



Bangladesh

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Bangladesh is a parliamentary democracy, with broad powers exercised by the Prime Minister. Sheikh Hasina, leader of the Awami League, was Prime Minister until Parliament's term of office expired in mid-July. A caretaker Government was installed in accordance with constitutional procedures and oversaw the national elections. Prime Minister Khaleda Zia, the leader of the Bangladesh Nationalist Party (BNP), came to power in elections on October 1 deemed to be free and fair by international observers. Political competition is vigorous. Violence is a pervasive feature of politics, including political campaigns, and the October elections took place in a climate of sporadic violence and isolated irregularities. All of the major parties have frequently boycotted Parliament while in the opposition, claiming that they had little opportunity to engage in real debate on legislation and national issues. The higher levels of the judiciary display a significant degree of independence and often rule against the Government; however, lower judicial officers fall under the executive, and are reluctant to challenge government decisions. The Official Secrets Act of 1923 can protect corrupt government officials from public scrutiny, hindering the transparency and accountability of the Government at all levels.

The Home Affairs Ministry controls the police and paramilitary forces, which have primary responsibility for internal security. Primarily due to the police's accountability to the executive, police often are reluctant to pursue investigations against persons affiliated with the ruling party. The Government frequently uses the police for political purposes. There is widespread police corruption and lack of discipline. Police officers committed numerous serious human rights abuses and were seldom disciplined, even for the most egregious actions.

Bangladesh is a very poor country, occasionally beset by natural disasters that further hamper development. Annual per capita income among the population of approximately 129.2 million is approximately \$380; the economic growth rate during the last fiscal year was approximately 6 percent. Slightly more than half of all children are chronically malnourished. Approximately 65 percent of the work force is involved in agriculture, which accounts for one-fourth of the gross domestic product. The economy is market-based, but the Government owns all utilities, most transport companies, and many large manufacturing and distribution firms. A small, wealthy elite controls much of the private economy, but there is an emerging middle class. Foreign investment has increased significantly in the gas sector and in electrical power generation facilities. Both earnings from exports and remittances from workers overseas have increased, but foreign aid remains an important source of national income. Efforts to improve governance and economic growth through reform have been unsuccessful, and were blocked by bureaucratic intransigence, vested economic interests, endemic corruption, and political polarization. The Government's commitment to economic reform is weak.

The Government's human rights record remained poor in many significant areas, and it continued to commit serious abuses, although it respected citizens' rights in some areas. Police committed a number of extrajudicial killings, and some persons died in police custody under suspicious circumstances. Police routinely used torture, beatings, and other forms of abuse while interrogating suspects. Police frequently beat demonstrators. The Government rarely punishes persons responsible for torture or unlawful deaths. Prison conditions are extremely poor for the majority of the prison population. Rape of female detainees in prison or other official custody has been a problem; however, there were no reports of such occurrences during the year. The Government continued to arrest and detain persons arbitrarily, and to use the Special Powers Act (SPA) and Section 54 of the Code of Criminal Procedure, which allow for arbitrary arrest and preventive detention. The Public Safety Act (PSA), enacted in early 2000, gives the police even greater opportunity to abuse their powers. A court case challenging the constitutionality of the PSA remained pending at year's end.

The lower judiciary is subject to executive influence and suffers from corruption. A large judicial case backlog existed and lengthy pretrial detention was a problem. Police searched homes without warrants, and the Government forcibly relocated illegal squatter settlements. Virtually all journalists practiced some self-censorship. Attacks on journalists and efforts to intimidate them by government officials, political party activists, and others increased. The Awami League as well as the BNP government limited freedom of assembly, particularly for political opponents, and both the Awami League and the BNP governments on occasion limited freedom of movement. The Government generally permitted a wide variety of human rights groups to conduct their activities, but it continued to refuse to register a local chapter of Amnesty International. Abuse of children and child prostitution are problems. Violence and discrimination against women remained serious problems. Societal discrimination against the disabled, indigenous people, and religious minorities was a problem. In the past, violence against members of the Ahmadiya religious minority was a problem. The Government continued to limit worker rights, especially in the Export Processing Zones (EPZ's), and, in general, is ineffective in enforcing workers' rights. Some domestic servants, including many children, work in conditions that resemble servitude and many suffer abuse. Child labor and abuse of child workers remained widespread and serious problems. Trafficking in women and children for the purpose of prostitution and at times for forced labor remained serious problems. Both major political parties and their activists often employed violence, causing deaths and numerous injuries; however, the number of deaths declined, likely due to fewer general strikes during the year. Vigilante justice resulted in numerous killings, according to press reports.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Police committed a number of extrajudicial killings. According to one human rights organization, 44 persons died as a result of the use of lethal force by the police during the year.

The police sometimes used unwarranted lethal force. According to one human rights organization, on March 28, police in Jessore stormed the home of Mozahar, a welding mechanic, dragged him outside, beat him with rifle butts and sticks, and took him to the police station. The following morning, Mozahar's wife and daughter saw him at the police station; he was unconscious and appeared to have been beaten. Later that day, Mohazar was sent to a local hospital where he died on March 30. No action has been taken against the police officers involved. On May 16, police in Tongi arrested a 15-year-old boy under suspicion that he was "looking for someone to mug." The police tied him with ropes and beat him with sticks. Approximately 20 hours later, police sent the boy to the hospital, where he died. On the night of July 8, police in Tarakandi, Sherpur District, detained a group of gamblers. Early the following morning, the body of Julhash Uddin Khacha Miah was found on a road near a pond in Tarakandi, where he frequently went to gamble. Julhash's body showed signs of a severe beating. Persons who lived nearby reported hearing screams and groans during the night. Other gamblers, five of whom were arrested that night, reported that Julhash had been with them but left a few minutes before they were arrested. They stated that, as they were being taken to the police station, they saw Julhash lying on the road with several policemen pouring water on his head and trying to massage his body with oil, presumably in an effort to prevent his death after severely beating him. Julhash's son filed a complaint, which police recorded as an "unnatural death" case. No policemen were charged in connection with the incident.

According to one human rights organization, 72 persons died in prison and police custody during the year (see Section 1.c.).

Most police abuses go unpunished, and the resulting climate of impunity remains a serious obstacle to ending police abuse and extrajudicial killings. However, in some instances where there was evidence of police culpability for killings, the authorities took action. On May 28, the High Court confirmed the death sentence of three policemen convicted of the rape and killing of a 14-year-old girl in 1995. In March 1999, four police officers were charged with manslaughter after a body was found in the rooftop water tank of the Detective Branch in Dhaka. The case is ongoing (see Section 1.e.). The case against a police sergeant for killing a rickshaw puller in July 1999 in Agargaon was settled out of court when the accused policeman reached a settlement with the victim's family. Court proceedings continued against 14 persons, including 13 police officers, arrested and charged after a college student in police custody was beaten to death in July 1998. At year's end, nine of the accused persons were in custody, and proceedings in the case were continuing (see Section 1.c.).

Violence, often resulting in deaths, is a pervasive element in the country's politics (see Sections 1.c. and 3). Supporters of different political parties, and often supporters of different factions within one party, frequently clash with each other and with police during rallies and demonstrations. According to human rights organizations, more than 656 persons were killed and nearly 25,770 others were injured in politically motivated violence during the year. Both Awami League and BNP supporters, often with the connivance and support of the police, violently disrupted each others' rallies and demonstrations as well as those of other parties (see Sections 2.b. and 3). Opposition parties also used armed violence and intimidation to enforce general strikes ("hartals"). During the year, 24 persons died in violence related to general strikes.

On July 15, 5 Awami League leaders were killed and more than 400 persons were injured in clashes between activists of both the Awami League and the four-party opposition alliance. Several persons were injured by bombs that were thrown at an Awami League procession (see Section 2.b.).

During an opposition-called hartal in 1999, eyewitnesses saw Maqbul Hossain, an Awami League Member of Parliament (M.P.) for the Dhanmondi area of Dhaka, order the killing of two young BNP activists who had been seized by Hossain's armed followers. Members of Hossain's entourage then shot at point-blank range one of the men, BNP activist Sajal Chowdhury, who subsequently died; the other person was beaten. Approximately a dozen police officers who were standing nearby in riot gear made no effort to intervene or to apprehend the gunmen, nor did the Government later take action against those persons responsible. However, police summoned for repeated interrogations the family of Chowdhury, who had filed a murder complaint against M.P. Hossain and the armed men. One Chowdhury family member was arrested on criminal charges, then detained under the SPA after a judge granted him bail (see Section 1.d.). In December 1999, police submitted their final report on the case to the court, stating that the evidence did not support the murder charge. Subsequently, the court accepted the police report and dismissed the case against Hossain. Hossain then served legal notice on the victim's family, demanding that they explain why they should not be charged with criminal defamation, although Hossain did not subsequently pursue the defamation case. In December the new BNP Government detained Hossain under the SPA and revived the murder case.

On February 3, after the High Court ruled illegal all "fatwas" (expert opinions on Islamic law; see Section 2.c.), some NGO's organized a rally in Dhaka to applaud the ruling, hailing it as a victory for women and all who have suffered from fatwas. These NGO's bused women into the city from rural areas for the rally. Some Islamic groups, claiming that outlawing all fatwas was an attack on Islam, blocked the main roads into the city and tried to disrupt the rally. In the ensuing violence, a policeman was killed inside a mosque. The police arrested leaders of the Islami Oikkyo Jote (IOJ), a member of the four-party opposition alliance, some in connection with the killing. On February 6 in Brahmanbaria, some Muslim leaders called a hartal to demand the cancellation of the High Court verdict and the release of the arrested IOJ leaders. Several thousand persons marched in the streets. When demonstrators started throwing bricks at police and paramilitary forces, they opened fire, killing 6 persons and injuring 25 others. In the fighting, 15 policemen also were injured. According to police, a mob then attacked the police station and other officers. During the unrest, the police shot and killed three more persons. On February 13, the four-party opposition alliance called a hartal to demand the resignation of the Government. Dhaka Awami League M.P. Iqbal led a procession to protest the hartal. Gunmen from Iqbal's procession fired on a pro-hartal procession led by BNP leader Mirza Abbas, killing three demonstrators. An off-duty policeman also was shot and killed. The next day, front-page photos appeared in most major newspapers showing Iqbal surrounded by several young men pointing guns, as well as a number of policemen standing by.

Political killings continued during non-hartal periods as well, particularly in the period prior to the national elections. On August 10, in Pabna District, members of an outlawed Maoist party hacked two Awami League supporters to death. On August 12, 8 persons were killed and 30 others were injured in clashes between Awami League and BNP supporters in Feni.

Violence also is endemic between the student political wings of the major national parties, and between rival factions within the parties. During the first several months of the year, campus violence led to unscheduled closures of educational institutions in various locations, including Dhaka, Khulna, and Barisal. Violence caused disruption to academic activities at Rajshahi University, Shah Jalal University of Science and Technology in Sylhet, and Jahangirnagar University. A clash between factions of the Awami League student wing, the Bangladesh Chhatra League (BCL) at Kabi Nazrul College in Dhaka left five persons injured. Authorities shut down Chittagong University after a gun battle between activists of BCL and the Islami Chhatra Shibir (ICS), the student wing of the Jamaat-

e-Islami (a member of the four-party alliance), left 20 persons injured on August 13. On August 11, the ICS began enforcing an indefinite strike on campus to pressure university authorities to return dormitories to students ousted by BCL activists during Awami League rule and to sweep the campus for illegal weapons. The BNP's student wing, Jatiyatabadi Chhatra Dal (JCD), made similar demands at several universities around the country. At Dhaka University, the JCD enforced a strike to demand the collection of weapons; however, police announced the schedule for the weapons sweep 1 day in advance, and the times of the sweeps appeared in all of the major newspapers on the morning of the sweep. When the authorities arrived at the dormitories for the sweep, the student activists had left. The police found only one broken revolver.

In July 2000, gunmen fired at a van in Chittagong, killing eight persons, including six members of the BCL. The Government accused the ICS of being responsible for the attack. Then-Prime Minister Sheikh Hasina challenged her supporters and the police to retaliate for the killing of her student supporters, declaring that there should be 10 opposition bodies for each one from the ruling party. An anti-Jamaat campaign following the July 2000 killings resulted in the deaths of at least two Jamaat activists, the injury of many others, and the arrests of hundreds more (see Section 1.d.). The Jamaat-e-Islami asserts that the attack on the van was a continuation of a shoot-out the previous day between rival factions of the BCL that left three BCL activists dead. Police have charged 22 persons in connection with the BCL killings, 3 of whom are in custody. At year's end, the trial was pending.

On June 16, an explosion during a meeting at an Awami League office in Narayanganj killed 20 persons and injured more than 100 others. Police cordoned off the area soon after the explosion, but a military investigative team did not arrive until 6 hours later. The Awami League Government accused 27 persons in connection with the bombing, all from the BNP and the Freedom Party. Of those, six persons are in custody (four of whom were charged and two of whom are being held on suspicion of involvement). All of the accused persons who were detained in this case by year's end had been released on bail.

On January 20, a bomb killed four persons during a rally held by the Communist Party of Bangladesh. The case is still under investigation.

In August 2000, S.M.A. Rab, a prominent Awami League leader in Khulna, was killed. A Maoist group claimed responsibility. On June 13, police charged 15 persons with the murder, 9 of whom were in custody. The court issued warrants for the arrest of the other six, as well as orders to seize their property. On June 17, Rab's son petitioned the Chief Metropolitan Magistrate (CMM) to reject the charge sheet, terming it "baseless and concocted," and requested that the case be reinvestigated. The CMM rejected the petition. Rab's son blames the killing on his father's rivals inside the Awami League who were upset by party leader Sheikh Hasina's announcement that Rab would be the party's nominee for the Khulna mayoral post.

In July 2000, Shamsur Rahman, a well-respected journalist, was killed in Jessore after writing a series of articles about alleged criminal activities and connections between political activists, smugglers, and domestic terrorists. A prominent BNP leader, 5 journalists, and 11 others, have been charged with his murder. Of the 17, 8 are in custody. Numerous other journalists were killed or attacked throughout the year (see Section 2.a.).

Former Awami League M.P. Mohammed Mohibur Rahman Manik remains free on bail while a case against him for involvement in bomb making remains ongoing; in March 1999 two persons died while making bombs at his residence.

A case remains pending against 24 individuals, including former minister and BNP leader Tariqul Islam, in connection with the March 1999 bombing of a performance of the left-affiliated cultural group Udichi Shilpi Gosthi. Ten persons were killed in the attack.

In April the High Court upheld the 1998 convictions of 12 of the 15 persons convicted and sentenced to death for the 1975 murder of then-President Sheikh Mujibur Rahman (father of Awami League leader and former Prime Minister Sheikh Hasina) and 21 of his family members. Three persons were acquitted. Of the 12 persons convicted, 4 are in custody and have requested permission to appeal the decision. If their sentences are upheld, they may be hanged. The 11 others, living outside of the country, were convicted in absentia.

In 1995 the Government charged former President Hossain Mohammad Ershad with ordering the 1981 murder of the alleged assassin of President Ziaur Rahman. Ershad, leader of the Jatiya party,

was granted bail in 1997. This case remains pending while other cases against Ershad are ongoing (see Section 1.e.).

The Awami League Government continued to imprison eight persons accused of perpetrating the November 1975 murders of four senior Awami League leaders who then were in jail. The trial began on April 12. Thirteen others living outside of the country are being tried in absentia (see Sections 1.d. and 1.e.). Four of the eight persons detained were released by the new government on bail in December.

Extortion from businesses and individuals by persons with political backing was common, and businessmen on several occasions went on strikes to protest the extortion. In May 2000, several young men shot and killed Iftekhar Ahmed Shipu, owner of a cellular telephone shop in Dhaka, after Shipu refused to give them a free telephone. A parliamentarian's son and several others were charged with the killing in a case filed by Shipu's relatives.

In December 2000, police opened fire on strikers at the port of Mongla and killed four persons.

Press reports of vigilante killings by mobs are common. Newspapers on numerous occasions reported that mobs had beaten alleged muggers, sometimes to death. Press editorials and commentaries opined that the increasing mob violence reflected a breakdown of law and order and a popular perception that the criminal justice system did not function. Human rights groups and press reports indicate that vigilante violence against women who are accused of having committed moral offenses is common, particularly in rural areas, and that religious leaders sometimes lead it (see Sections 1.c. and 2.c.).

Violence along the border with India remained a problem. According to press accounts and human rights groups, border violence has claimed more than 200 lives during the last 5 years. Domestic human rights NGO's report that Indian border forces killed as many as 108 citizens during the year. Bangladeshi border security forces may have killed more than a dozen Indian personnel.

b. Disappearance

In September 2000, Nurul Islam, the BNP Organizing Secretary for Laxmipur district, was abducted from his home.

Soon after, Abu Taher, General Secretary of the Awami League Laxmipur District chapter, 2 of his 3 sons, and 12 other persons were accused in connection with the disappearance of Nurul Islam. In September 2000, police arrested two of the accused along with five other suspects. However, for more than 10 months, the primary accused persons in the case, Abu Taher and his two sons, were not arrested. On August 5, 3 weeks after the non-party caretaker Government came to power, police arrested Abu Taher's two sons, one of the two accused in the case, and another Taher son under suspicion. They originally were arrested for illegal possession of weapons, but later were indicted in connection with the disappearance of Nurul Islam. On August 13, Abu Taher and five others appeared before the High Court and requested anticipatory bail for themselves and one of Taher's sons. The High Court granted bail for 3 months, but cancelled it the following day, ordering Taher and the five other persons to appear before a lower court within 2 weeks. On August 28, Taher and one of the other accused persons surrendered to the court and were jailed. Approximately 40 persons, mostly Awami League student activists, staged violent demonstrations, ransacking shops and damaging vehicles. Police, using batons, charged the demonstrators, injuring 15 and arresting 12 persons. Police first filed a case under the non-bailable Public Safety Act, but later released three without charge, and filed a criminal case against the other nine student activists, who were released on bail.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and cruel, inhuman, or degrading punishment; however, police routinely employ physical and psychological torture and other abuse during arrests and interrogations. Torture may consist of threats, beatings and, occasionally, the use of electric shock. The Government rarely convicts or punishes those responsible for torture, and a climate of impunity allows such police abuses to continue.

In 1998 the deputy commissioner of the Dhaka police detective branch publicly defended the use of physical coercion against suspects, saying that the practice was necessary in order to obtain

information.

On February 4, approximately 200 members of the IOJ staged a peaceful procession to demand the release of IOJ leaders. The police attacked the procession with batons and rifle butts and arrested 47 demonstrators.

On February 25, Tangail district police indiscriminately beat journalists in front of the Tangail Press Club, injuring nine journalists including two members of the Tangail Press Club Executive Committee. On February 26, Rajbari district police arrested Liton Chakravarty, district correspondent of the Bangla-language newspaper Bhorer Kagoj. He alleged that he was tortured in police custody after the arrest (see Section 2.a.).

On March 28, police in Jessore stormed the home of Mozahar, a welding mechanic, dragged him outside, beat him with rifle butts and sticks, and took him to the police station. After being sent to the hospital, Mozahar died on March 30 (see Section 1.a.).

On May 16, police in Tongi arrested a 15-year-old boy, tied him with ropes, and beat him with sticks. The police sent the boy to the hospital where he died (see Section 1.a.).

On May 29, police in Khilgaon arrested and beat a woman suspected in a murder case who earlier had been released on bail and was awaiting trial. One police officer held her head between his thighs while others, wearing heavy police boots, kicked her repeatedly and beat her with large batons in her lower abdomen and buttocks. She lost control of her bladder and was unable to urinate again until more than 20 hours after the beating. After six hours of detention, she was unable to walk. No case was filed against the police involved by year's end.

On June 7, police arrested Maulana Akbar, a "madrasa" (Islamic school) teacher, under suspicion that he was involved in a bombing incident which killed 10 persons on April 14 during a Bengali New Year festival. Detectives later issued a press release stating that Maulana Akbar had confessed his involvement in the bombing. On June 28, Akbar retracted his confession in a written statement to the court claiming that police had tortured him in an effort to extract the confession. Akbar stated that the detective branch repeatedly subjected him to electric shock, poured hot water mixed with powdered chillies (cayenne pepper) into his nose, and threatened to kill him if he did not confess. According to newspaper reports, Akbar also showed his injuries to the court. Eleven others also were arrested in connection with the bombing, including three other madrasa teachers.

On July 8, police in Tarakandi, Sherpur District, detained a group of gamblers. The following morning, the body of Julhash Uddin Khacha Miah was found on a road near a pond in Tarakandi; the body showed signs of a severe beating. The other gamblers stated that as they were being taken to the police station, they saw Julhash lying on the road with several policemen pouring water on his head and trying to massage his body with oil, presumably in an effort to prevent his death after severely beating him. No policemen were charged in connection with the incident (See Section 1.a.).

On August 28, approximately 40 persons, mostly Awami League student activists, staged a violent protest as a result of the jailing of Abu Taher, General Secretary of the Awami League Laxmipur District Chapter, and one other person in connection with the disappearance of Nurul Islam. Police, using batons, charged the demonstrators, injuring 15 and arresting 12 persons. The arrested persons were eventually released, three without charge and nine on bail (see Section 1.b.).

On September 7, 70 sex workers tried to enter a vacant Tanbazar brothel after being forcibly removed. Police resisted the sex workers as they tried to force their way in. Some women were injured, three of whom were hospitalized (see Section 1.f.).

Rape of female detainees in police or other official custody has been a problem. While there were no reports of such rapes during the year, it is unclear whether the situation has improved after public condemnation, or whether rapes continue and simply are not being reported.

According to human rights groups and media reports, police engaged in violence and looting during the July 1999 raid of the Tanbazar and Nimtali brothel districts, allegedly attacking residents as well as more than 40 female human rights activists who were protesting the eviction (see Section 1.f.). The evicted sex workers were detained in vagrant centers, where guards and fellow inmates subjected them to sexual assault and harassment. According to two human rights organization, fewer than a dozen prostitutes remained in the vagrant homes at year's end.

Police sometimes rape women who are not in custody. During the first 6 months of the year, one human rights organization documented 8 cases of police raping women who were not in custody. In addition after women report that they have been raped (or are involved in family disputes), they frequently are detained in "safe custody" where they endure poor conditions, and sometimes are abused or, as has been reported in prior years, are raped (see Sections 1.d. and 5). Although the law prohibits women in safe custody from being housed with criminals, in practice, no separate facilities exist; therefore, women in safe custody are kept with women convicted of crimes. Men and women are detained separately.

The police often employ excessive, sometimes lethal, force in dealing with opposition demonstrators (see Sections 1.a. and 2.b.). On February 4, police employing clubs and rifle butts charged a procession of IOJ activists in Dhaka. On February 6, police and paramilitary forces shot and killed six persons when they fired into a pro-Islamic group of demonstrators in Brahimbaria. On April 11, two bombs exploded in an alley near a BNP rally in Dhaka. Instead of investigating the bombing site, police fired tear gas and rubber bullets at the crowd and beat numerous rally participants and passers-by, using batons and rifle-butts. Police then broke into several business establishments and a nearby health clinic, kicking, beating, and arresting doctors, nurses, and office workers indiscriminately. On December 2, police used tear gas to disperse an Awami League procession in Dhaka.

On May 3, 2000 police officers injured numerous persons in the Savar export processing zone (EPZ), as police stormed a garment factory that disgruntled workers had taken over. Four persons died and more than 20 persons were injured in the incident (see Sections 1.a. and 6.b.).

Although there were no confirmed reports of such incidents during the year, in previous years Rohingya refugees living in camps suffered abuses, including beatings and other forms of physical abuse, and have been coerced by camp administrators trying to secure their return to Burma (see Section 2.d.).

Police corruption remains a problem and there were credible reports that police facilitated or were involved in trafficking in women and children (see Section 6.f.).

Both opposition and ruling parties routinely use actual or threatened violence to achieve political ends. Violence is a common feature during rallies, demonstrations, and general strikes (see Sections 1.a. and 2.b.). In an incident witnessed by a member of the foreign diplomatic community, on February 13, 2000, a joint procession of the four-party opposition alliance came under attack in Dhaka from unknown assailants. In retaliation some individuals from the procession damaged dozens of vehicles parked on the street. On August 7, 2000, members of an Awami League student wing procession fired upon a BNP torch procession in Narayanganj. The BNP demonstrators threw their torches at the Awami League student activists and stoned the police. As the police chased the BNP demonstrators, the Awami League activists ransacked the local BNP office. On August 16, 2000, 2 ruling party factions fought a gun battle in Sylhet Division, injuring some 50 persons. Also in August 2000, a mourning procession for two slain attorneys was fired upon by unidentified assailants, injuring four persons, including two policemen (see Section 1.a.).

In rural areas, human rights groups and press reports indicate that vigilantism against women for perceived moral transgressions occurs, often under a fatwa; (see Sections 2.b. and 2.c.), and may include humiliating, painful punishments such as whipping. One human rights organization recorded 32 cases of fatwas during the year. In these cases, 3 persons were lashed, and 13 persons were shunned by their communities. In January the High Court intervened when newspapers reported a case in which a man refused to remarry his wife after she was forced to undergo a sham marriage at the insistence of a local village religious leader under a fatwa (less educated religious leaders sometimes believe that when a man ritualistically divorces his wife in anger, per Islamic rules, that he cannot take her back or remarry her unless she has an intervening marriage; however, ritualistic divorces that occur in anger are not valid under Islamic or civil law). In reaction to this case, as well as to previous abuses of fatwas, the High Court declared all fatwas illegal. The Supreme Court later stayed the High Court's decision. On February 6, in Dhaka, 15 persons were injured and 6 were killed when police opened fire on violent demonstrators protesting the ban on fatwas (see Section 1.a.).

Rejected suitors, angry husbands, or those seeking revenge sometimes throw acid in a woman's face (see Section 5).

Prison conditions are extremely poor for most prisoners. One human rights organization reported that 72 persons died in prison or police custody during the year. According to credible sources, poor conditions were at least a contributing factor in many of these deaths. Most prisons are overcrowded and lack adequate facilities. Government figures indicate that the existing prison population of roughly 66,550 is 278 percent of the official prison capacity. Of those, approximately 25 percent of those detained had been convicted and 71 percent were awaiting trial or under trial. In some cases, cells are so crowded that prisoners sleep in shifts. The Dhaka Central Jail reportedly houses more than 9,775 prisoners in a facility designed for fewer than 3,000 persons. A 1998 judicial report noted that the physical condition of jails is poor, and food is unhygienically prepared. Drugs are abused widely inside the prisons. The treatment of prisoners in the jails is not equal. There are three classes of cells: A, B, and C. Common criminals and low-level political workers generally are held in C cells, which often have dirt floors, no furnishings, and poor quality food. The use of restraining devices on prisoners in these cells is common. Conditions in A and B cells are markedly better; A cells are reserved for prominent prisoners. A new prison facility in Kashimpur, north of Dhaka, opened in September.

By law, juveniles are required to be detained separately from adults; however, due to a lack of facilities in many areas, in practice many are housed with adult prisoners. In July, according to Government statistics, 310 children were housed in jails along with their mothers, and 471 children under the age of 16 were in jail in connection with crimes they were accused of committing.

In general the Government does not permit prison visits by independent human rights monitors (see Section 4). Government-appointed committees of prominent private citizens in each prison locality monitor prisons monthly, but do not release their findings. District judges occasionally also visit prisons, but rarely disclose their findings.

d. Arbitrary Arrest, Detention, or Exile

The Government continued to arrest and to detain persons arbitrarily, as well as to use national security legislation (the Special Powers Act (SPA) and Public Safety Act (PSA)) to detain citizens without formal charges or specific complaints being filed against them. The Constitution states that each person arrested shall be informed of the grounds for detention, provided access to a lawyer of his choice, brought before a magistrate within 24 hours, and freed unless the magistrate authorizes continued detention. However, the Constitution specifically allows preventive detention, with specified safeguards, outside these requirements. In practice authorities frequently violate these constitutional provisions, even in nonpreventive detention cases. In an April 1999 ruling, a two-judge High Court panel criticized the police force for rampant abuse of detention laws and powers. There is a system of bail for criminal offenses.

Under Section 54 of the Code of Criminal Procedure, individuals may be detained for suspicion of criminal activity without an order from a magistrate or a warrant. Some persons initially detained under Section 54 subsequently are charged with a crime, while others are released without any charge. According to one human rights organization, a total of 755 persons had been newly detained under the SPA between January and June. Another human rights organization, quoting prison authorities, cites the number of SPA detainees at 655 as of July 1. In the past, the Government sometimes used Section 54 to harass and intimidate members of the political opposition and their families. Police sometimes detain opposition activists prior to and during general strikes without citing any legal authority, holding them until the event is over. Newspapers report instances of police detaining persons to extract money or for personal vengeance.

Under the SPA the Government or a district magistrate may order a person detained for 30 days to prevent the commission of an act likely "to prejudice the security of the country." Other offenses subject to the SPA include smuggling, black market activity, or hoarding. The Government (or magistrate) must inform the detainee of the grounds for detention within 15 days, and the Government must approve the grounds for detention within 30 days or release the detainee. In practice detainees sometimes are held for longer periods without the Government stating the grounds for the detention or formally approving it. Detainees may appeal their detention, and the Government may grant early release.

An advisory board composed of two persons who have been, or are qualified to be, high court judges and one civil servant are supposed to examine the cases of SPA detainees after 4 months. If the Government adequately defends its detention order, the detainee remains imprisoned; if not, the detainee is released. If the defendant in an SPA case is able to present his case before the High

Court in Dhaka, the High Court generally rules in favor of the defendant. However, many defendants either are too poor or, because of strict detention, are unable to obtain legal counsel and thereby move the case beyond the magistrate level. Magistrates are subject to the administrative controls of the Establishment Ministry and are less likely to dismiss a case (see Section 1.e.). Detainees are allowed to consult with lawyers, although usually not until a charge is filed. They are not entitled to be represented by a lawyer before an advisory board. Detainees may receive visitors. While in the past the Government has held incommunicado some prominent prisoners, there were no known cases of incommunicado detention during the year.

According to a September 2000 study carried out by a parliamentary subcommittee, 98.8% of the 69,010 SPA detainees over a period of 26 years were released on orders from the High Court. The study asserted that SPA cases generally are so weak and vague that the court had no alternative but to grant bail.

On May 27, police arrested 15 boys aged 10 to 12 under Section 54, on suspicion that they were planning "destructive and antisocial activities." The boys, all schoolmates at a nearby madrasa, were in possession of some clothing and shoes, two waterpots, two intercom sets, a radio set, some books on "jihad" (holy war), and a diary with sketches of weapons. The District Magistrate sentenced the boys to a 1 month detention under the SPA, then extended their sentence by 3 more months. The children remained in jail at year's end.

In response to a deteriorating law and order situation, Parliament passed the restrictive new PSA in January 2000. The law established special tribunals to hear cases under the act, and made particular offenses non-bailable. Opposition leaders expressed fears that the law would be used to arrest political opponents of the ruling party, as the law, like the SPA, allows police to circumvent normal procedures designed to prevent arbitrary arrest, and precludes detainees from being released on bail, which often is the result of arrests based on little or no concrete evidence (see Section 2.b.).

Morshed Khan, a wealthy BNP leader who in 2000 was accused under the PSA of stealing money from a sweet shop, challenged the constitutionality of the PSA. In July the High Court issued a split verdict: One judge ruled the Public Safety Act unconstitutional; a second judge ruled that only parts of the Act were unconstitutional. The case will go before a third High Court judge who will resolve the differences between the two rulings; his ruling was pending at year's end. (Morshed subsequently became Foreign Minister in the BNP Government.)

On November 22, Shariar Kabir was detained by the Special Branch of police at the immigration desk of Zia International Airport. Upon his return from Calcutta, Kabir was held without charge for 2 days before the Government announced that he had been arrested on the charge on carrying out seditious acts abroad. Kabir's supporters have been referring to his arrest as a conspiracy to repress the Hindu minority.

There is a system of bail for criminal offenses. Bail is granted commonly for both violent and nonviolent crimes. However, some provisions of the law preclude the granting of bail. The Women and Children Repression Prevention Act, passed in January 2000, replaced an earlier law of the same name. The act provides special procedures for persons accused of violence against women and children. The new law calls for harsher penalties, provides compensation to victims, and requires action against investigating officers for negligence or willful failure in duty. Persons arrested under this act cannot be granted bail during an initial investigation period of up to 90 days. Some human rights groups express concern that a large number of allegations made under the act are false, since the nonbailable period of detention is an effective tool for exacting personal vengeance. Typically, fewer than 3 percent of detainees under this Act are convicted. If bail is not granted, the law does not specify a time limit on pretrial detention.

Prisons often are used to provide "safe custody" for women who are victims of rapes or domestic violence (see Sections 1.c. and 5). As of July 1, 258 women and 97 children were in safe custody throughout the country. Of the 14 women and 4 children who remained in safe custody as of July 31, 8 have been locked up since last year. They share facilities with persons imprisoned for criminal offenses. While women initially may consent to this arrangement, it often is difficult for them later to obtain their release, or to gain access to family or lawyers. While there have been reports in prior years of police raping women in safe custody, there were no reports that this occurred during the year (see Section 1.c.).

The court system suffers from an overwhelming backlog of cases, which produces long pretrial delays. According to research by one human rights organization, most prison inmates never have

been convicted and are awaiting trial. The Government explains that many convicted persons who are appealing their cases sometimes mistakenly are counted as pretrial detainees. Government sources report that the period between detention and trial averages 6 months, but press and human rights groups report instances of pretrial detention lasting several years. Trials often are characterized by lengthy adjournments, which considerably prolong the incarceration of accused persons who do not receive bail. One human rights organization asserted that the average time in detention before either conviction or acquittal is in the range of 4 to 7 years. Reportedly some prisoners awaiting trial have been in prison longer than the maximum sentence they would receive if convicted. A bank officer from Chittagong who spent 15 years in prison awaiting trial on corruption charges was finally released. If convicted, his maximum sentence would have been no more than 10 years.

According to a newspaper report, Abdul Quddus of Kishoreganj, remained in prison after 9 years as an accused in a robbery case. Although the court set dates for hearings 69 times, the plaintiff did not appear. The court issued an arrest warrant against the plaintiff, but police did not arrest him. The court has the authority to dismiss the case, but unless a lawyer representing the accused requests dismissal, the court is unlikely to do it.

Nearly 6 years after completing a 2-month jail term for using an invalid passport, Goddi Ochendo, a Nigerian citizen, was finally released on February 17 after intervention by the High Court in response to a newspaper report. On May 22, the High Court ordered the release of 29 foreigners who had not been released after completing their jail terms.

Citizens who are not political opponents sometimes also are detained arbitrarily. Newspapers and human rights activists report numerous cases in which a person is arrested in order to force family members to pay for his or her release. For example, after 10 months of detention in a case of mistaken identity, Noor Hossain was released on bail from a jail in Khulna on March 25. According to Hossain, after his brother Noor Mohammad was charged in a case, a police officer first asked Hossain, and then his father, for a bribe, offering to settle his brother's case. After Hossain and his father both refused to pay, the police officer submitted a report identifying Hossain as his brother. Hossain was arrested in June 2000. In December 2000, Hossain's brother was killed in Dhaka. After a human rights organization intervened in the case, the court ordered the police to report on Hossain's identity and granted Hossain bail. Most persons detained under the SPA ultimately are released without charges being brought to trial (see Sections 1.f. and 2.a.).

The Government sometimes uses serial detentions to prevent the release of political activists. Jatiya Party Chairman Ershad was detained under the SPA in March after the court ordered his release upon payment of a fine in a corruption case. Maulana Azizul Haq, Chairman of the Islami Oikkyo Jote, a member of the four-party alliance, was rearrested inside prison in another case after the court granted him bail.

Numerous court cases have been filed against opposition M.P.'s and activists, on charges ranging from corruption to murder. Obaidur Rahman, a BNP M.P., and two other political figures were arrested in October 1998 for alleged complicity in the 1975 "jail killings" of four senior Awami League leaders; he was released on bail in December. The Government continued to hold eight persons accused of perpetrating these murders. The trial began on April 12.

Some opposition activists were detained or charged in questionable cases. On June 18, 11 members of the Jamaat-e-Islami were arrested under the SPA for preventive detention after meeting with a foreign NGO, the National Democratic Institute (NDI), to discuss training for election polling agents. NDI had held virtually the same meeting with each of the major political parties. At the time of the arrest, police told Jamaat members that they were under arrest for "subversive, secret meetings with foreigners." Grounds for detention were later listed as conspiring to commit sabotage and possession of subversive literature. Five of the 11 were released on June 30, and the remainder on August 6.

It is difficult to estimate the total number of detentions for political reasons. In some instances criminal charges may apply to the actions of activists, and many criminals claim political affiliations. Because of crowded court dockets and magistrates who are reluctant to challenge the Government, the judicial system does not deal effectively with criminal cases that may be political in origin. There is no independent body with the authority and ability to monitor detentions, or to prevent, detect, or publicize cases of political harassment. Most such detentions appear to be for several days or weeks. Defendants in most cases receive bail, but dismissal of wrongful charges or acquittal may take years.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, under a longstanding "temporary" provision of the Constitution, the lower courts remain part of the executive and are subject to its influence. The higher levels of the judiciary display a significant degree of independence and often rule against the Government in criminal, civil, and even politically controversial cases; however, lower level courts are more susceptible to pressure from the executive branch. There also is corruption within the legal process, especially at lower levels.

In September 2000, Nurul Islam, the BNP Organizing Secretary for Laxmipur district, was abducted from his home during the night. A case was filed against Abu Taher, the Awami League Laxmipur District General Secretary, two of his sons, and 12 others. For 11 months, police did not arrest Taher or his sons, the main defendants in the case. Three weeks after the non-partisan caretaker Government came to power in July, police arrested one of Taher's accused sons and another son. The court subsequently demanded that Taher turn himself in, which he did (See Section 1.b.).

In March 1999, four police officers were charged with manslaughter after a body was found in the rooftop water tank of the Detective Branch in Dhaka. In January this year, the victim's wife told reporters that the public prosecutor in the case told her to keep away from the court. Witnesses had not appeared on 17 prior hearing dates. Later, the victim's wife told reporters that the lawyer and the brother of the main defendant accused offered her approximately \$18,500 (1,000,000 taka) to change her story. The trial began on March 12 after the Law Ministry appointed a new public prosecutor following a High Court order. At year's end, the case was ongoing.

The court system has two levels: The lower courts and the Supreme Court. Both hear civil and criminal cases. The lower courts consist of magistrates, who are part of the executive branch of government, and session and district judges, who belong to the judicial branch. On June 21, the Supreme Court reconfirmed an earlier 12-point ruling regarding the procedures for a 1997 High Court order to separate the judiciary from the executive. The 12-point ruling declared which elements of the 1997 order could be implemented without requiring a constitutional amendment. The Supreme Court ordered the Government to implement those elements within 8 weeks. On August 5, Ishtiaq Ahmed, law advisor to the caretaker Government, announced that the judiciary would be separated from the executive by promulgating an ordinance. The Supreme Court is divided into two sections, the High Court and the Appellate Court. The High Court hears original cases and reviews cases from the lower courts. The Appellate Court has jurisdiction to hear appeals of judgments, decrees, orders, or sentences of the High Court. Rulings of the Appellate Court are binding on all other courts.

Due to the judicial system's million-case backlog, the Ministry of Law initiated a pilot program in Comilla offering Alternative Dispute Resolution (ADR) in some civil cases, whereby citizens have the opportunity to have their cases mediated by persons with a background in law before filing their cases. According to Government sources, the pilot program has been very successful, and is popular among citizens in the area. This program also has been implemented in Dhaka and Chittagong.

Trials are public. The law provides the accused with the right to be represented by counsel, to review accusatory material, to call witnesses, and to appeal verdicts. State-funded defense attorneys rarely are provided, and there are few legal aid programs to offer financial assistance. In rural areas, individuals often do not receive legal representation. In urban areas, legal counsel generally is available if individuals can afford the expense. However, sometimes detainees and suspects on police remand are denied access to legal counsel. Trials conducted under the SPA, the PSA, and the Women and Children Repression Prevention Act are similar to normal trials, but are tried without the lengthy adjournments typical in other cases. Under the provisions of the PSA and the Women and Children Repression Prevention Act, special tribunals hear cases and issue verdicts. Cases under these laws must be investigated and tried within specific time limits, although the law is unclear as to the disposition of the case if it is not finished before the time limit elapses (see Section 1.d.).

Persons may be tried in absentia, although this rarely is done. Thirteen of the 21 persons accused in the 1975 "jail killing" case are being tried in absentia, and 8 of those convicted of killing Sheikh Mujibur Rahman and 21 members of his family were convicted in absentia in 1998 (see Section 1.d.). There is no automatic right to a retrial if a person convicted in absentia later returns. Absent

defendants may be represented by state-appointed counsel, but may not choose their own attorneys, and, if convicted, may not file appeals until they return to the country.

A major problem of the court system is the overwhelming backlog of cases, and trials underway typically are marked by extended continuances while many accused persons remain in prison (see Section 1.d.). These conditions, and the corruption encountered in the judicial process, effectively prevent many persons from obtaining a fair trial or justice.

According to one independent survey conducted by Transparency International Bangladesh, more than 60 percent of the persons involved in court cases paid bribes to court officials.

On August 22, Idris Ali was released after serving 5 years in prison in a case of mistaken identity. The High Court ordered his release on three separate occasions, but the orders did not reach the jail authorities. Idris' lawyer stated that "without paying a bribe at each and every level, no document reaches its destination in the judicial system. Even if the documents reach their destination, the victims do not get released without paying bribes." Finally the High Court delivered Idris' release order via private courier, and he was released. Because of the difficulty in accessing the courts and because litigation is time consuming, alternative dispute resolution by traditional village leaders, which is regarded by some persons to be more transparent and swift, is popular in rural communities. However, these mechanisms also can be subject to abuse.

In one Dhaka constituency, Awami League M.P. Haji Selim has set up his own "alternate judicial system." Selim issues notices and brings alleged criminals to his home, where he has established his own "court" and appointed five "judges." If the accused does not surrender, Selim's men seal his house, often with family members inside. In a June 14 newspaper interview, Selim proclaimed his success in addressing the law and order situation, stating that, "It takes iron to cut iron." Selim admits to publicly ordering his men to beat terrorists, extortionists, and muggers to death. He states that he wants "at least one dead body per year...[he does] not understand human rights." Selim claims that on some occasions, after his men have beaten up violent criminals, the criminals have returned and he has engaged them in productive employment. Selim lost his seat in the October 1 election.

The Awami League Government stated that it held no political prisoners, but the BNP and human rights monitors claim that many opposition activists were arrested and convicted under criminal charges as a pretext for their political activities. It is not clear how many such prisoners actually are being held (see Section 1.d.). Soon after assuming power in mid-July, the caretaker Government formed a judicial commission to review cases of political prisoners and detentions under the SPA (see Section 1.d.). The commission recommended that some cases be brought to trial and others dismissed. On December 29, the BNP Government formed its own judicial commission to look into political cases from the previous government.

In 1999 Jatiya Party leader Ershad entered into an alliance with other opposition parties to pressure the Awami League Government to step down. In August 2000, in a case concerning misuse of power and corruption during Ershad's tenure as President, a High Court panel sentenced Ershad to 5 years in prison and a fine of \$1 million (approximately 55 million taka). Following his conviction, the court barred Ershad from Parliament for 6 years. An appellate panel of the Supreme Court ruled that Ershad could be released from prison after payment of the fine, or after serving 6 months if the fine was not paid. Ershad served 3 months and paid half of the fine on February 28, and the Court ordered his release. Instead of releasing him, the Government detained him under the Special Powers Act. Ershad successfully challenged the SPA detention, but the Government pursued a separate corruption case against him. Ershad appealed for bail and was denied, but later was transferred to a hospital where he was permitted to hold party meetings. After convincing his party to return to Parliament in defiance of the opposition alliance's almost 3-year boycott, Ershad was finally granted bail and released. Soon after his release, his party left the four-party opposition alliance.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law requires authorities to obtain a judicial warrant before entering a home; however, according to human rights monitors, police rarely obtain warrants, and officers violating the procedure are not punished. In addition the SPA permits searches without a warrant.

The Government sometimes forcibly resettles persons against their will. In 1999 police forcibly removed 267 sex workers from a large brothel district in Tanbazar and Nimtoli, Narayanganj. Authorities claimed that the women wished to be rehabilitated, but credible eyewitnesses stated that

the women refused the offer. The 267 women were confined in a center for vagrants, where some alleged that they were abused. Eventually all of the women were released from the vagrant home, and most returned to work in other locations. On September 7, 70 sex workers tried to re-enter the vacant Tanbazar brothel. The women insisted that they had a right to re-enter the premises that they used to rent. Police resisted as the sex workers tried to force their way in. Some women were injured, three of whom were hospitalized.

The Government sometimes punishes family members for the alleged crimes of others.

The Special Branch division of the police, National Security Intelligence, and the Directorate General of Forces Intelligence (DGFI) employ informers to report on citizens perceived to be political opponents of the Government and to conduct surveillance of them. Political leaders, human rights activists, foreign NGO's, and journalists report occasional harassment by these security organizations. In addition, foreign missionaries report that internal security forces and others closely watch their activities; however, no missionaries reported harassment during the year.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech, expression, and the press, subject to "reasonable restrictions" in the interest of security, friendly relations with foreign states, public order, decency and morality, or to prohibit defamation or incitement to an offense; however, there were numerous examples of the Government limiting these rights in practice. Some government leaders encouraged violence against journalists by ruling party members.

In the past, journalists pressed for repeal of the Official Secrets Act of 1923, and such discussion resurfaced during the year. According to the Act, a citizen must prove why he or she needs information before the Government will provide it. By placing the burden of proof on the citizen, the Official Secrets Act protects corrupt government officials from public scrutiny, hindering transparency and accountability of government at all levels.

The press, numbering hundreds of daily and weekly publications, is a forum for a wide range of views. While most publications support the overall policies of the Government, several newspapers report critically on government policies and activities, including those of the Prime Minister. In addition to an official government-owned wire service, there is one privately owned wire service affiliated with a major international company.

Newspaper ownership and content are not subject to direct government restriction. However, if the Government chooses, it can influence journalists through financial means. Government-sponsored advertising and allocations of newsprint imported at a favorable tariff rate are central to many newspapers' financial viability. Government-sponsored advertising is the largest source of revenue for many newspapers. In allocating advertising through the Department of Films and Publications, the Government states that it considers circulation of the newspapers, wage board implementation, objectivity in reporting, coverage of development activities, and "attitude towards the spirit of Bangladesh's War of Liberation." In the past, commercial organizations often were reluctant to advertise in newspapers critical of the Government due to fear of government or bureaucratic retaliation; however, this appears to no longer be the case.

The Government owns and controls virtually all radio and television stations with the exception of a few independent stations, such as Ekushey Television (ETV) and Radio Metrowave. The activities of the Prime Minister occupy the bulk of prime time news bulletins on both television and radio, followed by the activities of members of the Cabinet. Opposition party news gets little coverage. As a condition of operation, both private stations are required to broadcast for free some government news programs and speeches by the Prime Minister and President. In 1998 a government committee recommended measures for authorizing autonomy for radio and television broadcasts. On July 12, Parliament approved two bills granting autonomy to state-run Bangladesh Television (BTV) and Bangladesh Betar (Bangladesh Radio). Even with the passage of these laws, the public still believes that there is no real autonomy for BTV and Bangladesh Radio. Government intrusion into the selection of news remained a pervasive problem. Many journalists at these stations exercised self-censorship out of regard for what they felt were the government's wishes.

On June 16, the Ministry of Information issued a show cause notice to Faruque Alaragir, the Deputy

Director General for news at BTV, to explain why news of the June 16 bomb attack on the Narayanganj Awami League office was not broadcast despite instructions from the State Minister for Information to broadcast it. As a result, the BTV's Narayanganj correspondent was fired and another journalist was barred from further news casting. Both were held responsible for "negligence of duties" for their failure to report the news, presumably the result of a misguided effort to self-censor.

Journalists and others potentially are subject to incarceration when criminal libel proceedings are filed by private parties. Ruling party M.P.'s filed separate criminal libel suits against several newspapers after articles were published that the politicians viewed as false and defamatory. The journalists in all cases received anticipatory bail from the courts, and none of the cases moved to trial. Sedition charges remained pending, and those persons accused remained on bail. In November 2000, a new sedition charge was filed against an editor, previously charged, Bahauddin, for publishing a parody of the national anthem mocking the Prime Minister. When the police arrived at Bahauddin's residence to arrest him, he was not there, so they arrested his brother Mainuddin instead (see Sections 1.d. and 1.f.). Mainuddin was arrested under the PSA, and therefore was not eligible for bail. Mainuddin was not charged; after 16 days he was released. Charges against editor Bahauddin remain pending in both sedition cases.

Virtually all print journalists practice self-censorship to some degree, and commonly are reluctant to criticize politically influential personalities in both the Government and the opposition; however, some journalists do make such criticism. Many journalists cite fear of possible harassment, retaliation, or physical harm as a reason to avoid sensitive stories. Violent attacks on journalists and newspapers, and efforts to intimidate them by government leaders, political party activists, and others frequently occur and violence against journalists increased during the year. Political parties and persons acting on their behalf conducted attacks both on media offices and on individual journalists targeted as a consequence of their news reporting. These crimes largely remained unsolved and the perpetrators, often identified by name or party affiliation in press reports, have not been held accountable. Attacks by political activists on journalists also are common during times of political street violence, and some journalists were injured in police actions.

On April 18, armed men led by Chittagong City Corporation's Ward Commissioner and Awami League member Mamunur Rashid assaulted two reporters from Chittagong's Bengali language newspaper Purbokon following the publication of a report critical of Rashid. The attackers confined the two journalists in the newspaper office until 3:30 a.m. and beat them. The gang then ransacked the office of the newspaper. On August 7, several persons including a nephew of former BNP Minister Major General (retired) Majidul Haq, repeatedly stabbed and seriously injured Bulu Sharif, the Magura district correspondent of the Dhaka based Bengali-language newspaper Jugantor while he was returning home from assignment. Sharif was attacked for a news story regarding Majidul Haq's prospects in the October election.

Political activists frequently attacked journalists. On January 15, several activists reportedly from the student wing of the Awami League attacked, ransacked, and looted the Baufal residence of the correspondent of the Dhaka-based Bangla-language daily Ittefaq. The attackers destroyed the journalist's camera, fax machine, and furniture, and stole money. They also issued a death threat against him. On January 25, political activists, reportedly with the support and backing of M.P. Joynal Hazari, beat and stabbed the United News of Bangladesh's (UNB) correspondent in Feni, Tipu Sultan. His injuries required treatment in Bangkok. Local police initially refused to cooperate when Sultan sought to lodge a complaint. The Awami League's political opponents blamed a pro-Awami League student front and Awami League activists for the attack. The Awami League Government donated approximately \$2,000 (100,000 takas) for the injured journalist's treatment.

On April 13, three political activists beat M. Abdullah, a staffer of the Bangla-language daily Inqilab, near the official residence of the leader of the Parliamentary opposition, Begum Khaleda Zia. The police rescued him. Reports alleged that a BNP leader incited the activists to assault Abdullah for publishing press accounts connected to the BNP.

On April 24, Muniruddin Ahmed, a staff correspondent of the Dhaka-based Bangla-language daily Inqilab in Khulna, was assaulted, allegedly by Awami League activists, at the Picture Palace Crossing in Khulna City while on assignment. Awami League activists declared Ahmed an unwelcome person for his reporting about then-Prime Minister and Awami League leader Sheikh Hasina.

On July 16, armed cadres of Chatra League, the student wing of the Awami League, launched an armed attack on the residence of M. Zahirul Islam, the Gouronadi correspondent of the Dhaka-based

Bangla-language daily Prothom Alo. They stabbed the journalist and stole his fax and cell phone. The attackers also threatened to set fire to his house and business if he informed the police about the incident. The incident was believed by the press to be a reprisal for several previous critical reports by the journalist about the persons in question.

On July 22, the police recovered the mutilated body of Ahsan Ali, the Rupganj correspondent of the Dhaka-based Bengali-language daily Jugantor, from the DND canal near the Gandharbapur High School in Rupganj. Ali's wife stated that her husband had been missing since July 20. She stated that the Secretary of Rupganj Chatra League had previously threatened to kill Ali. Ali apparently had a running dispute with one of his cousins over the ownership of land. The police arrested two persons in connection with the killing, including Ali's stepbrother. It is not clear whether the killing was a reaction to press reporting.

On February 25, Tangail district police indiscriminately beat journalists in front of the Tangail Press Club, injuring nine journalists including two members of the Tangail Press Club Executive Committee. Some examinees of Sadat University College protested their expulsion from the examination at a press conference at the Press Club at which the police beat attending journalists. Seven police personnel later were suspended by the administration. On February 26, Rajbari district police arrested Liton Chakravarty, district correspondent of the Bangla-language newspaper Bhorer Kagoj. He alleged that he was tortured while in police custody after the arrest. Chakravarty reported on irregularities at the local hospital and negligence by nurses and doctors. Police arrested him on the basis of a complaint filed by a hospital nurse.

On April 20, a group of armed men ambushed Prabir Sikder, the Faridpur district correspondent for the Dhaka-based Bangla-language daily Janakantha, near Faridpur while he was on assignment. Eyewitness accounts recorded in the local press said the attackers threw several Molotov cocktails, shot and stabbed him repeatedly and then fled the scene. Sikder was later transferred to Dhaka's National Institute of Cardiovascular Diseases where the attending doctors amputated his right leg, which had been shattered by bullets. Local journalists claim Sikder was most likely attacked for his reporting on the alleged collaboration of prominent local figures with Pakistani forces during the 1971 war of liberation, and on current criminal activities. The prominent figures included a close relative of an influential central leader of the Awami League, and a BNP activist and alleged domestic terrorist. Press reports stated that the police charged 10 persons with involvement in the incident on September 10 but excluded the alleged close relative of the influential Awami League leader.

On June 5, members of a gang believed to be engaged in stealing shipping oil and property kidnaped Atahar Siddique Khasru, the Sitakunda correspondent of Dhaka-based Bangla-language daily Ittefaq. Khasru wrote a series of news stories on corruption in the shipping industry. Anonymous callers reportedly demanded approximately \$9,000 (500,000 takas) from Khasru's family. The abductors abandoned Khasru in an unconscious state in the Barabkunda area of Chittagong on June 26, 11 days after he was abducted. Mamun, the son of a local Awami League M.P., Abul Kashem Master, allegedly led the abductors.

On July 12, a gang of youths armed with swords, axes, and guns were waiting in front of the residence of Tuhin Aronno, the Meherpur district correspondent of the Dhaka-based Bangla-language daily Prothom Alo. However, they fled the area when local residents saw them. Since then, they have threatened Aronno by telephone. Tuhin Aronno ran a story in Prothom Alo on June 25 about pre-election violence being organized by the local Awami League. Aronno also received a death threat by telephone from a person identifying himself as a relative of local BNP M.P. Abdul Ghani, after Aronno ran a story regarding disputes within the four-party alliance.

In January 2000, two unidentified persons threw a bomb at the building that houses the Bangla-language daily Dainik Azadi, causing no major damage; however, a few minutes later, another bomb blast damaged the managing editor's car. Also in January 2000, the leader of the local Jatiyabadi Chhatra Dal (the student wing of the BNP in Munshiganj), attacked Zakir Hossain Sumon-Srinagar, a correspondent for the Ajker Kagoj, reportedly because he published a news item criticizing the student group. When Sumon was attacked, a senior journalist, Shafi Uddin Ahmed, tried to rescue him and also was attacked by the student group. No one was held accountable in either incident.

In January 2000, three unidentified persons shot and killed journalist Mir Illais Hossain in Jhenaidah. The journalist, also the leader of a leftist party, allegedly had received death threats a few weeks before the killing and had requested police protection. Four persons were arrested for their suspected involvement in the murder. By year's end, charges had not been filed. On February 27, a court in Narayanganj issued an arrest warrant for the editor and other officers of the opposition daily

Dinkal on the basis of a complaint lodged by a ruling party M.P., who accused the newspaper of publishing false, malicious, and inaccurate reports about him. On March 8, police officers raided the newspaper's office, threatening journalists and damaging furniture. The police withdrew after approximately 1 hour. On May 20, activists from the ruling party student front, the BCL, assaulted two Dhaka University correspondents and threatened to kill one of them.

In July 2000, two men entered the Jessore office of the Bangla-language daily Janakantha and shot and killed reporter Shamsur Rahman (see Section 1.a.). Rahman had been reporting on the activities of criminal gangs in the southwest part of the country, and the relationship of those gangs to national political parties. By September 2000, 12 persons had been arrested in connection with the murder. Charges were filed during the year and at year's end, their trial was pending.

According to the Committee to Protect Journalists, in October 2000, a group of Jubo League activists, the youth wing of the ruling party, threatened Sohrab Hossain, a reporter with the regional Loksamaj, after he wrote an article about problems with the Government's relief efforts in the flood-ravaged district of Satkhira. In October 2000, the then-State Minister for Social Welfare Mozammel Hossain (the person in charge of overseeing relief operations in Satkhira district) reportedly actively encouraged ruling party members to attack the press physically by saying "Wherever you will find journalists, break their bones." The next day, a group led by local Awami League leader Nurul Islam ransacked the office of the local daily "Satkhirar Chitro" and assaulted Anisur Rahim, the newspaper's editor, with knives and a revolver; he had to be hospitalized. The attack followed the newspaper's report on the alleged misappropriation of disaster relief funds (see Section 1.c.). One person was arrested for his involvement in the attack on the editor following the state minister's remarks, but no charges were filed.

According to the International Freedom of Expression Exchange, in October 2000, Monwar Islam, senior journalist and secretary-general of the Dhaka Reporters Unity (an organization for reporters working in Dhaka) narrowly escaped an abduction attempt, allegedly because of his reporting. No investigation was conducted, and Islam fled the country.

On January 13, followers of a "fatwabaj" (a religious leader who issues religious edicts) attacked a 12-member Bangladesh Television (BTV) team shooting a program in Bogra district on the misinterpretation of religious instructions. The TV team, including the moderator of the program, was held hostage for 8 hours until the police effected a rescue. The attackers beat a member of the production crew and the driver of the vehicle transporting the team. A case was filed at the local police station under the Public Safety Act against the fatwabaj and some of his followers. The fatwabaj filed a counter-suit under the same act against the TV crew, accusing them of unveiling women in its reporting.

On June 20, members of what is believed to be an underground Islamic group conveyed death threats to Shahjahan Hossain Badshah, a photographer of the Rajshahi-based Bangla-language daily Sonali Sangbad.

No progress has been made in the prosecution of the persons accused in the homicide case of Shamsur Rahman, the Jessore correspondent of Dhaka-based Bangla-language daily Janakantha who was killed at his office in July 2000. Sixteen persons, including five journalists, were charged with the murder of the journalist who also was a BBC Bangla Service employee. One of the accused is a local Awami League leader and another is a ward commissioner of the Khulna City Corporation. Eight of the accused remain at large.

In May the Awami League Government stopped the Grameen Mobile Phone Company from sending news bulletins to its subscribers. The company had started a 24-hour phone news service in partnership with two independent newspapers in January. The ban was imposed nearly 4 months after GrameenPhone, the country's largest mobile phone company, flashed news to its nearly 365,000 subscribers about the killing of four persons during an antigovernment protest. The company started receiving warnings from the Ministry of Information soon after it sent out news flashes in January. The Ministry sent a written order in June to stop the news service on the ground that the company had not obtained government approval to broadcast news. The caretaker Government lifted the ban on September 1.

Feminist author Taslima Nasreen, whose latest book was banned in 1999, remains abroad after being freed on bond while criminal charges against her for insulting religious beliefs remain pending.

A government Film Censor Board reviews local and foreign films, and may censor or ban them on

the grounds of state security, law and order, religious sentiment, obscenity, foreign relations, defamation, or plagiarism. The Board did not ban any locally produced Bangla films during the year. However, the Board banned the screenings of several imported English-language movies for their pornographic content. Video rental libraries provide a wide variety of films to their borrowers, and government efforts to enforce censorship on these rental films are sporadic and ineffectual. The Government does not limit citizens' access to the Internet.

Foreign publications are subject to review and censorship. Censorship most often is used in cases of immodest or obscene photographs, perceived misrepresentation or defamation of Islam, and objectionable comments about national leaders. In October the BNP Government banned the popular Calcutta-based Bangla-language magazine *Desh*. The Government alleged that the magazine was offensive to the country and its citizens.

The Government generally respects academic freedom. Although teachers and students at all levels largely are free to pursue academic assignments, research on extremely sensitive religious and political topics is forbidden.

The situation on public university campuses remains volatile, seriously inhibiting the ability of students to receive a university education and of teachers to teach. Armed clashes between student groups of different parties or of different factions within a particular party resulted in prolonged closures of colleges and universities in Dhaka, Chittagong, Rajshahi, Kushtia, Sylhet, and Barisal. As a result of a dispute between student factions over the naming of several student dorms, Shah Jalal University in Sylhet remained closed for than 3 months. Following the establishment of the caretaker Government, rivalries between student factions of the two major political parties over the control of various student dorms of Dhaka University resulted in the death of several "outsiders" and continuous strikes on campus. Campus violence has little to do with ideological differences, and more to do with extortion rackets run by nonstudent party activists, including those based on physical control of dormitories. As a result of widespread violence and campus closures, it takes nearly 6 years to earn a 4-year degree. However, several private universities that were established during the 1990's are not affected by student political violence.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, subject to restrictions in the interest of public order and public health; however, the Government frequently limits this right. The Criminal Procedure Code allows the Government to ban assemblies of more than four persons. According to one human rights organization, the Government imposed such bans 47 times during the first 7 months of the year. The Government sometimes uses bans to prohibit rallies for security reasons, but many independent observers believe that such explanations usually are a pretext. Supporters of the ruling party frequently will schedule their own rallies for the same venue and time as scheduled opposition rallies and meetings, thus providing the Government a basis for imposing a ban for security reasons. On March 30, the four-party alliance (then in the political opposition) scheduled a rally in Nazirpur, Pirojpur District; a local Jamaat Party M.P. was scheduled to speak. The Awami League's youth front then announced a rally at the same venue at the same time, leading to a clash between activists. In response to the violence, the local administration imposed a ban, preventing either rally from being held. The Jamaat M.P. then tried to hold a meeting at a local BNP office, but police prevented him. After Kader Siddiqi, leader of the Krishok Sromik Janata League scheduled a rally at Nagarpur Government College for July 1, the local Awami League chapter called a rally at the same venue at the same time, leading the local administration to impose a ban. The Government banned rallies within 3 kilometers of the college. Siddiqi held the rally 50 yards from the college grounds, thus violating the ban.

Rallies and demonstrations sometimes turn violent. After a January High Court ruling that all fatwas were illegal (see Section 2.c.), a series of rallies and protests left at least 14 persons dead and hundreds injured (see Sections 1.a. and 1.c.).

On July 15, the day that the caretaker Government was sworn in, 5 Awami League leaders were killed and more than 400 persons were injured in numerous clashes between activists of both the Awami League and the four-party alliance. Six persons were injured when bombs were thrown at an Awami League procession, led by M.P. Haji Selim in the Lalbagh district of Dhaka. Bombs also were thrown at buses carrying Awami League activists to the National Parade Grounds where they had scheduled a rally.

The four-party alliance, while in the opposition, called numerous hartals during the year at the

national and local levels. Local ruling party groups also called local hartals. Party activists enforce these strikes through threatened or actual violence against strikebreakers. Those persons who are opposed to or neutral toward the strike are coerced into observing prohibitions against vehicular transport and normal operation of businesses. Both opposition and ruling party activists mount processions during general strikes. Despite surveys showing that a majority of citizens are opposed to the use of hartals as a political weapon, all of the major parties continue to call hartals. In August leaders of all parties agreed to refrain from calling for hartals; however, within a day, Awami League leaders started holding hartals and the BNP followed suit. Police rarely interfere with ruling party processions on such occasions; police and ruling party activists often work in tandem to disrupt and to discourage opposition processions.

The Constitution provides for the right of every citizen to form associations, subject to "reasonable restrictions" in the interest of morality or public order, and in general the Government respects this right. Individuals are free to join private groups.

c. Freedom of Religion

The Constitution establishes Islam as the state religion but also stipulates the right—subject to law, public order, and morality—to practice the religion of one's choice, and the Government respects this provision in practice. However, although the Government is secular, religion exerts a powerful influence on politics, and the Government is sensitive to the Muslim consciousness of the majority of its citizens. Approximately 88 percent of the population is Muslim. Some members of the Hindu, Christian, and Buddhist minorities continue to perceive and experience discrimination toward them from the Muslim majority (see Section 5).

Religious organizations are not required to register with the Government; however, all nongovernmental organizations (NGO's), including religious organizations, are required to register with the NGO Affairs Bureau if they receive foreign money for social development projects. The Government has the legal ability to cancel the registration of an NGO or to take other action against it; such powers rarely are used and have not affected NGO's with religious affiliations.

Religion is taught in schools, and children have the right to be taught their own religion. Some claim that many Government-employed religious teachers of minority religions are neither members of the religion they are teaching nor qualified to teach it. Therefore, in practice schools with few religious minority students often work out arrangements with local churches or temples, which direct religious studies outside school hours. However, transportation may not always be available for children to attend religion classes away from school.

The law permits citizens to proselytize. However, strong social resistance to conversion from Islam means that most missionary efforts by Christian groups are aimed at serving communities that have been Christian for several generations or longer. The Government allows various religions to establish places of worship, to train clergy, to travel for religious purposes, and to maintain links with co-religionists abroad. Foreign missionaries may work in the country, but their right to proselytize is not protected by the Constitution. Some missionaries face problems in obtaining visas or renewing visas, which must be renewed annually.

In January the High Court ruled illegal all fatwas, or expert opinions on Islamic law. Fatwas can include the decision as to when a holiday is to begin based upon the sighting of the moon, or an opinion on a religious issue. Only those Muftis (religious scholars) who have expertise in Islamic law are authorized to declare a fatwa. However, in practice village religious leaders sometimes make declarations on individual cases, calling the declaration a fatwa. Fatwas commonly deal with marriage and divorce, or mete out punishments for perceived moral transgressions. Victims are sometimes lashed, or shunned by their communities (see Section 1.e.). While the Court's intention was to end the extrajudicial enforcement of penalties by religious leaders, the January ruling declared all fatwas illegal and resulted in violent public protests (see Section 1.a.). Several weeks later, the Appellate Court stayed the High Court's ruling. No date has been set for re-hearing the issue.

Many Hindus have been unable to recover landholdings lost because of discrimination in the application of the law, especially the Vested Property Act. Property ownership, particularly among Hindus, has been a contentious issue since partition in 1947. On April 9, Parliament passed the "Vested Property Return Bill of 2001." This law required the Government to return land that was seized under the now-defunct Vested Property Act, a Pakistan-era law that allowed "enemy" (in practice Hindu) lands to be expropriated by the State. Approximately 2.5 million acres of land was

seized from Hindus and almost all of the 10 million Hindus in the country were affected. The Vested Property Act was suspended in 1984, but some claims allegedly were backdated. Under the new Return Bill, the Government will return land remaining under its control to the original owners or heirs, provided that they remain citizens of the country. Hindus who fled to India and resettled there will not be eligible to have their land returned, and no provisions were included for compensation for or return of properties that the Government has sold. The Government was tasked to prepare a list of vested property holdings by October 11, and claims must be filed within 90 days of the publication date. No further claims are to be accepted after this period expires.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

Citizens generally are able to move freely within the country and to travel abroad, to emigrate, and to repatriate; however, there were instances in which the Government restricted these rights. In August 1999, immigration authorities seized the passport of Jatiya Party Secretary General Naziur Rahman Monzur. A High Court ruling ordered the passport to be returned to Monzur, and the Supreme Court rejected government appeals against the ruling. Monzur's passport finally was returned in July, under the caretaker Government. In December 1999, the leader of the then-opposition Jamaat-e-Islami, Ghulam Azam, submitted his passport to immigration authorities for renewal, but it was not renewed. Azam successfully challenged the Government's refusal to renew his passport, and, after more than a year, finally received it. On May 9, shortly before Azam planned to travel to London, police surrounded his home, informed him that the Government had restricted his travel, and searched his home in a failed attempt to seize his passport. In August, after the nonpartisan caretaker Government had assumed office, Azam traveled to London. The Government seized the passport of Jatiya Party leader H.M. Ershad in June 2000. The Government accused Ershad of planning a conspiracy to overthrow the Government while out of the country.

BNP Government authorities confiscated opposition Awami League leader Tofail Ahmed's passport on October 22. The apparent reason for this action was to prevent Ahmed from fleeing the country while the newly elected government was preparing to file corruption charges against him. On December 10, the High Court ordered the BDG to return the former Awami League Industries Minister's passport within 10 days. Special Branch police officers delivered Ahmed's passport to him on December 20.

On occasion the movement of major opposition political leaders is restricted, and the Government does little to assist them. On June 17, as Khaleda Zia, leader of opposition party BNP, attempted to visit the southern part of the country to address a scheduled rally, her motorcade was fired upon repeatedly, forcing her to return to Dhaka. According to newspapers, witnesses said Awami League activists were responsible. However, the Awami League denied involvement in the incident. After returning to Dhaka, Khaleda Zia attempted to go by another route. However, local Awami League activists in Aminbazar and Savar organized blockades in the road.

Bangladeshi passports are invalid for travel to Israel.

Approximately 300,000 Bihari Muslims live in various camps throughout the country; they have been in the country since 1971 awaiting settlement in Pakistan. Biharis are non-Bengali Muslims who emigrated to what formerly was East Pakistan during the 1947 partition of British India. Most supported Pakistan during Bangladesh's 1971 War of Independence. They later declined to accept Bangladesh citizenship and asked to be repatriated to Pakistan. The Government of Pakistan historically has been reluctant to accept the Biharis.

Approximately 251,000 Rohingya refugees (Muslims from the northern Burmese state of Arakan) crossed into the southeast in late 1991 and 1992, fleeing repression. Since 1992 approximately 232,000 Rohingyas have been repatriated voluntarily to Burma, nearly 22,700 have left the camps and are living among the local citizens, more than 32,200 children have been born to the refugees, 7,700 have died, and more than 20,800 refugees remain in 2 camps administered by the Government in cooperation with the U.N. High Commission for Refugees (UNHCR). In April 1999, the UNHCR urged the Government to allow any refugees who could not return to Burma to be allowed to work in the country, benefit from local medical programs, and send their children to local schools. The Government refused these requests, insisting that all Rohingya refugees must remain in the camps until their return to Burma. According to Human Rights Watch, there are reports of violence by refugee camp officials against Rohingyas (see Section 1.c.). Despite senior level interaction with the Burmese Government, the two Governments remain unable to accelerate the rate of repatriation.

According to the UNHCR, the Government, and human rights groups, more than 100,000 Rohingyas who have entered the country since 1991 live in precarious circumstances in the country outside the camps with no formal documentation. The Government effectively denied first asylum to the new arrivals it encountered by categorizing them as illegal economic migrants and turned back as many persons as possible at the border. According to UNHCR, which has interviewed some of these migrants, at least some of them are fleeing persecution.

The law does not include provisions for granting refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally cooperates with the UNHCR and other humanitarian organizations in assisting refugees. The law does not provide for first asylum or resettlement of asylum seekers. However, in practice the Government grants temporary asylum to individual asylum seekers whom the UNHCR has interviewed and recognized as refugees on a case-by-case basis. At the UNHCR's request, the Government allowed about 125 refugees and asylum seekers, including non-Rohingya Burmese, Somalis, Iranians, and Sri Lankans, to remain in the country pending durable solutions such as voluntary repatriation or resettlement to other countries.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The country is a multiparty, parliamentary democracy in which elections by secret ballot are held on the basis of universal suffrage. M.P.'s are elected at least every 5 years. The Parliament has 300 elected members. Party leaders appoint candidates for elections; many allege that some candidates effectively "purchase" nomination from party leaders with generous campaign contributions or personal "gifts."

Under a 1996 constitutional amendment, general parliamentary elections are presided over by a caretaker government, led by the most recently retired Chief Justice of the Supreme Court or, if he is unfit or unwilling, another senior retired justice or other neutral figure. Sheikh Hasina, leader of the Awami League, was Prime Minister until Parliament's term of office expired in July. At that time a caretaker Government was installed, headed by recently retired Chief Justice Latifur Rahman, who became Chief Advisor, in accordance with the Constitution. The mandate of the caretaker Government was to oversee the holding of the elections within 90 days of the dissolution of Parliament and to manage the day-to-day operations of the Government until the next Prime Minister took office on October 10. Domestic and international observers deemed the general election held on October 1 to be generally free and fair, in spite of sporadic violence and isolated irregularities. Khaleda Zia, leader of the Bangladesh National Party, was elected Prime Minister and took office on October 10.

Violence, including killings and injuries, occurred both before and after the October election. In September an activist from the Awami League was killed as he was campaigning. Also in September, two bomb blasts killed at least 8 Awami League members and injured more than 100 others in the district of Bagerhat during an election rally. In response to the increased violence, the caretaker Government deployed 50,000 troops. In the first 25 days of October, 266 murders and 213 rape cases related to post-election violence were recorded around the country. Harassment of Hindus, including killings, rape, looting, and torture, also allegedly was related to post-election violence (See Section 5).

Due to continuing objections from the opposition parties, the Election Commission did not schedule "upazila" (subdistrict) elections. During the year, the Government assumed the power to order the Election Commission to conduct upazila elections on a date of the Government's choosing. However, the Government had not ordered these local elections by year's end. In July 2000, Parliament passed the "zilla" (district) council law, which provides for indirect election of the district council chairman by an electoral college of elected lower level representatives. The law empowers the Government to appoint these chairmen until the indirect elections can be held. The Government has not made such appointments.

In 1991 the Constitution was amended and the country changed from a presidential system to a parliamentary system. The changes stipulated that an M.P. who resigns from his party or votes against it in Parliament automatically loses his seat. In practice this provision solidifies the control of Parliament by the Government and the Prime Minister. BNP member Major (retired) Akhtaruzzaman lost his seat in 2000 when he joined the parliamentary session in violation of his Party's decision to abstain. Akhtaruzzaman challenged the decision, and his seat remained vacant until Parliament dissolved in July. The lack of democracy within the political parties that have formed governments

since 1991 has resulted in a concentration of political power in the office of the Prime Minister, regardless of which party is in power. In practice the Prime Minister usually decides on major governmental policies, with little or no involvement by Parliament. Parliament's effectiveness as a deliberative body is undermined further by the country's relatively narrow partisan politics. All of the major parties have boycotted Parliament while in the opposition, claiming that they had little opportunity to engage in real debate on legislation and national issues. However, in August, all of the major parties agreed that they would not boycott Parliament and would renounce the use of hartals. Nonetheless, parties continued to call hartals. Parliamentary committees are headed by M.P.'s rather than the ministers concerned, increasing the committees' effectiveness in overseeing government work. However, of the Seventh Parliament's 46 committees, only one was chaired by an opposition M.P.

On August 8, the caretaker Government passed an ordinance including measures to address much-needed election reform. These provisions gave more independence to the Election Commission, and gave law enforcement powers to specified military branches on election day. The new law requires political parties to maintain accounts and keep records of campaign contributions and expenses. It also codifies permission for election observers, both international and domestic, in the polling booths. While a limited number of observers were present in the polling booths during previous elections, there was no previous legal provision guaranteeing them access. Local NGO's including civil society organizations deployed observers for the elections but their coverage was spotty and inconsistent. The ordinance also contains a provision to expedite the process for adjudicating election fraud cases. Due to excessive backlog in the court system, at the time the elections were held on October 1, 21 of 22 election fraud cases were still pending from the 1996 elections. Under the new provisions, election fraud cases are to go directly to the High Court.

In August leaders of both of the major political parties agreed in principle to parliamentary reforms intended to give a larger role to the opposition. Discussions regarding how best to accomplish this were ongoing at year's end.

Elections often are marred by violence, intimidation of voters, and vote rigging. The Government and activists of major political parties frequently use violence and harassment against political opponents, practices that intensify in the period prior to elections (see Section 1.a.).

Political activists also reportedly engage in extortion from businesses and individuals.

The percentage of women in government or politics does not correspond to their percentage of the population. Until April when the constitutional provision that provided parliamentary participation for them expired, 30 legislative seats were reserved for women appointed by majority vote in Parliament; critics charged that these seats acted far less to empower women than to enhance the ruling party's majority. A Government-sponsored bill to extend the provision could not be passed without a constitutional amendment, which would have required a two-thirds majority. This was not possible because of the opposition's parliamentary boycott. Women are free to contest any seat in Parliament, and in August, both the Awami League and the BNP agreed in principle to add at least 60 women's seats to the existing 300 in Parliament. These women are to be elected directly, rather than be appointed by the ruling party leader.

Seats are not specifically reserved for other minority groups, such as tribal people.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government generally permits human rights groups to conduct their activities. A wide variety of groups publish reports, hold press conferences, and issue appeals to the Government with regard to specific cases. While human rights groups often are sharply critical of the Government, irrespective of the ruling party, they frequently practice self-censorship, particularly on some politically sensitive cases and subjects. In the past, the Government has consulted with human rights groups on some draft legislation and taken their views into account. In January 2000, after discussions between the Government and some women's rights groups and NGO's, Parliament passed the Women and Children Repression Prevention Act. However, the Government continues to refuse to register the Bangladesh Section of Amnesty International, which since 1990 has applied several times for registration under the Societies Registration Act. Without this registration, a voluntary organization cannot receive funding from abroad.

The Government is defensive about international criticism regarding human rights problems.

However, the Government has been open to dialog with international organizations and foreign diplomatic missions regarding such issues. Despite repeated promises to do so throughout their 5 years in power, the Awami League Government failed to enact legislation to establish a National Human Rights Commission.

In the past, the Government has put pressure on individual human rights advocates, including by filing charges against them that are known to be false. Such pressure also has included long delays in issuing reentry visas for international human rights activists. Missionaries who advocate human rights have faced similar problems.

In the past, human rights organizations have reported that the Government has put pressure on them usually in the form of harassment by the intelligence agencies and threats from activists of the ruling party.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution states that "all citizens are equal before the law and are entitled to equal protection by the law;" however, in practice the Government does not enforce strongly laws aimed at eliminating discrimination. Women, children, minority groups, and persons with disabilities often confront social and economic disadvantages.

Women

Violence against women is difficult to quantify because of unreliable statistics, but recent reports indicated that domestic violence is widespread. A report released by the U.N. Population Fund in September 2000 asserted that 47 percent of adult women report physical abuse by their male partner. The Government, the media, and women's rights organizations have fostered a growing awareness of the problem of violence against women. Much of the violence against women is related to disputes over dowries. According to a human rights group, there were 126 dowry-related killings during the year.

In November a housewife allegedly was beaten to death by her husband in Lakiganjupazila following an argument. Villagers handed the victim's husband over to the police.

Also in November, Abdur Rashid from Shailakupa upazila received the death penalty for killing his wife in July 1998.

The law prohibits rape and physical spousal abuse, but it makes no specific provision for spousal rape as a crime. According to one human rights organization, 622 women and girls were raped during the year. Prosecution of rapists is uneven. While some rapists receive sentences of "life imprisonment" (in practice generally 22 1/2 years), other cases are settled by village arbitration councils, which do not have the authority to prosecute criminals and therefore issue only a fine. Many rapes go unreported. The Government also has enacted laws specifically prohibiting certain forms of discrimination against women, including the Dowry Prohibition Act, the Cruelty to Women Law, and the Women and Children Repression Prevention Act (see Section 1.d.). However, enforcement of these laws is weak, especially in rural areas, and the Government seldom prosecutes those cases that are filed. According to a human rights organization, there are 7 government-run and 13 privately run large shelter homes available for use by women who are victims of violence. Some smaller homes also are available for victims of violence. However, these are insufficient to meet victims' shelter needs. As a result, the Government often holds women who file rape complaints in safe custody, usually in prison. Safe custody frequently results in further abuses against victims, discourages the filing of complaints by other women, and often continues for extended periods during which women often are unable to gain release (see Sections 1.c. and 1.d.).

Human rights groups and press reports indicate that incidents of vigilantism against women--sometimes led by religious leaders--at times occur, particularly in rural areas. These include humiliating, painful punishments, such as the whipping of women accused of moral offenses (see Sections 1.a. and 2.c.).

Acid attacks are a growing concern. Assailants throw acid in the faces of numerous women and a small but growing number of men, leaving victims horribly disfigured and often blind. According to the Acid Survivors' Foundation, a local organization that offers assistance to acid attack victims, approximately 300 acid attacks occur each year. Nearly 80 percent of acid attack victims are female;

more than 40 percent are under the age of 18. Even after extensive treatment in the country and abroad, victims remain severely scarred, making social reintegration very difficult. The most common motivation for acid-throwing attacks against women is revenge by a rejected suitor; land disputes are another leading cause of the acid attacks. Few perpetrators of the acid attacks are prosecuted. Often the perpetrator flings the acid in through an open window during the night, making cases difficult to prove. Of approximately 750 reported assaults with acid since 1998, 25 perpetrators have been found guilty. Of the 25 guilty verdicts, 9 perpetrators were sentenced to death. Sentences are commensurate with the extent of the victim's burns. Public interest litigation against easy access to acid remained pending at year's end.

Two NGO's lead the effort to counter acid violence: Naripokkhkho ("Pro-Woman") and the Acid Survivors' Foundation. Between the two, their coordinated approach includes public awareness, case reporting, short- and long-term treatment, and legal justice. Societal support for both organizations in their attempts to combat acid violence is very strong.

There is extensive trafficking in women for the purpose of prostitution within the country and to other countries in Asia (see Section 6.f.).

For the most part, women remain in a subordinate position in society, and the Government has not acted effectively to protect their basic freedoms. Literacy rates are approximately 29 percent for women, compared with 52 percent for men. In recent years, female school enrollment has improved. Approximately 50 percent of primary and secondary school students are female. Women often are ignorant of their rights because of continued high illiteracy rates and unequal educational opportunities, and strong social stigmas and lack of economic means to obtain legal assistance frequently keep women from seeking redress in the courts. Many NGO's operate programs to raise women's awareness of their rights, and to encourage and assist them in exercising those rights.

Under the Muslim Family Ordinance, female heirs inherit less than male relatives do, and wives have fewer divorce rights than husbands. Men are permitted to have up to four wives, although this right rarely is exercised. Laws provide some protection for women against arbitrary divorce and the taking of additional wives by husbands without the first wife's consent, but the protections generally apply only to registered marriages. Marriages in rural areas sometimes are not registered because of ignorance of the law. Under the law, a Muslim husband is required to pay his ex-wife alimony for only 3 months, but this rarely is enforced.

Employment opportunities have been stronger for women than for men in the last decade, which largely is due to the growth of the export garment industry in Dhaka and Chittagong. Eighty percent of the 1.4 million garment sector workers are women. Programs extending micro-credit to large numbers of rural women also have contributed to greater economic power for them. However, women still fill only a small fraction of other wage-earning jobs. According to a report by the Public Administration Reforms Commission publicized in October 2000, women hold only 12 percent of government jobs, and only 2 percent of senior positions. The Government's policy to include more women in government jobs only has had limited effect. In recent years, approximately 15 percent of all recruits into government service have been women. According to a Government survey released in May, women comprise only 2.1 percent of the workforce in the Home Ministry, which is responsible for police and internal security; women comprise only 1.77 percent of the workforce in the Ministry of Local Government and Rural Development.

The garment and shrimp processing industries employ the highest number of female laborers. Forty-three percent of women work in the agriculture, fisheries, and livestock sectors, but 70 percent of them are unpaid family laborers. Many women work as manual laborers on construction projects as well, and constitute nearly 25 percent of all manufacturing workers. Women also are found in the electronics, food processing, beverage, and handicraft industries.

Children

The Government undertakes programs in the areas of primary education, health, and nutrition. Many of these efforts are supplemented by local and foreign NGO's. These joint efforts have allowed the country to begin making significant progress in improving health, nutrition, and education; however, slightly more than half of all children still are chronically malnourished. For example, the Bangladesh Rural Advancement Committee (BRAC), the country's largest NGO, provides primary education to more than 1.2 million children. In cooperation with the Non-Formal Education Directorate of the Government and some NGO partners, UNICEF is implementing a program to provide education to 350,000 (primarily working) children in urban slum areas around the country. In addition the ILO has

undertaken education and social welfare programs for more than 50,000 children (see Section 6.d.). The Government made universal primary education between the ages of 6 and 10 years mandatory in 1991, but has not implemented the law fully. According to Education Ministry statistics, more than 80 percent of children between the ages of 6 and 10 years are enrolled in school. Enrollment of boys and girls is roughly equal. Attendance rates drop steadily with age; according to the Government, approximately 70 percent of all children complete grade 5. To serve the maximum number of children with limited facilities, most schools have two shifts. As a result, most children in grades one and two spend 2 1/2 hours a day in school; children in grades 3 to 5 are in school for 4 hours. The Government provides incentives for rural female children between the ages of 12 and 16 years to remain in school. These incentives have been effective in increasing the number of girls in school.

Because of widespread poverty, many children are compelled to work at a very young age. This frequently results in abuse of children, mainly through mistreatment by employers during domestic service (children who work in domestic service may work in conditions that resemble servitude) and prostitution (see Section 6.c.); this labor-related child abuse occurs commonly at all levels of society and throughout the country (see Section 6.d.). Sometimes children are seriously injured or killed in workplaces (see Section 6.d.); including at least one child domestic who was the victim of an "unnatural death" (see Section 6.c.). Reports from human rights monitors indicate that child abandonment, kidnaping, and trafficking for prostitution continue to be serious and widespread problems. There is extensive trafficking of children, primarily to India, Pakistan, and destinations within the country, largely for the purpose of prostitution (see Section 6.f.). UNICEF has estimated that there are approximately 10,000 child prostitutes in the country. Other estimates have been as high as 29,000. Prostitution is legal, but only for those over 18 years of age and with government certification. However, this minimum age requirement commonly is ignored by authorities, and is circumvented easily by false statements of age. Procurers of minors rarely are prosecuted, and large numbers of child prostitutes work in brothels. There were credible reports that police facilitated or were involved in trafficking in of women and children. The law stipulates a maximum sentence of life imprisonment (in practice, generally 22-1/2 years) for persons found guilty of trafficking a child into prostitution.

Few facilities exist for children whose parents are incarcerated. According to an NGO, 310 children were in prison with their mothers as of July and an additional 471 minors under 16 were in prison serving sentences or awaiting trial. On May 27, police arrested 15 boys from the age of 10 to 12 under suspicion that they were planning "destructive and anti-social activities." The District Magistrate sentenced the boys to a 1-month detention under the Special Powers Act, then extended their sentence by 3 more months. As of August 29, the children remained in jail (See Section 1.d.).

Persons with Disabilities

The law provides for equal treatment and freedom from discrimination for persons with disabilities; however, in practice, the disabled face social and economic discrimination. The Government has not enacted specific legislation or otherwise mandated accessibility for persons with disabilities. Government facilities for treating the mentally ill or the retarded are inadequate. Unless a family has money to pay for private service, a mentally ill person can find little treatment in the country.

According to the National Forum of Organizations Working With the Disabled, an umbrella organization consisting of more than 80 NGO's working in various fields of disability, approximately 14 percent of the country's population has some form of disability. After sustaining a physical disability, women sometimes are "replaced" within their families and have nowhere to go. The economic condition of most families limits their ability to assist with the special needs of a person with disabilities, and superstition and fear of persons with disabilities in society sometimes result in their isolation.

However, there have been a number of private initiatives in the areas of medical and vocational rehabilitation, as well as employment of persons with disabilities. Physical and occupational therapists sometimes produce adaptive devices using locally available materials that often are less expensive and well suited to subtropical environments. The Center for Rehabilitation of the Paralyzed, a privately funded facility, provides both in-patient and out-patient medical services including physical therapy, occupational therapy, social work, counseling, and telemedicine for both children and adults with various physical disabilities. The Center runs a model village to enable the disabled to adjust to village life before reintegration. The Center also helps integrate residents back into society and provides vocational training, micro-credits, and employment generation opportunities. Advocacy, networking, and accident prevention also is provided. Some employers, both in the private for-profit and nonprofit sectors, have hired individuals with hearing impairments

and physical disabilities for professional and nonprofessional positions, including as clerical workers, therapists, trainers, and computer-aided design operators.

Indigenous People

Tribal people have had a marginal ability to influence decisions concerning the use of their lands. The 1997 Chittagong Hill Tracts (CHT) Peace Accord ended 25 years of insurgency in the CHT, although law and order problems continue. Former insurgent leader Jotirindrio Bodhipriya Larma, alias Shantu Larma, has publicly questioned whether the Peace Accord has been implemented properly, and has urged prompt government action to implement all provisions of the Accord. Confusion continues over the overlapping responsibilities of the various central and local government bodies involved in the Hill Tracts. The Land Commission that is to deal with land disputes between tribals and Bengali settlers does not yet function effectively in addressing critical land disputes. Tribal leaders also have expressed disappointment at the lack of progress in providing assistance to tribals who left the area during the insurgency.

Until 1985 the Government regularly allotted land in the CHT to Bengali settlers, including land that was claimed by indigenous people under traditional concepts of land ownership. This led to the displacement of many tribal groups, such as the Chakmas and Marmas. Bengali inhabitants in the CHT increased from 3 percent of the region's population in 1947 to approximately 50 percent of the area's population of 1 million persons in 1997. The Shanti-Bahini, a tribal group, had waged a low-level conflict in the CHT from the early 1970's until the signing of the Chittagong Hill Tracts Peace Accord with the Government in December 1997. During the periods of violence, all of those involved--indigenous tribes, settlers, and security forces--accused each other of human rights violations.

The terms of the 1997 pact provided for a strong local government, consisting of mostly tribal representatives, including the chairperson; reduction of the military presence in the CHT region; and a substantial compensation package for displaced tribal families. Under the pact, the Government established a Land Commission to deal with land disputes between Bengalis and tribals. However, until July there was no legal basis for the Commission and, according to the Peace Accord, the Commission's verdict was to be final; appeal would not be possible. However, tribal leaders continued to express disappointment in the lack of progress in providing assistance to tribals who left the area during the insurgency. The Government also formed a Regional Council to improve the region's infrastructure and promote economic development. The Council was formed largely as a coordinating body, and Larma, who chairs the Council, claims that it has neither the mandate nor the resources promised. The Government claims that it has reduced the number of army camps in the Chittagong Hill Tracts from 500 to 430; Shantu Larma claims that only 31 such camps have been closed. The Accord also provided that only "permanent residents" of the Chittagong Hill Tracts would be allowed to vote. According to Shantu Larma, approximately 700,000 indigenous people and 100,000 Bengalis are "permanent residents." He claims that approximately 500,000 persons, whose names are on the voter list, are nonpermanent residents, including 100,000 government employees and security personnel, and that these persons should not be permitted to vote in the region. Government leaders counter that voting is a fundamental right and that citizens cannot be disenfranchised from the election process. The constitutionality of the provision is unclear.

Shantu Larma recently formed an organization comprising 90 representatives from different tribal groups. Larma stated that the various indigenous groups have been pressing for their rights separately, but the mission of this new organization, the Adibashi Adhikar Forum (Indigenous Peoples' Rights Forum), will be to press for those rights collectively.

Some tribal people oppose the Peace Accord signed by Shantu Larma's group, and continue to demand full autonomy for the CHT tribals. They have formed a group called the United People's Democratic Front (UPDF), and on several occasions armed clashes between the UPDF and members of the Chittagong Hill Tracts People's Solidarity Society (PCJSS) resulted in deaths and injuries.

On February 16, three foreign engineers were abducted at gunpoint from a road in Rangamati District in the Chittagong Hill Tracts. After their safe and peaceful release on March 17, one of the hostages told a newspaper reporter that one of his abductors had confided that the motive was not political but rather, they wanted money "for the welfare of Chakma people."

On June 23, a Bengali truck driver in Khagrachhari District in the Chittagong Hill Tracts was murdered. Bengalis formed a procession to protest the murder and to demand action against those responsible. A bomb exploded during the procession. Clashes between Bengalis and tribals ensued.

injuring 18 persons, including 1 policeman. Bengalis later set fire to more than 100 houses belonging to tribals. The Government imposed provisions of the Penal Code, which permit arrest for unlawful assembly that threaten the public safety. Police arrested 6 tribals in connection with the murder of the truck driver, and 15 others for arson.

Alfred Soren, a leader of the Santal tribe in the northern part of the country, was killed and dozens of others were injured in an attack in August 2000. According to one human rights organization, the perpetrators of the attack were Bengalis who were angry with the tribals over a land dispute. Ninety-one persons were accused of involvement in the attack, but only four were arrested. On February 9, the Government paid \$926 (50,000 taka) in compensation to Soren's family and \$185 (10,000 taka) to each of the families of 9 injured persons. Court proceedings continued during the year.

Tribal people in other areas also have reported problems of loss of land to Bengali Muslims through questionable legal practices and other means. The Garos of the Modhupur forest region in the north-central part of the country continue to face problems in maintaining their cultural traditions and livelihoods in the face of deforestation and encroachment by surrounding Bengali communities. The pressure on the Garo community has resulted in greater migration to urban areas and to the Indian state of Meghalaya, threatening the existence of an already small community estimated at only 16,000 persons. The Government had indicated in 1995 that it would establish a national park of 400 acres in the Mymensingh district. Part of the land would be taken from the Garo tribals. After vocal protests, the Government put the proposal on hold.

On Easter Sunday, the Forestry Department inaugurated an eco-park on the lands of the predominantly Christian Khasi tribals in Moulvibazar. Although indigenous Khasis have been living on these lands for generations, the Government does not recognize their claims of ownership. The Government claims ownership of the land and states that the Khasis are occupying it illegally.

On April 4, 1 person died and 10 were injured in a clash between Khasis and Bengalis in a land dispute in Moulvibazar. On April 13, a group of 50 to 60 Bengalis led by a former union council member attacked a Khasi village. Fifty persons were injured.

Religious Minorities

Hindus, Christians, and Buddhists constitute approximately 12 percent of the population.

The South Asian Coalition Against Fundamentalism, a leading South Asian human rights group, stated that it had documented widespread atrocities committed by Muslim radicals against Hindus. Muslim supporters of the BNP reportedly prevented many Hindus from voting in the parliamentary elections in October as they are considered to be supporters of the Awami League. Other actions included the rape, torture, murder, and looting of Hindus, forcing them to flee their villages. The organization also claimed that Muslim extremist groups were attempting to force Hindus into India in an attempt to make the country a purely Islamic state. The BNP admitted that there was some truth to the allegations, but dismissed reports of widespread attacks as exaggerated. The Home Minister was unable to confirm reports that Hindus had fled the country and insisted that there was no link between religion and the violence. He also dismissed allegations that the BNP was linked to the perpetrators. The Government decided to set up a special Secretaries' committee to investigate the harassment of Hindus.

On November 16, Principal Gopal Krishna Mahuri of Nazirhat College in Chittagong was shot dead by unidentified assailants. Following the murder, Hindus staged a violent demonstration, protesting that Mahuri was killed because he was a Hindu. Mahuri's family stated that he was unpopular with the Jammāt-i-Islami party as he refused it and other political parties access to the college's campus. It is unclear whether the murder was connected to the persecution of Hindus since the election. Two professors at the same college were arrested in connection with the murder.

Local gang leaders sometimes attack religious minorities, perceiving them to be weak and vulnerable. The Government sometimes has failed to criticize, investigate, and prosecute the perpetrators of these attacks. In the past, the Ahmadiyas, whom many mainstream Muslims consider heretical, have been the target of attacks and harassment. An Ahmadiya mosque in Kushtia which mainstream Muslims captured in 1999 remains under police control, preventing Ahmadiyas from worshipping. In October 1999, a bomb killed 6 Ahmadiyas and injured more than 40 others who were attending Friday prayers at their mosque in Khulna; the case remained unresolved at year's end.

On June 3, in Baniachar, Gopalganj district, a bomb exploded inside a Catholic church during Sunday mass, killing 10 persons and injuring 20 others. The army arrived to investigate approximately 10 hours after the blast. The bomb, which the army concluded was produced outside of the country, had been placed just inside a side door in a jute bag. Police detained various persons for questioning, but as of year's end, no progress had been made on the case.

On December 29, the BNP formed a judicial commission to investigate "religiously motivated" bombing incidents that occurred during the Awami League Government period.

Religious minorities are disadvantaged in practice in such areas as access to government jobs and political office. Selection boards in the government services often lack minority group representation.

However, schools and universities tend to give preference to Hindus when hiring teachers and professors. Some Hindus report that Muslims tend to favor Hindus in some other professions as well, such as doctors, lawyers, and accountants. They attribute this to the education that the British offered 150 years ago, which Muslims boycotted but Hindus embraced. In recent decades, Muslims have put more of an emphasis on education, particularly the education of girls.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right to join unions and—with government approval—the right to form a union. The total work force is approximately 58 million persons, of whom 1.8 million belong to unions, most of which are affiliated with the various political parties. There are no reliable labor statistics for the large unreported informal sector, in which the vast majority of citizens work.

Thirty percent workplace participation in the union is required for a union to obtain and maintain its registration. Moreover, would-be unionists technically are forbidden to engage in many activities prior to registration, and legally are not protected from employer retaliation during this period. Labor activists have protested that this requirement severely restricts workers' freedom to organize, particularly in small enterprises and the private sector, and the ILO has requested the Government to amend the 30 percent provision on the same grounds. The ILO also has requested the Government to amend legislative provisions that bar registration of a union that is composed of workers from different workplaces owned by different employers. An estimated 15 percent of the approximately 5,450 labor unions are affiliated with 25 officially registered National Trade Union (NTU) centers. There also are several unregistered NTU's.

With the exception of workers in the railway, postal, telegraph, and telephone departments, civil servants, police, and military personnel are forbidden to join unions in large part because of the highly political nature of those unions. Many civil servants who are forbidden to join unions, such as teachers and nurses, have formed associations that perform functions similar to labor unions, that is, providing for members' welfare, offering legal services, and airing grievances. However, collective bargaining is prohibited. Some workers have formed unregistered unions, particularly university employees and workers in the construction and transport (both public and private) industries.

In 1999 the ILO Committee of Experts stated that the Government's rejections of several applications for registration by trade unions in the textile, metal, and garment sectors were unjustified. The Ministry of Labor contends that these cases lacked the necessary documentation.

The right to strike is not recognized specifically in the law, but strikes are a common form of workers' protest. In addition political opposition parties use general strikes to pressure the Government to meet political demands (see Section 2.b.). Workers at Chittagong port, the country's major harbor, conducted several work stoppages to protest a proposed new private container port. Some employees organized in professional associations or unregistered unions also went on strike during the year. Wildcat strikes are illegal but frequently occur, with varying government responses. Wildcat strikes in the transportation sector are particularly common.

The Essential Services Ordinance permits the Government to bar strikes for 3 months in any sector that it declares essential. During the year, the Government applied this ban on strikes to the Power Development Board and the Dhaka Electric Supply Authority. In the past, the Government has applied this ban to national airline pilots, water supply workers, and shipping employees. The ban

may be renewed for 3-month periods. The Government is empowered to prohibit a strike or lockout at any time before or after the strike or lockout begins and to refer the dispute to the Labor Court. Mechanisms for conciliation, arbitration, and labor court dispute resolution were established under the Industrial Relations Ordinance. Workers have the right to strike in the event of a failure to settle. If a strike lasts 30 days or longer, the Government may prohibit the strike and refer the dispute to the Labor Court for adjudication, although this has not happened in recent years. The ILO has criticized the provisions of the Industrial Relations Ordinance that require three-quarters of a worker's organization to consent to a strike and that grant the Government authority to prohibit a strike at any time if it is considered prejudicial to the national interest or if it involves a public utility service.

There are no legal restrictions on political activities by labor unions, although the calling of nationwide hartals or transportation blockades by unions is considered a criminal rather than a political act and thus is forbidden.

While unions are not part of the government structure, they are highly politicized, and are strongest in state-owned enterprises and in institutions like the government-run port in Chittagong. Virtually all the NTU centers are affiliated with political parties. Some unions engage in intimidation and vandalism. Illegal blockades of public transportation routes by strikers frequently occurred during the year. Pitched battles between members of rival labor unions are not uncommon. Fighting often is over the control of rackets or extortion payoffs and typically involves knives, guns, and homemade bombs.

Workers are eligible for membership on their union's executive staff, the size of which is set by law in proportion to the number of union members. The Registrar of Trade Unions may cancel registration of a union with the concurrence of the Labor Court, but no such actions were known to have been taken place during the year.

There are provisions in the Industrial Relations Ordinance for the immunity of registered unions or union officers from civil liability. Enforcement of these provisions is uneven. In past illegal work actions, such as transportation blockades, police officers have arrested union members under the SPA or regular criminal codes.

There are no restrictions on affiliation with international labor organizations, and unions and federations maintain a variety of such links. Trade unionists are required to obtain government clearance to travel to ILO meetings, but there were no reports that clearances were denied during the year.

b. The Right to Organize and Bargain Collectively

Under the Industrial Relations Ordinance, there is considerable leeway for discrimination against union members and organizers by employers. For example, the ordinance allows the arbitrary transfer of workers suspected of union activities or termination with payment of mandatory severance benefits (2 weeks' salary). In practice private sector employers usually discourage any union activity, sometimes working in collaboration with local police.

The Registrar of Trade Unions rules on discrimination complaints. In a number of cases, the Labor Court has ordered the reinstatement of workers fired for union activities. However, the Labor Court's overall effectiveness is hampered by a serious case backlog, and in the past there have been allegations that employers have corrupted some of its deliberations.

Collective bargaining by workers is legal on the condition that they be represented by unions legally registered as collective bargaining agents by the Registrar of Trade Unions. Labor unions are affiliated with the various political parties; therefore, each industry generally has more than one labor union (one or more for each political party). To engage in collective bargaining, each union must nominate representatives to a Collective Bargaining Authority (CBA) committee, which the Registrar of Trade Unions must approve after reviewing the selection process. Collective bargaining occurs on occasion in large private enterprises such as pharmaceuticals, jute, or textiles but, because of high unemployment, workers may forgo collective bargaining due to concerns over job security. Collective bargaining in small private enterprises generally does not occur. The International Confederation of Free Trade Unions (ICFTU) has criticized the country for what it views as legal impediments that hamper such bargaining.

Public sector workers' pay levels and other benefits are set by the National Pay and Wages

Commission, whose recommendations are binding and may not be disputed except on the issue of implementation.

In June 1999, the ILO received a complaint from the Bangladesh Agricultural Farm Labor Federation that the Government had not introduced legislation that would extend the protections of the Industrial Relations Ordinance to a greater number of agricultural workers. In July the ILO sponsored a seminar to raise awareness about agricultural laborers. Officials from various ministries, including the Ministry of Labor, attended. Farm laborers, such as those employed in the aquaculture sector (shrimp hatchery, harvesting and processing) are covered by the labor law and can form trade unions. However, most agricultural laborers are migrant workers, and thus are not employed by any particular individual or group. The Government had not taken steps to extend labor laws to cover these migrant workers.

The country's five EPZ's, of which three are operational, are exempt from the application of the Employment of Labor (Standing Orders) Act, the Industrial Relations Ordinance, and the Factories Act. Among other provisions, these laws establish the freedom of association and the right to bargain collectively, and set forth wage and hour and occupational safety and health standards. While substitutes for some of the provisions of these laws have been implemented through EPZ regulations, which the Bangladesh EPZ Authority is charged with enforcing, professional and industry-based unions are prohibited in the zones. A small number of workers in the EPZs skirted prohibitions on forming unions by setting up associations. The Bangladesh Export Processing Zone Authority (BEPZA) reported that workers have selected representatives for workers' welfare committees and dispute resolution tribunals EPZ's that are designed to give workers and managers more experience in resolving workplace disputes. The Government pledged in 2000 to apply all sections of the labor law to the EPZ's by January 1, 2004. However, the Government made a similar pledge in 1992 (under which the labor laws were to apply to the EPZ's by 2000), which it did not honor. Approximately 93,000 persons are employed in EPZ's, primarily in the textile and apparel, electronics component, and leather industries. During the year, the EPZ's experienced several strikes, some of which turned violent.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, including that performed by children; however, the Government does not enforce this prohibition effectively. The Factories Act and Shops and Establishments Act establish inspection mechanisms to enforce laws against forced labor, however, these laws are not enforced rigorously, partly because resources for enforcement are scarce. There is no large-scale bonded or forced labor; however, numerous domestic servants, including many children, work in conditions that resemble servitude and many suffer physical abuse, sometimes resulting in death. Between January and August, newspapers reported the "unnatural deaths" of 12 domestic servants, including one who was only 11 years old. Newspapers also reported 5 separate cases of children being tortured by their domestic employers; in one case a 10-year-old girl allegedly was beaten until she lost consciousness. In the past, the Government has brought criminal charges against employers who abuse domestic servants; however, many impoverished families settle for financial compensation. There is extensive trafficking in both women and children, mainly for purposes of prostitution, although in some instances for labor servitude outside of the country (see Section 6.f.).

In 2000 the ILO noted that certain provisions of the Penal Code, the Special Powers Act, the Industrial Relations Ordinance, the Control of Employment Ordinance, among other laws, allow for the imposition of forced labor as punishment for expressing political views or views opposed to the established political system; as a punishment for various breaches of labor discipline; and as punishment for participating in strikes in a wide range of circumstances. For example, sentences of up to 14 years of forced labor can be imposed for offenses such as "obstruction of transport," a commonly used tactic in strikes. In addition, under the Bangladesh Merchant Shipping Ordinance, seafarers may be forcibly conveyed on board ship to perform their duties. However, in practice these provisions are not known to be used.

d. Status of Child Labor Practices and Minimum Age for Employment

There is no law that uniformly prohibits the employment of children, and child labor is a serious problem. Some laws prohibit labor by children in certain sectors. The Factories Act bars children under the age of 14 from working in factories. This law also stipulates that children and adolescents are allowed to work only a maximum 5-hour day and only between the hours of 7 a.m. and 7 p.m. The Shops and Establishments Act prohibits the employment of children younger than the age of 12

in commercial workplaces. The Employment of Children Act prohibits the employment of children under the age of 15 in the railways or in goods' handling within ports.

Because of widespread poverty, many children begin to work at a very young age. The Government estimates that approximately 6.6 million children between the ages of 5 and 14 years work. Working children were found engaged in 200 different types of activities, of which 49 were regarded as harmful to children's physical and mental wellbeing. Sometimes children are seriously injured or killed in workplaces. For example, according to press reports an 11-year-old domestic servant was the victim of an "unnatural death," and one 10-year-old domestic servant was reportedly beaten by her employer until she lost consciousness. A November 2000 garment factory fire resulted in the death of 10 child workers. Children often work alongside other family members in small-scale and subsistence agriculture. Hours usually are long, the pay usually is low, and the conditions sometimes are hazardous. Children drive rickshaws, break bricks at construction sites, carry fruit, vegetables, and dry goods for shoppers at markets, work at tea stalls, and work as beachcombers in the shrimp industry. Many children work in the beedi (hand-rolled cigarette) industry, and children under 18 years old sometimes work in hazardous circumstances in the leather industry. Children routinely perform domestic work. In the past, the Government has brought criminal charges against employers who abuse domestic servants. Some children are trafficked domestically or overseas, often for prostitution, and child prostitution is a serious problem (see Sections 5 and 6.f.). Under the law, every child must attend school through the fifth grade, or the age of 10 years. However, there is no effective mechanism to enforce this provision.

There is virtually no child labor law enforcement outside of the export garment sector. Penalties issued by the Ministry of Labor for child labor violations are nominal fines ranging from \$4 to \$10 (228 to 570 taka). The Ministry of Labor has fewer than 110 inspectors to monitor 180,000 registered factories and establishments. These inspectors are charged with enforcing labor laws pertaining to more than 1.5 million workers. Most child workers are employed in agriculture and other informal sectors, where no government oversight occurs.

The Bangladesh Garment Manufacturers' and Exporters Association (BGMEA) inspects member factories to eliminate child labor in the garment sector. Among 3,300 garment factories inspected, the team found 531 member factories employing a total of 1,278 children. The BGMEA fined each factory \$100 (5,700 taka). Former child employees are also offered a small monthly stipend to help replace their lost income while attending UNICEF-sponsored schools.

In cooperation with the Non-Formal Education Directorate of the Government and some NGO partners, UNICEF is implementing a "hard-to-reach" program to provide education to 350,000 (primarily working) children in urban slum areas around the country. Working with the Government, NGO's, and some trade unions, ILO/IPEC (International Program for the Elimination of Child Labor) has 20 action programs, targeting approximately 6,000 children working in hazardous conditions, designed to ensure that children receive an education, rather than removing children from work. The largest ILO project focuses on children working in hazardous occupations, ranging from exposure to chemicals and other harmful substances to long tedious working hours. The first phase of the project, which involves a 2-month survey to identify children, their employers, and their families, began on August 22. Aiming to remove approximately 30,000 children from hazardous occupations and to prevent another 15,000 younger siblings from taking their position in the labor market, the project focuses on the beedi industry, the construction sector, leather tanneries, match factories, and the domestic work sector.

In March the Government ratified ILO Convention 182 on the elimination of the worst forms of child labor. The Government did not grant the Ministry of Labor additional resources to enforce its commitment as a member of the South Asian Association for Regional Cooperation to eliminate hazardous child labor by 2000, and to eliminate all child labor by 2010; the existing small corps of labor inspectors continues to be ineffective against all labor problems because of inefficiency and corruption.

The Constitution prohibits forced or compulsory labor, including that performed by children; however, the Government does not enforce this prohibition effectively, and some children work as domestic servants in conditions that resemble labor servitude or are trafficked for the purpose of prostitution (see Sections 6.c. and 6.f.). There were credible reports that police facilitated or were involved in trafficking of women and children.

e. Acceptable Conditions of Work

There is no national minimum wage. Instead the Wage Commission, which convenes every several years, sets wages and benefits industry by industry, using a range based on skill level. In most cases, private sector employers ignore this wage structure. For example, in the garment industry, many factories do not pay legal minimum wages, and it is common for workers of smaller factories to experience delays in receiving their pay, or to receive "trainee" wages well past the maximum 3 months. Wages in the EPZs are generally higher than outside the zones. The declared minimum monthly wage for a skilled industrial worker is approximately \$63 (3,400 taka) for a worker in an EPZ and approximately \$49 (2,650 taka) for a worker outside an EPZ, and is sufficient to provide an individual with a minimal standard of living, but is not sufficient to provide a decent standard of living for a worker and family.

The law sets a standard 48-hour workweek with 1 day off mandated. A 60-hour workweek, inclusive of a maximum 12 hours of overtime, is allowed. The law is enforced poorly in industries such as hosiery and ready-made garments.

The Factories Act nominally sets occupational health and safety standards. The law is comprehensive but largely is ignored by employers. For example, there are many fire safety violations in the garment industry. Many factories are located in structures that were not designed adequately for industrial use, nor for the easy evacuation of large work forces. In November 2000, 48 garment workers, including 10 children, were killed and more than 100 persons were injured when they were unable to escape from a factory fire due to locked exits. On August 8, 18 garment workers were trampled to death because an exit gate jammed as they were fleeing a factory after a fire alarm. In addition numerous factories have insufficient toilet facilities (for example, 1 toilet for 300 employees). Workers may resort to legal action for enforcement of the law's provisions, but few cases actually are prosecuted. Enforcement by the Labor Ministry's industrial inspectors is weak, due both to the low number of labor inspectors, and to endemic corruption and inefficiency among inspectors. Due to a high unemployment rate and inadequate enforcement of the laws, workers demanding correction of dangerous working conditions or refusing to participate in perceived dangerous activities risk losing their jobs.

f. Trafficking in Persons

The law prohibits trafficking in persons and trafficking is a serious problem. There is extensive trafficking in both women and children, primarily to India, Pakistan, and destinations within the country, mainly for the purpose of prostitution, although in some instances for labor servitude. Some children also are trafficked to the Middle East to be used as camel jockeys.

The exact number of women and children trafficked for purposes of prostitution is unknown; however, human rights monitors estimate that more than 20,000 women and children are trafficked from the country for such purposes annually. Most trafficked persons are lured by promises of good jobs or marriage, and some are forced into involuntary servitude outside of the country. Seeing no alternative for breaking the cycle of poverty, parents sometimes willingly send their children away. Unwed mothers, orphans, and others outside of the normal family support system also are susceptible. Traffickers living abroad often arrive in a village and "marry" a woman, only to dispose of her upon arrival in the destination country, where women are sold by their new "friends" or "husbands" into bonded labor, menial jobs, or prostitution. Criminal gangs conduct some of the trafficking in persons. The border with India is loosely controlled, especially around Jessore and Benapole, making illegal border crossings easy.

The number of child prostitutes is difficult to determine. Prostitution is legal, but only for those persons over 18 years of age with government certification; however, this minimum age requirement commonly is ignored by authorities, and is circumvented easily by false statements of age. Procurers of minors rarely are prosecuted, and large numbers of child prostitutes work in brothels.

Children, usually young boys, also are trafficked into the Middle East and the Persian Gulf States to work as camel jockeys. It is estimated that there are anywhere from 100 to more than 1,000 underage South Asian camel jockeys working in the United Arab Emirates alone; while many come from India and Pakistan, a growing number come from Bangladesh. Criminal gangs procure most of the youths. The majority of such children work with the knowledge of their parents, who receive as much as \$200 (10,000 taka) for their child's labor, although a significant minority simply are kidnapped. The gangs bringing the jockeys earn approximately \$150 (7,500 taka) per month from the labor of each child. The usual procedure used for bringing these children into the Middle East is to add their names to the passport of a Bangladeshi or Indian woman who already has a visa for the

Middle East; the children fraudulently are claimed to be her children. During the year, police made arrests in several incidents for trafficking in young boys to the Middle East, at year's end these cases were pending before the courts.

Trafficking in women for purposes of prostitution carries a sentence varying from 10 years in prison to the death penalty. Trafficking in children for immoral or illegal purposes carries the death penalty or life imprisonment. However, few perpetrators are punished. Human rights monitors also credibly report that police and local government officials often ignore trafficking in women and children for prostitution, and easily are bribed to look the other way (see Sections 1.c., 5, and 6.c.). According to one antitrafficking organization, 28 persons were arrested for trafficking between January and June. One person was convicted during the year. The number of persons arrested for trafficking is difficult to obtain as charges against traffickers usually are for lesser crimes, such as crossing borders without proper documents.

The Government has developed a set of policies and plans regarding the trafficking issue, and has initiated a program across a number of ministries to address the problem. However, government capacity to address this issue remains limited.

In June 2000, the Government signed a 3-year, \$2 million (108 million taka) project with the Norwegian government aid organization, NORAD, to develop an interministerial infrastructure for addressing the trafficking problem. This project, based in the Department of Women and Children's Affairs, is intended to be the focal point for addressing the prosecution, protection, and prevention activities carried out by the Government. A goal of the project is for the Government to become more involved in arresting and prosecuting traffickers. However, because the Government does not keep records of births and marriages at the village level, it is very difficult for authorities to detect false claims of marriage or family ties.

The Government also has worked with NGO's, donor countries, and international organizations against trafficking. Some of these projects include conducting awareness campaigns, research, lobbying, and rescue and rehabilitation programs. While the Government provides support for returning trafficking victims, government-run shelters generally are inadequate and poorly run. Increasing shelter capacity and rehabilitation programs is one of the features of the NORAD project.

Throughout the country, a variety of NGO's and community-based organizations are working on the trafficking problem through prevention efforts, research, data collection, documentation, advocacy, awareness creation and networking, crossborder collaboration, legal enforcement, rescue, rehabilitation, reintegration, income generation and low-interest loan programs, vocational training, and legislative reform.

Action Against Trafficking and Sexual Exploitation of Children (ATSEC), a national antitrafficking network, recently began to implement several antitrafficking activities; including linking NGO's and Government entities into a strong partnership, establishing a focal point for moving the national anti-trafficking agenda forward, establishing a resource center to disseminate data on the subject, and providing technical support to grassroots organizations. In addition, the ATSEC is developing culturally sensitive prevention and awareness messages that will reach persons at the community level. The program plans to develop and test materials for a national campaign using all media, to implement such a campaign, to conduct awareness-raising workshops and meetings at all levels, to launch school programs, to establish a mobile campaign throughout the country, and to launch an advertising campaign in border areas. Other NGO's have been active in addressing the problem, such as the Association for Community Development, which conducted a study on trafficking issues and conducted workshops and outreach programs aimed at reaching potential victims of trafficking before they are trafficked. The Bangladesh National Women Lawyer's Association (BNWLA) conducts awareness programs aimed at alerting poor persons to the dangers of trafficking through leaflets, stickers, and posters. The BNWLA also provides legal assistance to trafficking victims, and initiates legal action against traffickers. The BNWLA runs a shelter home for trafficked women and children that provides health care, counseling, and training. The Center for Women and Children (CWCS) has networks to monitor trafficking across the country, conducts awareness meetings, and has a pilot project to make police aware of the rights of women and children. Awareness of trafficking is increasing, and the topic receives frequent press coverage. Two umbrella organizations of antitrafficking NGO's exist; they seek to improve coordination and planning of efforts against the problem.

Bangladesh

