9 per cent said they had received services from law enforcement agencies, mainly police in police stations (65.6 per cent) 74.6% reported they had experienced corruption in some form (the percentages were roughly the same in urban and rural areas). Of these:
- 65.9% gave a bribe
 - 6.5% experienced 'misdemeanour or intimidation'
 - 5.3% had false cases filed against them
 - 2.6% were arrested without a valid reason
 - 2.2% experienced negligence when filing a General Diary or First Information Report
 - 2.2% had a false charge sheet filed against them
 - 1.7% experienced delays in police verification or false information in verification
 - 1% experienced harassment or a delay in service³⁹
- 9.1.3 In the same survey, 8.5% of people said they received services from judicial services, mainly judge courts (73.1%) and magistrates (23.9%), and mostly about land or property issues (67.2%). Of these 48.2% experienced 'corruption or harassment'. Of these:
- 28.9% gave a bribe (the overall average bribe was 9,686 TK – the average was more in rural areas)
 - 14.1% experienced delays
 - 8% paid extra money demanded by lawyers⁴⁰
- 9.1.4 The USSD 2016 report noted:

³⁸ Transparency International, Corruption Perceptions Index 2016, 25 January 2017, https://www.transparency.org/news/feature/corruption_perceptions_index_2016. Accessed: 12 September 2017

³⁹ Transparency International Bangladesh, Corruption in Service Sectors – National Household Survey 2015, pp. 9, 21, June 2016, https://www.ti-bangladesh.org/beta3/images/2016/es_nhhs_16_en.pdf. Accessed: 7 September 2017. See p. 9 for information on TI's survey methods and sampling. Number of persons has been calculated by the author based on TI's data.

⁴⁰ Transparency International Bangladesh, Corruption in Service Sectors – National Household Survey 2015, pp. 9, 21, June 2016, https://www.ti-bangladesh.org/beta3/images/2016/es_nhhs_16_en.pdf. Accessed: 7 September 2017. See p. 9 for information on TI's survey methods and sampling.

‘The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. Officials frequently engaged in corrupt practices with impunity. Human rights groups, the media, the Anticorruption Commission (ACC), and other institutions reported government corruption.

‘Some in civil society stated the government was not serious about fighting corruption and that it used the ACC for politically motivated prosecutions. A 2013 amendment to the ACC Law removed the ACC’s authority to sue public servants without prior government permission. The ACC reported that the defendant was convicted in 32 percent of adjudicated cases, which is an increase of 10 percent from last year. The court started to pursue some cases against lower-level government officials and some higher-level officials. A large backlog of cases remains, however. As of November, the ACC filed 266 new graft cases in addition to the 3,097 cases that were pending at the end of 2015...

‘The government took steps to address widespread police corruption. The IGP [Inspector General of Police] continued to train police to address corruption and create a more responsive police force.’⁴¹

- 9.1.5 See: [Home Office Fact-Finding Mission \(FFM\) to Bangladesh, May 2017](#), sections 3.7, 4.2, 4.9 and 4.10 and the [Country Policy and Information Note \(CPIN\) on journalists, publishers and internet bloggers](#) for information and guidance about the media.

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10. Citizenship and nationality

- 10.1.1 The [Bangladesh Citizenship \(Temporary Provisions\) Order 1972](#) introduced the citizenship laws after the country’s independence. Article 2 of the Order stipulates that anyone who was born in the territories now comprised in Bangladesh (or whose father or grandfather was born in these territories) and who was a permanent resident in these territories on 25 March 1971 and continues to be so resident, will be deemed to be a Bangladeshi citizen. Article 2A provides that a person to whom the above article would have applied, but who is resident in the United Kingdom, shall be deemed to have continued to have been permanently resident in Bangladesh. The Government may notify, in the official Gazette, any person or categories of persons to whom this Article shall not apply. In case of doubt as to whether a person is qualified to be deemed a citizen of Bangladesh under Article 2 of the Order, a decision of the Government will be final⁴².

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⁴¹ US State Department (USSD), Country Reports on Human Rights Practices for 2016 – Bangladesh, Section 4. Corruption and Lack of Transparency in Government, 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265532>. Accessed: 7 September 2017

⁴² Legislative and Parliamentary Affairs Division, Ministry of Law, Justice and Parliamentary ‘The Bangladesh Citizenship (Temporary Provisions) Order, 1972’, Articles 2, 2A and 2B, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=423. Accessed: 12 September 2017

11. Freedom of movement

11.1.1 Bangladesh has 2,460 km of railways, 21,269 km of roads and 19 airports⁴³. The main airport is [Shah Jala International Airport, Dhaka \(DAC\)](#). [On the World Map](#) provided a map of Bangladesh showing the major roads, railways and airports⁴⁴.

11.1.2 The USSD 2016 report noted:

‘The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights, except in two sensitive areas – the CHT [Chittagong Hill Tracts] and Cox’s Bazar. The government enforced some restrictions on foreigners’ access to the CHT...

‘Some senior opposition officials reported extensive delays in getting their passports renewed; others reported harassment and delays at the airport when departing the country. Authorities barred one BNP official from leaving the country to attend a party event in Bahrain while another was detained at the airport before being allowed to board a plane. Another opposition leader required High Court intervention in order to obtain his passport from the government after nearly a year of delays.

‘The international travel ban continued on war-crimes suspects from the 1971 independence war.

‘The country’s passports are invalid for travel to Israel according to Bangladesh policy.’⁴⁵

11.1.3 See the [Country Policy and Information Note on women](#) for information and guidance about restrictions on women’s movement within the country.

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12. Entry / exit procedures

12.1.1 See [Home Office Fact-Finding Mission \(FFM\) to Bangladesh, May 2017](#), Annex D: meeting with official from the British High Commission (BHC), 18 May 2017, for information about entry/exit procedures.

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⁴³ Central Intelligence Agency (CIA), The World Factbook – Bangladesh, Transportation, updated 5 December 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/bq.html>. Accessed: 13 December 2017

⁴⁴ On The World Map, Large detailed map of Bangladesh with cities, undated (website copyrighted 2012-17), <http://ontheworldmap.com/bangladesh/large-detailed-map-of-bangladesh-with-cities.html>. Accessed: 13 December 2017

⁴⁵ US State Department (USSD), Country Reports on Human Rights Practices for 2016 – Bangladesh, Section 4. Corruption and Lack of Transparency in Government, 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265532>. Accessed: 7 September 2017

13. Documentation

13.1 Official documents

- 13.1.1 The [US State Department \(USSD\), Bureau of Consular Affairs](#), undated, provided information about birth, death and marriage certificates, and police and prison records⁴⁶.
- 13.1.2 See also: [Home Office Fact-Finding Mission \(FFM\) to Bangladesh, May 2017](#), section 3.3

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13.2 Forged and fraudulently obtained documents

- 13.2.1 The Immigration and Refugee Board of Canada (IRBC), in a response dated 20 September 2010, citing various sources, stated that:

‘In 7 September 2010 correspondence with the Research Directorate, an official at the High Commission of Canada to Bangladesh stated that “There is a significant prevalence of fraudulent documents [in Bangladesh] including passports, birth certificates, bank statements, taxation documents, business documents, school documents, marriage certificates. If we ask for it, it can be produced.” The Canadian Official added that “[t]here is no difficulty at all for anyone to obtain these documents. Quality varies with prices paid” ...

‘In Bangladesh, those seeking to have false identity documents commonly avail [themselves] of the services of middle persons, or dalal. According to a dalal who was interviewed, an efficient system has developed where applicants pay an additional fee to avoid the hassle of going through the official procedures, particularly for procuring passports. The dalal pays the relevant issuing officer, who in turn pays the special branch of the police for the required verification. Such verification is generally issued regardless of whether the information provided is correct or not...

‘An official at the High Commission of Canada to Bangladesh further noted that ‘...primary source documents are not even required for a Bangladeshi passport as births are not generally recorded at the time of birth. One only needs to make a self declaration as to one's name and date of birth and you get your passport in that name and date of birth...

‘[A] 2007 ADB [Asian Development Bank] study notes that “the introduction of modern technology, such as machine-readable passports, is making it increasingly difficult to produce counterfeits of the more heavily regulated documents”

‘A June 2010 Xinhua news agency article stated that Bangladesh introduced machine-readable passports partially due to concerns over forgeries of the previously manually processed passports.’⁴⁷

⁴⁶ US State Department (USSD), Country Information – Bangladesh, Reciprocity Schedule, undated, <https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country/Bangladesh.html>. Accessed: 13 December 2017

⁴⁷ Immigration and Refugee Board of Canada (IRBC), ‘Bangladesh: Reports of fraudulent documents, 20 September 2010’, BGD103532.E, available at: <http://www.refworld.org/docid/4dd113f92.html>. Accessed: 12 September 2017

- 13.2.2 The Bangladesh Chronicle reported in April 2014 that: 'Amid increase in submission of fraudulent documents, the US Embassy in Dhaka on Sunday advised Bangladeshi applicants to apply directly for a visa with genuine documents to avert permanent ban from entry into the United States [...] it has seen a recent increase in applicants using the services of unscrupulous brokers who provide their clients with fraudulent documents.'⁴⁸
- 13.2.3 See also: [Home Office Fact-Finding Mission \(FFM\) to Bangladesh, May 2017](#), section 4.6

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⁴⁸ The Bangladesh Chronicle, 'US Embassy goes tough against visa fraud; 5 held', 6 April 2014, <http://bangladeshchronicle.net/2014/04/us-embassy-goes-tough-against-visa-fraud-5-held/>. Accessed: 12 September 2017

Version control and contacts

Contacts

If you have any questions about this note and your line manager, senior caseworker or technical specialist cannot help you, or you think that this note has factual errors then [email the Country Policy and Information Team](#).

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Clearance

Below is information on when this note was cleared:

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Updated country information post-November 2014, including information obtained during the Home Office's Fact-Finding Mission (FFM) to Bangladesh in May 2017.

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