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Freedom in the World 2009 - Bangladesh

Capital: Dhaka

Population: 147,300,000

Political Rights Score: 4

Civil Liberties Score: 4

Status: Partly Free

Ratings Change

Bangladesh's political rights rating improved from 5 to 4 due to elections in December 2008 that were held under reformed electoral laws and were judged to be relatively free and fair.

Overview

Bangladesh's military-backed caretaker government oversaw a raft of electoral reforms in 2008, laying the groundwork for national elections that were finally held on December 29. However, the government had less success in implementing an anticorruption drive and reducing the power and popularity of the two main political parties. Emergency regulations, including restrictions on a range of civil liberties and political activity, remained in place until just prior to the campaign period. The elections, which were widely deemed free and fair, returned the opposition Awami League to power in a sweeping victory. Despite the significant openings in the political environment, human rights abuses including extrajudicial executions remained a concern.

Bangladesh gained independence from Britain in 1947 as part of the newly formed state of Pakistan and successfully split from Pakistan in December 1971, after a nine-month war. The 1975 assassination of independence leader and prime minister Sheikh Mujibur Rahman by soldiers precipitated 15 years of military rule and continues to polarize Bangladeshi politics. The country's democratic transition began with the resignation in 1990 of the last military ruler after weeks of prodemocracy demonstrations. Elections in 1991 brought the Bangladesh Nationalist Party (BNP) to power under Prime Minister Khaleda Zia.

A long political deadlock began in 1994, when Sheikh Hasina Wajed's center-left Awami League (AL) party began boycotting Parliament to protest alleged corruption in Zia's government. The AL and the BNP differed little on domestic policy; their disputes often reflected the personal animosity between Hasina, the daughter of Rahman, and Zia, the

widow of a military ruler who was allegedly complicit in his assassination. The AL boycotted the February 1996 elections, then forced Zia's resignation in March and triumphed in elections held in June. The BNP also marked its time in opposition by boycotting Parliament and organizing periodic nationwide strikes.

In 2001, the AL was voted out of office in elections marred by political violence and intimidation, and a new BNP-led coalition that included two Islamist parties took power. The AL initially refused to accept the election results and turned to parliamentary boycotts, countrywide *hartals* (general strikes), and other forms of protest to pressure the government on various issues. Political violence increased, with grenade attacks at AL rallies in August 2004 and January 2005 narrowly missing key party leaders but killing and injuring dozens of people.

General lawlessness also mounted, partly due to bombings and other attacks by Islamist extremist groups. Two of the largest – the Jamiat-ul-Mujahideen Bangladesh (JMB) and the Jagrata Muslim Janata Bangladesh (JMJB) – were banned in 2005, and following an escalation of violence later that year, a government crackdown yielded the arrest of the two groups' leaders in March 2006, along with some 800 members. In May, seven militant leaders were sentenced to death for the 2005 attacks, and six of the seven were executed in March 2007. The threat of Islamist violence subsided after the 2006 crackdown, but it did not disappear altogether.

Partisan disagreement over plans for January 2007 general elections led to heightened political tension and violence throughout 2006. The AL and its allies demanded reform of Bangladesh's caretaker government (CG) system, in which a theoretically nonpartisan government takes power temporarily to oversee parliamentary elections. The AL also questioned the conduct and impartiality of the Election Commission (EC) and its preparation of a new voter list. After three days of violent rallies over the proposed "chief adviser," or head of the CG, President Iajuddin Ahmed appointed himself chief adviser; further rioting in late November led the president to deploy the army to maintain order.

Faced with the possibility of an election that lacked both domestic and international credibility, the army on January 11, 2007 pressured the president to declare a state of emergency, cancel the elections, and resign as head of the CG. A new, military-backed CG, headed by technocrat Fakhruddin Ahmed, was appointed the next day, and it soon announced plans to tackle endemic corruption and prepare for new elections. Under emergency regulations, freedoms of assembly and association were suspended, and controls were placed on the media. All political activity was banned, including indoor meetings, marches, and rallies. In addition, the right to appeal for bail was suspended.

While the "soft coup" was carried out partly within the constitutional framework, stopping short of martial law and leaving a civilian CG in nominal control, creeping military influence was extended over key institutions. A new EC formed in February 2007 was seen as relatively nonpartisan, but it included a role for the army; it also immediately requested legislation that would make any criticism of it punishable as "contempt." In order to quell disunity within the armed forces and bolster the "soft coup" adherents against those who favored an outright military takeover, the tenure of army chief Moeen U Ahmed was extended, and a number of his opponents were sidelined. After antimilitary student demonstrations in August 2007 left several people dead and hundreds injured, the authorities responded with university closures, arrests, curfews, media censorship, and a temporary shutdown of the internet and mobile-telephone network.

As part of the government's anticorruption drive, an Anti-Corruption Commission (ACC), headed by a former army chief, was formed in January 2007. An unprecedented number of high-level politicians and their business allies were arrested and held pending investigations of their finances; a number were subsequently convicted by a special court, while others awaited trial. Hasina herself was arrested in July; Zia was held in September, and her two sons were also arrested during the year. Although the government in November began efforts to remove executive influence from the judiciary

as promised, observers warned that the measures, while positive, might not end the creeping politicization of the judiciary.

Economic woes – including inflation, a decline in investment, and increasing food shortages – progressively weakened public support for the administration. In addition, many donors and foreign governments, who initially supported the January 2007 takeover, were increasingly focusing on the need to return to democracy and expressing concern about continuing human rights violations. In a January 2008 shakeup, four of the 10 caretaker administrators were replaced. The CG then spent much of 2008 attempting to balance its anticorruption drive and electoral reforms with the need to win the cooperation of the dominant political parties so as to ensure the success of the planned elections.

As 2008 opened, Hasina (along with several family members) was formally charged with extortion for allegedly accepting illegal payments from a businessman during her tenure as prime minister. However, in early February, a court ruled that the case could not be tried under emergency laws, as the alleged offense had taken place prior to the emergency declaration. Later that month, the ACC filed new graft charges against Zia and 15 others in connection with alleged bribes in a deal involving a Chinese company. Other high-level politicians continued to face arrest as well – including Motiur Rahman Nizami, leader of the Islamist party Jamaat-e-Islami – and by May, the main parties jointly decided to boycott preelection talks with the EC unless their leaders were released.

In June, the CG offered to release Hasina and Zia to "seek medical treatment abroad," and while Hasina availed herself of the offer, Zia held out for the release of her two sons. This was granted by August, and in July, the courts suspended the second of four cases against Zia herself. These capitulations marked the de facto collapse of the CG's anticorruption campaign, and analysts warned that it would cement a culture of impunity and lack of accountability among senior politicians. The new EC also failed to address the issue of suspected war criminals' continued involvement in politics. Of particular concern was the Jamaat-e-Islami, whose leaders and student wing played a well-documented role in atrocities against civilians during the 1971 war of independence. In an unusual display of unity in December 2007, the BNP, AL, and other parties had demanded that the EC ban "war criminals" from the upcoming polls, but in the end a number of suspected perpetrators stood for office.

By early November, the EC had confirmed an election date of December 18. Hasina returned to the country and started campaigning, but the AL was the clear favorite; more of its leadership was intact, and AL candidates had triumphed in mayoral elections held in August. The BNP initially sought a postponement, but agreed to the compromise election date of December 29. The emergency regulations, which had been eased in August and early December, were fully lifted on December 17. The elections themselves were supervised by a large number of election officials and observers as well as the army, and although the long-standing party leaders remained in place, there was a considerable infusion of new blood into the parties' candidate lists. Turnout was extremely high, at 87 percent, and included a large proportion of first-time, women, and minority voters. An electoral alliance led by the AL won a landslide of 263 seats (230 for the AL), while the BNP-led coalition took 32 seats (29 for the BNP). After initial protests, Zia accepted the results, and Bangladesh returned to civilian rule after a two-year hiatus.

Political Rights and Civil Liberties

Bangladesh is an electoral democracy. It regained that status through the December 2008 elections, which were judged to be free and fair by European Union observers and other groups. The balloting was praised for a high degree of transparency and professionalism, and low levels of fraud and violence. Terms for the unicameral National Parliament and the largely ceremonial presidency are both five years. Parliament is composed of 345 members, of which 300 are directly elected, and 45 are women nominated by political parties – based on their share of the elected seats – and then

voted on by their fellow lawmakers. The 1996 polls were the first held under a constitutional amendment requiring a CG to oversee the election process.

A primary justification for the military-backed CG's postponement of the 2007 elections to 2008 was the need for an overhaul of electoral procedures. A series of reforms announced in July 2008 required the registration of political parties; mandated that parties disband their student, labor, and overseas units; and obliged parties to reserve a third of all positions for women. The reforms also reduced the number of seats a parliamentary candidate could simultaneously contest from five to three, tripled campaign spending limits to 1.5 million taka (\$22,000) per candidate, and gave voters in each constituency the option of rejecting all candidates on the ballot. It was hoped that the new regulations would curtail the widespread bribery, rigging, and violence that had characterized recent elections. A new voter registry completed in July was considerably smaller than its predecessor, which contained around 12 million invalid names. In August, the CG held peaceful and orderly elections in four cities and nine municipalities, but emergency laws largely remained in place, and candidates had to run as independents with a limited amount of time for public campaigning. The municipal polls were nevertheless judged fair by domestic and international observers, and the CG did not appear to have influenced the results. Hopes that the voters would reject tainted politicians did not materialize; at least two candidates who were facing corruption charges won landslide victories from prison. Throughout the CG period, the two largest parties, the AL and BNP, retained widespread popularity and continued to influence the political process despite sweeping arrests and other obstacles.

Endemic corruption and criminality, weak rule of law, limited bureaucratic transparency, and political polarization have traditionally undermined government accountability. Boycotts by both major parties while in opposition have regularly crippled the legislative process, and Parliament effectively ceased to function for much of its last term. The two parties have also maintained links to criminal networks. An ACC launched in 2004 was authorized to conduct investigations and try cases in special courts, but it never achieved political or financial independence. The reconstituted ACC of 2007 and 2008 actively targeted political parties and their business associates. Dozens of suspects were arrested, almost 100 were convicted, and hundreds more fled the country for fear of arrest. Responding to calls from the lower ranks of the army, the ACC announced in February 2008 that it would extend its campaign to the military. However, the leaders of the two main political parties had been released by September 2008, thwarting the CG's attempts to cleanse the political system from the top down. Bangladesh was ranked 147 out of 180 countries surveyed by Transparency International (TI) in its 2008 Corruption Perceptions Index. The local branch of TI noted in April that although the CG's campaign had effectively reduced large-scale corruption, smaller-scale graft and bribery remained rampant.

Bangladesh's media environment became more restrictive following the January 2007 government takeover. The Emergency Powers Rules (EPR) imposed under the military-backed CG limited coverage of sensitive topics, allowed censorship of print and broadcast outlets, criminalized "provocative" criticism of the government, and imposed penalties – including up to five years in prison and hefty fines – for violations. These rules remained in force until late 2008, but were more leniently applied than in 2007. Despite occasional cases of censorship, the print media were generally allowed more leeway than broadcasters and new media, particularly the private television channels that provide 24-hour news coverage. After the emergency rules were lifted in December, media were allowed to freely cover the parliamentary elections. Some of the journalists who had been arrested in early 2007 remained in custody in 2008, including Mohammad Atiqullah Khan Masud, editor of the national daily *Janakantha*. A journalist who was first arrested in 2003, Salah Uddin Shoaib Choudhury, still faced sedition, treason, and blasphemy charges; his trial began in June, but he was allowed to travel abroad while the trial was ongoing. Cartoonist Arifur Rahman, who was jailed in September 2007 for allegedly insulting Islam through a cartoon depicting a cat named Mohammad, was released in March 2008 after a judge ruled that his continued detention was illegal. Separately, the government in October approved a Right to Information Ordinance that was welcomed by local and international advocacy groups. According to the press freedom group Article 19, the measure would apply to all information held by

public bodies, simplify the fees required to access information, override existing secrecy legislation, and grant greater independence to the Information Commission charged with overseeing and promoting the law.

Journalists continue to be threatened and attacked with impunity by organized crime groups, party activists, and Islamist groups, although the level of harassment has declined and no journalists have been killed in Bangladesh for the past two years. Official reprisals against reporters and editors have worsened, with several cases of arbitrary arrest, prolonged detention, and custodial torture being documented, including those of Tasneem Khalil in 2007 and Noor Ahmed in 2008. Journalists have also reported an increase in threatening telephone calls from intelligence agencies seeking to prevent negative coverage, and many practice self-censorship when reporting on sensitive topics.

Islam is the official religion, but about 10 percent of the population is Hindu, and there are smaller numbers of Buddhists and Christians. Although religious minorities have the right to worship freely, they face societal discrimination and remain underrepresented in politics and state employment. In recent years, minorities have experienced an increase in both general intolerance and attacks. As documented by Human Rights Watch and others, the 100,000-strong Ahmadiyya sect, which is considered heretical by some mainstream Muslims, has faced greater hostility in the last several years, including physical attacks and boycotts. Anti-Ahmadiyya extremist groups have demanded that the state declare Ahmadis to be non-Muslims, but the government has not bowed to such pressures and generally acts effectively to protect Ahmadis and their property. Since the January 2007 emergency declaration, anti-Ahmadiyya demonstrations have largely ceased, although other forms of harassment and discrimination have continued, according to the U.S. State Department's 2008 International Religious Freedom Report.

While authorities largely respect academic freedom, research on sensitive political and religious topics is discouraged, according to the U.S. State Department's human rights report. Political polarization at many universities inhibits education and occasionally leads to clashes between students and security forces. Following antimilitary demonstrations by students in August 2007, authorities closed universities in six cities and arrested and prosecuted a number of students and professors on charges of inciting rioters. Campuses remained politicized; in February 2008, hundreds of Dhaka University students staged peaceful protests demanding AL leader Sheikh Hasina's release.

Under the EPR, rights of assembly and association were suspended, although these restrictions were eased gradually during 2008 and were fully lifted by year's end. Occasional demonstrations continued to take place, and protesters have sometimes been killed or injured during clashes with police. Numerous world-class nongovernmental organizations (NGOs) operate in Bangladesh and meet basic needs in fields such as education, health care, and microcredit. However, those perceived to have a political bias or to be overly critical of the government, particularly on human rights issues, are subject to intense official scrutiny and occasional harassment. Amnesty International has noted that at least eight human rights defenders have been assassinated since 2000, and that many have been injured or threatened by criminal gangs or party factions. Others have faced arbitrary arrest and torture by the authorities.

Labor union formation is hampered by a 30 percent employee-approval requirement and restrictions on organizing by unregistered unions. Employers can legally fire or transfer workers suspected of union activities. The law bars many civil servants from joining unions; such workers can form associations but are prohibited from bargaining collectively. As with other rights, labor rights were restricted under the 2007 emergency regulations, but these were eased in September 2008. During the year, labor activists faced harassment, arrest, and criminal prosecution as they continued to monitor violations and organize workers. In April, thousands of workers in the crucial garment industry went on strike to demand higher pay in light of the rising cost of living.

In recent years, the judiciary had become increasingly politicized, with politically appointed judges at every level and frequent instances of executive-branch meddling in

lower-court decisions. A 1999 Supreme Court directive ordered the separation of the judiciary from the executive, and unlike previous governments, the CG made this reform a priority. In November 2007, the power to appoint judges and magistrates was transferred from the executive branch to the Supreme Court. The Supreme Court's appellate division had often ruled against the government, according to the U.S. State Department's human rights report, but this changed after a new chief justice was appointed by the president in May 2008, superseding senior colleagues and in violation of the November 2007 reforms.

The judicial system is prone to corruption and severely backlogged; pretrial detention is lengthy, and many defendants lack counsel. The indigent have little access to justice through the courts. Prison conditions are extremely poor, and severe overcrowding is common, to the extent that prisoners have to sleep in shifts. According to the New Delhi-based Asian Centre for Human Rights, hundreds of juveniles are illegally held in prisons in contravention of the 1974 Children's Act. Suspects are routinely subjected to warrantless arrest and detention, demands for bribes, and physical abuse (including torture) at the hands of law enforcement officials. Torture is routinely used to extract confessions and intimidate political detainees. Mass preemptive arrests and serial detentions, which were common under previous governments, remained a regular feature under emergency rule; in 2007, an estimated 440,000 people were arrested, while approximately 60,000 were arrested in 2008, including 30,000 in June alone. Although most are held for very short periods of time, this practice has led to even more severe prison overcrowding, according to Human Rights Watch.

Many abuses take place at the hands of the Rapid Action Battalion (RAB), a paramilitary unit composed of some 4,500 members of the armed forces and police that was formed in 2004 to combat widespread lawlessness. Although initially popular, the RAB and other units engaged in anticrime campaigns have been criticized for excesses like extrajudicial executions. According to local rights watchdog Odhikar, 149 people were extrajudicially killed by law enforcement agencies in 2008, with members of various communist parties and armed groups accounting for most of these deaths. The Directorate General-Forces Intelligence (DGFI), a military intelligence unit, has also been responsible for a number of cases of abuse during interrogations. The climate of impunity was exacerbated by the state of emergency, which empowered and reduced oversight of the various security forces. Abuses and killings declined somewhat in 2008, but remained a serious concern.

Abuse by the authorities is facilitated by legislation such as the 1974 Special Powers Act, which permits arbitrary detention without charge, Section 54 of the Criminal Procedure Code, which allows detention without a warrant, and the EPR of 2007, which deprived detainees of a range of legal protections, such as the right to bail. Rights groups also expressed concern about a broadly drawn counterterrorism ordinance, adopted in June 2008, which did not meet international standards. According to Human Rights Watch, the new ordinance contains an overly broad definition of terrorist acts, criminalizes speech meant to support or "bolster the activities of" a banned organization, and allows convictions for financing terrorism based on mere suspicion of criminal conduct.

The CG did approve an ordinance to set up a national human rights commission in December 2007, but some rights groups noted that the appointments process would be dominated by government officials. They also warned that the commission would have limited financial independence and would lack the power to prosecute those it investigated.

Islamist militant groups were severely weakened by a 2006 crackdown, and although sporadic attacks continue to take place, the level of violence is negligible. The government is also combating a Maoist movement in the north that is connected to the banned Purbo Bangla Communist Party. Casualties from clashes involving leftist militants have dramatically declined in the past two years; according to the South Asia Terrorism Portal, 58 people, the vast majority of them militants, were killed in 2008.

Tribal minorities have little control over land decisions affecting them, and Bengali-speaking settlers continue to illegally encroach on tribal lands in the Chittagong Hill

Tracts (CHT) with the reported connivance of government officials and the army. A 1997 accord ended a 24-year insurgency in the CHT that had sought autonomy for indigenous tribes and resulted in the deaths of 8,500 people. However, as documented by the Asian Centre for Human Rights, the accord has not been fully implemented, tribal inhabitants continue to be displaced to make way for army camps, and returning refugees have been unable to reclaim their land. The security forces have also been implicated in the suppression of protests and the arrest of political activists on spurious charges. Indigenous people remain subject to physical attacks and property destruction by Bengali settlers, according to Amnesty International. Land rights for the Hindu minority continue to be tenuous despite the annulment of the Vested Property Act in 2001.

Roughly 260,000 ethnic Rohingyas fleeing forced labor, discrimination, and other abuses in Burma entered Bangladesh in the early 1990s; some 28,000 refugees and 200,000 other Rohingyas who are not formally documented as refugees remain in the country. Bangladesh also hosts camp-like settlements of some 300,000 non-Bengali Muslims, often called Biharis, who had emigrated from India in 1947 and were rendered stateless at independence in 1971, as many had sided with and initially sought repatriation to Pakistan. In May 2008, a landmark court ruling granted citizenship rights to this group, enabling their access to social services and right to vote.

Rape, dowry-related assaults, acid throwing, and other forms of violence against women occur regularly. A law requiring rape victims to file police reports and obtain medical certificates within 24 hours of the crime in order to press charges prevents most rape cases from reaching the courts. Police also accept bribes not to register rape cases and rarely enforce existing laws protecting women. The Acid Survivors Foundation (ASF), a local NGO, recorded 137 acid attacks during 2008; they affected 179 victims, most of them women. While investigation of acid-related crimes remains inadequate, the police have taken some steps to improve enforcement and prosecutions, and attacks have steadily declined since the passage of the Acid Crime Prevention Act in 2002.

Under the legal codes pertaining to Muslims, women have fewer divorce and inheritance rights than men. In rural areas, religious leaders impose flogging and other punishments on women accused of violating strict moral codes. Women also face some discrimination in health care, education, and employment. They remain underrepresented in government, although a 2004 constitutional amendment reserves 45 parliamentary seats for women, and a large number of women participated in the December 2008 elections. A draft policy announced by the CG in March 2008, which included the reservation of one third of parliamentary seats for women to be held under direct elections, as well as improvements in women's access to property, was met with protests by some Islamist groups, who argued that equal inheritance rights to men and women contravened the Quran and Sharia law. As a result, the government appointed a committee of religious scholars to review the policy. Trafficking in both women and children remains extensive, but the government has taken steps to raise awareness and prosecute traffickers more vigorously; several dozen were convicted during 2008. Child labor is widespread.

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