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Freedom in the World - Bangladesh (2010)

Capital:
Dhaka

Population:
162,221,000

Political Rights Score: 3 *

Civil Liberties Score: 4 *

Status: Partly Free

Ratings Change

Bangladesh's political rights rating improved from 4 to 3 due to the installation of a new elected civilian government and related gains in government functioning and accountability.

Overview

A new civilian government took office in January 2009 after the Awami League party won a sweeping victory in December 2008 elections, ending a period of indirect military rule. It moved to implement an ambitious reform agenda, which called for trials for those suspected of committing war crimes during the 1971 war of independence, restoration of the 1972 constitution, and a crackdown on Islamist political and militant groups. The government demonstrated its staying power in February, when it effectively quelled a mutiny by paramilitary Bangladesh Rifles troops in which dozens of officers were killed. Despite significant openings in the political environment, human rights abuses—particularly extrajudicial executions—remained a concern during the year.

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 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.

A long 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 government. The AL and the BNP differed little on domestic policy; their disputes 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.

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 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. Political violence and general lawlessness mounted in 2004 and 2005, 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 2005, and a government crackdown in 2006 yielded the arrest of the two groups' leaders, along with some 800 members; six militant leaders were eventually executed. The threat of Islamist violence subsided after the crackdown, but it did not disappear altogether.

Partisan disagreement over the planned 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 also questioned the conduct and impartiality of the Election Commission (EC) and its preparation of a new voter list. Faced with the possibility of an election that lacked credibility, in January 2007 the army pressured President Iajuddin Ahmed 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 new elections. Under emergency regulations, freedoms of assembly and association were suspended, controls were placed on the media, and all political activity was banned.

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, creeping military influence was extended over key institutions. A new 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—including Hasina, Zia, and their immediate family members—were arrested and held pending investigations of their finances; some were subsequently convicted by a special court. The new government also made efforts to remove executive influence from the increasingly politicized judiciary.

After antimilitary student demonstrations in August 2007 left several people dead and hundreds injured, the authorities responded with university closures, arrests, and a temporary shutdown of the internet and mobile-telephone network. Economic woes—including inflation, a decline in investment, and increasing food shortages—also progressively weakened public support for the administration.

The CG spent much of 2008 attempting to balance its anticorruption drive and electoral reforms with the need to win the cooperation of the dominant political parties and ensure the success of the planned elections. Early in the year, Hasina (along with several family members) was formally charged with extortion, and other high-level politicians continued to face arrest as well. By May, the main parties jointly decided to boycott preelection talks with the EC unless their leaders were released. A series of CG capitulations regarding the release of Hasina, Zia, and Zia's sons marked the de facto collapse of the 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), whose leaders and student wing played a well-documented role in atrocities against civilians during the 1971 war of independence.

The emergency regulations, which had been eased in August and early December,

were fully lifted on December 17, and the elections followed on December 29. Although the long-standing 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 a landslide of 263 seats (230 for the AL), while the BNP-led coalition took 32 seats (29 for the BNP and just 2 for the Jamaat-e-Islami). After initial protests, Zia accepted the results, and with Hasina taking office as prime minister, Bangladesh returned to civilian rule after a two-year hiatus.

AL-backed candidates also won a majority of leadership positions in the January 2009 upazila parishad (subdistrict) elections, the first local government polls to be held for 19 years. In contrast to the national elections, the January balloting was marred by more extensive violence and intimidation, as well as electoral irregularities and suspected rigging. Separately, veteran AL politician Zillur Rahman was chosen by Parliament as the new president in February. In July, Hasina reshuffled and expanded her cabinet to improve ministerial performance. She also reasserted control over the AL by engineering the removal of four key party officials who had challenged her dominance.

The new government moved quickly to implement its campaign promises and ratify most of the ordinances passed by the CG. Several war crimes suspects were arrested, and in July the government submitted draft legislation regarding the establishment of a tribunal to oversee prosecutions. Another key part of the AL's agenda was to restore the 1972 constitution, nullifying all amendments enacted since then. Among other effects, this would reinstate a ban on religious parties, posing a clear threat to parties like the Jamaat-e-Islami. The government took a harder line on Islamist militants during the year, and by July security forces had arrested more than 40 JMB activists.

The BNP-led opposition continued to boycott Parliament and assail most of the AL government's initiatives, including the constitutional restoration, proposed revisions to education policy, and a shift toward amicable dispute resolution with neighboring India. However, the BNP did not resort to the use of hartals during the year.

The government faced an early test in February, when troops from the Bangladesh Rifles (BDR), a paramilitary force tasked with border security, mutinied in Dhaka and killed some 70 officers and civilians, including the BDR commander and several officers' families. The mutiny quickly ended after Hasina, with the army's support, threatened to use force. An official investigation, released in May, ruled out the involvement of politicians, Islamist militants, or foreign governments, but failed to clearly identify the cause of the revolt by the BDR, which was known to harbor resentments over poor pay and other conditions of service. At the urging of the army, the government said it would prosecute suspected mutineers, and at least 3,500 BDR members had been arrested by August. Several dozen of the detainees died under suspicious circumstances, leading the government to promise an inquiry. The Supreme Court ruled in September that alleged mutineers would not be prosecuted under the Army Act (which called for the death penalty), but would instead be tried under either the BDR Act for minor offenses or a special tribunal under the penal code for criminal offenses. The trial of a first group of BDR members accused of taking part in the mutiny started in late November.

Political Rights and Civil Liberties

Bangladesh is an electoral democracy. It regained that status through the December 2008 parliamentary elections, which 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. Parliament is 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 then voted on by their fellow lawmakers. The president is elected by Parliament. The 1996 polls were the first held under a constitutional amendment requiring a CG to oversee the election process.

A primary justification for the postponement of the 2007 elections was the need for an overhaul of electoral procedures. A series of reforms announced in July 2008 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 recent elections. A new voter registry completed the same month was considerably smaller than its predecessor, which contained around 12 million invalid names. Hopes that voters in the December 2008 elections would reject tainted politicians did not materialize; at least two candidates who were facing corruption charges won landslide victories from jail. The level of political violence remained relatively high in 2009; local rights group Odhikar registered 251 deaths and more than 15,000 injured as a result of inter- or intraparty clashes during the year, with a spike surrounding the January 2009 local government polls.

Endemic corruption and criminality, weak rule of law, limited bureaucratic transparency, and political polarization have long undermined government accountability. Moreover, boycotts by both major parties while in opposition have regularly crippled the parliamentary system and led to a process by which the legislature effectively rubber-stamps decisions by the executive and dominant party. This phenomenon reemerged in 2009, as the BNP boycotted Parliament through the end of the year. The two parties have also maintained links to criminal networks.

Bangladesh was ranked 139 out of 180 countries surveyed by Transparency International (TI) in its 2009 Corruption Perceptions Index. The local branch of TI noted in 2008 that although the CG's campaign had effectively reduced large-scale corruption, graft and bribery on a smaller scale remained rampant. In 2009, the ACC continued to investigate and prosecute high-level cases, opening a new case in March against Arafat "Koko" Rahman, Zia's son, for alleged money laundering. However, watchdog groups such as Odhikar expressed concern that political interference remained an impediment to the effective work and independence of the commission. In June, the state prosecution service decided to withdraw more than 60 cases, most of which had been brought against leading AL politicians under the CG, after deeming them politically motivated. The dropped cases included 12 against Prime Minister Sheikh Hasina.

Bangladesh's media environment opened up considerably in 2009. In late 2008 the

CG had lifted the Emergency Powers Rules (EPR), which limited 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. Media were allowed to freely cover the December 2008 elections, and despite occasional cases of censorship, the print media were generally given more leeway when covering sensitive topics than broadcasters, particularly the private television channels that provide 24-hour news coverage. Mohammad Atiqullah Khan Masud, editor of the national daily *Janakantha*, was released in January 2009 after being held for 22 months under the EPR. Separately, a journalist and writer who was first arrested in 2003, Salah Uddin Shoaib Choudhury, still faced sedition, treason, and blasphemy charges; his trial began in June 2008 and was ongoing during 2009, but he was allowed to travel abroad while the proceedings continued. A new Right to Information Act took effect in July 2009. According to the press freedom group Article 19, the measure would apply to all information held by public bodies, simplify the fees required to access information, override existing secrecy legislation, and grant greater independence to the Information Commission charged with overseeing and promoting the law.

Journalists continue to be threatened and attacked with impunity by organized crime groups, party activists, and Islamist groups, although the level of harassment has declined and no journalists have been killed for the past four years, according to the Committee to Protect Journalists. In February, journalist Farid Alam fled the country after receiving death threats from the JMB in connection with his new book on militant Islam. Several cases of arbitrary arrest, prolonged detention, and custodial torture of journalists were documented during 2009, including that of *New Age* reporter F.M. Masum, who was tortured by a member of a government paramilitary unit in October. Journalists have also reported receiving threatening telephone calls from intelligence agencies seeking to prevent negative coverage, and many 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. A trend of increased intolerance and attacks on minorities was reversed in 2009, as the new government made explicit commitments to defend minority rights and deployed police to protect vulnerable groups like the 100,000-strong Ahmadiyya sect. Ahmadis are considered heretical by some mainstream Muslims, and they have faced physical attacks, boycotts, and demands by extremist groups that they be declared non-Muslims by the state. Other positive steps taken by the avowedly secular AL government included the appointment of several individuals from minority groups to leadership positions, the initiation of curriculum reform in the religious schools (madrassahs), and the provision of additional security at religious celebrations.

While authorities largely respect academic freedom, research on sensitive political and religious topics is discouraged, according to the U.S. State Department’s human rights report. Political polarization at many universities inhibits education and occasionally leads to clashes between students and security forces. Fighting between AL and BNP student groups at Jahangirnagar University led to temporary

closures at a number of universities in January 2009, while in February more than 200 people were injured in clashes between police and students at technical colleges across the country.

Restrictions on rights of assembly and association under the EPR were fully lifted by the end of 2008. Occasional demonstrations continued to take place, and protesters have sometimes been killed or injured during clashes with police. Numerous world-class nongovernmental organizations (NGOs) operate in Bangladesh and meet basic needs in fields such as education, health care, and microcredit. However, those perceived to be overly critical of the government, particularly on human rights issues, are subject to intense official scrutiny and occasional harassment or denial of permission for proposed projects. Amnesty International has noted that at least eight human rights defenders have been assassinated since 2000, and that many have been injured or threatened by criminal gangs or party factions. Others have faced arbitrary arrest and torture by the authorities.

Labor rights were simplified and codified in the Bangladesh Labour Act (BLA) of 2006, although the new law carried over many of the restrictions contained in previous legislation. For example, labor union formation is hampered by a 30 percent employee-approval requirement, restrictions on organizing by unregistered unions, and rules against union formation by certain categories of civil servants. Conditions for workers improved in 2009 following the lifting of the EPR. In April, the AFL-CIO reported that modest improvements had been made in workers' rights, particularly in the shrimp-processing and ready-made garment industries, as well as in the Export Processing Zones (EPZs), which fall outside the purview of the BLA. Labor activists occasionally face harassment, and worker grievances sometimes fuel unrest at factories. In June, violence erupted at several garment factories outside of Dhaka, resulting in considerable property damage, several worker fatalities, and hundreds of injuries.

Prior to 2007, the judiciary had become increasingly politicized, with frequent instances of executive-branch meddling in lower-court decisions. The military-backed CG, unlike previous governments, worked to carry out 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, the Supreme Court's appellate division resumed the practice of overturning politically-motivated judicial decisions of the high court, according to the U.S. State Department's human rights report, a practice that often favored the ruling AL party. In July 2009, approximately 100 judges attended a demonstration organized by the Bangladesh Judicial Service Association to protest administrative interference in the judiciary. According to the Asian Human Rights Commission, the AL government initially attempted to force two of the judges who organized the protest into retirement, in violation of the 2007 reforms, but then backed down in August.

The court system is prone to corruption and severely backlogged; pretrial detention is lengthy, and many defendants lack counsel. The indigent have little access to justice through the courts. In August 2009, the government launched an initiative to form small courts in 500 rural administrative councils that could settle disputes outside of traditional court settings, reducing pressure on the legal system. Prison conditions are extremely poor, and severe overcrowding is

common, to the extent that prisoners have to sleep in shifts. 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. Suspects are routinely subjected to warrantless 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.

Many abuses are perpetrated by the Rapid Action Battalion (RAB), a paramilitary unit composed of some 4,500 military and police personnel that was formed in 2004 to combat widespread lawlessness. Although initially popular, the RAB and other units engaged in anticrime campaigns have been criticized for excesses like extrajudicial executions. According to local rights watchdog Odhikar, there were 154 extrajudicial killings by law enforcement agencies in 2009, a similar number to the previous year. During 2009, several dozen suspected BDR mutineers died in custody under suspicious circumstances, with some bodies bearing marks of torture and other abuse. The Directorate General-Forces Intelligence (DGFI), a military intelligence unit, has also been responsible for a number of cases of abuse during interrogations. Although the new government initially promised a "zero-tolerance" approach to issues of torture and extrajudicial executions, key ministers appeared to back away from this promise as the year wore on.

Law enforcement abuses are facilitated by legislation such as the 1974 Special Powers Act, which permits arbitrary detention without charge, as well as Section 54 of the Criminal Procedure Code, which allows detention without a warrant. Rights groups also expressed concern about a June 2008 counterterrorism ordinance that included an overly broad definition of terrorism and generally did not meet international standards. In February 2009, the new government adopted this ordinance as a bill without modifying its troubling provisions. On a positive note, legislation introduced in July 2009 was designed to bring the existing International War Crimes Tribunal Act of 1973 into line with international standards concerning the right to a fair trial.

The CG approved an ordinance to set up a national human rights commission in December 2007, and the new government passed the National Human Rights Commission Bill in July 2009. However, rights groups expressed concern over the independence of the commission, which would be appointed by a seven-member selection committee composed of government officials, all but one of whom would belong to the ruling party. In addition, the commission would have no powers to initiate legal action against those suspected of abuse.

Islamist militant groups continue to operate and maintain contact with regional allies, but Islamist violence has been negligible since the 2006 crackdown. However, such groups continue to operate, and in late October several high-ranking JMB members were arrested by government forces. Casualties from clashes involving Maoist militants have declined somewhat in the past several years; according to the South Asia Terrorism Portal, 86 people, the vast majority of them militants, were killed in 2009.

Land rights for the Hindu minority remain tenuous despite the annulment of the Vested Property Act in 2001. 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 that had resulted in the deaths of 8,500 people. However, as documented by the Asian Centre for Human Rights, the accord has not been fully implemented, tribal inhabitants continue to be displaced to make way for army camps, and returning refugees have been unable to reclaim their land. Security forces are also 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, according to the World Organization Against Torture and other groups. In July 2009, the new 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.

Roughly 260,000 ethnic Rohingyas fleeing forced labor, discrimination, and other abuses in Burma entered Bangladesh in the early 1990s; some 28,000 registered refugees and at least 200,000 other Rohingyas who are not formally documented as refugees remain in the country 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. In May 2008, a landmark court ruling granted citizenship rights to this group, enabling their access to social services and the right to vote.

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 to quash rape cases and rarely enforce existing laws protecting women. The Acid Survivors Foundation (ASF), a local NGO, recorded 115 acid attacks during 2009; they affected 145 victims, most of them women. While investigation of acid-related crimes remains inadequate, 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 sometimes 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, and a large number of women participated in the December 2008 elections. Trafficking in both women and children remains extensive, but the government has taken steps to raise awareness and prosecute traffickers more vigorously; several dozen were convicted during 2009, with many receiving life sentences. Child labor is widespread.

**Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom. Click [here](#) for a full explanation of Freedom in the World methodology.*