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## USCIRF Annual Report 2011 - Additional Countries Closely Monitored: Bangladesh

*[Covers April 1, 2010 to March 31, 2011]*

USCIRF placed Bangladesh on the Watch List from 2005 to 2008. The placement of Bangladesh on the Watch List was due to past election-related violence targeting religious minorities and the then-government's failure to investigate or prosecute perpetrators of such violence; attacks by Islamist extremists on the country's secular judicial system, civil society, and democratic political institutions; religiously-motivated threats to freedom of expression to discuss sensitive social issues; the seizure of Hindu-owned property and continued failure to restore such properties or to reimburse the rightful owners; and the greater vulnerability of members of religious minority communities, particularly women, to exploitation or violence.

In December 2008, free and fair elections restored democratic governance to Bangladesh, after two years of a military-backed caretaker regime. The 2008 elections brought to power the Awami League, considered the most secular and favorably disposed toward minority rights among Bangladesh's major political parties, and were free of the anti-minority violence that had followed previous elections. Soon thereafter, new Prime Minister Sheikh Hasina made a public commitment that her government would repeal all laws that discriminate against members of minority communities, ensure freedom of expression for members of all religious communities, and uphold equality of opportunity and equal rights for all citizens. Due to these positive developments, USCIRF removed Bangladesh from its Watch List in 2009.

Following independence from Pakistan in 1971, Bangladesh was established as a secular state in which national identity was based on Bengali language and culture. The 1972 constitution established a secular state and guaranteed freedom of religion and conscience and equality before the law. Other provisions banned "all kinds of communalism," the misuse of religion for political purposes, and the forming of groups that "in the name of or on the basis of any religion has for its object or pursues a political purpose." Subsequent military regimes removed these provisions, made Islam the state religion, and made "absolute trust and faith in Allah" one of the fundamental principles of state policy and "the basis for all [government] actions."

In October 2010, Bangladesh's High Court declared that the 1972 Constitution would be restored, though as of this writing it is unclear whether this has taken effect. The 1972 Constitution espouses secularism, democracy, socialism, and nationalism as the political philosophy of the country and has no reference to Islam as the state religion. This ruling could provide a legal basis for banning existing Islamist political parties, even those that espouse achieving Islamist goals through democratic means. However, Prime Minister Sheikh Hasina has stated publicly that while secularism will be restored to the Constitution, Bangladesh will remain an Islamic state. Further, she has publicly stated that the ban on religious parties will not strictly be enforced. It is unclear if she meant that, as a Muslim majority country, Bangladesh will always be an Islamic state even if the Constitution does not recognize it as such, or that Islam would play some other role in Bangladesh's economic, political, and social make-up through a different legal mechanism.

Since 2008, the Awami League government has initiated a number of steps affecting freedom of religion or belief. The Awami League government included three non-Muslims among 38 ministerial positions. Members of minority communities also were appointed to other senior government and diplomatic positions. Currently, non-Muslims hold significant positions in both the judiciary and ministerial offices. There is a non-Muslim judge serving in the appellate division of the Supreme Court. Also, the ministerial offices of Cultural Affairs, Chittagong Hill Tract Affairs, Telecommunications, Fisheries and Live Stock, and the Environment are all

directed by non-Muslims. However, religious minorities are underrepresented in elected political offices, including the national parliament.

Since the Pakistan era, The Vested Property Act (VPA) has allowed the majority population to seize Hindu-owned land. The VPA's implicit presumption that Hindus do not belong in Bangladesh contributes to the perception that Hindu-owned property can be seized with impunity. In January 2010, Bangladesh's National Assembly began consideration of government-backed legislation on this issue and minority-group representatives were permitted to express their concerns in testimony before parliament. USCIRF welcomed this development in a public statement urging the government to consult legal scholars and representatives of the affected communities in order to devise remedies for past abuses and prevent further property seizures based on the owners' religious affiliation. By late November 2010, the Bangladeshi cabinet had approved the Vested Property Return (Amendment) Act. However, as of December 2010, the Land Minister had tabled an amendment in parliament, and the proposed legislation was on hold.

The proposed legislation calls for a list of all "restorable" vested property to be produced and reported in all districts. Once the list is reported to the public, all claimants have 90 days to file property rights claims to their district committees, and in return the committees have 45 days to review claims and make recommendations to deputy commissioners, who then must make a decision within 30 days of receipt of the recommendation. If denied, a claimant has 30 days to appeal the decision. Many Hindu communities and NGOs, however, believe the definition of "restorable" vested properties is unclear and will include only a small portion of the properties seized since 1965. Also, according to representatives of the Bangladesh Hindu, Buddhist, and Christian Unity Council, USA, the draft law allows for the confiscation of property from Hindus if they have not lived continuously in Bangladesh since 1965, but does not place the same restriction on Muslims.

In December 2009, the government established a three-member official judicial commission to investigate the violence, primarily against Hindus, that followed the October 2001 elections. The commission members (former district judge Muhammad Shahabuddin, Deputy Secretary of the Home Ministry Manwar Hossain Akand, and Additional Deputy Inspector-General of Police Meer Shahidul Islam) reportedly received approximately 5,500 allegations of violence. They conducted field interviews, collected data from six states, requested information from political figures and human rights and other civil society groups, and held several public meetings. After several extensions of the original four-month timeframe for the completion of its work, the commission submitted its final report to the Home Ministry in late January 2011, according to media reports. A public release was expected in February 2011, but had not happened as of this reporting.

The government has continued the process, begun under the previous caretaker government, of establishing a National Human Rights Commission. The Ministry of Religious Affairs also continues to support funds for religious and cultural activities, including for Hindu and Buddhist minorities. The Christian community has rejected government involvement in their religious affairs. The government also helped support the Council for Interfaith Harmony-Bangladesh, which is an organization that promotes interfaith dialogue and understanding among various communities in Bangladesh.

Members of ethnic minority communities, mostly tribal peoples in the north and in the east, are often non-Muslim. The most serious and sustained conflict along ethnic and religious lines has been in the Chittagong Hill Tracts (CHT), an area with a high concentration of non-Bengali, non-Muslim indigenous peoples. Resentment among members of indigenous groups remains strong over settler encroachment on traditional tribal lands, human rights abuses by the Bangladeshi military, and the slow, inconsistent implementation of the 1997 CHT Peace Accords. Muslim Bengalis, once a tiny minority in the CHT, now reportedly equal or outnumber indigenous groups. The CHT conflict began in the 1970s when the minority community protested that the government of Bangladesh recognized only Bengali culture and language and considered only ethnic Bengali citizens of Bangladesh, thereby denying indigenous ethnic groups citizenship. Although the current Prime Minister declared after taking power that her government would keep past commitments to the predominantly non-Muslim indigenous peoples of the CHT region, the government has not enforced the CHT Accords and has not ensured that all members of all tribal communities are afforded the full rights of Bangladeshi citizenship.

Bangladesh's small Ahmadi community of about 100,000 has been the target of a campaign to designate them as "non-Muslim" heretics. In January 2004, the then-government, led by the Bangladesh Nationalist Party (BNP) in coalition with Jamaat-e-Islami Bangladesh and a smaller Islamist party, banned the publication and distribution of Ahmadi religious literature. Since then, the ban has not been enforced, although it has never been officially rescinded. Also, violence against Ahmadis has diminished in recent years due to improved and more vigorous police protection, although in August 2010, 40 Ahmadis were attacked and seriously injured by a group of Islamists in the Tangail district. In February 2011, Bangladeshi Ahmadis were prevented from holding their annual convention in the Gazipur district. The group had received advance official permission to hold the three-day event, but police shut it down on the first day based on a provision in the Code of Criminal Procedure that allows local people to object to an event based on public order concerns.

The government's appointments, public statements, and actions have given increased confidence to members of religious minority communities. For the last two years, Bangladesh has generally been free of the extremist violence that had escalated earlier in the decade. Also,

© UNHCR for the second year in a row the State Department's 2010 *Annual Report on International Religious Freedom* on Bangladesh states that societal abuses and discrimination have declined significantly. Nevertheless, incidents of harassment and violence against religious and ethnic minorities and women continue to occur, and the judiciary and police officials are often ineffective in upholding law and order. They also are sometimes slow to assist victims, especially at the local level, because they can be vulnerable to corruption, intimidation, and political interference.

While Bangladesh's High Court has ruled that the issuing of *fatwas* ordering punishments for activities deemed un-Islamic is illegal, the case of Hena Akhter indicates that women are still vulnerable to the religious edicts. In January 2011, a local imam and six local religious leaders in the Shariatpur district issued a fatwa against Ms. Akhter for having an illicit affair with a married man, who was also her cousin, and ordered 101 lashes. The fatwa was issued despite the fact that her family had filed a claim with the local police that Ms. Akhter was raped and did not have an affair with the man. Nonetheless, the fatwa was carried out, and Ms. Akhter was lashed with a wet cloth twisted into a rope. Reportedly, Ms. Akhter collapsed unconscious after approximately 50 lashes. She died of her injuries 11 days later.

Following Ms. Akhter's death two autopsies were done, with the second autopsy concluding that she died from internal bleeding and septicemia caused by wounds "of a homicidal nature." The imam and the six local religious leaders that issued the fatwa and assaulted Ms. Akhter have been arrested and charged with her murder. The man accused of raping Ms. Akhter has also been arrested and charged.

The Constitution of Bangladesh provides the right to profess, practice, or propagate all religions, but that right is made subject to law, public order, and morality. In what appears to be an isolated case, in February 2011, Biplob Marandi was arrested and sentenced to one year in prison for "creating chaos at a religious gathering" by selling and distributing Christian religious literature. However, in late March, a district court judge exonerated Marandi of the charge and ordered his release.

Recently, Bangladesh has taken a positive step in reforming its school curriculum. In May 2010, Bangladesh introduced the National Education Policy. The new policy aims to streamline the primary and secondary general, *madrassas*, and vocational education system. The reforms also aim to create a secular environment that allows all religious groups to learn their own religions, and to teach social and moral values of tolerance and mutual respect to promote a pluralistic society.

Despite improvements, the government of Bangladesh nevertheless continues to show weaknesses in protecting human rights, including religious freedom, and religious extremism remains a threat to the rule of law and democratic institutions. Based on these concerns, USCIRF continues to recommend that the U.S. government encourage the government of Bangladesh to take action on the following issues and ensure consistent implementation: investigate and prosecute to the fullest extent of the law perpetrators of violent acts against members of religious minority communities, women, and non-governmental organizations promoting international human rights standards; repeal the Vested Property Act and commit to restoring or providing compensation for properties seized, including to the heirs of original owners; rescind the 2004 order banning Ahmadi publications, and ensure adequate police response to attacks against Ahmadis; enforce all provisions of the Chittagong Hill Tracts Peace Accords and ensure that members of all tribal communities are afforded the full rights of Bangladeshi citizenship; ensure that the National Human Rights Commission is truly independent, adequately funded, inclusive of women and minorities, and given a broad mandate that includes freedom of religion or belief; include in all public and *madrassas* school curricula, textbooks, and teacher trainings information on tolerance and respect for freedom of religion or belief; and ensure that members of minority communities have equal access to government services and public employment, including in the judiciary and high-level government positions.

USCIRF will continue to monitor how the Bangladeshi government strengthens protections for all Bangladeshis to enjoy the right to freedom of religion or belief, and how it undertakes further efforts to improve conditions for minority religious communities. These efforts would include: the government of Bangladesh working with representatives from civil society and affected religious minority communities to restore property seized under the Vested Property Act and fully implement the Chittagong Hill Tracts Peace Accords; investigating and, to the fullest extent of the law, prosecuting perpetrators of violent acts against members of minority religious communities, women, and non-governmental organizations; and reforming the judiciary and the police to ensure that law enforcement and security services are equally protective of the rights of all, including Hindus, Buddhists, Christians, Ahmadis, tribal peoples, and other minorities.