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Bangladesh

Country Reports on Human Rights Practices - 2007

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Bangladesh is a parliamentary democracy of 150 million citizens. Khaleda Zia, head of the Bangladesh Nationalist Party (BNP), stepped down as prime minister in October 2006 when her five-year term of office expired and transferred power to a caretaker government that would prepare for general elections scheduled for January 22. On January 11, in the wake of political unrest, President Iajuddin Ahmed, the head of state and then head of the caretaker government, declared a state of emergency and postponed the elections. With support from the military, President Ahmed appointed a new caretaker government led by Fakhruddin Ahmed, the former Bangladesh Bank governor. In July Ahmed announced that elections would be held by the end of 2008, after the implementation of electoral and political reforms. While civilian authorities generally maintained effective control of the security forces, these forces frequently acted independently of government authority.

The government's human rights record worsened, in part due to the state of emergency and postponement of elections. The Emergency Powers Rules of 2007 (EPR), imposed by the government in January and effective through year's end, suspended many fundamental rights, including freedom of press, freedom of association, and the right to bail. The anticorruption drive initiated by the government, while greeted with popular support, gave rise to concerns about due process. For most of the year the government banned political activities, although this policy was enforced unevenly. While there was a significant drop in the number of extrajudicial killings by security forces, they were accused of serious abuses, including custodial deaths, arbitrary arrest and detention, and harassment of journalists. Some members of security forces acted with impunity and committed acts of physical and psychological torture. Violence against women and children remained a major problem, as was trafficking in persons.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Security forces committed numerous extrajudicial killings. The police, Bangladesh Rifles (BDR), the military, and the Rapid Action Battalion (RAB) frequently used unwarranted lethal force.

While there was a significant decrease in the number of killings by security personnel, the government and military did not take any public measures to investigate these cases. According to local human rights organizations, no case resulted in criminal punishment, and, in the few instances in which the government levied charges, punishment of those found guilty was predominantly administrative.

According to reports published by the media, local human rights organizations, and the government, the RAB—a paramilitary group composed of personnel from different law enforcement agencies—killed 94 persons throughout the year. The average number of such deaths dropped from 15 per month in 2006 to approximately eight per month during the year. The deaths, many under unusual circumstances, occurred during police operations or while the accused were in custody. The government, however, often described these deaths as "crossfire" killings, occurring in exchanges of gunfire between the RAB or police and criminal gangs.

According to reports in the media, from local human rights organizations and the government, law enforcement officials were responsible for 184 deaths, 129 of which were attributed to crossfire. According to reported figures, this total represented nearly a 50 percent drop from the previous year. The RAB accounted for 90 crossfire killings; members of the police were responsible for 35; and combined security units committed four crossfire deaths. Since 2004 when the Minister for Law, Justice, and Parliamentary Affairs stated that crossfire deaths under RAB or police custody could not be considered custodial death, the government has not disclosed publicly any prosecution of a RAB officer in a killing.

On February 21, according to local media reports, investigations by local human rights organizations, and witness accounts, Lieutenant Commander S.M. Reza and a naval contingent from the navy camp in Char Fashion, Bhola, detained Khabirul Islam Dulal, a ward commissioner. According to human rights organizations and witness accounts, Reza and other navy personnel brought Dulal to his home, where they accused him of possessing illegal weapons. After he denied the allegations, they threatened to kill his wife and children. They beat Dulal and his wife and took him to the navy camp, where they bound and threw him into a pond, where he drowned. Navy officials stated they had conducted an internal investigation that found Dulal had fallen into the pond and drowned while attempting to flee. According to an autopsy, at the time of Dulal's death, his body, including his genitalia, was severely bruised, some of his finger and toe nails were missing, and his throat was distended. According to Odhikar, when one of their investigators questioned navy personnel about the case in March, a naval officer threatened to make him "disappear" if he did not stop investigating the case. Navy intelligence officers later threatened Odhikar's acting director and his family, accusing him

of collaborating with foreign agents. The government supported the navy's version of events. No further investigation was conducted, and no disciplinary action was taken against the navy personnel involved.

On March 20, an indigenous Garo activist, Choilesh Ritchil, died while in army custody in Madhupur, according to local media reports, investigations by local human rights organizations, and witness accounts. Plainclothes army soldiers had detained Ritchil and a relative, Prothap Jambila, while they were returning to Madhupur from a wedding. Soldiers took Ritchil and Jambila to a temporary army camp in Madhupur where they stripped, beat, and burned them with electric shocks during an interrogation about secret weapons caches. Ritchil died in custody, but the army eventually released Prothap. Photographs of Ritchil's body taken before his burial, and the statements of witnesses who prepared the body for the funeral, contradicted the initial autopsy report that he died of natural causes. Members of the army said Ritchil died of heart failure while fleeing arrest. The Madhupur police refused to accept a case filed against the army by Ritchil's family, at first claiming they could not accept cases against the army and later stating that they could not accept the case because they had already filed an unnatural death case. In May Chief Advisor Fakhruddin Ahmed appointed a one-member Judicial Investigation Commission to undertake an independent investigation. The findings were not disclosed to the public. The government stated, however, that four army personnel received punishments, including dismissal from service and denial of promotion.

On May 20, according to local human rights organizations Odhikar and Ain-o-Shalish Kendro (ASK), members of the RAB-5 unit in Rajshahi beat Mohammad Kamran Islam Mojnu to death in Choto Bongram, Rajshahi. Witnesses claimed that the officers beat Mojnu while investigating an extortion and kidnapping allegation. The RAB initially claimed that Mojnu died of heart failure, but after an investigation, a magistrate announced Mojnu had been beaten to death. The government later claimed Mojnu had been lynched by an angry crowd. Following the events, RAB officers reportedly ordered authorities and journalists not to discuss the case any further. An internal RAB disciplinary hearing ordered two officers involved to forfeit their seniority for one year and denied five others their annual salary increases. The RAB removed all seven officers from RAB service and returned them to their respective home units.

There were no updates available concerning the March 2006 killing of Iman Ali by RAB members in Dhaka; the September 2006 killings of Abdul Hawladar and Mohammad Shamin in Khulna by RAB members; the 2005 killing of Abdul Kalam Azad; the February 2005 death in custody of Delawar Hossain; or the July 2005 extrajudicial killing of Khandker Iqbal Hossain by the detective branch (DB) of Dhaka Metropolitan Police (DMP).

There were fewer politically motivated killings than in previous years, reportedly due to the state of emergency that suspended most political activities. According to Odhikar, 79 deaths between January and December were suspected of being politically motivated. On January 6, according to local human rights organizations, before the government declared the state of emergency, activists of the BNP beat to death an Awami League (AL) activist, Azibor Rahman. The activists injured three other AL party workers. At year's end, the police failed to submit a charge sheet, although witnesses had identified suspects in the case. On May 1, a local BNP leader, Saiful Islam, was shot to death in Chuadanga. At year's end, there had been no progress made in the investigation into his killing.

There were no developments in the September 2006 killing of Aftab Ahmad, a Dhaka University political science professor.

In March the government ordered the re-opening of the investigation into the 2005 deaths of former finance minister and AL leader Shah A.M.S Kibria and four others in Habinganj. There were no developments at year's end.

On August 26, trials began in Sylhet for four members of the banned militant Islamist organization Harkatul Jihad al Islami (HuJI). They had been accused of organizing the 2004 grenade attack at the Hazrat Shajalal shrine in Sylhet that killed three persons and injured 70 others, including the British High Commissioner. One of the four persons arrested admitted involvement in the Kibria murder. Media reports alleged that the HuJI had planned to kill top AL leaders in addition to other secular leaders. At year's end the pretrial proceedings were underway. There was no investigation of charges filed in the 2005 killing of AL legal affairs secretary Khorshed Alam Bachchu, who was shot by unknown gunmen near his home in Dhaka.

On March 30, the government administered death sentences to six militants, including Bangla Bhai, who were convicted on charges of terrorism and murder related to the August 2005 bombings in 63 of the country's 64 districts, as well as for the deaths of two judges in Jhalakathi later that year.

Vigilante killings were common. Newspapers reported 108 vigilante killings throughout the year, although local human rights organizations said the reported cases were only a fraction of the total number of actual incidents. Examples of vigilante killing from the press included: on January 26, local residents beat an alleged extortionist and handed him to the RAB, and later the man later died at a local hospital; on May 6, a mob beat to death five men suspected of having stolen money from a dye factory in Araihaazar in Narayanganj district; on September 27, a mob in Mohammadpur chased and beat an alleged burglar to death as he attempted to flee the scene of a break in. The government did not take any action to investigate these cases.

Violence along the border with India remained a problem. According to human rights organizations, the Indian Border Security Force (BSF) killed 120 citizens, injured 82, arrested eight, abducted 98, and raped three.

b. Disappearance

Disappearances and kidnappings remained serious problems during the year. According to human rights organizations, 235 persons were kidnapped during the year. An indeterminate number of these kidnappings were politically motivated, and child kidnapping for profit also continued to be a problem, according to human rights organizations.

On February 12, according to media reports, kidnappers abducted Abdul Aziz, in Khoksa Bazar in Kushtia district. Aziz reportedly

had refused to pay extortion money to the men for several days preceding the abduction. Residents found Aziz's body in Kalabari on February 14. Police had made no arrest at year's end.

On June 25, according to media reports, abductors took Hossain Shahid Sumon and Mohammad Hanif, two employees of the Danish aid agency DANIDA, in Thanchi, Bandarban. On July 8, villagers found Sumon after kidnappers abandoned him. Over the course of a search, the military detained more than 20 persons on suspicion of involvement and captured four alleged kidnappers. At year's end police had detained five representatives from nongovernmental organizations (NGOs) on suspicion of involvement in the kidnapping; they were not charged and the evidence against them had not been disclosed.

There were no developments in the May 2006 disappearance and death of Tera Mia in Chhatak, Sunamganj district. Police initially refused to file a report regarding Mia's disappearance. After villagers found Mia's body a few days later, police filed a complaint against the alleged perpetrators. According to human rights organizations, police failure to act on the initial report of disappearance may have contributed to Mia's death.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

While the law prohibits torture and cruel, inhuman, or degrading punishment, security forces, including the RAB, military, and police, frequently employed severe treatment as well as psychological abuse during arrests and interrogations. According to human rights organizations, the use of such techniques increased after the interim government declared the state of emergency on January 11. Abuse consisted of threats, beatings, and the use of electric shock. According to human rights organizations, security forces tortured 30 people to death. The government rarely charged, convicted, or punished those responsible, and a climate of impunity allowed such abuses by the RAB, police, and military to continue.

On January 27, according to international and local human rights organizations and witness accounts, soldiers detained Shahidul Islam, the director of the NGO Uttaran at the organization's training center in Tala, Shatkhira district. According to witnesses, 20 soldiers led by Major Mehedi Hasan took Islam to the Tala army camp where they questioned him about Uttaran's activities and accused him of possessing illegal weapons. They blindfolded him and beat him below the waist for several hours before turning him over to the Tala police station in a semi-conscious condition. On January 29, the police transferred Islam to the local hospital, where doctors treated him for multiple fractures to his leg and a subcutaneous hemorrhage. He spent several weeks in the hospital before being sent to Satkhira prison to await trial on four criminal accounts. On August 21, the High Court ordered Islam released on bail; meanwhile, police issued final reports dismissing all four cases. The government did not launch an investigation nor pursue disciplinary action against the army personnel accused of beating Islam.

On June 22, in response to an attempted robbery of an army officer's residence on the Dhaka Cantonment, a team of military police detained approximately 20 people, including 15-year old Mohammad Jamal Uddin and 16-year-old Mohammad Kajol. When the military later transferred them to the Kafrul Police Station, they were semi-conscious and unable to stand without assistance. According to the police sub-inspector, authorities transferred the two adolescents to Dhaka University Medical College, where Jamal died later that day of a brain hemorrhage. The family of Kajol, who survived, filed a case against the army but later withdrew it after the army agreed to bear all of Kajol's medical expenses. On June 23, police filed an unnatural death case regarding Jamal. According to the government, the army formed an internal court of inquiry to investigate, but at year's end it had not announced any findings.

On October 10, the trial resumed concerning the July 2006 case of Kishore Kumar Das, originally arrested and injured, allegedly after RAB abuse, and charged with possession of weapons at his house. At the resumed trial, six RAB officers provided differing accounts of the incident. The case was on-going at year's end.

There were no developments in the June 2006 death of Tajul Islam in Kurigram. According to the Asian Human Rights Commission, Islam allegedly was beaten and kicked to death while in police custody. Kurigram District officials said they arrested and suspended Sub-Inspector Hakim, the police officer-in-charge. Uddin's family reportedly was unable to get a copy of Uddin's report of death from Kurigram District Hospital.

There were no developments in the case of AL official Asraf Hossain Khan, who was detained and allegedly beaten and threatened with crossfire by the RAB in Munshigonj in February 2006. Authorities released Khan after supporters blocked a road into town and demanded his release. At the time of the incident, a doctor verified that Khan appeared to have been mistreated. No charges were filed against the RAB.

In May according to media reports, Sub-Inspector Nuruzzaman raped a woman while she was in custody at the police station in Karimgonj, Kishoranganj district. Police suspended Nuruzzaman and arrested him on rape charges. At year's end he remained in jail awaiting trial. Authorities also arrested the officer-in-charge of the station, Sub-Inspector Ruhul Amin, who was later released on bail. In addition, authorities temporarily suspended Sub-Inspector Habibur Rahman.

On August 16, Sub-Inspector Abdul Mannan of the Mirpur Police Station allegedly raped a garment factory worker, according to media reports. At year's end he remained in jail awaiting trial.

There were no developments in the 2005 rape case against riot police officer Nurul Islam, whom police arrested and charged with raping a domestic worker. At year's end the officer's trial was still pending.

Prison and Detention Center Conditions

Despite the fact that the government took several major steps to improve prison conditions, such as cracking down on corruption

and improving morale of prison employees, the prison system remained abysmal due to overcrowding and the lack of proper sanitation. Local human rights observers considered the poor prison conditions to be a contributing factor to custodial deaths. The inspector general of prisons sought to improve conditions. He introduced several training programs and literacy classes to help rehabilitate prisoners, cracked down on corruption in the system, and improved inmate food and other services. Since the declaration of a state of emergency, according to international and local human rights organizations and witness accounts, security forces, including the military, held detainees in sub-standard ad hoc Joint Forces and military camps of the military intelligence agency, the Directorate General-Forces Intelligence (DGFI).

According to Odhikar, 87 persons died in prison and 67 died while in the custody of police and other security forces, among them a ten-year old boy who was found with his throat slit in the Juvenile Detention Center. Of the 87 persons who died, 77 died of natural causes; four died of unnatural causes; and six died of unknown or unspecified causes.

According to the Bangladeshi Society for the Enforcement of Human Rights (BSEHR), the existing prison population as of November 1 was 82,254, between 15 and 20 percent higher than at the same time in 2006. The prison system was more than 300 percent over its official capacity of 27,146. Of the entire prison population, approximately one-third of the detainees had been convicted, but the rest were either awaiting trial or detained for investigation. In most cases, prisoners slept in shifts because of the overcrowding.

The government undertook reforms aimed at improving the situation. The inspector general of prisons took several steps to improve the prison system, including updating the jail code, reducing corruption and drug trafficking in prisons, limiting the use of full shackles on prisoners for reasons other than discipline, improving the quality of food service, creating more prisoner vocational training opportunities and literacy classes, and improving morale of prison staff. The government also opened its first jail for women in Gazipur.

The law required juveniles to be detained separately from adults; however, in practice, many juveniles were incarcerated with adults.

Although the law prohibits women in safe custody from being housed with criminals, in practice, no separate facilities existed.

In general the government did not permit prison visits by independent human rights monitors, including the International Committee of the Red Cross. Government-appointed committees of prominent private citizens in each prison locality monitored prisons monthly but did not release their findings. District judges occasionally visited prisons, but rarely disclosed their findings.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention; however, the law permits authorities to arrest and detain persons suspected of criminal activity without an order from a magistrate or a warrant. Following the declaration of a state of emergency in January, the government promulgated the EPR that gave authorities further authority to detain citizens without filing formal charges or specific complaints.

Role of the Police and Security Apparatus

Police are organized nationally under the Ministry of Home Affairs (MOHA) and have a mandate to maintain internal security and law and order. Under recent governments police were generally ineffective and reluctant to investigate persons affiliated with the ruling party. After the January 11 declaration of a state of emergency, the government formed the Joint Forces, composed of police, RAB, military, and other security agencies, and gave the special new teams responsibility for enforcing the state of emergency. The DGFI, a military intelligence agency, assumed the lead in enforcing the state of emergency by investigating corruption charges and interrogating suspects.

The RAB, a paramilitary unit drawing personnel from various police units and security agencies including the military, received human rights training through the United Nations Development Program. While the RAB continued to commit serious human rights violations, the total number of incidents involving the RAB dropped significantly from the previous year.

The government took steps to address widespread police corruption and a severe lack of training and discipline. The Inspector General of Police began implementation of a new strategy, partially funded by international donors, for training police and addressing corruption.

Abuse of authority by law enforcement and the military was common. For example, on June 11, according to media reports and an investigation by Odhikar, eight army soldiers led by a Captain Shibli detained Dhaka businessman Mahbub Alam Liton at an army camp. Shibli and one other soldier beat Liton in the head, back, legs, and soles of his feet and later forced him to write a confession stating that he had been abusive towards Shibli. According to Liton's family, the local police refused to allow the filing of a case against the army, and an army major called to warn family members not to continue pressing the case. The army later formed a court of inquiry to investigate. The investigation was underway at year's end.

There were no developments in the October 2006 National Shooting Federation Complex incident, in which police entered the Dhaka club and beat 25 members, including Commonwealth Games gold medalist Asif Hossain Khan.

Law enforcement and security forces used unwarranted force to suppress demonstrations, although this occurred less frequently than in the previous year.

According to international and local human rights organizations, security personnel used unwarranted force after the government declared a curfew in August in response to protests at university campuses in several major cities. While the government issued instructions that security forces should accept media credentials and other professional identification, security personnel harassed dozens of journalists who were attempting to conduct legitimate business. The government later apologized to journalists for the treatment.

There were no developments in the August 2006 incident in Phulbari, Dinajpur district, in which police and members of the BDR opened fire on a crowd, killing five persons and injuring 100 who were protesting the establishment of an open-pit coal mine. Authorities did not file charges against police or BDR for the deaths of the protesters.

Plaintiffs rarely accused police in criminal cases due to lengthy trial procedures and the fear of retribution. Such reluctance to confront police created a climate of impunity.

Arrest and Detention

The law does not provide for the use of warrants in all cases. Section 54 of the Criminal Procedure Code and Section 86 of the Dhaka Metropolitan Police (DMP) Ordinance provide for detention of persons on suspicion of criminal activity without an order from a magistrate or a warrant, and the government used such provisions regularly. Section 144 limits gatherings of more than four people. Preventative and arbitrary detentions increased after the declaration of a state of emergency, particularly after the caretaker government launched its anticorruption program.

The government reported arresting more than 300,000 persons between January and August, an arrest rate approximately 15 percent higher than in 2006. The majority of those arrested were released within a day or two. Human rights organizations estimated that approximately 200 former politicians, government officials, and business leaders were held on suspicion of corruption, extortion, or other abuses of power after the caretaker government began its anticorruption drive in January.

According to Human Rights Watch (HRW), Joint Forces, led by the military, held suspects illegally at army camps, DGFI headquarters, and other unofficial places of detention where they interrogated, often abused, and in some cases forced suspects to sign confessions before releasing or presenting them to a magistrate. In some cases the authorities released detainees after they agreed to file cases against other high-profile suspects.

On January 31, a Joint Forces team detained Giasuddin Al-Mamun, a business associate of BNP Joint Secretary Tarique Rahman. While numerous witnesses were present in the area and saw Mamun taken away, the government denied that Mamun had been detained. Authorities allegedly held Mamun for nearly two months for interrogation at the Dhaka military cantonment, but on March 26, military officers brought him to his residence in Dhaka, where he was officially arrested, first on charges of illegal arms possession and, subsequently, on corruption charges. The government had no official response to the allegation that Mamun was already in custody when he was arrested.

Under the Special Powers Act, the government or a district magistrate may order a person detained for 30 days to prevent the commission of an act that could threaten national security; however, authorities held detainees for longer periods. In these cases the magistrate must inform the detainee of the grounds of his detention, and an advisory board is required to examine the detainee's case after four months. Detainees had the right to appeal. Many detainees taken into custody during the anticorruption drive were held under this act, and the government sought and received numerous detention extensions from advisory boards consisting of two judges and a government official.

There was a functioning bail system in the regular courts, although persons prosecuted under the EPR were ineligible for bail. Family members of persons arrested under the EPR were frequently detained without bail on suspicion of abetting corruption. In September after several controversial cases involving the detention of family members of the accused sparked an outcry in the NGO community, the government announced that it would ease the denial of bail provision for family members. Human rights groups and some detainees' families alleged that, in cases in which the High Court ordered high-profile detainees released on bail, the military pressured trial judges to delay the release of the detainee in order to give the government time to file new charges against the detainee, starting a new appeals process and preventing release.

Most criminal detainees charged with crimes were granted access to attorneys; however, detainees arrested under the Special Powers Act were not entitled to representation. The government rarely provided political detainees with state-funded defense attorneys, and there were few legal aid programs to offer such detainees financial assistance. The government generally permitted lawyers to meet with their clients only after formal charges were filed in the courts, which in some cases occurred several weeks after the initial arrest. Arbitrary arrests were common, and the government held persons in detention without specific charges, often in order to collect information about other suspects.

It was difficult to estimate the total number of those detained for political reasons. Many high-level officials detained during the state of emergency were widely suspected of corruption and had credible charges of corruption pending against them at year's end. Several high profile figures, including some members of the leadership of the BNP and AL, however, were held for months without any charges filed against them. International and domestic human rights organizations accused the government of selective prosecution. For example, several high-profile figures believed to be corrupt were omitted from the lists of corruption suspects, allegedly because they agreed to ally themselves with the caretaker government and the military.

In cases not affiliated with the state of emergency or anticorruption drive, arbitrary and lengthy pretrial detention remained a problem. The backlog of criminal cases was believed to be more than 50,000 in Dhaka alone. Many persons who were arrested served longer in pretrial detention than they would have if given the maximum sentence for their alleged crimes. According to Odhikar, approximately two-thirds of prison inmates remained in pretrial detention at year's end.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, in practice, a longstanding temporary provision of the constitution placed the executive in charge of the lower courts, judicial appointments and compensation for judicial officials. The caretaker government implemented legislation developed by the previous government separating the judiciary from the executive.

The Appellate Division of the Supreme Court frequently overturned politically charged decisions by the High Court Division of the Supreme Court if those rulings went against the government. For example, the Appellate Division overturned several decisions granting bail to high-level corruption suspects, including former prime ministers Sheikh Hasina and Khaleda Zia. On several occasions when the Appellate Division upheld the High Court ruling to release a high-profile detainee, such as in the case of senior AL adviser Kazi Zafarullah, the person was re-arrested immediately upon release on a new set of charges. Corruption, judicial inefficiency, lack of resources, and a large case backlog remained serious problems.

The court system has two levels: the lower courts and the Supreme Court. Both hear civil and criminal cases. After the separation of the judiciary from the executive, the government appointed judicial magistrates to replace the executive magistrates who used to preside over the lower courts. The Supreme Court is divided into two divisions, the High Court and the Appellate Division. The High Court Division hears original cases mostly dealing with constitutional issues and reviews cases from the lower courts. The Appellate Division hears appeals of judgments, decrees, orders, or sentences of the High Court. Rulings of the Appellate Division are binding on all other courts.

The EPR authorized the government to create special, speedy, anticorruption courts to adjudicate cases prosecuted by the Anti-corruption Commission. Sentences from these tribunals could also be appealed to the High Court.

In 2005 a High Court panel rendered unconstitutional an amendment to the constitution that legitimized martial law in the 1980s. The prime minister's office arranged for a stay, still in effect, of the ruling because of its ramifications for the legacy of former president Ziaur Rahman, the late husband of the then prime minister.

Trial Procedures

The law provides accused persons with the right to be represented by counsel, to review accusatory material, to call witnesses, and to appeal verdicts. There is no jury trial, only judges. Trials are public, and defendants have the right to an attorney that is rarely provided. Defendants are presumed innocent, have the right to appeal, and have the right to see the government's evidence.

Corruption and a substantial backlog of cases hinder the court system, and trials were typically marked by extended continuances, effectively preventing many from obtaining a fair trial due to witness tampering, victim intimidation, and missing evidence. A 2004 Transparency International survey revealed that magistrates, attorneys, and court officials demanded bribes from defendants in more than 67 percent of the cases filed under the Special Powers Act.

Alternative Dispute Resolution for civil cases, begun in 2004, allowed citizens to present their cases for mediation. According to government sources, wider use of mediation in civil cases quickened the administration of justice, but there was no assessment of its fairness or impartiality. The Muslim Family Ordinance codifies traditional Islamic law concerning inheritance, marriage, and divorce for registered marriages for members of the Muslim community. There were similar sets of laws in place for the Hindu and Christian communities.

Political Prisoners and Detainees

The government detained approximately 200 high-ranking politicians, businessmen, and officials as part of its anticorruption campaign. The government held for several months many individuals under the Special Powers Act, without filing charges against them.

The government imposed unofficial house arrests on former prime ministers Sheikh Hasina and Khaleda Zia and made repeated efforts in the first six months of the year to force them into exile. Eventually, the government arrested both women on corruption charges, and at year's end they were awaiting trial.

By year's end the Anti-Corruption Commission and the public prosecutor had prosecuted several dozen cases against ranking political officials, ranging from extortion and money laundering to murder. While the government said that these were legitimate charges, some cases, such as the filing of charges against former Law Minister Moudud Ahmed and former Communications Minister Anwar Hossain Manju, were seen to be politically motivated. The authorities charged Ahmed and Manju with alcohol possession, normally a minor offense for which bail is granted during trial.

The 2005 case against journalist Salah Uddin Shoaib Choudhury, detained for his attempted 2003 travel to Israel, did not come before a judge during the year. While the case remained postponed, the government allowed Choudhury to travel abroad.

Civil Judicial Procedures and Remedies

The government did not interfere with civil judicial procedures.

Property Restitution

During the year the government did not take any measures to implement the 2001 Vested Property Return Act providing for property restitution to persons, mostly Hindus, who had their property seized by the government after the 1965 India-Pakistan war.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law allows intelligence and law enforcement agencies to monitor communications with the permission of the chief executive of the MOHA. The ordinance also gives the government, in the interest of national security, the authority to prevent telephone operators from delivering messages. The EPR strengthened the ability of the government to monitor communications, including telephone, cell phone, text messages and e-mail. In case of national emergency, the government can revoke any permit to provide communications services without providing compensation to the holder of the license, and during the August curfew the government ordered cell phone providers to shut down service for extended periods.

Police, even in cases not affiliated with the Special Powers Act, rarely obtained warrants, and officers violating these procedures were not punished. Reporters without Borders claimed that police monitored journalists' e-mail. In addition, journalists and political figures detained by the Joint Forces reported that they were forced to hand over their e-mail log-ons and passwords. The Special Branch of the police, National Security Intelligence, and DGFI employed informers to report on and conduct surveillance on citizens perceived to be political opponents of the government.

Shortly after assuming power, the caretaker government launched a country-wide drive to remove illegal shops and shelters from government-owned property. The campaign displaced tens of thousands of homeless people and caused the destruction of thousands of small shops and stalls. In September Chief Advisor Fakhruddin Ahmed apologized for excesses in the eviction drive.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press; however, the government used the EPR to curtail these rights.

Individuals were not able to criticize the government publicly without fear of reprisal. The EPR suspended indoor and outdoor political gatherings, allowed the government to take legal action against critical editors and journalists, and allowed authorities to compel the broadcast or publication of stories supporting the government. After banning radio and television talk shows in August, the government rescinded the ban after developing strict rules to govern the format.

There were hundreds of daily and weekly independent publications. Newspapers that were critical of the government, particularly of the military, came under strong pressure throughout the year. In addition to one official government-owned news service, there are two private news services.

Newspaper ownership and content were often subject to direct restriction by the military's Inter-Service Public Relations office and DGFI. Journalists reported being cautioned frequently by DGFI against criticizing the government or the military.

The government owned one radio and one television station and significantly influenced the privately owned stations.

There were eight private satellite television stations and three private radio stations in operation. There were two foreign-based and licensed satellite television stations that maintained domestic news operations. Cable operators generally functioned without government interference; however, cable operators were forced to drop several international channels, allegedly for nonpayment of taxes. The government required all private stations to broadcast, without charge, selected government news programs and speeches by the chief advisor and the president.

In September authorities closed one new 24-hour all-news television station, CSB, when the Bangladesh Telecom Regulatory Commission, which allocates licenses, accused the station of having forged licensing documents. Station officials admitted that one of its licensing documents had been falsified, but claimed that the timing of the action demonstrated that the station was being punished by the government because it had produced footage of rioting during the Dhaka University protests in mid-August.

Overt attacks on journalists continued to be a problem, although they were less frequent than during the previous year and, unlike in 2006, none were killed. According to Odhikar, at least 35 journalists were injured, 13 were arrested, 35 were assaulted, 83 were threatened, and 13 had cases filed against them.

In August security forces assaulted and injured several journalists at Dhaka University. According to a statement by the Committee to Protect Journalists (CPJ), security forces injured several journalists, including correspondents and photographers from the *Daily Star*, *Shamokol*, *Bhorer Kagoj*, *Amar Desh*, *Karotoa*, the *UNB* wire service, and *BDNews.com*. Security forces also beat Anis Alamgir, the president of the Diplomatic Correspondents Association of Bangladesh. Despite the fact that he showed his press badge, security forces beat Alamgir on the legs with sticks and temporarily took him into custody along with 25 other journalists.

On January 27, a group of AL activists attacked and seriously injured *Satkhira Chitra* editor Professor Anisur Rahim. Local residents rescued Rahim and brought him to the hospital. Police arrested three suspects and charged them in the attack. The court acquitted two persons and convicted a third to four years in prison. However, that sentence subsequently was stayed by the High Court and at year's end the person had been released on bail.

There were no developments in the October 2006 arrest and torture of *Focus Bangla* journalist Shafiqul Islam by RAB officers.

Islam claimed he was tortured with electric shocks for eight hours by the RAB during his detention. Authorities accused Islam of being in contact with Islamic extremists.

There were no developments in the January 2006 shooting death of S. Changma Sattyajit, president of the Panchhari Press Club and correspondent of *Shamakol*.

According to journalists, editors, and other media personnel, intimidation and pressure on the media intensified considerably after the declaration of a state of emergency. DGFI officials monitored the various media outlets and cautioned them about airing material deemed offensive to the government or military. Numerous editors and journalists in Dhaka reported being summoned to DGFI headquarters for questioning and encouragement to file positive stories about the government and military.

In late January, according to media reports, army soldiers twice summoned Hafizur Rahman Neon, *Prothom Alo*'s Habiganj correspondent, to the army camp to criticize his coverage of a fertilizer crisis; he was ordered to file a report denying there was a problem with fertilizer distribution. The government stated afterwards that this incident occurred due to confusion in the first weeks of the state of emergency about the extent of limitations placed on the media by the EPR.

On March 21, Joint Forces arrested E.A.M. Asaduzzaman Tipu, the *Daily Star*'s Nilphamari correspondent after he reported on fertilizer shortages. Police said a case had been filed against him by local BNP leader Biswajit Bhounik Bapi; however, he denied filing such a case, and on April 26, the court acquitted Tipu of all charges.

On May 10, Joint Forces detained for 24 hours Tasneem Khalil, a journalist with the *Daily Star* and a researcher for HRW. During his detention, military and police interrogated him about a blog he wrote and beat him, threatening that he might be "disappeared." Because of significant international pressure, authorities returned Khalil's passport and allowed him to depart the country in early June. Khalil and his family received political asylum in Sweden.

The government engaged in censorship. For example, authorities temporarily embargoed distribution of the January 18 edition of *The Economist* because of an article about the country's state of emergency. Officials removed pages with articles on the country from the August 23 and September 6 editions of *The Economist* and the September 29 edition of *Time* magazine before releasing the copies to distributors. The government ceased the practice in October in response to official complaints.

The government subjected foreign publications and films to review and censorship. A government-run film censor board reviewed local and foreign films and had the authority to censor or ban films on the grounds of state security, law and order, religious sentiment, obscenity, foreign relations, defamation, or plagiarism. Video rental libraries and DVD shops stocked a wide variety of films, and government efforts to enforce censorship on rentals were sporadic and ineffective.

The government exercised censorship often in cases of immodest or obscene photographs, perceived misrepresentation or defamation of Islam, or objectionable comments regarding national leaders.

On September 17, *Alpin*, the satirical weekly magazine of the newspaper *Prothom Alo*, published a cartoon that many citizens viewed as Islamic blasphemy. After demonstrations in several cities, the government banned the sale of the edition, ordered copies of it seized and destroyed, and detained the cartoonist, Arifur Rahman. The government provided protection to the *Prothom Alo* offices to prevent demonstrations from approaching and urged imams to calm the public. The editor of *Prothom Alo*, Matiur Rahman, apologized for the cartoon's publication and fired the editor in charge of *Alpin*. Protests and demands for the firing and arrest of Rahman and *Prothom Alo* publisher Mahfuz Anam continued the following week, although the government took no action against them.

Following the incident with *Alpin*, *Shaptahik 2000* published an article by Daud Haider, an author who fled the country in 1974 after publishing a poem that many considered blasphemous. The government confiscated all copies of *Shaptahik 2000*, and the editor apologized.

Novelist Taslima Nasreen remained abroad after being freed on bond in 2004 for criminal charges that she allegedly insulted Muslim beliefs.

The review of a 2004 ban on Ahmidiyya publications remained pending in the High Court at year's end.

The government used defamation charges to curb freedom of speech, although the number of these cases decreased significantly over the course of the year. For example, immediately following the launch of the government's anticorruption drive, several politicians filed defamation cases against the media. On February 1, the then BNP Mayor of Rajshahi City Corporation, Mizanur Rahman Minu, filed a case against the editor and publisher of *Prothom Alo* for referring to him as a "godfather of Islamic militants." The court dismissed the case after a special anticorruption court convicted Minu.

On February 4, Mah Selim, a former BNP Member of Parliament, filed a defamation suit against the editor, publisher, owner, and a reporter of the newspaper *Juganthor* for accusing Selim of corruption. The case was pending at year's end.

Internet Freedom

Although individuals and groups could generally engage in the peaceful expression of views via the Internet, local human rights organizations reported continued government monitoring of Internet communications.

Academic Freedom and Cultural Events

The government did not limit academic freedom or cultural events; however, authorities discouraged research on sensitive religious and political topics.

b. Freedom of Peaceful Assembly and Association

The EPR restricted freedom of assembly, freedom of association, and prohibited indoor and outdoor political activities. In September the government eased bans on indoor political gatherings in Dhaka but limited the number of people who could attend and required parties to seek permission from the home ministry to hold meetings.

The government implemented the ban unevenly. For example, in April and May Ferdous Ahmed Quareshi publicly had meetings in support of a new progovernment party, the Progressive Democratic Party (PDP). Despite considerable press coverage of these events and media editorials questioning their legality under the state of emergency, the government did nothing to stop them. After the easing of the ban on indoor politics, police prevented the pro-Khaleda Zia (and antigovernment) faction of the BNP from reopening the BNP's main Dhaka office. The government permitted other parties, including the AL, to open offices in the capital.

Freedom of Assembly

During the year, the EPR banned public demonstrations and political gatherings.

Freedom of Association

The law provides for the right of every citizen to form associations, subject to "reasonable restrictions" in the interest of morality or public order, and the government generally respected this right. Individuals were free to join private groups.

c. Freedom of Religion

The law establishes Islam as the state religion and also stipulates the right, subject to law, public order, and morality, to practice the religion of one's choice. The government generally respected this right in practice. Although the government was secular, religion shaped the platforms of certain political parties. Discrimination against members of religious minorities existed at both the governmental and societal level, and religious minorities were disadvantaged in practice in such areas as access to government jobs, political office, and justice.

Shari'a (Islamic law) was not implemented formally and was not imposed on non-Muslims, but it played an influential role in civil matters pertaining to the Muslim community. The Muslim Family Ordinance codifies issues such as inheritance, marriage, and divorce for registered marriages of members of the Muslim community. Muslim men may marry up to four wives; however, a Muslim man must get his first wife's signed permission before taking an additional wife.

Family laws concerning marriage, divorce, and adoption differed slightly depending on the religion of the persons involved. Each religion had its set of family laws. Under Hindu law, unlimited polygamy is permitted, and while there is no provision for divorce and legal separation, Hindu widows may legally remarry. There were no legal restrictions on marriage between members of different faiths.

The government required all NGOs, including religious organizations, to register with the Ministry of Social Welfare.

Government protection of Ahmadiyyas continued to improve although social discrimination continued. The government ban on publishing of Ahmadiyya literature continued to be stayed by the High Court, effectively allowing Ahmadiyyas to publish.

As in previous years, the government failed to prepare a list of property that was expropriated by the government from Hindus following the 1965 India-Pakistan War.

The government allowed foreign missionaries to work in the country, but their right to proselytize was not explicitly protected by the law. Some missionaries faced problems in obtaining visas or renewing visas, which must be done annually. Some foreign missionaries reported that internal security forces closely monitored their activities. The government allowed various religions to establish places of worship, train clergy, travel for religious purposes, and maintain links with co-religionists abroad. The law permitted citizens to proselytize.

Societal Abuses and Discrimination

Discrimination against Ahmadiyyas, Hindus, and Christians occurred during the year. However, there were no major demonstrations by anti-Ahmadiyya groups during the year.

In early March police removed an anti-Ahmadiyya signboard from an Ahmadiyya mosque in Khulna, the first such action by police on behalf of the Ahmadiyya community. The signboard read that the building was not a mosque and that the Ahmadiyyas were not Muslims.

On January 11, police recovered 11 unexploded bombs from an Ahmadiyya graveyard in Brahmanbaria. According to human rights

organizations, officials forced the cancellation of a March regional Ahmadiyya conference in Panchagarh.

The military continued to attempt to evict 120 families, 85 percent of them Hindu, from land in the Mirpur area of Dhaka abutting the military cantonment. The eviction, based on a 1961 land purchase agreement by the military, was challenged legally and the case was pending at year's end.

On June 26, according to media reports, a group of Muslim villagers attacked recent converts to Christianity in the village of Durbachari, Nilphamari district, and gave them 24 hours to leave the village. Although police initially stationed a special protective team in the village, they were removed after the situation calmed.

In April leaders of the Catholic Khasia community in Moulvibazar complained to the local government about harassment from local Forestry Department officials, who oversee the Monchhara Forest where many Khasia live. They stated several forest officials filed false cases against their community, including the head of the local Catholic mission, in order to intimidate them. Local Forestry officials also harassed the Garo community in Madhupur. Police arrested several Forestry Department officials allegedly involved in corruption in the two areas.

There were no developments concerning the 2005 case of arson and bombings at Ahmadiyya mosques in Nator, Brahmanbaria, and Bhadugarh.

Religious minorities were disadvantaged in seeking government jobs and political office. Selection boards for government services often lacked minority group representation.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for these rights, and the government respected these rights in practice with specific exceptions. The EPR gave the government authority to curb freedom of movement. The government prevented persons suspected of corruption from leaving the country. Law enforcement personnel prevented numerous persons from departing the country via Dhaka's international airport because they had been placed on lists of corruption suspects.

The law does not provide for exile, and it was not used. The country's passports were invalid for travel to Israel.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees. In practice, the government provided some protection against refoulement, the return of persons to a country where they feared persecution.

The government continued to deny asylum to Rohingyas newly arriving from Burma. The government categorized these refugees as illegal economic migrants and turned back as many persons as possible at the border. According to the UN High Commissioner for Refugees (UNHCR), some refugees returned by the government were likely entitled to refugee status. Some unregistered persons in UNHCR camps returned illegally after their official repatriation to Burma, sharing food and lodging with relatives who received rations as registered members of the camps. On a number of occasions, camp officials transferred some of the unregistered persons to police, who imprisoned them under the Foreigners Act. There were 93 Rohingya refugees in local prisons in the Cox's Bazar area at year's end. Of these persons, four had been sentenced and 87 remained detained. A total of 329 refugees remained on bail at the end of the year.

Working with UNHCR, the government provided temporary protection to approximately 28,000 registered Rohingya refugees at two official refugee camps and to individual asylum seekers whom UNHCR interviewed and recognized as refugees on a case-by-case basis. According to international aid organizations active in the area, there were approximately 200,000 Rohingyas not officially recognized as refugees living in the surrounding area of Teknaf and Cox's Bazaar. There were no repatriations of Rohingyas.

Working with UNHCR, the government continued to improve conditions in the refugee camps following findings in recent years that sanitation, nutrition, and shelter conditions had fallen below minimum international standards. The government permitted the UNHCR to build replacements for shelters and latrines and permitted more NGOs to work in the camps on skills training, education, and health.

In April, Tapan Chowdhury, the caretaker adviser responsible for the Ministry of Food and Disaster Management, became the first minister-level official to visit the refugee camps.

According to UNHCR there were many reported cases of abuse against refugees, including rape, assault, domestic abuse, deprivation of food ration entitlements, arbitrary detention, and documentation problems.

As in previous years, the government continued to ignore UNHCR requests to allow Rohingya refugees who were unable to return to Burma to work locally, benefit from local medical programs, or participate in the education system. The government insisted that all Rohingya refugees remain in camps until their return to Burma. The government claimed Rohingyans were not allowed to possess money and that money in their possession could be confiscated.

The government repeatedly rejected a UNHCR proposal to grant refugees rights for temporary stay and freedom of movement under a self-reliance program.

Stateless Persons

Approximately 300,000 non-Bengali Bihari Muslims who emigrated to the former East Pakistan during the 1947 partition and who supported Pakistan during the 1971 war continued to live in camps throughout the country. According to Refugees International, many of these persons lived in unsanitary conditions with little access to education and medical resources. Some Biharis declined citizenship in 1972 and were awaiting repatriation to Pakistan, where the government was reluctant to accept them. Many of the stranded Biharis born after 1971 assimilated into the mainstream Bengali-speaking environment. For the first time, on September 5, the Election Commission announced that it would permit Biharis who meet citizenship requirements to register to vote in the scheduled December 2008 elections.

Section 3 Respect for Political Rights: The Right of Citizens to

Change Their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage, albeit with significant instances of violence.

On January 11, the head of state and head of the caretaker government, President Iajuddin Ahmed, declared a state of emergency in response to political violence and allegations of flaws in the preparation for national elections scheduled for January 22. With military support, he appointed Fakhruddin Ahmed, a former central bank governor, to head a new caretaker government. The caretaker government postponed the elections, and in February, new Election Commissioners were appointed. Their mandate was to initiate electoral reform, and specifically prepare a new, unbiased voter registry. Registration for the new voter list progressed in the last half of the year, with the effort running ahead of schedule.

When sitting, the parliament has 345 members, 300 of whom are directly elected. The remaining 45 seats are reserved for women nominated by the political parties, based on their proportional representation within the 300-member group of directly elected members of parliament. Party leaders appoint candidates for elections, and there were allegations that wealthy candidates could purchase nominations from party leaders with campaign contributions or personal gifts.

Elections and Political Participation

Khaleda Zia, leader of the BNP, stepped down as prime minister in October 2006. She had become prime minister following parliamentary elections in 2001, deemed to be free and fair by international and domestic observers. The 2001 elections, supervised by a nonparty caretaker government, took place in a climate of sporadic violence and isolated irregularities. The BNP formed a four-party coalition government with the Jamaat-e-Islami, Bangladesh Jatiya Party, and the Islami Oikko Jote; however, the BNP and the opposition AL dominated the political scene. At year's end Zia and former Prime Minister Sheikh Hasina Wazed of the AL were both in jail awaiting trial on corruption charges. In its anticorruption drive, the caretaker government also arrested over 30 former members of parliament, numerous former government ministers, and several members of the leadership of both major parties.

In the last parliament there were seven women directly elected to parliament. Two women had the status of minister: Khaleda Zia and Sheikh Hasina. Sheikh Hasina, as the leader of the opposition party, enjoyed the status of a cabinet minister. Three of the 76 judges of the Supreme Court were women.

There was no provision for providing parliamentary seats for minorities. Members of minority groups constituted approximately 12 percent of the population but held less than 3 percent of parliamentary seats in the parliament.

Government Corruption and Transparency

According to the World Bank's Worldwide Governance Indicators, corruption in the country was a severe problem. Following the declaration of a state of emergency, the caretaker government and military took several significant steps to address government corruption. It appointed a retired army chief as the new chairman of the Anti-Corruption Commission, formed a National Coordination Committee to help coordinate government and security forces' efforts regarding graft investigations, and set up several task forces to help the committee with its work.

Throughout the year, security forces detained approximately 200 high-profile graft suspects. Among those detained were former prime ministers Sheikh Hasina and Khaleda Zia, both of whom were charged in bribery cases dating to their government tenures. Using the Special Powers Act that allows preventive detention, the government detained prominent business leaders. The majority of those persons were then tried under existing anticorruption legislation. Most high-profile cases were handled under the Emergency Power Rules and therefore denied suspects both the right to bail and the right to appeal their cases during the course of the trial.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated independently and without government restriction, investigating and publishing their findings on human rights cases. While human rights groups were often sharply critical

of the government, they also practiced self-censorship.

After the government declared the state of emergency, NGOs came under heightened scrutiny by the caretaker government and the military. The Law Adviser and an Election Commissioner publicly accused NGOs of corruption. In October the Law Adviser attributed some of the corruption in the country to foreign aid channeled through NGOs. Transparency International Bangladesh also alleged that some local NGOs were guilty of corruption.

The government and Joint Forces targeted some NGO leaders for prosecution; for example, authorities charged the head of Uttaran, Shahidul Islam, with murder. Police later dropped the charges due to lack of evidence. The government also harassed groups advocating the rights of indigenous people. The Forestry Department, for example, continued to file hundreds of cases against these groups in the Madhupur and Srimongal areas.

Naval intelligence officers summoned the acting director of Odhikar to their headquarters and threatened him because Odhikar had investigated allegations that navy personnel had killed a man in Bhola.

The NGO Affairs Bureau, the office within the Prime Minister's (and now Chief Adviser's) Office that approves NGO projects, delayed approval of NGO proposals related to elections and human rights. Odhikar's registration was still pending with the NGO Affairs Bureau at year's end.

On July 17, an assistant director with the NGO Affairs Bureau circulated a memorandum to NGOs stating that, based on a letter from Army Headquarters, the government would limit the amount of foreign funding to NGOs that could be used for awareness building, training, and other "invisible" projects to 50 percent. After protests from NGOs and international donors, the bureau eventually retracted the policy.

At year's end Asudullah Al-Galib was awaiting trial for the 2005 attack on several offices of leading NGOs, such as the Grameen Bank and the Bangladesh Rural Advancement Committee (BRAC). In 2005, authorities charged Al-Galib, the leader of Ahle Hadith, a local Islamic group, for bombing the Grameen and BRAC offices and for targeting a series of cultural events and organizations.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination; however, the government did not strongly enforce laws aimed at eliminating discrimination. Women, children, minority groups, and persons with disabilities often confronted social and economic disadvantages.

Women

Laws specifically prohibit certain forms of discrimination against women, provide for special procedures for persons accused of violence against women and children, call for harsher penalties, provide compensation to victims, and require action against investigating officers for negligence or willful failure of duty; however, enforcement of these laws was weak. In 2003 parliament passed an amendment to the current law, weakening provisions for dowry crimes and addressing the issue of suicide committed by female victims of acts of dishonor.

Domestic violence was widespread, although violence against women was difficult to quantify. Research showed that up to 50 percent of all women experienced domestic violence at least once. Some of the reported violence against women continued to be related to disputes over dowries. From January to December, BSEHR reported 145 dowry-related killings.

The law prohibits rape and physical spousal abuse but makes no specific provision for spousal rape. According to Odhikar, there were 459 reported incidents of rape throughout the year, including 213 against women and 246 against children. Human rights monitors insisted that the actual number of rapes was higher, as many rape victims did not report the incidents in order to avoid social disgrace. Prosecution of rapists was uneven. At a 2005 workshop organized by BSEHR, then attorney general A.F. Hassan Ariff said "judges consider the seriousness of rape to be the same as theft, robbery, and other crimes."

There were no developments in the case of Tajul Islam, a businessman accused in April 2006 of raping a 12-year-old girl who had been working in his home. Islam fled the village when neighbors filed a case against him.

Female prostitution was legal. Male prostitution was illegal, although local NGOs claimed it was common in the major cities. The minimum age of 18 for legal female prostitution generally was ignored by authorities and circumvented by false statements of age. The government rarely prosecuted procurers of minors, and large numbers of underage girls in prostitution worked in brothels. Local NGOs estimated the total number of female prostitutes to be approximately 100,000. The UN Children's Fund (UNICEF) estimated in 2004 that there were 10,000 underage girls used in commercial sexual exploitation in the country, but other estimates placed the figure as high as 29,000. Trafficking of women internally and internationally remained a problem.

NGOs such as the Bangladesh National Women Lawyers' Association (BNWLA) ran facilities to provide shelter to destitute persons and distressed women and children. According to BSEHR, persons in safe custody were no longer housed in prisons. Courts sent most of them to shelter homes. In a few cases they were sent to the prison as a transit for short periods.

Islamic tradition dictated that only those muftis (religious scholars) who have expertise in Islamic law be authorized to declare a fatwa. However, village religious leaders sometimes made declarations in individual cases and called the declaration a fatwa. Such declarations could result in extrajudicial punishments, often against women, for their perceived moral transgressions.

Incidents of vigilantism against women--sometimes led by religious leaders (by means of fatwas)--occurred. Acid attacks remained a serious problem. Assailants threw acid in the faces of women and a growing number of men, leaving victims disfigured and often blind. From January to December, according to Odhikar, 161 persons were attacked with acid. Of these, 96 of the victims were women, 42 were men, and 23 were children.

The law provides for speedier prosecutions of acid-throwing cases in special tribunals and generally does not allow bail. The act also seeks to control the availability of acid and reduce acid violence directed towards women, but lack of awareness of the law and poor enforcement limited its effect. While the special tribunals were not entirely effective, according to the Acid Survivors Foundation, tribunals convicted 218 persons for acid attacks since 2002, including 45 during the year.

Women remained in a subordinate position in society, and the government did not act effectively to protect their basic rights. Employment opportunities increased at a greater rate for women than for men in the last decade, largely due to the growth of the export garment industry. Women made up approximately 80 percent of garment factory staff. Pay was generally comparable for men and women.

Children

The government was generally responsive to children's rights and welfare. Many of these efforts were supplemented by local and foreign NGOs, and these joint efforts allowed the country to make significant progress in improving health, nutrition, and education. However, according to UNICEF, slightly under half of all children were chronically malnourished.

Under the law children between six and 10 years of age must attend school through the fifth grade. The government estimated that approximately 53 percent of students complete grades one through five.

Primary education was free and compulsory, but the implementation of compulsory education fell short, in part because parents kept children out of school, preferring that they work for money or help with household chores. Government incentives to families sending children to school contributed significantly to the rise in the enrollments in primary schools in recent years. Despite these efforts, public schools imposed a wide range of fees that were burdensome to poor families and created a disincentive to attend school.

There were a few government hospitals designated exclusively for children, but boys and girls had equal access to medical care in government hospitals.

While the legal age of marriage is 18 for girls and 21 for boys, underage marriage was a significant problem. Reliable statistics concerning underage marriage were difficult to find because marriage registrations were sporadic, and birth registrations to verify a person's age were not universal. One local human rights NGO, Mass Line Media, conducted a survey in 2004 that estimated 40 percent of all marriages could be considered child marriages. In an effort to prevent child marriage, the government offered stipends for girls' school expenses if parents promised to delay their daughters' marriage until at least age 18.

According to the Bangladesh Child Rights Forum, 147 children were abducted, 225 were killed, 200 were injured in violence, 250 were raped, 23 were victims of acid attacks, and 169 others were missing.

According to human rights monitors, child abandonment, kidnapping, and trafficking continued to be serious and widespread problems. Despite certain advances, trafficking of children continued to be a problem.

Child labor remained a problem; it frequently resulted in the abuse of children, mainly through mistreatment by employers during domestic service and occasionally included servitude and trafficking for commercial sexual exploitation abroad. According to a 2006 study by the Bangladesh Institute of Labor Studies, attacks on children constituted over 50 percent of the deaths, injuries, and sexual assaults reported among domestic workers during the year.

Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking remained a serious problem affecting men, women, and children. Trafficking in children for "immoral or illegal purposes" carries the death penalty or life imprisonment, and the government took measures for the expeditious prosecution of traffickers. During the year, 45 trafficking cases were adjudicated by the special courts dealing with incidents of repression against women and children. Courts convicted 21 persons and ordered life sentences in 18 cases.

Trafficked women and children went to India, Pakistan, Bahrain, the United Arab Emirates (UAE), Kuwait, and destinations within the country. Men seeking work abroad as expatriate labor in countries such as Malaysia and the Middle East found themselves in exploitative situations of forced labor, with conditions including restrictions on movement, threats, and physical assault. Women and children were trafficked internally for commercial sexual exploitation. Similarly, children faced forced labor in the garment and fishing industries, and entire families were victims of bonded labor throughout the country.

According to government sources, law enforcement personnel rescued 87 victims of trafficking from January to December. Since August 2005, a cooperative effort between NGOs, the government, and the UAE resulted in the repatriation of 199 camel jockeys, 198 of whom were reunited with their biological parents. One remained in a BNWLA shelter home. Some of the rescued victims remained in government homes or at NGO-run shelters and received social and vocational skills training while NGOs attempted to locate their families.

BNWLA rescued 59 trafficking victims from within the country and repatriated 65 others during the year. The actual number of persons arrested for trafficking was difficult to obtain, as charges against traffickers were sometimes for lesser crimes, such as crossing borders without proper documents. According to the Centre for Women and Child Services, most trafficked boys were under 10 years of age, while most trafficked girls were between 11 and 16 years of age.

The exact number of women and children trafficked was unknown. Most trafficked persons were lured by promises of good jobs or marriage, and some were forced into involuntary servitude outside and within the country. Parents sometimes willingly sent their children away to escape poverty. Unwed mothers, orphans, and others outside of the normal family support system were also vulnerable. Traffickers living abroad often arrived in a village to marry a woman, only to dispose of her upon arrival in the destination country, where women were sold into bonded labor, menial jobs, or commercial sexual exploitation. Criminal gangs conducted some of the trafficking. The border with India was loosely controlled, especially around Jessore and Benapole, continuing to make illegal border crossings easy.

Large numbers of children were used in brothels for commercial sexual exploitation, and procurers of minors were rarely prosecuted.

Government corruption greatly facilitated the process of trafficking. Police and local government officials often ignored trafficking in women and children for commercial sexual exploitation and were easily bribed by brothel owners and pimps.

Because the number of workers traveling to Southeast Asia and the Middle East increased, the expatriate labor market remained a lucrative business. Labor recruiters sometimes offered fraudulent jobs or conditions that left migrant workers stranded and open to forced labor in the receiving country. Recruiters also often charged exorbitant fees that made workers extremely vulnerable to forced labor and debt bondage. Some women were subjected to forced prostitution upon arriving in the receiving country. The government raided and closed four of the largest expatriate labor recruitment agencies on suspicion of defrauding workers of their money; several of these were owned allegedly by former members of parliament or other senior political figures. When negotiating a new deal to send expatriate workers to South Korea, the two governments agreed to eliminate the role of recruitment agencies and to have the Ministry of Expatriate Welfare recruit the workers directly. In October the government of Malaysia announced it would suspend the import of expatriate laborers after persistent problems with recruitment agencies.

Although a lack of resources hindered investigations, the government expanded antitrafficking police units to all 64 districts to encourage victims to testify against their traffickers and to compile data on trafficking. In response to inadequately trained police and prosecutors, the government worked with legal experts to provide specialized training to prosecutors and with the International Organization on Migration (IOM) to develop a trafficking course for the National Police Academy.

The government continued its efforts to combat trafficking in persons through intensive case tracking by the trafficking monitoring cell at police headquarters and by holding monthly inter-ministerial committee meetings headed by the MOHA. The cell monitored the activities of the police and assisted in prosecuting relevant cases. The government had district monitoring committees headed by the deputy commissioners in all 64 districts across the country. These committees transmitted to Dhaka monthly progress reports on arrests, convictions, acquittals, and repatriation of trafficked victims.

The ministries of Foreign Affairs, Expatriate Welfare, and Home Affairs worked closely with IOM and foreign donors to develop an action plan to combat labor trafficking and migration issues. The Foreign Ministry issued new instructions to all consular staff worldwide on how to handle trafficking cases abroad and introduced training courses for director-level Foreign Ministry officials in labor trafficking issues.

During the year, the MOHA reported 130 persons arrested on trafficking charges. This generated 45 trafficking cases. Of those cases, a total of 21 persons were convicted, of which 18 were sentenced to life imprisonment. Although the death sentence exists for trafficking, no death sentences were handed down during the year. The government's efforts remained focused on the trafficking of women and children exclusively. Government projects included conducting awareness campaigns, research, lobbying, and rescue and rehabilitation programs.

The MOHA secretary met monthly with NGOs working on antitrafficking issues to facilitate coordination and cooperation between the government and civil society. The MOHA continued awareness and motivation campaigns to combat trafficking in persons. During the year, the MOHA, in consultation with NGOs and other TIP stakeholders, enhanced its information campaign policy by incorporating definitions of trafficking-in-persons that reference applicable national and international legal provisions. MOHA also formed a committee to adopt a national plan of action on human trafficking in the country.

The government inter-ministerial committees, with the cooperation of local and international NGOs, continued to monitor the repatriation, rehabilitation, and social integration of repatriated camel jockeys. Since 2005, a total of 199 camel jockeys were repatriated of which 198 were reunited with their families. Among those, 193 camel jockeys received 104,000 taka (\$1,500) as compensation. The government, with assistance from UNICEF, adopted an action plan on the second phase of the camel jockey rehabilitation project to focus on ensuring the sustainability of community-care groups and livelihood options for survivors.

Many NGOs, community-based organizations, and local government leaders worked on trafficking through prevention, research, data collection, documentation, advocacy, awareness creation and networking, cross-border collaboration, legal enforcement, rescue, rehabilitation, and legislative reform. Despite constraints such as lack of birth and marriage records at the village level, trafficking cases were prosecuted. There was limited success in increasing shelter capacity and developing rehabilitation programs, including skills and vocational trainings, to facilitate sustainable social reintegration of the victims.

Persons with Disabilities

The law provides for equal treatment and freedom from discrimination for persons with disabilities; however, in practice persons with disabilities faced social and economic discrimination. The law focuses on prevention of disability, treatment, education, rehabilitation and employment, transport accessibility, and advocacy.

The Ministry of Social Welfare, the Department of Social Services, and the National Foundation for the Development of the Disabled were the government agencies responsible for protecting the rights of persons with disabilities. The Ministry of Social Welfare task force, composed of government officials and members of NGOs, adopted an action plan in 2004 to improve the overall welfare of the disabled. The plan awaits cabinet approval.

Government facilities for treating persons with mental handicaps were inadequate. Several private initiatives existed in the areas of medical and vocational rehabilitation, as well as employment of persons with disabilities.

Indigenous People

Tribal people had a marginal ability to influence decisions concerning the use of their lands. There was little progress in the implementation of the 1997 Chittagong Hill Tracts Peace Accord. The government still refused to cede responsibility for key functions like land use and natural resources to local authorities, as called for in the Accord. Law-and-order problems and alleged human rights violations continued, as did dissatisfaction with the implementation of the Peace Accord.

The government continued to deny mobile phone and Internet coverage to the three districts comprising the Hill Tracts. While the government cited security concerns as its reason for curbing this coverage, human rights groups and local officials claimed that this was implemented in order to stunt development of the region. The Land Commission dealing with land disputes between tribal individuals and Bengali settlers did not function effectively in addressing critical land disputes. Tribal leaders remained disappointed with the lack of assistance provided to those who left the area during the insurgency. Local human rights organizations alleged that security forces took advantage of the state of emergency to increase human rights abuses, including arbitrary arrests, against indigenous people.

During the year according to a human rights organization, seven persons died and two were injured in violence in the Chittagong Hill Tracts. Moreover, seven persons were kidnapped and two persons were arrested.

In February the government withdrew 16 temporary camps of security forces in the Rangamati area of the Hill Tracts. Since the signing of the 1997 Peace Agreement, the government had withdrawn 196 camps, leaving approximately 280 camps.

The conflict between the Parbattya Chattagram Jono Sanghati Samity (PCJSS), which signed the 1997 Peace Agreement with the government and the United Peoples' Democratic Front (UPDF), which is opposed to the Peace Agreement, continued. On January 16, UPDF activists shot and killed Vinku Kumar Chakma, a youth front activist of PCJSS, at Chongrachhari in Khagrachhari district.

Tribal organizations continued to allege that security forces abused the indigenous population of the Hill Tracts. On December 9, the 10th anniversary of the signing of the Peace Treaty, leaders of the indigenous village of Mahalchhari in Khagrachhari district, held a press conference in Dhaka to allege ethnic Bengali settlers had encroached on their farmland. They claimed Bengali settlers, with assistance of local authorities, seized 366 acres of their farmland during the year. Late in the year, a UNDP-funded project to develop a nursery in the indigenous village of Maddyia Lemuchari in Khagrachhari fell through after Bengali settlers constructed homes on the location designated for the project. According to local villagers, despite the fact that they held title to the land, local authorities issued duplicate land titles to the settlers in violation of the law and the Peace Treaty.

On April 1, according to Hill Watch Human Rights Forum, army personnel raided the house of UPDF leader Sachib Chakma in the village Bogachhari in Rangamati district. As Sachib was not present, the soldiers allegedly took his father, wife, two minor children, and another person to the army camp in Naniarchar and abused the father before eventually releasing them.

The PCJSS and indigenous leaders alleged that Joint Forces personnel led by the army took advantage of the state of emergency to step up "suppressive actions" against indigenous people, including arrests and filing of false cases. According to their report, individuals could not protest due to the state of emergency.

On March 11, Joint Forces personnel arrested two UPDF members, Bimol Bikash Chakma and Milon Bihari Chakma, from Maischhari in Khagrachhari district, on suspicion of involvement in the killing of an army captain. When arrested, the two allegedly were found with illegal arms and ammunition.

Tribal people in other areas also reported loss of land to Bengali Muslims. The government continued work on national park projects on land traditionally owned by indigenous communities in the Moulvibazar and Modhupur forest areas. Despite the fact that the government filed corruption charges against several Forestry Department officials involved in these projects, development of these park projects continued. In addition, indigenous communities, local human rights organizations, and churches in the area claimed that the government had yet to withdraw thousands of false charges filed against indigenous residents by the Forestry Department.

Other Societal Abuses and Discrimination

Homosexual acts remained illegal; however, in practice the law is rarely invoked. The law states that "whoever voluntarily has carnal intercourse against the order of nature with any man, woman, or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall be liable to fine."

There were some informal support networks for homosexual men, but organizations to assist lesbians were rare.

Incidents of attacks on homosexuals were difficult to track because victims' desired confidentiality, and local human rights groups did not monitor this area, but they were known to occur. Government safeguards were nonexistent. There were few studies on homosexuality in the country.

Section 6 Worker Rights

a. The Right of Association

The law provides for the right to join unions and, with government approval, the right to form a union; Export Processing Zones (EPZs) have a separate set of labor laws. In practice, the government did not respect consistently the right of association. After the government enforced the EPR, the right of labor unions to meet lawfully or hold public demonstrations was prohibited. Additionally, during the year several labor leaders and organizations reported being subject to intimidation and scrutiny by security forces.

The total labor force was approximately 49.5 million, of whom approximately 1.9 million belonged to unions, many of which were affiliated with political parties. There were no reliable labor statistics for the large informal sector, in which the vast majority (nearly 80 percent) of citizens work.

Overall implementation of labor regulations in the EPZs was inconsistent. The EPZ-specific labor laws permitted unions, called "workers associations," which have collective bargaining rights. These laws allowed the formation of workers associations from November 2006. However, the actual formation of workers associations is in its infancy, and none had been fully constituted. According to labor groups, this lack of progress was due to a lack of procedural guidance from the EPZ authority and active discouragement by factory managers.

The Bangladesh Labor Act of 2006 (BLA) consolidated laws from 25 separate acts into one comprehensive law. Workers filed legal cases against EPZ factories that did not follow the BLA, and no decisions on this point had been made by the courts. According to the law a workplace cannot have more than three trade unions operating at the same time.

The BLA created a Director of Labor, responsible for the registration and cancellation of a union. During the year, some unions were deregistered, primarily for labor law violations. The law afforded unions the right of appeal in the case of cancellation or denial of registration.

Unions were highly politicized and were strongest in state-owned enterprises, including jute mills, textile mills, chemical industries, and the government-run port of Chittagong.

Civil service and security force employees were legally prohibited to form unions. Teachers in the public and private sector had previously been banned from forming trade unions. However, in common practice, many teachers and professors formed long-standing professional associations. Under the BLA, new categories of workers, including teachers and NGO workers, were permitted to form unions. Due to the broad limitations on union organizing during the state of emergency, these new regulations were not formally instituted. The BLA also has specific provisions allowing workers in specialized fields in civil aviation and on ocean-going vessels to form trade unions.

b. The Right to Organize and Bargain Collectively

The BLA includes provisions protecting unions from employer interference in organizing activities. Implementation of these provisions was uneven, however, and many private sector employers discouraged union activity. Some employers fired workers suspected of organizing or sympathizing with unions, placed informants in work areas, and in some cases, intimidated workers with threats of violence.

The BLA recognized the right to strike. In practice few strikes followed legal requirements; often, strikes or walkouts occurred based on the spontaneous decisions of workers, sometimes prompted by a rumor.

The Director of Labor ruled on union-organizing discrimination complaints. Throughout the year, the labor court ordered reinstatement of workers fired for union activities, but a large backlog hampered the court's effectiveness. Increasingly, labor disputes were settled prior to the scheduled hearing dates in the labor court.

Under the BLA, legally registered unions are entitled to bargain collectively with employers. The BLA simplified and clarified the procedure for selecting a collective bargaining agent and specified time limits for steps in the process. Labor organizations reported that in some companies, workers feared reprisals and would not exercise their collective bargaining rights.

The BLA established mechanisms for conciliation, arbitration, and labor court dispute resolution. The new law enhanced and facilitated the process of dispute resolution. Workers have the right to strike in the event of a failure to reach settlement. If a strike lasts 30 days or longer (less in cases of public safety or national interest), the government could curtail or prohibit the strike and refer the dispute to the labor court for adjudication. However, because the majority of strikes were conducted outside of the legal provisions for conducting a strike, the government did not exercise its authority to curtail them. The government did file cases against some striking labor leaders and workers for destruction of property, blocking roads, or violation of EPR provisions. In some cases, the appeals courts subsequently acquitted strikers.

A separate law, the EPZ Workers' Association and Industrial Relations Act (EWAIRA), specified association rights in EPZs, although EPZ authorities did not recognize the broader applicability of the BLA, which covered workers' rights beyond the freedom of association.

The EPZs' assumed exemption from the BLA was legally challenged by labor groups. While certain provisions of the BLA were implemented through EPZ regulations, EPZ officials interpreted their regulations and applicable laws narrowly. The EPZ did not permit Worker Representation and Welfare Committee (WRWC) members to meet with WRWC members in other factories. Factory managers strongly discouraged workers from meeting outside labor groups and terminated workers who disregarded these warnings.

Pursuant to the law, individual factory owners received prior authorization from the BEPZA Executive Chairman to terminate WRWC employees for no cause, or dismiss them for cause. In cases where the grounds for termination were believed to be the worker's labor organization activities, workers' groups protested the decision to the BEPZA Executive Chairman.

Under EWAIRA, from November 2006 workers were to be permitted to form workers' associations, which would have the legal right to strike. A special provision prohibited striking until 2008, however, and instead required mandatory arbitration. Other provisions of EWAIRA allowed collective bargaining but did not permit affiliation with other labor organizations outside the EPZ.

Federations of workers' associations within the EPZ were permitted. During the year the government did not establish an EPZ labor tribunal, or an EPZ labor appellate tribunal, as required by EWAIRA. Workers in EPZs began filing complaints in the national labor courts to enforce broader legal rights granted by the BLA in the EPZs, in addition to provisions of the EWAIRA.

Throughout the year, sporadic labor unrest occurred within the Dhaka EPZ. Strikes and violence broke out in Khulna and Chittagong after the government closed jute mills in those two cities. In the wake of the unrest, labor organizers reported acts of intimidation and abuse, arbitrarily locked-out employees, firing of workers, and increased scrutiny by security forces.

c. Prohibition of Forced or Compulsory Labor

The BLA prohibits forced or bonded labor and labor by children under the age of 14, although in some professions children between 12 and 14 years of age may legally work. The government has not enforced these prohibitions effectively. The BLA created inspection mechanisms to strengthen laws against forced labor, but these laws were not enforced due largely to insufficient resources.

The government succeeded in eliminating some bonded and forced labor from its large-scale industries. However, in some industries, such as tanning, ship breaking, shrimp processing, restaurants, and domestic servitude, the regular incidence of child labor was reported by labor groups, NGOs and newspapers. In these industries, conditions often resemble servitude, and children suffered from physical abuse, sometimes resulting in death.

There continued to be numerous reports of violence against domestic workers. The government continued to bring criminal charges against employers who abused domestic servants. Many impoverished families choose to settle for financial compensation. Trafficking of women and children remained a problem.

d. Prohibition of Child Labor and Minimum Age for Employment

The BLA regulates child employment depending on the type of work and the child's age. Because of widespread poverty many children began to work at a very young age. In 2006 the ILO released a 2005 Baseline Survey for Determining Hazardous Child Labor Sectors, which estimated that of the 2.2 million workers in 45 targeted hazardous sectors, 532,000 child workers age five to 17 did hazardous labor. According to the survey, no children worked in ship breaking, manufacture of cigarettes, manufacture of pesticides, or fireworks manufacture during the survey period. According to the study, child labor prevailed in hazardous establishments such as saw milling, battery recharging, welding, metal works, and carpentry. In addition, the report concluded that children were verbally and physically abused.

Children routinely performed domestic work. The government occasionally brought criminal charges against employers who abused domestic servants. Under the law every child must attend school through grade five or the age of 10 years. However, there is no effective legal mechanism to enforce this provision.

There was little enforcement of child labor legislation outside the export garment sector. The BLA specifies penalties for child labor violations, typically nominal fines of less than \$80 (5,000 taka). Agriculture and other informal sectors where there was no government oversight employed most child labor.

e. Acceptable Conditions of Work

The National Minimum Wage Board (NMWB) announced a new national minimum wage for all economic sectors not covered by industry-specific wages. The NMWB convenes every five years to set wages and benefits industry by industry, using a skill-level range. It convened most recently in 2006. In the garment industry, wages were sometimes higher than the minimum required wages, due to skilled labor shortages. However, it was also common practice for most garment factories to force workers to work overtime, delay their pay, and deny full leave benefits.

The wages in the EPZs were higher than general national wage levels. Given the low standard for minimum wages and high

inflation, worker advocacy groups stated that none of the set minimum wages were sufficient for a decent standard of living.

The NMWB increased the minimum wage of the garment sector in 2006. During the year, the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) reported implementation of the new minimum wage at nearly 99 percent compliance in the factories surveyed. The 32 non-compliant garment factories were identified by BGMEA as sub-contracting operations. Workers' groups contested BGMEA's sampling methods. The American Center for International Labor Solidarity cited random surveys that identified over 100 factories as noncompliant.

The BLA established occupational health and safety standards. Workers' groups stated that the legally established standards were sufficient, but they were rarely implemented. Workers may resort to legal action for enforcement of the law's provisions, but few cases were prosecuted. Enforcement by the Labor Ministry's industrial inspectors was weak, due to the low number of labor inspectors and endemic corruption and inefficiency among inspectors. Because of a high unemployment rate and inadequate enforcement of the laws, workers demanding correction of dangerous working conditions or refusing to work under hazardous conditions risked losing their jobs.



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