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BANGLADESH

COUNTRY OF ORIGIN INFORMATION (COI) REPORT

COI Service

Date 30 September 2012

SECURING OUR BORDER CONTROLLING MIGRATION

Contents

Go to End

Please note: Information which has been updated since the last edition of this document is indicated by the use of yellow highlighting. A version of the report without highlighting is available from the UK Border Agency website at

<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi/>

Preface

REPORTS ON BANGLADESH PUBLISHED OR FIRST ACCESSED BETWEEN 31 AUGUST AND 30 SEPTEMBER 2012

Paragraphs

Background Information

1. GEOGRAPHY	1.01
Public holidays	1.06
Maps of Bangladesh.....	1.07
Other maps of Bangladesh	1.07
2. ECONOMY	2.01
3. HISTORY	3.01
Pre-independence: 1947- 1971.....	3.01
Post-independence: 1972 - April 2010	3.02
Government of Sheikh Mujibur Rahman, 1972-75	3.02
Government of Ziaur Rahman, 1975-81	3.03
Government of Hussain Mohammed Ershad, 1982-90	3.04
Government of Khaleda Zia, 1991-96	3.05
Government of Sheikh Hasina, 1996-2001	3.06
Government of Khaleda Zia, 2001-2006	3.07
Caretaker Government and state of emergency, October 2006 -January 2009 ..	3.10
Restoring democracy in Bangladesh.....	3.12
General Election of 29 December 2008.....	3.12
Political parties which contested the general election	3.13
Results of the general election.....	3.15
Reaction to the results	3.16
International observer reports	3.18
Post-election violence	3.21
Sheikh Hasina 2009 to May 2010	3.22
Local elections.....	3.24
Bangladesh Rifles (BDR) mutiny	3.28
War crimes committed in 1971.....	3.35
Trial of murderers of ‘Bangabandhu’ Sheikh Mujibur Rahman.....	3.36
War crimes tribunal	3.40
Natural catastrophes.....	3.42
4. RECENT DEVELOPMENTS: JANUARY 2011 TO AUGUST 2012	4.01
5. CONSTITUTION.....	5.01
6. POLITICAL SYSTEM	6.01
Caretaker Government.....	6.05
Local government.....	6.09
Supervision of elections.....	6.11

Human Rights

7. INTRODUCTION	7.01
8. SECURITY FORCES	8.01
Police and paramilitary forces	8.02
Police Reform Programme	8.05
Armed forces	8.09
Other government forces	8.11
Directorate General of Forces Intelligence (DGFI)	8.11
Human rights violations by the security forces	8.12
Arbitrary arrest and detention	8.12
Torture	8.16
Odhikar Torture Prevention Project	8.20
Extra-judicial killings	8.21
Corruption in the law enforcement agencies	8.26
Avenues of complaint	8.27
Accountability and impunity	8.32
9. MILITARY SERVICE	9.01
10. ABUSES BY NON-GOVERNMENT ARMED FORCES	10.01
11. JUDICIARY	11.01
Organisation	11.04
The Truth Commission	11.12
Informal systems of justice: Village Courts and Shalish	11.13
Independence	11.14
Fair trial	11.18
Corruption in the Judiciary	11.22
12. ARREST AND DETENTION – LEGAL RIGHTS	12.01
Preventive detention and its legislative framework	12.01
The Code of Criminal Procedure (CrPC): Section 54	12.02
The Special Powers Act (SPA)	12.03
Pre-trial detention	12.07
Bail	12.08
13. PRISON CONDITIONS	13.01
14. DEATH PENALTY	14.01
15. POLITICAL AFFILIATION	15.01
Freedom of political expression	15.01
Freedom of association and assembly	15.05
Opposition groups and political activists	15.07
Political violence	15.07
Charges against, and restrictions on, the main party leaders	15.09
Student political groups and violence	15.11
16. FREEDOM OF SPEECH AND MEDIA	16.01
Journalists	16.07
17. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS	17.01
National Human Rights Commission (NHRC)	17.03
Treatment of human rights NGOs	17.06
18. CORRUPTION	18.01
Anti-Corruption Commission (ACC)	18.02
High-profile arrests on corruption and other charges	18.07
19. FREEDOM OF RELIGION	19.01
Religious demography	19.01
Family law	19.04

The state and religion.....	19.07
Fatwa.....	19.11
Hindus.....	19.15
Buddhists.....	19.19
The Ahmadiyya community (alternatively Ahmadis, Kadiyanis or Qadianis).....	19.23
Christians.....	19.26
20. ETHNIC GROUPS.....	20.01
The Indigenous Jumma Peoples of the Chittagong Hill Tracts.....	20.02
Biharis.....	20.07
Background.....	20.07
Biharis recognised as citizens.....	20.10
Living conditions in the camps.....	20.15
21. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS.....	21.01
Legal rights.....	21.01
Treatment by and attitudes of the state.....	21.11
Ill treatment by police officers and by Mastans.....	21.11
Societal treatment and attitudes.....	21.16
Hijras.....	21.18
22. DISABILITY.....	22.01
23. WOMEN.....	23.01
Overview.....	23.01
Legal rights.....	23.08
Political rights.....	23.11
Social and economic rights.....	23.12
Violence against women.....	23.19
Domestic violence.....	23.25
Dowry.....	23.26
Rape.....	23.30
Acid attacks.....	23.35
Vigilantism.....	23.45
Government and NGO assistance to victims of domestic Violence.....	23.47
Health issues.....	23.49
24. CHILDREN.....	24.01
Overview.....	24.01
Basic legal information.....	24.06
Legal rights.....	24.11
Juvenile justice.....	24.12
Violence against children.....	24.15
Child labour.....	24.20
Child care and protection.....	24.29
Education.....	24.34
The Primary Education Stipend Project.....	24.38
The Girls' Stipend Program.....	24.40
Madrassas.....	24.42
Health and welfare.....	24.45
Documentation.....	24.47
25. TRAFFICKING.....	25.01
Overview.....	25.01
Internal trafficking.....	25.03
Prosecution.....	25.04
Corruption.....	25.05
Assistance to victims of trafficking.....	25.06

Prevention	25.07
26. MEDICAL ISSUES.....	26.01
Overview of availability of medical treatment and drugs	26.01
Arsenic poisoning	26.06
Cholera	26.09
Diabetes.....	26.10
HIV/AIDS	26.11
Access to health and welfare services.....	26.11
HIV/AIDS – anti-retroviral treatment	26.14
Kidney dialysis	26.16
Malaria	26.17
Pneumonia	26.18
Mental health.....	26.20
27. FREEDOM OF MOVEMENT	27.01
Border killings	27.05
28. INTERNALLY DISPLACED PERSONS (IDPs).....	28.01
29. FOREIGN REFUGEES.....	29.01
Rohingya refugees	29.04
30. CITIZENSHIP AND NATIONALITY	30.01
Dual nationality.....	30.02
31. EXIT AND RETURN	31.01
Children	31.02
32. FORGED AND FRAUDULENTLY OBTAINED OFFICIAL DOCUMENTS.....	32.01
33. EMPLOYMENT RIGHTS	33.01

Annexes

- Annex A – Chronology of major events
- Annex B – Political organisations
- Annex C – Prominent people
- Annex D – List of abbreviations
- Annex E – Foreign and Commonwealth Office correspondence
- Annex F – References to source material

[Return to contents](#)
[Go to sources](#)

Preface

- i This Country of Origin Information (COI) Report has been produced by the COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 31 August 2012. The report was issued on 30 September 2012.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links are provided. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated. Similarly, the absence of information does not necessarily mean that, for example, a particular event or action did not occur.
- vi As noted above, the Report is a compilation of extracts produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents though COI Service will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.
- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because

they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

- viii This Report and the accompanying source material are public documents. All COI Reports are published on the UKBA website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix Reports are published regularly on the top 20 asylum intake countries. Reports on countries outside the top 20 countries may also be published if there is a particular operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this Report, COI Service has sought to provide an accurate, up to date, balanced and impartial compilation of extracts of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to COI Service as below.

Country of Origin Information Service

UK Border Agency
Lunar House
40 Wellesley Road
Croydon, CR9 2BY
United Kingdom

Email: cois@homeoffice.gsi.gov.uk

Website: <http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi/>

INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

- xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the independent Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's COI material. The IAGCI welcomes feedback on UKBA's COI Reports and other COI material. Information about the IAGCI's work can be found on the independent Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>
- xii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at <http://icinspector.independent.gov.uk/country-information-reviews/>
- xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself. The IAGCI can be contacted at:

Independent Advisory Group on Country Information

Independent Chief Inspector of the UK Border Agency

5th Floor, Globe House

89 Eccleston Square

London, SW1V 1PN

Email: chiefinspectorukba@icinspector.gsi.gov.uk

Website: <http://icinspector.independent.gov.uk/country-information-reviews/>

[Return to contents](#)

[Go to sources](#)

REPORTS ON BANGLADESH PUBLISHED OR ACCESSED BETWEEN 31 AUGUST 2012 AND 30 SEPTEMBER 2012

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Acid Survivors Foundation

Annual Report 2010, 8 May 2011

<http://www.acidsurvivors.org/ASF%20Annual%20Report-Final-output%201%20Aug%2011.pdf>

Date accessed 30 August 2012

Asian Human Rights Commission (AHRC) <http://www.humanrights.asia/>

The State of Human Rights in Bangladesh 2011, undated

<http://www.humanrights.asia/resources/hrreport/2011/AHRC-SPR-003-2011/view/>

Date accessed 30 August 2012

ITUC

2012 Annual Survey of Violations of Trade Union Rights - Bangladesh

<http://survey.ituc-csi.org/Bangladesh.html>

Date accessed 30 August 2012

U.S. Commission on International Religious Freedom <http://www.uscirf.gov/>

U.S. Commission on International Religious Freedom, 2012 Annual Report

[http://www.uscirf.gov/images/Annual%20Report%20of%20USCIRF%202012\(2\).pdf](http://www.uscirf.gov/images/Annual%20Report%20of%20USCIRF%202012(2).pdf)

Date accessed 30 August 2012

[Return to contents](#)

[Go to sources](#)

Background Information

1. GEOGRAPHY

- 1.01 The People's Republic of Bangladesh is located in south Asia and is bordered almost entirely by India, except for a small frontier in the southeast with Burma (The Union of Myanmar) and a coastline along the Bay of Bengal in the south. The capital is Dhaka. (CIA World Factbook, updated August 2012) [62] The country covers an area of approximately 144,000 sq. km. (56,000 sq. miles). (Europa, Country Statistics, accessed 29 August 2012) [1b]
- 1.02 From the administrative point of view, Bangladesh is divided, into 6 Divisions, 64 Districts, 6 City Corporations, 308 Municipalities, 481 Upazillas, 599 Thanas and 4498 Unions. (Ministry of Foreign Affairs website, accessed 14 December 2009). [77a] A particular name might refer to more than one geographical entity; for example, the City of Chittagong is situated in the District of Chittagong, which is in Chittagong Division. The 'Chittagong Hill Tracts' (CHT) area, referred to later in this report, comprises three of the districts within Chittagong Division. (Bangladesh Guide Map 2003) [25a]
- 1.03 The 'Bangladesh 2011 Population & Housing Census' (BBS Census), published in 2012 by the Bangladesh Bureau of Statistics (BBS), gave the total population of Bangladesh as 149,772,364 (As on 19 March 2011) [43a] The US Bureau of the Census estimated that the population of Bangladesh would reach 161,083,804 (July 2012 est.). (CIA World Factbook, updated August 2012) [62a] The BBS Census also reported that the metropolitan division of Dhaka, in 2011, had a population of 49,321,688 million; the populations of other principal divisions were as follows: Chittagong 28,079,000 million, Khulna 15,563,000 million, and Rajshahi 18,329,000 million. [43a] The BBS, Religious composition of population by locality, classified 89.4 per cent of the population as Muslim and 10.6 as non-Muslim, [43b]
- 1.04 About 95 per cent of the population speak Bengali, the state language, while the remainder mostly use tribal dialects. (Europa, Statistics, accessed 29 August 2012) [1b] **(Location, Climate, Language, Religion, Flag, Capital)** Sylheti, which is spoken primarily in Sylhet Division in the north-east of the country, is commonly defined as a dialect of Bengali/Bangla, although it is quite different to standard Bengali in its sound system, the way in which its words are formed and in its vocabulary. (Hampshire County Council, accessed 21 April 2009) [110] There are approximately three million indigenous (Adivasi) people in Bangladesh, many of whom have their own language or dialect. Eleven out of the forty-five ethnic groups are concentrated in the Chittagong Hill Tracts, where they are collectively known as the Jumma peoples. There are also about 300,000 Urdu-speakers in the country, collectively known as 'Biharis' (see [Section 20](#)). (Foreign and Commonwealth Office (FCO), 6 November 2007) [11a]
- 1.05 In a paper 'Challenging Language in the Diaspora', dated 2008, Dr Benjamin Zeitlyn, a Research Fellow at the University of Sussex, stated that:

'In Bangladesh Sylheti is one of several different but related speech varieties and is thus considered a dialect of Bangla. In the UK by contrast, Sylheti is the ordinary means of communication for a large group of people relatively uninfluenced by "standard" or "shuddho" Bangla and could thus be seen as a distinct language. One test Chalmers refers to of assessing the relationship of two languages is whether they are mutually intelligible; Sylheti and standard Bangla, according to academics that Chalmers cites, are nearly mutually unintelligible.'

‘The reality is more complicated, most Sylheti speakers can understand a great deal of Bangla and vice versa. They are very closely related and speakers of Sylheti and Bangla in Bangladesh are exposed to each other and learn to communicate. No one in Bangladesh speaks standard Bangla exactly as it is written and taught. Standard Bangla is the language of the majority of literature, education, film, media and official communication in Bangladesh. Almost everyone in Bangladesh can get by in standard Bangla even if they speak a very different dialect or language at home.’ [34] (p2)

[Return to contents](#)
[Go to sources](#)

Public holidays

1.06 Bangladesh Public Holidays 2012

HOLIDAY	NAME OF HOLIDAY	DESCRIPTION
January 1	New Years Day	Optional
February 5	* Eid-e-Miladunani	Birth of the Prophet
February 21	Shahid Dibash	International Mother Language Day
March 17	Bangabandhu Birthday	Birth day of the Father of the Nation, Bangabandhu
March 26	Independence Day	Independence Day
April 14	Bangla New Year	Pohela Boishakh
May 1	May Day	This day marks the solidarity of workers worldwide. May Dibosh. Labour Day
May 6	* Buddha Purnima	Buddha Day
July 1	Bank Holiday	Bank Holiday
July 6	* Lailatul Barat	Lailatul Barat
August 9	Jonmashtomi	Sri Krishna Janamashtami
August 15	National Mourning Day	National Mourning Day
August 16	* Lailatul Qadr	Shab-e-Qadrer, Night of Destiny
August 17	* Jumat-ul-bida	Last Jumma

August 20	* Eid Ul Fitr	End of Ramadan
August 20	* Eid Ul Fitr	Eid-ul-Fiter Holiday
August 21	* Eid Ul Fitr	Eid-ul-Fiter Holiday
October 24	* Durga Puja	Bijoya Dashami
October 26	* Eid Ul Azha	Feast of Sacrifice
October 27	* Eid Ul Azha	Feast of Sacrifice
October 28	* Eid Ul Azha	Feast of Sacrifice
November 25	* Muharram	Ashura
December 16	Victory Day	Bijoy Dibosh
December 25	Christmas	This day marks Jesus Christ's birthday. Borodin
December 31	Bank Holiday	Bank Holiday

(* Depends on the moon)

Source: All about Bangladesh [41a]

[Return to contents](#)
[Go to sources](#)

MAPS OF BANGLADESH

1.07 On the following pages are maps showing the main cities and towns, and the Divisions of Bangladesh.



(United Nations Cartographic Section: Map no. 3711 ref.2, dated January 2004; edited by COI Service to show Sylhet Division.) [8]



Bangladesh - [Political Map of Bangladesh](#) [94a]

Other Maps of Bangladesh

The Perry-Castañeda Library Map Collection – [Bangladesh](#), last modified on 31 August 2012, accessed 31 August 2012, provides a good selection of maps including the geo-political relationship with both India and Pakistan. [86a]

[Return to contents](#)
[Go to sources](#)

2. ECONOMY

2.01 The World Bank, in a report 'Bangladesh Economic Update', April 2011, stated that:

- 'The outlook for FY2011 has changed since the last macroeconomic update in October 2010. While GDP growth is still projected to be around 6.2 percent in FY11, inflationary pressures have strengthened and the external position has weakened.'

- 'Rising energy and food subsidies are placing a strain on the budget, but higher-than-anticipated revenues and lower-than-budgeted Annual Development Program expenditures leave sufficient fiscal space for the government to react to these pressures.
- 'Progress on reforms is mixed, with advances made on Value Added Tax reforms, efforts to tighten liquidity and setting up a framework for public-private partnership projects. Developments on telecommunication policy, the Anticorruption Commission, and policy responses to stock market volatility are a cause for concern.
- 'The growth outlook for FY12 remains good but there are risks that need to be contained. Short-term risks include rising food and fuel prices, deteriorating remittances, an increased reserve drawdown, a growing quasi-fiscal deficit, stock market volatility and its potential impact on the banking sector. Long-term risks include the inability to sufficiently alleviate power shortages, raise public investment, and remove bottlenecks for private investment.' [113b]

2.02 As noted in the CIA World Factbook, updated 15 August 2012:

'The economy has grown 5-6% per year since 1996 despite political instability, poor infrastructure, corruption, insufficient power supplies, and slow implementation of economic reforms. Bangladesh remains a poor, overpopulated, and inefficiently-governed nation. Although more than half of GDP is generated through the service sector, 45% of Bangladeshis are employed in the agriculture sector with rice as the single-most-important product. Bangladesh's growth was resilient during the 2008-09 global financial crisis and recession. Garment exports, totaling \$12.3 billion in FY09 and remittances from overseas Bangladeshis, totaling \$11 billion in FY10, accounted for almost 12% of GDP.' [62a]

2.03 The Economist Intelligence Unit (EIU), in its Bangladesh Country Report for September 2011:

'... expect Bangladesh to remain on a strong economic growth trajectory in 2011/12-2014/15, when we forecast real GDP to grow by an average of 6.6 per cent a year. Growth will continue to be underpinned by the steady expansion of private consumption and investment. The main determinants of private consumption growth will be the performance of the agricultural sector and remittances from the country's diaspora and from Bangladeshis working abroad. Although the agricultural sector will account for less than 20 per cent of GDP at factor cost, it will continue to be the country's largest employer and the main source of income for around one-half of the working population. The agricultural sector is expected to expand at an average annual rate of 4.1 per cent in the forecast period, compared with 4.3 per cent a year in 2005/06-2009/10. Workers' remittances are forecast to increase steadily in the next five years, but the pace of growth in the early part of the period will be tempered by weak employment prospects in the Middle East (the most popular destination for Bangladeshi workers). We expect private consumption to grow by an average of 5.9 per cent a year in the forecast period. Gross fixed investment will increase by 8 per cent annually on average in 2011/12-2014/15. This component of GDP is dominated by the private sector, which accounts for 80 per cent of fixed investment. Private investment is expected to benefit from improving business sentiment. It is also likely to be boosted by government efforts to

attract greater flows of foreign direct investment from India, China and Russia, as well as from members of the Bangladeshi diaspora in OECD countries.

'GDP growth analysed on a factor-cost basis will continue to be driven by services and industry. Services will continue to account for around 50 per cent of GDP, while industry will contribute around 30 per cent. Output growth in the industrial sector is expected to average 7.7 per cent a year in 2011-15. The manufacture of textiles and clothing will remain the largest contributor to growth in industrial output. Textile exporters will continue to benefit from a recent change in EU import rules over the forecast period. Since January 2011 clothes and other finished goods made in Bangladesh (and other least-developed countries) have been entitled to duty-free access to the EU if imported components of the final product do not exceed 70 per cent previously, duty-free access was granted only to goods with a maximum imported content of 30 per cent. The change has given Bangladesh a significant advantage over its main competitors, namely China, Pakistan, India and Sri Lanka, as their goods are liable for duty in the EU owing to the fact that these countries are no longer classified as least developed. The services sector is expected to grow at a similar pace to industry as the government continues to focus on developing the country's outsourcing capabilities, including call centres. [40j] (p7) (Outlook for 2011-15: Economic growth)

2.04 Bangladesh's per capita GDP (on a purchasing power parity basis) was estimated to be US \$1,700 in July 2011, compared with \$8,500 for China, \$2,800 for Pakistan, \$1,300 for Burma and \$36,000 for the United Kingdom. (CIA World Factbook, August 2012) [62a]

2.05 The Economist Intelligence Unit (EIU), in its Bangladesh Country Report for August 2012 stated that:

'Although agriculture will account for less than 20% of GDP at factor cost, it will continue to be the country's largest employer and the main source of income for around one-half of the working population. The agricultural sector is expected to expand at an average annual rate of 3.7% in the forecast period, compared with 4.3% a year in 2007/08-2011/12. GDP growth on a factor-cost basis will continue to be driven by services and industry. Services will continue to account for around 50% of GDP, while industry will contribute about 30%.' [40a] (p8)

2.06 The EIU Country Report of December 2009 stated:

'Remittances from the estimated 6m Bangladeshis working overseas grew by 21.2 per cent year on year to US\$3.6bn in the first four months of 2009/10—a slightly slower rate of increase than in the year-earlier period, when remittances surged by 36.5 per cent. Inflows of workers' remittances were particularly strong in October, when they leapt by 41 per cent year on year, to US\$911m. The sharp increase was remarkable given the current weakness of overseas labour markets, but is probably a reflection of the growing popularity of remitting money via official channels and the fact that a proportion of the total amount remitted comes from Bangladeshi communities based abroad permanently. According to the Bureau of Manpower Employment and Training, the number of Bangladeshis finding employment abroad in the first 11 months of 2009 stood at 441,590, only around one-half of the total in the year-earlier period.' [40c] The EIU Country Report of September 2011 stated that:

'Inflows of workers' remittances will remain an important feature of the current account, as they will continue to make up the bulk of current transfers.' [40j] (p9) (External

sector) The EIU Country report of August 2012 further noted that 'Workers' remittances are forecast to increase steadily in the next five years, underpinned by relatively strong employment prospects in the Middle East, which will remain the most popular destination for expatriate Bangladeshi workers.' [40a] (p7)

See [Migration and Remittances Factbook 2011: Bangladesh](#), November 2010 [113c]

- 2.07 The unit of currency in Bangladesh is the 'Taka' (BDT), which is divided into 100 poisha/paisa. (Europa) [1b] (Statistics) The rate of exchange on 30 August 2012 was £1 sterling = 129.829 Bangladesh taka. ([xe.com](#)) [22]

See the World Bank: [Bangladesh at a glance](#) [113a] for further details of the economy.

[Return to contents](#)
[Go to sources](#)

3. HISTORY

This section provides a brief history of Bangladesh since independence from the UK in 1947 when it was known as East Pakistan. More detailed information on Bangladesh's recent history can be found on The Federal Research Program of the Library of Congress: [A Country Study: Bangladesh](#) [9a]

PRE-INDEPENDENCE: 1947 – 1971

- 3.01 The International Institute for Strategic Studies (IISS) in its 'Armed Conflict Database' (ACD), undated, accessed on 17 December 2009, reported:

'British rule over India came to an end in 1947, and a predominantly Muslim state comprising East and West Pakistan was established on either side of the country. As a result, the newly created country existed in two geographically separate territories. East Pakistan was the smaller of the two, and friction with the politically dominant West Pakistan was soon evident. East Pakistanis felt exploited by the West Pakistan-dominated central government. The sense of estrangement was compounded by linguistic and ethnic differences between the two. Sentiments for Bengali independence found focus with the creation of the Awami League (AL) in 1949, and the party began to agitate for greater autonomy. An early indication of the coming friction came in 1950 and when the East rejected an attempt by the West to establish Urdu as the national language.

'Tensions came to a head in 1971. One year earlier, a cyclone had devastated East Pakistan and claimed some 500,000 lives. The weak response by the central government in West Pakistan was heavily criticised. Later in 1970, the AL won an election victory in East Pakistan, gaining it a majority in parliament and propelling its leader Sheikh Mujibur Rahman (also known as Mujib) to prominence. Authorities in West Pakistan refused to recognise the results, and rioting took place on the streets of Dhaka. President Yahya Khan's strategy was to arrest Mujib, and to launch a military invasion of East Pakistan on 25 March 1971. The resulting war exacted an immense toll from Bangladeshi's, and casualty estimates range from hundreds of thousands up to three million. Some ten million refugees fled into India to escape the massacres alleged to have been perpetrated by West Pakistani forces.

'India's role in the conflict would prove decisive. Since 1947, India had felt extreme discomfort at the prospect of being flanked by both an East and West Pakistan. For this reason and because of the massive influx of refugees with which it was suddenly forced to cope, India chose in December 1971 to intervene on behalf of East Pakistan. On 16 December West Pakistani forces announced their surrender. Their defeat paved the way for the return from incarceration of Mujib, who became prime minister of the newly founded independent state of Bangladesh, which was to be governed by parliamentary democracy with a constitution. In March the following year, Bangladesh and India signed a treaty of friendship.' [116b]

[Return to contents](#)
[Go to sources](#)

POST-INDEPENDENCE: 1972 – APRIL 2010

Government of Sheikh Mujibur Rahman, 1972-75

3.02 **The US State Department, Background Note: Bangladesh, updated 6 March 2012**, stated that on 16 December 1971: '... Bangladesh - meaning "Bengal country" - was born; the new country became a parliamentary democracy under a 1972 constitution. The first government... was formed in Dhaka with Justice Abu Sayeed Choudhury as President, and Sheikh Mujibur Rahman ('Mujib')...Prime Minister.' The Note continued:

'Mujib came to office with immense personal popularity but had difficulty transforming this popular support into the political strength needed to function as head of government. The new constitution, which came into force in December 1972, created a strong executive prime minister, a largely ceremonial presidency, an independent judiciary, and a unicameral legislature on a modified Westminster model. The 1972 constitution adopted as state policy the Awami League's (AL) four basic principles of nationalism, secularism, socialism, and democracy.

'The first parliamentary elections held under the 1972 constitution were in March 1973, with the Awami League winning a massive majority. No other political party in Bangladesh's early years was able to duplicate or challenge the League's broad-based appeal, membership, or organizational strength. Relying heavily on experienced civil servants and members of the Awami League, the new Bangladesh Government focused on relief, rehabilitation, and reconstruction of the economy and society. Economic conditions remained precarious, however. In December 1974, Mujib decided that continuing economic deterioration and mounting civil disorder required strong measures. After proclaiming a state of emergency, Mujib used his parliamentary majority to win a constitutional amendment limiting the powers of the legislative and judicial branches, establishing an executive presidency, and instituting a one-party system, the Bangladesh Krishak Sramik Awami League (BAKSAL), which all members of Parliament (and senior civil and military officials) were obliged to join.

'Despite some improvement in the economic situation during the first half of 1975, implementation of promised political reforms was slow, and criticism of government policies became increasingly centered on Mujib. In August 1975, Mujib, and most of his family, were assassinated by mid-level army officers. His daughters, Sheikh Hasina and Sheikh Rehana, were out of the country. A new government, headed by former Mujib associate Khandakar Moshtaque, was formed.' [2b]

[Return to contents](#)
[Go to sources](#)

Government of Ziaur Rahman, 1975-81

- 3.03 **The US State Department, Background Note: Bangladesh, updated 6 March 2012,** stated that:

'Successive military coups resulted in the emergence of Army Chief of Staff Gen. Ziaur Rahman ('Zia') as strongman. He pledged the army's support to the civilian government headed by President Chief Justice Sayem. Acting at Zia's behest, Sayem dissolved Parliament, promising fresh elections in 1977, and instituted martial law.

'Acting behind the scenes of the Martial Law Administration (MLA), Zia sought to invigorate government policy and administration. While continuing the ban on political parties, he sought to revitalize the demoralized bureaucracy, to begin new economic development programs, and to emphasize family planning. In November 1976, Zia became Chief Martial Law Administrator (CMLA) and assumed the presidency upon Sayem's retirement 5 months later, promising national elections in 1978.

'As President, Zia announced a 19-point program of economic reform and began dismantling the MLA. Keeping his promise to hold elections, Zia won a 5-year term in June 1978 elections, with 76 per cent of the vote. In November 1978, his government removed the remaining restrictions on political party activities in time for parliamentary elections in February 1979. These elections, which were contested by more than 30 parties, marked the culmination of Zia's transformation of Bangladesh's Government from the MLA to a democratically elected, constitutional one. The AL and the Bangladesh Nationalist Party (BNP), founded by Zia, emerged as the two major parties.

'In May 1981, Zia was assassinated in Chittagong by dissident elements of the military. The attempted coup never spread beyond that city, and the major conspirators were either taken into custody or killed. In accordance with the constitution, Vice President Justice Abdus Sattar was sworn in as acting president. He declared a new national emergency and called for election of a new president within 6 months – an election Sattar won as the BNP's candidate. President Sattar sought to follow the policies of his predecessor and retained essentially the same cabinet, but the army stepped in once again.' [2b]

[Return to contents](#)
[Go to sources](#)

Government of Hussain Mohammed Ershad, 1982-90

- 3.04 **The US State Department, Background Note: Bangladesh, updated 6 March 2012,** stated that:

'Army Chief of Staff Lt. Gen. H.M. Ershad assumed power in a bloodless coup in March 1982. Like his predecessors, Ershad suspended the constitution and – citing pervasive corruption, ineffectual government, and economic mismanagement – declared martial law. The following year, Ershad assumed the presidency, retaining his positions as army chief and CMLA. During most of 1984, Ershad sought the opposition parties' participation in local elections under martial law. The opposition's refusal to participate, however, forced Ershad to abandon these plans. Ershad sought public support for his regime in a national referendum on his leadership in March 1985. He won overwhelmingly, although turnout was small. Two months later, Ershad held elections for local council chairmen. Pro-government candidates won a majority of the posts,

setting in motion the President's ambitious decentralization program. Political life was further liberalized in early 1986, and additional political rights, including the right to hold large public rallies, were restored. At the same time, the Jatiya (National) Party, designed as Ershad's political vehicle for the transition from martial law, was established.

'Despite a boycott by the BNP, led by President Zia's widow, Begum Khaleda Zia, parliamentary elections were held on schedule in May 1986. The Jatiya Party won a modest majority of the 300 elected seats in the National Assembly. The participation of the Awami League – led by the late President Mujib's daughter, Sheikh Hasina Wajed – lent the elections some credibility, despite widespread charges of voting irregularities.

'Ershad resigned as Army Chief of Staff and retired from military service in preparation for the presidential elections, scheduled for October. Protesting that martial law was still in effect, both the BNP and the AL refused to put up opposing candidates. Ershad easily outdistanced the remaining candidates, taking 84 per cent of the vote. Although Ershad's government claimed a turnout of more than 50 per cent, opposition leaders, and much of the foreign press, estimated a far lower percentage and alleged voting irregularities.

'Ershad continued his stated commitment to lift martial law. In November 1986, his government mustered the necessary two-thirds majority in the National Assembly to amend the constitution and confirm the previous actions of the martial law regime. The President then lifted martial law, and the opposition parties took their elected seats in the National Assembly.

'In July 1987, however, after the government hastily pushed through a controversial legislative bill to include military representation on local administrative councils, the opposition walked out of Parliament. Passage of the bill helped spark an opposition movement that quickly gathered momentum, uniting Bangladesh's opposition parties for the first time. The government began to arrest scores of opposition activists under the country's Special Powers Act of 1974. Despite these arrests, opposition parties continued to organize protest marches and nationwide strikes. After declaring a state of emergency, Ershad dissolved Parliament and scheduled fresh elections for March 1988.

'All major opposition parties refused government overtures to participate in these polls, maintaining that the government was incapable of holding free and fair elections. Despite the opposition boycott, the government proceeded. The ruling Jatiya Party won 251 of the 300 seats. The Parliament, while still regarded by the opposition as an illegitimate body, held its sessions as scheduled, and passed a large number of bills, including, in June 1988, a controversial constitutional amendment making Islam Bangladesh's state religion and provision for setting up High Court benches in major cities outside of Dhaka. While Islam remains the state religion, the provision for decentralizing the High Court division has been struck down by the Supreme Court.

'By 1989, the domestic political situation in the country seemed to have quieted. The local council elections were generally considered by international observers to have been less violent and more free and fair than previous elections. However, opposition to Ershad's rule began to regain momentum, escalating by the end of 1990 in frequent general strikes, increased campus protests, public rallies, and a general disintegration of law and order.

‘On December 6, 1990, Ershad offered his resignation. On February 27, 1991, after 2 months of widespread civil unrest, an interim government headed by Acting President Chief Justice Shahabuddin Ahmed oversaw what most observers believed to be the nation's most free and fair elections to that date.’ [2b]

[Return to contents](#)
[Go to sources](#)

Government of Khaleda Zia, 1991-96

3.05 **The US State Department, Background Note: Bangladesh, updated 6 March 2012,** stated that:

‘The center-right BNP won a plurality of seats and formed a government with support from the Islamic fundamentalist party Jamaat-I-Islami, with Khaleda Zia, widow of Ziaur Rahman, obtaining the post of prime minister. Only four parties had more than 10 members elected to the 1991 Parliament: The BNP, led by Prime Minister Begum Khaleda Zia; the AL, led by Sheikh Hasina; the Jamaat-I-Islami (JI), led by Ghulam Azam; and the Jatiya Party (JP), led by acting chairman Mizanur Rahman Choudhury while its founder, former President Ershad, served out a prison sentence on corruption charges. The electorate approved still more changes to the constitution, formally re-creating a parliamentary system and returning governing power to the office of the prime minister, as in Bangladesh's original 1972 constitution. In October 1991, members of Parliament elected a new head of state, President Abdur Rahman Biswas.

‘In March 1994, controversy over a parliamentary by-election, which the opposition claimed the government had rigged, led to an indefinite boycott of Parliament by the entire opposition. The opposition also began a program of repeated general strikes to press its demand that Khaleda Zia's government resign and a caretaker government supervise a general election. Efforts to mediate the dispute, under the auspices of the Commonwealth Secretariat, failed. After another attempt at a negotiated settlement failed narrowly in late December 1994, the opposition resigned en masse from Parliament. The opposition then continued a campaign of marches, demonstrations, and strikes in an effort to force the government to resign. The opposition, including the Awami League's Sheikh Hasina, pledged to boycott national elections scheduled for February 15, 1996.

‘In February, Khaleda Zia was re-elected by a landslide in voting boycotted and denounced as unfair by the three main opposition parties. In March 1996, following escalating political turmoil, the sitting Parliament enacted a constitutional amendment to allow a neutral caretaker government to assume power and conduct new parliamentary elections; former Chief Justice Mohammed Habibur Rahman was named Chief Adviser (a position equivalent to prime minister) in the interim government. New parliamentary elections were held in June 1996 and the Awami League won plurality and formed the government with support from the Jatiya Party led by deposed president Ershad; party leader Sheikh Hasina became Prime Minister.’ [2b]

[Return to contents](#)
[Go to sources](#)

Government of Sheikh Hasina, 1996-2001

- 3.06 **The US State Department, Background Note: Bangladesh, updated 6 March 2012,** stated that:

'Sheikh Hasina formed what she called a "Government of National Consensus" in June 1996, which included one minister from the Jatiya Party and another from the Jatiyo Samajtantric Dal, a very small leftist party. The Jatiya Party never entered into a formal coalition arrangement, and party president H.M. Ershad withdrew his support from the government in September 1997. Only three parties had more than 10 members elected to the 1996 Parliament: The Awami League, BNP, and Jatiya Party. Jatiya Party president, Ershad, was released from prison on bail in January 1997.

'International and domestic election observers found the June 1996 election free and fair, and ultimately, the BNP party decided to join the new Parliament. The BNP soon charged that police and Awami League activists were engaged in large-scale harassment and jailing of opposition activists. At the end of 1996, the BNP staged a parliamentary walkout over this and other grievances but returned in January 1997 under a four-point agreement with the ruling party. The BNP asserted that this agreement was never implemented and later staged another walkout in August 1997. The BNP returned to Parliament under another agreement in March 1998.

'In June 1999, the BNP and other opposition parties again began to abstain from attending Parliament. Opposition parties staged an increasing number of nationwide general strikes, rising from 6 days of general strikes in 1997 to 27 days in 1999. A four-party opposition alliance formed at the beginning of 1999 announced that it would boycott parliamentary by-elections and local government elections unless the government took steps demanded by the opposition to ensure electoral fairness. The government did not take these steps, and the opposition subsequently boycotted all elections, including municipal council elections in February 1999, several parliamentary by elections, and the Chittagong city corporation elections in January 2000.

'In July 2001, the Awami League government stepped down to allow a caretaker government to preside over parliamentary elections. Political violence that had increased during the Awami League government's tenure continued to increase through the summer in the run up to the election. In August, Khaleda Zia and Sheikh Hasina agreed during a visit of former President Jimmy Carter to respect the results of the election, join Parliament win or lose, forswear the use of hartals (violently enforced strikes) as political tools, and if successful in forming a government allow for a more meaningful role for the opposition in Parliament. The caretaker government was successful in containing the violence, which allowed a parliamentary general election to be successfully held on October 1, 2001.' [2b]

[Return to contents](#)
[Go to sources](#)

Government of Khaleda Zia, 2001-2006

- 3.07 **The US State Department, Background Note: Bangladesh, updated 6 March 2012,** stated that:

'The four-party alliance led by the BNP won over a two-thirds majority in Parliament. Begum Khaleda Zia was sworn in on October 10, 2001, as Prime Minister for the third time (first in 1991, second after the February 15, 1996 elections).

‘Despite her August 2001 pledge and all election monitoring groups declaring the election free and fair, Sheikh Hasina condemned the election, rejected the results, and boycotted Parliament. In 2002, however, she led her party legislators back to Parliament, but the Awami League again walked out in June 2003 to protest derogatory remarks about Hasina by a State Minister and the allegedly partisan role of the Parliamentary Speaker. In June 2004, the AL returned to Parliament without having any of their demands met. They then attended Parliament irregularly before announcing a boycott of the entire June 2005 budget session.’ [2b]

3.08 The Institute for Defence Studies and Analyses (IDSA), in a report stated that:

‘On August 21, 2004, a little before 5.30 in the evening, there was a grenade attack on the Awami League leader, Sheikh Hasina Wajed. This occurred soon after she concluded her speech in a public rally close to the Awami League headquarters in Dhaka, ... 11 of the 13 grenades hurled at the rally exploded instantly followed by indiscriminate firing fortunately missing the target ... The impact left 18 dead and hundreds wounded. Committed in broad daylight, the terror attack - the work of ‘experts’ - was meticulously planned and executed.

‘The recent grenade attack on Sheikh Hasina has provided the Opposition ammunition to reiterate the demand for the present alliance to quit. Despite a month-long programme that ended recently, the Opposition forces were unable to muster adequate strength to bring about the dismissal of the BNP alliance government.’ [120a]

3.09 **The US State Department, Background Note: Bangladesh, updated 6 March 2012** continued:

‘On August 17, 2005, near-synchronized blasts of improvised explosive devices in 63 out of 64 administrative districts targeted mainly government buildings and killed two persons. An extremist Islamist group named Jama'atul Mujahideen, Bangladesh (JMB) claimed responsibility for the blasts, which aimed to press home JMB's demand for a replacement of the secular legal system with Islamic sharia courts. Subsequent attacks on the courts in several districts killed 28 people, including judges, lawyers, and police personnel guarding the courts. A government campaign against the Islamic extremists led to the arrest of hundreds of senior and mid-level JMB leaders. Six top JMB leaders were tried and sentenced to death for their role in the murder of two judges; another leader was tried and sentenced to death in absentia in the same case.

‘In February 2006, the AL returned to Parliament, demanded early elections, and requested significant changes in the electoral and caretaker government systems to stop alleged moves by the ruling coalition to rig the next election. The AL blamed the BNP for several high-profile attacks on opposition leaders and asserted the BNP was bent on eliminating Sheikh Hasina and the Awami League as a viable force. The BNP and its allies accused the AL of maligning Bangladesh at home and abroad out of jealousy over the government's performance on development and economic issues. Dialogue between the Secretaries General of the main ruling and opposition parties failed to sort out the electoral reform issues.’ [2b]

[Return to contents](#)
[Go to sources](#)

Caretaker government and state of emergency, October 2006 – January 2009

3.10 The USSD Background note stated:

'The 13th Amendment to the constitution required the president to offer the position of the Chief Adviser to the immediate past Chief Justice of the Supreme Court, Justice K.M. Hasan, once the previous parliamentary session expired on October 28, 2006. The AL opposed Justice Hasan, alleging that he belonged to the ruling BNP in the past and that the BNP government in 2004 amended the constitution to extend the retirement age for the Supreme Court judges to ensure Justice Hasan became the Chief Adviser to help BNP win the elections. Justice Hasan declined the position, and after two days of violent protests, President Iajuddin Ahmed also assumed the role of Chief Adviser to the caretaker government.

'On January 3, 2007, the Awami League announced it would boycott the January 22 parliamentary elections. The Awami League planned a series of country-wide general strikes and transportation blockades.

'On January 11, 2007, President Iajuddin Ahmed declared a state of emergency, resigned as Chief Adviser, and indefinitely postponed parliamentary elections. On January 12, 2007, former Bangladesh Bank governor Fakhruddin Ahmed was sworn in as the new Chief Adviser, and ten new advisers (ministers) were appointed. Under emergency provisions, the government suspended certain fundamental rights guaranteed by the constitution and detained a large number of politicians and others on suspicion of involvement in corruption and other crimes. In January 2008, a reshuffle of the caretaker government took place, which included the appointment of special assistants to help oversee the functioning of the administration.

'On July 16, 2007 the government arrested Awami League president and former Prime Minister Sheikh Hasina on charges of extortion during her tenure as Prime Minister. Hasina was released on parole in June 2008 and allowed to travel to the United States for medical treatment. The cases against her continue. On September 3, 2007, the government arrested BNP chairperson and former Prime Minister Khaleda Zia on charges of corruption. Sheikh Hasina returned from abroad and Khaleda Zia was released from prison to lead their respective parties in the parliamentary election campaign in the fall of 2008.'

'Municipal elections were held in 13 city corporations and municipalities on August 4, 2008. These elections were judged free and fair by international and domestic observers. The Election Commission registered over 80 million voters in preparation for parliamentary elections, which were held December 29, 2008. The Awami League swept to a landslide victory in what domestic and international observers declared a free, fair and credible election. The caretaker government ended on January 6, 2009 when Awami League President Sheikh Hasina became Prime Minister.' [2b]

3.11 It was announced on 17 December 2008 that the President had signed an order terminating the state of emergency completely. (BBC News) [20q]

See International Crisis Group, [Restoring Democracy in Bangladesh](#), 28 April 2008 [128b] for further background

See Section 4: [Recent developments](#), Section 6: [Political system](#) and Section 8: [Security forces](#)

[Return to contents](#)
[Go to sources](#)

RESTORING DEMOCRACY IN BANGLADESH

General election of 29 December 2008

- 3.12 The United Nations Development Programme (UNDP) reported in a press release dated 25 December 2008:

‘As Bangladesh gears up for its first parliamentary elections in seven years, a nationwide independent audit of the country’s new digital voter list has concluded that all names on the roll are legitimate voters and nearly all eligible voters are on the list. This first ever computerized photo voter list in Bangladesh contains pictures of more than 80 million voters and took 11 months to compile ... The independent audit of the computer voter list, conducted by Washington-based International Foundation for Electoral Systems (IFES), consisted of two nationwide surveys sampling nearly 17,000 individuals of voting age across the country. It concluded that the list was compiled with a ‘high degree of accuracy’. It verified that no ‘ghost voters’ were found on the 2008 photo voters list.’ **[108b]**

See also Section 6: [Political system – Supervision of elections](#)

[Return to contents](#)
[Go to sources](#)

Political parties which contested the general election

- 3.13 The Election Commission required political parties to register by 20 October 2008 in order to take part in the general election. Over 100 parties applied for registration, but only 39 of those met the criteria laid down in the Representation of the People Ordinance 2008 and its amendments; 38 of these 39 parties actually fielded candidates. In addition, 148 individuals stood as independents. (The Daily Star, 1 January 2009) **[38y]** (RP2008 Ordinance) **[16b]**
- 3.14 Both the Awami League (AL) and the Bangladesh Nationalist Party (BNP) maintained alliances with a number of other parties to contest the 2008 election: The AL-led 14-party Mohajot, or ‘grand alliance’, and the BNP-led ‘four party alliance’ (see Results below). (BBC News, 12 December 2008) **[20v]**

See International Crisis Group, [Bangladesh: Elections and Beyond](#), 11 Dec 2008 **[128a]** for further background

Results of the general election

- 3.15 The results (marked ‘unofficial’), published on the website of the Bangladesh Election Commission (accessed 13 January 2009), were as follows:

	Number of seats
Awami League-led ‘grand alliance’:	
Awami League	230
Jatiya Party – Ershad	27
Jatiya Samajtantrik Dal (JSD)	3

Liberal Democratic Party	1	
Workers Party	2	263
BNP-led 'four-party alliance':		
Bangladeshi Nationalist Party (BNP)	30*	
Jamaat-e-Islami	2	
Bangladesh Jatiya Party (BJP)	1	33
Independent candidates		4
Total		300

*includes the result in Noakhali-1, declared 12 January 2009 **[16a]**

[Return to contents](#)
[Go to sources](#)

Reaction to the results

3.16 The magnitude of the Awami League win came as a surprise to most commentators. One reason for the outcome, it was suggested, was that the AL – formerly seen as a traditionalist party – presented a pragmatic and forward-looking set of policies, which appealed to younger and first-time voters, whereas the BNP and its allies reportedly conducted a more negative campaign. (Economist Intelligence Unit, 30 December 2008) **[40h]**

3.17 BBC News reported on 30 December 2008 that BNP leader Khaleda Zia had said she rejected the results, telling reporters:

'We have confirmed reports of rigging and other irregularities in many polling stations across the country...We are collecting details of more irregularities and will give them to the media and appropriate authorities over the next few days.' **[20u]** Nevertheless, BNP officials confirmed on 7 January 2009 that their MPs would be attending the first session of the new parliament 'for the sake of democracy, the country's interest and to continue the democratic process'. (BBC News, 12 January 2009) **[20t]**

[Return to contents](#)
[Go to sources](#)

International observer reports

3.18 According to a BBC News article of 30 December 2008, the general election was monitored by some 200,000 observers, including 2,500 from abroad. **[20r]**

3.19 The United Nations Development Programme (UNDP) noted in a press release of 11 January 2009:

'Bangladesh's 9th parliamentary election is being hailed as the country's most transparent, credible, and peaceful election ever.

'The High-Level Panel established by UN Secretary-General Ban Ki-Moon for the elections consisting of senior UN officials and election experts said that the Election Commission had conducted the polls with credibility and fairness, pointing to the very high voter turnout and the large participation by minorities. Over 200,000 national and 500 international election observers deployed on Election Day returned similar verdicts:

the election was peaceful, transparent, and credible, setting a high democratic standard.’ [108a]

- 3.20 The Asian Network for Free Elections (ANFREL), which deployed 70 observers around the country, reported that the election was conducted credibly and it did not believe isolated breaches of the electoral laws affected the overall polling process. (United News of Bangladesh, 31 December 2008) [39k] The Commonwealth Observer Group told a press conference that they did not find any evidence to justify the BNP’s claims of serious irregularities. (UNB, 31 December 2008) [39l] Similarly, the European Union Election Observation Mission did not find evidence of ‘election manipulation’ as alleged by the BNP; they reported that the general election was free, fair and transparent and was held in a peaceful atmosphere, with high turnout. (The Daily Star, 1 January 2009) [38ab]

See [Commonwealth Secretariat, 2008 Bangladesh Elections - Interim Statement](#) [118a] and ANFREL, [Bangladesh: Ninth National Parliament Election 2008](#) [106a] for further background.

[Return to contents](#)
[Go to sources](#)

Post-election violence

- 3.21 The Dhaka-based human rights NGO, Odhikar, stated that – according to press reports – 62 people were killed and over 4,000 were injured in violence between supporters of various political parties during the first three months of 2009. [46c] Most were killed in clashes between supporters/activists of the Awami League, BNP and Jamaat-e-Islami and their affiliated student organisations, and between members of two opposing factions of Bangladesh Chhatra League, the student association of the AL. In most instances, the violence involved students and it took place at several different universities and colleges throughout the country. (Odhikar) [46c] For example, clashes between AL and BNP student wings in early January at Jahangir Nagar University, located 30 km from the centre of Dhaka, spread and led to the temporary closures of a number of other higher-education institutions. According to the Economist Intelligence Unit, “The violence [at Jahangir Nagar University] was sparked by an attempt by some students to ‘establish control’ over certain dormitories”. (EIU, February 2009) [40f]

(Note: ODHIKAR - The principal objectives of the organisation are to raise the awareness of human rights and its various abuses, on the one hand and to create a vibrant democratic system through election monitoring on the other. The organisation also performs policy advocacy to address the current human rights situation.) [46] (About Us)

[Return to contents](#)
[Go to sources](#)

Sheikh Hasina, 2009 to May 2010

- 3.22 Awami League leader Sheikh Hasina was sworn in as Prime Minister on 6 January 2009. (BBC News, 6 January 2009) [20s] In selecting members of her cabinet, she overlooked many in the party’s “old guard” in favour of generally younger, “bolder” appointments – which included four women and three members of ethnic minorities – in an attempt to build what The Daily Star described as “a bold, new and gender sensitive

face of Bangladesh's government". No members of the new cabinet had faced corruption charges. (The Daily Star, 7 and 12 January 2009) [38z] [38aa]

3.23 The USSD Background note, **updated March 2012** stated that:

'...The BNP-led opposition attended the opening of the Parliament session, but has since mounted several boycotts in protest of perceived slights by the ruling party. Both sides struggle to break free from their shared history of confrontational politics, and key institutions necessary for strengthening democracy remain weak. As the new government was settling into office, it was rocked by a mutiny by border guards on February 25-26, 2009 in which more than 50 army officers were murdered.

'Prime Minister Hasina has sought to increase Bangladesh's presence on the world stage. As leader of one of the countries most vulnerable to climate change, Hasina has been a vocal advocate for mitigation and adaptation by both developed and developing countries, aligning with the Copenhagen Accord in January 2010. In a sharp change from previous administrations, her government has actively confronted violent extremist groups to deny space to terrorist networks and activities within its borders. The simultaneous elections of the Awami League and the Congress Party in India set the stage for renewed bilateral talks between the countries, an atmosphere which has been improved by counterterrorism cooperation. In January 2010, Hasina travelled to New Delhi to meet with Indian Prime Minister Singh, where they signed three agreements on mutual legal assistance in criminal matters, transfer of sentenced persons, and countering terrorism, organized crime, and illegal drug trafficking; and two memoranda of understanding on energy sharing and cultural exchange programs.' [2b]

[Return to contents](#)
[Go to sources](#)

Local elections

3.24 Elections for the upazila parishads (sub-district councils) were held on 22 January 2009. The Economist Intelligence Unit reported:

'Preliminary results released on January 24th showed that Awami League-backed candidates had won 306 of the 475 upazila leadership positions contested; the authorities suspended voting in several upazilas, owing to disturbances or electoral irregularities. BNP-backed candidates won 79 seats, followed by an Islamist party, Jamaat-e-Islami, with 20, the Jatiya Party, also with 20, and candidates of other parties with 44. Unlike the national election, the local polls were marred by violence and allegations of vote-rigging and voter intimidation; at least three people were killed and 150 injured in post-poll violence ... The Election Commission has said that there were instances in which the AL, which now governs at national level, misused its power to interfere with the electoral process. The BNP rejected the upazila poll results, saying that the elections had been 'grossly rigged' ... [T]he new national government has already indicated that it will modify the legislation to give parliamentarians greater influence at local level than envisaged by the previous administration.' (EIU Country Report, February 2009) [40f]

3.25 Md. Zillur Rahman, a 79 year old Awami League leader, was sworn in as President of Bangladesh on 12 February 2009 having been elected (unopposed) by parliament. He resigned his seat as an MP. The former President, Iajuddin Ahmed, whose five-year term expired in September 2007, had remained in office until after the election of a new

parliament. The presidency of Bangladesh is a largely ceremonial post. (The Daily Star, 12 February 2009) [38aj]

- 3.26 It was reported on 25 March 2009 that a large arms cache and bomb-making equipment had been found at an Islamic school, or madrassa, in the southern district of Bhola; the school was reportedly run by 'Green Crescent', a UK based charity. (BBC News) [20z]
- 3.27 Opposition Leader Khaleda Zia was, on 20 April 2009, served with a notice to vacate her residence in the Dhaka cantonment (military compound) within 15 days. She had lived there since her husband, former President Ziaur Rahman, was assassinated in 1981. The government claimed that Mrs Zia was allocated a house in the Gulshan district of Dhaka following her husband's death, and that it was illegal for her to hold a lease on that house as well as the residence in the Dhaka cantonment. Mrs Zia's supporters viewed the notice as an act of political vindictiveness and resolved to challenge it in court. (EIU, May 2009) [40g] The Daily Star reported on 28 May 2009 that the High Court had stayed (for three months) a third notice of eviction and had issued a rule upon the government to explain why the notice should not be declared illegal. [38af] The Daily Star further reported, on 24 August 2009, that the order staying the governments' third notice was extended by a further four months as the government had not responded to the illegality question. [38al]

BANGLADESH RIFLES (BDR) MUTINY

- 3.28 On 25 February 2009 a mutiny took place at a Bangladesh Rifles (border guards) barracks in the Pilkhana area of Dhaka, apparently following a dispute over pay and conditions; the mutineers surrendered the following day, after tanks surrounded the barracks. (BBC News, 27 February 2009) [20w] By 2 March, the bodies of 57 murdered army officers and 17 other people had been found at the barracks. (Army officers are seconded to command posts in the Bangladesh Rifles.) Nearly 700 guardsmen (jawans) had, by then, been detained and were liable to charges ranging from sedition to murder. Police were still searching for several hundred other guardsmen and 'accomplices' who had absconded since 25 February. (BBC News, 2 March 2009) [20x]

See Open Democracy: [Bangladesh: revolt and fallout](#), 31 March 2009 [99a] for further background including the possibility that the mutiny was sparked by BDR frustration at their remuneration package (which is much inferior to that enjoyed by the army) as well as their exclusion from lucrative United Nations postings that army personnel are routinely offered.

- 3.29 Investigators said on 10 March 2009 that they had so far found evidence of about 450 guardsmen being involved in the mutiny. (The Daily Star, 10 March 2009) [38ac] BBC News reported on 11 March 2009 that a team from Scotland Yard had arrived in Bangladesh to help with the investigation. BBC News commented that Prime Minister Sheikh Hasina had 'won praise' from many Bangladeshis for her handling of the situation and in 'averting a coup'. She had apparently held a meeting with about 2,000 army officers soon after the event, many of whom expressed anger that the government had not sent in troops immediately after news of the mutiny had been received. [20y] The Daily Star reported on 21 April 2009 that 1,079 guardsmen and 20 other people had so far been arrested for suspected involvement in the mutiny. Investigators were making use of video footage and "information from various sources" to identify suspects. The government reportedly would be consulting legal experts to decide under what law the accused would be tried. [38ad]

- 3.30 An Amnesty International (AI) release of 27 March 2009 stated that:

‘Four detained border guards have died in Bangladesh in the past two weeks. Amnesty international has called on the country’s authorities to institute an independent, impartial and competent body to investigate the deaths. The four members of Bangladesh Rifles (BDR) were among hundreds of detained BDR personnel interrogated on suspicion of involvement in the killing of more than 70 people ... It is not clear if they were in the custody of the army or the police when they died.

‘There are credible reports suggesting that these detainees may have died as a result of torture. Government officials have said the first two committed suicide and the other two died of heart attacks. However, hospital sources have noted that the wrists, arms, knees and shoulders of the latest victim were swollen and badly bruised.’ [7c]

- 3.31 The Daily Star reported on 15 May 2009 that a military committee appointed to investigate the reasons behind the mutiny had returned largely inconclusive findings. The committee recognised that the guardsmen had several grievances and that these had been made known prior to the mutiny, but there were apparently also suggestions that “external parties” may have exploited the soldiers’ grievances to instigate the mutiny, possibly for political reasons. The committee pointed out that its terms of reference did not permit it to record statements from civilians, and it therefore recommended that a more powerful enquiry board be formed to continue the investigation. The committee also suggested that the guardsmen be tried under army rules. The Daily Star recorded that a further 750 guardsmen had been arrested on sedition charges since 10 May 2009. [38ai]

- 3.32 The trial of the first group of some 3,500 members of the BDR who were accused of taking part in the mutiny in February 2009 started on 24 November 2009. Observers noted that for the government, the trial was important for several reasons. Firstly, it wanted to bring to justice the perpetrators of the mutiny. Secondly, the government needed to maintain good relations with the still influential army, which relinquished political power in December 2008 after a two-year state of emergency. Finally, the government wanted to be seen as being able to deliver justice. (EIU Country Report, December 2009) [40c] (p9)

- 3.33 The Economist Intelligence Unit (EIU), in its Bangladesh Country Report dated December 2009, stated that:

‘During its term of office the greatest challenge for the government will be to retain the support of the security forces, and in particular the army and the Bangladesh Rifles (BDR, a paramilitary force). A mutiny staged by members of the BDR in February [2009], which resulted in the deaths of around 70 army officers and civilians, threatened to destabilise relations between the two security forces. In addition, the army’s insistence on using the Army Act (which stipulates the death penalty for mutineers) to prosecute the perpetrators of the mutiny also threatened to strain relations between it and the government. The government shrewdly left to the Supreme Court the decision on whether the perpetrators of the mutiny should be prosecuted under the act; the court decided in September that they should not. By seeking the opinion of the Supreme Court on the issue, the government has managed to escape accusations of bias from either the BDR or the army. It has also managed to avoid the political embarrassment of mass executions.’ [40c] (p4)

- 3.34 The same EIU report also noted that up to 48 detainees accused of taking part in the mutiny have died in custody since March [2009] and that the remaining detainees were being prosecuted under a controversial Speedy Tribunal Law that limits the duration of the trial. [40c] (p10)

See Section 4: Recent developments: January 2011 to August 2012

[Return to contents](#)
[Go to sources](#)

WAR CRIMES COMMITTED IN 1971

- 3.35 Amnesty International (AI), in a report 'UN provides welcome support to Bangladesh war crimes investigations', dated 7 April 2009, noted that:

'The government of Bangladesh has sought and received UN assistance in its efforts to investigate and prosecute crimes against humanity and other serious violations of human rights and humanitarian law committed in 1971. ... Amnesty International welcomed the news, having called on the Caretaker Government and political parties in January 2008 to address impunity for violations carried out in 1971 in the context of the independence war.' [7d]

TRIAL OF MURDERERS OF 'BANGABANDHU' SHEIKH MUJIBUR RAHMAN

- 3.36 A report from Reuters.com, dated 27 January 2010, stated that: '... Mujibur, or Mujib as he was popularly known, was Bangladesh's first president. He was killed with most of his family in a 1975 army revolt that ended the South Asian country's first spell of democracy and set the stage for decades of military rule. ... The government installed after the revolt issued an ordinance in November 1975 granting immunity to the killers.' [93a]

- 3.37 The same report stated that:

'Mujib's daughter Sheikh Hasina was elected prime minister in 1996 and vowed to put her father's killers on trial. Her government revoked the indemnity ordinance in 1996 and cleared the way for a trial of the assassins and coup leaders, beginning with a police complaint identifying 20 accused. In 1998 a Dhaka judge handed down death sentences on 15 of the 20 accused, of whom only four were in custody. They appealed in the High Court against the verdict, the first of a series of appeals. Between repeated appeals and governments less interested in the case than Hasina, who was out of power from 2001 until early 2009, those convicted remained in prison.' [93a]

- 3.38 The report continued:

'After lengthy hearings, the Supreme Court in November 2009 upheld the sentences on the five as well as six others still at large and believed to be outside the country. Another whose death sentence was upheld died abroad. Yet more appeals reached the end of the judicial process with the Supreme Court decision this month.

'Under Bangladeshi law the death sentences must be carried out within three or four weeks of that decision, unless the president grants clemency. President Zillur Rahman rejected clemency appeals by the convicted men. ... On 27 January 2010 the five

convicted killers of independence leader Sheikh Mujibur Rahman were executed at a Dhaka prison.’ [93a] [93b]

- 3.39 Regarding the six ‘absconders’ a report on NEWKERALA.COM, dated 29 January 2010, stated that: ‘Efforts were on to bring back to Bangladesh six fugitive killers of the country’s founding father Sheikh Mujibur Rahman, a minister said. ... The six absconding people are Lt Col (dismissed) Khandaker Abdur Rashid, Lt Col (relieved) Shariful Haque Dalim, Lt Col (ret’d) Nur Chowdhury, Lt Col (ret’d) A.M. Rashed Chowdhury, Capt Abdul Mazed and Risalder Moslehuddin.’ [119a]

See also section 3: [History – Sheikh Mujibur Rahman](#). For a time line of events see The Daily Star article, [\[The\] Long Road to Justice](#). [38am]

Further historical information can be found at: World History at KMLA - [History of Bangladesh](#), revised 27 May 2010. [122a]

[Return to contents](#)
[Go to sources](#)

WAR CRIMES TRIBUNAL

- 3.40 The EIU, in the Country Report of May 2010, stated that:

‘Following the government’s recent decision to establish a war crimes tribunal to investigate atrocities committed during the 1971 war of independence from Pakistan, there have been no signs that it might start soon. Optimistic observers believe that if the work of the tribunal were to commence this year, it could conclude its proceedings before the end of the AL’s current term of office in 2014. Establishing proof of war crimes perpetrated four decades ago is a time consuming process. The tribunal, which was set up in late March, is starting from scratch. At least initially, it is reviewing evidence collated by others, some of which is highly contentious. The War Crimes Fact Finding Committee (WCFFC), a Dhaka-based non-governmental organisation, is widely regarded as the only independent body in Bangladesh to have collated reliable evidence relating to the atrocities carried out in 1971. In April it published a list of 500 people whom it claims committed crimes against humanity, mass killings and other war crimes. The head of the WCFFC, M A Hasan, has said that, based on the list, “at least 20 notorious criminals” could be detained. But under the International War Crimes Tribunal Act 1973, the tribunal judges can issue an arrest warrant only once a person has been charged with an offence. The tribunal is some way away from filing charges, as a report of the findings of its investigations has yet to be compiled.’ [40i]

- 3.41 The HRW World Report 2011, Bangladesh, covering events in 2010, released on 24 January 2011, observed that:

‘In 2009 the parliament passed amendments to the International Crimes (Tribunals) Act of 1973 in order to bring to trial those responsible for human rights crimes in the war of 1971, but the law still falls short of international standards. Five members of Jamaat-e-Islami, a religious right-wing political group alleged to have collaborated with Pakistani forces, were in 2010 charged with war crimes, including genocide, and at this writing are awaiting trial before a special war crimes tribunal established in March to investigate crimes committed during Bangladesh’s battle for independence four decades ago.’ [10e]

See Section 4: Recent developments: January 2011 to August 2012

[Return to contents](#)
[Go to sources](#)

NATURAL CATASTROPHES

- 3.42 Cyclone 'Sidr', even though it occurred in 2007 it is still often referred to. The Times of London stated that: 'The eye of Cyclone Sidr ... hit land in an impoverished coastal area near Bangladesh's border with India. ... the head of the Bangladeshi meteorological department, said the storm matched one in 1991 that triggered a tidal wave that killed an estimated 138,000 people. Bangladesh's worst cyclone disaster was in 1970, when some half a million people died.' [102a]
- 3.43 Cyclone Aila struck on 25 May 2009 and caused devastation in the country's southern coastal districts. UNB reported on 29 May that the official death toll stood at 155; at least 7,000 people had been injured and over 500,000 homes were destroyed or partially damaged. [39n]

Data related to human and economic losses from disasters that have occurred between 1980 and 2010 can be found at [Bangladesh - Disaster Statistics](#). [54a]

[Return to contents](#)
[Go to sources](#)

4. RECENT DEVELOPMENTS: JANUARY 2011 TO AUGUST 2012

- 4.01 The Human Rights Watch World Report 2012 (covering events of 2011), dated 22 January 2012, stated that:

'To address fair trial concerns, the government in June 2011 amended the International Crimes (Tribunals) Act of 1973 to include some basic due process concerns, such as the right to the presumption of innocence and a fair and public hearing. But the law, established to prosecute those responsible for atrocities in the war of 1971, still fell short of international standards. The definitions of war crimes, crimes against humanity, and genocide did not conform to international standards and the government failed to amend the law to ensure due process. Defense lawyers, witnesses, and investigators said they had been threatened.'

'The tribunal in 2011 began proceedings in its first case, that of Jamaat-e-Islami leader Delawar Hossein Sayedee, accused of involvement in war crimes in the 1971 war.' [10a]

- 4.02 The Economist Intelligence Unit (EIU), in the Country Report of August 2012, stated that:

'One source of tension is the war crimes tribunal, which began its work in 2010. A number of senior figures in the BNP (Bangladesh National Party) and its main ally, the Jamaat-e-Islami, stand accused of committing atrocities during the 1971 war of secession with West Pakistan (now Pakistan) and thus face possible execution. The BNP and Jamaat are united in their opposition to the current trials, which they claim are politically motivated, although the BNP has insisted that it does not object to a war crimes tribunal in principle.' [40a] (p5)

See Section 3: [History - War Crimes Tribunal](#)

4.03 The HRW World Report 2012, stated that:

'Military tribunal hearings against members of the Bangladesh Rifles (BDR) accused of participating in a February 2009 mutiny continued through 2011. Military courts convicted nearly 1,000 soldiers in mass trials that did not meet fair trial standards, among other things because the prosecution failed to produce individualized evidence against each detainee. In a single trial that concluded on June 27, 657 of 666 defendants were found guilty and sentenced to prison terms ranging from four months to seven years.'

'Several thousand other soldiers remain in custody awaiting trial in military courts, while another 847 have been charged under the Bangladesh Criminal Code. Some of those charged under the criminal code face the death penalty and many do not have lawyers.'

'The government did not investigate allegations of torture and possibly as many as 70 custodial deaths during investigations after the mutiny. Many suspects were denied access to legal counsel, particularly in the few months directly after the mutiny.' [10a]

See Section 3: [History - Bangladesh Rifles \(BDR\) mutiny](#)

4.04 The EIU, in Events - Main report: August 30th 2012, stated that on 28 August 2012:

'Bangladesh's 18-party opposition alliance, led by the Bangladesh Nationalist Party (BNP), has announced a two-month anti-government agitation programme. The alliance has also reiterated its threat to boycott the 2014 parliamentary election unless the ruling Awami League (AL) government restores the caretaker government system.' [40b]

See Section 6: [Political system - Caretaker Government](#)

[Return to contents](#)
[Go to sources](#)

5. CONSTITUTION

5.01 Europa World Online, undated, accessed on 29 August 2012, stated that:

'A new Constitution for the People's Republic of Bangladesh was approved by this Assembly on 4 November 1972 and came into effect on 16 December 1972. Following the military coup of 24 March 1982, the Constitution was suspended, and the country was placed under martial law. On 10 November 1986 martial law was repealed and the suspended Constitution was revived. The Constitution was initially based on the fundamental principles of nationalism, socialism, democracy and secularism, but in 1977 an amendment replaced secularism with Islam. A further amendment in 1988 established Islam as the state religion. Under the 15th Amendment to the Constitution of 2011, secularism was restored as a fundamental principle of the state, while Islam was retained as the state religion' [1a] (Constitution and Government)

5.02 The Economist Intelligence Unit (EIU) Country Profile 2007 noted that amendments to the Constitution require a two thirds majority of parliament. [40d] (p8)

5.03 A United Nations Development Programme report of September 2002, entitled Human Security in Bangladesh, commented: 'The Constitution states that all existing laws that are inconsistent with fundamental rights shall be declared void, and the State is forbidden to make any law inconsistent with fundamental rights ... However, the enjoyment of any right is subject to "reasonable" restrictions imposed by law in the

interest of the State, public order, public health, morality or decency.’ The UNDP [United Nations Development Programme] report pointed out that “reasonable” is a relative term, and what is reasonable in one given set of circumstances may be unreasonable in another. [8b] (p15)

[Return to contents](#)
[Go to sources](#)

6. POLITICAL SYSTEM

6.01 As recorded in the US State Department 2011 Country Report on Human Rights Practices, Bangladesh, released on 24 May 2012, (USSD 2011):

‘On June 30 [2011], the AL-led parliament passed the 15th amendment to the constitution over an opposition boycott, abolishing the provision mandating that elections be held under a neutral, caretaker government. The caretaker government system was established before the 1996 parliamentary general elections in response to the electoral system’s perceived vulnerability to political manipulation. The amendment followed a May supreme court ruling that declared the caretaker system unconstitutional.

‘Under the 15th amendment, the 2013 parliamentary general elections and all subsequent elections are to be supervised by an independent electoral commission operating under the political government in power, which in 2013 would still be the current AL-led government. Many independent observers criticized the change because they believed that the electoral system’s vulnerabilities to political manipulation that had necessitated the creation of the caretaker system had not been addressed and would resurface, leaving the electoral system vulnerable to political manipulation. This issue became a matter of enormous partisan concern and attention during the year.’ [2a] (Section 3)

6.02 Europa World Online, undated, accessed on 29 August 2012, stated that:

‘The role of the President, who is elected by the Jatiya Sangsad (Parliament) for a five-year term, is essentially that of a titular head of state. Executive power is held by the Prime Minister, who heads the Council of Ministers. The President appoints the Prime Minister and, on the latter’s recommendation, other ministers. The Jatiya Sangsad comprises 345 members, 300 of whom are elected by universal suffrage: an additional 45 female members are appointed by the elective members on the basis of proportional representation. The Jatiya Sangsad serves a five-year term, subject to dissolution.’ [1a] (Constitution and Government)

6.03 As recorded in the USSD 2011: ‘... Party leaders appointed candidates for elections, and there were allegations that wealthy candidates could purchase nominations from party leaders with campaign contributions or personal gifts.’ [2a] (Section 3)

6.04 The Freedom House report, Freedom in the World 2012, covering events in 2011, published 12 July 2012, commented that:

‘Political dysfunction worsened during 2011, as the primary opposition and Islamist parties stepped up street protests and political violence. The government failed to address the problem of extrajudicial executions and other human rights abuses, and was accused of combating corruption in a politicized manner. Meanwhile, critical

nongovernmental organizations faced increased pressure, and the judiciary showed signs of mounting political influence.' [65a] (p1)

[Return to contents](#)
[Go to sources](#)

CARETAKER GOVERNMENT

- 6.05 The Economist Intelligence Unit's Bangladesh Country Profile 2007 (EIU Country Profile 2007) noted that, under the 13th amendment to the Constitution passed in March 1996, a non-party Caretaker Government takes office for a period of up to three months preceding a general election. This administration assumes office within 15 days of the dissolution of parliament and must hold the general election within 90 days of the dissolution; it is led by a Chief Advisor – who holds the status of a prime minister – and who runs the Government with not more than ten other Advisors appointed by the President on the advice of the Chief Advisor. [40d] (p9-10) Article 58c (7) of the Constitution provides that the Advisors must not be members of any political party or of any organisation affiliated to a political party. [4]
- 6.06 Clause 58c(3) of the Constitution states that 'The President shall appoint as Chief Advisor the person who among the retired Chief Justices of Bangladesh retired last and who is qualified to be appointed as an Advisor under this article...' The Constitution goes on to detail, in 58c(4) and (5), a sequence by which other senior retired judges would become eligible, should the most recently retired Chief Justice be unavailable for the post. Article 58c(6) also says: 'Notwithstanding anything contained in this Chapter, if the provisions of clauses (3), (4) and (5) cannot be given effect to, the President shall assume the functions of the Chief Adviser of the Non-Party Caretaker Government in addition to his own functions under this Constitution.' [4]
- 6.07 Maneeza Hossain, of the Hudson Institute, wrote in June 2007: 'Although similar governments have appeared elsewhere, for Bangladesh it is a new model. I describe it as "semi-constitutional" because it stretches the notion of a caretaker cabinet into a time-frame for which the Constitution is silent.' [95a] (p2)
- 6.08 The Economist Intelligence Unit's Bangladesh Country Report 2012 (EIU Country Report 2012) commented upon a constitutional change, and stated that:
- 'The passage in 2011 of the 15th amendment to the constitution, which scrapped the caretaker government system, has increased the risk of a messy transfer of power following the next election. For the past two decades, preparations for general polls have been overseen by non-partisan caretaker governments, in a process that both the AL and the BNP formerly deemed necessary to ensure free and fair elections following a period of military dictatorships in the 1970s and 1980s. The BNP is opposed to the abolition of the system as it believes that polls overseen by the incumbent government will be flawed, and in September 2011 it announced that it would boycott the next election in protest. The constitutional change may therefore have set the stage for a showdown between Bangladesh's main parties, and this in turn could stall the democratic process. The last time that the opposition boycotted an election, the army stepped in. This was in late 2006, when the political process broke down amid allegations by the AL (then in opposition) that the head of the caretaker government was partisan and that the electoral roll was grossly inaccurate.' [40a] (p4)

[Return to contents](#)
[Go to sources](#)

LOCAL GOVERNMENT

6.09 The EIU Country Profile 2007 noted:

'Bangladesh is divided into 64 districts, each with its own district council. Beneath the districts are 460 sub-districts and 4,488 union councils [union parishad], which are currently the lowest tier of government in Bangladesh. In late 2003 the Government formed 40,392 village governments (gram sarkar) as a fourth layer of government. Gram sarkars are non-elected bodies at the grassroots level, and were introduced by a former president, General Zia, in late 1970s. When he was president, General Ershad introduced upazila (local councils) in the mid-1980s, as an elected local government body. The village governments are aimed at local development by local people. Although the constitution provides for elected bodies at all tiers of local government, only the third tier – union councils and municipalities (mostly sub-district and district administrative centres) – is elected; all others are administratively controlled. Bangladesh has six administrative divisions – Dhaka, Chittagong, Khulna, Barisal, Rajshahi and Sylhet – and four major municipal corporations – Dhaka, Chittagong, Rajshahi and Khulna. The mayors of the municipal corporations are directly elected and wield considerable political power.' [40d] (p9)

6.10 On 2 August 2005, United News of Bangladesh and BBC News reported that the High Court had declared Gram Sarkar – village governments composed of nominated members – illegal and unconstitutional, on the basis that they violated the basic principles of democracy based on elections, as provided for in the Constitution. [20i] [39c] The Daily Star reported on 21 April 2008 that the Government had approved the Gram Sarkar (Rescission) Ordinance 2008, abolishing Gram Sarkar village governments. [38w]

[Return to contents](#)
[Go to sources](#)

SUPERVISION OF ELECTIONS

6.11 Europa (accessed 14 December 2009), noted that the Bangladesh Election Commission (BEC), a constitutional body, supervises parliamentary and presidential elections. The Commission also delimits constituencies and prepares electoral rolls. It consists of a Chief Election Commissioner and other commissioners, as appointed by the President. The Election Commission is independent in the exercise of its functions. [1b]

See also Section 3: [History- General Election of 29 December 2008](#). See also Section 15: [Political affiliation](#)

[Return to contents](#)
[Go to sources](#)

Human Rights

7. INTRODUCTION

- 7.01 The Human Rights Watch (HRW) World Report 2011, Bangladesh, covering events in 2010, released on 24 January 2011, observed:

'The elected government of Prime Minister Sheikh Hasina Wazed made strong commitments to address serious human rights problems in 2010, but those promises were not realized, as extrajudicial executions and torture continued, as well as impunity for members of the security forces. The government mounted sustained attacks on the right to freedom of expression of the media and political opposition. Labor union activists protesting for higher wages were systematically targeted and, in some cases, arrested and jailed on trumped-up charges.' [10e]

- 7.02 HRW) World Report 2012, covering events in 2011, released on 22 January 2012, stated that:

'The Awami League government failed to use its significant parliamentary mandate in 2011 to push through policies to ensure strong protections of human rights. Instead of prosecuting members of the Rapid Action Battalion (RAB), who engage in extrajudicial killings, the home minister chose to deny that such violations occur, even in cases where internal ministry investigations found evidence of wrongdoing. The practice of disguising extrajudicial killings as "crossfire" killings seeped from the RAB into other law enforcement institutions, particularly the police. New allegations of torture, arbitrary arrest, and enforced disappearances by police continue to emerge.

'The government in 2011 tightened controls over civil society organizations by prosecuting labor union leaders and delaying foreign grants to NGOs [Non Governmental Organisation]. At this writing a bill proposing restrictions on media, which would prohibit the broadcast of certain religious and political speech, was under consideration.

'Violence against women including rape, dowry-related assaults, acid attacks, and sexual harassment continue.' [10a]

- 7.03 The US State Department 2011 Country Report on Human Rights Practices: Bangladesh, (USSD 2011), covering events in 2011, released on 24 May 2012, stated in its introductory section:

'... International and domestic observers considered the 2008 elections to be free and fair, with isolated irregularities and sporadic violence. There were instances in which elements of the security forces acted independently of civilian control.

'The most significant human rights problems were killings and torture by security forces; societal violence and discrimination against women, despite recent progress in their economic and social status; and the government's discrimination against and failure to protect indigenous persons from societal violence.

'Other human rights problems included abuses by security forces, which were responsible for disappearances, custodial deaths, and arbitrary arrest and detention. Prison conditions at times were life threatening, and lengthy pretrial detention continued to be a problem. An increasingly politicized judiciary exacerbated problems in an

already overwhelmed judicial system and constrained access to justice for members of opposition parties. Authorities infringed on citizens' privacy rights. There were instances in which the government limited freedom of speech and press, self-censorship continued, and security forces harassed journalists. The government curbed freedom of assembly, and politically motivated violence remained a problem. Widespread official corruption remained a serious problem. Violence against children remained a serious problem, as did trafficking in persons. Discrimination against persons with disabilities was a problem. Societal violence against religious and ethnic minorities persisted, although many government and civil society leaders stated that these acts often had political or economic motivations and could not be attributed only to religious belief or affiliation. Discrimination against persons based on their sexual orientation remained a problem. Limits on worker rights, child labor, and unsafe working conditions also remained problems.

'Impunity continued to be a serious problem in several areas. Most members of the security forces acted with impunity, the Rapid Action Battalion (RAB) in particular. The government did not take comprehensive measures to investigate cases of security force killings. Widespread official corruption and related impunity continued. Punishment of officials who committed abuses was predominantly limited to officials perceived to be opponents of the AL-led government.' **[2a] (Introduction)**

7.04 Bangladesh is party to most of the principal United Nations international human rights treaties. The Office of the UN High Commissioner for Human Rights website (accessed in June 2009) noted that these included:

- the International Covenant on Economic, Social and Cultural Rights (CESCR), date of accession 5 January 1999;
 - the International Covenant on Civil and Political Rights (CCPR), date of accession 6 December 2000;
 - the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), date of accession 11 July 1979;
 - the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), date of accession 6 December 1984;
 - the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW-OP), date of ratification 22 December 2000;
 - the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), date of accession 4 November 1998;
 - the Convention on the Rights of the Child (CRC), date of ratification 2 September 1990; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC), date of ratification 12 February 2002; the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC-OP-SC), date of ratification 18 January 2002;
 - the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC), signatory only 7 October 1998.
- [8a]**

[Return to contents](#)
[Go to sources](#)

8. SECURITY FORCES

- 8.01 The internal security establishment consists primarily of the police and four auxiliary (paramilitary) forces: the Bangladesh Rifles (BDR), the Rapid Action Battalion (RAB), the Ansars and the Village Defence Party, all of which are organised nationally under the control of the Ministry of Home Affairs. (MOHA). (Bangladesh Ministry of Home Affairs, accessed 11 January 2010) [33]

See also Section 9: [Military service](#) regarding external security.

[Return to contents](#)
[Go to sources](#)

POLICE AND PARAMILITARY FORCES

- 8.02 The US State Department 2011 Country Report on Human Rights Practices: Bangladesh (USSD 2011), released on 24 May 2012, stated that:
- 'Police are organized nationally under the Ministry of Home Affairs (MOHA) and have a mandate to maintain internal security and law and order. ... Police generally were ineffective and reluctant to investigate persons affiliated with the ruling party. Impunity was widespread among the security forces. Although mechanisms exist to investigate abuses by security forces, in practice these were not implemented. The government took some steps to improve police professionalism, discipline, training, and responsiveness and reduce corruption. For instance, the RAB sought technical assistance towards the creation of an internal affairs unit.' [2a] (Section 1d)
- 8.03 The Bangladesh Police are made up of 123,000 personnel serving under police divisions across the country ... (Bangladesh Police website, May 2009) [98a] According to the website of the Rapid Action Battalion (accessed June 2009), Bangladesh has one police officer per 1,200 population, compared with ratios of 1:728 for India and 1:625 for Pakistan. [70] (Note: 'Cobra' and 'Cheetah' sometimes referred to as 'Kobra' and 'Chita', are units within the Bangladesh Police.) [38e]
- 8.04 The following information on the various auxiliary paramilitary forces was obtained from the websites of the Rapid Action Battalion, [70], the Bangladesh Rifles [72] and the non-governmental website, Bangladesh Military Forces [71] (all accessed 11 January 2010), Jane's Information Group [83a] (accessed 28 April 2010): **Rapid Action Battalion (RAB):** The Rapid Action Battalion was established in March 2004 as a special anti-crime strike force capable of dealing with armed criminal organisations. It ... consists of personnel drawn mainly from the police and the armed forces. [70] [71] [83a] There are 12 RAB battalions, stationed in the main urban centres of the country, with a total strength of roughly 9,000 personnel. RAB troops have received training from the Special Forces and are equipped with modern equipment. (Human Rights Watch (HRW), 18 May 2009) [10d] (Section III) [70] The Freedom House report, *Freedom in the World*, 2012 commented, 'Security forces including the Rapid Action Battalion (RAB), a paramilitary unit composed of military and police personnel, have been criticized for excesses like extrajudicial executions. According to Odhikar, there were 84 extrajudicial killings by law enforcement agencies in 2011, and it is estimated that more than 800 people have been killed by the RAB since its formation in 2004.' [65a] (p5) The NGO Odhikar reported that, during 2011, 42 people were killed by the RAB in 'crossfire/encounter/gunfight/shootout'. [46f] (p62)

See [Torture](#), [Extrajudicial Killings](#) and [Accountability and impunity](#), below.

Police Reform Programme

- 8.05 The Bangladesh Ministry of Home Affairs: Police Reform Programme (PRP), a programme designed to assist the Bangladesh Police to improve performance and professionalism, to ensure equitable access to justice and to be more responsive to the needs of vulnerable people, commenced in 2005 and then progressed more rapidly under the Caretaker Government. [97a] A comprehensive public attitude baseline survey was carried out in 2006 and submitted in January 2007 (see '[Avenues of complaint](#)', below). [97b] The PRP reported that by April 2008, 11 model thanas (police stations), designed under the Programme, had so far opened in different regions of the country; officers were receiving training on human rights, on gender awareness and on accountability. Another six brand new model thanas are being constructed covering modern facilities and will be open very soon. In Phase-II of PRP work on another 18 thanas will be undertaken. [97b]
- 8.06 Under the Police Reform Programme, a draft ordinance (Bangladesh Police Ordinance 2007) was prepared to replace the Police Act of 1861; it aimed to redefine the roles and responsibilities of police. It also recommended pay increases and improved allowances for police personnel, and provided for specialised training of officers. (New Age, 10 June 2007) [96a] The draft ordinance proposed the establishment of a Police Complaints Commission, as well as a Summary Court for quick adjudication of cases against police personnel accused of abuse of power or other irregularities. (Daily Star, 20 June 2007) [38r] An article in The Daily Star of 26 August 2008 noted that the Police Ordinance 2007 had not yet been implemented, but had been referred to stakeholders for comment. [38s] It was reported on 12 January 2012 that the government had not yet selected the draft Ordinance for ratification by Parliament. (The Daily Star) [38x]
- 8.07 In February 2009 the country's first Victim Support Centre was established in Dhaka by the Bangladesh Police. It is staffed by 17 trained female police officers and is supported by a network of health care professionals, social workers, lawyers and NGO personnel. The UN Development Programme's Country Director, Stefan Priesner, commented at the Centre's inauguration that it reflected "the significant shift that has taken place in the police mindset in recent years". (Minsitry of Home Affairs, Police Reform Programme press release, 17 February 2009) [97b]
- 8.08 The International Crisis Group, in 'Bangladesh: Getting Police Reform on Track', 11 December 2009, reported that:
- 'After decades of misuse and neglect, Bangladesh's police are a source of instability and fear rather than a key component of a democratic society. Human rights abuses are endemic and almost all Bangladeshis who interact with the police complain of corruption. With an elected government in place again, there are now opportunities to reform this dysfunctional force. But there are also significant obstacles. If the government fails to move beyond the current modest reform process, the democratic transition could falter should deteriorating security give the military another chance to intervene, using, as it has in the past, the pretext of upholding law and order to justify derailing democracy. Deep structural reforms – including a new police law – and major additional resources are necessary to create an effective and accountable service.'
- [128c] (Executive summary)

Bangladesh Ansar and Village Defence Parties (VDP): These voluntary forces are combined under the Ministry of Home Affairs' Ansar and VDP Directorate. The forces have the stated mission of ensuring safety and security in rural Bangladesh, assisting in

disaster management, contributing to socio-economic development, and work under operational control of the army during an emergency or war. They are divided into three basic components: Ansar Bahini, Battalion Ansar, and VDP. Ansar Bahini is said to have a company of 100 men and a female platoon of 32 members in every sub district, as well as 32 members in each 'union' of the country. Battalion Ansar is made up of 35 male battalions and one female battalion. The total strength of VDP is about 5.6 million people, of which 50 per cent are women. There is a VDP presence in most villages of the country; there is also an urban version of VDP called the Town Defence Party. (Bangladesh Military Forces Group, accessed 11 June 2010) [71] (HRW, 19 May 2009, accessed 8 February 2010) [10d] (Section III)

Bangladesh Rifles (BDR): The primary role of this paramilitary force is border control, including anti-smuggling and anti-trafficking activities. (Bangladesh Military Forces Group, accessed 11 June 2010) [71] The BDR has also been called upon to assist the police in various 'internal' operations, such as recovering illegal firearms and guarding election polling stations. (Bangladesh Rifles (BDR), accessed 11 January 2010) [72] The BDR is reported to have 67,000 personnel, is under the authority of the Home Ministry and is mainly commanded by officers seconded from the army. (HRW, 19 May 2009, accessed 8 February 2010) [10d] (Section III)

See Section 3: [Bangladesh Rifles \(BDR\) mutiny](#)

[Return to contents](#)
[Go to sources](#)

ARMED FORCES

- 8.09 The armed forces total 172,000 members: 140,000 in the army, 15,000 in the navy and 17,000 in the air force (Jane's Sentinel Country Risk Assessment, Armed Forces, updated 21 June 2012) [83d] The US State Department, Background Note: Bangladesh, updated 6 March 2012, stated:

'The Bangladesh Army, Navy, and Air Force are composed of volunteer military members. In addition to traditional defense roles, the military is frequently called on to provide support to civil authorities for disaster relief and internal security. During the period of emergency rule from January 2007 to December 2008, the military played a central role in the formulation and execution of key government strategies, including the anti-corruption campaign and voter registration.' [2b]

- 8.10 The army is also a major contributor to UN peacekeeping missions around the world. A BBC report dated 18 January 2006 stated that:

'For Bangladeshis, the peacekeepers – who are on duty in 12 countries across three continents – are a source of pride. 'It is giving a good exposure to our country,' said Flight Lieutenant Abu Saleh Mohammad Mannafi, a helicopter pilot with Bangladesh's air force. 'We're earning a good name and fame for the army, air force and navy as well as contributing to our economy. So it is doing a world of good for our country.' ... In return Bangladesh's army is well paid by the United Nations.' [20aa]

See [Bangladesh Army, UN Mission](#) website. [90a]

[Return to contents](#)
[Go to sources](#)

OTHER GOVERNMENT FORCES

Directorate General of Forces Intelligence (DGFI)

- 8.11 The DGFI is Bangladesh's principal military intelligence agency and operates subdivisions serving all branches of the armed forces. Established in 1977, it reports directly to the prime minister and maintains offices in all of the country's districts and sub-districts. (HRW, 18 May 2009) **[10d] (Section III)** According to the Human Rights Watch report of 18 May 2009, the DGFI:

'... is widely regarded as a driving force behind the military-backed regime that took power on January 11, 2007, and exercised a central role in its anti-corruption campaign. It intimidated, arrested, and arbitrarily detained dozens of businesspersons, senior party officials, journalists, and academics and placed them in illegal detention facilities inside the military cantonment in Dhaka. Many were physically and mentally tortured, often threatened...to make forced confessions or implicate others in crimes ... During much of the state of emergency, DGFI exercised control over media outlets.' **[10d] (Section III)**

[Return to contents](#)
[Go to sources](#)

HUMAN RIGHTS VIOLATIONS BY THE SECURITY FORCES

Arbitrary arrest and detention

See also Section 12: [Arrest and Detention – Legal Rights](#) and Section 15: [Opposition Groups and Political Activists](#)

- 8.12 The Human Rights Watch (HRW) World Report published in January 2008, stated: 'The government has not published accurate statistics on detainees, access to official places of detention has been restricted, and the security forces have used unofficial sites, such as the headquarters of the Directorate General of Forces Intelligence (DGFI, or military intelligence) in Dhaka, making it impossible to know exactly how many people were arrested or how many are still being held.' The HRW report stated that most arrests under the state of emergency had taken place without warrants. **[10c] (p3)**
- 8.13 An intensive wave of arrests took place between 28 May and 12 June 2008, when between 18,000 and 25,000 people (based on media estimates) were arrested by police and 'joint forces' in what the government described as a drive against 'miscreants, criminals and those wanted by the law'. Those arrested included political leaders and activists (of both major political parties) at district, sub-district and municipal level. It is not known how many were subsequently released. (New Age, 9 June 2008) **[96b] (Odhikar, 12 June 2008) [46b]**
- 8.14 According to the USSD 2011 report, '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.' **[2a] [Section 1d]**
- 8.15 The same report continued 'Arbitrary arrests were common, and the government held persons in detention without specific charges, often to collect information about other suspects.' **[2a] [Section 1d]**

See [Pre-trial detention](#)

Torture

8.16 The USSD 2011 report stated:

'Although the constitution prohibits torture and cruel, inhuman, or degrading punishment, security forces including the RAB and police frequently employed torture and severe physical and psychological abuse during arrests and interrogations. Security forces used threats, beatings, and electric shock. According to Odhikar, security forces tortured at least 46 persons. The government rarely charged, convicted, or punished those responsible, and a climate of impunity allowed such abuses by the RAB and police to continue.' **[2a] (Section 1c)**

8.17 The human rights NGO, Odhikar, in the 2011 annual report, dated 7 January 2012, stated that:

'In 2011, as per Odhikar's documentation, 46 persons were reportedly tortured by different law enforcement agencies. Among them 17 persons were allegedly tortured to death. The Constitution of Bangladesh categorically states in Article 35 (5) that 'No person shall be subjected to torture or to cruel, inhumane or degrading punishment or treatment.' It is also stated in Article 35 (3) that 'Every person accused of a criminal offence shall have the right to a speedy and public trial by an independent and impartial court or tribunal established by law.' Despite this and the continued existence of torture in Bangladesh particularly by law enforcement agencies, torture has not been fully defined in law, nor has it been made a criminal offence. Section 331 of the Penal Code provides some protection against torture in the form of a dictate that states it is a criminal offence if someone causes grievous hurt for the purpose of extorting a confession or any information which may lead to the detection of an offence or cause the restoration of property. However, in the face of the seriousness and ubiquity of torture this small dictate is far too little.' **[46f] (p79)**

8.18 A HRW report, Ignoring Executions and Torture..., published on 18 May 2009, stated that: 'Although there are no reliable statistics on the extent to which state agents engage in acts of torture...nongovernmental organizations and journalists in Bangladesh have over the years documented and reported thousands of cases.' **[10d] (Section II)**

8.19 According to the HRW World Report 2012 (covering events of 2011), dated 22 January 2012:

'Despite strong evidence that security forces were continuing to arbitrarily arrest people, often torturing and then killing them in custody, the home minister refused to acknowledge the need for accountability. Prime Minister Sheikh Hasina said her government had zero tolerance for extrajudicial killings, but failed to properly investigate allegations and prosecute the perpetrators.'

'On May 21, 2011, William Gomes, a representative of the Asian Human Rights Commission, was allegedly picked up by plainclothes RAB personnel and taken to a place his abductors described as 'headquarters,' where he was stripped naked, had his hands and legs cuffed, was forced into stress position, and was verbally abused and threatened with physical torture. He was interrogated about his work documenting human rights violations.'

'In at least two cases, the Home Ministry ignored its own findings that RAB was responsible for wrongful killings. According to Odhikar, a Dhaka-based human rights organization, at least 1,600 people have been victims of extrajudicial killings since 2004. Before the Awami League came to power, its leaders had accused RAB of widespread extrajudicial killings; they now claim that all deaths occur during armed exchanges with criminals.'

'The military and police continue to employ torture and cruel, inhuman, or degrading punishment against suspects, violating both domestic and international law. Many deaths in custody are never investigated. According to Odhikar, at least 12 people died in custody due to police torture in 2011.' [10a]

[Return to contents](#)
[Go to sources](#)

Odhikar Torture Prevention Project

8.20 Odhikar, a Dhaka-based human rights NGO, stated in their Human Rights Report 2009, issued 1 January 2010, that:

'The Government abruptly brought an end to the torture prevention project being implemented by Odhikar, where Odhikar was to provide training to human rights defenders and carry out mass-awareness raising programmes. The NGO Affairs Bureau under the Prime Minister's Office, approved the programme and gave permission to launch the project titled "Human Rights Defenders Training and Advocacy Programme in Bangladesh" on April 28, 2009. After the permission was granted, Odhikar provided training to Human Rights Defenders as to how human rights could be upheld; how human rights violations could be prevented; how one could assist the tortured persons; along with providing training as to how public awareness could be raised against torture and to enact a domestic law criminalising torture as an offensive crime and carry out advocacy programmes to inspire the Government to sign the Optional Protocol to the Convention Against Torture.

'... Odhikar then received a letter dated August 17, 2009, from the NGO Affairs Bureau ordering it to shut down its torture prevention programmes. The letter reached Odhikar on August 31, 2009. The letter, which was signed and stamped by the NGO Affairs Bureau authority, stated that the project had been cancelled because of objections expressed by the Ministry of Home Affairs. No prior notification or valid reason to shut the programme was given by the government.

'Odhikar filed a Writ Petition (No. 6550) challenging the cancellation of its project by the Government. On October 11, 2009, the High Court Division of the Supreme Court of Bangladesh issued a rule against the Government and at the same time stayed the impugned order of the NGO Affairs Bureau ... '[46d] (p29)

See Section 8: [Security forces - Extra-judicial killings](#)

[Return to contents](#)
[Go to sources](#)

Extra-judicial killings

8.21 According to the USSD 2011 report:

'Members of the security forces committed numerous extrajudicial killings. The police, BDR, military, and the Rapid Action Battalion (RAB) occasionally used unwarranted lethal force. ...

'The government did not release statistics for total killings by all security personnel. The government did not take comprehensive measures to investigate cases. According to the media and local human rights organizations, no case resulted in criminal punishment, and in the few instances in which the government brought charges, those found guilty generally received administrative punishment. Most members of the security forces acted with impunity. Since 2004, when the minister for law, justice, and parliamentary affairs stated that crossfire deaths under the custody of the RAB or the police could not be considered custodial deaths, the government has not disclosed any prosecution of a RAB officer for a killing.

'According to media reports, local and international human rights organizations, and the government, the RAB killed 43 persons during the year, compared with 68 the previous year. Combined security units containing RAB members killed eight persons during the year. The deaths, some under unusual circumstances, occurred during raids, arrests, and other law enforcement operations, or, in some cases, while the accused was in custody. The government often described these deaths as "crossfire killings," "gunfights," or "encounter killings," terms it used to characterize exchanges of gunfire between the RAB or police and criminal gangs.' [2a] (Section 1a)

8.22 Odhikar, noted in their Human Rights Report 2011, dated 7 January 2012, that:

'Extra-judicial killings plague Bangladesh's social and political landscape. According to information gathered by Odhikar, between January and December 2011, 84 people were killed extra-judicially by law enforcement agencies. Despite the fact that a total of 84 people have reportedly been extra judicially killed by law enforcers from when the present government assumed power on January 6, 2009 to December 2011, the Home Minister, Advocate Sahara Khatun's statement on January 26, 2011 did not even seek to condemn these incidents. Instead, she said that "the law enforcement agencies will continue their work, regardless of whatever is being said about extrajudicial killings. The criminals are supposed to be killed when law enforcers shoot at them in self defence".' [46f] (p58)

8.23 The NGO, Ain o Salish Kendra (ASK), in their 2010 Annual Report, stated that, according to their records, Extra judicial killings in "cross fire" or "encounter" continue to be a source of insecurity and fear for citizens. News reports tabulated by ASK's Documentation Unit show that in 2010, different law enforcing agencies admitted to 133 deaths in 'crossfire' and 74 deaths occurred in jail custody. Incidents of torture in custody and suicide were also reported. [109c] (p4)

(Note: Ain o Salish Kendra (ASK) is a national legal aid and human rights organization, established in 1986. Initially focused on providing free legal services to the disenfranchised in Dhaka City, its aims and activities have developed over twenty years to encompass investigation, advocacy, media campaigning, documentation, training and action research in addition to its core activities of legal services (including legal aid, mediation and public interest litigation). [109] (About Us)

8.24 According to the HRW report 'Ignoring Executions and Torture...', published on 18 May 2009:

'The longstanding problem of killings in custody assumed endemic proportions after the creation of the Rapid Action Battalion (RAB), a paramilitary law enforcement agency, in 2004. RAB started the trend of so called "crossfire killings"-apparent extrajudicial killings that officials purport were legitimate or accidental killings where the victims (people RAB called "wanted criminals" or "top terrors") died when they resisted arrest or when they were caught in the crossfire during an armed clash between RAB and a criminal group. But the police also adopted these methods soon after. Since June 2004, well over 1,000 people have been killed by the police, RAB, and other security forces. It is widely believed that the vast majority of these killings in reality are thinly disguised executions, often preceded by torture.' [10d] (Section II)

8.25 The HRW World Report 2011, updating the situation, stated that:

'Soon after elections in December 2008, officials in the Awami League-led government promised to institute a zero-tolerance policy and bring the perpetrators of extrajudicial killings to justice. Yet little change has taken place, and in 2010 the home minister and other officials denied any wrongdoing by law enforcement agencies, including the Rapid Action Battalion (RAB), the elite anti-crime, anti-terror force whose officers regularly kill with impunity. The RAB acknowledges that its officers have killed at least 622 people since the force was established in 2004. But in press statements, the RAB has claimed that the victims were shot and killed in "crossfire" after their accomplices opened fire on the force. The home minister has also supported the claim that RAB officers who have killed were acting in self-defense. In a worrying development, the police appear to have increasingly adopted the RAB's extrajudicial methods, and several hundred killings have been attributed to the police force in recent years. Investigations by human rights organizations regularly find that victims were executed while in RAB custody. The bodies of the dead often bear marks of torture, and many survivors of RAB custody have repeatedly alleged ill-treatment and torture. The chairperson of the National Human Rights Commission recommended in December 2009 that all allegations of RAB killings be investigated by an independent commission of inquiry. At this writing the government has taken no action on this, and not a single member of the RAB has been criminally prosecuted for involvement in torture or killings.' [10e]

See Section 8: [Torture](#), See also [Accountability and impunity](#) below

[Return to contents](#)
[Go to sources](#)

Corruption in the law enforcement agencies

8.26 A study carried out by Transparency International (TI) in 2006-2007 found that 64.5 per cent of those respondents who had dealings with the law enforcement agencies claimed to have used bribery. [42a] (p34-36)

See also [Avenues of complaint](#) and Section 18: [Corruption](#)

[Return to contents](#)
[Go to sources](#)

AVENUES OF COMPLAINT

8.27 It was reported in an article in The Daily Star dated 22 June 2012 that:

'Accountability mechanisms for Bangladesh police are evidently weak. Internal disciplinary mechanisms have long collapsed. Courts have failed to play a proactive role in bringing officers to account. A national human rights commission has been set up recently but it lacks the necessary powers or teeth. External accountability mechanisms solely set up for the police are absent in Bangladesh. Without external oversight, police are essentially left to police themselves. Victims are often reluctant even to report abuse directly to the police for fear of reprisals, or simply because they do not believe a serious investigation will result.' [38a]

8.28 The HRW report, 'Ignoring Executions and Torture', of 18 May 2009, noted that, in certain cases where the police had refused to accept a complaint, individuals had turned directly to the judiciary – which had the power to conduct its own investigations into those cases. [10d] (Section III)

8.29 The public attitude baseline survey conducted on behalf of the United Nations Development Programme (UNDP) in 2006 found:

'Only a meagre per cent of the respondents at household (4-7 per cent) mentioned that they reported any incidence of crime to the police during the last 12 months and of them about three fourths (71-74 per cent) were dissatisfied with the response received from the police... About half (49-55 per cent) of the respondents were dissatisfied with the ease of reporting and accuracy of reporting crimes to the police. The following were identified as problems in reporting crimes to the police (placed in order of priorities): police seeks incentives/bribes (money); they remain busy and do not give time or listen; non availability of forms (printed) and papers (carbon paper); concerned police staff not available; police influence or discourage complainant from lodging complaints; forms are complex, not understandable; and police create unnecessary complications and delays ... The overwhelming majority of the respondents (82-83 per cent) mentioned that people [most frequently] report to police when the crime committed is a life-threatening one. [Other] crimes which [frequently] induce people to report to police...are physical torture (63 per cent); property related crimes (57-63 per cent); and [honour-related] issues/defamation (29-53 per cent). Crimes [which victims usually do not report to police] include violence against women. Sex related crimes have also been identified by three fourths of the female respondents (77 per cent)...as crimes inhibiting reporting to police. Other crimes which discourage victims from reporting to police are crimes committed by [influential people] or police themselves and unnecessary harassments.' [Common or minor crimes' were also usually not reported]. [97a] (piii) (p51)

8.30 The report added:

'The [female respondents] hardly or never reported crimes to the police unless police was incidentally present at the place of occurrence. Males...most frequently, or frequently, reported crimes by visiting the police station personally or sending somebody to police station or through telephone or sending letters or bringing the police to the place of occurrence. Most frequently, or frequently, cited reasons for not reporting crimes to the police...include: worried or afraid to face police; problems or fear of expenditure; fear of harassment by the police; fear of harassment by the criminals; fear of losing honor; no confidence in police/ police not effective; community people/ward commissioner solved the problem; neutral investigation and equal protection of law not expected; and directly filed case in the court.' [97a] (piii)

8.31 Police officers interviewed for this survey estimated that, on average, it required 23 to 26 hours to reach the scene of a crime after receiving information. [97a] (p52) Most

household respondents said that the police were over-worked and did not have sufficient time off. However, a majority also perceived that police officers spent time doing errands for higher officials or on protocol functions or VIP protection or collecting incentives/bribes, or could not perform their duties properly. **[97a] (p64-65)**

Accountability and impunity

8.32 The HRW World Report 2011, Bangladesh, released on 24 January 2011, noted:

'In 2010, members of the security forces regularly escaped accountability for killings, acts of torture, and illegal detentions. Several legal provisions effectively shield members of the security forces and other public officials from prosecution by requiring government approval for criminal actions to be initiated. Military and police regularly employ torture and cruel, inhuman, or degrading punishment against detainees, despite constitutional guarantees against torture and Bangladesh's ratification of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The government failed to investigate the causes of numerous deaths in custody, and there was little action to hold accountable those responsible for the deaths of alleged mutineers from the Bangladesh Rifles border force.' **[10e]**

8.33 According to the USSD 2011 report, 'Plaintiffs rarely accused police in criminal cases due to lengthy trial procedures and fears of retribution. Reluctance to bring charges against police perpetuated a climate of impunity.' **[2a] (Section 1d)**

[Return to contents](#)
[Go to sources](#)

9. MILITARY SERVICE

9.01 Conscription has never existed in Bangladesh, although the 1952 Bangladesh Army Act does provide for a possible introduction of compulsory military service. (War Resisters International: Bangladesh entry, last updated March 1998, accessed Dec 2009) **[13]** A State Party report, dated 14 July 2005, to the United Nations Convention on the Rights of the Child (UN CRC) observed: 'There is no provision for compulsory recruitment into the armed forces of Bangladesh.' **[52b]**

9.02 According to the Coalition to Stop the Use of Child Soldiers Global Report 2008 (accessed 15 June 2009) the minimum age for voluntary recruitment in the army is 16, and 17 years for the navy and air force. The minimum age for recruitment into the armed paramilitary and auxiliary forces, including the Bangladesh Rifles and the Ansar, is 18 years. **[35] (Bangladesh narrative)** The UN CRC report of July 2005 clarified that, because recruits into the armed forces initially underwent a period of basic training, there was no scope for any person to be employed for actual service or combat duty before attaining the age of 18. **[52b]**

See Section 24: [Children – documentation](#) regarding the difficulties in maintaining a reliable Birth registration system.

[Return to contents](#)
[Go to sources](#)

10. ABUSES BY NON-GOVERNMENT ARMED FORCES

- 10.01 Jane's Sentinel Country Risk Assessment, Bangladesh, Executive Summary, posted in September 2011, stated:

'Islam has become an increasingly defining feature of Bangladeshi politics in recent years. One consequence of the rise of Islamic politics in Bangladesh has been a deterioration in the security environment. The former BNP-led government (2001-2006), which included the Bangladesh Islamic Conference (Jamaat-i-Islami Bangladesh: JIB) and the Coalition of Islamic Unity (Islami Oikya Jote: IOJ), came under pressure for its tacit support of radical Islamist groups such as the Jamaat ul-Mujahideen Bangladesh (JMB), which was responsible for 459 near-simultaneous improvised explosive devices that detonated on 17 August 2005, killing two people and injuring more than 100 others. The judiciary was also targeted that year with attacks on courthouses in Gazipur and Chittagong, likely because they are symbols of secularity. The BNP belatedly began to crack down on the JMB. Although this created tensions with the JIB, the government succeeded in capturing and executing the leading operatives of the terrorist attacks. In May 2007, three near-simultaneous bomb explosions struck three railway stations in three cities. The attacks were attributed to a new organisation called Zadid Al-Qaeda, which may be a regrouping of certain JMB activists. The government stated in April 2009 that there were 122 organisations involved in terrorist activity in the country, the result of increased factionalisation among militants. There have been no major attacks on the same scale as the 2005 blasts, and counter-terrorist operations have been surprisingly successful in arresting key members of the JMB and reducing its capabilities. The current AL government has sought to crack down on the spread of Islamism by strengthening the counter-terrorism apparatus internally and increasing international co-operation. Attempts by the Supreme Court to ban religious-based parties and return the constitution to its avowedly secular roots were, however, overturned by the 15th constitutional amendment in June 2011, which maintained Islam as the state religion. Nonetheless, the removal of the phrase "absolute faith and trust in Allah" from the preamble of the constitution was enough to spark rioting by Islamist organisations.'

[83b]

- 10.02 The Institute for Conflict Management's South Asia Terrorism Portal (SATP) reported in their Bangladesh Assessment 2010 (covering events of 2009):

'Bangladesh has experienced an abrupt political stabilization in 2009, even as subversive activities by Islamist extremist groups have been substantially curbed by the Government. No terrorist attack has so far been recorded in 2009 by the Islamist militants, though radical groups continue to maintain a varying presence across the country. Bangladeshi authorities, however, continue to vigorously target alleged Left Wing Extremists, though there is little corresponding evidence of a proportionately violent Left Wing movement in the country.'

[59c]

- 10.03 The South Asia Terrorism Portal (SATP), in its Bangladesh Assessment 2011 (covering events of 2010) reported that:

'The processes of de-radicalization initiated by the Sheikh Hasina Government after it came to power on January 6, 2009, have been further and considerably consolidated through 2010, with Dhaka successfully reining in the Islamist extremist constituency in the country, even as it continued to ruthlessly target an incipient radical Left Wing movement. ... The gains of 2010 have been dramatic, but a note of caution remains to be sounded. The residual capacities of the Jel and JMB are significant, even as HuJI-B

continues to maintain close links with a number of ambitious Pakistani groups adamant upon spreading their base in the country. Moreover, the corrosive nature of violent and disruptive street mobilization by political parties in Bangladesh has the potential to destroy the tentative stability that has been secured after decades of rising disorder. Bangladesh has made very steady, indeed, dramatic gains, in two short years, but is still at risk of sliding back if the Government wavers even slightly.' [59d]

- 10.04 The Armed Conflict Database of the International Institute for Strategic Studies, undated, accessed 10 February 2010, stated:

'Militants were responsible for a few small-scale incidents, including violent demonstrations on university campuses and just one fatality during 2009. Eighty-six died in incidents not linked to militancy, 74 of them during the mutiny by the Bangladesh Rifles (BDR) border guards. However, despite this lull in the conflict, intelligence sources reported that Islamist organisations continued to operate and recruit throughout Bangladesh. There were arrests and continuous security operations throughout the year, including a hunt for Islamist militants' bomb stores.' [116a]

- 10.05 The Institute for Conflict Management, in their Bangladesh Assessment 2010, reported that: 'According to a November 7, 2009, report 13 Left Wing Extremist (LWE) groups are active in the country: Purba Banglar Communist Party, PBCP (Janajuddha), PBCP (M-L Red Flag), PBCP (M-L Communist War), Biplabi Communist Party, New Biplabi Communist Party, Gono Bahini, Gono Mukti Fouz, Banglar Communist Party, Socialist Party, Biplabi Anuragi, Chhinnamul Communist Party and Sarbahara People's March.' [59c]

- 10.06 The South Asia Terrorism Portal's Data Sheets, updated to 31 August 2012, reported that there were no fatalities associated with Islamist terrorism in 2012. During the same period, 9 left-wing militants – mostly members of Purba Bangla Communist Party factions and the New Biplobi Communist Party – and one civilian was killed, primarily in encounters with the security forces. [59b]

See also Section 4: [Recent Developments](#) and [Annex B](#)

[Return to contents](#)
[Go to sources](#)

11. JUDICIARY

- 11.01 Article 35(3) of the Constitution states 'Every person accused of a criminal offence shall have the right to a speedy and public trial by an independent and impartial court or tribunal established by law.' Article 27 provides: 'All citizens are equal before the law and are entitled to equal protection of law.' [4]

- 11.02 According to the US State Department Country Report on Human Rights Practices 2011 (USSD 2011 report), released 24 May 2012:

'The law provides for an independent judiciary, but 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. Legislation from 2007 separating the judiciary from the executive remained in effect throughout the year [2011].

'Despite ostensible separation of the judiciary from the executive, the political authority made judicial appointments to the higher courts and allegedly influenced many judicial

decisions on politically sensitive cases, including decisions regarding bail and detention for political opponents of the government. On October 20, 10 additional judges appointed by the AL-led government were sworn into the High Court Division of the Supreme Court. The Supreme Court Bar Association declined to participate in the customary felicitation of the judges, citing the panel's alleged political makeup.' [2a] (Section 1e)

- 11.03 Freedom House's (FH) report, Freedom of the World 2011, covering events in 2010, released in May 2011 observed, 'The court system is prone to corruption and severely backlogged; pretrial detention is lengthy, and many defendants lack counsel. The indigent have little access to justice through the courts. In August 2009, the government launched an initiative to form small courts in 500 rural administrative councils that could settle disputes outside of traditional court settings, reducing pressure on the legal system.' [65c]

[Return to contents](#)
[Go to sources](#)

ORGANISATION

- 11.04 A paper from the Institute of Business Administration, Dhaka University, 'The Structure of Judicial System in Bangladesh', 18 February 2010, stated that:

'The present legal system of Bangladesh owes its origin mainly to 200-year British rule in Indian Sub-Continent. The Civil Courts Act, 1887 and the Criminal Procedure Code, 1898 as amended up to 2007 is the main legal basis of the present court structure particularly the subordinate judiciary in both civil and criminal side. The judiciary system of Bangladesh is composed of two divisions: The Supreme Court and the Subordinate Court. The highest court in Bangladesh, the Supreme Court was created by the order Article 94(I) of the constitution of the People Republic of Bangladesh. It consists of two divisions, namely the Appellate Divisions and the High Court Division. The functions of the two are distinct and the appointment of judges to each is separate. ...

'The Judges of the High Court Division are appointed considering at least 10 years of experience as [a] lawyer in High Court Division. The appointment is done by the Chief Justice through consultation with the President. ...

'The appellate division of Bangladesh is comprised of [a] Chief Justice along with other most senior justices....

'There are some other courts available according to various laws and ordinances. These are mainly exercised for special situation[s] and special case[s]. The prominent among them are Labour Court, Labour Appellate Tribunal, Special Power Act, Special Tribunal, Children Act, Administrative Tribunal, Administrative Appellate Tribunal, Village Court, Marine Court, Family Court etc.' [31a]

- 11.05 Save the Children, in a 2010 report, 'Stepping Up Child Protection', noted that:

'The Children Act calls for the designation of specialized Juvenile Courts, and requires courts of all levels to follow the special Juvenile Court procedures when hearing cases involving an alleged offender under the age of 16. There is no consistent practice of allowing children to provide testimony 'in camera', or in any other child-friendly ways, making it particularly difficult for child survivors to describe their sensitive experiences in open court. Children, especially girls, may also face embarrassing questioning from

defence lawyers. Courts do not protect child witnesses; therefore often they face threats and intimidation from the perpetrators and as a result may not appear in the court. Also, courts do not pay travel expenses. In practice, however, there are few Juvenile Courts in existence and few law enforcement officials, lawyers or judges are familiar with the Juvenile Court system or special laws for children. The Children Act, 1974, prohibits children from being charged with or tried for any offence together with an adult.' [19a] (p53)

- 11.06 The Asian Human Rights Commission (AHRC) in, 'Bangladesh: Rights of the Child come into contact with Law and state of Juvenile Justice system- Bangladesh perspective', 5 June 2012, stated that:

'At present though there are three specialized juvenile courts established in the country and the creation of another four of these is being considered, most of the children are dealt with through the regular criminal courts, where they are often tried jointly with adults and have no legal representation. Existing legislation do not explicitly recognizes the Children's Right to express their views in the proceeding, legal provision permit the court to dispense with children's attendance violate the right of participation and due process. To note that the existing juvenile courts have limited jurisdiction and cannot hear cases of children who have committed serious offences. Though the justice system lacks the infrastructure to administer juvenile justice properly, meanwhile there have been significant efforts by the courts to hold proceeding in chamber and to encourage the separation of children from adults as they are brought to court.' [66a]

- 11.07 The Save the Children, 2010 report stated that:

'There is no consistent practice of allowing children to provide testimony "in camera", or in any other child-friendly ways, making it particularly difficult for child survivors to describe their sensitive experiences in open court. ... In general, the judiciary is not always child sensitive and children are harassed in the investigation process. There is no victim and witness protection to enable a child and her/his family to seek justice against organized criminal networks or influential offenders.' [19a] (p53)

See also section 24: Children: [Juvenile justice](#)

- 11.08 Decisions of the Appellate Court are binding on all other courts, including the High Court. The judges of both divisions of the Supreme Court are appointed by the President, according to the terms of the Constitution. [Bangladesh Constitution, accessed 15 March 2010] [4]

- 11.09 The Civil Justice system in Bangladesh is based on the British model (USSD Background Note, March 2012) [2b] and continues to operate under the 1908 Civil Procedure Code. Certain amendments have been incorporated to try to speed up the process and avoid long and unnecessary delays. (The Daily Star, 16 July 2005) [38f]

- 11.10 As noted in the USSD 2011 report:

'Administrative and judicial remedies are available for alleged wrongs. The government did not interfere with civil judicial procedures. Corruption and outside influence were problems in the civil judicial system. Alternative dispute resolution for civil cases allows 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. Individuals and organizations have the right to

seek civil remedies for human rights violations; however, the civil court system was slow and cumbersome, deterring many from filing cases.' [2a] (Section 1e)

- 11.11 The Law Commission was formed in 1976; its functions include recommending the repeal or amendment of existing laws which are obsolete or inconsistent with fundamental rights; recommending the enactment of new laws; and recommending reforms to modernise the judicial system. The Commission is headed by a retired Chief Justice of Supreme Court. (Law Commission of Bangladesh (website) accessed 15 March 2010) [84]

[Return to contents](#)
[Go to sources](#)

The Truth Commission

- 11.12 As noted by the NGO, Ain o Salish Kendra (ASK) in their Annual Report 2008:

'The 'Truth and Accountability Commission' was set up on 3 August [2008], pursuant to the Right to Voluntary Disclosure Ordinance 2008, which allows citizens to avoid imprisonment by making voluntary disclosures regarding any unearned income and depositing the same with the Commission. The tenure of the Commission was set to end on 2 January 2009. Up to November, some 389 people, mainly government officials and medium-level businessmen, applied for voluntary disclosure; 259 of them admitted to possessing assets beyond their known source of income amounting to some Taka 27.79 crores (277.9 million Taka) and deposited Taka 14.46 crores (144.6 million Taka) with the public exchequer. However, the High Court, on 13 November, declared the Ordinance, the formation of the Commission, and all its functions illegal and unconstitutional, in a public interest litigation. The Court observed that the Commission was unconstitutional as it had by allowing offenders to be exonerated without trial in the courts, effectively by-passed the judiciary. The writ petitioners argued that the provisions of the Ordinance which allowed the conduct of private hearing by the Commission, the reliance on self incriminating evidence and the confiscation of private property were in violation of fair trial protections under Article 35 of the Constitution. The Appellate Division, on 16 November [2008], stayed the High Court order for one month, allowing the Commission to function in the mean time. However, the Commission had completed all its hearings before the High Court order, and functioned only administratively following this order.' [109a] (Chapter 6)

[Return to contents](#)
[Go to sources](#)

Informal systems of justice: village courts and Shalish

- 11.13 The United Nations Development Programme (UNDP) 2002 report noted that about two-thirds of all disputes did not enter the formal court process; instead they were either settled at a local level by local leaders or a village court, or they remained unsettled. Shalish (or Grameen Shalish) local mediation councils provide a traditional alternative to dispute resolution and comprise local community leaders who either individually or in groups provide a forum for arbitration and dispute resolution. A study of Shalish in two districts in 1996 indicated that the majority of disputes dealt with related to family law, maintenance, second marriage, dowry and land ownership. According to the UNDP 2002 report, the option of conciliation through mediation was particularly favoured by women and the poor. [8b] (p91-100) Shalish cannot lawfully try criminal cases; all criminal proceedings must be regulated by the Code of Criminal Procedure or by

specific acts passed by parliament. (UNB, 20 March 2009) **[39m]** Village courts deal with both civil and criminal matters; they have the power to summon witnesses and can impose a fine on contempt charges. The officials of village courts are usually chairmen and members of 'union parishads' (the local government authorities, of which there are 4,448 in Bangladesh) and are generally powerful members of the local community. Village courts can, however, be open to outside influences. The main sources of influence were said to be local political leaders, community leaders, wealthy people and other influential individuals in the village. Village courts generally functioned in co operation with the local police. **[8b] (p91-100)**

[Return to contents](#)
[Go to sources](#)

INDEPENDENCE

- 11.14 Article 94(4) of the Constitution states 'Subject to the provisions of this Constitution the Chief Justice and the other Judges shall be independent in the exercise of their judicial functions.' Article 96 provides that a judge cannot be removed from office for reasons other than those set out in the Constitution. **[4]**
- 11.15 The Asian Human Rights Commission (AHRC) reported in The State of Human Rights in Bangladesh 2009, undated, that:
- 'Bangladesh's government has made public announcements that the judiciary would be separated from the executive and will function independently, including to the international community in pledges made as part of the country's re-election bid for membership in the UN Human Rights Council. However, the same government also amended the Code of Criminal Procedure in 2009 to allow 'executive magistrates' to arbitrarily take over trials of any cases they deem fit, greatly undermining any notion of independence of the judiciary, in particular concerning cases of human rights violations allegedly committed by the State.' **[66b] (p63)**
- 11.16 The AHRC reported in The State of Human Rights in Bangladesh 2010, undated, that: 'The judiciary does not enjoy independence as far as the administration of justice is concerned in terms of logistics, manpower, integrity and the adjudication of the cases. Besides, there is a serious lack of judicial competence and commitment to upholding the rule of law among many judicial officers.' **[66d] (p40)**
- 11.17 The NGO Odhikar commented in its Human Rights Report 2011, dated 7 January 2012, that:
- 'Four years after the Judiciary became independent of the Executive on November 1, 2007; it appears that the Government has done little to provide the ancillary support needed for people to enjoy the real benefits of the independence of the Judiciary. Citing the constitutional requirement for separation of powers between the Judiciary and the Executive, on December 2, 1999, the Supreme Court directed the government to de-link the lower Judiciary from the direct control of the Government and place it under the supervision and management of the Supreme Court to ensure its independence. However, the formal separation of the lower Courts, the Judicial Magistracy in particular, from the Executive organ of the Bangladesh Government did not take place until November 1, 2007. Many of the judicial officers currently sitting on those Courts and Tribunals have remained unchanged since that time. ...'

‘Despite a number of Supreme Court verdicts in this regard, the Government is yet to fully implement its 12-point directive relating to the separation of Judiciary. There is still no separate secretariat for the Judiciary and transfer and posting is still being carried out by the Law Ministry...

‘It took eight years for subsequent Governments to implement the verdict of separation and the delay, as many people pointed out, was prompted by a deliberate reluctance to face the consequences of losing Executive control over the Judiciary.’ **[46f] (p125)**

[Return to contents](#)
[Go to sources](#)

FAIR TRIAL

- 11.18 As noted on the website of the Bangladesh Embassy in Washington DC (accessed on 8 October 2006), ‘The Government has constituted Legal Aid Committees, headed by District Judges in 61 districts, to provide legal assistance to the poor and destitute litigants. These district level committees have been working under the National Legal Aid Committee.’ **[85a]**

See also Section 11: [Judiciary](#)

- 11.19 The USSD 2011 report stated:

‘The law provides accused persons with the right to be represented by counsel, review accusatory material, call or question witnesses, and appeal verdicts. Cases are decided by judges rather than juries, and trials are public. In practice a public defender is rarely provided to defendants. Defendants are presumed innocent and have the right to appeal, be present, and see the government’s evidence. According to the National Human Rights Commission, 90 percent of those eventually brought to trial were not convicted.’ **[2a] (Section 1e)**

- 11.20 The report added, ‘Corruption and a substantial backlog of cases hindered the court system, and trials were typically marked by extended continuances that effectively prevented many defendants from obtaining fair trials due to witness tampering, victim intimidation, and missing evidence. Human rights observers stated that magistrates, attorneys, and court officials demanded bribes from defendants in many cases filed during the year.’ **[2a] (Section 1e)**

- 11.21 The Asian Human Rights Commission (AHRC) reported in ‘The State of Human Rights in Bangladesh 2009’, undated, that:

‘The criminal justice system of Bangladesh is incapable of holding a fair trial and providing justice to the country’s citizens. In order to establish the rule of law, the country immediately requires equal access to be provided to citizens to effective complaint mechanisms without any fear or manipulation. Criminal investigations should be efficient, impartial and independent from the regular police. The prosecution needs to be independent and permanent instead of the current practice of politicised recruitments followed by dismissals depending on which political party is in power. Judges occupying the judiciary’s various branches need to exhibit competence and judicial skills and be supported with adequate resources.’ **[66b] (p65)**

[Return to contents](#)
[Go to sources](#)

CORRUPTION IN THE JUDICIARY

- 11.22 The Asian Legal Resource Centre (ALRC), in its publication of February 2010, [Politics – Corruption Nexus in Bangladesh, An Empirical Study of the Impacts on Judicial Governance](#), stated that:

‘No matter what form of corruption takes place in the judiciary of Bangladesh, political factors play a huge part in terms of the origin, development and practices of corruption. Government must take a holistic approach to the problems and undertake a thorough reformation of the existing systems without any further delay. The Subordinate Judiciary of Bangladesh has yet to develop as an effective institution under the status quo, and this is so even after its de jure separation from the executive branch of the State machinery. It is one of the most neglected institutions of the State having only minimum facilities. In upholding the rule of law, in maintaining law and order, in protecting fundamental human rights and in building up a strong check and balance system amongst the State organs, the judiciary should be rescued directly and with all due speed, from its status of vulnerability.’ [76a] (p111)

See also Section 12: [Arrest and detention - Bail](#)

- 11.23 The ALRC publication highlighted several areas of concern, which included:

1. Local touts and persons with vested interests can exploit the man/woman on the street by using their ignorance of the judicial process, as an opportunity for their own personal gain;
2. Innocent persons are victimized by political leaders or activists through false cases and especially in counter cases;
3. People use every means to avoid lodging their cases in a police station because of the possibility of endless police harassment;
4. Police do not record genuine cases because of political considerations or because their demands for money were refused. [76a]

- 11.24 The Asian Human Rights Commission (AHRC) reported in The State of Human Rights in Bangladesh 2009, undated, that:

‘Different forms of corruption can be found at most stages of criminal investigations. The police play a key role in corruption in investigative and trial cases. It is difficult to lodge a complaint in a criminal case in a police station. It is also difficult to file a complaint case before the cognizance magistrate courts. ... Bribes for court staff are an inevitable expectation for services rendered at all stages from the filing to the disposal of a criminal case. ... Accused persons under arrest are not consistently presented before the nearest magistrate within twenty-four hours. The most corrupt area of judicial matters involves bail, where the majority of stakeholders are either directly or indirectly involved. Strict legal formalities in recording confessions are not properly followed by the magistrates.’ [66b] (p31)

See also Section 18: [Corruption](#)

[Return to contents](#)
[Go to sources](#)

12. ARREST AND DETENTION – LEGAL RIGHTS

See also Section 8: [Arbitrary Arrest and detention](#) and Section 15: [Opposition Groups and Political Activists](#)

PREVENTIVE DETENTION AND ITS LEGISLATIVE FRAMEWORK

- 12.01 Human Rights Watch (HRW) commented in their report of 18 May 2009, 'Laws giving the authorities the power to deprive a person of his or her liberty in order to prevent potential future criminal acts have been in place on the subcontinent since British colonial rule. As no crime has been committed, these laws are by their very nature in conflict with the right to be presumed innocent until proved guilty, as well as to not be arbitrarily detained.' [10d] (Section V)

[Return to contents](#)
[Go to sources](#)

The Code of Criminal Procedure (CrPC): Section 54

- 12.02 Section 54 of CrPC authorises any police officer to arrest 'without an order from a magistrate or without a warrant.... any personconcerned in any cognisable offence or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been so concerned.' Section 54 of the CrPC lays down certain procedures to be observed once an arrest has been made. This includes that the accused must be produced before a magistrate within 24 hours, and that a magistrate must give prior permission if police want to hold a prisoner for longer. However, it is reported that despite these safeguards, Section 54 effectively allows the police to arrest anyone at any time for almost any reason, and is one of the most easily abused provisions in the Bangladesh legal system. (Canadian IRB, September 1998) [3b] (p4)

The Special Powers Act (SPA)

- 12.03 The Special Powers Act (SPA) of 1974 gives the Government powers to detain any person for an initial period of up to 30 days, without a formal charge or specific complaint, in order to prevent him or her performing a 'prejudicial act'. A prejudicial act is broadly defined as 'any act... likely to prejudice... the sovereignty and defence of the country, national security, public order or the economic or financial interests of the state'. (Canadian IRB, 1998) [3b] (p5)

See Section 33: [Employment rights](#)

- 12.04 According to the US State Department Country Report on Human Rights Practices 2011 (USSD 2011 report), released 24 May 2012:

'The law provides for arrest on suspicion of criminal activity without an order from a magistrate or a warrant, and the government regularly used such provisions. 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. The magistrate must inform the detainee of the grounds of detention, and an advisory board is required to examine the detainee's case after four months. Detainees had the right to appeal.'

'ASK and media outlets estimated that authorities made more than 2,000 routine arrests daily. The majority of those arrested were released within one or two days, often on payment of a bribe.' [2a] (Section 1d)

12.05 The HRW report of 18 May 2009 noted that the advisory board, required to review the detainee's case after 120 days, and thereafter every six months, is made up of two persons qualified to be high court judges, and 'one senior officer in the service of the Republic'. The proceedings before the board are confidential. [10d] (Section V)

12.06 The HRW report of 18 May 2009 commented:

'From 1974 to March 1995, according to court records, of the 10,372 habeas corpus writs that were moved before the High Court Division of the Supreme Court to challenge detentions, only in less than 9 per cent did the court find the detention to be valid-an indication of the extent to which the Act has historically been misused. However, the executive seems to have taken little or no notice of the Supreme Court's repeated criticism of the law and its implementation. It has even ignored release orders, forcing the court to initiate contempt of court proceedings.' [10d] (Section V)

[Return to contents](#)
[Go to sources](#)

PRE-TRIAL DETENTION

12.07 The USSD 2011 report recorded:

'Most criminal detainees charged with crimes were granted access to attorneys. The government rarely provided detainees with state-funded defense attorneys, and there were few legal aid programs for detainees. Government-funded legal aid programs received little funding, and there were no efforts to expand those programs during the year. 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 or months after the initial arrest...

'Arbitrary and lengthy pretrial detention continued to be a problem. There were an estimated two million pending civil and criminal cases. A 2008 estimate from the International Center for Prison Studies found nearly 70 percent of prison inmates were in pretrial detention.' [2a] (Section 1d)

See Section 8: [Security forces - Arbitrary arrest and detention](#)

[Return to contents](#)
[Go to sources](#)

BAIL

12.08 The USSD 2011 report confirmed that 'There was a functioning bail system in the regular courts. For example, the courts granted bail to almost all of the officials and former officials accused of corruption under the caretaker government; however, the system sometimes moved slower in cases that carried political implications. Additionally the attorney general ordered that his office have the final decision on bail cases in violation of the code of criminal procedure.' [2a] (Section 1d)

- 12.09 The ALRC, in its publication of February 2010, 'Politics – Corruption Nexus in Bangladesh, An Empirical Study of the Impacts On Judicial Governance', stated that:

'The most corrupt and highly controversial area of the judicial system in Bangladesh is the matter of bail for an accused person. Bail shall be granted as a right, and the court cannot refuse bail if it is requested by any arrested person or an accused person who has surrendered himself. Unfortunately, as a group, lawyers have the tendency to demand huge sums of money from their clients who are arrested in cases where bail is allowed. They paint a negative picture of the court's attitude towards the alleged offence. In some instances they take money in the name of the responsible judge or magistrate. To lend credibility to their dealings they make lengthy and unnecessary submissions before the court in front of their clients.'

'The question of bail arises as soon as a person is arrested by the police or detained in custody or a warrant of arrest is issued against an accused person by the court. In most cases, the accused or their relatives try to obtain bail at any cost, even when bail is [un]available. This is the area where local touts, political leaders, lawyers and judicial officers take the opportunity to amass huge sums of money.' [76a] (p39)

- 12.10 The Asian Human Rights Commission (AHRC) in, 'Bangladesh: Rights of the Child come into contact with Law and state of Juvenile Justice system- Bangladesh perspective', 5 June 2012, stated that:

'Under section 48 of the Children Act, a police officer has the authority to grant a bail to a child even if the arrest is made under a non-bailable offence. However, in practice this authority is rarely used, reportedly because police are unaware of the law, or do not have the resources to trace parents. Section 49 of the Act Where the child is not released on bail, the officer-in-charge of the police station shall cause him to be detained in a remand home or a place of safety until he can be brought before a court. Since there is no special considerations regarding bail for children and the requirements for granting bail are same as for the adults, most of the time parents fail to comply with it. Therefore, children placed in the detention without any record of their arrest. There are no limitations on the duration of pre-trial detention, and children can languish for years waiting for their case to be determined by the courts.' [66a]

See Section 24: Children – Juvenile justice

[Return to contents](#)
[Go to sources](#)

13. PRISON CONDITIONS

- 13.01 The International Centre for Prison Studies (ICPS) London, recorded in their Prison Brief (accessed 7 May 2011) that, according to the national prison administration, the total prison population stood at approximately 69,650 on 31 December 2010, while the country's 67 prisons had an official capacity of only 29,240 on 31 December 2010. ICPS noted that pre-trial detainees/remand prisoners then comprised 69 per cent of the prison population. [78a] The Daily Star had reported on 26 July 2008 that the prison population was then 87,011. In Dhaka Central Jail, which was accommodating around 9,000 to 10,000 inmates in July 2008 but had a capacity to house only 2,600, prisoners were sleeping in shifts and had to wait in long queues to use the bathrooms and toilets. [38q] The Bangladesh Prisons Directorate reported that the total prison population on 28 February 2009 was 75,521, while the nominal capacity of all prisons was 27,368. [112a]

13.02 The NGO Odhikar noted in its Human Rights Report 2011, dated 7 January 2012 that:

'... There are 67 prisons including one female prison in Bangladesh. Prisons are grossly overcrowded and allegations of huge irregularities and corruption persist. The total capacity to keep 29,450 inmates, however actual number of inmates are 69,850. The cells are small and damp. Lack of sanitation and inadequate ventilation makes the situation worse. The prisoners are susceptible to various diseases due to the unhealthy environment and low quality food and lack of medical facilities. Each year prisoners die due to inadequate treatment and the abysmal conditions that they are forced to live in. In 2011 an infant who was kept with her mother, died in the jail. The Dhaka Central Jail's capacity is to keep 2700 inmates, however there are 10,000 prisoners incarcerated there. There is capacity to keep 134 women, however, about 600 women and more than 50 children are there. In this jail there is an 80 bed hospital, however, according to July statistics the hospital houses 200 inmates. The Barishal Central Jail is crammed with prisoners. It has capacity to keep 633 inmates; however, 1240 prisoners are presently incarcerated there.' [46f] (p87)

13.03 Women prisoners comprised 3.4 per cent of the prison population on 31 December 2011. (ICPS, undated) [78a] According to the US State Department Country Report on Human Rights Practices 2011 (USSD 2011), released on 24 May 2012, 'Although the law prohibits women in 'safe custody' (usually victims of rape, trafficking, and domestic violence) from being housed with criminals, in practice officials did not always provide separate facilities in these situations. According to Odhikar there were 2,402 women incarcerated in prisons.' [2a] (Section 1c)

13.04 The NGO Odhikar noted in its Human Rights Report 2011, dated 7 January 2012, that:

'21 children were kept in jail as of October 1, 2011 in violation of law and repeated High Court verdicts and Orders, although 157 seats at the juvenile development centres were vacant. The High Court Bench of Justice M Imman Ali and Justice Obaidul Hassan, on October 26, 2010 after hearing a rule issued suo moto, and said that "Children held in the prison, whose age is below 16 years, are being held there illegally and without lawful authority and are to be removed from prison forth with." It went on to say "We iterate that Judges must be aware that children can under no circumstances be kept in prison when a trial is pending. It is the responsibility of the Department of Social Welfare to provide for either a safe home, remand home or any other suitable place. If they are at all to be kept in the custody".' [46f] (p88)

See Section 24: [Children – Juvenile justice](#)

13.05 The USSD 2011 report noted that:

'Prison system conditions remained life threatening at times due to overcrowding, inadequate facilities, and lack of proper sanitation. Human rights observers stated that these conditions contributed to custodial deaths. According to Odhikar, 105 persons died in prison and 140 persons died in the custody of police and other security forces during the year, compared with 46 prison deaths and 109 custodial deaths in 2010.

'.... Of the entire prison population, approximately one-third of the detainees had been convicted. The rest were either awaiting trial or detained for investigation. Due to the severe backlog of cases, individuals awaiting trial often spent more time in jail than if they had been convicted and served a maximum sentence. In most cases, prisoners slept in shifts because of the overcrowding and did not have adequate bathroom

facilities. Conditions in prisons varied widely often within the same prison complex as some prisoners were subject to high temperatures, poor ventilation, and overcrowding while others were placed in “divisional” custody, which featured better conditions, such as increased family visitation and access to household staff. Political and personal connections often influenced the conditions in which a prisoner would be placed. All prisoners have the right to medical care and water access. Human rights organizations and the media stated that many prisoners did not enjoy these rights, and available water was often nonpotable.’ [2a] (Section 1c)

13.06 It was stated in the USSD 2011 report:

‘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 composed of prominent private citizens in each prison locality monitored prisons monthly but did not publicly release their findings. District judges occasionally visited prisons but rarely disclosed their findings to the public. There were few efforts to improve the prison system during the year.’ [2a] (Section 1c)

[Return to contents](#)
[Go to sources](#)

14. DEATH PENALTY

14.01 The Amnesty International (AI) Annual Report of 2012 (covering events of 2011) released on 24 May 2012, noted that Bangladesh retains the death penalty. According to this report, at least five men were executed, and more than 49 people were sentenced to death. [7a] The Amnesty International (AI) Annual Report of 2011 (covering events of 2010), released on 13 May 2011, stated that, ‘Five men found guilty of killing the country’s founding leader, Sheikh Mujibur Rahman, in 1975 were executed in January. Their hasty execution – less than 24 hours after their final conviction – was unprecedented. Contrary to usual practice, the President dismissed clemency petitions by three of them before the court’s final verdict. Four other men were executed in three different jails on 15 September.’ [7e]

14.02 Hands Off Cain, an Italian NGO which campaigns for an end to the death penalty worldwide, stated in their Bangladesh country report, accessed on 11 June 2010:

‘The number of death sentences passed in Bangladesh increased significantly with the introduction of [Speedy Trial Tribunals established under the Disruption of Law and Order Offences Act of 2002]. According to official sources in the Ministry of Law, Justice and Parliamentary Affairs, the nine Speedy Trial Tribunals of the country dealt with 650 cases between October 2002, when they were set up, up to June 30, 2005. The tribunals passed death sentences on 311 people. On the other hand, Sessions Judges’ courts of the country sentenced 123 people with death punishment from 2001 until June 30, 2005. A total of 221 people were sentenced to death by different courts of the country until 2001 since independence. On the other hand, 80 people were given death sentence in 2002, 162 in 2003, 112 in 2004 and 80 in 2005 (up to June 30), the sources said... The Ministry of Law, Justice and Parliamentary Affairs, on June 30, 2005, said there were 655 prisoners condemned to death in prisons scattered across the country. The government had only 53 cells for condemned prisoners with each cell originally made to accommodate only one convict. Bangladesh resumed executions in 2001, after a de facto three-year suspension. Two men were hanged between February and March and another in November. One execution was recorded in 2002 and two people were put to death in 2003. At least 13 people were sent to gallows in 2004 and at least five in

2005; four people were executed in 2006 an[d] six in 2007. On December 18, 2008 Bangladesh voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.' [73a]

- 14.03 Bangladesh applies the death penalty for such crimes as murder, sedition and drug-trafficking. In March 1998 the Bangladesh Cabinet approved the death penalty for crimes against women and children, including trafficking and rape. Skyjacking and sabotage became capital offences in 1997. (Hands Off Cain) [73a] In 2002 the death penalty was introduced for acid attacks. (State party report to CEDAW, dated 3 January 2003) [47a] (p20) In March 2008 the Caretaker Government approved an anti-terrorism ordinance containing a provision for the death sentence as the maximum penalty for those convicted of terrorism. As of 14 February 2010 there had been five executions, there were 25 death sentences issued and 1020 people were on death row. (Hands Off Cain) [73a]

- 14.04 Death Penalty Worldwide, in the Death Penalty Worldwide database – Bangladesh, stated that:

'The higher courts in Bangladesh are the High Court Division and the Appellate Court Division of the Supreme Court. Death sentences are submitted by the Court of Session to the High Court Division for confirmation. The Appellate Court Division has jurisdiction to hear all appeals from the High Court, and appeal lies as of right when the High Court has sentenced a person to death.'

'The Code of Criminal Procedure indicates that executions need not be approved by the executive. The main executive barrier to execution of a death sentence is the prerogative of mercy, granted by the Constitution and defined under the Code of Criminal Procedure and Penal Code. Condemned individuals petition the President for clemency. Additionally, the government (which may mean the legislature or some other executive official) may commute death sentences.' [29a]

[Return to contents](#)
[Go to sources](#)

15. POLITICAL AFFILIATION

See also Section 16: [Freedom of Speech and the Media](#) and Section 6: [Political System](#)

FREEDOM OF POLITICAL EXPRESSION

- 15.01 As recorded in the US State Department 2011 Country Report on Human Rights Practices, Bangladesh (USSD 2011), released on 24 May 2012: '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.' [2a] (Section 2a)

- 15.02 The same report continued:

'Opposition parties continued to boycott parliament throughout the year but returned on certain days to fulfill the procedures necessary to retain their seats. They demanded fair treatment by the speaker and the ruling party legislators as preconditions for their return to the house. The parliament formed all 48 standing committees in the first session with participation from opposition parties. The opposition MPs continued to participate in standing committee meetings despite their absence from parliament.' [2a] (Section 2a)

15.03 Reporters Without Borders reported on 7 June 2010 that, 'The Bangladesh Telecommunications Regulatory Commission told Internet Service Providers on 5 June 2010 to restore access to Facebook following the social-networking website's agreement to withdraw cartoons of Mohammed as well as cartoons of certain Bangladeshi politicians that were considered offensive.' [89a]

15.04 The USSD 2011 recorded that: 'Although public criticism of the government was common, the media – particularly print media – depended on government advertisements for a significant percentage of their revenue. As a result the media had a strong incentive for self-censorship.' [2a] (Section 2a)

See Section 16: [Freedom of Speech and Media](#)

[Return to contents](#)
[Go to sources](#)

FREEDOM OF ASSOCIATION AND ASSEMBLY

15.05 As noted in the USSD 2011 report:

'The constitution provides for freedom of assembly and association, and the government generally respected these rights in practice; however, at times the government limited freedom of assembly. ... The government generally permitted rallies to take place but on occasion used the criminal procedure code to prevent opposition political groups from holding meetings and demonstrations. The code authorizes the administration to ban assembly of more than four persons; according to ASK, the administration used this provision at least 133 times during the year. At times police or ruling party activists used force to disperse demonstrations.' [2a] (Section 2b)

15.06 The USSD 2011 report added '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.' [2a] (Section 2b)

OPPOSITION GROUPS AND POLITICAL ACTIVISTS

Political violence

15.07 Violence involving members of student organisations affiliated to the main political parties has occurred frequently in Bangladesh. This has not been coordinated on a nationwide basis, but has typically involved small groups of students/youths in a specific university or college or area who are vying for control of 'local turf'. In most instances over the past few years, clashes have been between activists of the Awami League-affiliated student organisation 'Bangladesh Chhatra League (BCL)' on the one side, and the BNP's 'Jatiyabadi Chhatra Dal (JCD)' and/or Jamaat-e-Islami's 'Islami Chhatra Shibir' (ICS) on the opposing side. (South Asia Terrorism Portal, accessed June 2009) [59a]

15.08 Odhikar, in the Human Rights Report, 2011, published 7 January 2012 stated that: 'From January to December 2011, 135 persons were reported killed and 11532 injured in political violence. 340 incidents of internal violence in the Awami League and 104 in the BNP were also recorded during this period. In addition to this 22 persons were killed and 3770 people were injured in Awami League internal conflicts while 3 were killed and 1234 were injured in BNP internal conflicts.' [46f] (p46)

Charges against, and restrictions on, the main party leaders

- 15.09 On 28 May 2008 both the Awami League and the BNP declared that they would not take part in discussions with the Caretaker Government, ahead of the next general election, until their leaders had been released from detention. (BBC News, 28 May 2008) [20i] It was reported on 9 June 2008 that the special court had ruled that Sheikh Hasina would not have to remain present in court while her lawyers defended her four cases; she could thus be released from detention while her trial was still in progress. The court would return her passports. (BBC News) [20m] (UNB) [39h] She was released on bail and allowed to travel abroad under an 'executive order' on the grounds of urgent medical treatment. [109a] (Chapter 6) Sheikh Hasina flew to the US on 12 June 2008. (BBC News, 12 June 2008) [20n]
- 15.10 BBC News reported on 9 June 2008 that the Government had responded to Sheikh Hasina's release by immediately offering Khaleda Zia, who was still in custody, the opportunity to travel abroad to seek treatment for her arthritis and knee problems. [20o] Ms Zia rejected the conditional offer and instead pleaded for the release from remand of her two sons, Tarique Rahman and Arafat Rahman Koko, whom she said were both in poor health and in need of treatment. (BBC News, 9 June 2008) [20o] (UNB, 20 June 2008) [39g] Koko was released on two months' parole on July 17 2008 to facilitate his treatment abroad. [38v] Khaleda Zia's elder son, Tarique Rahman – who had 13 cases pending against him involving extortion, tax evasion and other alleged offences – was released on bail on 3 September and granted permission to seek medical treatment abroad. (UNB, 12 September 2008) [39i] On 11 September 2008, Khaleda Zia was released on bail from her makeshift prison in the Parliament complex. She had been detained since 3 September 2007. (UNB) [39j]

Student political groups and violence

- 15.11 The International Crisis Group (ICG) report 'Restoring Democracy in Bangladesh', dated 28 April 2008, reported that:

'On 20 August 2007 an altercation at a football match on the Dhaka University (DU) campus between a soldier and a student sparked a university-wide protest against the military, which rapidly spread to other towns. Initially the student protesters had two demands: a formal apology from the army for beating up several DU students and its immediate withdraw from the campus. However, as news broke that hundreds of students were flooding into local hospitals with injuries from tear gas, rubber bullets and batons used by the military and paramilitary forces to put down the protests, the students and professors added an immediate retraction of the state of emergency to their demands. [See [para 3.10](#)] There were also reports of students throwing stones at the army.' [128b] (p26)

See Section 3: [History - Caretaker government and state of emergency, October 2006 – January 2009](#)

- 15.12 The ICG report continued:

'Political activism on campuses is strong in Bangladesh, a legacy of its independence movement going back to the 1950s. Much political change has had its roots in

universities, including the downfall of the previous military government. “The only place for the army is the cantonment, not Bangababan [the president’s office]. If they try to stay too long or interfere too much, of course the students will let them know”, a DU student said.’ [128b] (p26)

- 15.13 An article by Gazi Mahbubul Alam, Programme Officer, ILO, Dhaka Office and Mirja Mohammad Shahjamal, Research Associate, Research and Evaluation Division, BRAC, Dhaka. ‘Student Politics in Bangladesh’, dated 11 August 2008, reported that:

‘In Bangladesh, there are four major national political parties, namely Bangladesh Awami League (BAL (sic)), Bangladesh Nationalist Party (BNP), Bangladesh Jatio Party (BJP) and Jamayati Islami Bangladeshi (JIB). Each of them has an affiliated political organization for students. For example, Bangladesh Chartro (sic) [L]eague (BCL) is an affiliated or associated student organization of BAL. The above-mentioned three types are not exclusive.’ [69a]

- 15.14 The Foreign Policy Association in ‘The Pitfalls of Student Politics in Bangladesh’, 10 February 2010, stated that:

‘The student affiliates of the major political parties have always had a major hand in the decades long perverse politicking in Bangladesh. Time and again mutually non-deterrent and devastating clashes have shut down the major cities in Bangladesh. Student leaders of these political groups often find lucrative contracts in the private sector; alternatively they become MP’s and cabinet secretaries. It pays, then, to be in these party affiliated student groups and because it pays to posture in Parliament, student groups bandy about threatening other groups and often street and university posturing falls down in cries and flames.

‘There are three such major student groups. The Bangladesh Chhatra Daal (sic) or the Bangladesh Student League is ingratiating affiliated with the Awami League, the BNP is conjoined with activists from the Jatiyatabadi Chhatra League while the Jamaat-e-Islami is rearing the Islami Chhatra Shibir.’ [75a]

- 15.15 The Foreign Policy Association article discussed student activity on Rajshahi University (RU) campus and stated that:

‘A quick run down of the contemporary events and recent history shows how brutal these student run groups can be. And, they often are as brutal as they can be. ... To maintain its supremacy on the campus, Shibir keeps pressuring the university people by issuing threats directly and indirectly, sources said. Around 60 incidents of clashes among the student wings of different political parties have taken place on RU campus since 1971, which left 28 people killed and over 2,100 injured sources in the RU administration said. The university remained closed for over 600 days because of the clashes.

‘Shibir has been involved in most of the clashes since 1980s after it started its activities on the campus in 1980. Towards the end of the ’80s, left -leaning student wings including Chhatra Moitree became weak organisationally, which helped Shibir establish its supremacy. In the latest incident on Tuesday [9 February 2010], Shibir men hacked to death Faruk Hossain, an activist of Bangladesh Chhatra League, in Shah Mokhdum Hall. Around 100 people were injured in the overnight clashes between the activists of BCL and Shibir following the death. Sources said Shibir killed Faruk as a revenge for

the killing of RU unit Shibir general secretary Sharifuzzaman Nomani on March 13 last year.' [75a]

See the South Asia Analysis Group paper [Islami Chhatra Shibir of Bangladesh - A Threat to Democracy](#) dated 27 June 2007 [68a] for a brief overview of student political involvement.

See The National Bureau of Asian Research (NBR) project report, [Religion, Politics, and the Modern University in Pakistan and Bangladesh, April 2009](#) [87a] for information on the relationship between religion and politics in Pakistani and Bangladeshi universities.

See also Section 12: [Arrest and Detention – Legal Rights](#)

[Return to contents](#)
[Go to sources](#)

16. FREEDOM OF SPEECH AND MEDIA

- 16.01 The US State Department Country Report on Human Rights 2011 (USSD 2011), released on 24 May 2012, stated that:

'The constitution provides for freedom of speech and press, but the government occasionally did not respect these rights in practice. ... The 15th constitutional amendment, which parliament passed in July, contained language equating criticism of the constitution with sedition. Under the penal code, the punishment for sedition ranges from three years' to life imprisonment, and during the year sedition cases were filed against opposition leaders who made such critical remarks.' [2a] (Section 2a)

See Section 15: [Political affiliation - Freedom of political expression](#)

- 16.02 The 2011 report continued:

'There were hundreds of daily and weekly independent publications. Newspapers critical of the government experienced negative government pressure. In addition to one official government-owned news service, there were two private news services. In 2010 Reporters Without Borders noted a slight decline in the country's already limited level of press freedom. In Freedom House's 2010 press freedom report, the country's press was described as only partly free.

'The government owned one radio station and one television station. The law mandates that the public television station, BTV, remain the country's only terrestrial (nonsatellite) broadcast channel. An estimated 60 percent of the population did not have access to private satellite channels, and surveys indicated that almost 80 percent of citizens received their information from television. BTV broadcasts parliamentary sessions and government programming but rarely broadcasts opposition views. Cable operators generally functioned without government interference. The government required all private stations to broadcast, without charge, selected government news programs and speeches by the prime minister.

'Since coming to power in 2009, the AL-led government has shut two television channels, Channel 1 and Jamuna-TV. Both remained off the air at year's end.

'The government issued new licenses to operate television channels to political supporters and denied new licenses to political opponents. This conformed to past practice and was not unique to the AL.' [2a] (Section 2a)

- 16.03 The Freedom House report, Freedom in the World 2012, Bangladesh, covering events in 2011, released 12 July 2012, stated:

'Bangladesh's media environment remained relatively unfettered in 2011, though the legal and regulatory framework allows for some restrictions, and the government showed signs of intolerance during the year. Print media are generally given more leeway when covering sensitive topics than broadcasters. Nevertheless, over the past several years, various employees at the oppositionist daily Amar Desh have been charged with defamation for articles about the ruling party. Mahmudur Rahman, acting editor of the paper and a close adviser to Zia, was released in March 2011 after spending nine months in jail on charges of fraud, publishing without a valid license, sedition, and contempt of court. Mohammad Ekramul Haq, editor of the Sheersha News web portal and the Sheersha Kagoj weekly, was arrested in July on apparently trumped-up extortion charges. He was freed after serving four months in jail, despite a court's earlier order that he be granted bail.' [65a]

- 16.04 The BBC News Bangladesh profile, updated 10 July 2012, noted:

'The main broadcasters - Radio Bangladesh and Bangladesh Television (BTV) - are state-owned and government-friendly. There is little coverage of the political opposition, except in the run-up to general elections when a caretaker government takes control.

'TV is the most-popular medium, especially in cities. BTV is the sole terrestrial TV channel. Popular satellite and cable channels include ATN, Channel i, NTV, RTV, Channel One, BanglaVision and Boishakhi.

'Foreign, especially Indian, TV stations have large audiences in Dhaka and other cities.

'State-run radio covers almost the entire country. BBC World Service programmes in English and Bengali are broadcast on 100 MHz FM in Dhaka.

'Newspapers are diverse, outspoken and privately-owned. English-language titles appeal mainly to an educated urban readership.

'The constitution guarantees press freedom, but journalists are prone to harassment from the police and political activists. The government exercises some influence through the placement of official advertising.

'Media rights organisation Reporters Without Borders has accused the army of targeting journalists, who it says face arrest, maltreatment and censorship.

'There were 500,000 internet users in Bangladesh by March 2008 - 0.3 per cent of the population (ITU figure).' [20h]

- 16.05 The USSD 2011 report noted:

'The government did not subject foreign publications and films to stringent reviews and censorship. A government-managed 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, but

this was less strict than in the past. In practice 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 only rarely exercised censorship in cases of immodest or obscene photographs, perceived misrepresentation or defamation of Islam, or objectionable comments regarding national leaders.' [2a] (Section 2a)

16.06 The NGO Odhikar reported on 1 April 2009:

'The government has recently imposed a rigid censorship on the browsing of some websites, including youtube.com, for Bangladeshi nationals. The Bangladesh Telecommunication Regulatory Commission prohibited the visiting of some of [sic] websites on the pretext of protecting 'national security'. However, the government did not officially specify what kind of content and information should be forbidden in the name of "national security".' [46c]

[Return to contents](#)
[Go to sources](#)

JOURNALISTS

16.07 Odhikars' Human Rights Report 2010 stated that 'Over the twelve months in 2010, it has been reported that a total of 14 journalists were killed, 118 injured, 49 threatened, 43 assaulted and 17 attacked.' [46e] (p49) Odhikars' Human Rights Report 2011 stated that 'From January to December 2011, according to information gathered by Odhikar, due to professional grounds 139 journalists were injured, 53 threatened, 24 journalists attacked, 43 assaulted and case was filed against 23 journalists.' [46f] (p11)

16.08 The USSD 2011 report noted:

'Attacks on journalists continued to be a problem. There was an increase in individuals affiliated with the government or ruling party harassing, arresting, or assaulting journalists. According to Odhikar and media watchdog groups, at least one journalist was killed, 139 were injured, one was arrested, 43 were assaulted, 53 were threatened, and 23 had cases filed against them during the year. Student groups also attacked journalists. The government did not provide adequate protection to journalists.' [2a] (Section 2a)

16.09 The Committee to Protect Journalists recorded in, Bangladesh backsliding on press freedom, dated 14 June 2012:

'Violence against journalists has worsened this year. At least nine were injured in May [2012] when a group wielding machetes attacked the newsrooms of the bdnews24 website. Other attacks on the press were documented that month: ... Police in the capital, Dhaka, beat three daily Bengali-language Prothom Alo photojournalists and snatched their cameras while they were covering a demonstration by students of the Dhaka Women Polytechnic Institute on May 26, according to local news reports. Nine officers were suspended for involvement in the attack The deteriorating environment for the press is all the more concerning since 2012 is the first year Bangladesh has not featured on CPJ's Impunity Index, which spotlights countries where journalists are murdered regularly and killers go free. "While no convictions have been recorded in journalist murders there over the last decade, a seven-year absence of journalist killings led Bangladesh to be dropped from the index." ' [51a]

16.10 The Freedom House 2012 report noted:

‘Journalists continue to be threatened and attacked with impunity by organized crime groups, party activists, and Islamist groups, which sometimes leads to self-censorship on sensitive topics. Although no journalists have been killed for the past six years, according to the Committee to Protect Journalists, there appeared to be an increase in harassment in 2011. In June [2011], five journalists were injured by armed ruling party activists in the town of Comilla, and other attacks by party activists and criminal gangs were noted in September. Some journalists received threatening telephone calls from intelligence agencies seeking to prevent negative coverage. No attempts to censor internet-based content were reported in 2011.’ [65a]

[Return to contents](#)
[Go to sources](#)

17. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

Read in conjunction with sections on [Political affiliation](#) and [Freedom of speech and media](#).

17.01 The United Nations Common Country Assessment for 2004 observed:

‘The growth of civil society and in particular nongovernmental organizations (NGOs) has been one of the great success stories in Bangladesh. Though the country has a long tradition of social activism throughout its history – the language movement being one example – the emergence of the NGO sector has been a relatively new phenomenon that began in the late 1970s. Today, NGOs are a significant provider of social services, in particular health and education, to the rural poor. Specialized microfinance institutions (MFIs) such as the Grameen Bank, pioneered the micro-credit model that has been replicated all around the world and MFIs have had considerable success in helping to provide alternative income-generating opportunities for poor women in Bangladesh. The emergence of NGOs has also played a significant role in the improvement of human development indicators and compensated, in part, for weak market and state institutions. Within the context of a rights-based approach, it should be noted that local NGOs have also played a significant role in terms of helping poor and marginalized groups to make claims for the fulfilment of their rights to education and health and secure and sustainable livelihoods. Today there are well over a thousand NGOs registered with the Government. From village cooperatives and women’s groups on the one hand to large internationally recognized institutions with staff running into the thousands, civil society in Bangladesh has thrived since the restoration of democracy.’ [8d] (p69)

17.02 The report added:

‘Legitimate questions have been raised on the accountability and representation of (foreign funded) NGOs and there have been several attempts to limit the work of NGOs to basic service provision. In a couple of notable cases, prominent NGOs have come under fire from within and outside the sector for allegedly crossing the line into direct partisan activities. Legislation is under consideration for tightening the regulatory environment for NGOs including issues relating to registration and taxation.’ [8d] (p70)

[Return to contents](#)
[Go to sources](#)

NATIONAL HUMAN RIGHTS COMMISSION (NHRC)

17.03 On 7 June 2009, the Foreign Minister confirmed that a Human Rights Commission bill had been placed before parliament for ratification. (The Daily Star, 8 June 2009) [38ae] The National Human Rights Commission Bill was duly passed on July 9, 2009. (Odhikar Human Rights Report 2009, published 1 January 2010) [46d] (p13)

17.04 The National Human Rights Commission (NHRC), on its' website stated that:

'The National Human Rights Commission of Bangladesh was reconstituted in 2009 as a national advocacy institution for human rights promotion and protection. It is committed to the accomplishment of human rights in a broader sense, including dignity, worth and freedom of every human being, as enshrined in the Constitution of the People's Republic of Bangladesh and different international human rights conventions and treaties to which Bangladesh is a signatory.

'The purpose of establishing such splendid institution is to contribute to the embodiment of human dignity and integrity as well as to the safeguard of the basic order of democracy so that inalienable fundamental human rights of all individuals are protected and the standards of human rights are improved in the country.

'Established by the National Human Rights Commission Act, 2009 in consonance with Bangladesh's commitment to international human rights law, the Commission serves as a mechanism for the enrichment of the realization of human rights. Its journey is aimed at creating a culture of human rights through public enlightenment on diverse human rights issues so that the people of the country can contribute to larger peace and security keeping in pace with the 'progressive aspirations of human kind.' [129a] (About us)

17.05 The NHRC was reconstituted on 22 June 2010 with the Chairman, One full time member and Five Honorary members. They are:

Prof. Dr. Mizanur Rahman, Chairman

Kazi Reazul Hoque, Full Time Member

Prof. Dr. Niru Kumar Chakma, Honorary Member

Selina Hossain, Honorary Member

Fawzia Karim Firoze, Honorary Member

Aroma Dutta, Honorary Member

Nirupa Dewan, Honorary Member [129a] (Composition of the Commission)

[Return to contents](#)
[Go to sources](#)

TREATMENT OF HUMAN RIGHTS NGOS

17.06 The US State Department Country Report on Human Rights 2011 (USSD 2011), released on 24 May 2012, stated:

'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. Although human rights groups were often sharply critical of the government, they also practiced self censorship. Government officials were generally not cooperative or responsive to their views.

'The government required all NGOs, including religious organizations, to register with the Ministry of Social Welfare. Local and international NGOs, including Odhikar, Doctors Without Borders, Action Against Hunger, Handicap International, and the Bangladesh Center for Workers' Solidarity (BCWS), reported numerous credible instances in which the government sought to impede their work, either by canceling projects or subjecting them to restrictive operating requirements, which often resulted in a temporary or permanent cessation of their work.' [2a] (Section 5)

- 17.07 The 2011 report added: 'The government announced some financial allocations for the country's seven-member Human Rights Commission; however, the organization was not fully functional by year's end, despite submitting an annual report in March that requested a wide scope of changes to the organization's mandate, including constitutional recognition.' [2a] (Section 5)

- 17.08 Human Rights Watch's World Report 2012, Bangladesh, covering events in 2011, released in January 2012, noted:

'The government increased surveillance of Odhikar and in particular, Adilur Rahman Khan, Odhikar's secretary advocate; threatening and harassing staff; and delaying approvals of projects.

'After Nobel Peace Laureate Mohammad Yunus, founder of the Grameen Bank, was removed from his position at the bank because he had exceeded the mandatory retirement age, there were mysterious attacks on his supporters. In May Sagirur Rashid Chowdhury, an accounts officer at the bank, was picked up outside the office by plainclothes men. When he was released his body bore signs of severe beatings. He said his abductors had asked him to issue a public statement withdrawing support for Yunus. In September six women directors and one former director of the board of directors of the Grameen Bank, all beneficiaries of the microcredit system, suffered intimidation by police who came and searched their rooms.

'The government continued legal action aimed at intimidating the Bangladesh Center for Worker Solidarity (BCWS), a trade union group. After revoking BCWS's registration one agency demanded that two union leaders, Kalpona Akhter and Babul Akhter, both facing criminal charges, resign as a precondition to renewed registration of the organization. BCWS has denied all allegations against it.' [10a]

- 17.09 In its Freedom in the World 2012 Country report, dated 12 July 2012, Freedom House (FH) reported that:

'Numerous nongovernmental organizations (NGOs) operate in Bangladesh. While most are able to function without onerous restrictions, they must obtain clearance from the NGO Affairs Bureau (NAB) – which reports to the prime minister's office – to use foreign funds. The bureau is also empowered to approve or reject individual projects after a review period of 45 days. NGOs seen as overly critical of the government, particularly on human rights issues, have on occasion been subject to harassment or denied permission for proposed projects. In July 2011, the NAB rejected an EU-funded project on torture by the human rights group Odhikar on the grounds that the application alluded to the fact that torture is endemic in Bangladesh. In April, Nobel Peace Prize

laureate Muhammad Yunus lost a final appeal and was ousted as managing director of Grameen Bank, one of the country's largest and most influential microfinance institutions, based on an age-limit technicality; many analysts described the case as politically motivated.' [65a] (p4)

[Return to contents](#)
[Go to sources](#)

18. CORRUPTION

- 18.01 In its 2011 Corruption Perceptions Index (CPI), released on 1 December 2011, Transparency International (TI) ranked Bangladesh 120th in the world corruption ranking, out of 183 countries, giving it a CPI score of 2.7. (CPI score relates to perceptions of the degree of corruption as seen to exist among public officials and politicians by business people and country analysts. [42b])

ANTI-CORRUPTION COMMISSION (ACC)

- 18.02 The Anti-corruption Commission (ACC), on its' website, accessed 27 July 2012, stated that:

'The Anti Corruption Commission (ACC) Bangladesh was created through an act promulgated on 23 February 2004 that into force on 09 May 2004. The first set of office bearers were appointed on 21 November 2004. The following day, it commenced its journey with a mission, a vow to make a difference to the Nation's anti corruption initiatives and a fresh mandate. While its predecessor the Bureau of Anti Corruption was abolished on the same day. Although initially, it could not make the desired impact, but immediately following its reconstitution in February 2007, the ACC began working with renewed vigor and impetus duly acceding to the United Nation's convention against corruption that was adopted by the General Assembly way back on 31 October 2003. [130a] (About us)

- 18.03 The ACC website continued:

'The commission is mandated as independent, self-governed and neutral entity. It consists of three Commissioners; of them one as the chairman and all appointed by the President on the recommendation of the Selection Committee for a period of four years from the date of their appointment. While the commissioners function on full time basis loses eligibility for reappointment on expiry of the term in their office.' [130a] (About us)

- 18.04 According to the Human Rights Watch (HRW) World report 2008:

'The [Emergency Powers] Ordinance...empowers Anti-Corruption Commission officials, with retroactive effect, to arrest suspects without warrants, confiscate property without court orders, and detain suspects for thirty days without a warrant. Many suspects have been held for 30 days while evidence of their alleged offences is collected. The special tribunals set up for these cases often fail to meet international fair trial standards because of limits on access to counsel, flawed evidentiary requirements, and lack of judicial independence.' [10c]

- 18.05 HRW, in a news release dated 31 March 2010, reported that:

'The Bangladeshi government should reject amendments that would restrict the ability of the Anti-Corruption Commission to take independent action against corrupt government officials, including those in the governing party....

[that] 'A cabinet committee established in 2009 to review Bangladesh's anti-corruption legislation has proposed amendments requiring the Anti-Corruption Commission, which was established by law in 2004, to obtain permission from the government before taking legal action against government officials and members of parliament suspected of corruption.

'Public sector corruption is a grave problem in Bangladesh, corroding faith in government and undermining the rule of law and efforts at reforming institutions like the police and army,' ... 'Creating laws that shield government officials from prosecution would send a clear message that the government is not serious in fighting corruption.'

[10o]

- 18.06 The US State Department Country Report on Human Rights 2011 (USSD 2011), released on 24 May 2012, stated that:

'The Anti-Corruption Commission (ACC) is the government agency charged with fighting corruption. On February 23, the government appointed a former bureaucrat and a retired judge, both publicly identified with the ruling AL, as commissioners of the ACC. According to a 2010 report by the World Bank, the government tried to undercut the authority of the ACC and severely hampered the prosecution of corruption throughout the country. The reports stated that the government had filed far fewer corruption cases than the caretaker government and that a government commission had recommended that the ACC drop thousands of corruption cases, mostly involving AL members. Members of civil society stated that the government was not serious about fighting corruption and that the ACC was used for politically motivated persecutions. Transparency International Bangladesh asserted that political interference in the ACC's operations had rendered it a "toothless tiger".'

[2a] (Section 4)

[Return to contents](#)
[Go to sources](#)

HIGH-PROFILE ARRESTS ON CORRUPTION AND OTHER CHARGES

- 18.07 The US State Department Country Report on Human Rights 2011 (USSD 2011), released on 24 May 2012, noted 'The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.'
- [2a] (Section 4)**

- 18.08 The USSD 2011 continued:

'A review committee headed by the state minister for law, justice, and parliamentary affairs recommended the withdrawal of politically motivated cases that the government and ACC filed prior to 2009. The committee recommended the withdrawal of approximately 1,817 cases, filed mostly against AL leaders, including all the cases filed against Sheikh Hasina. Other cases recommended for withdrawal included one case against BNP leader Khaleda Zia's son, Tarique Rahman; one against BNP leader and former law minister Moudud Ahmed; and one against Jatiya Party secretary general Ruhul Amin Howlader. Ahmed refused the government's offer to withdraw all cases against him and demanded the withdrawal of all politically motivated cases against BNP leaders, including Khaleda Zia and her sons.'

[2a] (Section 4)

18.09 The USSD 2011 stated that:

'At a news conference on September 13, ACC Director General Farrukh Ahmed announced that the ACC had launched action against all 448 persons who were exempted by the caretaker government's Truth and Accountability Commission (TAC) for confessing their involvement in corruption and surrendering their ill-gotten wealth. The ACC decision to launch action against those who received TAC amnesty followed a high court order declaring the TAC illegal and its decisions void.' [2a] (Section 4)

See Section 11: [The Truth commission](#)

18.10 The USSD 2011 continued, 'The government took some steps to address widespread police corruption. The inspector general of police continued to implement a new strategy, partially funded by international donors, for training police, addressing corruption, and creating a more responsive police force. No assessment of its impact on corruption within the police force was available.

'The judiciary was subject to political pressure from the government. In several cases, the appellate division overturned decisions granting bail to high-level corruption suspects who were leaders of opposition parties. Corruption remained a serious problem within the judiciary. Corruption was a factor in lengthy delays of trials, which were subject to witness tampering and intimidation of victims. Several reports by human rights groups and corruption watchdog groups indicated growing public dissatisfaction with the perceived politicization of the judiciary.' [2a] (Section 4)

18.11 The USSD 2011 reported that, 'The law provides for public access to government information, but in practice it has not been fully effective. The Information Commission conducted an awareness campaign on the public's right to information.' [2a] (Section 4)

See Section 8: Security Forces: [Accountability and impunity](#) Section 11: [Corruption in the Judiciary](#) and Section 32: [Forged and fraudulently obtained documents](#)

[Return to contents](#)
[Go to sources](#)

19. FREEDOM OF RELIGION

RELIGIOUS DEMOGRAPHY

19.01 The US State Department's International Religious Freedom Report for 2011 (USSD IRF 2011 report) published 30 July 2012, covering the period from January 2011 to 31 December 2011, stated that:

'According to the 2001 census, Sunni Muslims constitute 90 percent of the population and Hindus make up 9 percent. The remaining 1 percent of the population is predominantly 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 districts. 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, concentrating in Barisal City, Gournadi in Barisal District, Baniarchar in Gopalganj, Monipuripara in Dhaka, Christianpara in Mohakhali, Nagori in Gazipur, and Khulna City. There also are small populations of Shia Muslims, Sikhs, Baha'is, animists, and Ahmadi Muslims. 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. Most foreign residents are of Bangladeshi descent 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.' [2c] (Section i)

19.02 The USSD IRF 2011 report stated:

'The constitution and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom. The government did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom. However, some observers stated the government's treatment of religious minorities improved during the year, citing the increase in government funds for minority welfare trusts and police protection of minority groups facing societal attacks. An amendment to the constitution passed on June 30 established Islam as the state religion but reaffirmed the country as a secular state. The constitution provides for the right to profess, practice, or propagate all religions, subject to law, public order, and morality. Citizens were free to practice the religion of their choice. Although government officials, including police, were sometimes slow to assist religious minority victims of harassment and violence, there were notable examples of timely and effective police intervention. The government and many civil society leaders stated that violence against religious minorities normally had political or economic dimensions as well and could not be attributed solely to religious belief or affiliation.' [2c] (Executive summary)

19.03 The USSD IRF 2011 report noted that:

'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." The government continued to block pages of Facebook it deemed offensive for religious reasons. ...

'There were no reports of abuses of religious freedom. In general, government institutions and the courts protected religious freedom.' [2c] (Section ii)

[Return to contents](#)
[Go to sources](#)

FAMILY LAW

19.04 As noted in the USSD IRF 2011 report:

'Islamic law plays some role in civil matters pertaining to the Muslim community; however, there is no formal implementation of Islamic law, and it is not imposed on non-Muslims. For instance, alternative dispute resolution is available to individuals for settling family arguments and other civil matters not related to land ownership. With the consent of both parties, arbitrators rely on principles found in Islamic law for settling disputes. In addition, Muslim family law is loosely based on Islamic law.' [2c] (Section ii)

19.05 The USSD IRF 2011 report stated:

'Family laws concerning marriage, divorce, and adoption differ slightly depending on the religious beliefs of the persons involved. Each religious group has its own family laws that are codified in the legal system. 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 discourages polygamy, and it is rarely practiced among Muslims. A Christian man may marry only one woman. Under Hindu law in the country unlimited polygamy is permitted for males only (but seldom practiced), and there is no provision for divorce. Hindu widows can legally remarry. The family law of the religion of the two parties concerned governs their marriage rituals and proceedings; however, marriages also are registered with the state. There are no legal restrictions on marriage between members of different religious groups.' [2c] (Section ii)

19.06 The USSD IRF 2011 report further stated:

'Under the Muslim family ordinance, females inherit less than males, and wives have fewer divorce rights than husbands. During the year, the prime minister sought to make these laws more equitable by making changes to the Women's Development Policy, specifically to make inheritance laws more equitable for female heirs. The policy, however, does not carry the full force of law. Laws provide 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 do not register their marriages. Under the law a Muslim husband is required to pay his former wife alimony for three months, but this requirement was not always enforced. There is little societal pressure to enforce it and case backlogs made it difficult, if not impossible, to get redress through the courts.' [2c] (Section ii)

See Section 19: [Freedom of religion - Fatwa](#)

See Section 24 on [Children: Education](#)

[Return to contents](#)
[Go to sources](#)

The state and religion

19.07 The USSD IRF 2011 report related:

'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.' [2c] (Section ii)

The report continued:

'Religious studies are part of the curriculum in government schools. Children attend classes in which their own religious beliefs are taught. Schools with few students from religious minority groups often make arrangements with local churches or temples to

hold religious studies classes outside school hours. Anecdotal evidence suggested there were tens of thousands of madrassahs (Islamic schools) in the country. A research organization put the number at nearly 33,000, and some journalists estimated that the number was far higher. A 2009 World Bank study estimated only 2 percent of primary school students in rural areas attended “Qaumi” madrassahs, which are independent, private madrassahs not regulated by the government. According to the same study, another 8 percent of elementary school students and 19 percent of secondary school students attended “Aliyah” madrassahs, state-regulated private madrassahs that teach 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 are no known government-run Christian, Hindu, or Buddhist schools, although private religious schools existed throughout the country.’ [2c] (Section ii)

- 19.08 The USSD IRF 2011 report commented: ‘Since 2001 the Government routinely has posted law enforcement personnel at religious festivals and events that may be targets for extremists.’ [2c] (Section II) The report continued:

‘There were some instances of attacks and discrimination against religious and ethnic minorities perpetrated by actors outside of the government during the year. There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. 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. Religious minorities are often at the bottom of the social hierarchy and have the least political recourse.’ [2c] (Section III)

- 19.09 As stated in the USSD IRF 2011 report, ‘The government took a number of steps to promote religious freedom and secure peace. The government appointed members of minority communities to higher ranks of government and supported minority religious trusts.’ [2c] (Section ii)

- 19.10 The USSD IRF 2011 report related:

‘Parliament passed the Christian Religious Welfare Trust (Amendment) Act 2011, increasing the amount of fixed deposits from 10 to 40 million taka (\$122,000 to \$488,000). The amount had been fixed for the last 27 years because the Trust had been established only by ordinance since 1983 and no actual board was established until 2009. Thus, the government did not allocate additional funds until the adoption of this year’s amendment. The government also took administrative action to raise the amount of the Buddhist Religious Welfare Trust from 30 to 50 million taka (\$367,000 to \$610,000).’ [2c] (Section II)

[Return to contents](#)
[Go to sources](#)

Fatwa

- 19.11 As was stated in the USSD IRF 2011 report,

‘A May ruling by the Appellate Division of the Supreme Court rejected a 2001 High Court ban on fatwas (Islamic religious decrees); however, the Appellate Division ruled that fatwas could not be punitive and could not run counter to existing secular laws. Under the law, a fatwa can be issued on any subject provided it is not punitive. Previously,

most publicized fatwas were issued against men and women who were accused of transgressing religious law or custom.' [2c] (Section II)

See Section 19: [Freedom of religion - Family law](#)

- 19.12 The USSD IRF 2011 report continued '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 isolated individual cases. Sometimes these declarations resulted in extrajudicial punishments, often against women, for perceived moral transgressions.' [2c] (Section II)

See Section 23: [Women - Vigilantism](#)

- 19.13 According to a BBC News article of 13 February 2001, punishments could vary from public naming and shaming to physical mutilation. [20c]
- 19.14 Barrister M.A. Muid Khan, in an article dated 20 March 2009, noted that if a punishment meted out as a result of a fatwa causes hurt or grievous bodily harm, it contravenes the Penal Code and possibly also the Suppression on Women and Children (Special Provision) Act, both of which carry lengthy terms of imprisonment. However, no persons who had issued fatwas (fatwabazs) had so far been convicted under these provisions. (UNB) [39m]

See Section 23: [Women - Vigilantism](#)

[Return to contents](#)
[Go to sources](#)

HINDUS

- 19.15 The Internal Displacement Monitoring Centre (IDMC) 2006 report entitled 'Bangladesh: Minorities increasingly at risk of displacement' noted that the Hindu population comprised approximately 10.5 per cent of the total population of Bangladesh in 1991, compared with about 25 per cent in 1947. It is estimated that 5.3 million Hindus left Bangladesh between 1964 and 1991. [45b] (p21)
- 19.16 The NGO Ain o Salish Kendra (ASK) reported that the Caretaker Government had formed a Vested Property Return Tribunal and an Appeal Tribunal in October 2008, but commented that it was not clear under what mandate or guiding principles the Tribunal would be operating. (ASK Annual Report 2008) [109a] (Chapter 15)
- 19.17 According to the 2008 Annual Report of the NGO Ain o Salish Kendra (ASK):
- 'As noted in previous years' reports, incidents of harassment against the Hindu minority community continued at a low level, almost as a persistent 'background noise' in the country's overall human rights situation. There were arguments, often by those who wished to deny specific religious discrimination that such incidents of harassment, looting, rape, etc., occur against all impoverished communities in Bangladesh. Religious minorities continue to be most vulnerable ... Temples appeared to be a vulnerable target, with several major cases reported by the press this year [2008] ... An attack on Kotiadi monastery, Kishoreganj, which resulted in the rape of one monastery occupant and death of the elderly priest Abinash Chandra Goshai; destruction of idols of two hundred year old temple at Gouranadi arson at Badarganj temple, Rangpur; and

destruction of idols at Aghoiljhara, Barisal district ... Thus whether the motivation was looting or communal attack, or a combination of both, the lack of punishment for one incident appears to create an enabling environment for more attacks in same location. Even more worrying are incidents that happen with support of local authorities, as in Bagerhat, where attempts to build a structure on temple land resulted in hundreds of Hindu community members surrounding the offices of municipal authorities demanding the temple area be left intact for Kirtan, Kobi Gaan and other religious events. In many cases of attacks against minority community, the local police appeared reluctant to take the cases seriously. In cases where there is sustained reporting, it is often revealed that land grabbing is a primary motive behind the violence... The footprint of the Vested Property Act can be seen both in the targeting of Hindu land as more vulnerable to legal maneuvers (sic), as well as the frequent exhortations to “move to India”.’ [109a] (Chapter 15)

19.18 The USSD IRF 2011 report noted:

‘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 succeeding 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 seized under the Vested Property Act should be returned to its original owners, provided 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 leasing rights, to local government employees. At year’s end, the government had not yet prepared a list of such properties.’ [2c] (Section II)

[Return to contents](#)
[Go to sources](#)

BUDDHISTS

- 19.19 According to an estimate quoted by BuddhaNet, the Australian-based website of the Buddha Dharma Education Association, there were about one million Buddhists in Bangladesh by 2004, living mainly in the area of the city of Chittagong, the Chittagong Hill Tracts (CHT), Comilla, Noakhali, Cox’s Bazar and in Barisal. The Buddhists of Bangladesh belong to four groups of nations who have been gradually mixed together; the groups are the Austic, the Tibeto-Burman, the Dravians and the Aryans. According to historians the Tibeto-Burman consists of three tribes – the Pyu, the Kanyan and the Thet (Chakma). The Chakma tribes primarily reside in the Chittagong Hill Tracts. The Kanyan tribe is known as the Rakhine (Arakanese) group who still live in the South-Eastern part of Chittagong district. The plain Buddhists of Bangladesh, known as the Burua-Buddhist, are the ancient peoples of Bangladesh who have lived there for five thousand years, according to Arakanese chronology. [92a]

- 19.20 As stated in a report of the Canadian Immigration and Refugee Board (IRB) dated 16 August 2005, the majority of the Jumma people of the Chittagong Hill Tracts practise Buddhism. [3h]
- 19.21 Reports from the Bangladesh Hindu Buddhist Christian Unity Council (BHBCUC) indicate that there have, on occasion, been religiously motivated attacks against the Buddhist community. For example, a gang reportedly set fire to the Paschim Nanupur Anandodham Bouddha Bihar in Chittagong district on 29 December 2008. [57a]
- 19.22 The Asian Centre For Human Rights (ACHR) in a report 'Bangladesh: IPs Massacred for Land Grab', dated 23 February 2010, stated that:

'On 19-20 February 2010, the Bangladesh army personnel and the illegal Bengali settlers under the overall command of Lt Col. Wasim, Commander of the Baghaihat zone Army Camp, launched major communal attacks against the indigenous Jumma peoples in 14 Jumma villages in Baghaihat area of Sajek Union under Rangamati district in Chittagong Hill Tracts (CHTs) of Bangladesh. In these pre-planned attacks that began on the night of 19 February 2010, the illegal plain settlers backed by the Bangladesh army burnt down at least 200 to 300 houses.' [66c]

For further information on the treatment of Buddhists See Section 20: [The Indigenous Jumma Peoples of the Chittagong Hill Tracts](#).

[Return to contents](#)
[Go to sources](#)

THE AHMADIYYA COMMUNITY (ALTERNATIVELY AHMADIS OR KADIYANIS OR QADIANIS)

- 19.23 Ain o Salish Kendra (ASK) commented in their Annual Report 2008:
- 'Continuing tensions prevail regarding the security of the country's Ahmadiya community ... while there have been occasional forays by bigotted (sic) groups, as in Khulna against the Moazzem Hossain family, there have been no attacks on Ahmadiya mosques. The Ahmadiya faith's centennial celebrations were carried out without hindrance, with a cross-section of political and civil society leadership in attendance. However, while there were no major incidents, we should note the organizing of a seminar by Amra Dhakabashi at Deen Hall, where discussants demanded that Ahmadiyas ("Qadiyanis" to their opponents) be declared non-Muslim. This group, essentially involved in street violence earlier, is now pushing hate speech demands through law-based arguments. When looking at recent court case demanding ban of construction of a statue in Narayanganj, one can see possible futures where hate groups push their agenda through the courts rather than street demonstrations, allowing them to take on an apparent mantle of respectability.' [109a] (Chapter 15)
- 19.24 The US Committee on International Religious Freedom, Annual Report 2010, covering events from May 2009 to April 2010, released in May 2010, observed that:
- 'Bangladesh's small Ahmadi community of about 100,000 has been the target of a campaign to designate the Ahmadis as "non-Muslim" heretics. In January 2004, the then-government, led by the BNP in coalition with Jamaat-e-Islami Bangladesh and a smaller Islamist party, banned the publication and distribution of Ahmadi religious literature. Police seized Ahmadi publications on a few occasions before the courts in December 2004 stayed the ban. Since then, the ban has not been enforced, although it

has never been officially rescinded. In some instances, local anti-Ahmadi agitation has been accompanied by mob violence in which Ahmadi homes have been destroyed and Ahmadis are held against their will and pressured to recant. However, violence against Ahmadis has diminished in recent years due to improved and more vigorous police protection. Bangladeshi Ahmadis were able to hold their annual national convention in March 2010, in the eastern city of Brahmanbaria, although they received death threats from anti-Ahmadi groups. They also were subject to written restrictions from the police (including regarding religious content), who entered the Ahmadi mosque to order the cutting off the mosque's internal sound system.' [115a] (p327)

19.25 The USSD IRF 2011 report stated that:

'Harassment of Ahmadis continued. [2c] (Executive summary) ... During Ramadan, local police in Brahmanbaria District banned the local Ahmadi community from playing the call to prayer over loudspeakers. In February local government officials in the Gazipur District cancelled the Ahmadi community's annual convention, citing a booking conflict. The Ahmadi community alleged several anti-Ahmadi officials were behind the cancellation. [2c] (Section ii)

'Throughout the year, attacks directed at the Ahmadi community in Tangail resulted in injuries and significant property damage. The attacks occurred in three waves in June, August, and October and 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 leaders issued statements about the need to live in harmony.' [2c] (Section iii)

[Return to contents](#)
[Go to sources](#)

CHRISTIANS

19.26 A report from the Immigration and Refugee Board of Canada, dated 9 August 2006, has quoted from various other sources as follows:

'There are an estimated 350,000 to 500,000 Christians living in Bangladesh, the majority of whom are Catholic. The [2005 USSD Religious Freedom Report] indicates that Bengali Christians are spread across Bangladesh, and that some indigenous (non-Bengali) groups are also Christian...Reported incidents against religious minorities, including Christians, have included killings, sexual assaults, extortion, intimidation, forced eviction, and attacks on places of worship... According to Open Doors (OD), an evangelical Christian organization that provides religious materials, training and support to Christians around the world, Christians, and particularly Muslims who convert to Christianity, are not safe in Bangladesh. According to the International Coalition for Religious Freedom, a US-based NGO, Muslim converts to Christianity generally do not openly practice their religion. Sources consulted indicate that Muslims who convert to Christianity could face rejection by their families and society and physical "danger". A May 2005 U.S. Newswire article reports that Christian Freedom International (CFI), a US based human rights organization, found evidence of "persecution" of Muslims who had converted to Christianity during a fact-finding mission to Bangladesh. Cited in the same article, the president of CFI indicated that Muslim women who convert to Christianity may be subject to beatings, abduction, rape, forced marriage and forced reconversion to Islam. Specific reports of Muslim women who converted to Christianity being subject to such treatment could not be found among the sources consulted by the

Research Directorate [IRB]...The government has, however, taken measures to provide security at places of worship of religious minorities around the country. During Christmas celebrations in 2005, the government reportedly tightened security at churches across the country following a series of Islamic militant bombings earlier that year.' [3g]

- 19.27 The USSD IRF 2011 report stated that, 'According to Odhikar, a local human rights organization, a gang related to a local Awami League official occupied land belonging to Saint Mathuranath AG Mission in early August. Local Christian leaders alleged that members of the gang assaulted local clergy in their effort to wrest control of the land from the Mission. Local police intervened and initiated efforts to peacefully resolve the situation.' [2c] (Section iii)

[Return to contents](#)
[Go to sources](#)

20. ETHNIC GROUPS

- 20.01 Bangladesh is ethnically '... highly homogeneous, with more than 98 per cent of the population being Bengali. Members of ethnic minority communities, mostly tribal peoples in the north and in the east, are often non-Muslim.' (USCIRF Report 2010) [115a] (p326) An article in the Bangladesh News dated 27 March 2008 stated that: 'For centuries, Bangladesh has been the dwelling place of different ethnic groups. In fact, 35 smaller groups of indigenous people covering about two per cent of the total population have been living in different pockets of the hilly zones and some areas of the plain lands of the country. Their historical background, economic activities, social structure, religious beliefs and festivals make them distinctive.' [6a]

[Return to contents](#)
[Go to sources](#)

THE INDIGENOUS JUMMA PEOPLES OF THE CHITTAGONG HILL TRACTS

- 20.02 The Chittagong Hill Tracts (CHT) covers about 10 per cent of the total land area of Bangladesh; it includes the districts of Khagrachhari, Rangamati and Bandarban within the Division of Chittagong. (The Mappa Ltd: Bangladesh Guide Map 2003) [25a] With regard the CHT, Amnesty International (AI), in a report of 1 March 2004, stated:

'The Chittagong Hill Tracts (CHT) is a hilly, forested area in south-eastern Bangladesh which for many hundreds of years has been home to people from 13 indigenous tribes [collectively known as the Jumma people]. These tribal people differ significantly from the rest of the population of Bangladesh in terms of their appearance, language, religion and social organisation.

'Pressure for land to cultivate and encouragement from successive governments have led to the migration of large numbers of non-tribal Bengali people to the CHT. Tribal people have viewed the movement of Bengali settlers to the CHT as a threat to their way of life and their customs and traditions.

'Armed rebellion in the Chittagong Hill Tracts began in mid-1970s. A peace accord signed in 1997 ended the armed conflict, but human rights violations against the tribal people which began during the armed conflict have continued on a smaller scale.' [7b]

- 20.03 The US State Department Country Report on Human Rights Practices 2011 (USSD 2011 report), released on 24 May 2012, stated that ‘The indigenous community experienced widespread discrimination and abuses, despite government quotas for indigenous participation in the civil service and higher education. The government also failed to protect indigenous persons from societal violence.’ [2a] (Section 6)
- 20.04 The USSD 2011 report continued:
- ‘According to Odhikar, during the year clashes between ethnic-Bengali settlers and the indigenous community resulted in 40 persons killed, 94 injured, 17 abducted, 18 raped, and the destruction of 40 indigenous homes. For example, on April 17, according to NGO and press reports, a series of violent clashes between Bengali settlers and the indigenous community in the Ramgarh subdistrict of the Chittagong Hill Tracts left at least four persons dead and numerous injured. The clashes were triggered by a land dispute and resulted in the burning of at least four indigenous villages, with arson attacks targeting food storage houses and Buddhist temples. A local political organization, Parbattya Chhattagram Jono Sanghati Samity, released a statement claiming that the Bengali settlers involved in the arson attacks acted with the assistance of security forces, a claim the government refuted. At least one indigenous man was taken into police custody and was reported missing following the attacks.’ [2a] (Section 6)
- 20.05 The USSD 2011 further reported that ‘During the year the government released several statements announcing that the country’s indigenous population was not “indigenous” and henceforth would be known as “small ethnic minorities” instead. ... Indigenous leaders disputed the new nomenclature ... During the year indigenous leaders continued to protest the army’s presence and publicly called for its removal.’ [2a] (Section 6)
- 20.06 The USSD 2011 stated that:
- ‘... The government reconstituted the CHT Land Commission in 2009, which announced its decision to conduct a land survey; however, indigenous rights groups criticized this decision since they believed Bengali settlers would be able to obtain false documents detailing ownership of traditionally indigenous lands. The land commission did not function effectively in addressing critical land disputes after the signing of the peace accord. ... The National Committee for Implementation of the CHT Peace Accord was reconstituted in late December 2010 but suspended the activities of the land commission pending further review. ... Law and order problems and alleged human rights violations continued, as did dissatisfaction with the implementation of the peace accord.’ [2a] (Section 6)
- See the UN Economic and Social Council report, [Study on the status of implementation of the Chittagong Hill Tracts Accord of 1997](#), dated 18 February 2011, submitted by the Special Rapporteur, for an implementation update. [8h]

See also Section 28: [Internally Displaced People](#)

[Return to contents](#)
[Go to sources](#)

BIHARIS

Background

- 20.07 Biharis are sometimes referred to as ‘stranded Pakistanis’, or as the Urdu speaking community of Bangladesh). At the time of the partition of India in 1947, many Urdu-speaking Muslims from the East Indian states – predominantly Bihar but also from Assam and Orissa – chose to migrate to East Pakistan. An additional number of Indian and Pakistani Urdu-speakers subsequently relocated to Bangladesh; these separate groups of Urdu-speakers became known, collectively, as ‘Biharis’. (FCO, 6 November 2007) [11a]
- 20.08 A paper from Interdisciplinary.net, *Conceiving Collectivity: The Urdu-speaking ‘Bihari’ Minority and the Absence of ‘Home’*, 2009, reported that:
- ‘The “Urdu-speaking community” in Bangladesh could be considered a “linguistic diaspora”. The descendants of over one million Urdu-speaking Muslims who migrated from India to East Bengal (then East Pakistan) following the country’s creation in 1947 ... they are distinguished from the Bengali speaking majority largely through language. Many had fled violence in North Indian states such as Bihar (as well as Uttar Pradesh, Orissa and others), and the label “Bihari” has been used in reference to the descendants of these migrants in the region ever since. Controversially sharing certain linguistic and cultural similarities with the ruling (West Pakistani) Punjabi elite these migrants gained increasing influence in the new state They “came to be known as conduits of the West Pakistani “colonialists”, who were not to be trusted” Cultural, linguistic and political tensions culminated in the Liberation War of 1971. Following the country’s Liberation, the entire Urdu-speaking community were branded enemy collaborators and socially ostracised. Thousands were arrested or executed, while others, having been dispossessed by the state and fearful for their lives, were forced to flee A once strong sense of Diasporic unity’ was now constructed in different terms. “The community” had been displaced for a second time, but now “within” the land that had become their “home”. They were once again “othered” but not as a result of their own actions (emigration) as much as the events that took place around them.’ [67a]
- 20.09 In 2008-2009 there were estimated to be about 250,000 to 300,000 Biharis living in Bangladesh.(UNB, 18 May 2008) [39f] (The Daily Star, 19 May 2008) [38t] (The Daily Star, 26 January 2009) [38ah] Of those, approximately 160,000 were living in 116 camps situated throughout the country; the remainder were living outside of the camps. (Oxford University: Refugee Studies Centre, April 2009) [114a] (The Daily Star, 30 December 2008) [38ah]

[Return to contents](#)
[Go to sources](#)

Biharis recognised as citizens

See The Refugee and Migratory Movements Research Unit (RMMRU) policy brief [Accessing Rights as Citizens: The Camp-based Urdu Speaking Community in Bangladesh, 2007](#) [61a] which identifies some of the barriers to ‘effective’ citizenship.

- 20.10 An article in [bdnews24.com](#), dated 13 June 2012, reported that:

‘A group of ten residents of Geneva Camp filed a writ petition in the High Court Subsequently, a two-member bench of High Court gave rule on May 5th, 2003 that the Geneva camp was very much within the territory of Bangladesh and the petitioners were citizens of Bangladesh and as such they should be registered as voters. Unfortunately, it was interpreted and argued that the rule of the High Court was applicable for only ten

petitioners. ... another writ petition was filed ..., seeking voting rights for all the Urdu-speaking people. A two-member bench of High Court in its verdict observed on 8th May 2008 that [the] “Question of citizenship of Urdu-speaking has got another aspect, which is very important from the constitutional perspective. ..., they are constantly denied the constitutional rights to job[s], education, accommodation, health and a decent life like other citizens of the country. By keeping the question of citizenship unresolved on wrong assumption over the decades, this nation has not gained anything rather was deprived of the contribution they could have made in the nation building. The sooner the Urdu-speaking people are brought to the mainstream of the nation is the better”.

‘The Bench in its ruling said, “The Election Commission is directed to enroll the petitioners and other Urdu-speaking people who want to be enrolled in the electoral rolls and accordingly, give them National Identity Card without any further delay”.

‘It was understood that the end of their statelessness would provide them the much needed access to the various opportunities and facilities of social, cultural and economic benefits and facilitate their mainstreaming in the society. But even after receiving the “National Identity Card” and casting their votes in the last general elections, they are still treated as “stranded Pakistanis”, stateless and refugees.’ [60a]

- 20.11 An article in The Daily Star dated 26 May 2008 noted that ‘The government of Bangladesh later offered the community the choice of repatriation to Pakistan. In December 1973, the International Committee of the Red Cross completed registration of 539,669 persons who wished to return to Pakistan.’ But also noted that there was no mention of citizenship. [38u]
- 20.12 The NGO Refugees International (RI) commented in a report dated 23 May 2008, ‘This measure will allow about half of the 200-500,000 stateless Biharis, hosted by Bangladesh for 36 years, to find a remedy to their lack of an effective nationality.’ [74b]
- 20.13 The Daily Star confirmed that Biharis had voted in significant numbers in the general election of 29 December 2008. [38ag] However, The Daily Star reported on 26 January 2009:

‘Despite obtaining country’s citizenship, the Urdu-speaking Bihari are still being deprived of getting Bangladeshi passports as copy of the High Court (HC) verdict is yet to reach the Home Ministry even after eight months of the ruling ... After obtaining the citizenship, many Biharis have applied for getting passport. Though they have submitted the applications after following proper system, the passport offices have rejected the applications depriving their citizen rights; many Bihari alleged ... Secretary for Home Affairs Md Abdul Karim told The Daily Star that the ministry is bound to follow the HC ruling but its copy yet to be received. “Without knowing the verdict clearly, we can’t do anything for issuing passport to Biharis,” he said. The passport officials are still unaware of new government policy regarding issuing passport to Biharis. Abdur Rab Hawlader, director general of Department of Immigration and Passport said, “We didn’t receive any instruction from the authorities on issuing passports to the Biharis”. [sic] ... Kafil Uddin Bhuiyan, deputy director of Regional Passport Office, Dhaka said, “We provide passport on the basis of police verification...” But the residents at different Bihari camps said, they are still being addressed as “Stranded Pakistani” in police verification, which is the main barrier to get the passport. In some cases, passport officers say, without holding a permanent address, one will not [be] eligible for getting a passport ... Meanwhile, concealing original identity, many Biharis had got passports before obtaining

Bangladeshi citizenship. But they are also facing the same problem while trying to renew the passport.’ [sic] [38ah]

- 20.14 The United Nations High Commissioner for Refugees (UNHCR), in a [Note on the nationality status of the Urdu-speaking community in Bangladesh](#) dated December 2009 stated that:

‘In light of the May 2008 Supreme Court decision and subsequent implementing measures taken by the Government of Bangladesh, the Urdu speaking community can no longer be viewed as stateless, as they are considered to be nationals of Bangladesh.

‘Despite the fact that pockets of Bangladeshi society resent the role that some Urdu speakers played in the 1971 Liberation War, many members of Urdu speaking communities, including those in the open camps, are living alongside the Bengali community and speak Bengali. Urdu speakers living in extreme poverty are sometimes unable to access basic services, either because of the unavailability of such services in their area, or because they are unable to meet the necessary legal or administrative requirements applicable to all Bangladeshi nationals (for example, they may lack a valid address, which is required to acquire a passport); this is not, however, a problem unique to Urdu speakers in Bangladesh. Although there may be instances where officials, particularly at the local level, would seek further guidance from their ministries on the effect and application of the 2008 Sadaqat Khan judgment before resolving a matter involving Urdu speakers, difficulties in accessing services do not denote a refusal to recognize Urdu speakers as nationals of Bangladesh.’ [8i] (p5)

Living conditions in the camps

- 20.15 The Refugees International report of 23 May 2008 noted that conditions in the camps were poor: ‘Living conditions are miserable primarily due to high population density, aging accommodations, poor sanitation and hygiene, lack of education and health care facilities, and limited access to livelihoods...’ [74b]
- 20.16 The USCRI World Refugee Survey 2007, published in June 2007, observed that ‘half of the Biharis’ lived outside of the camps and were integrated into the local community. [37a] (p32)

[Return to contents](#)
[Go to sources](#)

21. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

In considering the position of lesbians and bisexual women see also the section on [Women](#) below

LEGAL RIGHTS

- 21.01 An alternative report submitted by the Citizens' Initiatives to CEDAW-Bangladesh dated December 2010 stated that:

‘As a signatory to CEDAW, the Bangladeshi state has an international obligation to protect the rights of sexual and gender minorities; more specifically to eliminate all forms of discrimination based on sex (which can be, and is widely, interpreted to include sexual orientation and gender diversity). The Constitution of Bangladesh also

guarantees the right to be free from discrimination based on sex, as well as caste, religion and race.’ [24b] (p56)

The Citizens’ Initiatives on UNCEDAW, Bangladesh (CiC-BD) is a citizens’ platform comprised of 38 women’s and human rights organizations. The platform came together in October 2007. [24b]

21.02 The same report continued:

‘Same sex sexualities and non-normative gender identities are not recognized under the current legal framework of the country. International and constitutional guarantees of freedom from discrimination on the grounds of sex are directly contravened by Section 377 of the Bangladesh Penal Code which provides for the punishment through imprisonment and fines of any sexual activity deemed “against the order of nature” by the courts. Introduced by colonial authorities in British India, this provision of the Penal Code of 1860 effectively criminalizes all acts other than procreative sex within heterosexual marriage.

‘In practice, Section 377 can be used by post colonial states such as Bangladesh to criminalize consensual same sex activity. The law does not distinguish between consensual and forced sex. In some instances, it is also used to prosecute cases of child sexual abuse since existing rape laws do not recognize male to male rape. That is, rape is understood to be a heterosexual phenomenon, both culturally and legally.

‘At the Fourth Round of the Universal Periodic Review in February 2009, the Sexual Rights Initiatives (SRI) presented a report on the socio-political rights of sexual and gender minorities, including gays, lesbians, hijras, kothis and inter-sex persons in Bangladesh. The report was historic in nature since this was the first time that the subject of sexual and gender minorities in Bangladesh had been presented at such a high level international forum. During the discussion, the Bangladesh Foreign Minister denied the existence of homosexuality in the country. The GOB [Government of Bangladesh] also rejected recommendations in the SRI report to decriminalize consensual same sex activity by repealing Section 377.’ [24b] (p56)

21.03 The alternative CEDAW report of December 2010 stated that:

‘The social and cultural invisibility of same sex practices in Bangladesh is accompanied by the dearth of scholarship on the topic. New research shows that sexually marginalized populations, especially those belonging to the hijra or transgender/trans-sexual community, are systematically persecuted by state agents through another provision, that of Section 54 which allows for arrest without warrant in case of “suspicious” behavior. The police are notorious for gross infringements of the rights of sexual minorities, especially hijras, kothis or “effeminate” males and MSM (males who have sex with males) through invoking Section 54. Harassment, physical and sexual abuse and extortion, as well as arbitrary arrest and detention, are standard forms of violence these groups face for not conforming to heterosexual norms. Moreover, many HIV/AIDS awareness programs have been threatened or closed down because of intimidation and violence by law enforcing authorities. Sexual and gender minorities have minimal access to medical services and treatment of any kind, because of social stigma and the discrimination by medical service providers. Loss of traditional forms of livelihood and overt discrimination in employment opportunities has pushed hijras primarily into sex work for survival. Hijra and MSM sex-workers are routinely subjected to rape as well as intimidation in exchange for police “protection.” Notably, only one

case has actually been filed under Section 377 in independent Bangladesh although there is some anecdotal evidence that the law is used to intimidate sexual and gender minorities. According to the UPR report, most Hijra and Kothi identified persons cited bullying as one of the preeminent reasons for dropout from state sponsored primary schools. Many are reported to have turned suicidal and experienced acute psychological trauma. There is now an emerging self-identified gay and lesbian culture in Bangladesh, although little is documented on the kinds of rights violations to which such groups are subjected. Research indicates that “effeminate” boys face serious bullying and intimidation in educational and other social settings. Self-identified gay teenagers are often forced into psychiatric and medical regimes in order to be “cured”.’
[24b] (p57)

- 21.04 The US State Department 2011 Country Report on Human Rights Practices: Bangladesh, (USSD 2011), released on 24 May 2012, observed:

‘Consensual same-sex sexual activity is illegal, but in practice the law was rarely enforced. There were several informal support networks for gay men, but organizations to assist lesbians were rare. Informal organizations reported that they were unable to organize, do outreach, petition for changes to the law, or set up permanent establishments because of the possibility of police raids. One gay rights organization stated that gay men and lesbians also often faced extreme family pressure to marry opposite-sex partners.’

‘Attacks on lesbian, gay, bisexual, and transgender (LGBT) persons occurred on occasion, but those offenses were difficult to document because victims desired confidentiality. Strong social stigma based on sexual orientation was common and prevented open discussion about the subject. The Bandhu Social Welfare Society, a local NGO, reported 109 cases of assault against LGBT persons during the year, as opposed to 128 in 2010.’

‘Although overt acts of discrimination against LGBT individuals were fairly rare – partly because few individuals openly identified their sexual orientation – there was significant societal discrimination. Openly gay individuals, particularly those from less affluent backgrounds, found that their families and local communities ostracized them. Some sought refuge in the traditional transgender or “hijra” community.’

‘On May 24, The New Age newspaper announced that the Passport Office would allow those who identify as neither male nor female to identify as “other” on their passports.’
[2a] (Section 6)

See Section 31: [Exit and return](#)

- 21.05 Aidsdatahub’s (a website that co-ordinates data on HIV/AIDS in the region to assist Governments in their response to the problem) country profile of Bangladesh, updated on 2 April 2010, noted that there are estimated to be 40,000 to one million men who have sex with men (MSM) in Bangladesh. The profile added that there were around 5,000 transgender persons in Dhaka, most of who were sex workers. The same source also noted:

‘Male-to-male sexual activity is illegal and [there is an] absence of non-discrimination laws and regulations which specify protection for MSM... Although there were differences within the various geographic regions of the country, many MSM were also purchasing sex from males or hijra [transgender persons] and group sex was reportedly

common. Many MSM had female sex partners and/or were married due to societal pressure to marry and become fathers.’ **[15a]**

- 21.06 An article in The Guardian, Gay, straight or MSM? dated 6 August 2009, reported that in Bangladesh, how you define your sexuality can depend on class, education and family circumstances. **[55a]**

[Return to contents](#)
[Go to sources](#)

- 21.07 A Human Rights Watch (HRW) report of August 2003 noted that Section 377 of the Bangladesh Penal Code of 1860, inherited from the British colonial administration and titled “Of Unnatural Offences” provides, in part: “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 also be liable to fine.” The report said that Human Rights Watch had not documented any instances in which Section 377 had been enforced in Bangladesh, but continued:

‘Most of the arrests recounted to Human Rights Watch were brought under section 54 [of the Criminal Procedure Code - see Section 12 above]. Whether or not the law is enforced, however, it may effectively criminalize the status of being a kothi or any man who has sex with men. The perception by the police and by society that men who have sex with men are inherently criminal fuels attacks on their dignity and the denial of their equality before the law. A report published by the Bangladesh Ministry of Law, “Mapping Exercise on HIV/AIDS- Law, Ethics and Human Rights”, stated that male sex workers and hijras consulted for the report argued that the section “exists only to be used by the police to victimize gay and bisexual men whom they catch in public areas with a motive to extort money and blackmail.” The report concluded that “Section 377 of the Penal Code violates [the] constitutionally protected right to privacy under the expanded definition of right to life and personal liberty (article 32).” To the extent that section 377 discriminates on the basis of sexual orientation, it is in violation of international human rights law.’ **[10b] (p43)**

- 21.08 The Constitution, under Article 28, protects citizens against discrimination by the State on the grounds of religion, race, caste, sex or place of birth - but is silent on sexual orientation. Article 31, however, states that the protection of the law is the inalienable right of every citizen. **[4]** The ILGA Survey 2010 in its LGBTI rights global overview section did not identify Bangladesh as prohibiting discrimination in employment based on sexual orientation or gender identity. Nor did the state make illegal hate crimes based on sexual orientation or gender identity and there was no provision in the Constitution to prohibit discrimination based on sexual orientation. **[24x] (p44-50)**

- 21.09 There is no military conscription in Bangladesh. COI Service does not have information on whether LGBT persons are generally barred from voluntary service or careers in the military or in the various security services.

See Section 9: [Military Service](#)

- 21.10 It should also be noted that over 80 per cent of Bangladesh’s population is Muslim and that same-sex sexual relations are prohibited in Islamic Sharia Law. **[36a] (p29)**

[Return to contents](#)
[Go to sources](#)

TREATMENT BY AND ATTITUDES OF THE STATE

III-treatment by police officers and by Mastans

21.11 In their August 2003 report entitled *Ravishing the Vulnerable*, Human Rights Watch (HRW) stated that many men who have sex with men (msm) interviewed by HRW reported being raped, gang raped and beaten frequently by police and by mastans (defined broadly as criminal thugs, sometimes with local political connections). **[10b] (p39)**

21.12 According to the report:

‘Like women sex workers, men who have sex with men are abducted, raped, physically assaulted, and subject to extortion by police and mastans. Men who have sex with men are sometimes arrested and abused without being charged with any crime. They have no effective means of lodging official complaints about the abuses they experience. The police also sometimes harass, beat, and arrest men engaging in HIV/AIDS outreach work. Moreover, men who have sex with men are discriminated against by the wider society: turned away from jobs and harassed at school. An old colonial law against “carnal intercourse” is interpreted to criminalize men who have sex with men. These violations stem from and result in a subjugated, subhuman status for this group of people while simultaneously undermining Bangladesh’s capacity to fight an emerging AIDS epidemic.’ **[10b] (p37-38)**

‘HRW stated that gay men interviewed by them also reported that they were regularly subjected to extortion by both police and mastans; those men who engaged in prostitution said that their clients were also subject to extortion. Some of those interviewed reported that they had been arrested under Section 54 of the Criminal Procedure Code; this had not led to criminal charges or prosecution, but rather to abuses such as extortion and physical assault. They did not see any merit in bringing an official complaint about police or mastan abuse, as they believed the police would not act on such a complaint. **[10b] (p39-41)** Human Rights Watch has recorded that only 17 individuals were interviewed in depth for this report; the respondents were identified through organisations of sex workers, organisations for gay men, needle exchange programs and/or drug rehabilitation programs. **[10b] (p10 ‘Methods’)** ... Most of those interviewed described themselves as kothis (men or boys who take on a feminine demeanour and identify themselves as female in sexual relationships with men). The HRW report noted that, according to some experts, a significant proportion of kothis engage in sex work.’ **[10b] (p10, 37, 38)**

21.13 A 2006 UNAIDS report cited a study conducted in 2002 (‘AIDS and STD Control Programme: Second Generation Surveillance for HIV in Bangladesh’), in which 40.9 per cent of male sex workers and 50.1 per cent of hijras reported violence or rape by policemen or mastans. **[36a] (p29)**

21.14 As is referred to in Section VIII of the 2003 Human Rights Watch report **[10b] (p48)** , the Government has been implementing a Police Reform Programme since this report, and the 2002 report cited by UNAIDS, were produced.

21.15 The NGO Ain o Salish Kendra (ASK), in its Human Rights in Bangladesh 2008 annual report, undated, stated that:

‘Although there has been only one reported case involving Section 377 in the four decades since the independence of Bangladesh, the existence of this offence is reportedly used by law enforcing agencies and others to threaten and harass individuals, and thus inhibit their free exercise of expression and behaviour. In fact, none of the cases reported by or to Bandhu (see below) involved Section 377 directly, although the threat of arrest under this law may have been invoked. More significant is the abuse of Section 54 of Criminal Procedure Code and Section 86 of the Dhaka Metropolitan Police Ordinance (and related provisions in the police ordinances applicable to other Metropolitan cities) which are commonly used to harass persons using public spaces. Indeed, this situation is not very different from that of sex workers and other socially marginalized groups detained under Section 54 without being shown any cause. And yet, while lawyers and human rights groups are vocal about the perils of Sections 54 and 86, they have tended to be silent about the specific effects of these provisions on this community.’ **[109b] (Chapter 22)**

[Return to contents](#)
[Go to sources](#)

SOCIETAL TREATMENT AND ATTITUDES

- 21.16 Ain o Salish Kendra (ASK), in its Human Rights in Bangladesh 2008 annual report, undated, stated that:

‘For a number of reasons, including cultural invisibility, a general reluctance to discuss sexuality in the public sphere, and the stigma attached to non-normative sexualities, information on sexual minorities in Bangladesh is quite limited. For that matter, most human rights organizations, until very recently, have not considered the subject of sexual rights to be an obvious part of their mandate.’ **[109b] (Chapter 22)**

- 21.17 Commenting on the situation of lesbians in Bangladesh, journalist Richard Ammon noted in June 2006: ‘The fate of virtually all Islamic women here is marriage and motherhood. Anyone stepping outside that frame by expressing independence or, far worse, as a lesbian, renders herself un-marriageable and sets her on a likely course of rejection and social derision.’ (GlobalGayz.com) **[44a]** Afsan Chowdhury of Himal Magazine observed in 2004 that lesbianism ‘is kept a secret fearing loss of marriage prospects. And marriage, after all, is society’s idea of a woman’s ultimate nirvana ... Society frowns upon single women, and the social pressure to marry – doesn’t matter who to – is intense. Most succumb to it, despite their sexual preferences, and end up miserably knotted ... The tolerance level for lesbians is very low in Bengali society.’ **[12a]**

[Return to contents](#)
[Go to sources](#)

HIJRAS

- 21.18 In the culture of the Indian sub-continent, hijras are regarded as a ‘third gender’; most hijras see themselves as ‘neither man nor woman’. They cannot accurately be described as ‘eunuchs’ or ‘hermaphrodites’ or ‘transsexual women’, which are Western terms. Most hijras were born male or ‘intersex’ (with ambiguous genitalia); many will have undergone a ritual emasculation operation, which includes castration. Some other individuals who identify as hijras were born female. Although most hijras wear women’s clothing and have adopted female mannerisms, they generally do not attempt to pass

as women. Becoming a hijra involves a process of initiation into a hijra ‘family’, or small group, under a guru ‘teacher’. For further background information, refer to sources (The Lesbian and Gay Studies Reader) [101a] (BBC News OnLine) [20a]

In a BBC News article of 30 November 2000, George Arney wrote that Hijras have been part of the South Asian landscape for thousands of years. He continued: ‘Even though they generally provoke horror or ridicule, they have traditionally had a role to play on the margins of society as entertainers and as bestowers of curses and blessings.’ (BBC News OnLine) [20a] A Daily Star article of 26 September 2005 commented: ‘The hijra or hermaphrodite community has been a despised and neglected minority in society [in Bangladesh]. They face discriminations and deprivations throughout their life. As the hermaphrodites are hounded out of school, they are deprived of basic education and job opportunities. It is impossible for them to cast [a] vote in elections, get a passport, open a bank account or even get a descent [sic] house on rent.’ [38o]

At a conference on HIV/AIDS and human rights issues, held in June 2007, hermaphrodites (i.e. hijras) were described as the most neglected and marginalised community in society. They were also said to be the ‘worst victims of mental and sexual abuse as they have no social and legal protection due to identity crisis’ (sic). Speakers participating in the discussion called for the recognition of a separate gender identity for hijras to ensure their proper recognition in society. (The Daily Star, 11 June 2007) [38p] In 2008, for the first time, hijras were able to enrol as voters. (ASK Annual Report 2008) [109a] (Chapter 1)

Badhan Hijra Sangha is a social welfare NGO which provides support to transgender people in Bangladesh, focusing on health care, human rights awareness and vocational training. (DHL: YES Awards 2007) [104a]

[Return to contents](#)
[Go to sources](#)

See Section 26: [Medical services \(HIV/AIDS- Anti-retroviral treatment\)](#)

21.19 Aidsdatahub country profile of Bangladesh, updated on 2 April 2010, observed that:

- MSM are formally and informally organized and a national MSM sexual health service named Bandhu Social Welfare Society is the largest MSM sexual and reproductive health programme in Asia;
- National Strategic Plan (2004-10) focuses on provision of necessary services to vulnerable populations including MSM;
- Government has mobilized and secured credit funds through international donors to support interventions among high-risk groups, including MSM.’ [15a]

See also The World Bank, [HIV/AIDS in Bangladesh](#), July 2010 and the [AIDS Data Hub Country Review September 2011](#) [15b]

[Return to contents](#)
[Go to sources](#)

22. DISABILITY

- 22.01 The US State Department Country Report on Human Rights Practices 2011 (USSD 2011), released on 24 May 2012, noted:

'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 law identifies persons with disabilities as a priority group for government-sponsored legal services. The Ministry of Social Welfare, the Department of Social Services, and the National Foundation for the Development of the Disabled are the government agencies responsible for protecting the rights of persons with disabilities. Government facilities for treating persons with mental disabilities were inadequate. Several private initiatives existed for medical and vocational rehabilitation, as well as for employment of persons with disabilities. Several NGOs including Handicap International have programs focusing on helping and raising awareness about the persons with disabilities. Persons with disabilities were legally afforded the same access to information rights as those without disabilities.' **[2a] (Section 6)**

- 22.02 The UN Common Country Assessment for 2004 had stated:

'According to the National Forum of Organisations Working with the Disabled [an umbrella organization consisting of more than 80 NGOs working in various fields of disability] approximately 14 per cent of the country's population has some form of disability. The economic condition of most families limits their ability to assist with the special needs of the disabled, and superstition and fear of persons with disabilities sometimes results in their isolation.' **[8d] (p68-69)**

- 22.03 The Centre for the Rehabilitation of the Paralysed (CRP) in Perceptions of disability in Bangladesh, undated, noted that:

'In Bangladesh, physical limitations are often not the most difficult obstacles a disabled person needs to overcome. Attitudes to and perceptions of disability are often even more challenging.

'As with many Southern countries, there is little awareness in Bangladesh of disability, its causes and consequences. Many "traditional" views on the subject still prevail, especially in rural settings. Disability is often seen as a curse from God, inflicted as retribution for the sins of the disabled person's parents. Many believe that disability is infectious and that having a disabled person in the house will bring on an "evil wind" after which others will be infected with this condition.

'Treatment for spinal injuries and other disabling conditions is often based on superstitious methods and performed by untrained village doctors in settings which are neither hygienic nor appropriate. This maltreatment often causes further injury or aggravates the condition of the patient. Avoidable complications are a common consequence of treatment by unqualified practitioners.

'Too little work is done in raising awareness about disability or educating people about how disability occurs and how to prevent it. Children rarely mix with disabled friends. The segregation of disabled children prevents stigmas being removed at an early age.' **[123a]**

- 22.04 The NGO Ain o Salish Kendra (ASK) advised in their Annual Report for 2008:

‘Bangladesh has ratified the UN Convention on the Rights of Persons with Disabilities (CRPD). Pursuant to constitutional guarantees of equality and non-discrimination, specific laws have been passed to safeguard the rights of persons with disabilities (PWDs) such as the Disability Welfare Act 2001. In addition, the National Policy on Disability 1995 and the National Action Plan on Disability 2006 have also been adopted. However PWDs continue to face legal and practical barriers to equality including unjust treatment, discrimination in access to voting rights, lack of free access to educational opportunities, health services and job opportunities without discrimination. Their right to free movement is still restricted and many PWDs are still victims of violence and abuse without remedy.’ **[109a] (Chapter 21)**

22.05 The ASK Annual Report noted:

- ‘Political participation of PWDs as voters, candidates and campaigners has remained limited. According to ASK: “It is estimated that...eligible people with disabilities have had limited access to voter registration, due to high levels of illiteracy, lack of access to information, vulnerability and poverty. Exclusion from the voter list has in turn excluded them in claiming and receiving services from the public service department and local government.” The Election Commission, in 2007, inserted a provision for identifying voters with disabilities in the registration form. In 2008 the major political parties addressed disability issues in their election manifestos for the first time.
- ‘Reportedly only four per cent of children with disabilities have access to education in any form. About 1.6 million eligible school-aged children with disabilities are unable to access formal and non-formal education.
- ‘In practice, public health centres, such as Upazila Health Complexes and District general hospitals, were also inaccessible to PWDs and provided no disability related services such as early identification, fitting of artificial limbs, aids and appliances, educational or therapeutic services or vocational rehabilitation. NGOs are providing some limited services.
- ‘According to a recent study, the mean employment rate of persons with disabilities is less than a quarter of those without a disability.’
- In 2008, some new initiatives were taken by public institutions to facilitate mobility. **[109a] (Chapter 21)**

[Return to contents](#)
[Go to sources](#)

23. WOMEN

OVERVIEW

- 23.01 Bangladesh acceded to the Convention on the Elimination of All Forms of Discrimination against Women on 6 December 1984 and ratified the Optional Protocol on the Convention on 22 December 2000. **[8a]**
- 23.02 The most recent State party report to the United Nations Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), dated 3 January 2003, observed that ‘Bangladesh is a gradually changing society where the position, status and roles of men and women have primarily been shaped by the stereotype of male

predominance and authority over women.’ [47a] (p16) The report noted, ‘Traditional socio-cultural values and practices work against raising the status of women. Women still have limited opportunities for education, technical and vocational training, employment and activities.’ (p5-6) ‘According to the Constitution, women enjoy the same status and rights as men in terms of education, health, political process, employment, development processes and social welfare. However, in practice, they do not enjoy the fundamental rights and freedom to the extent as men do. The unequal status of women in society and in public life is largely due to the fact of having unequal status in the family life. Women’s lower socio-economic status, lower literacy, lesser mobility are some of the practical obstacles to the establishment of their fundamental rights.’ (p10) The same report detailed recent initiatives both by the Government and by NGOs to reduce discrimination and gender-based oppression. [47a] (p7, 10-18)

See Section 27: [Freedom of movement](#)

- 23.03 CEDAW, in its ‘Concluding Comments’, dated 26 July 2004, urged the Bangladesh Government to implement comprehensive awareness-raising programmes to change stereotypical attitudes and norms about the roles of women; CEDAW also expressed concern over the unequal status of Bangladeshi women within the family and the fact that personal laws, derived from religious precepts which are discriminatory to women, continued to exist in the country. [47b] (p5)
- 23.04 An alternative report submitted by the Citizens’ Initiatives to CEDAW-Bangladesh, dated December 2010, stated that:
- ‘... our concern with the prevailing patriarchal values and traditional norms which regulate social relations and profoundly shape institutional culture. Women have turned to the State to transform these relationships through legal reforms and policy changes, but even when such reforms are introduced, their implementation is not effective in challenging deeply embedded patriarchal values and structures. Governments and political parties appear to capitulate to the demands of constituencies that are antithetical to the interests of women. This tendency occasionally contributes to strengthening political agendas that directly violate the premises of gender equality. Policies and programs for elimination of discrimination face the challenge of bridging the social divide created by class and gender, along with ethnicity, religion, rural/urban location and other social disadvantages. As in other stratified societies, in Bangladesh an individual’s access to opportunities for education, health or employment and control over resources depends upon his or her structural position. Of these divides gender is arguably the most pervasive, permeating all social institutions from the family to the state. However gendered divisions are always mediated by other kinds of inequalities.’ [24b] (p9)
- 23.05 The Organisation for Economic Co-operation and Development’s Social Institutions and Gender Index (OECD SIGI), profile of Bangladesh, undated, accessed 11 June 2010, stated that:
- ‘Bangladesh is a highly patriarchal society and gender discrimination is evident across all levels. Women are dependent on men throughout their lives, from their fathers through to husbands, brothers or sons. The Constitution affirms gender equality, but state legislation and institutions frequently disregard women’s rights. For example, women and young girls are more disadvantaged than men in their access to education, health care and financial assets.

‘Traditionally, women were recognised mainly for their reproductive role, and were often discouraged from participating in public life. Due to increased poverty and demand for labour, female employment has risen since the mid-1980s.’ [63a]

See also: [Social and economic rights](#) and Section 24: Children: [Education](#)

- 23.06 Human Rights Watch’s World Report 2011, Bangladesh, issued on 24 January 2011, covering events in 2010, observed that:

‘Discrimination against women remains common in both the public and private spheres, despite the presence of women in several key government positions. Bangladesh maintains a reservation against article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, which requires it to effectively adopt laws and policies to provide equal rights for women and men.

‘Domestic violence is a daily reality for many women, and there was no progress made in adopting laws on domestic violence and sexual harassment during 2010. The Acid Survivors Foundation reported 86 acid attacks, primarily against women, between January and September. The courts convicted only 15 perpetrators of acid attacks in 2009.’ [10e]

See also Section 24: [Children](#), which includes some material which is gender specific.

- 23.07 The Asian Development Bank (ADB) in the report, ‘The Country Gender Assessment: Bangladesh’, 2010 stated that:

‘Women’s opportunities and public participation in Bangladesh have changed significantly in recent decades. For example, major progress has been made in closing the gender gap in school enrollments at both primary and secondary levels; girls currently outnumber boys in enrollments. The rapid growth of the garment industry has provided a large number of formal sector jobs for women, who comprise more than 90% of its labor force. Many women are now members of the local government councils that have important responsibilities for rural and urban development. Changes in norms, practices, and opportunities that are reflected in these developments are the result of a range of forces, including leadership through government policy, advocacy, innovation by civil society organizations, and actions of individuals and households. Government policy and leadership on gender equality. The National Policy for Women’s Advancement, formulated in 1997, provides an important general statement of commitments of the Government of Bangladesh to equality of women and men. Such commitments are also reflected in the national poverty reduction strategy (National Strategy for Accelerated Poverty Reduction, or NSAPR-II), which emphasizes the importance of women’s rights and opportunities for progress in the battle against poverty. Sectoral policies, such as those related to agriculture, food, labor force, and industry, increasingly refer to women’s involvement and rights. The commitment to increased participation by women in public decision making is reflected in legislative provisions that ensure a minimum number of women in both national and local governments.’ [27a] (page viii)

[Return to contents](#)
[Go to sources](#)

LEGAL RIGHTS

- 23.08 The Bangladesh Law Commission, in a report dated 18 July 2005; 'Opinion on the Study Report for Marriage, Inheritance and Family Laws in Bangladesh towards a Common Family Code' concluded that:

'The personal laws of marriage, divorce, guardianship, maintenance, inheritance etc. of all the communities including the tribal communities of Bangladesh are different from each other in nature and in their manners of application. All these religious or personal laws are based on religious injunctions, faith and beliefs. More so, the personal laws of all communities are sensitive, complex and of diverse origin. It is impossible to bring uniformity in these differing laws by way of modification or reforms for purposes of incorporation in a Common Family Code. Any such attempt is likely to cause injury to the religious sentiment, faith and beliefs of the people of the country. In view of the discussions above, our opinion is that there cannot be any Common Family Code for all the communities in our country as proposed by a few persons only which does not reflect the wish or opinion of all the people of the country.' [111a]

See also [Law for Muslim Women in Bangladesh](#) [21a]

- 23.09 The US State Department Country Report on Human Rights Practices 2011 (USSD 2011 report), released on 24 May 2012, report noted:

'Laws specifically prohibit certain forms of discrimination against women, provide 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 wilful failure of duty; however enforcement of these laws was weak. Women, children, minority groups, and persons with disabilities were often confronted with social and economic disadvantages.' [2a] (Section 6)

- 23.10 Dr Nusrat Ameen, in her book 'Wife Abuse in Bangladesh: An Unrecognised Offence', published in 2005, noted that a 'patriarchal interpretation of the law' by society is common. 'Despite Constitutional guarantees that women shall have equal rights with men in all spheres of the State and of public life...Jahan points out that many aspects of the legal system reflect the continuing dominance of patriarchal attitudes in society.' Dr Ameen argued that both substantive and procedural law is not gender-neutral and she noted that the laws governing women's private lives were discriminatory; for example, there was differential treatment of women in divorce proceedings. There was also discrimination between women from different religious groups, since there are different sets of family laws in place for the Muslim, Hindu and Christian communities. Dr Ameen stated that the legal solutions made available to women were often constrained by practical factors, such as the weak economic situation of women, the reluctance of the police to become involved in marital disputes, the difficulty of enforcing and sometimes obtaining injunctions, the emphasis on mediation, arbitration and shalish by legal aid workers and professionals, as well as illiteracy and family pressures. [80] (p7-14)

(Note: Nusrat Ameen PhD was, in 2005, an associate professor of law at the University of Dhaka, Bangladesh)

[Return to contents](#)
[Go to sources](#)

POLITICAL RIGHTS

- 23.11 The Constitution provides for equal opportunities for women in politics and public life. [4] According to the law, women are eligible to contest any seat among the 345 MPs, but 45 additional seats were reserved for women. In June the 15th amendment raised this number to 50 out of 350 MPs. There was no provision to provide parliamentary seats for minorities. (USSD 2011 report) [2a] (Section 3) This provision was introduced by an amendment to the Constitution in May 2004, and remains effective until May 2014. (BBC News, 16 May 2004) [20g] At the local government level, three seats on each of the 4,479 Union Parishad councils and three seats on each Zila (district) council are reserved for women. (CEDAW, January 2003) [47a] (p5, 22, 23)

[Return to contents](#)
[Go to sources](#)

SOCIAL AND ECONOMIC RIGHTS

- 23.12 Regarding pay and conditions in the Garment industry War on Want reported that gender parity was less than equal. In 'Ignoring the Law: Labour rights violations in the garment industry in Bangladesh', 2006 they reported that:

'The 2006 Labour Law contains a provision guaranteeing equal rate of pay for men and women. However, according to the research conducted ... women earn far less than their male colleagues. Over 70% of the women spoken to over the course of the study received less than Tk3,000 per month; by comparison, less than half of the men interviewed earn below that mark.

'The wage disparity is the result of two interrelated factors. Male garment workers are far more likely than women to hold jobs that traditionally pay more, such as quality control and floor supervisor, and men also earn more than women who perform the same work.' [50a]

- 23.13 The USSD 2011 report noted that

'Women remained in a subordinate position in society, and the government did not act effectively to protect their basic rights. On March 7, the cabinet approved the National Women's Development Policy, which contains language encouraging the promotion of women's education and participation in governance issues. The new policy, which does not have the full force of law, also contains language stating that women could have an equal share in property, businesses, and inheritance. Under traditional Islamic inheritance laws, daughters inherit only half that of sons, and in the absence of sons, they may inherit only what remains after settling all debts and other obligations. Under Hindu inheritance laws, a widow's rights to her deceased husband's property are limited to her lifetime and revert to the male heirs upon her death. The provision detailing the right to equal inheritance triggered a series of protests and a nationwide strike led by conservative Islamic groups. Several government leaders stated that the policy would not supersede existing religion-based inheritance laws, and as of year's end there was no change to the law.

'Employment opportunities greatly increased for women in the last decade, largely due to the growth of the export garment industry. Women constituted approximately 80 percent of garment factory workers. There were some disparities in pay in the overall economy between men and women, but in the garment sector wages were generally comparable.' [2a] (section 6)

See also: [HRW World Report 2011](#) - Harassment and Intimidation of Apparel Industry Workers [10e]

- 23.14 A further report from War on Want, 'Stitched Up: Women workers in the Bangladeshi garment sector', 10 August 2011 stated that:

'As a result of sustained campaigning by women workers and other trade unionists in Bangladesh, the minimum wage for garment workers was raised in 2010 for the first time in four years. Receipt of wages in the garment industry depends on meeting an assigned production target. If production targets are met, a sewing operator's salary now starts at 3,861 taka (approximately £32) a month and a helper's wage at 3,000 taka (£25) a month. Even with the new increases, however, these wages fall far short of the level which is considered to be a living wage....' [50b]

- 23.15 The ADB report, 'The Country Gender Assessment: Bangladesh', 2010, stated that:

'... the rapid growth of the garment industry in Bangladesh, in response to international trade agreements, drew large numbers of women into the labor force. The income brought into households contributed to changing family dynamics. The greater visibility of women on the daily journey to work in Dhaka and other urban areas has also influenced public perceptions of what is possible and appropriate for women. Migration flows provide another example of how decisions by individuals contribute to larger patterns of social change; men have traditionally dominated migration flows, but the proportion of women is increasing and women now predominate among migrants of ages 15–25. The progress that has been made demonstrates the potential for change despite entrenched views about appropriate roles for women in the private and public sectors. But the broad challenges that remain are evident in gender equality indices of the UNDP Human Development Report. For Bangladesh the gender-related development Index (GDI) is lower than the human development index (HDI), indicating that an aggregated index masks gender inequalities. Of the 155 countries for which both indices could be calculated, 100 countries showed less disparity than Bangladesh. On the gender empowerment measure (GEM), which considers whether women are active in public and economic life, Bangladesh ranks 108th of 109 countries?' [27a] (page viii)

See Section 23: [Women – overview](#) regarding the rise in female employment. See also [The ready-made garments industry in Bangladesh: A means to reducing gender-based social exclusion of women?](#) [53a] See also Section 27: [Freedom of movement](#)

- 23.16 The ADB report further stated:

'Bangladesh benefits from an active women's movement with a large number of organizations that deliver services, conduct research on problems and policies, raise awareness of issues and rights among women and the broader public, and advocate for progress. The women's movement in Bangladesh has also made strategic use of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to advocate for changes in laws and policies. Bangladesh development organizations are widely admired for their success in using micro-credit to benefit women and have also made major contributions to increasing access by women and girls to schooling and health services.' [27a] (page viii)

- 23.17 The OECD SIGI Bangladesh profile, undated, accessed 11 June 2010, reported that:

'Women in Bangladesh have a relatively low level of protection in the family context. The country has the highest rate of early marriage in Asia, and ranks among the highest

worldwide. A 2004 United Nations report estimated that 48 per cent of all girls between 15 and 19 years of age were married, divorced or widowed. Traditionally, parents marry their daughters young to decrease the economic burden on the household. Increased use of contraceptives and declining fertility rates provide more encouraging evidence that the role of women in Bangladesh is changing.

'Polygamy is legal in Bangladesh, but many consider the practice to be outdated. The incidence of polygamy has decreased over the past 50 years (particularly in the cities); at present, about 10 per cent of married men are in such unions. As reported by the Islamic Republic News Agency, in 2006 the city of Rajshahi (the country's fourth-largest city) introduced a new law and a so-called "polygamy tax"; any man taking a second wife must pay a one-time amount of BDT 10 000 (Bangladesh takas) (USD 142). The tax rises to BDT 30 000 (USD 426) for a third wife and BDT 40 000 (USD 568) for a fourth wife.

'In Bangladesh, parental authority is closely linked to religion. Islamic Sharia law regards women as "custodians" but not legal guardians of their children. In the event of divorce, women can retain custody of sons until age seven and daughters until puberty. If a father dies, his children may be taken away by his family. Hindu law also views fathers as the natural, legal guardians of children.

'Inheritance practices also follow religious teachings. According to Islamic law, daughters inherit half as much as sons. In the absence of a son, daughters can inherit only as a residuary (that is, only after the settling of all debts and other obligations). In principle, wives are entitled to half of the assets of a deceased husband. Under Hindu law, a widow (or all widows in the case of a polygamous marriage) inherits the same share as a son. For Christians, the Succession Act of 1925 provides equal inheritance between sons and daughters.' [63a]

23.18 With regard to ownership rights the same source noted that:

'Tradition and social norms limit the ability of Bangladeshi women to achieve financial independence. Despite their growing role in agriculture, social and customary practices effectively exclude women from any hope of direct access to land. Similarly, although national law accords men and women equal rights to access to property other than land, women own very few assets. Their situation is further impaired by discriminatory inheritance laws and cultural norms: Bangladeshi women are unlikely to claim their share of family property unless it is offered to them.

'In Bangladesh, women's access to bank loans and other forms of credit is often determined by the demographic composition of their households. Lack of mobility, particularly in rural areas, forces women to depend on male relatives for any entrepreneurial activities. Several NGOs provide micro-credit to Bangladeshi women, but there is a growing concern as to whether these women actually retain control over their loans.' [63a]

For further socio-economic information see the [Gender, Institutions and Development Database 2009](#) and also [State of the World's Children](#)

See also Section 2: [Economy](#) and Section 33: [Employment rights](#)

[Return to contents](#)
[Go to sources](#)

VIOLENCE AGAINST WOMEN

See also Section 8: [Security Forces: Avenues of complaint](#), Section 24: [Children: Violence against children](#) and Section 25: [Trafficking](#)

- 23.19 The ASB produced a country briefing paper on women in Bangladesh in 2001 and although now somewhat dated, provides a very balanced overview of the situation facing women in Bangladesh and of the context within which violence occurs. It stated that:

‘The majority of women in Bangladesh have yet to be empowered to participate actively in the social, cultural, economic, and political life of the country. Gender discrimination is widespread in all spheres and at all levels, as indicated by official statistics on health, nutrition, education, employment, and political participation. The Constitution of Bangladesh guarantees equal rights to all citizens, but in family matters such as marriage, divorce, custody, maintenance, and inheritance, laws discriminate against women. The policies and programs of the Government, some NGOs, and other institutions do not sufficiently address the need for women’s empowerment. [27b] (p1)

‘The traditional patriarchal society of Bangladesh is based on class and gender divisions. Class mobility allows movement between rich and poor, but the division of social space and the difference in behavioral norms between men and women are rigidly maintained. The family, which constitutes the basic unit of social control, sets the norm for male and female roles. Within this system, the father, or in his absence, the next male kin is the head of the household. As a result, both decision-making powers and economic control are vested in the hands of men. Furthermore, the family operates through a clearly defined system of rights and obligations. This is demonstrated when Muslim women waive the right to inherit their fathers’ property in favor of brothers or in the event of inheriting property, pass control to their husbands or sons. In both cases, the man gives protection to the woman in return for control over her property, thus directly reinforcing a patriarchal tradition.’ [27b] (p4)

- 23.20 The International Women’s Rights Action Watch Asia Pacific (IWRAP Asia Pacific) in a report [Baseline Report on Violence against Women in Bangladesh](#), [24a] undated reported that:

‘The Bangladesh Constitution and the general laws of the country entitle women to equal rights and status to those of men in public life, but non-discrimination in the private sphere is not guaranteed. Consequently there are significant disparities between men and women in all realms of life. Lack of equal access to economic opportunities, education, health services and their lesser role in decision making perpetuate women’s subordination to men and susceptibility to violence. All sources of information – be it news reports, records from State institutions or research – show that there is an increasing trend of violence against women. Since the Beijing Platform for Action (1995), the Government of Bangladesh has also identified violence against women as a priority issue. Given this recognition, incidences of violence against women today receive greater attention than they did a decade ago. All State records show an increased incidence of violence – but this may be due to the fact that special legal provisions ensure that such cases are now recorded more precisely than they were two decades ago. Some argue that there is a rising trend of all forms of violence but until more reliable longitudinal data is available, one cannot confidently conclude that in general violence against women is increasing (Azim, 2001).’ [24a] (p2) ... ‘Culturally and socially the family is still seen as the rightful place for women and yet it is within this

arena where power relations are often played out. It is on the one hand, a source for positive nurturing and caring where individuals bond through mutual respect and love. But on the other hand, in many cases, it becomes the site for discrimination, deprivation and exploitation. It is where discriminatory socialisation processes occur, which in turn result in promoting and justifying violence against women. (Sultan, 1997).’ **[24a] (p3)**

23.21 In her book published for the Bangladesh National Women Lawyers' Association (BNWLA) in 2005, entitled 'Wife Abuse in Bangladesh', Dr Nusrat Ameen observed that:

‘The law in Bangladesh was far more involved with “stranger” violence against women, for example murder, rape or trafficking; there was no specific law on wife abuse, although there were several special laws to deal with violence against women. **[80] (p7 and p62)** Dr Ameen’s book examined in detail the various legal remedies available to victims of domestic violence. For example:

- The Penal Code provides sanction: all forms of physical violence, some forms of psychological violence and threats of physical injury constitute criminal offences. In practice, however, when such an offence was committed by a husband against his wife, it was not considered as an offence punishable in the same way. **(p47-48)**
- The Women and Children Repression Prevention Act (2000), as Amended in 2003, lays down severe penalties for violent offences against women; it also provides for the speedy trial of offenders in special tribunals situated throughout the country. The Act specifies deterrent punishment for dowry-related crimes and also covered such ‘stranger’ offences as rape, trafficking and abduction; however, Dr Ameen stated that it ‘is silent regarding punishment for husbands for abusing wives, except in dowry offences’. **(p60-61)**
- The Dowry Prohibition Act, passed in 1980, also makes giving, taking or demanding dowry punishable offences. **(p58)**
- There were no specific civil law remedies to which victims of wife abuse could resort, other than divorce and claims for dower, maintenance and custody. A wife could seek an injunction under the Civil Procedure Code, the Specific Relief Act or the Family Court Ordinance of 1985, but these were ancillary to other proceedings. **[80] (p53-54)**

23.22 The various special laws to protect women from abuse had not proved as effective as they were designed to be; their deterrent value had been diminished by low conviction rates. **(p48 and p58)** Dr Ameen added, ‘Owing to the prevalent patriarchal attitude towards women, in most cases complaints are not recorded properly by the police, evidence is hard to produce or establish, there is a very slim chance of the perpetrator being punished. A study by the Family Court in Dhaka shows that husbands rarely appear and thus suits are dismissed ex parte and wives are denied justice.’ **[80] (p8)**

23.23 According to a report by the human rights NGO ‘Odhikar’, published on 7 January 2012: ‘Violent acts towards women, such as domestic violence, dowry related violence, rape, acid attacks, and sexual harassment are widespread in Bangladesh. Deep rooted patriarchy is the major cause of violence against women. Lack of police action for providing support to the victim and a weak judicial system create barriers for women for seeking justice.’ **[46f] (p109)**

- 23.24 Statistical information from the Combined Sixth and Seventh Alternative Report to the United Nations CEDAW Committee, December 2010, illustrates the number of cases of violence by category and year.

Violence against Women

Table 1: Number of cases of violence by category and year (Official Data)

Year	Type of Violence									Total
	Violence for dowry	Acid throwing	Abduction	Rape	Murder after rape	Trafficking	Murder	Injured	Other violence	
2001	2986	153	1691	3178	20	63	82	63	4722	12958
2002	4922	232	2236	4095	22	74	90	83	6700	18454
2003	5869	222	2262	4442	28	74	73	120	7152	20242
2004	3081	198	1594	3097	17	68	62	134	4564	12815
2005	3130	177	2069	2796	22	138	97	49	2949	11427
2006	3417	135	2087	2566	14	107	109	75	2558	11068
2007	4146	137	2736	3495	33	113	142	74	3374	14250
2008	4487	120	2874	3387	65	105	131	87	3023	14279
Total	3,20,38	1,374	17,549	27,056	221	742	786	685	35,042	1,15,493

Source: Police Headquarters, GOB, Date June 2009

Table - 2

**Number of Cases of Violence by Category and Year
(Information from selected NGOs)**

Year	Type of violence					
	Dowry related	Acid throwing	Abduction	Rape	Trafficking	Murder
2004	1433	7	233	629	113	11
2005	1441	21	210	932	76	15
2006	1186	14	251	790	64	10
2007	1554	13	279	669	160	158

(Combined Sixth and Seventh Alternative Report to the UN CEDAW Committee, December 2010) [24b] (Annex VI)

See Odhikar: Human Rights Report 2010 - [Rights of women: Violence against women](#) for further information. [46e]

[Return to contents](#)
[Go to sources](#)

Domestic violence

- 23.25 The USSD 2011 report noted that:

'In October 2010 the parliament passed the Domestic Violence (Protection and Prevention) Bill, which criminalized domestic violence. Women's rights groups criticized the government for its inaction on domestic violence, which was widespread, although data quantifying it was difficult to obtain. A 2000 study by the UN Population Fund indicated that at least 50 percent of women had experienced domestic violence at least once in their lives. The Bangladesh National Women Lawyers' Association (BNWLA) filed 384 cases related to violence against women during the year and received more

than 4,247 reports of violence against women. Most efforts to combat domestic violence were funded by NGOs with little assistance from the government.' [2a] (Section 6)

See: [Government and NGO assistance to victims of domestic violence](#)

Dowry

- 23.26 The IRAW Asia Pacific in the Baseline Report on Violence Against Women in Bangladesh noted that:

'Despite the Dowry Prohibition Act (1980) dowry transactions continue to increase and have become a socially legitimate part of marriage negotiations. Maleka Begum (1994) in her book "Jowtuk" ("Dowry") suggests that dowry is a major factor in violence against women, starting from verbal abuse, battering, torture and ending in death for many. Incidents documented by the ASK Documentation Unit reveal that unfulfilled dowry demands cause brides to be physically tortured, divorced, abandoned and also burned with acid, kidnapped and trafficking. During 1995-97, two hundred and seven (207) brides were murdered by either husbands or in-laws over dowry related disputes. Many were burned to death after being doused with petrol or kerosene. Although reports from the Ministry of Women's and Children's Affairs explains this as a lack of knowledge about women's rights in general and the lack of implementation and enforcement by the judiciary and law enforcement agencies (MWCA-GOB, 1997) the women's movement contends that it is more a reflection of the total devaluation of women in society whereby she is considered a burden on the man and his family upon whom she is considered foisted through marriage.' [24a] (p20)

- 23.27 In her book published for the BNWLA in 2005, entitled 'Wife Abuse in Bangladesh', Dr Nusrat Ameen commented that 'Wife abuse is endemic and is overtly or covertly sanctioned [80] (p20) ... Research shows that violence in the family occurs at all levels of society (p22) ... However, the practice of wife abuse is one about which there is least social awareness or outcry in Bangladesh (p27) .' Dr Ameen observed that the patriarchal nature of society and of the household, especially in rural areas, permitted socially acceptable violence against women in the form of physical chastisement by a husband. A misinterpretation of religious teaching reinforced this social sanction. (p27-36) Women often faced domestic violence not only from their husbands, but also from their in-laws. (p49) Dowry abuse also continued to lead to cases of serious physical abuse or murder and to the suicides of young married women, though the Dowry Prohibition Act came into force in 1980. (p39-45) A UNFPA report in 1997 quoted a study by the NGO Ain-O-Shalish Kendra (ASK) in saying that up to 50 per cent of all murders in Bangladesh had been attributed to marital violence. Evidence suggested that only a minor proportion of such cases reached the courts and resulted in convictions. [80] (p49-51)

- 23.28 According to the 2009 Annual Report by the human rights NGO 'Odhikar', published on 1 January 2010:

'The most common reason for domestic violence in Bangladesh occurs due to dowry demands. A total of 319 women reportedly became victims of dowry demands during this reporting period. However, Odhikar believes that the actual number of victims of dowry demands could be more, because it is believed that there are lot of incidents which are not taken into account and many women do not talk about dowry-related abuse. In the socio-economic context of Bangladesh, most of the women are dependent on their husbands. Many do not open their mouth and they tolerate torture silently.

Furthermore, women in Bangladesh have to live with dowry-related violence due to socio-political pressure and lack of legal support. Due to dowry related violence, a total of 227 women were reportedly killed and 81 were tortured and 11 allegedly committed suicide after failing to tolerate the dowry related torture.' [46d] (p44)

23.29 The Odhikar 2011 Human Rights Report, published 7 January 2012, further stated that:

'Dowry is one of the major causes of domestic violence. Women are seen as a commodity where monetary transactions are involved with their marriage. Due to non payment of dowry many women are subjected to violence by their husband or in-laws and are even killed. Dowry is often not a one-time payment. The husbands or in laws unlimited greed make the bride and her family more vulnerable to additional financial demands and violence. From January to December 2011, a total of 516 women and 10 children were subjected to dowry related violence. Of the women, it has been alleged that 305 women were killed because of dowry, 192 were reported ill treated in various other ways for dowry demands and 19 women committed suicide. 6 children were killed because of their parent's dowry related conflict.' [46f] (p115)

[Return to contents](#)
[Go to sources](#)

Rape

23.30 The NGO Odhikar reported in January 2012 that it was aware of 246 women (over the age of 16) who had been victims of rape during the year 2011; of them, 54 women were killed and four committed suicide after being raped. Of the 246 women, 119 were reportedly the victims of gang rape. A further 450 females under the age of 16 were raped in 2011; 34 of them were murdered after being raped. [46f] (p113)

23.31 The USSD 2011 report stated:

'The law prohibits rape and physical spousal abuse but makes no specific provision for spousal rape. According to Odhikar, there were 711 reported incidents of rape against women and girls during the year, including 450 against girls. According to human rights monitors, the actual number of rape cases was higher because many rape victims did not report the incidents due to social stigma. Prosecution of rapists was not consistent. ... According to ASK, there were only 599 rape cases including 83 attempted rape cases filed with the police during the year. ... Local human rights groups reported that rapes and rape attempts against indigenous females increased sharply during the year.' [2a] (Section 5)

23.32 As noted in the State Party report dated 14 March 2003 to the UN Convention on the Rights of the Child (CRC), the Suppression of Violence against Women and Children Act 2000 carries the death penalty or life imprisonment for rape if death or injury results or is intended. Attempted rape is subject to a penalty of five to ten years' imprisonment. [52a] (p31)

23.33 Dr Nusrat Ameen noted that the Women and Children Repression Prevention Act (2000) provided for trials to be in camera, for non-publication of the victim's identity and for pecuniary compensation to the victim. [80] (p60-61) An article dated 26 January 2004 from United News of Bangladesh revealed that there were then 2,200 cases pending in the Women and Children Repression Prevention Tribunal. [39a]

- 23.34 The USSD 2011 report stated that, 'According to Odhikar, there were at least four recorded incidents of rape and sexual abuse by police officers and armed forces personnel during 2009.' [2a] (Section 1c)

[Return to contents](#)
[Go to sources](#)

Acid attacks

- 23.35 The State party report to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), dated 3 January 2003, recorded that two laws were introduced in 2002 – the Acid Crime Prevention Act 2002 and the Acid Control Act 2002 – to restrict the import and sale of acid in open markets, allow for trials in acid-throwing cases by a special tribunal (with a right of appeal to a higher court) to make the maximum punishment for acid throwing offences the death penalty and to provide for the treatment and rehabilitation of victims. [47a] (p20)
- 23.36 The IWRAW Baseline report, undated, accessed 14 September 2011, stated that:
- 'Acid assaults are another prevalent form of violence that may well be a phenomenon unique to Bangladesh (there are anecdotal reports of a few cases of such assaults from other parts of the world). The first documented case of acid attack occurred in 1983 in Sylhet (Naripokkho Acid Log, 1997). Acid attacks usually occur when men want to take revenge for the refusal of proposals for sex or marriage, or when demands for dowry are not met or when there is a political clash. Usually acid is thrown on the face of a girl or woman with the aim of damaging her appearance in order to destroy her marriage prospects or on sexual organs (as observed among acid burn cases dealt with by Naripokkho). By and large it is used as a weapon to attack women; however men are also sometimes subject to acid attacks.' [24a] (p5)
- 23.37 As noted in the USSD 2011 report: 'Acid attacks remained a serious problem. Assailants threw acid in the faces of victims – usually women – and left them disfigured and often blind. Acid attacks often related to allegations of spousal infidelity. During the year according to Odhikar, 101 persons were attacked with acid. Of these victims, 57 of the victims were women, 25 were men, and 19 were children. The government made efforts to punish offenders and reduce availability of acid to the general public.' [2a] (Section 6)
- 23.38 Statistics provided by the Acid Survivors Foundation (ASF) on its website, accessed 31 August 2012 [64a], show that the number of recorded attacks peaked in 2002, and then declined:

Year	Incidents	Total victims
1999	165	167
2000	240	240
2001	351	352
2002	494	496
2003	416	419
2004	326	333
2005	221	276
2006	182	223
2007	162	199
2008	143	185

2009	125	155
2010	120	158
2011	91	118

23.39 Of the 118 recorded victims in 2011, there were 60 women, 31 men and 27 children under 18 years, of whom the majority were girls. The proportion of male victims was higher than in 2007. (ASF, accessed 15 June 2009) **[64a] (Statistics)** In its Human Rights Report 2011, Odhikar recorded 101 acid attacks: 57 women; 25 men; 10 girls; and 9 boys. **[46f] (p116)**

Further statistical information, including incidents in 2012, can be found on the [ASF](#) website.

23.40 The Bangladesh National Women Lawyers Association and the Bangladesh Acid Survivor's Foundation estimated in 2003 that only ten per cent of attackers were convicted. It was also stated that the total number of acid attacks against women was difficult to document because many cases went unreported for fear of reprisals. (Asian Legal Resource Centre statement to the UN Economic and Social Council, 10 March 2003) **[8c]** Among the factors inhibiting case conviction rates are (a) lack of sufficient evidence (b) intimidation of victims or witnesses (c) out of court 'settlements'. **[64c]** At a workshop held by the Bangladesh Acid Survivor's Foundation on 30 November 2007 it was stated that, in the 18 districts of the country most affected by acid violence, only 42 out of a total of 622 cases (recorded since 2000) had so far resulted in convictions, 195 of the accused had been released, 177 cases had been dismissed due to a lack of proper evidence and another 208 cases remained unresolved. (ASF Voice newsletter, Issue 12-13) **[64d]**

23.41 In a report published in February 2008, the NGO Odhikar suggested a number of reasons why annual figures on reported incidents of rape and acid violence remain high and conviction rates are lower than they should be:

- The victims are largely from the poor and underprivileged sections of society, who struggle for access to justice;
- There is not yet a separated modernised investigation department in the police for such offences;
- The police are overburdened and not able to carry out investigations properly;
- There are hardly any checks as to whether businesses are procuring licences for the sale and trade of acid
- Many doctors are reluctant to come to court to give evidence. **[46a]**

23.42 The USSD 2011 report noted:

'The law provides for speedier prosecutions of acid-throwing cases in special tribunals and generally does not allow bail. The Women and Child Repression Control Act seeks to control the availability of acid and reduce acid-related violence directed toward women, but lack of awareness of the law and poor enforcement limited the law's effect. According to the Acid Survivors Foundation, the special tribunals were not entirely effective; prosecutors were able to obtain a conviction in an estimated 10 to 12 percent of attacks each year. In January [2011] the Commerce Ministry moved to restrict acid sales, limiting buyers to those registered with relevant trade organizations; however, the restrictions were not universally enforced, and acid attacks continued throughout the year.' **[2a] (Section 6)**

23.43 The ASF, in its' 2010 Annual Report, stated that:

'As the trend continues from 1999, land/property and money related disputes topped the list of reasons behind acid attacks in 2010. In the year, the rate of attacks because of refusal of love or marriage proposals or resistance to sexual advances nearly trebled. In 2010, 37 percent acid attacks took place over land or property related disputes, 22 percent over refusal of romantic proposals or sexual advances, 8% over marital disputes, 8% over dowry, 8% over other reasons. The reasons of 12 percent attacks could not be known. In 2009, only 8% incident occurred because of refusal of romantic proposals or sexual advances while 5% attacks took place following the failures of the victims to pay dowry to their husbands.' [64e]

23.44 The ASF 2010 Annual report stated that:

'Bangladesh, a country with a population of 160 million, has only one government hospital in Dhaka with the facilities to treat burn injuries. This burn unit of the hospital has 100 beds but it often operates at a capacity of 150-300%. To supplement the government initiatives in the area of burn care services, ASF runs a 20-bed hospital for the people with burns caused by acid. The ASF Hospital is fully equipped for international standard burn care services including plastic and reconstructive surgery, though in a very low-resourced set up. It provides holistic services including psychological care, legal assistance and financial support for economic rehabilitation and empowerment. Psychosocial aspects are often completely neglected in burn care in low-income countries. Within the safe and non-discriminatory environment of the ASF hospital, patients can share their trauma with qualified counsellors and importantly with others who went through a similar experience. The overwhelming majority of the victims being poor, the ASF Hospital service is completely free, which benefits around 700 acid victims annually including survivors from previous years. The ASF doctors also visit district courts to give expert testimonies during the trial.' [64e] (p13)

[Return to contents](#)
[Go to sources](#)

Vigilantism

23.45 According to the USSD 2011 report, 'Incidents of vigilantism against women – sometimes led by religious leaders by means of fatwas – occurred. According to ASK [the NGO Ain-o-Salish Kendra], 59 incidents of vigilante justice against women occurred during the year [2011] and only twenty incidents resulted in police action. The punishments included whipping, beating and other forms of physical violence.' [2a] (Section 6) As detailed in Section 19: [Fatwa](#), such fatwas and punishments are illegal. Barrister M.A. Muid Khan, in an article dated 20 March 2009, commented:

'In my opinion, lack of knowledge about their very basic legal rights, among [both] the educated and uneducated Muslim women of our country, gives opportunity to rural illiterate and half-literate religious leaders to issue Fatwa with a view to oppress the women. Over the last couple of years, [these] religious leaders have tortured women for various 'alleged offences' through illegal and extra-judicial procedures (so-called fatwas).' (UNB) [39m]

23.46 The US State Department's International Religious Freedom Report for 2011 (USSD IRF 2011 report) published 30 July 2012, observed that: '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. Odhikar reported five illegal fatwas by religious leaders during the year, demanding punishments that ranged from lashings and other physical assaults to shunning by family and community members.' [2c] (Section iii)

See Section 19: [Fatwa](#)

[Return to contents](#)
[Go to sources](#)

Government and NGO assistance to victims of domestic violence

- 23.47 There were several agencies working to assist women in abused situations, noted Dr Ameen. Typically, an agency would serve a notice to the husband to appear at the agency for mediation, following a written complaint made by the wife. If the husband did not attend, the agency had a right to issue a warrant and to seek help from the police. If mediation failed to work, the case could be taken up in court by family lawyers provided by the agency, who would normally handle the case free of charge. [80] (p83-84) Research suggested that most abuse victims are reluctant to report their cases directly to the police and, of those who did, most were not given adequate assistance. There was a widely-held belief that police officers did not like to become involved in 'family matters' and were likely to ask the parties to reconcile matters between themselves. (p84 & 100) There was often also a reluctance by victims to inform doctors of the injuries they had sustained. (p84-85) Most women in Bangladesh could not afford to approach lawyers directly. And most women, even some educated ones, were unaware of the legal machinery and were also discouraged from contacting lawyers by family, friends and sometimes even the lawyers themselves. (p84) Women in villages commonly sought arbitration through Shalish (local mediation councils) – even though the arbiters are usually the 'local male elite' and a Shalish decision was not binding. (p85-86) However, there was, in general, a reluctance among abused women to seek relief against their husbands, often due to social stigma, or economic insecurity, or fear of retribution, or acceptance of violence as a social norm. [80] (p86-88)
- 23.48 The USSD 2011 reported that: 'There were no adequate support groups for victims of domestic violence. ... NGOs such as the BNWLA operated facilities to provide shelter to destitute persons and distressed women and children. Courts sent most of them to shelter homes. In a few cases, they were sent to prison as a transit destination for short periods.' [2a] (section 6)

HEALTH ISSUES

- 23.49 The United Nations/Bangladesh Government report of February 2005 on Bangladesh's progress toward meeting the Millenium Development Goals (MDG Progress Report of 2005) observed:

'In the health sector, women's status compares unfavourably with that of men. Although the life expectancy gap between men and women has narrowed over the last decade, Bangladesh continues to be amongst the very few countries in the world where women's life expectancy is lower than that of men: in 1990, life expectancy at birth was 56.4 years for males; 55.4 years for females. The maternal mortality rate, estimated to be in the range 320 to 400 per 100,000 live births in 2001, is among the highest in Asia. Pregnancy-related problems, including early and frequent pregnancies, are among the major causes of these phenomena.' [8f] (p21)

- 23.50 Save the Children in its 2010 report 'State of the World's Mothers', issued in May 2010, stated that 'Large numbers of women in Bangladesh have no say in their own health care needs – 48 per cent say their husbands alone make the decisions regarding their health care.' **[19b] (p18)**
- 23.51 According to data provided by the United Nations Children's Fund (UNICEF), most rural women give birth at home, without medical assistance. **[58a]** During the period 2000-2007, 51 per cent of women attended an antenatal care facility at least once during pregnancy; 18 per cent of all births were attended by a doctor, nurse or midwife and 15 per cent of deliveries took place in a hospital or local health centre. The maternal mortality ratio for this period (i.e. the reported annual number of deaths of women from pregnancy-related causes) was 320 per 100,000 live births. During 2000-2006, approximately 56 per cent of women aged 15-49 were using contraception. **[58c]**
- 23.52 Save the Children in its 2010 Report stated that:
 'Bangladesh has made tremendous strides in maternal and child health over the past 30 years. Between 1990 and 2008, under-5 mortality declined 64 per cent and Bangladesh is on track to achieve the Millennium Development Goal for child survival. Bangladesh also cut its maternal mortality rate dramatically during this same period – by 53 per cent. Still, more than 11,600 mothers and 120,000 newborn babies die each year in Bangladesh, mainly because of inadequate care during childbirth. The country does not have enough skilled birth attendants and 82 per cent of deliveries occur at home without proper assistance.' **[19b] (p18)**
- 23.53 As noted by the UN Department of Economic and Social Affairs (website accessed in August 2008), abortion law in Bangladesh is based on the Penal Code of 1860, which permits abortion only to save the life of the woman. 'Menstrual regulation' services have, however, been available in the Government's family planning programme. Menstrual regulation is available on request until eight weeks after the last menstrual period. **[8g]**
- 23.54 The MDG Progress Report of 2005 stated:
 'While the country's overall HIV prevalence rate is believed to be less than one per cent, sexual behaviour of partners put women at high risk of HIV/AIDS infection. Sex workers in Bangladesh brothels have an average of 19 clients a week, which is among the highest turnover rates in Asia. This is even higher (44 clients per week) for hotel-based sex workers. Condom use among the clients of sex workers is very low, and condom use among female sex workers is the lowest in Asia (two to four per cent). The majority of married men who frequent brothels or have sex with street girls, engage in unprotected sex while continuing to maintain sexual relationship with their wives.' **[8f] (p21)**

See also Section 24: [Children](#) and Section 26: [Medical issues](#)

[Return to contents](#)
[Go to sources](#)

24. CHILDREN

OVERVIEW

This section should be read in conjunction with Section 23: [Women](#), which includes further information on issues affecting children.

24.01 The US State Department Country Report on Human Rights Practices 2011 (USSD 2011 report), released on 24 May 2012, stated:

'The government, with the assistance of local and foreign NGOs, worked to improve children's rights and welfare, enabling the country to make significant progress in improving children's health, nutrition, and education. Despite some progress, a 2009 Household Food Security and Nutrition Assessment jointly conducted by the government, the World Food Program, and UNICEF (United Nations Children's Fund) found that 48.6 percent of all children remained chronically malnourished ... Despite advances, including a monitoring agency in the Ministry of Home Affairs, trafficking of children continued to be a problem. Child labor remained a problem in certain industries, mostly in the informal sector. It frequently resulted in the abuse of children, mainly through mistreatment by employers during domestic service. According to a 2006 study by the Bangladesh Institute of Labor Studies, attacks on children constituted more than 50 percent of the deaths, injuries, and sexual assaults reported among domestic workers during the year.' [2a] (section 6)

24.02 UNICEF, on its website, Bangladesh profile, accessed on 21 August 2012, identified the following as major issues facing children in Bangladesh:

- Maternal mortality remains high. Most rural women give birth at home, without medical assistance;
- Millions of children are malnourished. Roughly half of all children under age five are underweight (see [Health and welfare](#), below);
- Primary school enrolment is relatively high, but many children – especially those in urban slums – are still denied their right to a basic education (see [Education](#), below);
- Seven per cent of Bangladeshi children under age fourteen are in the labour force (see [Child labour](#), below);
- Birth registration has been very low, hindering enforcement of child protection measures (see [Documentation](#), below);
- The rise in sea levels predicted due to global warming has the potential to displace millions.' [58a] (Background)

24.03 Between three and four million babies are born in Bangladesh each year. There has been a steady decline in the infant (under 1-year) mortality rate from 99 per thousand live births in 1990 to 38 per thousand in 2010. The under-five mortality rate was 48 per thousand in 2010, compared with 143 per thousand in 1990. (UNICEF, accessed 21 August 2012) [58a] UNICEF gave the main causes of death in neonates as infection. Second is birth asphyxia, which causes one in every five neonatal deaths. Low-birth weight, often caused by poor maternal nutrition and teenage pregnancy, is the direct cause of 11 per cent of neonatal deaths. [58d]

See [Health and welfare](#) below

- 24.04 Bangladesh ratified the UN Convention on the Rights of the Child (CRC) on 3 August 1990 (with a reservation to article 14, paragraph 1); it entered into force on 2 September 1990. Bangladesh ratified both the CRC Optional Protocol on the Involvement of Children in Armed Conflict and the CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography on 6 September 2000; both entered into force in 2002. (Bayefsky.com, [accessed 21 August 2012](#)) [100]
- 24.05 In 2005, the Ministry of Women and Children Affairs launched the third National Plan of Action (NPA) for Children, for the period 2005-2010, in order to focus resources and efforts to improve children's lives, establish child rights, promote gender equality and implement the terms of the UN Convention on the Rights of the Child (CRC). [52e] (paragraph 34) A National Plan of Action against Sexual Exploitation and Abuse of Children, including Trafficking (NPA-SEACT), has also been formulated. [52d] (p6, 7, 17, 19, 60)

See also UNICEF [State of the World's Children report](#) for statistical information.

[Return to contents](#)
[Go to sources](#)

BASIC LEGAL INFORMATION

- 24.06 Save the Children, in a report, 'Stepping up Child Protection', 2010, stated that: 'There are more than thirty-five laws that seek to protect children from negligence, cruelty, exploitation and abuse and to promote their development. However, implementation of these laws is seen as a challenge. The Children Act, 1974, currently under review, is the principal law that provides for care, protection and treatment for children.' [19a] (p51)
- 24.07 The State Party report to the UN Committee on the Rights of the Child, dated 14 March 2003, noted 'The age of majority in Bangladesh is set at 18 years under the Majority Act 1875, although the Act has no effect on the capacity of any person in relation to marriage, dowry, divorce and adoption or on the religion and religious customs of any citizen.' [52a] (paragraph 45) The State Party report to the UN Committee on the CRC of October 2008 added, 'There are a number of laws related to children in Bangladesh. These do not provide a consistent definition of a child. These laws are yet to be revised to bring in a unified definition. Each law has specific objective and it is difficult to synchronize ages in different laws. A high powered Committee has been formed to review and harmonize the national laws in line with CRC.' [52e] (paragraph 73)

The State Party reports of March 2003 and October 2008 have provided examples of minimum legal age requirements set by various pieces of national legislation. Some examples are:

- End of compulsory education – 10 years;
- Admission to employment – various ages between 14 and 18 years;
- Marriage – 18 years for girls and 21 years for boys under the Child Marriage Restraint Act 1929, although religious personal laws permit marriage at an earlier age;
- Sexual consent – 14 years;
- Criminal responsibility – The age of criminal responsibility has been raised to 9 from 7 years (Penal Code Amendment Act, 2004);

- Deprivation of liberty including by arrest, detention and imprisonment: Juvenile justice cases – linked to age of criminal responsibility (see above); care and protection cases – no minimum age;
- Capital punishment – 17 years. Life imprisonment in certain exceptional circumstances – 9 years if presumption of capacity not rebutted, otherwise 12 years;
- Giving testimony in court – no minimum age but a witness must be capable of understanding questions put to him or her and of giving intelligible and sensible answers. **[52a] (paragraph 47) [52e] (paragraph 71)**

See also Children: [Juvenile justice](#)

- 24.08 **Persons aged eighteen and over are entitled to vote. (CIA World Fact book: Bangladesh, updated August 2012, accessed 30 August 2012) [62a]** There is no military conscription in Bangladesh. The minimum age for voluntary recruitment in the army and the navy is 17 years, and 16 years for the air force. Because recruits initially undergo a period of basic training, there is no scope for any person to be employed for actual service or combat duty before attaining the age of 18. (Third & Fourth Periodic Report of the Government of Bangladesh under the CRC: August 2007) **[52d] (p78)**
- 24.10 Bangladeshi nationality can be acquired by birth, descent, migration or naturalization. A child's nationality is based on the nationality of his or her father. (United Nations Convention on the Rights of the Child (CRC) (Third & Fourth Periodic Report of the Government of Bangladesh under the CRC: August 2007) (Accessed 21 August 2012) **[52d] (p23)** Consideration of reports submitted by States parties under Article 44 of the Convention: Bangladesh. 23 October 2008 (Accessed 21 August 2012) **[52e] (paragraph 120)**

Concluding observations of the [Committee on the Rights of the Child: Bangladesh, 26 June 2009 on reports submitted by states parties under article 44 of the Convention](#) **[8e]** can be seen here.

[Return to contents](#)
[Go to sources](#)

LEGAL RIGHTS

- 24.11 Agence France-Presse confirmed on 8 March 2005 that the Muslim Marriages and Divorces (Registration) (Amendment) Bill 2005 received presidential consent. **[23a]** The Act provides for the registration of all marriages to be made compulsory and has introduced stiffer penalties for under-age marriages; the legal minimum age for marriage remains 18 years for a woman and 21 for a man. (United News of Bangladesh: 16 February 2005) **[39b]** The 2006 MICS survey – conducted jointly by UNICEF and the Bangladesh Bureau of Statistics – showed that about 33 per cent of female respondents aged below 15 years, and 74 per cent of those under 18 years, were already married. The marriage rate for women under 18 years was higher in rural than in urban areas. **[52d] (p17)** The USSD 2011 report noted that, in an effort to prevent child marriage, the government has offered stipends for girls' school expenses if parents promised to delay their daughters' marriage until at least age 18. **[2a] (Section 6)**

See Section 24: [Education](#)

Juvenile justice

24.12 The High Court confirmed on 9 July 2006 that all children must be tried in juvenile courts. The Court ruled that 'When the accused is a child under the Children Act 1974, irrespective of the offence alleged, that child must be tried by a juvenile court and not by any other court.' (Save the Children UK – Bangladesh Office, via CRIN.) [30a]

24.13 Save the Children, in a 2010 report, 'Stepping Up Child Protection', noted that: 'The justice system for both children in conflict with the law and children in need of protection is governed by the Children Act, 1974, and the Children Rules, 1976. Although this legislation has been in place for almost 30 years, Bangladesh has yet to implement a fully comprehensive, separate system for children in conflict with the law.' [19a] (p53)

24.14 The Asian Human Rights Commission (AHRC) in, 'Bangladesh: Rights of the Child come into contact with Law and state of Juvenile Justice system- Bangladesh perspective', 5 June 2012, stated that:

'The definition of "youthful offender" can be found in section 2(n) of the Children Act, 1974. A "child" is a person under the age of 16 years and a "youthful offender" means any child who has been found to have committed an offence. ... In 2004, Bangladesh raised the minimum age of criminal responsibility from 7 to 9 years. Criminal liability of children between the ages of 9 and 12 is subject to judicial assessment of their capacity to understand the nature and consequences of their action. ... In a country where birth registration is some 10 percent in Bangladesh, it is likely that children in conflict with law are often deprived of age-appropriate protections. Police reportedly either fail to record the child's age or deliberately note an increase age to avoid having to comply with procedural protection. As a result juvenile justice is hampered.' [66a]

See Section 11: [Judiciary - Organisation](#), Section 12: [Arrest and detention – legal rights – Bail](#), Section 13: [Prison conditions](#) and Section 24: [Children – basic legal information](#)

[Return to contents](#)
[Go to sources](#)

VIOLENCE AGAINST CHILDREN

24.15 The State Party report of 23 December 2005 noted that the Suppression of Violence against Women and Children Act 2000 lays down severe penalties (including life imprisonment and the death penalty) for various kinds of offences against children (up to 14 years), such as rape, sexual harassment, kidnapping and detention for ransom. [52c] (p14-15)

24.16 The Bangladesh Rural Advancement Committee (BRAC), a major welfare NGO, stated in their 2008 Annual Report:

'According to the reported incidents of extreme form of violence across the country, rape or attempted rape shows the highest prevalence. Disaggregated by age during 2007-8, the data on rape/attempted rape indicates that victims of these incidents are mostly children. The general lack of child protection against sexual abuse as well as the lack of rehabilitation and social re integration for the majority of child victims has resulted in a large number of children suffering in silence. Social stigmas, negative attitudes towards victims of sexual abuse, lack of mental health counselling services

and child unfriendly legal systems lead to continuous re-victimization of the child victims.’ [28a]

- 24.17 UNICEF, in a newsletter, ‘In Focus: Protection of Children at Risk, Issue 11’, March 2009, stated that:

‘Children in Bangladesh are vulnerable to violence within the family, at schools, at work places, within institutions and on the streets. Violence against children takes different forms: physical abuse, molestation, acid throwing, trafficking and sexual abuse including rape and various kinds of sexual exploitation for commercial purposes.

‘More than half a million children are estimated to live on the streets in Bangladesh. Many children who live on the streets are forced to work to support themselves and their families. Approximately 13 per cent of children aged 5 -14 years are involved in child labour.

‘A recent UNICEF study on the commercial sexual exploitation of children in Bangladesh found that a half of the children surveyed were initially involved in child labour. Involvement in child labour leads to a situation in which a child can easily be pushed out of informal safety-nets and exposed to abuse and exploitation. The survey found the average age at which surveyed children first became involved in commercial sexual exploitation was 13 years. Commercial sexual exploitation of children is often linked to trafficking. Many girls are trafficked into sexual exploitation or bonded servitude and many boys have been trafficked to the Middle East to become camel racing jockeys. Many children are taken with their parents’ consent, having been duped by stories of well-paid jobs or marriages. It is estimated that 50,000 children live in Bangladesh’s orphanages and child care institutions, however the actual number is probably higher than that.’ [58e] (p3)

- 24.18 Save the Children, in a 2010 report, ‘Stepping Up Child Protection’, noted that:

‘The Bangladesh Penal Code, 1860, addresses sexual harassment. The Suppression of Violence against Women and Children Act, 2000, also includes punishment for forms of sexual violence which are not considered as rape but rather are considered to be molestation/harassment. The Suppression of Violence against Women and Children Act, 2000, provides for penalties for violence against women and children, including kidnapping and trafficking. Further, it stipulates the death penalty or life imprisonment to a person who illegally imports, exports, buys or sells a child, keeps a child or transfers a child to another person. Relating to pornography, the Penal Code prohibits sale, rent, distribution, exhibition and/or circulation of materials that are “obscene”. The Suppression of Violence against Women and Children Act, 2000, criminalizes the intent of “immoral” use of a child, under which pornography can also be an offence. However, there are no specific legal provisions against child pornography or to protect children from injurious information and material transmitted through the media, internet, videos, electronic games, etc.’ [19a] (p52)

- 24.19 According to the USSD 2011 report, ‘child abandonment, abuse, kidnapping and trafficking continued to be serious and widespread problems.’ [2a] (Section 5) The Odhikar Human Rights Report, of January 2012, stated that ‘Since January to December 2011, a total of 711 women and girls were reportedly raped. Among them ... 450 were girls and 15 victims could not be given an age. Out of 450 child victims, 34 children were killed after being raped, 115 were victims of gang rape and 9 committed suicide.’ [46f] (p112) During the same year, 19 children were the victims of acid attacks.

[46f] (p116) [Note: These figures were based on press reports – the actual incidence of serious human rights violations involving children may be far higher.]

See also Section 23: Women: [Violence against Women](#) , Section 23: Women: [Rape](#) and Section 25: [Trafficking](#)

[Return to contents](#)
[Go to sources](#)

Child labour

- 24.20 UNICEF, in an undated background note, 'Child Sexual Abuse, Exploitation and Trafficking in Bangladesh', reported that;

'Children in Bangladesh are vulnerable to being trafficked into bonded labour or brothels; being sexually abused in the home, the workplace, community and at school; and being sexually exploited. There are few protections in place for children such as these. In a country where less than 10 per cent of children are registered at birth, it is difficult to track whether children's rights are being protected. Those who are abused, trafficked or exploited are explicitly denied their rights to be safe from these practices under the Convention on the Rights of the Child (CRC). They are also more vulnerable to HIV/AIDS, drug abuse, more likely to not finish - or begin - their education, or realize their right to be brought up with their family.' **[58f] (p1)**

- 24.21 **The USSD 2011 report observed:**

'By law every child must attend school through grade five or the age of 10 years, but there is no effective legal mechanism to enforce this provision, and child labor was widespread. The BLA regulates child employment depending on the type of work and the child's age. The law specifies penalties for child labor violations, typically nominal fines of less than 5,000 taka (\$63).

'The ILO estimated that seven million child workers existed and that 1.3 million worked in hazardous sectors.

'During the year Services and Solutions International, a Dhaka-based research institution, found that children frequently worked in the informal sector in areas such as the road transport industry, in rickshaw pulling, automotive repair, and minibus assistance; in machine shops, salt and match factories, and tanneries; and in the manufacturing of bricks, cigarettes, dried fish, footwear, steel furniture, glass, textiles, garments, and soap. Children were engaged in the following hazardous activities: printing, fabrication, stone breaking, ship breaking, dyeing operations, blacksmith assistance, and construction. Children also worked in the service industry in hotels and restaurants. According to a 2003 government survey of urban areas, street children, mostly boys, engaged in various forms of work, such as begging, working as porters, shining shoes, collecting paper, and selling flowers. Boys and girls, often those living on the streets, were exploited in illicit activities, including smuggling and trading arms and drugs.

'Children routinely performed domestic work. The government occasionally brought criminal charges against employers who abused domestic servants.

'The Ministry of Labor's enforcement mechanisms were insufficient for the large, urban informal sector, and there was little enforcement of child labor legislation outside the export garment and shrimp processing sectors. Agriculture and other informal sectors that had no government oversight employed large numbers of children.'

'There was a child labor unit in the Ministry of Labor and Employment to coordinate planning and execution of all child-related labor interventions.' **[2a] (Section 7d)**

- 24.22 The State Party report of August 2007 to the UN Convention on the Rights of the Child (CRC) stated:

'According to the Second National Child Labour Survey (NCLS) 2002-03, of 42.3 million children aged 5-17 years, estimated 7.4 million children (17.5 per cent) are engaged in some form of economic activity. Based on definition used in ILO Convention, it is estimated that 3.2 million (43 per cent) children would be considered as child labour, representing 7.5 per cent of the of the entire child population in this range. Over half of the working children (53 per cent) were employed in agriculture sector, followed by production (15 per cent), trading/sales (14 per cent) and transport (10 per cent). Children often work alongside family members in small scale and subsistence agriculture. Of the total child labour (3.2 million), 26 per cent were attending schools and working simultaneously. As revealed in the survey, approximately 41 per cent of child labour or 1.3 million children were engaged in hazardous labour ... There is no official record of actual number of child [domestic workers] because of the "hidden" nature of work. According to one survey (ILO-IPEC, 2005/06), the total number of [child domestic workers] is estimated at 405,508, of them 31 per cent are in Dhaka city and remainder in other parts of the country. Of the total domestic help in Dhaka, 92 per cent are full time [child domestic workers] and the remaining are part time ... Given the often-informal nature, regulation is difficult. However, recently the Government has been bringing criminal charges against employers who abuse domestic [workers] ... However; there is no effective mechanism for enforcing the law in favour of child domestics in particular.' **[52d] (p66-67)**

- 24.23 The State Party report of October 2008 to the UN Committee on the CRC recorded that a new law, the Bangladesh Labour Act 2006 (BLA), had been enacted in October 2006. This prohibits hazardous work by any person below the age of 18. The Government publishes a list of jobs deemed hazardous. For any other (non-hazardous) economic activity, the lower limit of admission into employment is 14 years; however, a child under 18 can only be employed if a registered medical doctor certifies the fitness and age of the child. The employer must also adjust working hours to allow the child to continue with his/her education. **[52e] (paragraph 28)**

See also Committee on the Rights of the Child, Fifty-first session Consideration of Reports Submitted by States Parties under Article 44 of the Convention - [Concluding observations of the Committee on the Rights of the Child: Bangladesh June 2009](#) **[8e]**

See Section 24: [Children – documentation](#) regarding the difficulties in maintaining a reliable Birth registration system.

- 24.24 A report of the US Department of Labor, 2008 'Findings on the Worst Forms of Child Labor – Bangladesh', published on 10 September 2009, noted that the law forbids parents or guardians from pledging their children's labour in exchange for a payment or benefit. **[88a]**

24.25 According to the State Party report of October 2008:

‘The Government is very much concerned about child labour and is increasingly undertaking different poverty focused programmes for reduction of child labour through facilitating access to education, with collaboration of NGOs and development partners. A comprehensive Time Bound Programme (2004-15) for eradicating child labour has been undertaken with the support of development partners. There are several other projects also addressing the issues of hazardous child labour, street children etc.’ **[52e] (paragraph 357)**

24.26 As commented on the International Labour Organization (ILO) website, accessed in June 2009:

‘Extreme forms of poverty play a crucial role. Child labour is part of a vicious cycle, with poverty as a main cause as well as a main consequence. This implies that child labour cannot be addressed in isolation. Among factors contributing to child labour are rapid population growth, adult unemployment, bad working conditions, lack of minimum wages, exploitation of workers, low standard of living, low quality of education, lack of legal provisions and enforcement, low capacity of institutions, gender discrimination, conceptual thinking about childhood, etc. One or more of the above contribute to the large numbers of children working under exploitative or hazardous conditions.’ **[32a]**

24.27 The US Department of Labor report dated 10 September 2009 noted: ‘According to a survey by the ILO, there are over 421,000 children, mostly girls, working as domestic servants in private households, some in exploitive conditions. These child domestics are vulnerable to abuse, including sexual abuse.’ **[88a]** In the abstract to a report of March 2006, Nasrin Akter cited a higher estimate of the number of children engaged in domestic work:

‘Some NGOs estimate that there are approximately two million children engaged in domestic work in Bangladesh. Child domestic workers in Bangladesh stay alone in individual households, hidden from public scrutiny, and their lives controlled by their employers. The destiny of these child domestic workers rests largely on the mercy of their employers. As their parents primarily live in rural areas and usually are unable to afford to visit Dhaka regularly to oversee the condition of their children, they are exposed to abuses and health risks. Although some aspects of child domestic workers, for example, sexual exploitation and education, have recently received attention from scholars, we are not sufficiently aware of the health consequences of child domestic workers in Bangladesh.’ **[107]**

24.28 In 2001 Bangladesh ratified ILO Convention 182, concerning the Prohibition and Immediate Action on Elimination of Worst Forms of Child Labour. The Government has also declared itself committed to the Rawalpindi Declaration of the South Asian Association for Regional Cooperation (SAARC) calling for the eradication of child labour by 2010. **[52d] (Forward)**

[Return to contents](#)
[Go to sources](#)

CHILD CARE AND PROTECTION

24.29 In June 2007, the executive director of the NGO ‘Incidin Bangladesh’ was quoted as saying ‘It is impossible to figure out an accurate number but it is assumed that about

two million children are living in the streets.’ He urged the Government to ensure an adequate provision in the national budget to establish safe night shelter for street children. (The Daily Star, 10 June 2007) **[38h]**

- 24.30 The State Party report of October 2008 to the UN Convention on the Rights of the Child (CRC) stated:

‘There is no reliable statistics on orphans and orphanages. The registered orphanages provide services to about 50,000 orphans and abandoned children. This is indeed a very small proportion compared to the estimated number of orphans. Devoid of parental support and care orphans are vulnerable to hazardous child labour, HIV, trafficking, physical and sexual exploitation. In case of orphaned girls, the risks of early marriage, abortion, sexual exploitation and other forms of violence are high.’ **[52e] (paragraph 189)**

- 24.31 The State Party report of August 2007 noted that the Ministry of Social Welfare ran 85 orphanages (capacity 10,300 children); six ‘Baby Homes’, one each in Division (capacity 550 children) for abandoned children aged 1 to 5 years; six Destitute and Vagrant Centres, six Safe Homes with capacity for 400 children, and a number of other facilities. **[52d] (p33)** According to the State Party report of 14 March 2003, there were another 950 orphanages run by NGOs, some with Government funding. These included institutions linked to various religions: over 300 Muslim orphanages attached to madrasa schools, nine Hindu, five Buddhist and four Christian orphanages. **[52a] (p29)**

- 24.32 The State Party report to the UN Committee on the CRC, dated 23 December 2005, noted that it is an offence under the Children Act for a person who has custody, care or charge of a child to assault, ill-treat, neglect, abandon or expose the child or to cause such things to happen to him or her in a way likely to cause the child unnecessary suffering or injury to their health. **[52c] (p14-15)**

- 24.33 With regard to children with disabilities, the State Party report of October 2008 noted as follows:

‘No comprehensive survey on disability has so far been conducted in Bangladesh. Findings of different partial surveys or supplementary information of other surveys indicate a range of 10-18 per cent Persons with Disability (PWDs) in Bangladesh. Children with disabilities are subjected to various discriminatory practices from the moment of their birth. Considered a social and economic encumbrance, children with disabilities experience prejudicial treatment in terms of family entitlements, learning opportunities, health services and equal opportunities to develop individual capacities. Girls are generally the worst suffers. Government has undertaken various measures to address the problems of persons/children with disabilities, in some cases in collaboration with NGOs/CBOs and development partners.’ **[52e] (paragraphs 193-194)**

[Return to contents](#)
[Go to sources](#)

EDUCATION

- 24.34 The Campaign for Popular Education (CAMPE), Bangladesh, in its ‘Education Watch 2008: State of Primary Education in Bangladesh Progress Made, Challenges Remained’, November 2009 stated that:

'There are 10 different types of primary educational institutions in the country which follow three different curricula. The government schools, non-government schools (registered and unregistered), community schools, experimental schools, non-formal schools, and primary-attached to high schools follow the curriculum of the National Curriculum and Textbook Board (NCTB). The ebtedayee madrasas and the ebtedayee-attached to high madrasas follow the curriculum of the Bangladesh Madrasa Education Board (BMEB). The English medium schools follow the British curriculum (London and Cambridge).' [121a] (p6)

24.35 Europa World Online, (accessed 29 August 2012) stated that:

'The Government provides free schooling for children of both sexes for eight years. Primary education, which is compulsory, begins at six years of age and lasts for five years. Secondary education, beginning at the age of 11, lasts for up to seven years, comprising a first cycle of three years, a second cycle of two years and a third cycle of two further years. In the late 1980s the Government laid great emphasis on the improvement of the primary education system in an attempt to raise the rate of literacy. A scheme was, therefore, undertaken to establish one primary school for every 2,000 people in Bangladesh. In 2008/09 an estimated 92% of children (88% of boys; 97% of girls) in the relevant age group were enrolled at primary schools, while the enrolment ratio at secondary schools was 46% (44% of boys; 48% of girls) in the same year. In 2008/09 there were 82,981 primary schools; there were an estimated 21,015 secondary schools in 2009/10. Secondary schools and colleges in the private sector vastly outnumber government institutions. Educational reform is designed to assist in satisfying the manpower needs of the country, and the greatest importance is given to primary, technical and vocational education. In 2007/08 there were 31 state universities, including one for agriculture and one for engineering and technology, and an Islamic university. In the same year there were 3,116 technical colleges, vocational institutes and colleges offering general education. The Government launched an Open University Project in 1992. The 2009/10 budget allocated 117,960m. Taka to education and technology (equivalent to 15.1% of total projected government expenditure).' [1c] (education)

24.36 Education is divided into four levels: Primary (from grades 1 to 5), Secondary (from grades 6 to 10), Higher Secondary (grades 11 to 12) and Tertiary. The language of tuition in state schools is Bangla. A number of private schools provide an English medium education and offer 'O' and 'A' level courses. There are also 11 government universities and approximately 20 private universities in Bangladesh. Specialised universities include Bangladesh University of Engineering and Technology (BUET), Bangladesh Agricultural University and Bangabandhu Shaikh Mujib Medical University. ('Bangla2000' website, accessed June 2009) [26a]

24.37 Primary education was free and compulsory, but the implementation of compulsory education fell short, in part because parents kept children out of school to work for money or help with household chores. Government incentives to families who sent children to school contributed significantly to the rise in primary school enrolments in recent years. Despite these efforts and contrary to established policies, public schools imposed fees that were burdensome to poor families and created a disincentive to attend school. (USSD 2011 report) [2a] (Section 5)

The Primary Education Stipend Project

- 24.38 The Consortium for Educational Access, Transitions and Equity (CREATE), in the report 'Access to and Exclusion from Primary Education in Slums of Dhaka', 2010, stated that:

'Although PESP [Primary Education Stipend Project] is envisioned as an equity-promoting intervention, investigations into its operation have raised questions about proper targeting, administration and application of eligibility criteria. Data from the 2003-04 Education Watch household survey in ten upazilas found that stipend recipients were more or less evenly divided among four socio-economic categories based on food security status (always in deficit, sometimes in deficit, break-even or surplus). Further suggesting poor targeting, over two-thirds of children from the poorest category were not selected as recipients, while 27 percent of children from the most affluent households received the stipend (Ahmed et al, 2005). The survey found that on average recipients did not receive the full amount, students from Government Primary Schools (GPS) received more than those attending other eligible schools, and boys received more than girls. Focus groups discussions also pointed to the manipulation of eligibility criteria by school managing committees and head-teachers, and to management problems such as "cuts" being taken from the stipends.

'Moreover, though PESP seeks to increase enrollment, regular attendance and progression among children from poor families, it has been revealed that these children may in fact have genuine difficulty in meeting the eligibility criteria (Ahmed et al, 2005). It has also been suggested that age and non-financial considerations may also work to undermine the stipend's effectiveness in ensuring attendance and progression in particular. Because both direct and opportunity costs increase as a child ages, the stipend may not be sufficient in offsetting these costs.' [124a] (p48)

- 24.39 The EIU Country Profile 2008, dated 18 July 2008, noted that the level of enrolment in primary schools increased substantially in the 1990s; the number of primary school children increased from 12.0 million in 1990 to 16.2 million in 2005. ... [however, it] described the general quality of elementary education as 'poor' and attributed this to badly trained or absentee teachers, large classes and a shortage of books. [40e] (p13) IRIN reported in February 2009 that a study, conducted for the Department of Primary Education, had shown that 69 per cent of students who had completed five years of primary school were unable to read news headlines in Bangla, while 87 per cent failed to do simple mathematical calculations. Students in the fifth grade completed only about 56 per cent of the Bangla syllabus, 46 per cent of the mathematical syllabus and 47 per cent of the English syllabus. The quality of education in remote rural areas was far worse than in urban areas. [103a] Over 98 per cent of secondary schools were 'private', [Registered Non Government Schools] but the Government paid 90 per cent of the teacher and staff salaries for these schools. (State Report on the CRC 2007) [52d] (p54)

The Girls' Stipend Program

- 24.40 The Journal of Education for International Development in 'The Girls' Stipend Program in Bangladesh', 2006 reported that:

'The Female Stipend Program (FSP) was created in 1982 in Bangladesh to help increase the enrolment and retention of girls in secondary schools. Implemented initially in six areas only, the program was so successful that it was extended in 1994... The success of the pilot projects was the basis for launching the nationwide FSP in 1994,

planned initially to last for five years, and which was funded by various donors and the government in projects that covered the nation. Under the program, all girls in rural areas who enter secondary school – about 50 per cent of possible enrolments – are eligible for a monthly sum ... Girls receive additional payments in Class 9 for new books and in Class 10 for exam fees. The conditions were a minimum of 75 per cent attendance rate, at least a 45 per cent score in annual school exams, and staying unmarried until sitting for the Secondary School Certificate (SSC) or turning 18. The three criteria have remained constant during the lifetime of the FSP.’ [127a] (p1)

24.41 In assessing the impact of the scheme the report stated that:

‘FSP has clearly had impact in terms of increasing girls’ enrolment. Less clear is exactly what other impact it has had in terms of stated Program objectives such as fertility control, getting girls/women into paid employment, or empowerment of women. While there has been documented progress in such areas, in many cases, it has not been possible to clearly link the FSP to the educational or societal changes that have occurred since the program began. While the FSP has been widely-acclaimed as a model for achieving gender parity of enrolment, little is known of its impact beyond access to schools.’ [127a] (p9)

Further, in depth information on education in Bangladesh can be found in the following research papers:

[Governance and Education Inequality in Bangladesh](#), 2008 [125a], [School exclusion as social exclusion: the practices and effects of a conditional cash transfer programme for the poor in Bangladesh](#), 2009 [126a], [Access to and Exclusion from Primary Education in Slums of Dhaka](#), 2010 [124c], [Poverty and Equity: Access to Education in Bangladesh](#), 2010 [124d], [Age in Grade Congruence and Progression in Basic Education in Bangladesh](#), 2010 [124e]

[Return to contents](#)
[Go to sources](#)

Madrasahs

24.42 The Institute of Peace and Conflict Studies (IPCS), in a report ‘Madrasahs in Bangladesh’, dated August 2007, stated that:

‘Madrasa education, as one of the three branches of the Bangladeshi education system – the others being general education and technical vocational education – plays a vital role in the country. Aleya madrasahs are a unique system of Islamic religious education that has few parallels in the Muslim world, offering both religious education and modern general education. They function under the Bangladesh Madrasa Education Board, an independent body funded by the government that is charged with establishing madrasahs, assigning teachers, and formulating the curriculum. This system mandates teaching modern subjects like English, Bangla, Science, Social Studies, Mathematics, Geography, History, and a modified version of the Dars-i-Nizami system. It is structured in five levels – ebtidai (primary), dakhil (secondary), alim (higher secondary), fazil (graduate), and kamil (post-graduate). Although these madrasahs are mostly privately owned and run, they receive government support. The government of Bangladesh pays 80 per cent of the salaries of their teachers and administrators and a significant part of their development expenditure, provides scholarships and books, and assigns a substantial sum to the construction of additional private madrasahs. The majority of the

graduates of the Aleya madrasa system pursues a higher education or joins the job market.’ [117a]

‘Qawmi madrasas are private nongovernmental institutions which are, for the most part, affiliated to the Deobandi faith and teach the traditional Dars-i-Nizami system. Before the government recognized the system in 2006, they had little or no association with the government, and were solely supported by religious endowments or by zakat, sadaqa, donations, and contributions from individuals or local and international Islamic organizations. These madrasas have been organized under a private institution called the Befaul Mudarressin of the Bangladesh Qawmi Madrasa Education Board, enjoying autonomy from the state. This has now become problematic as its financial independence has allowed the ulema in Bangladesh to wield religio-political power. What is more, it has permitted the ulema to resist efforts by the state authorities to institute reforms in the madrasa system and bridge the differences between the traditional system of Islamic education and modern secular education. Concerns arise when the entire education system comes to be seen as a religious institution because of this wing which has a traditionalist hard line policy and is against any kind of modern thinking. It is important to appreciate the distinctions between the two types of madrasas. Qawmi madrasas continue to represent Islamic identity in Bangladesh, catering to its society’s need for religious practices and services. At the same time, however, it contributes to a traditional rather than a modern education system. This does not help Bangladesh’s development or its education system. Further, the Qawmi madrasas’ use of the traditional education system generates incorrect beliefs that madrasas are archaic. Conversely, Aleya madrasas are viewed in a more positive light as they combine religious and modern subjects and, therefore, are seen as contributing positively to the education system.’ [117a]

24.43 However, the Campaign for Popular Education (CAMPE), in its Education Watch 2008 report, stated that:

‘...madrasas are lagging behind in most of the quality indicators. Poor educational provision in these institutions is partly to blame for this. The ebtedayee madrasas which are basically independent institutions providing primary education is at the bottom of the league table. These institutions use separate textbooks and a majority do not have basic minimum infrastructure and learning facilities. Lack of trained teachers is a serious problem in the madrasas. Women’s participation in teaching, school leadership and SMC is the lowest in madrasas.’ [121a] (page xxxvii)

24.44 The Education Watch 2008 report further concluded that:

‘... physical facilities, teachers’ education and training and learning provisions for the primary education system in Bangladesh have improved as a whole during the past decade. However, the improvement has been uneven. Madrasas and the non-government primary schools often lack basic minimum standards of enabling condition. There are shortcomings in the teachers’ subject based training, management training of the heads of the institutions and effective functioning of the school managing committees. Dependence on private tutoring has increased over time.’ [121a] (p124)

Other papers which mention madrasa education are, [The State of Secondary Education: Progress and Challenges](#), Ahmed et al. (2005). [121b], [Access to Education in Bangladesh](#), Ahmed et al. (2007) [124a], [Financing Basic Education in Bangladesh](#), Al-Samarai, (2007) [124b]

HEALTH AND WELFARE

- 24.45 UNICEF, in its March 2009 report, 'Bangladesh: Demographic and Health Survey 2007', stated that:

'Data from the 2007 BDHS show that under-five mortality (65 deaths per 1,000 live births) has continued its notable decline. Large decreases were observed in both child mortality (age 1-4 years) and postneonatal mortality. One of every 15 Bangladeshi children dies before reaching age five, compared with one in 11 in the 2004 BDHS. Likewise, the number of children who die before reaching the first birthday has decreased from one in fifteen children to one in 19 (52 deaths per 1,000 live births). Around 71 per cent of infant deaths occur during the first month of life (neonatal mortality). ...Eighty-two per cent of Bangladeshi children age 12-23 months are fully immunized.' [58d] (page xxviii)

The report continued:

'The 2007 BDHS measured all children under five in the household and found that 43 per cent of children in that age group are stunted, and 16 per cent are severely stunted. Seventeen per cent of children under five are wasted, and 3 per cent are severely wasted. Weight-for-age results show that 41 per cent of children under five are underweight, with 12 per cent are severely underweight.' [58d] (page xxix)

- 24.46 UNICEF has noted that various diseases which could be prevented by vaccination have, in the past, killed tens of thousands of children under the age of five; these include diphtheria, whooping cough, tetanus, tuberculosis and measles. [58d] In 2006, 96 per cent of 1-year old children were immunised against tuberculosis, 88 per cent against polio and 81 per cent against measles. There have also been measures to protect infants against tetanus. (UNICEF) [58c] More than 12 million children have received de-worming treatment. (UNICEF) [58a] It was estimated in 2004 that 74 per cent of the population had access to 'improved drinking-water sources'. (UNICEF) [58c] Sanitation coverage has almost doubled since 2003; by the end of 2006, the country had achieved 81 per cent coverage. (UNICEF) [58a]

Further statistical data regarding children can be found on the [Unicef Website](#). See also Section 23: [Women](#) and Section 26: [Medical issues](#)

[Return to contents](#)
[Go to sources](#)

DOCUMENTATION

- 24.47 UNICEF, in a fact sheet, 'Birth Registration in Bangladesh', updated April 2010, accessed 21 August 2012, stated that:

'Historically, the biggest obstacle to birth registration in Bangladesh has been the lack of awareness of its importance, which led to the low demand for certificates. Parents often do not have the right information and do not understand the possible consequences of not registering their child.

'A lack of coordination between the health and education sectors and the birth registration system is also a hindering factor. Babies who are born in health facilities should ideally have their births registered at the time of birth, but this does not always happen. Additionally, only 24 per cent of births are attended by skilled health personnel,

so many newborns remain undetected. While birth registrars are normally local government officials such as union council chairmen, they rely on health and education workers to report births. Therefore interagency cooperation is essential to develop a sustainable birth registration system.

'Until 2006, Bangladesh's birth registration system was governed by legislation developed in 1873. Under this old legislation, birth registration was not required to access services, so there was little incentive for people to register their births or those of their children. The birth registration system was manual, ad hoc and prone to abuse. However, the Government of Bangladesh adopted the Births and Deaths Registration Act in 2004. This Act came into force in 2006 and stipulates that birth certificates will be used as proof of age for a number of administrative procedures: issuance of an ID card, enrolment in educational institutions, marriage registration, issuance of driving licence, etc.

'The lack of an electronic birth registration system makes it difficult for birth registrars to confirm duplication within the list. This is problematic because some people choose to revise their own ages by applying for a new birth certificate, for a variety of reasons. For example, some parents artificially increase their daughters' ages so they are above the legal marriage age of 18, while other people reduce their ages so they can apply for a government job before the cut-off age of 30.' [58b]

See section 31: [Exit and return - children](#)

- 24.48 An IRIN report dated 15 July 2008 stated that, 'Recent reports indicate that 40 percent of the population had received a birth certificate by the end of March 2008, while more than 30 percent had been registered and would receive their certificates soon. A vigorous campaign is now under way to register the remaining 30 percent of the population who are hard to reach, mobile, invisible or live on the fringes of mainstream society.' [103a]
- 24.49 The new National Identity Card, issued to over 80 million registered voters (adults) in 2008, also shows the individual's date of birth. [16c] A sample appears on the website of the [Bangladesh Election Commission](#).

[Return to contents](#)
[Go to sources](#)

25. TRAFFICKING

OVERVIEW

- 25.01 The US State Department's Trafficking in Persons Report of June 2012 (USSD Trafficking in Persons Report 2012), released on 19 June 2012, stated that:

'Bangladesh is a source country for men, women, and children subjected to forced labor and sex trafficking. Bangladeshi men and women migrate willingly to Saudi Arabia, Bahrain, Kuwait, the United Arab Emirates (UAE), Qatar, the Maldives, Iraq, Iran, Lebanon, Malaysia, Singapore, Europe, and other countries for work, often legally via some of the more than 1,000 recruiting agencies belonging to the Bangladesh Association of International Recruiting Agencies (BAIRA). These agencies are permitted legally to charge workers recruitment fees that are the equivalent of a year's salary, but these recruiting agencies often charge additional amounts in contravention of government regulations. These exorbitant fees place migrant workers in a condition of

debt bondage, in which they are compelled to work out of fear of otherwise incurring serious financial harm. Many Bangladeshi migrant laborers are victims of recruitment fraud, including additional and illegal exorbitant recruitment fees often accompanied by fraudulent representation of terms of employment. These victims may also experience restrictions on their movements, non-payment of wages, threats, and physical or sexual abuse. There are reports of an increased number of Bangladeshis transiting through Nepal to obtain Nepalese visas and work permits for employment in the Gulf; some are trafficking victims.' [2d] (Country Narratives)

See Section 33: [Employment rights](#)

25.02 The USSD Trafficking in Persons Report 2012 further noted that:

'Bangladesh does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In December 2011, the government enacted a comprehensive anti-trafficking law [the Human Trafficking Deterrence and Suppression Act] which addressed legislative gaps such as the absence of a prohibition on the trafficking of men. The government also approved a new anti-trafficking action plan which incorporated necessary steps to implement the new law. Although the law does not include a specific prohibition on fraudulent recruitment, it cites the concept of fraud as a possible element of human trafficking. The number of prosecutions increased, but the number of convictions declined as compared to the previous year. The government did not take sufficient steps to protect trafficking victims. Official complicity in trafficking remained a problem.' [2d] (Country Narratives)

INTERNAL TRAFFICKING

25.03 The same report stated that:

'Bangladeshi children and adults are trafficked internally for commercial sexual exploitation, domestic servitude, and forced and bonded labor, including forced begging. In some instances, children are sold into bondage by their parents, while others are induced into labor or commercial sexual exploitation through fraud and physical coercion. Girls and boys as young as eight years old are subjected to forced prostitution within the country, living in slave-like conditions in secluded environments. Trafficking within the country often occurs from poorer, more rural regions, to cities.' [2d] (Country Narratives)

PROSECUTION

25.04 The USSD Trafficking in Persons Report 2012 noted that:

'The Government of Bangladesh made clear anti-trafficking law enforcement progress over the reporting period by passing a comprehensive counter-trafficking law and increasing the number of investigations and prosecutions, although the number of convictions declined compared to the previous year ... During the reporting period, the government reported the convictions of 14 trafficking offenders and the sentencing of eight of them to life imprisonment under Sections 5 (prohibiting "women trafficking") and Section 6(1) (prohibiting "girl trafficking") of the Repression of Women and Children Act; six were sentenced to lesser prison terms.' [2d] (Country Narratives)

Corruption

25.05 The same report stated that:

'The alleged human trafficking complicity of some Bangladeshi government officials remained a serious problem and the government made no discernible efforts to address it. Several NGOs reported a nexus among members of parliament, corrupt recruiting agencies, and village level brokers, and also reported that politicians and regional gangs were involved in human trafficking. NGOs and the media reported that registered recruitment agencies in Dhaka have links with employers – some of which have subjected migrant workers to trafficking – and brokers in destination countries and help facilitate fraudulent recruitment. The Government of Bangladesh did not investigate or prosecute government officials suspected of trafficking-related complicity. Government officials continued to receive training from civil society groups and foreign governments.'

[2d] (Country Narratives)

See Section 18: [Corruption](#)

ASSISTANCE TO VICTIMS OF TRAFFICKING

25.06 The USSD Trafficking in Persons Report 2012 noted that:

'The Government of Bangladesh made limited efforts to protect victims of trafficking over the last year. The government did not have a systematic procedure to identify trafficking victims among vulnerable populations, and to refer victims of trafficking to protective services. The government reported that immigration police, working with the Ministry of Expatriate Welfare's Vigilance Taskforce, identified trafficking victims at international airports by checking passports and questioning potential trafficking victims; it is not known how many victims were identified through this process. The government identified 181 victims in the reporting period. While the government did not provide or fund shelter or other services specifically dedicated to trafficking victims, it continued to run nine homes for women and children who were victims of violence, which could be accessed by trafficking victims; the government also ran a "one-stop crisis center" for women and children in the Dhaka general hospital – also accessible to trafficking victims. The government continued to run one shelter in the Bangladeshi Embassy in Riyadh for female Bangladeshi domestic workers fleeing abusive employers. The government did not compile statistics on the number of trafficking victims, if any, assisted through these establishments. An NGO noted that adult female victims could leave the shelters in Bangladesh at will. The government did not provide protective services to male victims of trafficking.'

[2d] (Country Narratives)

PREVENTION

25.07 The USSD Trafficking in Persons Report 2012 stated that:

'The Bangladeshi government made efforts to prevent trafficking over the reporting period. In January 2012, the Ministry of Home Affairs promulgated a new National Plan of Action for Combating Human Trafficking for 2012-2014, which includes plans to implement the new law. The Ministries ..., continued to raise awareness on the trafficking of women and children. ... to improve the oversight of Bangladesh's labor recruiting process ahead of a future merge with a Monitoring Wing. ... The government did not implement any campaigns in the reporting period to establish the identity of undocumented and vulnerable local populations, such as street children or rural women.'

Training, including awareness about human trafficking, was provided to Bangladeshi soldiers prior to their deployment abroad on international peacekeeping missions. During the year, the government did not demonstrate measures to reduce the demand for commercial sex acts. Bangladesh is not a party to the 2000 UN TIP Protocol.' [2d] (Country Narratives)

See Section 23: [Women: Violence against women](#) and Section 24: [Children: Violence against children](#)

[Return to contents](#)
[Go to sources](#)

26. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

26.01 The Economist Intelligence Unit (EIU) Country Profile 2007 stated that medical facilities in the country were 'extremely scarce'; in the fiscal year 2005/06 there were 49,669 hospital beds, 42,101 registered doctors and 14,689 registered nurses in the public sector. (This translates to approximately 27 doctors and 10 registered nurses per 100,000 population.) [40d] (p16) As was noted in the United Nations Common Country Assessment for 2004, the private sector provides the major proportion of outpatient curative care, especially among the poor, while the public sector serves the larger proportion of inpatient care. [8d] (p30) The EIU Country Profile noted that only about 12 per cent of all 'serious cases' were referred to public health services. The report added, 'Whereas health services for the general population remain poor, there are private hospitals that provide first-rate medical services for the wealthy in Dhaka.' [40d] (p17)

26.02 It was reported in an article in The Daily Star, dated 27 February 2010, that:

'Public health services across the country are being severely hampered by a staggering shortage of health professionals. According to officials from the Directorate General of Health Services (DGHS), there are currently 33,000 vacant posts, which is more than a fifth of the total workforce.

'Government sources expressed doubt that health services could be rendered smoothly with so many posts being vacant. Prof Rashid E Mahbub, former president of Bangladesh Medical Association (BMA), said that the health sector will collapse if the workforce isn't made more robust. Prof Mahbub said, "The government took steps to recruit manpower, which was certainly a good decision. But this has been halted due to corruption in the recruitment process".' [38an]

See also section 18: [Corruption](#).

26.03 The World Health Organisation (WHO) informed in its Bangladesh Country Profile, undated, accessed December 2009:

'Significant changes in human resources for health have taken place in recent years leading to overall improvement in the coverage of health services. These include production and deployment of more health and health-related personnel, refresher training for health personnel in service, and greater use of health volunteers ... Actions are being taken, which include the establishment of a permanent health institute, formulation of a human resource development plan, and enhancing the quality of medical education ... As early as the 1980s, Bangladesh had a national essential drugs

policy and a list of essential drugs to be procured and used in health services. These have been maintained to date. Most of the essential drugs were known by their generic name and were less costly than brand name drugs. Production and distribution facilities, both in the private sector and public limited companies, are adequate. Despite these advantages, government run health facilities did not have sufficient essential drugs to meet their actual needs, since the budgetary allocation for the procurement of drugs was not enough.' [14a] (Country Health System Profile; p 5)

See also Section 26: [Mental health](#)

26.04 The World Health Organisation estimated that life expectancy at birth increased from 55 years in 1990 to 63 years in 2006, for both males and females. The Infant Mortality rate declined from 100 per thousand live births in 1990, to 52 per thousand in 2006. [14c]

26.05 The database of the [Directorate General of Health Services](#) provides a comprehensive listing of medical institutions in Dhaka. [82]

See also Section 23: [Women](#) and Section 24: [Children](#)

[Return to contents](#)
[Go to sources](#)

ARSENIC POISONING

26.06 The South Asia Research Institute for Policy and Development (SARID), in an article 'Arsenic Poisoning in Bangladesh', 8 September 2004, stated that;

'The contamination of groundwater in Bangladesh is often called the biggest mass poisoning in history. It began in the 1970's, when the United Nations Children's Emergency Fund (UNICEF) initiated the construction of millions of tube-wells with the aim of providing Bangladeshis with clean and safe drinking water - an alternative to the surface water contaminated with diarrhea-causing bacteria that killed a quarter of a million Bangladeshi children each year. But as the tube-wells eliminated one problem, they, in turn, brought about a new tragedy of unimaginable proportions. Arsenic-contaminated water from the wells started poisoning millions, bewildering the scientists trying to understand how the poisoning works as well as how to control it. Meanwhile, the 8 to 12 million contaminated wells across the country continue to be the main source of water for most Bangladeshis, presenting a growing danger to their lives.' [49a]

26.07 The BBC, in a news report, Bangladesh: 77m poisoned by arsenic in drinking water, 19 June 2010, reported that:

'Up to 77 million people in Bangladesh have been exposed to toxic levels of arsenic from drinking water in recent decades, according to a Lancet study. The research assessed nearly 12,000 people in a district of the capital Dhaka for over a period of 10 years. More than 20% of deaths among those assessed were caused by the naturally occurring poisonous element, it found. The World Health Organization said the exposure was 'the largest mass poisoning of a population in history'. It began after hand-pumped wells were installed in the 1970s to tap groundwater. Scientists say even small amounts of arsenic over a long period can cause cancer of the bladder, kidney, lung or skin. Bangladesh was chosen for the study because nearly 90% of the population uses groundwater as its primary source of fresh water.' [20e]

- 26.08 The Institute of Hazard, Risk and Resilience, Durham University in an article, Exploring groundwater arsenic contamination in Bangladesh, 9 March 2012, stated that:

'Arsenic contaminated groundwater currently threatens the health of 70 million people in 61 of 64 districts in Bangladesh. Many people living in districts plagued with arsenic contaminated ground water regularly drink water with concentrations of arsenic far above national and WHO standards. ... This is a large health concern for people living in areas of Bangladesh where the only source of water they have is contaminated with arsenic that is either above or well above the WHO standard), but also the limit set by the government of Bangladesh.' [91a]

See also Key statistics at [UNICEF: Arsenic Mitigation in Bangladesh](#), (Updated 12 October 2008) [58g]

CHOLERA

- 26.09 Banglapaedia, in the entry on cholera, accessed 1 August 2012, stated that:

'In the Gangetic delta of which Bangladesh is a part, cholera has been known to wreck havoc, and to wipe out villages after villages killing men, women and children by the thousands. The causative agent of cholera is a comma-shaped bacteria... The pathogen is water-borne and is almost always ingested by human subjects with food and water that have been contaminated with the bacteria through the faecal material of cholera patient. After entry into the gut, the bacteria attaches to the small intestine, multiplies rapidly, and in the process produces cholera toxin. ... Dehydration caused by fluid loss during cholera can be readily corrected by intra-venous administration of a fluid containing a mixture of electrolytes such as sodium, potassium, and chloride together with glucose and a small quantity of bicarbonate. It is a self-limiting disease lasting for three to six days and other than rehydration no drug therapy is usually necessary, although use of antibiotics such as tetracycline may shorten the duration of cholera.

'Bangladesh has to its credit several pioneering contributions towards scientific understanding of the disease, including development of oral rehydration therapy (ORT) to correct fluid loss by the administration of oral rehydration solution (ORS) instead of intra-venous fluid injection, and development of anti-cholera vaccines and diagnostic tools.' [105a]

DIABETES

- 26.10 A 2008 article, from the International Centre for Diarrhoeal Disease Research, Bangladesh (ICDDR, B) website, stated that:

'Recent studies indicate that the prevalence of chronic diseases such as cardiovascular diseases, diabetes, and cancer is increasing significantly in Bangladesh. This increase is observed not only in the urban areas but also in the rural population. For instance, high levels of non-insulin dependent diabetes mellitus, impaired glucose tolerance and hypertension have been found. Diabetes has also started to be documented in the tribal population in Bangladesh... Diagnostic services are also not widely available or accessible, flagging an important health systems issue for Bangladesh.' [48b]

HIV/AIDS

Access to health and welfare services

- 26.11 The United Nations General Assembly Special Session on HIV/AIDS (UNGASS) in the 'UNGASS Country Progress Report', Bangladesh, dated 30 March 2010, stated that:

'The prevalence of HIV in Bangladesh is less than 0.1 per cent in the general population and the estimated number of HIV positive cases in the country is around 7500. The prevalence rate among the MARPs - sex workers (both female and male), male who have sex with male (MSM) and transgender (Hijra)) is below 1 per cent with the exception of Injecting Drug Users (IDUs) which is just above 1 per cent (1.6 per cent) According to the latest HSS (Round 8, 2007) of Bangladesh, the HIV prevalence among Female Sex Workers, MSW and Hijras was 0.3 per cent. Although HIV prevalence was below 1per cent in all female sex worker sites, in Hili (a small border town in the northwest part of Bangladesh), prevalence was as high as 2.7 per cent among the casual sex workers, all of whom had crossed the border into India to sell sex. In the MSM community the prevalence was reported much lower (0 per cent for only MSM in Dhaka and 0.3 per cent in combined MSM and MSW sample in Chittagong). Several surveillance rounds as well as a study conducted in Dhaka using Respondent Driven Sampling (RDS) method in 2006 established very low prevalence of HIV in MSM, along with low rates of active syphilis. Large proportions of MSM and MSW, however, report STI symptoms (MSW more than MSM), as well as multiple sex partners (including women), group sex (often associated with violence and without condoms) and very low condom use with all types of partners. MSMs are highly networked, so if HIV were to emerge, it could spread very rapidly in this population, if prevention efforts are not adequately scaled up.' [5a] The USSD 2011 report stated that 'There were no reported cases of violence or discrimination against HIV/AIDS patients. NGOs believed that this was partly a function of the refusal of victims to self-identify and an absence of research, given the relatively low rate of HIV/AIDS in the country.' [2a] (Section 6)

- 26.12 Estimates of HIV prevalence have been subject to fluctuation. See for example tabulated below:

Estimates of HIV Prevalence in Bangladesh

Source	Date	Estimate of prevalence
UN [8f] (para.23.54)	2005	Less than 1%
UNAIDS [36] (para.26.10)	2009	Less than 0.1%
Ministry of Health and Family Welfare / UNGASS [19a] (para.21.19)	2010	Less than 0.1%

- 26.13 The Bandhu Social Welfare Society was established in 1997 with international funding, to provide sexual health services to the gay community and to campaign for greater openness and legitimacy for this community. The society, which is run according to a model developed by the international Naz Foundation, has more than 220 staff members based in six cities. Field services include an outreach programme, education on safe sex, condom distribution and referrals to clinics for sexually transmitted diseases. The society set up a clinic in Dhaka in April 1998. By June 2003, 21,593

people had accessed the clinic's services, either to obtain treatment for sexually transmitted diseases, or for psychological services, or for general health services. [36a] (p30-35)

HIV/AIDS – ANTI-RETROVIRAL TREATMENT

- 26.14 The United Nations General Assembly Special Session on HIV/AIDS (UNGASS) 'Country Progress Report – Bangladesh', Reporting period: January 2008–December 2009, stated that:

'Prevention efforts in Bangladesh had been initiated way before the first HIV case was detected in 1989. Though there is no comprehensive national study to measure the prevalence of HIV among the general population, however, the prevalence has been considered at less than 0.1 per cent. In all of the eight HIV Serological Surveillance rounds conducted till date (Round 8, 2007) in Bangladesh, the HIV prevalence among the MARPs [Most-at-risk population] remained below 1 per cent with the exception of Injecting Drug User (IDU) population mainly in the capital city of Dhaka. On December 1, 2009, on the occasion of World AIDS Day, the National AIDS/STD Program (NASP) had confirmed a total of 1745 HIV cases reported in Bangladesh. In 2009 alone, a total of 250 new cases were identified, 143 had developed AIDS and a total of 39 deaths were reported. Total number of HIV infected people developed AIDS until 2009 is 619 and a total of 204 deaths had occurred due to AIDS.' [5a] (p23)

- 26.15 The UNGASS Country Progress Report further reported that:

'The first voluntary counselling and testing (VCT) centre in Bangladesh was set up in 2002 and by 2009 numbers have gone up to about 105. The quality and range of services vary – only a few centres have professionally trained counsellors, physicians to offer medical examinations when other STIs [sexually transmitted infections] are suspected, gold-standard HIV test and laboratory procedures, quality assurance and validation of HIV test results etc. Outside Dhaka, to obtain test results can take up to a week in some centres. Post test counselling for people who test positive also includes referral to People Living with HIV (PLHIV) support groups. In recent years, PLHIV peer support groups have expanded to well over 500 members. They provide counselling, home visits, referrals and free treatment for opportunistic infections, advice and information on positive living and advocacy and communication with the general public to reduce stigma and discrimination. On experience of stigma and discrimination, there are numerous reports of denial of treatment to high risk individuals by the health care providers. Only a few facilities in Bangladesh (mostly in Dhaka) are able to treat HIV-related infections or provide ART [Anti-Retroviral Therapy] On the indicator - Percentage of adults and children with advanced HIV infection receiving antiretroviral therapy (UNGASS Indicator 4), the current ART coverage has been increased from 13.3 per cent in 2007 to 47.7 per cent in 2009.' [5a] (p39)

See the International Centre for Diarrhoeal Disease Research, Bangladesh paper [HIV and AIDS in Bangladesh](#), September 2008 [48c] and also the [AIDS Data Hub Country Review September 2011](#) [15b]

See Section 21: [Lesbian, Gay, Bisexual and Transgender Persons](#)

[Return to contents](#)
[Go to sources](#)

KIDNEY DIALYSIS

- 26.16 The website of the National [Kidney Foundation of Bangladesh](#) gives details of hospital- and clinic-based dialysis centres in the principal cities, and of renal transplant facilities in Dhaka. [81]

[Return to contents](#)
[Go to sources](#)

MALARIA

- 26.17 The WHO reported that:

‘More than 95 per cent of malaria cases in Bangladesh are reported from 13 highly endemic districts, where 11 million people are at risk. The Hill Tract Districts of Bandarban, Khagrachari and Rangamati, and the Cox’s Bazar district, report more than 80 per cent of all malaria cases and deaths every year, with perennial transmission in two peaks, occurring before and after the monsoon (March–May and September–November). Confirmed malaria cases have declined in recent years to 84 000 in 2009, although it is unclear whether this reflects a real decrease in incidence ... Reported malaria deaths fell from an annual average of 1000 during 2000–2004 to 154 in 2008 and 47 in 2009.’ [14e]

PNEUMONIA

- 26.18 A 2008 article, from the International Centre for Diarrhoeal Disease Research, Bangladesh (ICDDR, B) website, stated that:

‘Pneumonia kills over two million children each year – more than AIDS, malaria and measles combined. The leading cause of child death worldwide, pneumonia particularly affects the poor in developing countries like Bangladesh, where access to healthcare is limited.

‘Many children with severe pneumonia who were referred to hospital (or other higher-level health facilities) for treatment never arrived there. Reports suggest that noncompliance with referrals is due to geographic inaccessibility, financial and social constraints of the caregivers involved, or a caregiver’s failure to recognise the severity of a child’s illness. As a result, many children with severe pneumonia slip through the cracks of the existing health system, inevitably leading to more child deaths.’ [48a]

- 26.19 The same article reported that new guidelines have been developed:

‘The Integrated Management of Childhood Illness (IMCI) clinical care guidelines, developed to fight disease among children less than 5 years old, help workers in local first-level health facilities to accurately assess sick children and establish correct treatment or the need for referral to hospital. The guidelines indicate that children with non-severe pneumonia should be treated with antibiotics at the first-level facility, while children with severe pneumonia should be referred to hospitals or other higher-level facilities.

‘Results published in The Lancet in September 2008 showed that modification of the IMCI guidelines resulted in better care for children with pneumonia: numbers of children receiving correct treatment increased from less than 40% to more than 90%. The study also showed that allowing health workers to give oral antibiotic treatment for

uncomplicated cases of severe pneumonia was safe and effective and the improved care seems to have resulted in increased community confidence in use of the first-level health services.' [48a]

MENTAL HEALTH

26.20 Mental healthcare is provided at the primary level by primary care physicians and health workers, at the secondary level by district hospitals (though only one hospital has been equipped to provide the services), and at tertiary level by teaching hospitals. Of the 14 drugs for psychiatric treatment listed in the WHO Project Atlas survey for 2005, only three were not available in Bangladesh. (WHO Mental Health Atlas 2005) [14b]

26.21 The World Health Organization Assessment Instrument for Mental health Systems (WHO-AIMS) 2007 stated that:

'There is no specific mental health authority in the country. There are 50 outpatient mental health facilities and no facility provides follow-up care in the community. There is no day treatment mental health facilities in the country. There are 31 community-based psychiatric inpatient units for a total of 0.58 beds per 100,000 population and on average patients spend 29 days in the facility per discharge. There are 11 community residential facilities in the country and 55% of the beds in these facilities are for children and adolescents and 81% of admitted patients are female and 73% of them are children. There is one 500 bedded mental hospital in the country and on average patients spend 137 days in the hospital. There are 15 beds for mentally disordered people in forensic inpatient units and 3900 beds in other residential facilities such as homes for persons with mental retardation, detoxification inpatient facilities, homes for the destitute, etc. The density of psychiatric beds in or around Dhaka, the largest city, is 5 times greater than the density of beds in the entire country.' [14d] (Executive summary)

26.22 The same report also stated that, 'A list of essential medicines is present in the country including antipsychotics, anxiolytics, antidepressants, mood stabilizers and antiepileptic drugs.' [14d] (Executive summary)

[Return to contents](#)
[Go to sources](#)

27. FREEDOM OF MOVEMENT

27.01 The US State Department Country Report on Human Rights Practices 2011 (USSD 2011 report), released on 24 May 2011, stated:

'The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation and the government generally respected these rights in practice except in the cases of some opposition political figures. With the 1971 war crimes trials underway, the government implemented an international travel ban on war crimes suspects, most of whom were opposition party leaders. These suspects were not stripped of their passports, but immigration officials at the airport in Dhaka occasionally prevented politicians belonging to the opposition BNP [Bangladesh Nationalist Party] and Jamaat-e-Islami from leaving the country. For example, in early June senior BNP leader Giasuddin Quader Chowdhury was taken from a plane despite a court order allowing him to travel. Chowdhury's appeals to the government that he be allowed to travel for medical purposes were unresolved as of year's end. Some politicians

successfully challenged the unannounced restrictions on their travel abroad and managed to depart and return to the country.’ [2a] (Section 2d)

See Section 31: Exit and return.

- 27.02 USAID, in a Research Brief, ‘Gender Considerations in Migration and Remittances in Bangladesh’, November 2007, stated that:

‘Traditionally, Bangladeshi women have been less likely to migrate than men. This reluctance may be due to a combination of socio-cultural norms concerning women’s mobility, government regulations that restrict female migration out of a desire to protect women from abusive situations, as well as the costs and risks associated with migration. Over the last decade, the Government of Bangladesh (GOB) has espoused different approaches towards female migration. In 1991, the government lifted the ban on unskilled women’s migration, but then re-imposed it in 1998 on the grounds that the restriction was the best way to protect women from labor rights violations. The effect of the GOB’s bans has been to slow women’s labor migration but not to stem it altogether. Many women continue to migrate for employment, but the process remains undocumented since the Bangladesh government has banned unskilled female migration. The ban was partially lifted in 2002 by allowing the migration of female domestic workers under certain conditions; through a notification in 2005, the government then relaxed those conditions.’ [17a] (p2)

- 27.03 The United Nations Development Programme, in a report ‘Migration and gender empowerment: Recent trends and emerging issues’, dated April 2009 stated that: ‘...in Bangladesh, even adult women are legally required to take the permission of the father, husband or other male head of household for acquiring a passport, applying for a visa, and so on.’ [8k] (p9)
- 27.04 The US Committee for Refugees and Immigrants (USCRI) ‘World Refugee Survey 2009’, published 17 June 2009, recorded ‘The 1972 Constitution reserves its protection of freedom of movement to citizens, while the 1946 Foreigner’s Act, without exceptions for refugees, permits the Government to require foreigners to reside in particular places and to impose “any restrictions” on their movements. Bangladesh has no law, regulation, or formal policy regulating the confinement of refugees and asylum seekers; authorities simply do it arbitrarily.’ [37c]

BORDER KILLINGS

- 27.05 The Human Rights Watch (HRW) World Report 2011, published on 24 January 2011, stated that:

‘According to Odhikar, a Bangladesh human rights monitoring group, at least 930 Bangladeshi nationals were killed by India’s Border Security Force between the year 2000 and September of 2010. A number of Indian nationals have also been killed by Indian forces deployed at the border.

‘Acute poverty and unemployment prompts millions of Bangladeshi nationals to cross the border into India in search of jobs and commerce. While some of those killed are engaged in smuggling goods and contraband, Indian border forces systematically use lethal force without justification. Bangladeshi authorities have repeatedly complained about killings of Bangladeshis, as have human rights groups in both countries. Bangladeshi Home Minister Sahara Khatun in May 2010 said that she would again ask

officials in New Delhi, India's capital, to stop these incidents. Indian authorities declared that their forces have been instructed to exercise restraint, but there was little sign of progress in ending violations during 2010.' [10e]

[Return to contents](#)
[Go to sources](#)

28. INTERNALLY DISPLACED PERSONS (IDPs)

- 28.01 The Internal Displacement Monitoring Centre (IDMC) report 'Bangladesh: Indigenous people and religious minorities still affected by displacement', of 16 July 2009, stated that:

'Indigenous people in the Chittagong Hill Tracts (CHT) continue to be displaced due to evictions from existing reserve forests and acquisition of their land by the government as well as land grabbing by Bengali settlers. Since 2007 Bengali settlers, with the tacit understanding or direct support of the army, have continued to seize land. The evictions were particularly intense during the state of emergency in effect throughout 2007 and 2008, but have been reported as recently as June 2009 (The Daily Star, 15 June 2009).' [45a] (p4)

- 28.02 The IDMC, in an Overview dated 30 December 2010, of the IDPs situation, stated that:

'Clashes in the Chittagong Hill Tracts (CHT) displaced thousands of people during 2010, despite government pledges to resolve the long-running conflict there. The government's relocation of Bengali settlers to CHT led to conflict between indigenous Jumma militias and army-backed settlers from 1977 to 1997, and wide-spread forced evictions and other human rights violations. At least 90,000 Jumma families and 38,000 settler families were displaced as of 2000. The settlers fled to areas around army camps for safety and assistance, while indigenous people were displaced to more remote areas or into the forests, where they had little access to food and basic services such as health care and schools.

'The conflict formally ended with a 1997 agreement which acknowledged CHT as a "tribal inhabited" region, and envisaged the army's withdrawal and an end to settlement. Indigenous refugees and IDPs were to be registered and entitled to assistance while land disputes were resolved. But the settlement of Bengalis continued, and some 10,000 repatriated Jumma refugees were forced into secondary displacement.

'In 2009 the new government committed to implement the peace accord and provide assistance and reparation to IDPs. It withdrew the army from 35 of the 300 bases in CHT and announced measures to resolve land disputes. However, new clashes triggered more displacement in 2010, and several indigenous villages were reportedly burned down in February and March. ICRC provided emergency assistance to 3,500 people who were forced to flee when their homes were destroyed.' [45b]

- 28.03 The same report also stated that:

'Meanwhile, across Bangladesh, up to 1.2 million Hindu families have been dispossessed of their land, with some internally displaced and others fleeing the country. The 1974 Vested Property Act by which the government could confiscate property from any "enemy of the state" was repealed in 2001, but the land grabbing has

continued, and the government has not taken measures to restitute land or compensate those affected.’ [45b]

See also Section 19: [Hindus](#) and Section 20: [The indigenous Jumma peoples of the Chittagong Hill Tracts](#)

[Return to contents](#)
[Go to sources](#)

29. FOREIGN REFUGEES

- 29.01 The US State Department Country Report on Human Rights Practices 2011 (USSD 2011 report), released on 24 May 2012, stated that:

‘In the absence of any national legislation, the law does not provide a legal framework for the granting of asylum or refugee status. The government has no formal system for providing protection to refugees. In practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedoms would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees; however, delays in granting approvals by the government’s NGO Affairs Bureau led to extended delays in allowing NGOs to operate in the country and implement assistance programs.’ [2a] (Section 2d)

- 29.02 The US Committee for Refugees and Immigrants (USCRI) World Refugee Survey 2008, published June 2008, stated that there had been no reports of refoulement of UNHCR-registered refugees or asylum seekers in 2007. However, the report continued

‘In late December [2007]...authorities forced some 14 Muslim Rohingyas from Myanmar back over the border. At least several hundred left for other countries, such as Malaysia, because of the Government’s severe restrictions against them in Bangladesh ... UNHCR began training [personnel of the Bangladesh Rifles], which patrolled the border, on the difference between asylum seekers and migrants but they still treated asylum seekers as illegal entrants and often detained them, generally releasing them for bribes.’ [37b]

- 29.03 The US Committee for Refugees and Immigrants (USCRI) ‘World Refugee Survey 2009’, published June 2009, observed:

‘[The] Authorities generally do not forcibly return registered refugees. As the Government of Myanmar refuses to accept the deportation of Rohingyas from detention in Bangladesh, the BDR increasingly pushes non-registered would be Rohingya entrants back over the border to Myanmar rather than arresting, processing, or formally deporting them.

‘Bangladesh is not party to either the 1951 Convention relating to the Status of Refugees or its 1967 Protocol and has no refugee law. The 1972 Constitution obliges the Government to “support oppressed peoples throughout the world waging a just struggle against...racism.” It also provides that “no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law.” There are no reports, however, of courts applying these provisions to refugees. The Birth Registration Act of 2004 specifically provides for the registration of

refugee children. The 1920 Passport Act, the 1946 Foreigner's Act, and the 1952 Control of Entry Act apply to all foreigners without exception for refugees.' [37c]

[Return to contents](#)
[Go to sources](#)

ROHINGYA REFUGEES

29.04 According to the USCRI 'World Refugee Survey 2009', published in June 2009:

'Bangladesh hosted some 193,000 refugees, almost all of them Muslim residents of North Rakhine State of Myanmar - commonly known as the Rohingya ... The Government confines some 28,100 of them in Nayapara and Kutupalong camps in the southern Cox's Bazar District. UNHCR has registered these and the Government at least recognizes their right to temporary asylum. The Government estimates that, in addition, there are between 100,000 to 200,000 Rohingya living outside the camps without legal status in the Cox's Bazar district and the Bandarban sub-district of Chittagong. The Government relocated about 9,000 of these from the Teknaf squatter camp on the edge of the Naf River to Leda and another 15,000 set up makeshift housing around Kutupalong camp.' [37c]

29.05 An Agence-France Presse report dated 30 December 2009 stated that:

'Bangladesh's plans to repatriate 9,000 Myanmar Muslim refugees to their homeland hit trouble on Wednesday when a leader of the minority said they would refuse to leave. Bangladesh's top foreign ministry official, Mirajul Quayes, said Tuesday that neighbouring Myanmar had agreed to take back 9,000 Rohingya refugees in what was seen as a breakthrough in a decade-long problem ... Described by the United Nations as one of the most persecuted minorities, some 250,000 Rohingyas fled to Bangladesh in the early 1990s. But some 230,000 were later taken back by Myanmar following a UN-brokered deal. Since then, thousands of Rohingyas from Buddhist-majority Myanmar's northern Rakhaine state have streamed across the border every year and are now estimated to number nearly 400,000. But only 28,000 of them have been granted official refugee status and are allowed to stay in two UN-assisted camps in the country's Cox's Bazar district just miles (kilometres) across the Myanmar border.' [23b]

29.06 Refugees International in a field report, 'Bangladesh: The Silent Crisis' dated 19 April 2011, stated that:

'The Rohingya ethnic minority of Burma are trapped between severe repression in their homeland and abuse in neighboring countries. Bangladesh has hosted hundreds of thousands of Rohingyas fleeing persecution for more than three decades, but at least 200,000 Rohingya refugees have no legal rights there. They live in squalor, receive very limited aid and are subject to arrest, extortion and detention. Unregistered refugee women and girls are particularly vulnerable to sexual and physical attacks. The international community must urge the Bangladeshi government to register undocumented refugees and improve protection for all vulnerable Rohingyas. Donor governments must also work to restart and increase resettlement of refugees to a third country and increase assistance for communities hosting refugees.' [74a]

29.07 The USSD 2011 report stated:

'The government continued to deny asylum to Rohingya arriving from Burma whom it categorized as illegal economic migrants. While there were credible reports of

Rohingya turned back at the border; the border was very porous. As a result attempts to stem the tide of migration proved unsuccessful. ... According to the UNHCR, some of the individuals who were turned back were likely entitled to refugee status. Some unregistered persons in UNHCR camps returned to the country illegally after their official repatriation to Burma in the mid-1990s. On a number of occasions, local police detained unregistered persons outside the camps and imprisoned them under the Foreigners Act.

'Working with the UNHCR, the government provided temporary protection to approximately 29,000 registered Rohingya refugees at two official refugee camps and to individual asylum seekers that the UNHCR interviewed and recognized as refugees on a case-by-case basis. According to the UNHCR, there were some discrepancies between the government's official list of registered refugees and the UNHCR's list. The UNHCR worked to resolve these discrepancies with the government by conducting a harmonization exercise beginning in 2010. ... While the UNHCR and the Ministry of Food and Disaster Management reached a broad agreement on the recognition of more than 2,800 cases, the formal activation of these cases remained blocked elsewhere in government.' [2a] (Section 2d)

29.08 The USSD 2011 report stated: 'Working with the UNHCR, the government continued to improve some aspects of the official 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 replace shelters and latrines and permitted more NGOs to work in the camps on skills training, education, and health for residents.' [2a] (Section 2d)

29.09 The US State Department's Trafficking in Persons Report of June 2012 (USSD Trafficking report 2012) released on 19 June 2012 stated that 'Some Rohingya refugeesfrom Burma have been subjected to human trafficking.' [2d] (Country Narratives)

29.10 Human Rights Watch (HRW), in a report, Bangladesh: Assist, Protect Rohingya Refugees Humanitarian Aid Desperately Needed; Crisis Situation in Burma Continues, dated 22 August 2012, stated that:

'Since mid-June, Bangladesh authorities have admitted to forcing back at least 1,300 Rohingya trying to flee to Bangladesh, though the actual number is likely substantially higher, Human Rights Watch said. Rohingya are escaping killings, looting, and other sectarian violence in Arakan State, as well as abuses by the Burmese authorities, including ethnically motivated attacks and mass arrests. ... In late July 2012, the Bangladesh government ordered three prominent international aid organizations – Medecins Sans Frontieres (Doctors Without Borders), Action Contre la Faim (Action Against Hunger), and Muslim Aid – to cease providing assistance to Rohingya living in Cox's Bazaar and surrounding areas. ... The Bangladesh government contends that the presence of aid groups in Cox's Bazaar encourages Burmese Rohingya to come to Bangladesh, and that it cannot afford to host them.' [10f]

29.11 The HRW report continued:

' Approximately 30,000 Rohingya who are officially recognized refugees are living in two camps; 40,000 who are unregistered live in a makeshift refugee camp, and the remaining 130,000 live in surrounding areas. All of the settlements are squalid and overcrowded. The conditions for the Rohingya include overcrowding, shortages of food leading to widespread malnourishment among the children, a lack of clean water and

sanitation resulting in disease, and restrictions on movement coupled with extortion and human rights abuses. These conditions have created an ongoing humanitarian emergency in the official and unofficial camps, and surrounding areas. Seasoned aid workers have told Human Rights Watch that the conditions in the makeshift camps for Rohingya are among the worst they have seen anywhere in the world.' [10f]

For background to this group: See the HRW report: [Rohingya Refugees in Bangladesh: The Search for a Lasting Solution](#).

[Return to contents](#)
[Go to sources](#)

30. CITIZENSHIP AND NATIONALITY

- 30.01 The Bangladesh Citizenship (Temporary Provisions) Order 1972 introduced the citizenship laws after the country's independence. Article 2 of the Order stipulates that anyone who was born in the territories now comprised in Bangladesh (or whose father or grandfather was born in these territories) and who was a permanent resident in these territories on 25 March 1971 and continues to be so resident, will be deemed to be a Bangladeshi citizen. Article 2A provides that a person to whom the above article would have applied, but who is resident in the United Kingdom, shall be deemed to have continued to have been permanently resident in Bangladesh. The Government may notify, in the official Gazette, any person or categories of persons to whom this Article shall not apply. In case of doubt as to whether a person is qualified to be deemed a citizen of Bangladesh under Article 2 of the Order, a decision of the Government will be final. [18a]

DUAL NATIONALITY

- 30.02 The procedure is outlined on the website of the Bangladesh High Commission in London, accessed 7 September 2011, as follows:

'1. A Bangladeshi national who has entered UK with a Bangladeshi passport and subsequently obtained British Passport is not required to obtain separate dual nationality certificate. Similarly the children of Bangladeshi father who has obtained Bangladeshi passport before obtaining British passport is also not required to have separate dual nationality certificate. Foreign spouse of a Bangladeshi national may also apply for a dual nationality of Bangladesh.

'2. Dual Nationality Applicants are required to fill up the specific form available in this website in All Forms section)

'3. Dual Nationality Applicants are required to deposit the filled up application form along with other related documents, in person to the High commission where they will be interviewed by the concern officer

'4. After satisfactory interview the application form along with related documents will be sent to Ministry of Home affairs in Bangladesh.

'5. After investigation Ministry of Home Affairs in Bangladesh will issue the dual nationality certificate and send it to the High Commission.

'6. On receipt of the certificate from the Ministry, the High commission will either inform the applicant to collect the certificate or the same may be sent to the applicant by post.

‘7. On the basis of dual nationality certificate the applicant can obtain Bangladeshi passport from the High Commission.’[79a]

- 30.03 The 1978 Bangladesh Citizenship (Temporary Provisions) Rules allow for the Government to consider an application for citizenship from an applicant who is a foreign woman and married to a Bangladeshi citizen and has resided in Bangladesh for two years, or from any other applicant who has resided in Bangladesh for a period of five years. [18b] Children of Bangladeshi men and, since 2009, Bangladeshi women married to foreigners can claim Bangladeshi citizenship. (The Daily Star, 2009) [38b]

[Return to contents](#)
[Go to sources](#)

31. EXIT AND RETURN

- 31.01 The Immigration and Refugee Board of Canada (IRB), in a document dated 21 February 2005, quoted the Bangladesh High Commission as saying that the validity of passports or travel documents might vary from ‘months’ to several years (usually up to five years); documents with shorter validity were normally issued to Bangladesh nationals who had lost their passport or were unable to produce details of their previous passport. Passports were issued after standard identity checks, as required by law. [3f]

See Section 27: [Freedom of movement](#)

[Return to contents](#)
[Go to sources](#)

CHILDREN

- 31.02 The Canadian IRB was advised by the Bangladesh High Commission in November 2003 that a woman did not need her husband’s consent in order to obtain a passport. A child under the age of 12 would usually be included on their mother’s passport but, should there be cause for concern regarding the application, the authorities might request the other parent’s consent. There was no official requirement for parental consent for children over the age of 12 who apply for a passport, although children were ‘typically accompanied by a parent when filing their application’. Passport applicants were required to provide their birth certificates and, since 2002, the names of both parents had appeared in passports. [3c]

See Section 27: [Freedom of movement](#)

- 31.03 A Canadian IRB paper of 20 November 2003 quoted the Bangladesh High Commission as stating that in instances where minor children were travelling from Bangladesh with one parent, the presence and/or consent of the other parent was not normally required. Children could travel alone provided that a form had been filled out and signed by one parent; the name of the guardian who was to pick the child up at the destination was stipulated on the form. According to the High Commission, there were no provisions in policy or legislation that restricted the travel of children although, in practice, the view was that children should travel in the presence of their mother. Furthermore, immigration authorities had the right to prevent anyone from leaving the country if they reasonably suspected wrong-doing. Where the parents were separated or divorced and a custody order had been issued stipulating that a parent was not permitted to leave the country with their child (ren), immigration authorities were notified of this by the courts.

[3d] However, a separated or divorced parent could leave the country with their child (ren) after obtaining permission from the courts. [3e]

See Section 24: [Children - documentation](#)

[Return to contents](#)
[Go to sources](#)

32. FORGED AND FRAUDULENTLY OBTAINED OFFICIAL DOCUMENTS

- 32.01 The Canadian High Commission in Dhaka, in July 2005, advised the Canadian Immigration and Refugee Board (IRB) as follows, inter alia:

‘Many false documents exist; it is relatively easy to verify these documents, but verification takes a long time when it is done outside the capital ... The content of genuine documents is often questionable. The rampant corruption in various levels of the government weakens the integrity and the credibility of officially issued documents ... It is common for [political party] membership confirmation letters to be issued to facilitate verification procedures, even if the information is incorrect ... We often hear people saying that it is normal to provide incorrect information for a third party, because it is considered a duty to help “co-nationals/brothers” to immigrate to a so-called “rich” country ... Genuine medical certificates containing incorrect information can also be issued ... Birth certificates are issued [often years after the person’s birth] upon verbal or written request, and no proof of the person’s date of birth, identity or age is required; these certificates have the same value as the information provided by the applicant ... Similarly, it is relatively easy to obtain a passport under a false identity.’ [3a]

- 32.02 A sample of the new [National Identity Card](#), issued to all registered voters in 2008, appears on the website of the Bangladesh Election Commission. [16c]

[Return to contents](#)
[Go to sources](#)

33. EMPLOYMENT RIGHTS

- 33.01 The US State Department Country Report on Human Rights Practices 2011, (USSD 2011 report), released on 24 May 2012, stated:

‘The law provides for the right to join unions and, with government approval, the right to form a union, although numerous restrictions on union registration remained. For example, the law requires more than 30 per cent of an enterprise’s total workforce to be members before approval can be granted, and the union can be dissolved if membership falls below 30 per cent; no more than three trade unions can be registered in any establishment; and managerial staff firefighting staff, security guards, and other employees designated by employers as “confidential” may not join unions.’

‘Civil service and security force employees were legally prohibited from forming unions. In 2006 new categories of workers, including teachers and NGO workers, were permitted to form unions; however, due to the broad limitations on union organizing during the 2007-09 state of emergency, these regulations were not formally instituted.’

‘The 2006 Bangladesh Labor Act (BLA) consolidated laws from 25 separate acts into one comprehensive law.’ [2a] (Section 7a)

33.02 The USSD 2011 report added:

'The law recognizes the right to strike; however, many restrictions on this right remained. For example, 75 per cent of union membership must consent to a strike before it can proceed. The government can shut down any strikes lasting more than 30 days and refer the matter to labor courts for adjudication. ... In practice few strikes followed legal requirements, which are cumbersome; strikes or walk-outs often occurred based on the spontaneous decisions of workers. ... The law establishes mechanisms for conciliation, arbitration, and labor court dispute resolution. Workers who are in or belong to a collective bargaining union have the right to strike in the event of a failure to reach settlement. Civil servants and security forces do not have the recourse of established mechanisms for conciliation, arbitration, and labor court resolution; however, they may avail themselves of the government service regulation and file cases in a specified court, such as the Administrative Tribunal.' [2a] (Section 7a)

33.03 The USSD 2011 report stated that:

'The penal code prohibits forced or bonded labor; however, the prescribed penalty of imprisonment for up to one year or a fine was not sufficiently stringent to deter the offense, and the government did not enforce the prohibitions effectively. The BLA created inspection mechanisms to strengthen laws against forced labor, but these laws were not enforced. ... Although relatively uncommon in urban areas, bonded labor remained common in rural areas and in domestic service. Children and adults were forced into domestic servitude and bonded labor, including restricted movement, nonpayment of wages, threats, and physical or sexual abuse. Faced with extreme poverty and unemployment, rural workers, including entire families, were engaged in bonded labor, often facing physical abuse and sometimes death.' [2a] (Section 7c)

[Return to contents](#)
[Go to sources](#)

Annex A

CHRONOLOGY OF MAJOR EVENTS

Source: The following Information is from the British Broadcasting Corporation (BBC) Timeline: Bangladesh, updated 10 July 2012. [20d]

- 1947** British colonial rule over India ends. A largely Muslim state comprising East and West Pakistan is established, either side of India. The two provinces are separated from each other by more than 1,500 km of Indian Territory.
- 1949** The Awami League is established to campaign for East Pakistan's autonomy from West Pakistan.
- 1970** The Awami League, under Sheikh Mujibur Rahman, wins an overwhelming election victory in East Pakistan. The government in West Pakistan refuses to recognise the results, leading to rioting. Cyclone hits East Pakistan - up to 500,000 people are killed.

Independence

- 1971** Sheikh Mujib arrested and taken to West Pakistan. In exile, Awami League leaders proclaim the independence of the province of East Pakistan on 26th March. The new country is called Bangladesh. Just under 10 million Bangladeshis flee to India as troops from West Pakistan are defeated with Indian assistance.
- 1972** Sheikh Mujib returns, becomes prime minister. He begins a programme of nationalising key industries in an attempt to improve living standards, but with little success.
- 1974** Severe floods devastate much of the grain crop, leading to an estimated 28,000 deaths. A national state of emergency is declared as political unrest grows.
- 1975** Sheikh Mujib becomes president of Bangladesh. The political situation worsens. He is assassinated in a military coup in August. Martial law is imposed.
- 1976** The military ban trade unions.
- 1977** General Zia Rahman assumes the presidency. Islam is adopted in the constitution.
- 1979** Martial law is lifted following elections, which Zia's Bangladesh National Party (BNP) wins.
- 1981** Zia is assassinated during abortive military coup. He is succeeded by Abdus Sattar.

The Ershad era

- 1982** General Ershad assumes power in army coup. He suspends the constitution and political parties.

- 1983** Limited political activity is permitted. Ershad becomes president.
- 1986** Parliamentary and presidential elections. Ershad elected to a five-year term. He lifts martial law and reinstates the constitution.
- 1987** State of emergency declared after opposition demonstrations and strikes.
- 1988** Islam becomes state religion. Floods cover up to three-quarters of the country. Tens of millions are made homeless.
- 1990** Ershad steps down following mass protests.
- 1991** Ershad convicted and jailed for corruption and illegal possession of weapons. Begum Khaleda Zia, widow of President Zia Rahman, becomes prime minister. Constitution is changed to render the position of president ceremonial. The prime minister now has primary executive power. Cyclonic tidal wave kills up to 138,000.

Awami League returns

- 1996** Two sets of elections eventually see the Awami League win power, with Sheikh Hasina Wajed, the daughter of Sheikh Mujibur Rahman, becoming prime minister.
- 1997** Ershad is released from prison. The opposition BNP begins campaign of strikes against the government.
- 1998** Two-thirds of the country devastated by the worst floods ever. Fifteen former army officers sentenced to death for involvement in assassination of President Mujib in 1975.
- 2000**
September Sheikh Hasina criticises military regimes in a UN speech, prompting Pakistani leader General Musharraf to cancel talks with her. Relations strained further by row over leaked Pakistani report on 1971 war of independence.
December Bangladesh expels Pakistani diplomat for comments on the 1971 war. The diplomat had put the number of dead at 26,000, whereas Bangladesh says nearly three million were killed.
- 2001**
April Seven killed in bomb blast at a Bengali New Year concert in Dhaka. Sixteen Indian and three Bangladeshi soldiers killed in their worst border clashes.
April High Court confirms death sentences on 12 ex-army officers for killing Mujib. Only four are in custody.
June Bomb kills 10 at Sunday mass at a Roman Catholic church in Baniarchar town. Bomb at Awami league office near Dhaka kills 22. Parliament approves bill providing protection for Hasina and her sister Sheikh Rehana, who feared that the killers of their father Mujib were out to get them too.
July Hasina steps down, hands power to caretaker authority, becoming the first prime minister in the country's history to complete a five-year term.

Coalition government

September	At least eight people are killed and hundreds injured as two bombs explode at an election rally in south-western Bangladesh.
October	Hasina loses at polls to Khaleda Zia's Nationalist Party and its three coalition partners.
November	Law repealed which guaranteed lifelong security to former prime minister Sheikh Hasina and sister Sheikh Rehana.

2002

March	Government introduces law making acid attacks punishable by death amid public anger over escalating violence against women.
May	Government orders tightening of safety standards after up to 500 people die when a river ferry goes down in a storm.
June	President Chowdhury resigns after ruling Bangladesh Nationalist Party (BNP) accuses him of taking an anti-party line.
July	Pakistani President Musharraf visits; expresses regret over excesses carried out by Pakistan during 1971 war of independence.
September	Iajuddin Ahmed sworn in as president.
December	Simultaneous bomb blasts in cinemas in a town north of Dhaka kill 17 and injure hundreds.

2004

	Opposition calls 21 general strikes over the course of the year as part of a campaign to oust the government.
May	Parliament amends constitution to reserve 45 seats for female MPs. Bomb attack on Muslim shrine in north-eastern town of Sylhet kills two and injures UK high commissioner and 50 others.
July	Worst flooding in six years leaves nearly 800 people dead, millions homeless or stranded, and an estimated 20m in need of food aid. September's floods in Dhaka are said to be the worst in decades.
August	Grenade attack on opposition Awami League rally in Dhaka kills 22 people. Awami League leader Sheikh Hasina survives the attack.

2005

January	Prominent Awami League politician Shah AMS Kibria is killed in a grenade attack at a political rally. The party calls a general strike in protest.
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Bomb attacks

August	Around 350 small bombs go off in towns and cities nationwide. Two people are killed and more than 100 are injured. A banned Islamic group claims responsibility.
November	Spate of bombings, blamed on Islamic militants, hits Chittagong and Gazipur.

2006

February	Opposition Awami League ends year-long parliamentary boycott.
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Political crisis

October	Violent protests over government's choice of a caretaker administration to take over when Premier Zia completes her term at the end of the month. President
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- Ahmed steps in and assumes caretaker role for period leading to elections due in January 2007.
- November A 14-party opposition alliance led by the Awami League campaigns for controversial election officials to be removed. Chief election commissioner MA Aziz steps aside.
- December Election date set at 22 January. Awami alliance says it will boycott the polls. Awami leader Sheikh Hasina accuses President Ahmed of favouring her rival. Blockade aimed at derailing parliamentary elections paralyses much of the country.

2007

- January A state of emergency is declared amid violence in the election run-up. President Ahmed postpones the poll. Fakhruddin Ahmed heads a caretaker administration.
- March Six Islamist militants convicted of countrywide bomb attacks in 2005 are hanged. They include the leaders of Jangrata Muslim Janata Bangladesh and Jamaat-ul-Mujahideen.
- April Sheikh Hasina is charged with murder. Begum Khaleda Zia is under virtual house arrest. Several other politicians are held in an anti-corruption drive.
- August Government imposes a curfew on Dhaka and five other cities amid violent clashes between police and students demanding an end to emergency rule.
- November Cyclone Sidr kills thousands.

2008

- June Sheikh Hasina is temporarily freed to get medical treatment in the US.
- August Local elections take place, seen as a big step towards restoring democracy. Candidates backed by the Awami League party perform strongly.
- November The authorities say general elections will be held on 18 December. Sheikh Hasina returns to lead her party in the poll.

Awami League win

- December General elections: Awami League captures more than 250 of 300 seats in parliament. Sheikh Hasina is sworn in as prime minister in January.

2009

- February Around 74 people, mainly army officers, are killed in a mutiny in Dhaka by border guards unhappy with pay and conditions. Police arrest some 700 guards. A further 1,000 guards are detained in May.
- June In a ruling on the decades-old dispute between two main political parties, the High Court decides that it was the father of PM Sheikh Hasina, and not late husband of her arch-rival Khaleda Zia, who proclaimed independence from Pakistan in 1971.
- October The government bans the local branch of the global Islamist organisation Hizb-ut Tahrir, saying it poses a threat to peace.

2010

- January Five former army officers are executed for the 1975 murder of founding PM Sheikh Mujibur Rahman.

2011

June Constitutional change scraps provision for a neutral caretaker government to oversee elections.

2012

January

Army says it has foiled a coup planned by 'fanatic officers'.

May-June

Key figures from the main Islamist party Jamaat-e-Islami, including leader Motiur Rahman Nizami, are charged with war crimes by a government tribunal investigating alleged collaboration with Pakistan during the 1971 independence struggle.

[Return to contents](#)
[Go to sources](#)

Annex B

POLITICAL ORGANISATIONS

Jane's Sentinel Security Assessment [83e] , updated 18 October 2011, gave the following:

MAIN POLITICAL PARTIES

'Awami League (AL)

The AL was established in 1949 to campaign for East Pakistan's independence, appealing to the province's Bengali identity. It rejected the notion that the Muslim provinces of British India should be united in a single, Muslim state. In 1970, the AL led by Sheikh Mujib ur-Rahman won the elections in East Pakistan, but West Pakistan refused to recognise the results. Following a period of mass unrest, East Pakistan unilaterally proclaimed independence in March 1971 and established the People's Republic of Bangladesh. Sheikh Mujib's term in office was characterised by corruption, economic collapse and civil unrest. Shortly after he assumed the presidency and declared one-party rule in 1975, Sheikh Mujib was assassinated. The AL had to wait for more than two decades before it came back to power under Sheikh Mujib's daughter, Sheikh Hasina. She overturned the indemnity given to her father's killers, a group of five army officers. They were finally executed in January 2010, after long delays in the trial process while the AL was out of power. [83e] (Internal Affairs)

'An AL-led Grand Alliance swept the general election in December 2008, which marked the country's return to democratic rule, winning 262 seats in the 300-seat parliament (including 230 seats for AL). Hasina began her second term as prime minister in January 2009 as an avowedly secular party; the AL government has also sought to curtail the influence of religion in politics. In October 2009, the government banned the non-violent proselytising group, Hizb ut-Tahrir for its anti-government and anti-democracy stance, and has encouraged constitutional amendments banning religious-based parties. Despite its landslide victory in the elections, the AL is riven by opposing factions at the local level, which has often translated into violence, particularly in universities. In March 2010, the party's presidium began a month-long tour of the country aimed at resolving disputes and instilling a stronger sense of unity, recognising the need to shore up support at a time when the BNP was going on the political offensive.' [83e] (Internal Affairs)

'Bangladesh Nationalist Party (BNP) (Bangladesh Jatiyatabadi Dal)

The Bangladesh Nationalist Party (Bangladesh Jatiyabadi Dal) was created in 1978 by Bangladesh's first military ruler, General Zia ur-Rahman, primarily as a vehicle for him to mobilise grassroots support. It has followed a policy of Islamisation, albeit not as comprehensive or as doctrinal as many fundamentalists would like. Zia assumed the presidency in 1977 following a period of civil unrest and declared martial law. His rule was confirmed by a referendum, which gave him nominal democratic legitimacy. After Zia's BNP won the elections of 1979, martial law was lifted and the state of emergency was revoked. Zia was killed in 1981 during an abortive coup attempt and was succeeded by then vice-president Abdus Sattar, who won the November 1981 presidential elections. BNP rule ended in March 1982 following a successful coup by General Hussain Muhammad Ershad, which incited the BNP to invite Khaleda Zia, the widow of Zia ur-Rahman, to assume the chair of the party. [83e] (Internal Affairs)

'The BNP, led by Khaleda and supported by the Bangladesh Islamic Conference (Jamaat-i-Islami Bangladesh: JIB), returned to power in 1991, following the collapse of General Ershad's military dictatorship. The BNP was defeated in the subsequent election, but was returned to power with the support of its allies in October 2001. Its five-year term ended in October 2006. [83e] (Internal Affairs)

'The party fared extremely poorly in the December 2008 elections, winning only 30 of 300 seats. Despite this, Khaleda refused to accept the party's reduced significance, claiming electoral fraud and demanding that the party receive at least four front-bench seats in parliament. Disputes over this issue led the BNP and its coalition partners to boycott parliament between June 2009 and February 2010. In May 2010, she called for a general strike as part of the party's ongoing attempts to destabilise the government and force a new election. The return of such tactics comes in spite of an election manifesto in 2008 which called for an end to parliamentary boycotts as a political tactic.' **[83e] (Internal Affairs)**

[Return to contents](#)

'Islami Oikya Jote (IOJ) (alternatively Islami Oikkyo Jote)

The IOJ was established in 1990 and comprised seven parties: Khelafat Majlis, Nezam-e-Islam, Faraizi Jamaat, Islami Morcha, Ulama Committee, a splinter group of National Awami Party (Bhasani) and Islami Shashantantra Andolo. Its main aim is to establish an Islamic polity based upon Islamic jurisprudence and the Khilafat. The IOJ's chairman, Mufti Fazlul Haque Amini, advocates the implementation of sharia (Islamic law) in the country and has routinely issued fatwas (religious opinions) against the media. Despite its nominal representation in parliament (the IOJ won two seats out of 300 in the 2001 parliamentary election) the radical party managed to exercise a significant hold over the then ruling BNP's policies.' **[83e] (Internal Affairs)**

'Bangladesh Islamic Conference (Jamaat-i-Islami Bangladesh: JIB)

The JIB grew out of the Jamaat-e-Islami of Pakistan, which advocated the union of all Muslim-dominated areas of former British India and the creation of Pakistan. The Jamaat opposed the AL's call for Bangladeshi independence and fought on the side of Pakistan during the 1971 war of liberation. Under the government of Sheikh Mujib, the Jamaat was banned and forced into exile in Pakistan. The Political Parties Regulation, introduced by General Zia in 1976, legalised the Islamic Democratic League, which was supported by the Jamaat, along with other political parties that were banned in 1974 under a special act by Mujibur's government. **[83e] (Internal Affairs)**

'It enjoyed modest support throughout the 1980s, however, the party's support declined dramatically in the 1990s when it adopted a more radical and violent political strategy, killing those it regarded as 'traitors' who had fought against Pakistan in the war of independence. During the term of military-led interim government from January 2007 to December 2008, the JIB fared better than the BNP and AL, although Matiur Rahman Nizami, the head of the JIB was briefly arrested as part of the government's anti-corruption campaign and the party, which had won 17 seats in the last general election in 2001 won only two seats during the polls in December 2008. **[83e] (Internal Affairs)**

'The government has sought to crack down on the JIB's student wing, the Islami Chhatra Shibir, which has been involved in increasing violence in 2009 and 2010. In February 2010, over 100 Shibir members were arrested in Dhaka and Chittagong as part of a nationwide sweep against religious militants and student agitators.' **[83e] (Internal Affairs)**

'Jatiya Party (Ershad)

The National (Jatiya) Party was created in 1986 by General Ershad to win popular support for his regime following a bloodless coup in 1982. In the 1986 elections, which were widely regarded as rigged; the Jatiya Party won 153 seats, giving the government an overall majority and a facade of democratic legitimacy. The 1991 elections, which followed Ershad's resignation, gave the party 36 seats. The party broke up in the face of government repression and the imprisonment of senior party members, including Ershad. The Jatiya Party experienced something of a revival during the political crisis of 1996 when it supported the AL in demanding

Khaleda Zia's resignation. The party managed to retain 32 seats in the 1996 election and joined the AL-led government. Ershad was subsequently freed by Hasina. [83e] (Internal Affairs)

[Return to contents](#)

'The Jatiya Party has three factions which effectively operate as separate political parties, only one of which is significant. The faction led by Ershad, the largest faction with 14 seats, has repositioned itself as a party of the centre-left and allied itself with the AL. The party won 27 seats during the parliamentary election in December 2008 where it reportedly agreed to support the AL-led Grand Alliance in exchange for Ershad being promised the position of president, although this did not take place.' [83e] (Internal Affairs)

'Bangladesh Jatiya Party (N-F), or Jatiya Party (Naziur): This faction, led by Andaleeve Rahman Partho, secured four seats in the 2001 election and formed part of the BNP led governing coalition'; secured only one seat in December 2008. The party is secular.' (Europa World Online) [1b]

'Jatiya Party (Manju) is a separate party/faction which broke away from the Jatiya party in 1999 and won one seat in 2001.' (Europa World Online) [1b]

A full list of the 95 political parties' allocated symbols for the 2001 general election is on the website of the [Bangladesh Election Commission](#).

[Return to contents](#)
[Go to sources](#)

PROSCRIBED AND/OR EXTREMIST ORGANISATIONS

See also Section 10: [Abuses by non government armed forces](#)

The Institute for Conflict Management, New Delhi: South Asia Terrorism Portal [59] lists the most important and well known groupings:

TERRORIST OUTFITS

Harkat-ul-Jihad-al Islami Bangladesh (HuJI-B)
Jagrata Muslim Janata Bangladesh (JMJB)
Jama'atul Mujahideen Bangladesh (JMB)
Purba Bangla Communist Party (PBCP)

[Return to contents](#)
[Go to sources](#)

EXTREMIST GROUPS

Islami Chhatra Shibir (ICS)

Source: Institute for Conflict Management, New Delhi: South Asia Terrorism Portal [59]

Jadid (new) al-Qaeda Bangladesh

The existence of this group first became apparent on 1 May 2007, when bomb explosions took place simultaneously at railway stations in the cities of Dhaka, Sylhet and Chittagong. Messages etched into metal plates left at two of the sites said the attacks had been carried out by Jadid al-Qaeda Bangladesh. Police said at the time that they were investigating whether this was a new group, or a new name for a terrorist group that already existed. (BBC News, 1 May

2007) [20k] In May and June 2007 the police, on three occasions, recovered bombs planted near the main gate of the Rajshahi University of Engineering and Technology (RUET). One of the powerful home-made bombs was wrapped in an aluminium sheet which bore the name 'Jadid al Qaeda'. (The Daily Star) [38k] (UNB, 14 June 2007) [39d]

Biplobi Communist Party (before 1971 was known as the Communist Party of East Pakistan) Maoist movement. Fought against both the Pakistan army and the Awami League during independence struggle. By mid-1970s largely suppressed by State; revived 1980s. [38d]

New Biplobi Communist Party (NBCP)

Formed in 1999 after the Biplobi Communist Party split. Police estimate about 5,000 'cadres'. Leader was Monoranjon Goshal, alias 'Mrinal'. Has mainly been active in Khulna, Jessore, Bagerhat and Satkhira districts. Financed through racketeering. [38c]

OTHER GROUPS

Rohingya Solidarity Organisation (RSO)

The RSO, a militant Sunni Muslim group, was founded in 1982 as a faction of the Rohingya Patriotic Force, with the apparent aims of preventing the oppression of ethnic Rohingyas in Burma and of Rohingya refugees in Bangladesh, and the establishment of an autonomous Rakhine (Arakan) state for the Rohingya people. According to a Jane's Sentinel Security Assessment of January 2007, the organisation had by then become dormant – despite claims to the contrary by the Burmese and Bangladeshi governments. The RSO's primary activity was confined to the Burma-Bangladesh border region; Jane's stated that most terrorist activities attributed to the RSO are more likely to have been carried out by HuJI and other organisations. Last known leader was Mohammad Yunus. [83c]

[Return to contents](#)
[Go to sources](#)

Annex C

PROMINENT PEOPLE (Various sources as numbered)

AHMED Prof. Iajuddin

President of Bangladesh from September 2002 to February 2009. (BBC News OnLine) [20f]
[20p]

AHMED Dr Fakhruddin

Formerly a Governor of the Bank of Bangladesh; served as Chief Advisor of the Caretaker Government (in effect, acting prime minister) from January 2007 to December 2008. (The Daily Star) [38g]

AHMED General Moeen

Army Chief of Staff from June 2005 to June 2009. (Economist Intelligence Unit (EIU) [40e]

ERSHAD General Hossain Mohammed

Leader of the main faction of the Jatiya Party from 1986 until June 2007. Assumed power following a military coup in March 1982 and ruled the country as an autocrat until December 1990. (Europa World Plus) [1a] (The Daily Star) [38i]

HASINA Sheikh

Leader of the Awami League (AL); Prime Minister since 6 January 2009. [20s] Was previously Prime Minister from 1996 to 2001. A daughter of Bangladesh's founder, Sheikh Mujibur Rahman, Sheikh Hasina Wajed became leader of the AL in 1981. (Europa World Plus) [1a]

MUBEEN General Md Abdul

Army Chief of Staff since June 2009 (IHS Jane's) [83d]

NIZAMI Motiur Rahman

Leader of Jamaat-e-Islami, Bangladesh's largest Islamist party. (BBC News OnLine) [20b]

RAHMAN Sheikh Mujibur (Mujib)

Bangladesh's first Prime Minister; assassinated in August 1975. (Europa World Plus) [1a]

RAHMAN Ziaur (General Zia)

Assumed the Presidency in April 1977; assassinated in May 1981. (Europa World Plus) [1a]

RAHMAN Zillur

President of Bangladesh since 12 February 2009. (BBC News OnLine) [20p]

YUNUS Dr Muhammad

Micro-credit pioneer and founder of Grameen Bank. Awarded the Nobel Peace Prize in 2006. (BBC News OnLine) [20j]

ZIA Begum Khaleda

Leader of the Bangladesh Nationalist Party (BNP). Prime Minister from 2001 to October 2006. Was previously Prime Minister from 1991 to 1996. The wife of former President Ziaur Rahman, she became leader of the BNP in 1981. (BBC News OnLine) [20i]

[Return to contents](#)
[Go to sources](#)

Annex D

LIST OF ABBREVIATIONS

ACC	Anti-Corruption Commission
ACHR	Asian Centre for Human Rights
ADB	The Asian Development Bank
AHRC	Asian Human Rights Commission
AI	Amnesty International
AL	Awami League
ART	Anti-retroviral therapy
ASF	Acid Survivors Foundation
ASK	Ain O Shalish Kendra
BCL	Bangladesh Chhatra League
BDR	Bangladesh Rifles
BJP	Bangladesh Jatiya Party
BNP	Bangladesh Nationalist Party
BNWLA	Bangladesh National Women Lawyers' Association
BRAC	Bangladesh Rural Advancement Committee
BSEHR	Bangladeshi Society for the Enforcement of Human Rights
CAMPE	Campaign for Popular Education
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CHT	Chittagong Hill Tracts
CPI	Corruption Perceptions Index
CPJ	Committee to Protect Journalists
CRIN	Child Rights Information Network
CRP	Centre for the Rehabilitation of the Paralysed
EU	European Union
FCO	Foreign and Commonwealth Office (UK)
FH	Freedom House
FIDH	International Federation for Human Rights/Fédération Internationale des ligues des Droits de l'Homme
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
HUJI/HuJI	Harkat-ul-Jihad-al-Islami
ICDDR,B	International Centre for Diarrhoeal Disease Research, Bangladesh
ICS	Islami Chhatra Shibir
ICG	International Crisis Group
IDMC	Internal Displacement Monitoring Centre
IDP	Internally Displaced Person
IDSA	Institute for Defence Studies and Analyses
ILGA	International Lesbian and Gay Association
IISS	International Institute for Strategic Studies
ILO	International Labour Organisation
IMF	International Monetary Fund
IOJ	Islami Oikya Jote
IOM	International Organisation for Migration
IPCS	Institute of Peace and Conflict Studies

JCD	Jatiyatabadi Chhatra Dal
JMB or JM	Jamatul Mujahedin Bangladesh
JMJB	Jagrata Muslim Janata of Bangladesh
MARP	Most-at-risk population
MOHA	Ministry of Home Affairs
MSF	Médecins sans Frontières
NBCP	New Biplobi Communist Party
NHRC	National human rights commission
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
OECD	Organisation of Economic Cooperation and Development
PBC	Purba Bangla(r) Communist Party
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
RAB	Rapid Action Battalion
RI	Refugees International
RSF	Reporters sans Frontières
SAARC	South Asian Association for Regional Cooperation
SARID	The South Asia Research Institute for Policy and Development
STD	Sexually transmitted disease
STI	Sexually transmitted infection
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGASS	United Nations General Assembly Special Session on HIV/AIDS
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
USCIRF	US Committee on International Religious Freedom
USCRI	US Committee for Refugees and Immigrants
USSD	United States State Department
WB	World Bank
WFP	World Food Programme
WHO	World Health Organisation

[Return to contents](#)
[Go to sources](#)

Annex E

FOREIGN AND COMMONWEALTH OFFICE CORRESPONDENCE

Below are listed in chronological order (most recent first) the complete text of correspondence from the FCO to the UK Border Agency referred to in the text above.

[11a] - Suggestions/additions to Bangladesh COI Report: 6 November 2007

'From:

Sent: 06 November 2007 03:03

To:

Cc

Subject: Home Office: COI Report for Bangladesh: Suggestions

on the legal status of the Biharis, to which I have responded under the note on paragraph 22.22

Please see attached 1) Suggestions for updates/ additions to the existing report. I have only included information that I thought you may not have already seen or been aware of. I have not included general updates for the entire political section, or the Judiciary section, for example.

I also attach some other material that may be of interest to you:

2) a national opinion survey, and

3) brief analysis of key findings of the survey. It was conducted in August and published in September in the Bangla daily newspaper Prothom Alo. I have included mention of it in my notes on paragraph 9.0 2 and 9.03 but you may feel that other statistics would also be interesting. I am not sure if we can provide a link to the document, because the reports were published across a few days, in Bangla, but most of the information would be in the public domain

4) A baseline study on HIV/AIDS awareness/ prevalence conducted by ICDDR in 2005-2006. I include mention of it under paragraph 28.03 but again, you may be interested in including the link to the relevant page on the ICDDR website.

I hope all this is clear but please let me know if you require any further info.

All the best,

Political Officer

British High Commission, Dhaka

1) Suggestions/ additions to Home Office COI Report: Bangladesh – Extract.

1.04

- Change 'Biharis generally speak Urdu' to: 'There are approximately 300,000 Urdu-speakers, collectively known as 'Biharis'.
- Change: 'the tribal populations (Jumma peoples) of the Chittagong Hill Tracts use a variety of dialects' to: 'There are approximately 3 million indigenous (Adivasi) people in Bangladesh, many of whom have their own language or dialect. 11 out of the 45 ethnic groups are concentrated in the Chittagong Hill Tracts, where they are collectively known as the Jumma peoples (after 'jum' – an indigenous agricultural method).'

22.18

- Background: during Partition, many Urdu-speaking Muslims from East Indian states, predominantly from Bihar, but also from Assam and Orissa, chose to migrate to East Pakistan. Other Indian and Pakistani Urdu-speakers also subsequently relocated to Bangladesh, (notably during the Indo-Pakistan war), and these separate groups of Urdu-speakers became known, collectively, as 'Biharis'.'

[Return to contents](#)
[Go to sources](#)

Annex F

REFERENCES TO SOURCE MATERIAL

The Home Office is not responsible for the content of external websites.

Numbering of source documents is not always consecutive because some older sources have been removed in the course of updating this document.

Go to end

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Return to contents
Go to sources

End