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Freedom in the World - Bangladesh (2008)

Capital: Dhaka

Population:
149,000,000

Political Rights Score: 5

Civil Liberties Score: 4

Status: Partly Free

Ratings Change

Bangladesh's political rights rating declined from 4 to 5 due to a military-backed replacement of the caretaker government in January 2007, the suspension of planned elections, and the imposition of a state of emergency under which political activity, freedom of assembly, and media freedom were curtailed.

Overview

Amid political polarization and violence in the run-up to elections scheduled for January 22, 2007, Bangladesh's caretaker government (CG) was dissolved and replaced by a military-backed CG on January 11. The new authorities issued emergency regulations that considerably restricted civil liberties and political activity, while impunity for human rights abuses remained the norm. For much of the year, the CG focused on election-related reforms and an anticorruption crackdown in which top politicians from both major parties were detained indefinitely pending trial. Elections were postponed until the end of 2008 at the earliest.

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 and continues to polarize Bangladeshi politics. The country's democratic transition began with the resignation in 1990 of the last military ruler after weeks of prodemocracy demonstrations. Elections in 1991 brought the Bangladesh Nationalist Party (BNP) to power under Prime Minister Khaleda Zia.

The country's long-standing political deadlock began in 1994, when Sheikh Hasina Wajed's center-left Awami League (AL) party began boycotting Parliament to protest alleged corruption in Zia's BNP government. The AL and the BNP differ little on domestic policy; their disputes often reflect 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.

In October 2001, the AL was voted out of office in elections marred by political violence and intimidation. A new BNP-led coalition that included two Islamist parties took power with 214 of the 300 seats in Parliament. The AL initially refused to accept the election results and turned to parliamentary boycotts, countrywide *hartals* (general strikes), and other forms of protest to pressure the government on various issues.

In August 2004, a series of grenade explosions at an AL rally in Dhaka nearly killed Hasina and left 22 people dead and hundreds injured. Although the government appointed a commission to investigate the attacks, its impartiality was called into question, and the perpetrators remain at large. In January 2005, another grenade attack at an AL rally killed five people, including a senior party leader.

General lawlessness has increased in recent years, partly due to bombings and other attacks by Islamist extremist groups. Two of the largest—the Jamiat-ul-Mujahideen Bangladesh (JMB) and the Jagrata Muslim Janata Bangladesh (JMJB)—were banned in February 2005, and following an escalation of violence in late 2005, a government crackdown yielded the arrest of JMB leader Sheikh Abdur Rahman and JMJB head Siddiquil Islam (popularly known as Bangla Bhai, or “Bengali brother”) in March 2006. Some 800 members of the two groups were also detained. In May 2006, these two men and several other JMB leaders were sentenced to death for the 2005 attacks, and six of the seven convicted militants were executed in March 2007. The threat of Islamist violence subsided after the 2006 crackdown, but it has not disappeared altogether.

Partisan disagreement over plans for January 2007 general elections led to heightened political tension and violence throughout 2006. The AL and its allies demanded reform of Bangladesh’s caretaker government (CG) system, in which a theoretically nonpartisan government takes power temporarily to oversee parliamentary elections. The AL, echoing local and international monitoring groups, also raised concerns regarding the conduct and impartiality of the Election Commission (EC) and the preparation of a new voter list. After three days of violent rallies over the proposed “chief adviser,” or head of the CG, President Iajuddin Ahmed appointed himself chief adviser, but the AL accused him of partisanship and objected to his dual role as president and CG head. In late November, the AL’s legal challenge to the president’s actions was stayed by the Supreme Court, leading to riots and claims that the higher judiciary had become politicized. In December, President Ahmed deployed the army to maintain law and order, and demonstrations at the presidential palace were banned. Meanwhile, the AL continued to call for nationwide strikes and threatened to boycott the elections unless their demands were met.

Faced with the possibility of an election that lacked both domestic and international credibility, the army on January 11, 2007, pressured the president to declare a

state of emergency, cancel the elections, and resign as head of the CG. A new, military-backed CG, headed by technocrat Fakhruddin Ahmed, was appointed the next day, and it soon announced plans to tackle endemic corruption and prepare for new elections (postponed to an unspecified date, probably no sooner than the end of 2008). Under emergency regulations, freedoms of assembly and association were suspended, and controls were placed on the media. All political activity was banned, including indoor meetings, marches, and rallies; in addition, the right to appeal for bail was suspended. The state of emergency was indefinitely extended after it initially expired in May, and most restrictions remained in place through year's end, although the ban on indoor political meetings was lifted in September.

While the "soft coup" was carried out partly within the constitutional framework, stopping short of martial law and leaving a civilian CG in nominal control, a creeping military influence extended over key institutions during the year. A new EC formed in February was seen as relatively nonpartisan, but it included a role for the army; it also immediately requested legislation that would make any criticism of it punishable as "contempt." In order to quell disunity within the armed forces and bolster the "soft coup" adherents against those who favored an outright military takeover, the tenure of army chief Moeen U Ahmed was extended in June, and a number of his supporters were moved to more influential positions. After antiarmy student demonstrations in August left several people dead and hundreds injured, the authorities closed universities in several cities; arrested students, teachers, and other intellectuals; temporarily shut down the internet and mobile-telephone network; and imposed curfews and other forms of media censorship. As the year progressed, economic hardship and continuing restrictions on basic rights fueled discontent with the CG.

As part of the new government's anticorruption drive, an Anti-Corruption Commission (ACC), headed by a former army chief, was formed in January 2007. An unprecedented number of high-level politicians and their business allies were soon arrested, including Zia's son, senior BNP leader Tarique Rahman, in March. Most were held indefinitely under emergency regulations as investigators examined alleged discrepancies between their assets and known income. A number of minor politicians, ministers, and businessmen were subsequently convicted by a special court, including Zia aide Harris Chowdhury in May and former state minister Amanullah Aman, who received a 13-year prison sentence, in June. Hasina was arrested in July, while Zia and her younger son, Arafat Rahman, were arrested in September. In total, about 200 high-profile suspects were awaiting trial by year's end. Although the government in November began efforts to remove executive influence from the judiciary as promised, observers warned that the measures, while positive, might not end the creeping politicization of the judiciary. There were also doubts that the judiciary could deal impartially with the new raft of corruption trials and other politically sensitive cases.

An election road map announced in June 2007 included the preparation of an updated voter list and plans for municipal elections to be held on a rolling basis

starting in early 2008. The EC made steady progress implementing the road map during the year, and in September it began talks with political parties aimed at spurring internal party reforms and leadership elections. However, its task was complicated by a split in the BNP between pro-Zia and reformist factions, each of which claimed to be the “real” BNP.

By year’s end, another long-simmering issue had come to the fore: suspected war criminals’ continued involvement in the political process. Of particular concern was the Jamaat-e-Islami, an Islamist party and member of the previous coalition government whose leaders and student wing played a well-documented role in atrocities against civilians during the 1971 war of independence. In an unusual display of unity, the BNP, AL, and other parties in December demanded that the EC ban “war criminals” from contesting the planned parliamentary elections, a step that, if taken, would indicate the CG’s willingness to end impunity for past crimes.

Political Rights and Civil Liberties

Bangladesh is not an electoral democracy due to the January 2007 postponement of national elections. A referendum held in 1991 transformed the powerful presidency into a largely ceremonial head-of-state position in a parliamentary system. Terms for the unicameral National Parliament and the president are both five years. Parliament is nominally composed of 345 members, of which 300 are directly elected, and 45 are women nominated by political parties based on their share of the elected seats and voted on by their fellow lawmakers. The 1996 polls were the first held under a constitutional amendment requiring a CG to oversee the election process. The most recent national elections, held in October 2001, were described as generally free and fair despite concerns over polling irregularities, intimidation, and violence. More than 140 people were killed during the campaign period, which was the country’s most violent to date. Elections scheduled for January 2007 were postponed due to widespread concerns that they would not be free and fair, as evidenced by widespread clashes, voter-list irregularities, and a biased EC.

Bangladeshi elections are typically hostile, polarizing events, and the losing side frequently resorts to boycotts and strikes to achieve its aims. The local nongovernmental organization (NGO) Odhikar reported that several dozen people were killed and more than 1,500 injured in election-related violence from October to December 2006. The government used emergency regulations to impose a total ban on political activity in March 2007, though this was partially lifted in September to allow “indoor politics” and closed-door meetings. Despite sweeping arrests of leaders and activists during the year, as well as unsuccessful attempts to exile the two party leaders, the AL and BNP retain widespread popularity and have not been marginalized from the political process.

Endemic corruption and criminality, weak rule of law, limited bureaucratic transparency, and political polarization have traditionally undermined government

accountability. Boycotts by both major parties while in opposition have regularly crippled the legislative process, and Parliament effectively ceased to function for much of its last term. The two parties have also maintained links to criminal networks. An ACC launched in 2004 was authorized to conduct investigations and try cases in special courts, but it never achieved political or financial independence. This changed dramatically in early 2007, when the new government promised a crackdown on political corruption and reconstituted the ACC. In a campaign that targeted political parties and their networks but did not include the army, dozens of suspects were arrested and held pending trial. Bangladesh was ranked 162 out of 180 countries surveyed in Transparency International's 2007 Corruption Perceptions Index.

An already threatening environment for the media deteriorated further following the imposition of the state of emergency in January 2007. Immediately following the emergency declaration, television channels were asked to broadcast news produced by the state-run BTV, and all media were requested to refrain from any criticism of the authorities. The Emergency Powers Rules, announced in late January, restricted coverage of sensitive topics, allowed censorship of print and broadcast outlets, criminalized "provocative" criticism of the government, and imposed penalties, including up to five years in prison and hefty fines, for violations. In February and March, a number of journalists were detained or charged with defamation. Sedition charges were dropped against seven journalists in May, but Salah Uddin Shoaib Choudhury, who was first arrested in 2003, still faces sedition, treason, and blasphemy charges. In September, cartoonist Arifur Rahman was jailed, ostensibly for 30 days, for allegedly insulting Islam through a cartoon depicting a cat named Mohammad. The newspaper that published the cartoon faced protests and temporary suspension; its editors were forced to issue an apology, and Rahman remained in prison at year's end.

There was occasional censorship of publications throughout the year, such as the ban on an edition of the regional journal *Himal Southasian* in May. However, in general the print media were allowed more leeway than broadcasters and new media, particularly private television channels that provide 24-hour news coverage. During and following the student-led protests in August, authorities switched off mobile-phone networks and routed all internet traffic through the state telecommunications company (leading to a temporary slowdown or shutdown of the internet), asked television channels not to broadcast images of the riots or air live talk shows, and assaulted and detained dozens of journalists. In September, the new 24-hour news channel CSB, owned by a former lawmaker and businessman who was detained as part of the government's anticorruption crackdown, was shut down on a technicality after airing coverage of the August unrest. Journalists reported an increase in threatening phone calls from intelligence agencies seeking to prevent critical coverage.

Journalists are regularly harassed and attacked with impunity by organized crime groups, party activists, the authorities, and Islamist groups. Reporters who expose

official corruption are particularly vulnerable. In May 2007, journalist Tasneem Khalil, who worked for the *Daily Star* as well as U.S.-based CNN and Human Rights Watch, was detained, tortured, and threatened by the Directorate General of Forces Intelligence (DGFI). After international pressure helped secure his release, Khalil sought asylum in Sweden. Many journalists practice self-censorship when reporting on sensitive topics.

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 and remain underrepresented in politics and state employment. In recent years, minorities have experienced an increase in both general intolerance and attacks. Two Islamist parties were members of the last coalition government, and both the AL and BNP have made alliances with Islamist groups for political reasons. As documented by a 2005 Human Rights Watch report, the 100,000-strong Ahmadiyya sect, which is considered heretical by some mainstream Muslims, has faced increased attacks in the last several years from Islamist groups, including killings, beatings, assaults on Ahmadiyya mosques and homes, and economic and educational boycotts. Anti-Ahmadiyya extremist groups such as the Khatme Nabuwat Andolon Bangladesh have demanded that the state declare Ahmadis to be non-Muslims, but the government has not bowed to such pressures and generally acts to protect Ahmadis.

While authorities largely respect academic freedom, research on sensitive political and religious topics is discouraged, according to the U.S. State Department's 2006 human rights report. Political polarization at many universities inhibits education and occasionally leads to clashes between students and security forces. In recent years, a number of professors with secular views have been harassed or even killed by suspected Islamists. Following antiarmy demonstrations by students in August 2007, authorities closed universities in six cities and arrested a number of students and professors on charges of inciting rioters.

The constitution provides for freedom of assembly, but the government frequently limits this right in practice. Demonstrators are occasionally killed or injured during clashes with police. Numerous world-class NGOs operate in Bangladesh and meet basic needs in fields such as education, health care, and microcredit. However, those perceived to have a political bias or to be overly critical of the government, particularly on human rights issues, are subject to intense official scrutiny and occasional harassment. A 2005 Amnesty International report noted that at least eight human rights defenders have been assassinated since 2000, and that many others have been injured or threatened by criminal gangs or party factions. Others have faced arbitrary arrest and torture by the authorities.

Labor union formation is hampered by a 30 percent employee-approval requirement and restrictions on organizing by unregistered unions. Employers can legally fire or transfer workers suspected of union activities. The law bars many

civil servants from joining unions; these workers can form associations but are prohibited from bargaining collectively. As with other rights, labor rights were restricted under the 2007 emergency regulations.

The Supreme Court displays “some independence” and often rules against the executive, according to the U.S. State Department’s human rights report. However, the Economist Intelligence Unit, the International Crisis Group, and others have reported that the judiciary is increasingly politicized, noting that there are politically appointed judges at every level and that the executive frequently meddles directly in lower-court decisions. Corruption is also a problem. Judges have faced increased death threats and attacks from Islamist groups advocating the introduction of Islamic law; the JMB killed two judges in Jhalakathi in November 2005. A 1999 Supreme Court directive ordered the separation of the judiciary from the executive, and unlike previous governments, the CG installed in January 2007 made this reform a priority. In November, the power to appoint judges and magistrates was transferred from the executive branch to the Supreme Court.

The judicial system is severely backlogged, pretrial detention is lengthy, and many defendants lack counsel. The indigent have little access to justice through the courts. 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 illegally held in prisons in contravention of the 1974 Children’s Act. Prisoners are routinely subjected to unwarranted arrest and detention, demands for bribes, and physical abuse (including torture) at the hands of law enforcement officials. Torture is routinely used to extract confessions and intimidate political detainees. Authorities often detain thousands of political opponents and ordinary citizens (particularly prior to planned political agitation) and use serial detention to prevent releases. A climate of impunity has been exacerbated by the state of emergency, which empowers and reduces oversight of the various security forces. Instances of arbitrary detention, torture, and death in custody have continued under emergency rule, according to watchdog groups.

Abuse by the authorities is 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. In April 2004, a court ruling directed the government to amend certain sections of the code within six months, but the order was not acted upon. While Bangladesh does not yet have a national human rights commission, the CG approved an ordinance to set up such a panel in December 2007.

Faced with a deteriorating law and order situation, the government deployed nearly 40,000 army personnel in a 2002 anticrime drive dubbed Operation Clean Heart. Officials in 2004 formed the paramilitary Rapid Action Battalion (RAB), composed of some 4,500 members of the armed forces and police. In 2006, the RAB was expanded and currently comprises 12 regional battalions. Although

initially popular, the RAB and other units engaged in anticrime campaigns have been criticized for excesses like extrajudicial executions, whether in custody or during supposed shootouts. According to local rights watchdog Odhikar, 184 people were extrajudicially killed by law enforcement agencies in 2007, with about half of the deaths attributed to the RAB.

Islamist militant groups were severely weakened by the 2006 crackdown that followed a spate of attacks in late 2005, although a group that made statements against Ahmadis and NGOs carried out a series of nonfatal bombings at railway stations in May 2007. The primary aim of most Islamist groups—though their tactics vary—is the imposition of Islamic law (Sharia). Many also support religious schooling, the veiling of women, and an end to “un-Islamic” practices such as celebrating traditional festivals and watching movies. The government also struggles to contain a Maoist movement in the north that is connected to the banned Purbo Bangla Communist Party. Casualties from clashes involving leftist militants declined in 2007, according to the South Asia Terrorism Portal, with several dozen militants and fewer than 10 civilians killed.

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 in the CHT that had sought autonomy for indigenous tribes and resulted in the deaths of 8,500 soldiers, rebels, and civilians. However, as documented by the Asian Centre for Human Rights, the terms of the accord have not been fully implemented, tribal inhabitants continue to be forced off their land to make way for army camps, and refugees have been unable to reclaim their land upon return to the CHT. The security forces have also been implicated in additional human rights violations, including the suppression of protests and the arrest of political activists on spurious charges. Two tribal leaders were reportedly detained and tortured in March 2007 after protesting the eviction of tribal families from their land. Indigenous people remain subject to physical attacks and property destruction by Bengali settlers, according to Amnesty International. Land rights for the Hindu minority continue to be tenuous despite the annulment of the discriminatory Vested Property Act.

Roughly 260,000 ethnic Rohingyas fleeing forced labor, discrimination, and other abuses in Burma entered Bangladesh in the early 1990s; some 28,000 refugees and 200,000 other Rohingyas not formally documented as refugees remain in the country. Bangladesh also hosts in camps some 300,000 non-Bengali Bihari Muslims who were rendered stateless at independence in 1971; many had initially sought repatriation to Pakistan.

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 rape cases from reaching the courts. Police also accept bribes not to

register rape cases and rarely enforce existing laws protecting women. The Acid Survivors Foundation (ASF), a local NGO, recorded 154 acid attacks from January to September 2007; they affected 187 victims, most of them women. While investigation of acid-related crimes remains inadequate, the police have taken some steps to improve enforcement, and attacks have steadily declined since the passage of the Acid Crime Prevention Act in 2002.

Under the legal codes pertaining to Muslims, women have fewer divorce and inheritance rights than men. In rural areas, religious leaders occasionally issue *fatwas* (religious edicts) that impose flogging and other punishments on women accused of violating strict moral codes. Women also face some discrimination in health care, education, and employment. They remain underrepresented in government, although a 2004 constitutional amendment reserves 45 parliamentary seats for women. Trafficking in both women and children remains extensive, but the government has taken steps to raise awareness and to prosecute traffickers more vigorously. Child labor is widespread.