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Freedom in the World - Bangladesh (2007)

Population:
146,600,000

Capital:
Dhaka

Political Rights Score: 4
Civil Liberties Score: 4
Status: Partly Free

Overview

Bangladesh continued in 2006 to grapple with lawlessness, widespread corruption and criminality, and a somewhat diminished Islamist threat, while being wracked by growing political polarization in anticipation of elections scheduled for January 2007. After a heightened campaign of bombings and other forms of intimidation by Islamist groups in late 2006, the government initiated a crackdown in early 2007 that culminated in the arrest and conviction of two primary militant leaders. The opposition Awami League (AL), which remains marginalized within parliament, relies on national strikes and other forms of protest to press for its main demands, which, in preparation for the forthcoming elections, included the reform of the caretaker government system and the Electoral Commission. For its part, the coalition government led by the Bangladesh Nationalist Party resisted giving in to these demands until massive demonstrations in late October, in which several dozen protestors were killed, forced it into compromise. The president assumed control of the caretaker government, charged with overseeing elections, but by year's end the primary AL demands of a neutral interim government and election commission, as well as a clean voters' list, had not been wholly met, and uncertainty clouded the prospects for elections scheduled for January 22, 2007.

With the partition of British India in 1947, what is now Bangladesh became the eastern part of the newly formed state of Pakistan. Bangladesh won independence from Pakistan in December 1971, after a nine-month war during which Indian troops helped defeat West Pakistani forces stationed in Bangladesh. The 1975 assassination of Prime Minister Sheikh Mujibur Rahman by soldiers precipitated 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, General H. M. Ershad, after weeks of prodemocracy demonstrations. Elections in 1991 brought the Bangladesh Nationalist Party (BNP) to power under Khaleda Zia.

The 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 relatively little on domestic policy; many disputes reflect the personal animosity between Hasina, the daughter of independence leader Sheikh Mujibur Rahman, and Zia, the widow of former military ruler allegedly complicit in Mujibur's assassination. The AL boycotted the February 1996 elections, which the BNP won, but then forced Zia's

resignation in March and triumphed in elections held in June. The BNP also mark 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 four-party coalition, dominated by the BNP and including two Islamist parties—the Jamaat-e-Islami and the Islami Oikyo Jote—was sworn into power with a convincing majority of 214 of the 300 seats in Parliament. The AL initially refused to accept the election results and since then has intermittently boycotted Parliament as well as regularly organizing nationwide *hartals* (general strikes) and other forms of protest action to pressure the government on various issues.

The level of political violence has remained high and has increased since August 2004, when a series of grenades exploded at an AL rally in Dhaka, nearly killing Hasina and leaving 22 people dead and hundreds injured, including several top party leaders. Although the government appointed an independent commission to investigate the attacks, the commission's impartiality was called into question as the perpetrators of the bombings have not yet been brought to justice. In January 2005, another grenade attack at an AL rally left five people dead, including senior party leader Shah A. M. S. Kibria.

Recent years have also seen growing levels of general lawlessness, as well as insecurity and violence caused by Islamist extremist groups. Many of these groups advocate the imposition of Islamic law and have threatened to kill government ministers as well as judges and lawyers, civil society activists, and journalists in order to achieve this aim. They are widely believed to be behind a number of bombings, attacks, and other instances of harassment over the past several years. Two of the largest—the Jamiat-ul-Mujahideen Bangladesh (JMB) and the Jagrata Muslim Janata Bangladesh (JMJB)—were banned in February 2005 and hundreds of activists were arrested, but the government remained otherwise reluctant to admit that these groups posed a significant threat. However, their spread and influence became impossible to ignore when, in August 2005, nearly 500 small bombs were simultaneously detonated in 63 out of Bangladesh's 64 districts, targeting prime government buildings, courts, and press clubs. Suspects arrested after the attack confirmed that the highly coordinated blasts were the work of the JMB, which had left leaflets at the scenes of some blasts. Further bomb attacks on judges and courthouses, in which several judges were killed, took place in November 2005, and Bangladesh's first suicide attack occurred in December.

In response, the government initiated a serious crackdown in early 2006 that culminated in the arrest of Shaikh Abdur Rahman, head of the JMB, and Siddiquil Islam (more popularly known as Bangla Bhai, or "Bengali brother"), head of the JMJB, in early March. Approximately 800 members of the two groups were also detained. In May, these two men, as well as several other JMB leaders, were sentenced to death for their role in masterminding the 2005 attacks; these sentences were upheld on appeal to the Supreme Court. Although officials then declared that the Islamist threat had been contained, some analysts remain skeptical, noting that other militant groups continue to operate, and that the presence of Islamist parties in the coalition government leads to a certain level of

tolerance for their activities.

Much of the focus in the latter half of 2006 was on the forthcoming general elections, scheduled for January 2007. This issue has proved to be as contentious as many others, with the two parties unable to reach consensus on key points, which led to heightened levels of political tension and violence during the year. Since 2005, one of the main demands of the AL and its allies is that Bangladesh' unique "caretaker government" (CG) system, by which a neutral, nonparty, temporary government organizes each parliamentary election, be reformed. The AL alleges that the BNP has actively tried to subvert the neutrality of the CG by ensuring that K. M. Hasan, a former chief justice of the Supreme Court and a former BNP member, was placed to assume the role of head of the CG. It is also raised concerns regarding the conduct and impartiality of the Election Commission (EC) and the preparation of a new voter list, alleging, as have journalists and international observers, that the revised list had been padded, with approximately 8 percent of the voter names being fabricated. (In February 2005, the commission ignoring a Supreme Court order, decided to draw up a new voter list, which was later declared invalid after the initial legal ruling was upheld.) The AL placed its electoral reform proposals before Parliament in February, but when these were ignored, it then stepped up its program of street agitation, calling a 36-hour strike in June, and threatening to boycott the elections if its demands were not met.

Meanwhile, the BNP strengthened its position heading into the elections through an alliance made in August with the third largest parliamentary force, former disgraced dictator General Ershad's Jatiya Party. Ershad had previously spent time in prison on corruption charges and is currently free on bail with 17 further charges pending against him; these were dropped shortly before the BNP-led government term expired on October 27.

As the BNP ceded power, continuing disagreements over the proposed head of the CG led to three days of violent rallies at the end of October during which at least 20 people died and dozens more were injured. When Hasan withdrew, President Iajuddin Ahmed appointed himself "chief adviser" or head of the CG, a move initially accepted by the AL, which gave him several weeks to prove his neutrality. After he failed to perform to their satisfaction, the AL accused him of partisanship and challenged his appointment on the grounds that in his dual role, excessive power was concentrated in his hands. They also began a nationwide transport blockade in order to force the resignation of the head of the EC, which occurred November 23, although he was replaced by only a marginally less divisive figure. Further opposition-led agitation continued through year's end in order to protest the conduct of the EC as well as the still problematic voters' list.

In late November, the AL's legal challenge to the president's actions was stayed by the chief justice of the Supreme Court, leading to riots outside the building and demonstrations for many of the fact that the higher judiciary had also become impossibly politicized. On December 9, President Ahmed ordered that the army be deployed to help maintain law and order, although it was later placed on standby. Demonstrations around the presidential palace were banned. As Bangladesh headed for elections scheduled for January 22, the political situation remained highly polarized and precarious, while observers speculated that the army might

eventually intervene in order to stabilize the situation.

Political Rights and Civil Liberties

Bangladesh is an electoral democracy. 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 prime minister are both for five years. Parliament is composed, since 2004, of 345 members, of which 300 members are directly elected, and 45 are female candidates who are nominated by political parties and indirectly elected by other members of Parliament. The 1996 vote was the first under a constitutional amendment requiring a CG to conduct elections. 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 throughout the campaign period in what was Bangladesh's most violent election to date.

Political power regularly changes hands, and elections are polarizing events that are competitive and bitterly fought. The winning side often sees little need to build consensus, while the losing side frequently resorts to boycotts, strikes, and demonstrations in order to achieve its aims. In recent years, political violence during demonstrations and general strikes has killed hundreds of people in major cities and injured thousands, and police often use excessive force against opposition protesters. Party leaders are also targeted; in September 2006, five AL leaders were beaten severely during street protests and sustained serious injuries. Local nongovernmental organizations (NGOs) reported that more than 300 people were killed and almost 9,000 were injured in politically motivated violence in 2006. Student wings of political parties continue to be embroiled in violent campus conflicts.

Endemic corruption and criminality, weak rule of law, limited bureaucratic transparency, and political polarization have combined to undermine government accountability. Both major parties—the BNP and the AL—have undermined the legislative process through lengthy parliamentary boycotts while in opposition, and Parliament remains a weak institution; for much of 2006, it had effectively ceased to function. Minority groups are underrepresented in Parliament. An Anti-Corruption Commission, which is authorized to conduct investigations and try corruption cases in special courts, was launched in November 2004. However, critics remain concerned that the new body is not truly independent, either politically or financially. *The Financial Express* noted in August 2005 that election financing was a major source of political corruption. Criminality pervades politics particularly at the local level, with both major parties maintaining links to criminal networks in order to extend their hold on power. Bangladesh was ranked 156 out of 163 countries surveyed in Transparency International's 2006 Corruption Perceptions Index.

Despite legal provisions for freedom of speech, media continue to face a number of pressures, the most striking of which is the high level of violence directed against members of the press and the impunity enjoyed by those who attack them. Journalists are regularly harassed and violently attacked by a range of actors

including organized crime groups, political party activists, government authorities, the police, and Islamist groups. Reporter Bellal Hossain Dafadar was murdered in September 2006, and numerous others received death threats or were physically assaulted. Many journalists practice self-censorship when reporting on topics such as corruption, criminal activity, the rise of Islamic fundamentalism, or human rights abuses. The case of journalist and writer Salah Uddin Shoaib Choudhury, who was arrested in 2003, charged with sedition, and spent 17 months in jail before being released on bail in 2005, remained open throughout 2006 as he awaited trial. Choudhury also received death threats, and in July the offices of his magazine were bombed. Although the print media are diverse and opinionated, the state owns most broadcast media, whose coverage favors the ruling party. Political considerations influence the distribution of government advertising revenue and subsidized newsprint upon which most publications depend. Access to the internet is generally unrestricted.

Islam is the official religion. Religious minorities have the right to worship freely but face societal discrimination and remain underrepresented in politics and government employment. Recent years have seen an increase in both general intolerance and attacks by Islamist groups against members of religious minorities, Muslim sects, and secular Muslims. Violence against the Hindu minority flared after the 2001 elections, when BNP supporters attacked Hindus because of their perceived support for the rival AL party. Atrocities, including murder, rape, kidnapping, and destruction of property, forced hundreds of Hindus from their homes, some across the border into India. Hindus (who comprise approximately 16 percent of the population) and other smaller religious minorities, such as Buddhists and Christians, continue to face occasional harassment and violence at the hands of Islamist groups.

In the last several years, according to a June 2005 Human Rights Watch report, the 100,000-strong Ahmadiyya Muslim sect, which is considered heretical by some mainstream Muslims, has also faced increased attacks from Islamist groups, including attacks on Ahmadiyya mosques and homes, as well as killings, beating and economic and educational boycotts of Ahmadiyyas. Anti-Ahmadiyya extremists have publicly demanded that the government declare Ahmadiyyas to be non-Muslims, but the government has not bowed to such pressures. In January 2004 the government announced a ban on the publication and distribution of the sect's publications, but this order was suspended by the Supreme Court in December 2004. In June 2006, an anti-Ahmadiyya group, Khatme Nabuwat Andolon Bangladesh, announced its intention to hold a series of hartals near Dhaka in order to force the government to make such a declaration, but the police effectively prevented the protestors from carrying out their program, and were generally more proactive regarding the protection of Ahmadiyyas and their mosques during the year. In August, the government announced plans to recognize the religious degrees awarded by private religious schools, or *madrassas*, with the intention of increasing job prospects for graduates, as well as increasing government control over the curriculums at such institutions.

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, which occasional

erupts into protests and clashes between students and security forces, inhibits the ability of some students to receive an education. In recent years, a number of professors who espouse secular views or advocate the separation of religion and politics have been harassed, threatened, attacked, or killed by suspected Islamists. In an August 2006 case, Hasan Azizul Huq of Rajshahi University received death threats from a group affiliated with the student wing of the Jamaat-e-Islami political party.

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 fulfill a wide variety of basic needs in fields such as education, health care, and microcredit programs. However, those that are perceived to have links to the opposition or that criticize the government, particularly on human rights issues, such as Prosh and the PRIP Trust, have been subject to intense official scrutiny and harassment since the 2001 elections.

A 2005 Amnesty International report noted that at least eight human rights defenders have been assassinated since 2000, and that numerous others have been injured or subjected to other threats from attackers linked to criminal gangs or the armed factions of political parties. Others have been subjected to arbitrary arrest and detention at the hands of authorities in retaliation for expressing their views, and some have been tortured or otherwise mistreated while in custody. In February 2005, two social development NGOs were firebombed by suspected Islamist groups, with at least eight workers injured, according to a BBC report.

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 prohibits many civil servants from joining unions; these workers can form associations but are prohibited from bargaining collectively. In May, protests by thousands of garment workers over pay and working conditions turned violent, with workers setting fire to factories and bringing the industry to a standstill.

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 judiciary has become increasingly politicized, according to reports from the Economist Intelligence Unit, the International Crisis Group, and others, who note that there are politically appointed judges at every level and that the executive frequently meddles directly in lower court decisions. Corruption is also an issue. The government continues to delay implementing the separation of the judiciary from the executive as ordered by a 1999 Supreme Court directive. Judges have faced increased death threats and attacks from Islamist groups who advocate the introduction of Islamic law, which culminated in the killing of two judges in Jhalakathi by the JMB in November 2005.

The judicial system is severely backlogged, and pretrial detention is lengthy. Many defendants lack counsel, and poor people have limited recourse 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 detained 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. The majority of police abuses have traditionally gone unpunished, which has contributed to a climate of impunity. However, a recent report by the Ministry of Home Affairs noted that over the past several years, nearly two-thirds of the 117,000-strong police force had been disciplined, and 71 officers had been sacked for offenses ranging from corruption to abuse of power.

Many of these forms of abuse are facilitated by the existence of legislation such as the 1974 Special Powers Act, which permits arbitrary detention without charge, and Section 54 of the Criminal Procedure Code, which allows individuals to be detained without a warrant. Authorities regularly detain thousands of political opponents and ordinary citizens (particularly prior to planned political agitation) and use serial detentions to prevent the release of political activists. Amnesty International has highlighted a continuing pattern of politically motivated detentions, noting that senior opposition politicians and academics, journalists, and human rights activists critical of government policies are particularly at risk of prolonged detention and ill-treatment in custody. In April 2004, the high court directed the government to amend certain sections of the code within six months, but this directive has not yet been acted upon. Unlike many of its South Asian neighbors, Bangladesh does not yet have a national human rights commission, which could help address rights abuses.

Faced with a continuing deterioration in law and order, in October 2002 the government deployed nearly 40,000 army personnel as part of "Operation Clean Heart," an anticrime drive in which more than 45,000 people were detained, over 40 of whom died in police custody. Legislation passed in February 2003 granted members of the security forces immunity from prosecution in civilian courts for abuses committed during the operation. Further efforts were made to tackle criminal activity with the 2004 deployment of the Rapid Action Battalion (RAB), an elite unit composed of approximately 4,500 members of the armed forces and police. Although these policies were initially popular among Bangladeshis weary of rising crime rates and a general climate of impunity for criminals, both domestic and international groups criticized the police and army for excesses committed during their operations, particularly the RAB's record on extrajudicial executions, either in custody or in shootout battles. According to the U.S. State Department's 2005 human rights report, 396 alleged criminals died in 2005 at the hands of law enforcement agencies, including the RAB, with 340 of these deaths attributed to "crossfire." In 2006, the RAB was expanded and currently comprises 12 regional battalions.

A number of Islamist militant groups operate throughout the country and occasionally carry out bombings and other attacks. After several dozen civilians were killed in such attacks during the last three months of 2005, the government implemented a crackdown in early 2006 that severely weakened these groups. Although they continue to operate, attacks by Islamists dramatically decreased in 2006. The primary aim of most groups—though their tactics vary—is the imposition of Islamic law (Sharia), with many also supporting the spread of madrasa education, 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 northern Bangladesh that is connected to the banned Purbo Bangla Communist Party. Clashes between militants and police in which civilians were also killed led to the deaths of more than 130 people during the year, according to data compiled by the South Asia Terrorism Portal.

Tribal minorities have little control over land issues affecting them, and Bengali-language settlers continue to illegally encroach upon tribal lands in the Chittagor 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 had 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 the construction of army camps, and refugees have been unable to reclaim possession of their lands upon return to the CHT. The security forces have also been implicated in a range of additional human rights violations, including the suppression of protests and the arrest and detention of political activists on spurious charges. Indigenous people also remain subject to attacks, including killings, rapes, and the destruction of houses and other property, from Bengali settlers, according to Amnesty International.

Roughly 260,000 ethnic Rohingyas fleeing forced labor, discrimination, and other abuses in Burma entered Bangladesh in the early 1990s; some 22,000 Rohingya refugees and 100,000 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 of whom 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 165 acid attacks from January to November 2006, affecting 204 victims, with the majority being carried out against women. While investigation of acid-related crimes remains inadequate, the police have taken some steps to more vigorously prosecute offenders. Under the stringent Acid Crime Prevention Act of 2002, 32 people were convicted for acid attacks in 2005, according to ASF, and the 2006 statistics represent a decline from the previous year.

Under the legal codes pertaining to Muslims, women have fewer divorce rights than men, and female heirs do not inherit equally with their male counterparts. 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 and are underrepresented in politics and government. However, in May 2004, Parliament amended the constitution to provide for 45 seats reserved for women in parliament. Trafficking in both women and children remains extensive, though the

government has taken steps to raise awareness and to prosecute traffickers somewhat more vigorously. Child labor is widespread.