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July-December, 2010 International Religious Freedom Report - Bangladesh

Bureau of Democracy, Human Rights, and Labor
September 13, 2011

[Covers six-month period from 1 July 2010 to 31 December 2010 (USDOS is shifting to a calendar year reporting period)]

The constitution and other laws and policies protect religious freedom and, in practice, the government generally enforced these protections. While the constitution establishes Islam as the state religion, in 2010 a Supreme Court decision reversed a 1975 amendment and reaffirmed secularism as a Constitutional principle. However, the matter was still under debate at the highest levels of the government as of the end of the reporting period. The constitution provides for the right to profess, practice, or propagate all religions, subject to law, public order, and morality. It also states that every religious community or denomination has the right to establish, maintain, and manage its own religious institutions. Although the government publicly supported freedom of religion, attacks on religious and ethnic minorities continued to be a problem during the reporting period since religious minorities are often at the bottom of the social hierarchy and, therefore, have the least political recourse. There were reported attacks on institutions of the Ahmadiyya Muslim Community and there were isolated instances of harassment against them. Demands that Ahmadis be declared non-Muslims continued sporadically. Religion exerted a significant influence on politics, and the government was sensitive to the religious sentiments of most citizens.

The government generally respected religious freedom in law and in practice. There was no change in the status of the government's respect for religious freedom during the reporting period; several High Court rulings bolstered the country's status as a secular state. Members of minority communities serve in several senior leadership positions in the government. The government initiated efforts to reform the curriculum of Islamic religious schools, known as madrassahs, to standardize education. However, there were two types of madrassahs in the country: Qaumi and Alia. Qaumi madrassahs operated outside of the government's purview. Therefore, Alia madrassahs received support and curriculum oversight from the government whereas Qaumi madrassahs did not. Citizens generally were free to practice the religion of their choice. Government officials, including police, nonetheless often were ineffective in upholding law and order, and sometimes they were slow to assist religious minority victims of harassment and violence. The government and many civil society leaders stated that violence against religious minorities normally had political or economic dimensions and could not be attributed solely to religious belief or affiliation.

There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice during the reporting period, although figures suggested such incidents declined significantly in comparison to the previous reporting period. Hindu, Christian, and Buddhist minorities experienced discrimination and sometimes violence from the Muslim majority population. Harassment of Ahmadis continued.

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. In meetings with officials and in public statements, U.S. embassy officers encouraged the government to protect the rights of minorities. Publicly and privately the embassy denounced acts of religious intolerance and called on the government to ensure due process for all citizens.

Section I. Religious Demography

The country has an area of 55,126 square miles and a population of 154 million. According to the 2001 census, Sunni Muslims constitute 90 percent of the population and Hindus 9 percent. The rest of the population is mainly Christian (mostly Roman Catholic) and Theravada-Hinayana Buddhist. Ethnic and religious minority communities often overlap and are concentrated in the Chittagong Hill Tracts and northern regions. Buddhists are predominantly found among the indigenous (non-Bengali) populations of the Chittagong Hill Tracts. Bengali and ethnic minority Christians live in communities across the country, including Barisal City, Gournadi in Barisal District, Baniarchar in Gopalganj, Monipuripara in Dhaka, Christianpara in Mohakhal, Nagori in Gazipur, and Khulna City. There also are small populations of Shia Muslims, Sikhs, Bahais, animists, and Ahmadis. Estimates of their numbers varied from a few thousand to 100,000 adherents per group. There is no indigenous Jewish community and no significant immigrant Jewish population. Religion is an important part of community and cultural identity for citizens, including those who did not participate actively in prayers or services.

Most foreign residents are of Bangladeshi origin and practice Islam. Separately, there are approximately 30,000 registered Rohingya refugees and 200,000 to 500,000 unregistered Rohingyas practicing Islam in the southeast around Cox's Bazar.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

Please refer to Appendix C in the *Country Reports on Human Rights Practices* for the status of the government's acceptance of international legal standards
<http://www.state.gov/drl/rls/hrrpt/2010/appendices/index.htm>.

The constitution and other laws and policies protect religious freedom and, in practice, the government generally enforced these protections. The constitution establishes Islam as the state religion. It provides for the right to profess, practice, or propagate all religions, subject to law, public order, and morality. In February 2010, the Appellate Division of the Supreme Court ruled that the fifth amendment to the constitution was unconstitutional. Ratified in 1979, the fifth amendment overturned a previous law banning unions, associations, or parties based on religion and stating that all citizens have a right to form a union, association, or party for whatever purpose they desire. The ruling returned avowed secularism to the constitution and nominally banned Islamic political parties; however, officials have stated that the ban would not be strictly enforced.

Under the penal code, any person who has a "deliberate" or "malicious" intention of hurting religious sentiments is liable to face imprisonment. In addition the Code of Criminal Procedure states, "the government may confiscate all copies of a newspaper if it publishes anything that creates enmity and hatred among the citizens or denigrates religious beliefs." While there are no laws specifically against blasphemy, religious political parties have pledged to enact such laws should they gain power. The government has not publicly commented on enacting blasphemy laws, but it briefly blocked access to the popular social networking site, Facebook, in 2010 due in part to a depiction of the Prophet Muhammad. Access was restored within one week, but the government continued to block pages of Facebook it deemed offensive.

The government publicly supported freedom of religion; however, attacks and discrimination against religious and ethnic minorities continued during the reporting period. In general, government institutions and the courts protected religious freedom.

The government operated training academies for imams (Islamic clergy) and proclaimed Islamic festival days but generally did not dictate sermon content or select or pay clergy. However, the government had the authority to appoint or remove imams and exercised a degree of indirect influence over sermon content in government mosques, including the national mosque, Baitul Mukarram. The government monitored the content of religious education in madrassahs, and announced its intention to make changes to the curriculum, including modernizing and mainstreaming the content of religious education.

Sharia (Islamic law) played an influential role in civil matters pertaining to the Muslim community; however, there is no formal implementation of Sharia, and it is not imposed on non-Muslims. For instance, alternative dispute resolution was available to individuals for settling family arguments and other civil matters not related to land ownership. With the consent of both parties, arbitrators relied on principles found in Sharia for settling disputes. In addition, Muslim family law was loosely based on Sharia.

In 2001 the High Court ruled all legal rulings based on Sharia, known as fatwas, to be illegal. After a lengthy judicial review, the Appellate Division of the High Court upheld the ban as part of a broader ruling against all forms of extrajudicial punishment.

Although Islamic tradition dictates that only muftis (religious scholars) who have expertise in Islamic law are authorized to declare a fatwa, village religious leaders at times made declarations in individual cases. Sometimes this resulted in extrajudicial punishments, often against women, for perceived moral transgressions.

The constitution provides for the right to propagate the religion of one's choice; however, local authorities and communities often objected to efforts to convert persons from Islam.

Family laws concerning marriage, divorce, and adoption differed slightly depending on the religious beliefs of the persons involved. Each religious group has its own family laws. For example, Muslim men may marry as many as four wives; however, a Muslim man must get his first wife's signed permission before marrying an additional woman. Society strongly discouraged polygamy, and it was rarely practiced. In contrast, a Christian man may marry only one woman. Under Hindu law unlimited polygamy was permitted; although there was no provision for divorce and legal separation. Hindu widows could legally remarry. The family law on the religion of the two parties concerned governed marriage rituals and proceedings; however, marriages also were registered with the state. There were no legal restrictions on marriage between members of different religious groups.

The Ministry of Religious Affairs administered three funds for religious and cultural activities: the Islamic Foundation, the Hindu Welfare Trust, and the Buddhist Welfare Trust. The Christian community consistently rejected government involvement in its religious affairs. The Hindu Welfare Trust received 50 million taka (\$735,294) from the government in the fiscal year ending June 2010; much of it was dedicated to temple-based literacy and religious programs. Of that money, 10 million taka (\$147,059) was specifically allocated for religious worship and festivals. In addition the trust money aided in repairing temples, improving cremation pyres, and helping destitute Hindu families afford medical treatment.

The Buddhist Welfare Trust, founded in the 1980s, received three million taka (\$44,118) from the government in the fiscal year ending June 2010. Approximately one million taka (\$15,000) of that was for the celebration of Buddhist festivals and two million taka (\$29,000) was for the restoration of Buddhist temples or other facilities. The trust used funds to repair monasteries, organize training programs for Buddhist monks, and celebrate the Buddhist festival Purnima. There was no public criticism of how the money was apportioned or distributed.

Since 2001, the government routinely has posted law enforcement personnel at religious festivals and events that may be targets for extremists.

Non-Muslim religious bodies were not required to register with the government; however, all nongovernmental organizations (NGOs), including religious ones, were required to register with the government's NGO Affairs Bureau if they received foreign financial assistance for social development projects. The government could cancel the registration of an NGO suspected of being in breach of its legal or fiduciary obligations and could take other actions, such as blocking foreign fund transfers, to limit its operation.

Religious studies were part of the curriculum in government schools. Children attended classes in which their own religious beliefs were taught. In the past parents complained about the quality of education, claiming teachers employed by the government, especially those leading classes on minority religions, were neither members of that religion nor qualified to teach it. Schools with few students from religious minority groups often made arrangements with local churches or temples to hold religious studies classes outside school hours, although ensuring transportation to these sites was often a problem.

Anecdotal evidence suggested that there were tens of thousands of madrassahs in the country. A research organization put the number at nearly 33,000, and some journalists estimate that the number was far higher. However, a World Bank study estimated that only 2 percent of students in primary and secondary school attended madrassahs not regulated by the government. According to the same study, another 13 percent of elementary school students and 18 percent of secondary school students attended Alia Madrassahs, which taught a government-approved curriculum. The rest of the students either attended secular government schools or NGO-run schools or did not go to school. There were no known government-run Christian, Hindu, or Buddhist schools, although private religious schools existed throughout the country.

The government observed most major religious festivals and holy days of Muslims, Hindus, Buddhists, and Christians as national holidays. Although Christmas is a national holiday, the Bangladesh Christian Association lobbied unsuccessfully for the inclusion of Easter as a national holiday during the reporting period.

Restrictions on Religious Freedom

The government generally respected religious freedom in law and in practice. The constitution provides for the right to profess, practice, or propagate any religion; however, societal pressures discouraged proselytizing. Foreign missionaries, like other foreign residents, often faced delays of several months in obtaining or renewing visas. In contrast to previous reporting periods, there were no instances of missionaries reporting monitoring of their activities by intelligence agencies.

There were no financial penalties imposed based on religious beliefs; however, religious minorities were disadvantaged in access to military and government jobs, including elected office. Anecdotal evidence suggested that the government appointed more religious minorities at all levels of government during the reporting period. In the cabinet, four of 44 ministers were non-Muslim. Prime Minister Sheikh Hasina appointed two Buddhists: Industries Minister Dilip Barua and State Minister for Chittagong Hill Tracts Affairs Dipankar Talukder. She also appointed Ramesh Chandra Sen, a Hindu, as Minister of Water Resources, and Promod Mankin, a Christian, as State Minister for Cultural Affairs. The government appointed many members of the minority

communities to the higher ranks of government. However, no official statistics existed to determine if the proportion was commensurate with their proportion in the population. Selection boards for government services often lacked minority representation. Although employees were not required to disclose their religious affiliation, it could generally be determined by a person's name.

Many Hindus have been unable to recover landholdings lost because of discrimination under the defunct Vested Property Act. Although an Awami League government repealed the act in 2001, the new government did not take any concrete action to reverse the property seizures that occurred under the act. The Vested Property Act was an East Pakistan-era law that allowed the government to expropriate "enemy" (in practice Hindu) lands. Under the law the government seized approximately 2.6 million acres of land, affecting almost all Hindus in the country. According to a study conducted by a Dhaka University professor, nearly 200,000 Hindu families lost approximately 40,667 acres of land since 2001, despite the annulment of the act the same year.

In April 2001 parliament passed the Vested Property Return Act, stipulating that land remaining under government control that was seized under the Vested Property Act should be returned to its original owners, provided that the original owners or their heirs remained resident citizens. The law required the government to prepare a list of vested property holdings by October 2001. Claimants were to file claims within 90 days of the publication date. In 2002 parliament passed an amendment to the act that allowed the government unlimited time to return the vested properties and gave control of the properties, including the right to lease them, to local government employees. By the end of the period covered by this report, the government had not prepared a list of such properties.

Under the Muslim family ordinance, females inherited less than males, and wives had fewer divorce rights than husbands. Laws provided some protection for women against arbitrary divorce and polygamy without the consent of the first wife, but the protections generally apply only to registered marriages. Due to ignorance of the law in rural areas, couples occasionally did not register their marriages. Under the law a Muslim husband was required to pay his former wife alimony for three months, but this requirement was not always enforced. There was little societal pressure to enforce it and case backlogs made it difficult, if not impossible, to get redress through the courts.

Abuses of Religious Freedom

There were reports of abuses of religious freedom in the country. According to a report by the Chittagong Hill Tracts Commission, on February 19, 2010, ethnic Bengali settlers attacked ethnic minorities in Baghaichhari Upazila, beating people and setting fire to approximately 500 minority homesteads and a Buddhist pagoda. At least three people died in the attacks, including two members of minorities. Fleeing for their lives, more than 500 families, accounting for more than 1,800 individuals, fled into the forest seeking refuge from further attack. According to the report security forces were present during the attacks and did nothing to stop the violence. The government investigated these allegations and made some staffing changes to the military command in charge of security for the area.

There were no reports of religious prisoners or detainees in the country.

Improvements and Positive Developments in Respect for Religious Freedom

The government took steps to promote interfaith understanding.

Through additional security deployments and public statements, the government promoted the peaceful celebration of Christian, Hindu, and secular Bengali festivals, including Durga Puja, Christmas, Easter, and Pohela Boisakh (Bengali New Year).

The government helped support the Council for Interfaith Harmony-Bangladesh, an organization created in 2005 with a mandate to promote understanding and peaceful coexistence among different communities. This initiative came in response to a bombing campaign in the fall of 2005 by an Islamist extremist group that sought the imposition of Sharia. The council is the only organization with representation from all of the religious faiths in the country. The council met regularly at the central and division levels and began programs aimed at HIV/AIDS prevention.

Section III. Societal Abuses and Discrimination

There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice during the reporting period. Clashes between religious groups occasionally occurred. Violence directed against religious minority communities continued to result in the loss of lives and property, but the true motives – whether religious animosity, criminal intent, personal disputes, or property disputes – were often unclear. While the minority status of the victims may have played a role, it should be noted that religious minorities are often at the bottom of the social hierarchy and, therefore, have the least political recourse. Police frequently were ineffective in upholding law and order and sometimes were slow to assist religious minorities. This attitude promoted a greater atmosphere of impunity for acts of violence against minorities. However, persons who practiced different religious beliefs often joined each other's festivals and celebrations such as weddings. Shia Muslims practiced their religious beliefs without interference from Sunnis.

Religious minorities were not underrepresented in the private sector.

Reported incidents against religious minorities during the reporting period included killings, rape, torture, occupation of places of worship, destruction of homes, forced evictions, and desecration of items of worship. Most of these reports could not be independently verified. There also were reported incidents of members of the Muslim community attacking each other on holidays due to a perception that some events were un-Islamic. The government sometimes failed to investigate the crimes and prosecute the perpetrators, who were often local gang and auxiliary political organization leaders.

Attacks against the Hindu community continued, although the number of attacks dropped significantly from the previous year. Most of the land seizures took place in the districts of Natore, Pirojpur, Chittagong, Narsingdi, Bagerhat, Barisal, Manikganj, Tangail, Satkhira, Pabna, Manikganj, and Munshiganj.

In July, *The Daily Star*, a daily English-language newspaper, reported that "land-grabbers" had encroached on the properties of all three Hindu cremation grounds in the Dhaka metropolitan area. Cases related to the situation were pending at the end of the reporting period.

On August 12, the Bangla-language daily, *Amar Desh*, reported that criminals broke into a Hindu temple in the Sutrapur area of Old Dhaka and broke several idols before evicting fifteen Hindu families who lived on the premises. Another paper, the daily *Ittefaq*, reported that over one hundred minority families living in Sutrapur had been forcibly evicted by land grabbers during the year. Both papers alleged that local Awami League leaders were involved in the evictions.

Reports of harassment and violence against the Christian community were recorded during the reporting period.

On March 20, according to the *Daily Star*, a clash over a land dispute involving a Christian church in the Mithapukur upazila resulted in injuries to 20 of the involved parties. The church purchased some adjacent land that was previously used as a school playground. Local MPs worked to defuse the tension and managed to avert further violence.

Human rights groups and press reports indicated that vigilantism against women accused of moral transgressions occurred in rural areas, often under a fatwa, and included punishments such as whipping. On July 9, the High Court issued a ruling formally banning fatwas and empowered local officials to combat the issue. From July to the end of the reporting period, religious leaders issued two fatwas, demanding punishments that ranged from lashings and other physical assaults to shunning by family and community members, according to the Bangladesh Mahila Parishad, a human rights organization focused on women's rights.

There were approximately 100,000 Ahmadis concentrated in Dhaka and several other locales. Throughout the year, attacks directed at the Ahmadi community in Tangail resulted in personal injuries and significant property damage. The attacks happened in three waves in June, August, and October. The attacks consisted of small groups entering Ahmadi neighborhoods with weapons, beating Ahmadis they encountered and vandalizing several houses before leaving. The authorities made no arrests, but a few local figures issued statements about the need to live in harmony. Although mainstream Muslims rejected some Ahmadiyya teachings, most of them supported the Ahmadis' right to practice without fear of persecution.

Section IV. U.S. Government Policy

The U.S. government discusses religious freedom with officials at all levels of the government, as well as with political party leaders and representatives of religious and minority communities. The embassy continued to express concern about human rights, including the rights of religious and ethnic minorities. Embassy staff traveled to various regions investigating human rights cases, including some involving religious minorities, and met with civil society members, NGOs, local religious leaders, and other citizens to discuss these cases. They also encouraged law enforcement to take proactive measures to protect the rights of religious minorities.

U.S. embassy and visiting U.S. government officials regularly visited members of minority communities to hear their concerns and demonstrate support.

The embassy assisted U.S. faith-based relief organizations in filing documents for approval of schools and other projects. The government has been willing to discuss such subjects with U.S. officials and has been helpful in resolving problems. The embassy also has acted as an advocate in the Home Ministry for these organizations in resolving problems with visas.

The embassy encouraged the government, through the Ministry for Religious Affairs, to develop and expand its training program for Islamic religious leaders. After a pilot program, the U.S. government provided orientation sessions for religious leaders on human rights and gender equality, among other topics. The embassy reached out to leaders of influence nationwide, including religious leaders, to introduce the concepts and practices of modern development and democracy through training. Twenty thousand community leaders participated in embassy programs promoting the values of diversity and tolerance across communities in the country.

During the reporting period, the U.S. government continued to make religious freedom, especially the problems facing the population in the Chittagong Hill Tracts, a topic of discussion

© UNHCR in meetings with government officials. Embassy officers met with representatives from organizations from the Hill Tracts and met with senior government officials to relay concerns about the treatment of minorities.

Democracy and governance projects supported by the U.S. government included tolerance and minority rights components.

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