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2009 Human Rights Report: Bangladesh

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR
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Bangladesh is a parliamentary democracy of 155 million citizens. On December 29, 2008, the Awami League (AL) alliance led by Sheikh Hasina Wazed won 263 of 299 parliamentary seats in elections international and domestic observers considered to be free and fair, with isolated irregularities and sporadic violence. The elections and the peaceful transfer of power ended two years of rule by a military-backed caretaker government. Civilian authorities generally maintained effective control of the security forces.

The government's human rights record improved somewhat due to the return of a democratically elected government and the repeal of the state of emergency. There was a slight increase in the number of extrajudicial killings by security forces; there remained cases of serious abuse, including extrajudicial killings, custodial deaths, arbitrary arrest and detention, and harassment of journalists. With the return of an elected government, reports of politically motivated violence increased 3.3 percent. The failure to investigate fully extrajudicial killings by security forces, including the deaths in custody of alleged mutineers from the Bangladesh Rifles (BDR) border force, remained a matter of serious concern. Some members of security forces acted with impunity and committed acts of physical and psychological torture. Violence against women and children remained a serious problem, as did trafficking in persons. Violence against religious and ethnic minorities still occurred, although many government and civil society leaders stated that these acts often had political or economic motivations and could not be attributed only to religious belief or affiliation.

On February 25-26, members of the BDR staged a mutiny, alleging poor pay and benefits, as well as corruption in the senior officer corps, which were drawn from the army. During the two-day mutiny, BDR soldiers killed 57 officers and 15 of their family members, including the director general and his wife. Security forces subsequently arrested more than 2,000 individuals allegedly involved in the uprising. The government announced plans to try them under the existing BDR Act, which carries a maximum prison term of seven years. Those charged with criminal acts were to be tried under the penal code in special tribunals. According to nongovernmental organizations (NGOs) and media reports, 59 BDR soldiers died while in police custody or in the BDR barracks. There were credible reports that many of the deceased had been tortured. To investigate these allegations, the government formed a committee, which concluded that only two members died as a result of torture. No other government action was taken.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

Members of the security forces committed numerous extrajudicial killings. The police, BDR, military, and the Rapid Action Battalion (RAB) occasionally used unwarranted lethal force.

According to government statistics, there was a 3 percent increase in the number of killings by all security personnel, and the government did not take comprehensive measures to investigate these cases despite public statements by high-ranking officials that the government would show "zero tolerance" and would fully investigate all extrajudicial killings by security forces. The number of killings by the police and combined security forces also increased. According to the media and local human rights organizations, no case resulted in criminal punishment, and in the few instances in which the government levied charges, those found guilty generally received administrative punishment.

According to media reports, local and international human rights organizations, and the government, the RAB killed 41 persons during the year, from 68 the year before, a nearly 40 percent drop. The average number of such deaths dropped from six per month in 2008 to three per month during the year. Combined security units consisting of RAB members and police, however, killed 25 persons during the year. The deaths, some under unusual circumstances, occurred during raids, arrests, and other law enforcement operations, or in some cases while the accused were in custody. The government often described these deaths as "crossfire killings," "gunfights," or "encounter killings," terms it used to characterize exchanges of gunfire between the RAB or police and criminal gangs.

According to media reports, local and international human rights organizations, and the government, law enforcement officials were responsible for 154 deaths, 129 of which were attributed to crossfire. According to reported figures, this total represented a 3 percent increase from the previous year. The RAB accounted for 38 crossfire killings; members of the police were responsible for 63; combined security units consisting of the RAB and police were responsible for 25; and the army committed three crossfire killings. Since 2004 when the minister for law, justice, and parliamentary affairs stated crossfire deaths under RAB or police custody could not be considered custodial death, the government has not disclosed publicly any prosecution of a RAB officer for a killing.

According to Ain O-Shalish Kendra (ASK), a leading human rights organization, 58 deaths occurred in custody during the year, including 30 deaths in prison.

For example, according to Odhikar on May 8, police officers and RAB members allegedly shot and killed Sayeedur Rahman Sayeed in a crossfire killing in Alamdanga, Chuadanga. Family members claimed police from the Islamic University Police arrested Sayeed on a bus along the Ujangram Bazar Road and transferred him to the Chuadanga RAB Six Camp. The RAB and police claimed they were conducting a raid on a cemetery where Sayeed and his accomplice were holding a meeting when the two men opened fire. The security forces allegedly returned fire, killing Sayeed. According to witnesses, no gunfight took place and the police and RAB staged the incident. Sayeed's body had two bullet wounds, broken bones above his right heel and left elbow, and additional wounds on his body.

On May 28, a team from RAB 2 allegedly killed two Dhaka Polytechnic Institute students, Mohammad Ali Jinnah and Mohsin Sheikh, in a shootout. On June 15, according to media reports, family members of the victims filed a case against 10 RAB personnel. Family members, fellow students, and teachers claimed Jinnah and Sheikh were members of the Bangladesh Chhatra League and did not have criminal records. The RAB claimed the two students were "criminals" and "muggers," and that they had stopped the students at a checkpoint for acting suspiciously. The metropolitan magistrate ordered the officer-in-charge of Tejgaon Police Station to investigate the case and submit a report by August 20. The officer-in-charge stated that he submitted the investigation report to the court and the matter was pending at year's end.

The government did not conduct further investigations into the alleged killing of Abdur Rashid Malitha and Nasima Akhtar Rikta by officers from RAB 12 in June 2008. According to Odhikar, relatives of Rikta did not speak out for fear of retaliation from security forces.

There were no further developments in the June 2008 killing of Anwar Hossain by police officers or the 2007 killing of Khabirul Islam by naval personnel.

The government did not take formal action to investigate the 2007 killing by army personnel in Madhupur of Choilesh Ritchil, an activist in one of the country's indigenous communities.

Deaths allegedly due to torture occurred while in police custody. According to Odhikar, on January 11, police from the Shahbajpur Police Camp arrested, allegedly tortured, and killed Nawab Ali of Bariakandi village. His body was recovered from a river near his home on January 14 with signs of trauma. Officials temporarily suspended the three police officers allegedly involved in the incident. Police stated they were conducting an internal investigation into the matter but after repeated inquiries from Odhikar, the investigating officer stated that the final report had been submitted three months earlier, and the investigation committee had concluded that Nawab Ali died from falling into the river.

On January 28, according to Odhikar, police from Chandgaon Police Station arrested, tortured, and killed Mohammed Habib and tortured his colleague Arif. According to police, the men were arrested on suspicion of importing drugs from India and were injured during their arrest. On the day of arrest, the police transferred the men between the police station and the hospital several times before producing them before court. Because Habib was ill, the court ordered hospitalization; however, on arrival at the hospital Habib was declared dead by doctors. Arif claimed police tortured both he and Habib for an extended period of time and that the torture may have caused Habib's death. He alleged that three police officers trampled on Habib's chest. Arif had visible injuries on his left hand and right leg. Following Habib's death, an "unnatural death case" was filed. According to the assistant police commissioner of the Chittagong metropolitan police, the three officers involved were suspended. An investigation was ongoing at year's end.

According to media reports, 59 BDR members arrested in the wake of the February 25-26 mutiny died in custody. Family members of the victims alleged they died after being tortured. According to Odhikar, several BDR members taken into custody claimed the RAB and police physically assaulted and beat them, administered electric shocks, blindfolded them, and hung them upside down while in custody; NGOs alleged army personnel also were involved in custodial deaths. The government announced an investigation and promised to publish a report by July regarding the nature of the deaths but failed to publish any report. The government investigation ruled that only two members died due to torture and that the others died as a result of illness or suicide. At year's end the government had not taken any action regarding the deaths or allegations of torture.

On March 22, Nayak Mobarak Hossain, a detective in the BDR security unit of the 18th Rifle Battalion in Cox's Bazar, died at the Dhaka Medical College Hospital after soldiers allegedly assaulted him, according to his family. Hossain had been present in BDR headquarters during the mutiny. His wife alleged that on February 28, the army detained him, took away his phone, and did not allow him to contact his family. On March 18, Hossain allegedly telephoned his wife to say he was being kept in poor conditions and tortured, and if anyone attempted to communicate with him, he would be tortured further. Two individuals who saw Hussain's body confirmed severe bruising, swelling of limbs, injuries to both palms, and broken joints. They also claimed that marks on his body indicated that burnt needles were inserted into his fingers. The local magistrate who presided over the autopsy did not reveal any further details. A local police subinspector in Dhaka, who was present at the medical examination, opened a murder investigation. The case was ongoing at year's end.

The government did not conduct any further investigations into the alleged March 2008 death by torture of Abul Hossain Dahli by police in Botiyaghata.

On May 25, according to Odhikar, following a petition from the victim's father, the chief judicial magistrate ordered local police to file a case against 16 officers from RAB 8 who allegedly tortured to death Afzal Khan in 2008. Khan's father reported receiving various threats from the accused.

There were no new developments in the April 2008 death of Fakir Chan in police custody in Maulvibazar. Chan's widow

told Odhikar she was not financially able to pursue any legal case against his alleged killers.

Politically motivated violence resumed following the end of the state of emergency, with opposition party supporters claiming harassment by ruling party supporters. Motivations for the violence often were unclear. According to Odhikar, 251 deaths were suspected of being politically motivated, compared to 50 the previous year.

On June 19, seven to eight unknown assailants abducted and killed opposition Bangladesh Nationalist Party (BNP) member Manju Morshed Shipu in Mohammadpur, Dhaka. Witnesses claimed the men abducted Shipu while he was returning home on the night of June 18. Several hours later, guards saw a microbus drive into a school playground, heard a gunshot, and subsequently found Shipu's body. According to police, Shipu had been shot in the left side of the forehead, and there were marks of beating on his arms, back, and feet. Marks on his hands, feet, and eyes indicated he had been bound and blindfolded. According to Shipu's wife, he was a potential candidate for ward commissioner in the city corporation elections. She believed his murder was politically motivated and filed a case with the Mohammadpur police station on June 20. There were no further developments by year's end.

There were no further developments in the July 2008 killing of Moshikul Alam Sentu, allegedly by officers from RAB 8. According to Odhikar, Sentu's mother claimed she tried to file a case against the RAB, but no lawyers would take it out of fear the RAB would target them.

There was no further investigation into the July 2008 killing of Mizanur Rahman Tutu by police officers. Family members told human rights groups they did not file a case.

At year's end authorities had not carried out death sentences in the case of three individuals from the banned Islamist organization Harkatul Jihad al Islami (HuJI) who were tried in 2007 for organizing a grenade attack at the Hazrat Shahjalal Shrine in Sylhet in 2004. Two others sentenced to life imprisonment were serving their sentences.

There also were a significant number of reports of killings involving political party supporters.

On May 8, according to media reports, one person died and at least 15 others were injured in a clash between AL and BNP activists in Hagaragari village, Lalpur upazila (subdistrict). The two groups reportedly attacked each other with firearms and sharp weapons.

There were no developments in the February 2008 killing of Mohammad Farman Ali by political rivals or the death of an individual following gunfire between AL and BNP activists.

Vigilante killings remained a problem during the year, although figures suggested that the problem had lessened or remained the same. Odhikar reported at least 90 killings, but local human rights organizations also acknowledged that the number of reported cases probably represented only a fraction of the actual incidents. The most recent figures are from 2008 when there were 163 reported vigilante killings.

On July 2, a mob killed a suspected robber in Naranpar village in Comilla. The deceased was identified as Yakub Hossain alias Tetu Miah.

On September 14, according to press reports, a mob beat a carjacker to death and critically injured during an attempted carjacking in the Pallabi area of Dhaka. A third person fled the scene. According to Pallabi police, the three men shot the driver during the robbery attempt. There was no investigation at year's end.

On November 15, according to the Daily Star, a mob beat to death Badsha Bhai, an alleged regional leader of an outlawed faction of Purbo Banglar Communist Party in Roypur village in Gangni upazila. According to police, 15 "village watchers" chased Badsha as he was walking in the village and beat him. Police took Badsha to Meherpur General Hospital where he was declared dead.

There were no further investigations into the March 2008 vigilante killings in Nasirabad and Kaliakoir, near Dhaka.

Violence along the border with India remained a problem, and the number of incidents increased by nearly 63 percent from the previous year. According to human rights organizations, the Indian Border Security Force killed 96 citizens during the year.

b. Disappearance

Disappearances and kidnappings remained problems during the year, but precise figures were unavailable. At least some of these kidnappings were politically motivated, although many were often for money or as a result of localized rivalries.

On August 22, a group of local armed criminals kidnapped nine members of an extended family from their house in Dhaka and held them in a nearby engineering workshop. After eight hours, police located them and arrested 16 men who were charged several with kidnapping. The cases were pending at year's end. Police suspected the criminals were using the kidnapping as an attempt to coerce the family into giving up their land.

There were no further developments in the September 2008 kidnapping of 40 fishermen from the Kachikhali coast of Pathorghata. There were no developments in the November 2008 disappearance of Liakat Hossain, allegedly involving members of the RAB.

The government did not take any steps to investigate the 2007 kidnapping of two Danish aid agency employees.

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

Although the constitution prohibits torture and cruel, inhuman, or degrading punishment, security forces including the RAB, military, and police frequently employed severe physical and psychological abuse during arrests and interrogations. According to figures provided by human rights organizations, the use of such techniques dropped in 2008 but increased during the year. Abuse consisted of threats, beatings, and the use of electric shock. According to human rights organizations, security forces tortured at least 68 persons. The government rarely charged, convicted, or punished those responsible, and a climate of impunity allowed such abuses by the RAB, police, and military to continue.

On June 4, according to Odhikar, Kahlalu police in Bogra arrested and tortured the president of the student wing of the BNP, Morshed Habib Bhuiyan Jewel, in Netrokona district. Jewel alleged that several times while in custody at the Netrokona Model Police Station three to four police officers blindfolded him, suspended him from the ceiling with handcuffs, and beat him with sticks from the waist down. According to Jewel, police also poured hot water into his nose and mouth. Netrokona police claimed Jewel was a suspect in a murder case and that they were interrogating him. Witnesses and the victim claimed police arrested him due to his political affiliation. Jewel remained in jail at year's end.

There were no developments in the 2007 torture cases of Shahidul Islam, Mohammad Jamal Uddin, and Mohammad Kajol.

According to human rights organizations, there were at least three recorded incidents of rape and sexual abuse by law enforcement personnel.

For example, on February 28, according to Odhikar, four police constables gang-raped a member of an ethnic minority group in the Chittagong metropolitan area.

There were no new developments in the July 2008 rape of a 14-year-old girl in Sonargaon, Narayanganj, allegedly by RAB officer Abdul Gaffur. Gaffur was under arrest and awaiting trial at year's end. There was no further investigation into the July 2008 rape of a young girl at Kamalapur Dhaka, allegedly by police subinspector Rezaul Karim.

Prison and Detention Center Conditions

Prison system conditions remained abysmal due to overcrowding, inadequate facilities, and lack of proper sanitation. Human rights observers believed these conditions contributed to custodial deaths. Unlike in the previous year, there were no accounts of security forces holding detainees in ad hoc or military detention facilities.

According to Odhikar, 48 persons died in prison and 31 persons died in the custody of police and other security forces during the year.

According to the government, the existing prison population at year's end was 71,880, or more than 250 percent of the official prison capacity of 28,668. Of the entire prison population, approximately one-third of the detainees had been convicted. The rest were either awaiting trial or detained for investigation. Due to the severe backlog of cases, individuals awaiting trial often spent more time in jail than if they had been convicted and served a maximum sentence. In most cases, prisoners slept in shifts because of the overcrowding and did not have adequate bathroom facilities.

The law requires that juveniles be detained separately from adults, but in practice, many juveniles were incarcerated with adults. Approximately 347 children were imprisoned (some with their mothers) despite laws and court decisions prohibiting the imprisonment of minors. In some places, the figure was much higher, mainly because there was no proper means of recording age in the criminal justice system. According to statistics from the 2008 International Centre for Prison Studies report, minors made up 0.4 percent of the prison population.

Although the law prohibits women in "safe custody"(usually victims of rape, trafficking, and domestic violence)from being housed with criminals, in practice separate facilities were not always available.

In general the government did not permit prison visits by independent human rights monitors, including the International Committee of the Red Cross. Government-appointed committees composed of prominent private citizens in each prison locality monitored prisons monthly but did not release their findings. District judges occasionally visited prisons but rarely disclosed their findings.

In 2008 the inspector general of prisons tried to address prisoner morale by allowing low-level offenders to meet family and friends inside jail cells without any physical barriers between them. There were few additional efforts to improve the prison system during the year.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention; however, the law permits authorities to arrest and detain persons suspected of criminal activity without an order from a magistrate or a warrant.

In December 2008 the president promulgated the Emergency Power (Repeal) Ordinance to revoke the state of emergency that had been declared in 2007. Under the state of emergency, the government promulgated the Emergency Power Rules (EPR), which gave the government authority to detain citizens without filing formal charges or specific complaints. In repealing the state of emergency, the ordinance specified that, although cases brought under the EPR would continue to have validity, *pending cases would be conducted under the traditional rules and laws.*

According to official government statistics, the police arrested 50,787 persons during the year. Of those arrested, 15,894 were detained without arrest warrants or convictions.

On March 21, police arrested former deputy speaker of parliament and opposition member Akhtar Hamid Siddiqui in the Naogaon district. The officer in charge of the Mohadebpur Police Station alleged Siddiqui had threatened him. Siddiqui was sentenced to one month's detention order under the Special Powers Act of 1974.

Role of the Police and Security Apparatus

Police are organized nationally under the Ministry of Home Affairs (MOHA) and have a mandate to maintain internal security and law and order. Under recent governments, police were generally ineffective and reluctant to investigate persons affiliated with the ruling party. The government ended its use of the joint forces security structure formed in 2007 under the state of emergency and composed of police, the RAB, members of the military, and other security agencies. Unlike the previous year, the military intelligence agency, the Directorate General Forces Intelligence (DGFI), did not take the lead in maintaining law and order as it had under the state of emergency.

The RAB received human rights training sponsored by foreign governments, the UN Development Program, and a local NGO, the Bangladesh Society for Enforcement of Human Rights (BSEHR). Although the RAB continued to commit serious human rights violations, the number of incidents involving the RAB dropped from the previous year.

The government took steps to address widespread police corruption and a severe lack of training and discipline. The inspector general of police continued to implement a new strategy, partially funded by international donors, for training police, addressing corruption, and creating a more responsive police force.

Plaintiffs rarely accused police in criminal cases due to lengthy trial procedures and the fear of retribution. Reluctance to confront police perpetuated a climate of impunity.

Arrest Procedures and Treatment While in Detention

The law provides for arrest without the use of warrants in certain cases. Section 54 of the Criminal Procedure Code and Section 100 of the Dhaka Metropolitan Police Ordinance authorize detention of persons on suspicion of criminal activity without an order from a magistrate or a warrant, and the government regularly used such provisions. The number of preventive and arbitrary arrests declined from the previous year when the state of emergency was in effect.

Unlike in previous years under the caretaker government, the new government did not carry out mass arrests. ASK, a domestic human rights organization, and media outlets estimated that authorities made more than 2,000 routine arrests daily. The majority of those arrested were released within one or two days, often on payment of a bribe.

Under the existing Special Powers Act, the government or a district magistrate may order a person detained for 30 days to prevent the commission of an act that could threaten national security; however, authorities held detainees for longer periods. The magistrate must inform the detainee of the grounds of detention, and an advisory board is required to examine the detainee's case after four months. Detainees had the right to appeal. Many detainees taken into custody during the caretaker government's anticorruption drive were held under this act, and the government sought and received numerous detention extensions from advisory boards consisting of two judges and a government official. Use of the provisions of the Special Powers Act declined during the year.

There was a functioning bail system in the regular courts. For example, the courts granted bail to many of the officials and former officials accused of corruption.

Most criminal detainees charged with crimes were granted access to attorneys. The government rarely provided detainees with state-funded defense attorneys, and there were few legal aid programs for detainees. Government-funded legal aid programs received little funding, and there were no efforts to expand those programs during the year.

The government generally permitted lawyers to meet with their clients only after formal charges had been filed in the courts, which in some cases occurred several weeks or months after the initial arrest. Arbitrary arrests were common, and the government held persons in detention without specific charges, often to collect information about other suspects.

Arbitrary and lengthy pretrial detention continued to be a problem. There were an estimated two million pending civil and criminal cases. A 2008 estimate from the International Centre for Prison Studies found nearly 70 percent of prison inmates were in pretrial detention.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but in practice a longstanding temporary provision of the constitution placed the executive in charge of the lower courts, judicial appointments, and compensation for judicial officials. In 2007 the caretaker government implemented legislation the previous government had developed separating the judiciary from the executive, and that legislation remained in effect throughout the year.

The court system has two levels: the lower courts and the Supreme Court. Both hear civil and criminal cases. After the separation of the judiciary from the executive, the government appointed judicial magistrates to replace the executive magistrates who had presided over the lower courts. Although executive magistrates still exist, their powers are restricted, and they are only appointed in specific circumstances; for example, executive magistrates were appointed to administer the mobile court system to look at issues of food adulteration and quality. The Supreme Court has two parts, the high court

and the appellate divisions. The High Court Division hears some original cases mostly dealing with constitutional issues, and reviews cases from the lower courts. The Appellate Division hears appeals of judgments, decrees, orders, or sentences of the High Court. Rulings of the Appellate Division are binding on all other courts.

On July 15, the government appointed four new judges to the Appellate Division. Members of the legal community criticized the appointment of one of the judges, which superseded the appointment of a more senior judge of the High Court Division. According to government officials, the appointments were made because the additional judges were necessary to dispose of the large numbers of cases pending in the Appellate Division.

In September 2008 the Appellate Division resumed the practice of overturning politically charged decisions by the High Court Division, usually to the benefit of the current AL government. In at least two cases, the Appellate Division overturned decisions granting bail to high-level corruption suspects who were leaders of opposition parties. Additionally, corruption, judicial inefficiency, lack of resources, and a large case backlog remained serious problems with the judiciary.

The EPR authorized the government to create special speedy anticorruption courts to adjudicate cases prosecuted by the Anticorruption Commission (ACC). Sentences from these tribunals could also be appealed to the High Court. During the year, the repeal of the EPR led to the demise of these courts.

In 2005 a High Court panel judged unconstitutional an amendment to the constitution that legitimized martial law in the 1980s. The prime minister's office arranged for a stay of the ruling because of its ramifications for the legacy of former president Ziaur Rahman, the late husband of the then prime minister. The case remained in the Appellate Division at year's end.

Trial Procedures

The law provides accused persons with the right to be represented by counsel, to review accusatory material, to call or question witnesses, and to appeal verdicts. Cases are decided by judges rather than juries, and trials are public. In practice a public defender is rarely provided to defendants. Defendants are presumed innocent and have the right to appeal, to be present and to see the government's evidence.

Corruption and a substantial backlog of cases hindered the court system, and trials were typically marked by extended continuances, effectively preventing many from obtaining a fair trial due to witness tampering, victim intimidation, and missing evidence. Human rights observers contended magistrates, attorneys, and court officials demanded bribes from defendants in many cases filed under the Special Powers Act during the year.

Political Prisoners and Detainees

The caretaker government detained more than 150 high-ranking politicians, businessmen, and officials as part of its anticorruption campaign. The courts released most of these persons in 2008.

According to media reports, during the year the government withdrew 1817 allegedly "politically motivated" cases that had been filed under the regular penal code and the Anticorruption Commission Act. Most of the cases withdrawn involved ruling party politicians.

During the year, under a new chairman, the ACC filed a money laundering case against Koko Rahman, the son of BNP leader Khaleda Zia. A separate money laundering case was also filed against Koko Rahman and Khaleda Zia's other son, Tarique Rahman. In 2008 the ACC and the public prosecutor prosecuted a total of 228 cases against high-ranking political officials, ranging from extortion and money laundering to murder.

Former law minister Moudud Ahmed and former communications minister Anwar Hossain Manju remained free on bail, although their cases remained in process. Ahmed refused the government's offer to drop the cases against him, and Manju continued to appeal two of his three sentences. The metropolitan public prosecutor decided to withdraw one of the cases against Ahmed for possessing alcohol at his residence in 2007. The High Court threw out one of Manju's convictions.

The trial continued against journalist Salah Uddin Shoaib Choudhury, detained for his attempted 2003 travel to Israel. The government allowed Choudhury to travel abroad while the case was pending.

During the year, the new government began to identify and withdraw allegedly "politically motivated" cases initiated under the caretaker government. The government set up an interministerial committee to review the applications of individuals alleging cases filed against them were politically motivated. Initially, the majority of the cases recommended for withdrawal appeared to be those brought against AL members. However, in August and September the committee recommended withdrawal of cases against BNP members Moudud Ahmed and Tarique Rahman.

Civil Judicial Procedures and Remedies

Administrative as well as judicial remedies are available for alleged wrongs. The government did not interfere with civil judicial procedures. Corruption and outside influence were problems in the civil judicial system. Alternative dispute resolution for civil cases allows citizens to present their cases for mediation. According to government sources, wider use of mediation in civil cases quickened the administration of justice, but there was no assessment of its fairness or impartiality.

Property Restitution

During the year the government took measures to implement the 2001 Vested Property Return Act, providing for property restitution to persons, mostly Hindus, whose property the government seized after the 1965 India-Pakistan war. On November 2, the cabinet approved the Vested Property Return (Amendment) Act, which set a time limit for the government to produce a list of lands seized under the Vested Property Act. Members of religious minorities welcomed the new act but argued it needed to be amended to expand the definition of who could inherit properties and to bar political leaders involved in the seizure of land from determining how the lands would be returned to their original owners. The bill was before parliament at year's end.

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

The law allows intelligence and law enforcement agencies to monitor private communications with the permission of the chief executive of the MOHA. According to media reports, the government established a national monitoring center made up of representatives from law enforcement and intelligence agencies to monitor and coordinate phone taps in 2008. Media and human rights groups complained that the government continued to employ the practice of illegal phone tapping. Police rarely obtained warrants as required, and officers violating these procedures were not punished. Human rights organizations indicated that the special branch of the police, National Security Intelligence, and the DGFI employed informers to conduct surveillance and report on citizens perceived as critical of the government.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press, but the government occasionally did not respect these rights in practice.

Although public criticism of the government was common, newspapers depended on government advertisements for a significant percentage of their revenue. As a result, newspapers practiced self-censorship on some issues.

There were hundreds of daily and weekly independent publications. Although there were significant improvements over the previous year, newspapers critical of the government experienced some government pressure. Journalists perceived to be critical of the government and those aligned with the opposition alleged harassment from unspecified wings of the security forces and members of the ruling party. In addition to one official government-owned news service, there were two private news services.

Unlike in the previous year, the military's Inter-Service Public Relations (ISPR) office and the DGFI did not directly restrict newspaper ownership or content. However, journalists reported the military cautioned them against criticizing the government or the military, especially in the aftermath of the BDR mutiny. Matiur Rahman Chowdhury, editor of *Manabzamin* and host of two television talk shows, stated in the English language *New Age* that officials told him indirectly to refrain from inviting specified guests during the BDR incident. He also said tapes for a particular talk show were taken from station several hours before the show was scheduled to be broadcast.

The host of a popular Bengali-language current affairs talk show, *Point of Order*, alleged she received phone calls from individuals identifying themselves as DGFI officials who warned her against promoting "antigovernment and antistate propaganda." She also said sponsors of her program had been encouraged to stop their support of her show.

The government owned one radio and one television station. The parliament passed a law mandating that the public television station, BTV, remain the country's only terrestrial broadcast channel. An estimated 60 percent of the population did not have access to private satellite channels.

There were 10 private satellite television stations and three private radio stations in operation. There were two foreign-based and licensed satellite television stations that maintained domestic news operations. Cable operators generally functioned without government interference. The government required all private stations to broadcast, without charge, selected government news programs and speeches by the prime minister.

The 24-hour all-news television station, CSB, which the government shut down in 2007, purportedly for not having a proper license, remained closed at year's end.

Attacks on journalists continued to be a problem. There was an increase in individuals affiliated with the government or ruling party harassing, arresting, or assaulting journalists. According to Odhikar and media watchdog groups, at least three journalists were killed, 84 were injured, one was arrested, 45 were assaulted, 73 were threatened, and 23 had cases filed against them during the year. According to some journalists and human rights NGOs, journalists engaged in self-censorship for fear of retribution from the government.

On January 1, following the parliamentary elections, activists of the AL's student wing, the Chhatra League, harassed and threatened with death Dhaka University correspondents of the Bengali and English publications *Daily Sangbad*, *Janakantha*, *BDNews24.com*, *Destiny*, and *Janatar Chokh*. The activists ransacked the reporters' rooms, destroyed their valuables, and threatened to kill them. No action was taken against the alleged vandals.

On September 1, according to Odhikar, two Chhatra League activists attacked and ransacked a store owned by the Chuadanga representative of the daily *Amar Desh*, reportedly in retaliation for a report published in the paper criticizing an AL member of parliament (MP). The activists set fire to the store and burned copies of *Amar Desh*. Members of the Chhatra League then ransacked the store owner's home and assaulted his wife and children. Chhatra League and Jubo League members also ransacked the business of the Chuadanga representative of the daily *Janakantha* and the home of

the local representative of the daily *Prothom Alo*.

On October 22, officers of RAB 10 arrested F.M. Masum, a reporter for the English-language daily *New Age* from his home in Jatrabari, near Dhaka. According to *New Age* and the Asia Human Rights Commission (AHRC), RAB members beat Masum with iron rods, wooden sticks and the blunt sides of machetes and rubbed salt into his wounds, allegedly because he had worked on several news stories on extrajudicial killings committed by the battalion and its involvement in the fight against drugs. Staff from *New Age* alleged Masum was targeted because he had written about violence against journalists. The home minister ordered RAB 10 to release Masum, and RAB officials announced an investigation into the matter. After the incident, RAB officials gave varying accounts of the reason for Masum's detention, including that he had been found in possession of drugs and that he was found with prostitutes. However, when Masum was released, RAB officials stated he had been arrested for not cooperating with the law enforcement agency. RAB headquarters released a statement expressing regret for the incident and transferred one of the officers involved. No further action was taken at year's end.

There were no developments in the March 2008 case of Rabiul Islam, a journalist for the Rajshahi-based Bengali language *Daily Sunshine* who was allegedly tortured by local police.

The government took no further action in the May 2008 assaults against *Daily Star* correspondents Mirza Shakil and Iasinur Rahman.

There were no new developments in the case of Jahangir Alam Akash, who reportedly was tortured by authorities in November 2008. Akash ran his own blog devoted to press freedoms and human rights during the year.

There were no developments in the case of the *Jai Jai Din* editor who was fired in July 2008 because he published a cartoon critical of then Army Chief General Moeen Uddin Ahmed.

The trial court dismissed charges against accused teachers and students in the 2007 attack on journalists at Dhaka University. Tasneem Khalil, former *Daily Star* journalist and researcher for Human Rights Watch, continued to live in exile in Sweden following his 2007 interrogation and torture by joint forces.

Unlike in previous years, the government did not subject foreign publications and films to stringent reviews and censorship. A government-managed film censor board reviewed local and foreign films and had the authority to censor or ban films on the grounds of state security, law and order, religious sentiment, obscenity, foreign relations, defamation, or plagiarism, but this was less strict than in the past. In practice video rental libraries and DVD shops stocked a wide variety of films, and government efforts to enforce censorship on rentals were sporadic and ineffective.

Unlike in the previous year, the government only rarely exercised censorship in cases of immodest or obscene photographs, perceived misrepresentation or defamation of Islam, or objectionable comments regarding national leaders.

There were no developments regarding the 2007 decision to ban *Alpin*, the satirical weekly magazine of the newspaper *Prothom Alo*, due to alleged blasphemy against Islam.

Unlike in previous years, the government did not use defamation charges to curb freedom of speech.

There were no developments in the 2007 defamation lawsuit filed by Mah Selim against *Juganthor* newspaper.

Internet Freedom

Although individuals and groups generally could engage in the peaceful expression of views via the Internet, local human rights organizations reported continued government monitoring of Internet communications. The most recent figures from the World Bank indicated that 5.8 percent of the population used the Internet in 2008. On March 9, the Telecommunications Regulatory Commission, the country's Internet regulatory body, blocked YouTube and several other Web sites for posting a recorded conversation between Prime Minister Hasina and angry army officers following the BDR mutiny. The restriction was lifted on March 21 after a public outcry.

Academic Freedom and Cultural Events

The government did not limit academic freedom or cultural events; however, media groups reported that authorities discouraged research on sensitive religious and political topics.

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association, and the government generally respected these rights in practice. The lifting of the state of emergency in December 2008 restored these rights to citizens.

Freedom of Assembly

Restrictions on holding rallies and processions ended with the withdrawal of the state of emergency in December 2008. The new government generally permitted rallies to take place but on occasion used Section 144 of the Criminal Procedure Code to prevent opposition political groups from holding meetings and demonstrations. Section 144 authorizes the administration to ban assembly of more than four persons; according to ASK, the administration used this provision at least 82 times during the year. At times police or ruling party activists used force to break up demonstrations.

On July 5, according to media reports, the police arrested two individuals and used force against 17 others demonstrating in front of the Indian High Commission in Dhaka against the planned construction of the Tipaimukh Dam in India. The operation to break up the group of protestors, who were allegedly demonstrating peacefully, involved approximately 100 police officers.

On August 19, the district administration in Manikganj invoked Section 144 of the law to prohibit a rally organized by the opposition BNP. Authorities cited the potential for violence because the local branch of the ruling AL's student wing had announced a simultaneous rally.

On September 2, according to media reports, police used force against demonstrators as they marched toward the headquarters of the Mineral, Oil, and Gas Corporation to protest the decision to lease off-shore energy blocks to foreign companies for oil and gas exploration. The subsequent clashes between the protesters and the police left approximately 30 persons, including 10 police officers, injured. The Home Ministry issued a statement expressing regret for the attacks on the procession and ordered an inquiry into "any police excesses."

Local officials used Section 144 prior to planned council meetings of the BNP to prevent clashes either between BNP and the ruling party or among rival factions of BNP. On December 22, ruling party activists and the police attacked individuals at a reception in honor of Moyeen Khan's selection as a party leader. BNP supporters clashed with the police and AL supporters, causing dozens of injuries. According to ASK, ruling party activists initiated the clash.

Freedom of Association

The law provides for the right of every citizen to form associations, subject to "reasonable restrictions" in the interest of morality or public order, and the government generally respected this right. Individuals were free to join private groups. Unlike the previous year under the state of emergency, trade unions were able to conduct their normal activities.

c. Freedom of Religion

The constitution incorporates elements of Islam but stipulates the right--subject to law, public order, and morality--to profess, practice, or propagate the religion of one's choice. The government generally respected this right in practice. Religion shaped the platforms of some political parties, but the government was sensitive to the religious sentiments of most citizens. Violence against religious and ethnic minorities was a problem occasionally. Discrimination against members of religious minorities, such as Hindus, Christians, and Buddhists, existed at both the governmental and societal levels, and religious minorities were disadvantaged in practice in such areas as access to government jobs, political office, and justice. The secular AL government, however, appointed some members of the minority communities to senior government and diplomatic positions. In the new cabinet, three of the 38 ministers were non-Muslims.

Shari'a (Islamic law) was not implemented formally and not imposed on non-Muslims, but it played an influential role in civil matters pertaining to the Muslim community. The Muslim Family Ordinance codifies issues such as inheritance, marriage, and divorce for registered marriages of members of the Muslim community. A Muslim man may marry as many as four wives; however, a Muslim man must get his first wife's signed permission before taking an additional wife. Society strongly discouraged polygamy and it was rarely practiced.

Family laws concerning marriage, divorce, and adoption differed slightly depending on the religion of the individuals involved. Each religion had its set of family laws. Under Hindu law, unlimited polygamy is permitted, and although there is no provision for divorce or legal separation, Hindu widows may legally remarry. There were no legal restrictions on marriage between members of different faiths.

As in the previous year, government protection of Ahmadiyyas, an Islamic group, continued to improve, although social discrimination continued and there were sporadic cases of harassment. The High Court continued to stay the government ban on publishing Ahmadiyya literature, effectively allowing Ahmadiyyas to publish.

As in previous years, the government failed to prepare a list of property that the government expropriated from Hindus following the 1965 India-Pakistan War. The cabinet took steps this year to enact a law to speed up this process.

The law permits citizens to proselytize, and the government respected that right in practice, although local authorities and communities sometimes objected to efforts to convert persons from Islam.

Some missionaries faced problems in obtaining or renewing visas, and some reported that internal security forces closely monitored their activities.

The government allowed various religions to establish places of worship, train clergy, travel for religious purposes, and maintain links with coreligionists abroad.

Societal Abuses and Discrimination

Discrimination against Ahmadiyyas, Hindus, and Christians decreased during the year. There were no demonstrations by anti-Ahmadiyya groups during the year.

There were reports of attacks on members of minority communities, although many of these reports could not be independently verified, and motives for such attacks--criminal, political, or religious--could not be ascertained.

On January 10, according to the Bengali language daily *Prothom Alo* and the Bangladesh Buddhist Hindu Christian Unity

Council, more than 150 armed thugs attacked a mostly Hindu village in Gazipur, outside Dhaka. The mob beat many of the residents, damaged several houses and an image of a goddess, and assaulted several women.

On March 30, according to *Shamokal*, 50 police officers and 100 citizens evicted approximately 400 predominantly Hindu individuals from their ancestral homes in Sutrapur in old Dhaka. Many of the homes were destroyed. The attackers, allegedly led by the brother of a local AL politician, also destroyed the oldest Shiva temple in Kalirghat.

On August 22, according to media reports, a group of AL activists attacked a Hindu family in old Dhaka and abducted nine members, including children and women, whom it kept in confinement. The police later recovered the victims and arrested four of the alleged abductors. Authorities claimed the abductors may have wanted to take over the house of the Hindu family. A local AL leader admitted the accused belonged to his party but claimed the party itself did not sanction the occupation of the Hindu property. Media reports suggested police had shown undue lenience towards the alleged criminals.

There were no developments in the case of Biman Chandra Bosak, who was allegedly beaten by RAB officers and police in April 2008 after he filed a case against a Muslim neighbor who tried to seize land dedicated to a Hindu deity.

There were also no developments in the April 2008 attack against two Christian men in Rangunia allegedly by members of an Islamist group

In contrast to previous years, there were no reports of the military attempting to evict Hindu families from land in the Mirpur area of Dhaka abutting the military cantonment.

According to human rights groups, harassment by forestry department officials persisted, although it decreased from previous years.

Religious minorities continued to be disadvantaged in seeking government jobs and political office, although reportedly less so than in the past following the election of a secular government. Selection boards for government services often lacked minority group representation.

There was no Jewish community in the country and there were no reports of anti-Semitic acts against locals, but some newspapers occasionally printed anti-Semitic articles and commentary.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irfr/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice except in the cases of some opposition political figures. Immigration officials at Zia International Airport in Dhaka prevented numerous politicians belonging to the opposition BNP and Jamaat-e-Islami from leaving the country, citing instructions from undisclosed higher authorities. Some of the politicians successfully challenged the unannounced restrictions on their travel abroad and managed to depart and return to the country. In some instances, the government filed criminal charges against the politicians after they had filed petitions with the High Court challenging the prohibition on their travel. With the lifting of the state of emergency, the government no longer had legal authority to prohibit travel.

The law does not provide for exile, which was not practiced. The country's passports were invalid for travel to Israel.

Protection of Refugees

The country is not a party to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol. As a result, and in the absence of any national legislation, the law does not provide a legal framework for the granting of asylum or refugee status. The government had no formal system for providing protection to refugees. In practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedoms would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees.

The government continued to deny asylum to Rohingyas arriving from Burma. The government categorized them as illegal economic migrants and turned back many at the border; however, the border was porous, and attempts to stem the tide of migration proved unsuccessful. According to the UNHCR, some of the individuals who were turned back were likely entitled to refugee status. Some unregistered persons in UNHCR camps returned to the country illegally after their official repatriation to Burma. On a number of occasions, local police picked up unregistered persons outside the camps and imprisoned them under the Foreigners Act.

Working with the UNHCR, the government provided temporary protection to approximately 28,000 registered Rohingya refugees at two official refugee camps and to individual asylum seekers whom the UNHCR interviewed and recognized as refugees on a case-by-case basis. According to international aid organizations active in the area, there were an estimated 200,000 to 500,000 Rohingyas not officially recognized as refugees living among the local population in the surrounding area of Teknaf and Cox's Bazaar, including approximately 12,000 at an unofficial site. There were no repatriations of Rohingyas during the year.

Working with the UNHCR, the government continued to improve conditions in refugee camps following findings in recent

years that sanitation, nutrition, and shelter conditions had fallen below minimum international standards. The government permitted the UNHCR to build replacements for shelters and latrines and permitted more NGOs to work in the camps on skills training, education, and health for residents.

According to the UNHCR, there were cases of abuse against refugees, including rape, assault, domestic abuse, deprivation of food, arbitrary detention, and documentation problems. However, there were fewer such incidents reported in previous years.

As in previous years, the government continued to ignore UNHCR requests to allow Rohingya refugees who were unable to return to Burma to work locally, get medical care, or attend school outside the camps. The government began to allow the UN Children's Fund (UNICEF) to operate schools through grade five in the camps. In practice, however, the provision of basic services from the UNHCR and other NGOs meant registered refugees often received better medical care than individuals in surrounding villages. The government insisted all Rohingya refugees remain in camps until their return to Burma. The government claimed Rohingya refugees were not allowed to possess money and that money in their possession could be confiscated. In practice, enforcement of these rules remained sporadic and depended on local authorities. For example, many refugees worked illegally as manual laborers or rickshaw pullers in the unregulated economy, and small numbers of students studied with the assistance of private tutors and participated in countrywide school exams through the high school level.

The government repeatedly rejected a UNHCR proposal to grant refugees rights for temporary stay and freedom of movement under a self-reliance program.

Stateless Persons

In May 2008 the High Court ruled that Biharis living in the country, once considered stateless, were citizens. Approximately 160,000-200,000 non-Bengali Bihari Muslims who immigrated to the former East Pakistan during the 1947 partition, a large number of whom supported Pakistan during the 1971 war, continued to live in camps throughout the country. According to Refugees International, many of these persons lived in unsanitary conditions with little access to education and medical resources. Some Biharis declined citizenship in 1972, and a minority awaited repatriation to Pakistan, where the government was reluctant to accept them. Many in the Bihari community were born after 1971, and the vast majority of this population has now been assimilated into the mainstream Bengali-speaking environment, although social barriers to upward mobility remained.

Approximately 80 percent of all adult Biharis, or 184,000 persons, were registered as voters following voter registration drives ahead of the December 2008 elections.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free and fair elections held on the basis of universal suffrage.

Since assuming power after the caretaker government, the parliament passed 66 bills. Many of those bills either ratified some of the ordinances the caretaker government promulgated or made new laws based on the substance of the ordinances. The Representation of the People's Order (Amendment) Ordinance 2008 significantly changed the electoral law that had been in place since 1972, in an attempt to address corruption in politics. The major political parties considered some of the new provisions in the bill, such as the abolition of students' and women's wings and foreign chapters, to be undemocratic, but they accepted the changes with some reluctance and revised their party constitutions. Under the amended ordinance, candidates must reveal information about their education, wealth, and criminal records when they file to run for parliament. Political parties must submit statements to the election commission outlining expenditures and sources of funds.

On April 6, the parliament passed the Upazila Parishad (Amendment) Act to reintroduce a tier of the local government abolished in 1991. The act, in contrast with provisions in a lapsed ordinance the caretaker government promulgated, made it mandatory for the upazila parishads, or councils, to accept the advice of the local MP. Under the act, upazila parishads could not communicate directly with the central government without their local MP's advice.

The parliament had 345 members, 300 of whom were directly elected. The remaining 45 seats were reserved for women nominated by the political parties, based on their proportional representation within the 300-member group of directly elected members of parliament. Party leaders appointed candidates for elections, and there were allegations that wealthy candidates could purchase nominations from party leaders with campaign contributions or personal gifts.

Elections and Political Participation

Sheikh Hasina, leader of the AL, became prime minister on January 6, following the parliamentary elections in December 2008. The 14-party AL alliance won 230 of 299 seats in the elections, which international and local observers deemed free and fair. Hasina's cabinet included representatives from the other parties in her coalition. Hasina replaced Fakhruddin Ahmed, chief advisor to the caretaker government, as the head of government. BNP chairperson and former prime minister Khaleda Zia became leader of the opposition.

On January 22, the country held elections to the newly created upazila parishads, or subdistrict councils, throughout the country. There were reports of violence, intimidation, vote rigging, and low voter turnout. The candidates backed by the ruling party won most of the upazila posts, although the election was not officially party based. The election commission

organized repolling in a number of upazilas where elections were suspended due to violence.

On January 25, the new parliament convened for its first session. Members of the main opposition party, the BNP, which alleged irregularities in the elections, participated in the first few sessions but subsequently walked out to protest the inadequate allocation of seats in the front row of the opposition bench and did not return to the house at year's end. The parliament formed all 48 standing committees in the first session with participation from opposition parties.

There were 64 women serving in parliament, 19 of them were directly elected. According to the law, women are eligible to contest and win any number of seats among the 345 members of parliament, but 45 seats were reserved for women. Six women, including Prime Minister Hasina, held the status of cabinet minister, including the ministers of home affairs, foreign affairs, and agriculture. Khaleda Zia, as the leader of the opposition, and Sajeda Chowdhury, as the deputy leader of parliament, also had the status of cabinet minister. Two women were appointed as state ministers, and a third was serving as a whip of parliament with the status of a state minister. In the January 22 upazila elections, 481 women vice chairpersons were elected to reserved positions for women. Six of the 89 supreme court judges were women.

There was no provision to provide parliamentary seats for minorities. Members of minority groups constituted approximately 10.3 percent of the population but held only approximately 5 percent of seats in parliament.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Following the declaration of a state of emergency in 2007, the caretaker government and military took several significant steps to address government corruption. On April 2, however, the ACC chairman resigned following statements by the prime minister suggesting a willingness to reconstitute the ACC. On May 2, the president appointed Gholam Rahman, the former chair of the Bangladesh Energy Regulatory Commission, as the new chairman of the ACC.

During the year the government undertook a substantial review of the actions of the ACC under the caretaker government. An AL-headed parliamentary standing committee summoned the former ACC chairman and two of its current members to appear before the committee to account for some of the ACC's actions against political leaders during the caretaker period. The ACC officials defied the summons and the committee recommended parliamentary action against them. A parliamentary committee also conducted an inquiry into alleged corruption and irregularities by the speaker, the deputy speaker, and the chief whip of parliament and recommended action against them, including stripping former speaker and BNP leader Jamiruddin Sircar of his membership in parliament. Sircar petitioned the High Court to challenge the authority of the committee to take these actions against him. Parliament, however, rejected the committee's recommendation to strip Sircar of his membership.

The government formed a review committee headed by the state minister for law, justice, and parliamentary affairs to recommend withdrawal of politically motivated cases that the government and ACC filed. The committee subsequently recommended the withdrawal of approximately 1,817 cases filed mostly against AL leaders, including all the cases filed against Sheikh Hasina. Other cases recommended for withdrawal included one case against BNP leader Khaleda Zia's son, Tarique Rahman, one against BNP leader and former law minister Moudud Ahmed, and one against Jatiya Party secretary general Ruhul Amin Howlader. Ahmed refused the government's offer to withdraw all cases against him and demanded withdrawal of all politically motivated cases against BNP leaders, including Khaleda Zia and her sons.

During the year authorities had released most of the accused in ACC cases from prison on bail, and the ACC did not file many new cases against politicians or bureaucrats. On March 16, the ACC filed a money laundering case against Arafat "Koko" Rahman, son of BNP leader Khaleda Zia. Separately, the ACC also filed a money laundering case against Tarique Rahman and his associate Giasuddin Al Mamun. On August 5, the ACC filed charges against Khaleda Zia and others for allegedly embezzling funds from the Zia Orphanage Trust.

As in prior years, the ACC focused its efforts on developing cases involving public persons failing to disclose income. The National Board of Revenue filed a tax evasion case against AL advisory council member and immediate past general secretary Abdul Jalil. The arrest came soon after Jalil told a television reporter that his party's victory in the 2008 elections was the result of an understanding with the caretaker government and the military leaders.

In previous years the caretaker government detained prominent business leaders using the Special Powers Act, which permitted preventive detention. Most of those persons were then tried under existing anticorruption legislation. Most high-profile cases were handled under the EPR, which initially denied suspects both the right to bail and the right to appeal their cases during the course of the trial. A supreme court ruling restored some forms of bail and the court exercised its authority to consider bail petitions.

The release of many corruption suspects continued to draw comment from some members of civil society, who stated the government was not serious about fighting corruption. Government leaders argued that the government and the ACC would continue to pursue corruption cases despite release of some suspects on bail. In September the president granted clemency to a fugitive convicted of corruption, Shahadab Akbar, son of deputy leader of parliament Sajeda Chowdhury. The special courts had sentenced Akbar to 18 years' imprisonment for several corruption cases and fined him 15 million taka (\$220,000). Some legal experts questioned the granting of clemency to a fugitive and noted that the constitution authorizes clemency only for those convicts who surrender to a court of law.

On March 29, the parliament passed the Right to Information Act, in line with a lapsed September 2008 ordinance promulgated by the caretaker government. This law effectively annulled the Official Secrets Act, which had denied the public access to government information. The act went into effect on July 1 and required the formation of a three-member

information commission. The commission, however, was not functional at year's end.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated independently and without government restriction, investigating and publishing their findings on human rights cases. Although human rights groups often were sharply critical of the government, they also practiced self-censorship.

The government required all NGOs, including religious organizations, to register with the Ministry of Social Welfare . During the state of emergency, NGOs came under heightened scrutiny by the caretaker government and the military, a practice that decreased under the elected civilian government. Nevertheless, local and international NGOs, including Odhikar and the American Center for International Labor Solidarity (ACILS), reported the government sought to impede their work either by canceling projects or subjecting them to restrictive operating requirements.

On August 31, Odhikar received a letter from the NGO Affairs Bureau (NAB), the office within the prime minister's office that approves NGO projects, canceling its approval of an ongoing human rights training and advocacy project. The letter cited objections to the project from the Ministry of Home Affairs but did not provide any details. A newspaper quoted a home ministry official as saying the ministry objected to the project following instructions from unspecified higher authorities. Domestic and international human rights NGOs criticized the government for the arbitrary cancellation of the project and called for a review of the decision. On October 11, a High Court panel stayed the government order canceling its approval of Odhikar's training project and issued a ruling asking the government to explain why its decision to cancel the project should not be declared illegal and void. The case was still pending at year's end.

According to ACILS, in October, the NAB informed the organization it was delaying the release of approximately 34 million taka(\$500,000) in foreign funding for a program to improve labor standards in the shrimp and fish processing sector. The NAB noted that the Home Ministry had required ACILS to secure a clearance from several national security agencies before proceeding with the program. By year's end the government had assured ACILS that the clearances had been completed and that the funds would be released in the near future.

There were no developments in the case of RAB 3 officers allegedly harassing Odhikar in November 2008. According to Odhikar, the RAB continued some harassment of the organization during the year.

Asudullah Al-Galib, leader of Ahle Hadith, a local Islamic group, remained free on bail while awaiting trial on six charges for a 2005 attack on several offices of leading NGOs, including the Grameen Bank and the Rural Advancement Committee. His case was pending at year's end.

In July the parliament passed the National Human Rights Commission Act, successor to the ordinance the caretaker government promulgated. The law changed the formation of the commission and created a new seven-member selection committee, dominated by government officials from the ruling party: the speaker of parliament, the home, law, and justice ministers, and the law commission chairman and cabinet secretary. The other two committee members are an opposition party MP and a ruling party MP, both chosen by the speaker. Human rights activists criticized the new law for granting the commission inadequate powers and politicizing the selection process.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination, but the government did not strongly enforce laws aimed at eliminating discrimination. Women, children, minority groups, and persons with disabilities often confronted social and economic disadvantages.

Women

Laws specifically prohibit certain forms of discrimination against women, provide special procedures for persons accused of violence against women and children, call for harsh penalties, provide compensation to victims, and require action against investigating officers for negligence or willful failure of duty. Enforcement of these laws was weak. In 2003 parliament passed an amendment to the current law, weakening provisions for dowry crimes and addressing the issue of suicides of female victims of acts of dishonor.

The law prohibits rape and physical spousal abuse but makes no specific provision for spousal rape. According to Odhikar, there were 454 reported incidents of rape during the year, including 211 against women and 243 against children. According to human rights monitors, the actual number of rape cases was higher because many rape victims did not report the incidents due to social stigma. Prosecution of rapists was not consistent.

For example, on July 9, according to Odhikar and media reports, two men raped a 14-year-old girl in Chorhadrashon, Faridpur, and recorded the incident on a mobile phone camera. The men then circulated the images among friends, uploaded the images onto a Web site, and copied it onto CDs, which they sold at the local market. The victim's family filed a case with the Women and Children Repression Prevention Court in Faridpur against Kalam Khan, Tushar Khan, and two other unknown men. The court issued arrest warrants for the men and ordered a ban on the sale of the CD. The accused men continued to threaten the victim's family. There were no further developments at year's end.

Domestic violence is not criminalized. According to women's rights groups, it was widespread and increased during the year, although data quantifying it was difficult to obtain. A 2000 study by the UN Population Fund indicated that at least 50 percent of women experienced domestic violence at least once in their lives. The National Women Lawyers' Association (BNWLA) reported 3,502 incidents of domestic violence and received 3,496 complaints related to domestic violence

issues. Domestic violence is not criminalized in the country, and most efforts to combat it were funded by NGOs with little assistance from the government. Some of the reported violence against women was related to disputes over dowries. There was an increase in the number of dowry-related killings during the year. Odhikar reported 227 dowry-related killings, an increase from 188 the previous year.

Domestic violence is not criminalized.

On June 3, according to the *Daily Star*, a man beat his wife to death in Shibram village, Barobari union in Lalmonirhat Sadar. Police recovered the woman's body the next day and filed a case against the husband. The case was ongoing at year's end.

On July 4, according to media reports, a man beat his wife and allegedly forced her to drink poison in Narsingdi. The woman died on the way to the hospital; her husband claimed she had committed suicide. When the wife's relatives confronted the husband about her death, he allegedly attacked them, seriously injuring six men. According to relatives, the husband regularly beat his wife because he was upset that he had not received a dowry from her parents. A case was filed with the police and was pending at year's end.

On October 19, according to the *Daily Star*, a man strangled his wife in Kadamtoli, Siddhirganj upazila, because she refused to give him a dowry of 20,000 taka (approximately \$295). The woman was reportedly seven months pregnant when her husband killed her. A case was filed with local police. The husband fled with his young son after the incident and there were no further developments at year's end.

Female prostitution continued to be legal. Male prostitution was illegal, although local NGOs claimed it was common in the major cities. Authorities generally ignored the minimum age of 18, often circumvented by false statements of age, for legal female prostitution. The government rarely prosecuted procurers of minors, and large numbers of underage girls worked in brothels. Estimates for the number of underage girls in commercial sexual exploitation ranged from a 2003 UNICEF estimate of 10,000 underage girls, but other estimates placed the figure as high as 29,000.

NGOs such as the BNWLA operated facilities to provide shelter to destitute persons and distressed women and children. According to the BSEHR, persons in "safe custody" were no longer housed in prisons. Courts sent most of them to shelter homes. In a few cases they were sent to prison as a transit for short periods.

A 2001 high court ruling banned fatwas (religious edicts). Islamic tradition dictated only those muftis (religious scholars) who have expertise in Islamic law are authorized to declare a fatwa. Despite these restrictions, village religious leaders sometimes made such a declaration in an individual case and called the declaration a fatwa. Such declarations could result in extrajudicial punishments, often against women for alleged moral transgressions.

Incidents of vigilantism against women--sometimes led by religious leaders by means of fatwas--occurred. According to Odhikar, 37 incidents of vigilante justice against women occurred during the year. The punishments included whipping, beating, and other forms of physical violence.

For example, on May 22, a fatwa committee in Bitteshwar union ordered a 26-year-old woman whipped 100 times, according to the *Daily Star*. The woman, an unwed mother, sought to have her son's paternity socially acknowledged, a claim the alleged father denied. The woman was whipped until she lost consciousness, at which point village leaders asked her father to tie her hands as they continued to whip her. Police filed cases against six men but only three were arrested. The trial was pending at year's end.

On June 10, according to media reports, village leaders in Companiganj whipped a 35-year-old woman and her mother because the daughter allegedly had an affair with a man. Local police arrested five villagers for their involvement in the attack. On June 12, the local AL chapter organized a women's rally to protest the arrest of the perpetrators and warned the police and press against further "excesses" with regard to this incident.

On June 27, according to the *Daily Star*, village leaders in Khaiyar, Comilla, whipped two women in front of hundreds of persons for their alleged involvement in behavior that was described as "antisocial activity." Local religious leaders issued a fatwa against the women after village arbitration. One of the women was whipped 202 times, and the other received 101 lashes. Each woman was fined 30,000 taka (approximately \$442). Local police arrested six individuals allegedly involved in the incident, who were on trial at year's end.

There were no further developments in the September 2008 case of Mahmuda, a local woman who was shunned by her community after her husband divorced her.

Acid attacks remained a serious problem. Assaultants threw acid in the faces of victims--usually women--that left them disfigured and often blind. Acid attacks often related to allegations of spousal infidelity. During the year, according to Odhikar, 101 persons were attacked with acid. Of these, 64 of the victims were women, 20 were men, and 17 were children.

For example, on May 7, according to the AHRC, in Khulna, Ayub Mollah attacked a young woman with acid after she refused his marriage proposal. The woman was admitted to the Khulna Medical College Hospital with burns to her face, ear, and left shoulder. Witnesses reported that the investigating officer accepted refreshments from Mollah before attempting to convince the victim to drop her case. The officer allegedly told the woman she was too poor to win the case, and she should settle for a cash payment and consider marrying Mollah for her own safety. The woman filed a complaint with the Koyna police seeking physical and legal protection, but no action has been taken. The investigating officer's final report of the case cleared Mollah of any wrongdoing.

The law provides for speedier prosecutions of acid-throwing cases in special tribunals and generally does not allow bail. The Women and Child Repression Control Act seeks to control the availability of acid and reduce acid-related violence directed toward women, but lack of awareness of the law and poor enforcement limited the law's effect. According to the Acid Survivors Foundation, the special tribunals were not entirely effective, but that prosecutors were able to obtain an unspecified number of convictions during the year.

Deputy attorney general Rajik Al Jilil stated that the new guidelines covered verbal abuse and physical attacks, including the sending of suggestive text messages. Sexual harassment in schools, workplaces, and in other public spaces remained a problem during the year. A study published on May 19 by the *Journal of Interpersonal Violence* found that out of 5,106 unmarried adolescent girls in rural areas surveyed in 2004, 35 percent experienced harassment, 34 percent experienced unwanted sexual attention, and 14 percent experienced sexual intimidation.

Reproductive health information was freely available, but income and education often served as barriers to access. According to a 2005 report by the World Health Organization (WHO), "the state of maternal health in Bangladesh is dismal" and the country has a very high maternal mortality rate 300 per 100,000 live births. The WHO also listed some of the major causes of maternal death, including postpartum hemorrhage, obstructed labor, postpartum sepsis, and violence or injuries. According to the government, approximately 85 percent of women give birth at home, and only 18 percent have access to a skilled birth attendant. Fifty percent of women attended one of four recommended prenatal visits; only 21 percent attended all four. Only 21 percent of women attend one or more postnatal visits.

Most of the programs offered by the government and NGOS to prevent and treat HIV/AIDS and other sexually transmitted diseases were focused on women.

Women remained in a subordinate position in society, and the government did not act effectively to protect their basic rights. For example, under traditional Islamic inheritance laws, women inherited only half that of sons, and in the absence of sons, they may inherit only what remains after settling all the debts and other obligations.

Employment opportunities increased at a greater rate for women than for men in the last decade, largely due to the growth of the export garment industry. Women constituted approximately 80 percent of garment factory workers. There were some disparities in pay in the overall economy between men and women, but in the garments sector they were roughly comparable.

On September 2, the new AL government vowed to reinstate the National Women's Development Policy that the previous AL government established in 1997. The policy's features included reservation of seats for women in parliament, initiatives to appoint women in senior posts in the administration and in all spheres of employment, and greater legal measures to end discrimination against women. There were no further developments at year's end.

Children

The government, with the assistance of local and foreign NGOs, worked to improve children's rights and welfare, enabling the country to make significant progress in improving children's health, nutrition, and education. Despite the progress, according to UNICEF only slightly fewer than half of all children remained chronically malnourished.

The law does not grant citizenship automatically by birth within the country. Individuals become citizens if they, their fathers, or grandfathers were born in the territories that are now part of the country. If a person qualifies through citizenship through ancestry, the father or grandfather must have been a permanent resident of these territories on March 25, 1971. Birth registrations were available only to approximately 10 percent of the population

Primary education was free and compulsory, but the implementation of compulsory education fell short, in part because parents kept children out of school to work for money or help with household chores. Government incentives to families who sent children to school contributed significantly to the rise in primary school enrollments in recent years. Despite these efforts and contrary to established policies, public schools imposed fees that were burdensome to poor families and created a disincentive to attend school.

Although the legal age of marriage is 18 for women and 21 for men, underage marriage was a widespread problem. Reliable statistics concerning underage marriage were difficult to find because marriage registrations were sporadic and birth registrations rare. A local human rights NGO, Mass Line Media, concluded from a 2004 survey that an estimated 40 percent of all marriages could be considered child marriages. In an effort to reduce child marriages, the government offered stipends for girls' school expenses if parents promised to delay their daughters' marriage until at least age 18.

According to human rights monitors, child abandonment, kidnapping, and trafficking continued to be serious and widespread problems. Despite advances, including a monitoring agency in the Ministry of Home Affairs, trafficking of children continued to be a problem.

Child labor remained a problem in certain industries; it frequently resulted in the abuse of children, mainly through mistreatment by employers during domestic service, and occasionally included servitude and trafficking for commercial sexual exploitation abroad. According to a 2006 study by the Bangladesh Institute of Labor Studies, attacks on children constituted more than 50 percent of the deaths, injuries, and sexual assaults reported among domestic workers during the year.

Trafficking in Persons

The law prohibits trafficking in persons, but trafficking remained a serious problem affecting men, women, and children.

Trafficking in children for "immoral or illegal purposes" carries the death penalty or life imprisonment, and the government took measures for the expeditious prosecution of traffickers. During the year special courts dealing with incidents of repression against women and children adjudicated 66 cases. Courts convicted 33 persons and ordered life sentences for 26 convicted traffickers.

Trafficked women and children went to India, Pakistan, Bahrain, the United Arab Emirates (UAE), Kuwait, and destinations within the country. Men seeking work abroad as expatriate labor in destinations such as Malaysia and the Middle East occasionally found themselves in exploitative situations of forced labor, with conditions including restrictions on movement, threats, and physical assault. Some women and children were trafficked internally for commercial sexual exploitation. Some children faced forced labor in the fishing industry, and entire families were subject to bonded labor throughout the country.

According to government sources, law enforcement personnel rescued 73 victims of trafficking during the year. Some of the rescued victims remained in government homes or at NGO-run shelters and received social and vocational skills training while NGOs attempted to locate their families.

During the year the BNWLA rescued 123 domestic trafficking victims and repatriated 42 others. The actual number of persons arrested for trafficking was difficult to assess, as charges against traffickers sometimes cited lesser crimes, such as crossing borders without proper documents. According to the Centre for Women and Child Services, most trafficked boys were younger than 10, while most trafficked girls were 11 to 16 years of age.

The exact number of women and children trafficked was unknown. Most trafficked persons were lured by promises of jobs or marriage, and some were forced into involuntary servitude outside and within the country. Parents sometimes willingly sent their children away to escape poverty. Unwed mothers, orphans, and others outside the normal family support system were also vulnerable. For example, traffickers living abroad often married women and deserted them upon arrival in the destination country, where they would be sold into bonded labor, menial jobs, or commercial sexual exploitation. International criminal gangs conducted some of the trafficking. The border with India was loosely controlled, especially around Jessore and Benapole.

As many as 10,000 children were used in brothels for commercial sexual exploitation, and procurers of minors were rarely prosecuted.

Government corruption greatly facilitated the process of trafficking. Police and local government officials often ignored trafficking in women and children for commercial sexual exploitation and accepted bribes from brothel owners and pimps.

Because the number of workers traveling to Southeast Asia and the Middle East increased, the expatriate labor market remained lucrative. Labor recruiters sometimes offered nonexistent jobs or conditions that left migrant workers stranded upon arrival in the receiving country. Recruiters also often charged exorbitant fees that made workers extremely vulnerable to forced labor and debt bondage. Some women were subjected to forced prostitution upon arrival in the receiving country.

During the year the Bureau for Manpower, Education and Training (BMET) received 1,025 complaints against recruiting agencies and their agents. By year's end, the BMET had settled a total of 470 complaints and collected 50.6 million taka (approximately \$745,000), more than double the year before. In addition, the government cancelled the licenses of six recruiting agencies and ordered them to forfeit their security deposits due to fraudulent activities and breach of contract. During the year the government also suspended activities of one recruiting agency due to fraudulent activities.

In August the parliamentary standing committee on expatriate welfare and overseas employment ministry issued a two-month deadline to the Bangladesh Association of International Recruiting Agencies (BAIRA) and the BMET to develop and submit a detailed action plan to curb irregularities and mismanagement in the migration sector. The committee also asked the BAIRA to set the migration cost at no more than 95,000 taka (approximately \$1,400) and to standardize a minimum salary for the workers. NGOs alleged that former MPs and other senior political figures were involved with several fraudulent recruiting agencies.

In 2007, as part of negotiations to send workers to South Korea, the government agreed to eliminate the role of recruitment agencies and to have the Ministry of Expatriate Welfare recruit workers directly. In 2007 the government of Malaysia suspended the import of expatriate laborers from the country after persistent problems with recruitment agencies. This issue was later resolved but from time to time Malaysia cancelled visas for the country's workers because of a perceived surplus of labor.

Although a lack of resources hindered investigations, the government maintained antitrafficking police units in all 64 districts to encourage victims to testify against their traffickers and to compile data on trafficking. In response to inadequately trained police and prosecutors, the government worked with legal experts to provide specialized training to prosecutors and with the International Organization on Migration to develop an antitrafficking course for the National Police Academy.

The government continued efforts to combat trafficking in persons through intensive case tracking by the trafficking monitoring cell at police headquarters and holding bimonthly interministerial committee meetings headed by the MOHA. The cell monitored police activities and assisted in prosecuting relevant cases. The government had monitoring committees headed by the deputy commissioners in all 64 districts. These committees transmitted to the national monitoring agency in Dhaka daily progress reports on arrests, convictions, acquittals, and repatriation of trafficked victims.

In 2007 the Foreign Ministry issued new instructions to all consular staff worldwide on how to handle trafficking cases

abroad and introduced labor-trafficking training courses for director-level officials. During the year, 17 foreign ministry officials and officials from the Ministry of Expatriates' Welfare and BMET received training to enhance their capacity to protect trafficking-in-persons victims. Thirteen labor attaches received training on ensuring migrant workers' rights and monitoring the compliance of contractual agreements in destination countries.

During the year the MOHA arrested 120 persons on trafficking charges and disposed of 66 trafficking cases. Of those cases, 33 persons were convicted, and 26 of them were sentenced to life imprisonment. Although the law allows capital punishment for convicted human traffickers, no death sentences were handed down during the year. Government antitrafficking projects included conducting awareness campaigns, research, lobbying, and rescue and rehabilitation programs. In February police established a victim support center to provide legal advice and a short-term shelter facility for the victims of trafficking and other forms of violence. The MOHA secretary continued to meet bimonthly with NGOs working on antitrafficking issues to facilitate coordination and cooperation between the government and civil society. The MOHA also formed a committee to adopt a national plan of action to combat human trafficking in the country.

Since 2005 a cooperative effort among NGOs, the government, and the UAE resulted in the repatriation of 199 camel jockeys, all of whom were reunited with their biological parents. Authorities from the government and the NGO community continued to monitor the repatriation, rehabilitation, and social integration of former camel jockeys. All camel jockeys received 104,000 taka (\$1,500) as compensation. The government, with assistance from UNICEF, initiated the second phase of the camel jockey rehabilitation project to focus on ensuring the sustainability of community care groups and livelihood options for victims. During the year, the program to repatriate and compensate former camel jockeys was largely completed. All children were reunited with their families.

Many NGOs, community-based organizations, and local government leaders worked against trafficking through prevention, research, data collection, documentation, advocacy, awareness creation, and networking, cross-border collaboration, legal enforcement, rescue, rehabilitation, and legislative reform. Despite constraints such as lack of birth and marriage records at the village level, authorities prosecuted trafficking cases. There was limited success in increasing shelter capacity and developing rehabilitation programs, including skills and vocational training, to facilitate sustainable social reintegration of the survivors largely due to lack of adequate funding. Despite efforts to address trafficking for sexual exploitation, the government failed to demonstrate significant progress in criminally prosecuting and convicting labor trafficking offenders and recruiters. In December the government formed a committee at the Expatriates' Welfare Ministry to review laws and regulations on labor migration for reformation.

The State Department's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

The law provides for equal treatment and freedom from discrimination for persons with disabilities; in practice, persons with disabilities faced social and economic discrimination. The law focuses on prevention of disability, treatment, education, rehabilitation and employment, transport accessibility, and advocacy.

The Ministry of Social Welfare, the Department of Social Services, and the National Foundation for the Development of the Disabled were the government agencies responsible for protecting the rights of persons with disabilities. Government facilities for treating persons with mental disabilities were inadequate. Several private initiatives existed for medical and vocational rehabilitation, as well as for employment of persons with disabilities.

Indigenous People

Indigenous populations had marginal ability to influence decisions concerning the use of their lands. There was some progress in the implementation of the 1997 Chittagong Hill Tracts (CHT) Peace Accord. The government reconstituted the CHT Land Commission, which announced its decision to conduct a land survey beginning on October 15. The National Committee for Implementation of the CHT Peace Accord also was reconstituted with Deputy Leader of Parliament Sajeda Chowdhury as chairman. The government did not cede responsibility for key functions such as land use and natural resources to local authorities, as the accord specified. Law and order problems and alleged human rights violations continued, as did dissatisfaction with the implementation of the Peace Accord.

The government allowed some cell phone and Internet coverage to the three Hill Tract districts in 2008. Although the government cited security concerns as the reason for limiting coverage, human rights groups and local officials claimed lack of coverage was also aimed at stunting the development of the region. The Land Commission dealing with land disputes between tribal individuals and Bengali settlers did not function effectively in addressing critical land disputes after the signing of the Peace Accord. Tribal leaders remained disappointed with the lack of assistance to those who left the area during the insurgency. Local human rights organizations alleged that security forces took advantage of the state of emergency to increase human rights abuses, including arbitrary arrests, against indigenous people in the preceding two years.

In 2007 the government withdrew 16 temporary camps of security forces in the Rangamati area of the Hill Tracts. Since the signing of the 1997 Peace Agreement, the government had withdrawn 212 camps, leaving approximately 270 camps. On July 29, the ISPR office issued a press release announcing plans for a partial removal of troops from the CHT in two months. The main opposition BNP and its allies protested that withdrawal of troops would leave the Bengali settlers insecure and compromise sovereignty. The army withdrew a brigade, including three infantry battalions and 35 security camps, per the announced plans. In August Bengali settlers barricaded roads and enforced "hartals" (strikes) in parts of the CHT to protest the decision. Indigenous leaders welcomed the partial army removal but also insisted on complete withdrawal of camps and faster implementation of other clauses of the peace accord.

The conflict continued between the Parbattya Chattagram Jono Sanghati Samity (PCJSS), which signed the 1997 Peace Agreement with the government, and the United Peoples' Democratic Front (UPDF), which opposed the peace agreement. There were no further updates regarding the 2007 killing of PCJSS activist Vinku Kumar Chakma.

NGOs continued to allege that security forces abused the indigenous population of the CHT. There were no updates to the 2007 land dispute in Mahalchari in Khagrachari district.

There were no developments in the 2007 arrest of UPDF members Bimol Bikash Chakma and Milon Bihari Chakma.

Indigenous communities in other areas continued to report loss of land to Bengali Muslims. The government neither cancelled work on national park projects on land traditionally owned by indigenous communities in the Moulvibazar and Modhupur forest areas, nor did it undertake any new activities. In addition, indigenous communities, local human rights organizations, and churches in the area continued to claim the government had yet to withdraw thousands of false charges the Forestry Department filed against indigenous residents.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Homosexual acts remained illegal but in practice the law was rarely enforced. There were a few informal support networks for gay men, but organizations to assist lesbians were rare.

Attacks on lesbians and gay men occurred on occasion, but those offenses were difficult to track because victims desired confidentiality. Strong social stigma based on sexual orientation was common and repressed open discussion about the subject. Local human rights groups did not monitor the problem, and there were few studies on homosexuality in the country.

Although overt discrimination against lesbians, gays, bisexuals, and transgender individuals was fairly rare—partly because few individuals openly identified their orientation—there was significant societal discrimination. Openly gay individuals, particularly those from less affluent backgrounds, found their families and local communities ostracized them. Some sought refuge in the transgender or "hijra" community.

Other Societal Discrimination

There were no reported cases of violence or discrimination against HIV/AIDS patients. NGOs believed this was partly a function of the refusal of victims to self-identify and an absence of research given the relatively low rate of HIV/AIDS in the country.

Section 7 Worker Rights

a. The Right of Association

The law provides for the right to join unions and, with government approval, the right to form a union, although numerous restrictions on union registration remained. For example, the law requires more than 30 percent of an enterprise's total workforce to be members before approval and the union can be dissolved if membership falls below 30 percent; no more than three trade unions can be registered in any establishment; and managerial staff and other employees designated by employers as "confidential" may not join unions.

Civil service and security force employees were legally prohibited from forming unions. In 2006 new categories of workers, including teachers and NGO workers, were permitted to form unions; however, due to the broad limitations on union organizing during the state of emergency, these regulations were not formally instituted.

The total labor force was approximately 50 million, of whom approximately 1.9 million belonged to unions, many of which were affiliated with political parties. There were approximately 5,000 garment factories employing 2.5 million workers; more than 80 percent were women. No reliable labor statistics were available for the large informal sector in which the majority (nearly 80 percent) of citizens worked.

The 2006 Bangladesh Labor Act (BLA) consolidated laws from 25 separate acts into one comprehensive law. The director of labor is responsible for the registration and dissolution of unions. The registrar of trade unions has authority to deregister unions without labor court approval, and during the year some unions were deregistered, primarily for labor law violations. The law afforded unions the right of appeal in the case of dissolution or denial of registration.

The law recognized the right to strike; however, many restrictions on this right remained. For example, 75 percent of union membership must consent to a strike before it can proceed. The government can shut down any strikes lasting more than 30 days and refer the matter to labor courts for adjudication. In addition, strikes are banned for the first three years of commercial production or if the factory was built with foreign investment or owned by a foreign investor. In practice few strikes followed legal requirements, which are cumbersome; strikes or walk-outs often occurred based on the spontaneous decisions of workers.

Throughout the year labor organizers reported acts of intimidation and abuse as well as increased scrutiny by security forces and the National Security Intelligence Agency. Sporadic labor unrest occurred throughout the country, particularly in the ready-made garment sector. Labor organizers reported frequent acts of intimidation and abuse, arbitrarily locking out, and firing employees, and increased scrutiny by security forces. Authorities sometimes arrested labor organizers in what some NGOs considered a crackdown on labor rights activists. In the face of frequent unrest and protests demanding outstanding wages, unpaid overtime, and decent working conditions, in December home minister advocate Sahara Khatun

announced the government would create a 1,580-member "industrial police force" to target apparel sector workers and protect investors' assets.

The law established mechanisms for conciliation, arbitration, and labor court dispute resolution. Workers have the right to strike in the event of a failure to reach settlement. The government filed cases against some striking labor leaders and workers for destruction of property, blocking roads, or violation of the EPR provisions. In some cases, the appeals courts subsequently acquitted strikers.

Unions were highly politicized but were independent of the government and were strongest in state-owned enterprises, including jute mills, textile mills, chemical industries, and the government-run Port of Chittagong.

b. The Right to Organize and Bargain Collectively

The law protects the rights of workers to organize and bargain collectively without interference, but this right was not always effectively enforced. The BLA includes provisions protecting unions from employer interference in organizing activities, however, employers often sought to curtail this right, particularly in the ready-made garment industry. Implementation of these provisions was uneven and many private sector employers discouraged union activity. Some employers fired workers suspected of organizing or sympathizing with unions, placed informants in work areas, and intimidated workers with threats of violence.

The Director of Labor ruled on union-organizing discrimination complaints except in Export Processing Zones (EPZs). Throughout the year the Labor Court ordered reinstatement of workers who had been fired for union activities, but a large backlog of unresolved cases remained. The majority of workers in such cases, however, sought financial compensation rather than reinstatement. Increasingly, labor disputes were settled informally prior to scheduled hearing dates in the labor court.

Under the BLA, legally registered unions are entitled to bargain collectively with employers; however, this was rarely implemented in practice. The BLA simplified and clarified the procedure for selecting a collective bargaining agent and specified time limits for steps in the process. Labor organizations reported that in some companies, workers feared reprisals and did not exercise their collective bargaining rights.

Overall implementation of labor regulations in the EPZs was poor. A separate law, the EPZ Workers' Association and Industrial Relations Act (EWAIRA) specified association rights in EPZs. EPZ officials interpreted these regulations and applicable laws narrowly and claimed they were exempt from the broader labor law. Labor groups challenged this claim. EPZ-specific labor laws allowed workers to organize into "workers associations," which had the right to strike and could engage in collective bargaining. Many workers associations were not formally registered because employees attempting to organize associations faced difficulties from some factory owners. Some factory managers strongly discouraged workers from meeting outside labor groups and sometimes terminated workers who did. The challenges to EPZ officials were ongoing at year's end.

Federations of workers associations within the EPZ were permitted, but federations with enterprises in other EPZs or with enterprises outside EPZs were banned. As in previous years, the government did not establish an EPZ labor tribunal or an EPZ labor appellate tribunal as required by the EWAIRA. A 2008 ordinance promulgated by the caretaker government stated that labor courts would serve in place of tribunals for disputes in the EPZ. The new government did not pass this ordinance into law and this provision therefore remained unfulfilled. Workers in EPZs filed complaints in the national labor courts to enforce broader legal rights in the EPZs in addition to provisions of the EWAIRA.

Workers filed legal cases against EPZ factories that did not follow the BLA, and the courts made no decisions on this point. In May 2008, through an amendment of the BLA, the government declared that no trade union office can be established inside or within 200 meters of any industrial institution or group of institutions. Therefore, any trade union offices within these limits had to be moved within three months of the date that the amendment was implemented. In November the BLA was amended to reduce the penalty for persons who violate the provisions of the law. Labor activists protested this amendment alleging this had been made in favor of the employers, although there was no strict enforcement of the law.

c. Prohibition of Forced or Compulsory Labor

The penal code prohibits forced or bonded labor; however, the prescribed penalty of imprisonment for up to one year or a fine was not sufficiently stringent to deter the offense, and the government did not enforce the prohibitions effectively. The BLA created inspection mechanisms to strengthen laws against forced labor, but these laws were not enforced.

Though relatively uncommon in urban areas, bonded labor remained common in rural areas and in domestic service. Faced with extreme poverty and unemployment, rural workers, including entire families, were engaged in bonded labor, often facing physical abuse and sometimes death.

d. Prohibition of Child Labor and Minimum Age for Employment

Under the law every child must attend school through grade five or the age of 10 years, but there is no effective legal mechanism to enforce this provision, and child labor is widespread. The BLA regulates child employment depending on the type of work and the child's age. In 2006 the International Labor Organization (ILO) released the 2005 Baseline Survey for Determining Hazardous Child Labor Sectors, which estimated that of the 2.2 million workers in 45 targeted hazardous sectors, 532,000 child workers ages five to 17 performed hazardous labor.

Children were found working in road transport, such as rickshaw pulling, automotive repair, and minibus assistance, in machine shops, salt and match factories, and tanneries, and in the manufacturing of bricks, cigarettes, dried fish, footwear, steel furniture, glass, textiles, garments, and soap. Children were engaged in the following hazardous activities: printing, fabrication, stone breaking, dyeing operations, blacksmith assistance, and construction. Children also worked in the service industry in hotels and restaurants. According to a government survey of urban areas, street children, mostly boys, engaged in various forms of work such as begging, portering, shining shoes, collecting paper, and selling flowers. Boys and girls, often those living on the streets, are exploited in illicit activities, including smuggling and trading arms and drugs.

Children routinely performed domestic work. The government occasionally brought criminal charges against employers who abused domestic servants. During the year, the ILO and the Bangladesh Bureau of Statistics completed a baseline survey on commercial sexual exploitation of children. According to the survey, among 18,902 child victims of sexual exploitation, 83 percent were girls, 9 percent transgender children, and 8 percent boys. Forty percent of the girls and 53 percent of the boys were below the age of 16. Fourteen percent of the girls and 6 percent of the boys were trafficking victims.

There was little enforcement of child labor legislation outside the export garment sector. The BLA specifies penalties for child labor violations, typically nominal fines of less than 5,000 taka (\$80). Agriculture and other informal sectors that had no government oversight employed large numbers of children.

In 2008 the government, with ILO support, established a child labor unit at the Ministry of Labor and Employment to coordinate planning and execution of all child-related labor interventions.

e. Acceptable Conditions of Work

The National Minimum Wage Board (NMWB) announced the most recent national minimum monthly wage in 2007 for all economic sectors not covered by industry-specific wages to be 1,800 taka (\$26.50). The NMWB convenes every five years in a tripartite forum to set wages and benefits industry by industry. In the garment industry, wages were sometimes higher than the minimum wage. Wages in the EPZs were typically higher than general national wage levels. None of the set minimum wages provided a sufficient standard of living. It was common practice for garment factories to force workers to work overtime, delay their pay for months, and deny full leave benefits. In May the government declared a minimum wage for shrimp sector workers. The minimum monthly wage was 2,510 taka (\$35.85).

The BLA established occupational health and safety standards. Workers groups stated that legally established standards were sufficient, but they were rarely implemented. Workers may resort to legal action for enforcement of the law's provisions, but few cases were pursued legally. Enforcement by the Labor Ministry's industrial inspectors was weak, due to the low number of labor inspectors. Inspections were unannounced, but in many cases, labor groups alleged that factory owners were warned in advance and that the owners colluded with inspectors. There were 95 inspectors serving nationwide and 59 vacant positions. Many workers alleged there was systemic and endemic corruption and inefficiency among inspectors.

Because of high unemployment rates and inadequate enforcement of laws, workers demanding redress of dangerous working conditions or who refused to work under hazardous conditions risked losing their jobs. A standard workday is eight hours, but workers may work 10 hours a day in certain instances. Overtime is permitted, but the employer must pay double the basic wage and other allowances and ad hoc or interim wage for the overtime work. A standard workweek is 48 hours but can be extended up to 60 hours, subject to the payment of overtime allowances. By law, the average workweek should not exceed 56 hours. Workers must get one hour of rest if they work for more than six hours a day, a half-hour of rest for more than five hours a day, and one hour's rest at intervals for more than eight hours' work in a day. Factory workers receive one day off every week. Shop workers receive one and a half days off per week.

In practice, however, these legal limits were routinely violated and enforcement of these provisions was weak. On May 10, the National Labor Committee (NLC) released a report detailing its investigations in 2008, which uncovered abuses of workers in a Chittagong factory that produces jeans for leading international retailers. For example, the report notes that Bibi Kulsum Fatema, an 18-year-old worker, fainted due to overwork at her workplace and died after she was taken to a nearby hospital. According to the report her mother stated that she worked 13-15 hours at a stretch every day. The report also stated that many workers informed NLC investigators that the factory manager kicked a 17-year-old worker who had collapsed on the factory floor and that many workers are often beaten and forced to 20-hour shifts. The report noted that workers often have limited access to bathrooms and that factory fans were often kept switched off to save energy. The NLC report indicated that speaking in many factories was strictly prohibited.

The Bangladesh Garments Manufacturer and Exporters Association president stated that his organization sought to promote full compliance with of labor regulations and that the organization would reinvestigate all allegations of abuse.