

Flygtningenævnets baggrundsmateriale

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Bangladesh

Country:

Bangladesh

Year:

2018

Freedom Status:

Partly Free

Political Rights:

4

Civil Liberties:

4

Aggregate Score:

45

Freedom Rating:

4.0

Overview:

The ruling Awami League (AL) has consolidated political power through sustained harassment of the opposition and those perceived to be allied with it, as well as of critical media and civil society voices. Security forces carry out a range of human right abuses with near impunity, while Islamist extremist groups threaten and attack those with dissident views.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 19 / 40 (–1)

A. ELECTORAL PROCESS: 7 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4

A largely ceremonial president, who serves for five years, is elected by the legislature. The leader of the party that wins the most seats in the unicameral National Parliament assumes the position of prime minister and wields effective power. Given the conditions under which the 2014 elections were held, the legitimacy of the current prime minister, Sheikh Hasina, is questionable.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

Due to an opposition boycott of the 2014 elections, the majority of seats (153) were uncontested, ensuring an AL victory. The AL won 234 parliamentary seats, the Jatiya Party (JP) won 34, and independents and minority parties captured the remainder.

In addition, a high level of electoral violence—some of which directly targeted members of the country's Hindu and Christian minority groups—and political intimidation hindered turnout. Western monitoring groups declined to send election observers and criticized the conditions under which the polls were held.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

Under the electoral framework, members of the National Parliament are elected by universal secret ballot to five-year terms; of 350 total members, 300 are directly elected. The independence of the Election Commission and its ability to investigate complaints has been questioned both by opposition parties and outside observers, and the BNP and 17 allied parties boycotted the 2014 national elections to protest what they said were unfair circumstances.

B. POLITICAL PLURALISM AND PARTICIPATION: 7 / 16 (–1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

Bangladesh has a two-party system in which power alternates between political coalitions led by the AL and BNP; third parties have traditionally had difficulty achieving traction. Both parties are non-democratic in terms of internal structure, and are led by families that have competed to lead Bangladesh since independence, along with a small coterie of advisers. The constitution bans religiously based political parties, and the JI party was prohibited from taking part in the 2014 elections because of its overtly Islamist charter.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

The primary opposition BNP and JI parties have been weakened by regular harassment and arrests of key members. Many BNP party leaders are in prison, under house arrest, living in hiding or exile, or facing serious legal charges that could bar them from office, including BNP head Khaleda Zia. Meanwhile, the AL government continued to harass JI leaders, and implemented verdicts handed down against them by the International Crimes Tribunal (ICT).

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 2 / 4

The rival AL and BNP parties dominate politics and limit political choices for those who question internal party structures or hierarchy, or who would create alternative parties or political groupings. Severe levels of antagonism between the two party leaders as well as lower-level cadres ensures that the overall level of political violence remains high; in 2017, the human rights group Odhikar registered 77 deaths and more than 4,635 people injured as a result of inter- or intraparty clashes.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 2 / 4 (-1)

In the national parliament, 50 seats are allotted to women, who are elected by political parties based on their overall share of elected seats, and women lead both main political parties. Religious minorities remain underrepresented in politics and state agencies, though the AL government has appointed several members of such groups to leadership positions. Societal discrimination against religious minorities, women, and LGBT (lesbian, gay, bisexual, and transgender) communities limited their participation in politics.

Score Change: The score declined from 3 to 2 due to a lack of Hindu representation in politics, and the inability of the LGBT population to openly serve in government and therefore to have full representation.

C. FUNCTIONING OF GOVERNMENT: 5 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

Policy is set by the ruling AL party, with few checks on its processes or decision-making. Regular opposition boycotts of the National Parliament—and since the 2014 election boycott, the complete shutout of the main opposition party from that body—have significantly hampered the legislature's role in providing thorough scrutiny of or debate on government policies, budgets, and proposed legislation.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Under the AL government, anticorruption efforts have been weakened by politicized enforcement and subversion of the judicial process. In particular, the Anti-Corruption Commission (ACC) has become ineffective and subject to overt political interference. The government continues to bring or pursue politicized corruption cases against BNP party leaders.

C3. Does the government operate with openness and transparency? 2 / 4

Endemic corruption and criminality, weak rule of law, limited bureaucratic transparency, and political polarization have long undermined government accountability. The 2009 Right to Information Act mandates public access to all information held by public bodies and overrides secrecy legislation. Although it has been unevenly implemented, journalists and

civil society activists have had some success in using it to obtain information from local governing authorities.

CIVIL LIBERTIES: 26 / 60 (–1)

D. FREEDOM OF EXPRESSION AND BELIEF: 7 / 16

D1. Are there free and independent media? 1 / 4

Media face myriad forms of pressure, including the use of lawsuits and regulatory restrictions, and harassment of and physical attacks against reporters and bloggers. The use of criminal defamation lawsuits by ruling party loyalists against independent and opposition news outlets and journalists remained a concern in 2017, with a number of cases reported. The 2014 National Broadcasting Policy allows for restrictions on coverage that is critical of the government or security forces or that is determined to threaten national security.

The threat of physical reprisals against bloggers and publishers in connection with their work remains high; Islamist militant groups linked to either Al-Qaeda or the Islamic State were frequently behind the threats. A climate of impunity remains the norm, with little progress made on ensuring justice for the string of killings that has taken place since 2015, and dozens of bloggers remain in hiding or exile. Although no murders took place in 2017, outspoken individuals continue to receive serious threats, such as those leveled against activist Sultana Kamal in May.

Various forms of artistic expression, including books and films, are occasionally banned or censored.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

As reaffirmed by a 2011 constitutional amendment, Bangladesh is a secular state, but Islam is designated as the official religion. Although religious minorities have the right to worship freely, they face societal discrimination as well as harassment and legal repercussions for proselytizing. Members of minority groups—including Hindus, Christians, and Shiite and Ahmadiyya Muslims—and their houses of worship are occasionally the targets of harassment and violent attacks. Those with secular or nonconformist views can face societal opprobrium and possible attacks from hardline Islamist groups.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

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 three main parties, inhibits education and access to services. Changes made to the Bengali-language textbooks used widely throughout the educational system and distributed in January

2017—at the behest of Islamist groups, who demanded the removal of content they claimed was “atheistic”—raised concerns among intellectuals regarding the influence of these groups over government policy and standards.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

Open private discussion of sensitive religious and political issues is restrained by fear of harassment. Censorship of digital content and surveillance of telecommunications and social media have become increasingly common. The ICT Act was used to arrest and charge several dozen individuals for exercising freedom of expression online in 2017, including journalists and activists.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 5 / 12 (–1)

E1. Is there freedom of assembly? 2 / 4

The constitution provides for the rights of assembly and association, but the government regularly bans gatherings of more than five people. Many demonstrations took place in 2017, though authorities sometimes try to prevent rallies by arresting party activists, and protesters are frequently injured and occasionally killed during clashes in which police use excessive force.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 2 / 4

Many NGOs operate in Bangladesh and are able to function without onerous restrictions, but the use of foreign funds must be cleared by the NGO Affairs Bureau, which can also approve or reject individual projects. The 2016 Foreign Donations (Voluntary Activities) Regulation Act, which made it more difficult for NGOs to obtain foreign funds and gave officials broad authority to deregister NGOs that make “derogatory” comments about government bodies or the constitution, has had a negative impact on the sector in 2017, according to local sources. Groups such as the leading human rights NGO Odhikar, which is deemed to be overly critical of the government on rights issues, are regularly denied permission for proposed projects and are subject to repeated instances of harassment and surveillance.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4 (–1)

Legal reforms in 2015 eased restrictions on the formation of unions. However, union leaders who attempted to organize or unionize workers continued to face dismissal or physical intimidation, and organizations that advocate for labor rights, such as the Bangladesh Center for Workers’ Solidarity (BCWS), have also faced increased harassment. Worker grievances fuel unrest at factories, particularly in the garment industry, where protests against low wages and unsafe working conditions are common. Beginning at the end of 2016, strikes by garment workers prompted a widespread

crackdown, with mass arrests of labor rights activists and firings of hundreds of workers, and attempts to shutter a BCWS community center.

Score Change: The score declined from 2 to 1 due to the ongoing crackdown on manufacturing associations and garment union federation activists in the wake of a late 2016 strike.

F. RULE OF LAW: 5 / 16

F1. Is there an independent judiciary? 2 / 4

Politicization of the judiciary remains an issue despite a 1999 Supreme Court directive ordering the separation of the judiciary from the executive. Political authorities continue to make appointments to the higher judiciary, in some cases demonstrating an overt political bias. Harassment of witnesses and the dismissal of cases following political pressure are also of concern.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Individuals' ability to access justice is compromised by endemic corruption within the court system as well as severe backlogs, with several million pending cases. Pretrial detention is often lengthy, and many defendants lack counsel. Suspects are routinely subject to arbitrary arrest and detention, demands for bribes, and physical abuse by police. Meanwhile, criminal cases against ruling party activists are regularly withdrawn on the grounds of "political consideration," undermining the judicial process and entrenching a culture of impunity.

The 1974 Special Powers Act permits arbitrary detention without charge, and the criminal procedure code allows detention without a warrant. A 2009 counterterrorism law includes a broad definition of terrorism and generally does not meet international standards. Concerns have repeatedly been raised that the current International Crimes Tribunal's procedures and verdicts do not meet international standards on issues such as victim and witness protection, the presumption of innocence, defendant access to counsel, and the right to bail.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

Terrorist attacks by Islamist militant groups dramatically lessened in 2017 following a crackdown on these groups in the latter half of 2016 during which more than 15,000 people were arrested. The South Asia Terrorism Portal counted only 13 civilian and security-personnel fatalities related to Islamist extremism in 2017, almost a quarter the number of the previous year.

However, a range of human rights abuses by law enforcement agencies—including enforced disappearances, custodial deaths, arbitrary arrests, and torture—continue unabated. A July 2017 Human Rights Watch report documented the use of detention and enforced disappearance against political opponents, despite the government's promise to

reform the practice, with more than 300 cases reported since 2009. One high-profile detainee, Humam Quader Chowdhury, was released in March 2017 after more than six months, but others who have been convicted by the tribunal remain unaccounted for. The incidence of custodial deaths has remained high. Odhikar reported a total of 154 extrajudicial killings perpetrated by law enforcement agencies in 2017, in addition to 86 enforced disappearances. In one case, Mubashar Hassan, an academic and policy analyst whose work focused on extremism, was disappeared in early November and only released from state custody in late December.

Prison conditions are extremely poor; severe overcrowding is common, and juveniles are often incarcerated with adults.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Members of ethnic and religious minority groups face some discrimination under law as well as harassment and violations of their rights in practice. Indigenous people in the Chittagong Hill Tracts (CHT) remain subject to physical attacks, property destruction, land grabs by Bengali settlers, and occasional abuses by security forces.

Bangladesh has hosted roughly 270,000 ethnic Rohingyas who fled from Myanmar beginning in the 1990s. The vast majority do not have official refugee status; suffer from a complete lack of access to health care, employment, and education; and are subject to substantial harassment. In response to a sharp escalation in violence directed against Rohingyas in Rakhine state in August 2017, hundreds of thousands poured across the border into Bangladesh, creating a humanitarian crisis, with an estimated 650,000 arrivals by December 2017.

A criminal ban on same-sex sexual acts is rarely enforced, but societal discrimination remains the norm, and dozens of attacks on LGBT individuals are reported every year. In May 2017, police arrested 27 men at a community gathering. A number remain in exile following the April 2016 murder of Xulhaz Mannan, a prominent LGBT activist, by Islamist militants. Despite legal recognition for transgender people as an optional “third gender,” they face persecution.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 9 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

The ability to move within the country is relatively unrestricted, as is foreign travel, though there are some rules on travel into and around the CHT districts by foreigners. There are few legal restrictions regarding education or employment, but socioeconomic barriers to mobility remain in practice.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Property rights are unevenly enforced, and the ability to engage freely in private economic activity is somewhat constrained. Corruption and bribery, inadequate infrastructure, and official bureaucratic and regulatory hurdles hinder business activities throughout the country. State involvement and interference in the economy is considerable. The 2011 Vested Properties Return Act allows Hindus to reclaim land that the government or other individuals seized, but it has been unevenly implemented. Tribal minorities have little control over land decisions affecting them, and Bengali-speaking settlers continue to illegally encroach on tribal lands in the CHT. A commission set up in 2009 to allocate land to indigenous tribes has suffered from delays.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Under personal status laws affecting all religions, women have fewer marriage, divorce, and inheritance rights than men, and face discrimination in social services and employment. Rape, acid throwing, and other forms of violence against women occur regularly despite laws offering some level of protection. 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. Giving or receiving dowry is a criminal offense, but coercive requests remain a problem; Odhikar reported more than 250 cases of dowry-related violence against women in 2017. A high rate of early marriage persists, with 52 percent of girls married by age 18, according to UN statistics for 2016. Despite a stated government commitment in 2014 to abolish the practice by 2041, in February 2017 parliament approved a law that would permit girls under the age of 18 to marry under certain circumstances, reversing a previous legal ban on the practice.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Socioeconomic inequality is widespread. Working conditions in the garment industry remain extremely unsafe despite the renewal of a legally binding accord between unions and clothing brands to improve safety practices; a fire at a textile in September 2017 claimed at least six lives. Comprehensive reforms of the industry are hampered by the fact that a growing number of factory owners are also legislators or influential businesspeople.

Bangladesh remains both a major supplier of and transit point for trafficking victims, with tens of thousands of people trafficked each year. Women and children are trafficked both overseas and within the country for the purposes of domestic servitude and sexual exploitation, while men are trafficked primarily for labor abroad. A comprehensive 2013 antitrafficking law provides protection to victims and increased penalties for traffickers, but enforcement remains inadequate.

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