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Freedom in the World 2012 - Bangladesh

2012 Scores

Status: Partly Free

Freedom Rating: 3.5

Civil Liberties: 4

Political Rights: 3

Overview

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.

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

In 1994, Sheikh Hasina Wajed's center-left Awami League (AL) party began boycotting Parliament to protest alleged corruption in Zia's government. The ensuing years of political deadlock often reflected the personal animosity between Hasina, the daughter of Rahman, and Zia, the widow of a military ruler who was allegedly complicit in his assassination. The AL boycotted the February 1996 elections, then forced Zia's resignation in March and triumphed in elections held in June. The BNP also marked its time in opposition by boycotting Parliament and organizing periodic nationwide strikes, or hartals.

In 2001, the AL was voted out of office in elections marred by political violence and intimidation, and a new BNP-led coalition that included two Islamist parties took power. The AL again turned to parliamentary boycotts, strikes, and other forms of protest. Political violence and general lawlessness mounted, partly due to attacks by Islamist extremist groups. However, two of the largest were banned in 2005, and a government crackdown in 2006 effectively crippled the organizations.

As planned 2007 elections approached, the AL demanded reform of Bangladesh's caretaker government (CG) system, in which a theoretically nonpartisan government takes power temporarily to oversee parliamentary voting. The AL also questioned the conduct and impartiality of the Election Commission (EC) and its preparation of a new voter list. Faced with the possibility of balloting that lacked credibility, in January 2007 the army pressured the president to declare a state of emergency and cancel the elections. A new, military-backed CG, headed by technocrat Fakhruddin Ahmed, announced plans to tackle endemic corruption and prepare for eventual elections. Under emergency regulations, freedoms of assembly and association were suspended, controls were placed on the media, and all political activity was banned. This "soft coup" was carried out partly within the constitutional framework, stopping short of martial law and leaving a civilian CG in nominal control.

A new Anti-Corruption Commission (ACC) investigated high-level politicians and their business allies. Dozens were arrested, and several were subsequently convicted by a special court. However, after both main parties decided to boycott preelection talks with the EC unless their leaders were released, the CG capitulated, weakening its anticorruption campaign. The new EC also failed to address the issue of suspected war criminals' continued involvement in politics. Of particular concern was the Jamaat-e-Islami (Islamic Party, or JI), whose leaders and student wing played a role in atrocities against civilians during the 1971 war of independence.

The emergency regulations were fully lifted in mid-December 2008, and the elections followed on December 29. Although the longtime party leaders remained in place, there was a considerable infusion of new blood into the parties' candidate lists. Turnout was extremely high, at 87 percent, and included a large proportion of first-time, women, and minority voters. An electoral alliance led by the AL won an overwhelming 263 seats (230 for the AL), while the BNP-led coalition took 32 seats (29 for the BNP and just 2 for the JI). Zia accepted the results, and Hasina took office as prime minister, returning Bangladesh to elected civilian rule.

The new government moved to implement its campaign promises. Several suspected war criminals were arrested in 2009, and in 2010 the government established a tribunal that subsequently indicted and issued arrest warrants for five JI leaders. The first trial began in late 2011. However, experts remained concerned that the process would not adhere to international standards, and both witnesses and defense lawyers received threats during 2011.

Another important part of the AL's agenda was the restoration of the 1972 constitution, which would reestablish Bangladesh's character as a secular republic. In a key step toward that end, a February 2010 Supreme Court decision nullified elements of the fifth amendment to the constitution, effectively paving the way for a reinstatement of the principle of secularism and a ban on religiously based political parties. Following the ruling, the EC requested that the JI amend its charter accordingly. Meanwhile, the government took a harder line on Islamist extremism, arresting dozens of activists and those suspected of links to terrorist groups. An even wider crackdown in September 2011 – in the wake of violent JI protests regarding the war crimes issue – led to the arrest of several party leaders and hundreds of activists.

The BNP-led opposition continued to intermittently boycott Parliament and rigidly oppose the AL government's initiatives. The BNP began resorting to the use of hartals in 2010, and led relatively peaceful mass protests in June that year. However, the party suffered from serious internal divisions, particularly over succession issues. General political dysfunction intensified in 2011, with more frequent opposition protests and strikes against both specific policies and the government in general.

In June 2011, following a May Supreme Court decision on the validity of interim administrations, the AL-dominated Parliament passed the 15th amendment to the constitution despite a BNP boycott of the vote, which effectively scrapped the CG system and replaced it with a nominally independent electoral commission. Other articles of the amendment termed any criticism of the constitution an act of sedition, and effectively forbade further amendments to large parts of the constitution. The AL suffered an electoral defeat in late October, when an independent candidate won the mayoralty of Narayanganj, just outside Dhaka. Meanwhile, a series of apparently biased decisions in corruption cases raised concerns about political influence over the judiciary.

Political Rights and Civil Liberties

Bangladesh is an electoral democracy. The December 2008 parliamentary elections were deemed free and fair by European Union observers and other monitoring groups. Terms for both the unicameral National Parliament and the largely ceremonial presidency are five years. Under provisions contained in the 15th amendment, Parliament is composed of 350 members, of whom 300 are directly elected, and 50 are women nominated by political parties – based on their share of the elected seats – and then voted on by their fellow lawmakers. The president is elected by Parliament.

A series of 2008 electoral reforms mandated that parties disband their student, labor, and overseas units; obliged parties to reserve a third of all positions for women; reduced the number of seats a parliamentary candidate could simultaneously contest from five to three; tripled campaign spending limits to 1.5 million taka (\$22,000) per candidate; and gave voters in each constituency the option of rejecting all candidates. The new regulations were designed to curtail the widespread bribery, rigging, and violence that had characterized past elections, as was a new, considerably more accurate voter registry. While the December 2008 elections were relatively clean, local government polls held in January 2009 were marred by more extensive violence and intimidation, as well as suspected rigging. The level of political violence remained relatively high in 2011; local rights group Odhikar registered 135 deaths and more than 11,500 people injured as a result of inter- or intraparty clashes during 2011, a slight drop from the previous year. Harassment of the opposition became more widespread in 2011, and ranged from charges being filed against senior BNP members to limitations being placed on political activities, particularly rallies and processions.

Endemic corruption and criminality, weak rule of law, limited bureaucratic transparency, and political polarization have long undermined government accountability. Moreover, opposition boycotts of Parliament have regularly nullified the legislature's role as a check on the government. A 2009 Right to Information Act mandates public access to all information held by

public bodies and overrides existing secrecy legislation. Bangladesh was ranked 120 out of 183 countries surveyed by Transparency International (TI) in its 2011 Corruption Perceptions Index. Under the present government, anticorruption efforts have been weakened by patchy enforcement and subversion of the judicial process, according to TI-Bangladesh. In addition, prosecutions have become considerably more politicized. Dozens of cases against Prime Minister Sheikh Hasina Wajed and other AL politicians have been withdrawn, while those against BNP politicians, including party leader Khaleda Zia and her family, have remained open. Additional charges were filed against Zia in August 2011, and an arrest warrant was issued for her son in connection with a 2004 grenade attack at a political rally. In early 2011, the cabinet approved draft amendments that would require the ACC to receive government permission before initiating new cases against officials and members of Parliament, though they had yet to be passed by the legislature at year's end. In October, the World Bank suspended a planned \$1.2 billion loan for the Padma Bridge construction project, citing evidence of corruption and financial irregularities.

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.

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, 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.

Various forms of artistic expression are occasionally censored. In January 2011, the controversial film *Meherjaan*, which deals with events during the 1971 war, was withdrawn from theater by the distributor. The decision came as a result of objections voiced by several critics who felt that the filmmaker had failed to use historical accuracy when portraying the 1971 war.

Islam is the official religion, but about 10 percent of the population is Hindu, and there are smaller numbers of Buddhists and Christians. Although religious minorities have the right to worship freely, they face societal discrimination as well as harassment and legal repercussions for proselytizing. Members of the Ahmadiyya sect are considered heretical by some Muslims, and despite increased state protection since 2009, they have encountered physical attacks, boycotts, and demands that the state declare them non-Muslims. They are also occasionally denied permission to hold religious events, as occurred in February 2011 in Gazipur district, when local authorities abruptly cancelled a permit for a planned annual convention. In a positive step in May 2011, a court sentenced 11 men to life in prison for the gang rape of a Hindu schoolgirl during anti-Hindu violence shortly after the 2001 elections. Religious minorities remain underrepresented in politics and state employment, but the secularist AL government has appointed several members of minority groups to leadership positions. It has also initiated curriculum reform in Islamic schools. In July 2011, Islamist groups staged violent protests against an amendment passed by the government in June that removed a reference to Islam in the constitution. An estimated 3,000 Islamist activists participated in the 30-hour protest across the nation. Not only did they argue for the constitutional re-instatement of the phrase, but they also protested that the promulgation of "secularism" as a state principle be dropped entirely.

While authorities largely respect academic freedom, research on sensitive political and religious topics is reportedly discouraged. Political polarization at many universities, including occasional clashes involving the armed student wings of the main three parties, inhibits education and access to services. In September 2011, a government attempt to withdraw public funding from Jagannath University led to widespread student protests.

The rights of assembly and association were restored in late 2008 with the lifting of emergency regulations. The authorities have sometimes tried to prevent rallies by arresting party activists, and protesters are frequently injured and occasionally killed during clashes with police. Nevertheless, demonstrations took place regularly in 2011, including a growing number of nationwide strikes and rallies called by the BNP.

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.

Labor union formation is hampered by a 30 percent employee-approval requirement, restrictions on organizing by unregistered unions, and rules against unionization by certain categories of civil servants. Labor activists occasionally encounter harassment, and worker grievances sometimes fuel unrest at factories. In the past several years, garment workers have regularly engaged in strikes and protests to demand higher pay and safer working conditions, in some instances leading to violence in which dozens of workers have been injured. In 2010, the Bangladesh Center for Workers' Solidarity (BCWS) was stripped of its legal status by the NAB for allegedly inciting labor unrest; BCWS leaders faced criminal cases that were still pending at the end of 2011 and reportedly suffered abuse in custody. Child labor is widespread.

Politicization of the judiciary remains a concern. The military-backed CG, unlike previous governments, worked to implement a 1999 Supreme Court directive ordering the separation of the judiciary from the executive. In 2007, the power to appoint judges and magistrates was transferred from the executive branch to the Supreme Court.

However, political authorities have continued to make appointments to the higher judiciary, in some cases demonstrating an overt political bias. In 2011, procedural irregularities in the Grameen Bank and CG system cases added to suspicions that judicial independence had been compromised. Harassment of witnesses and the dismissal of cases following political pressure are also growing issues of concern.

The court system is prone to corruption and severely backlogged; pretrial detention is often lengthy, and many defendants lack counsel. The indigent have little access to justice through the courts. In 2009, the government launched an initiative to form small courts in 500 rural administrative councils that could settle local disputes and reduce pressure on the legal system, but this has not yet helped to reduce a backlog of nearly 2 million pending cases. Prison conditions are extremely poor, and severe overcrowding is common. According to the New Delhi-based Asian Centre for Human Rights, hundreds of juveniles are held in prisons in contravention of the 1974 Children's Act. Suspects are routinely subject to arbitrary arrest and detention, demands for bribes, and physical abuse by police. Torture is often used to extract confessions and intimidate political detainees.

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. The Directorate General-Forces Intelligence (DGFI), a military intelligence unit, has been responsible for a number of cases of abuse during interrogations. Although the AL government initially promised a "zero-tolerance" approach on torture and extrajudicial executions, high-level officials routinely excuse or deny the practices, and the rate of custodial deaths remains high. Abductions and disappearances are also a growing concern, according to the International Crisis Group.

Law enforcement abuses are facilitated by legislation such as the 1974 Special Powers Act, which permits arbitrary detention without charge, and Section 54 of the Criminal Procedure Code, which allows detention without a warrant. A June 2008 counterterrorism ordinance, later adopted as law in 2009, included an overly broad definition of terrorism and generally does not meet international standards.

Following a February 2009 mutiny by the paramilitary Bangladesh Rifles (BDR) force – in which some 70 officers and family members were killed – more than 3,500 BDR members were arrested and at least 60 died in custody under suspicious circumstances, with some bodies bearing marks of torture and other abuse. The mutineers' subsequent trials have been marred by problems including defendants' limited access to counsel, lack of individualized incriminating evidence, and the alleged use of torture to extract confessions. In July 2011, a mass trial of 666 BDR members before a military court ended in the conviction of all but nine, with prison terms ranging from four months to seven years.

The International War Crimes Tribunal Act of 1973 was revised in 2009 to meet international standards concerning the right to a fair trial, and June 2011 additions to the tribunal's procedural rules provided for victim and witness protection, the presumption of innocence, defendant access to counsel, and the right to bail. Five senior JI leaders were indicted in 2010, and after several postponements, the trial of JI leader Delwar Hossain Sayedee began in November 2011. Charges of crimes against humanity were also filed against BNP leader Salahuddin Quader Chowdhury in November. However, observers raised concerns about threats and harassment against witnesses and defense lawyers as well as other elements of the tribunal system that fell short of international standards for due process.

The National Human Rights Commission (NHRC), reestablished in 2010 under a 2009 law, is empowered to investigate and rule on complaints against the armed forces and security services, and can request reports from the government at its own discretion. In 2011, the NHRC undertook training and capacity-building programs with support from international donors, and investigated a number of complaints.

Islamist militant groups continue to operate and maintain contact with regional allies, but Islamist violence has been negligible since the 2006 crackdown. The AL government has been aggressive in arresting cadres and closely monitoring their activities. Following violent protests by Islamist groups in September 2011, hundreds of activists as well as the groups' leaders were temporarily detained. Separately, casualties from clashes involving Maoist militants have declined somewhat in the past several years; according to the South Asia Terrorism Portal, 24 people, all of them militants, were killed in 2011.

Land rights for the Hindu minority remain tenuous. Tribal minorities have little control over land decisions affecting them, and Bengali-speaking settlers continue to illegally encroach on tribal lands in the Chittagong Hill Tracts (CHT), with the reported connivance of government officials and the army. A 1997 accord ended a 24-year insurgency by indigenous groups in the CHT, but implementation of the accord has been lacking. Security forces in the area are occasionally implicated in the suppression of protests, the arrest of political activists, and extrajudicial killings. Moreover, indigenous people remain subject to physical attacks and property destruction by Bengali settlers. In July 2009, the AL government said it would immediately withdraw more than 2,000 troops from the CHT and dismantle several dozen military camps. It also announced plans to set up a commission that would allocate land to indigenous tribes. However, although this commission was reconstituted, its activities were suspended in 2011, and it did not address land disputes effectively. Clashes between settlers and indigenous people continued in 2011.

Roughly 230,000 ethnic Rohingyas who fled forced labor, discrimination, and other abuses in Burma in the early 1990s remain in Bangladesh and are subject to some harassment. Bangladesh also hosts camp-like settlements of some 300,000 non-Bengali Muslims, often called Biharis, who had emigrated from India in 1947 and were rendered stateless at independence in 1971, as many had sided with and initially sought repatriation to Pakistan. A landmark 2008 court ruling granted citizenship rights to this group. Separately, approximately 50,000 inhabitants of *de jure* Indian enclaves in Bangladesh and Bangladeshi enclaves in India, located near the countries' mutual border, are also effectively stateless and have difficulty accessing public services. In September 2011, India and Pakistan signed a historic agreement which demarcated the land by swapping 111 Indian enclaves in Bangladesh for 51 Bangladeshi enclaves in India, leaving only 49 extraterritorial pieces of land.

Rights activists expressed concern about a law passed in August 2011 that effectively authorized police to detain suspected vagrants and homeless people for up to two years in government-run rehabilitation centers; those refusing the confinement could face jail time.

Rape, dowry-related assaults, acid throwing, and other forms of violence against women occur regularly. A law requiring rape victims to file police reports and obtain medical certificates within 24 hours of the crime in order to press charges prevents most cases from reaching the courts. Police also accept bribes to quash rape cases and rarely enforce existing laws protecting women. The Acid Survivors Foundation (ASF), a local NGO, recorded 84 acid attacks during 2011; they affected 111 victims, most of them women. While attacks have declined since the passage of the Acid Crime Prevention Act in 2002, investigations remain inadequate. A 2010 law offers greater protection to women and children from domestic violence, including both physical and mental abuse. Giving or receiving dowry is a criminal offense, but coercive requests remain a problem, as does the country's high rate of early marriage. Local rights group Odhikar noted an increase in dowry-related violence against women in 2011, with more than 300 murders recorded during the year.

Under the legal codes pertaining to Muslims, women have fewer divorce and inheritance rights than men. In rural areas, religious leaders sometimes impose flogging and other extrajudicial punishments on women accused of violating strict moral codes, despite Supreme Court orders calling on the government to stop the practice. Women also face some discrimination in health care, education, and employment. In 2011, Islamic clergy and women's groups remained at loggerheads over implementation of the National Women Development Policy, which holds that women and men should have equal political, social, and economic rights.

Women and children are trafficked both overseas and within the country for the purposes of domestic servitude or sexual exploitation, while men are trafficked primarily for the purposes of labor abroad. The government has taken steps to raise awareness and prosecute sex traffickers somewhat more vigorously, with dozens convicted each year, and some sentenced to life in prison.

A criminal ban on homosexual acts is rarely enforced, but societal discrimination remains the norm. Transgendered people also face persecution, though a government-sponsored rally in the capital in October 2011 urged greater recognition for the group.

Trend Arrow ↓

Bangladesh received a downward trend arrow due to heightened political polarization and attempts by the government to improperly strengthen its hold on power, including through selective prosecutions of opposition politicians and increased harassment of nongovernmental organizations.

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