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## 2008 Country Reports on Human Rights Practices - Bangladesh

Bureau of Democracy, Human Rights, and Labor  
February 25, 2009

Bangladesh is a parliamentary democracy of 150 million citizens. On December 29, the Awami League (AL) led by Sheikh Hasina Wazed won 230 of 299 Parliamentary seats in elections considered by international and domestic observers to be free and fair and marked by isolated irregularities and sporadic violence. The elections and the peaceful transfer of power that followed ended two years of rule by a military-backed caretaker government. Khaleda Zia, head of the Bangladesh Nationalist Party (BNP), stepped down as prime minister in October 2006 when her term of office expired and transferred power to a caretaker government to prepare for general elections the following January. In the wake of political instability in January 2007, President Iajuddin Ahmed, then head of the caretaker government, declared a state of emergency and postponed the elections, appointing the new military-backed caretaker government led by Fakhruddin Ahmed, the former Bangladesh Bank governor, who in July 2007 pledged that elections would be held by the end of 2008. Although civilian authorities generally maintained effective control of the security forces, these forces frequently acted independently of government authority.

Although levels of violence declined significantly and the caretaker government oversaw successful elections, the government's human rights record remained a matter of serious concern, in part due to the state of emergency that remained in place for most of the year and the failure to fully investigate extrajudicial killings. The state of emergency, which was relaxed temporarily in advance of local elections in August and finally lifted on December 17, curtailed many fundamental rights, including freedom of expression, freedom of association, and the right to bail. The government promulgated the Emergency Powers Rules (EPR) 2007 and Emergency Powers Ordinance 2007 to enforce the state of emergency. The anticorruption drive that the government initiated, while greeted with popular support, gave rise to concerns about fairness and equity under the law. For most of the year the government banned political activities, although this policy was enforced unevenly. There was a decrease in the number of extrajudicial killings by security forces, but they committed serious abuses, including extrajudicial killings, custodial deaths, arbitrary arrest and detention, and harassment of journalists. 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.

### RESPECT FOR HUMAN RIGHTS

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

##### a. Arbitrary or Unlawful Deprivation of Life

Security forces committed numerous extrajudicial killings. The police, Bangladesh Rifles (BDR), the military, and the Rapid Action Battalion (RAB) sometimes used unwarranted lethal force.

While there was a nearly 20 percent decrease in the overall number of killings by all security personnel, the government and military did not take any public measures to investigate these cases. The number of killings by the police and combined security forces also increased. According to 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 reports published by the media, local human rights organizations, and the government, the RAB – a paramilitary unit composed primarily of seconded personnel from different law enforcement agencies – killed 68 persons during the year. The average number of such deaths dropped from eight per month in 2007 to less than six per month during the year. Combined security units comprising RAB members and police killed 15 persons during the year. The deaths, many under unusual circumstances, occurred during law enforcement operations or while the accused were in custody. The government, however, often described these deaths as "crossfire killings," "gunfights," or "encounter killings," all terms to describe exchanges of gunfire between the RAB or police and criminal gangs.

According to reports in the media, from local human rights organizations, and from the government, law enforcement officials were responsible for 149 deaths, 136 of which were attributed to crossfire. According to reported figures, this total represented a 19 percent drop from the previous year. The RAB accounted for 65 "crossfire" killings; members of the police were responsible for 50; combined security units comprising RAB and police were responsible for 15; and the coast guard, Bangladesh Rifles, and Joint Forces committed a combined six crossfire killings. Since 2004 when the Minister for Law, Justice, and Parliamentary Affairs stated that 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 in a killing.

According to Odhikar, a leading human rights organization, there were 116 deaths in custody during the year, including 66 deaths in prison.

For example, on June 18, according to Odhikar and eyewitness accounts, officers from the RAB 12 shot and killed Abdur Rashid Malitha and Nasima Akhtar Rikta in Baradi, Kushtia. According to family members and the RAB, Malitha was a founder of the Purbo Bangla Communist Party-Marxist Leninist (PBCP-ML) Janajuddha. Several RAB officers conducted the raid after investigating a number of muggings in the area that had been linked to Malitha. According to Malitha's brother, Golam Hossain Akash, who was present during the raid, RAB officers shot both victims at point blank range. Akash died eight days later in the custody of RAB 12, although he was not wanted on any charges. The physician who conducted Malitha and Rikta's post-mortems stated that there were six bullet wounds to Malitha's chest and ribs, that Rikta's skull was blown away, and that there was a bullet wound on Rikta's leg. RAB officers claimed they returned fire when they entered a home and Malitha and Rikta were killed during the exchange. A RAB officer confirmed Rikta was not wanted on any charges. The government did not investigate the case.

On June 28, according to investigations by local human rights organizations, police officers from Mirpur Police Station killed Anwar Hossain in a brick field in Housepur. On June 26, two police officers and eight to 10 men in civilian clothing arrested Hossain. The Mirpur police stated he was killed in a shootout between police and "extremists" and refused to comment on his arrest. The doctor who performed the autopsy would not comment on the circumstances of the death, but a morgue assistant reportedly noted that there was one bullet wound on the left side of Hossain's head and two in his chest, as well as signs that the victim had been blindfolded. The government did not investigate the case.

The wife of Khabirul Islam, whom a naval contingent abused and killed in February 2007, filed a complaint against the naval personnel and challenged the post-mortem finding that her husband had committed suicide. According to human rights organizations, she abandoned the case due to intimidation from unknown parties and lack of funds.

The government did not take any further action to investigate the March 2007 killing of Choilesh Ritchil by army personnel in Madhupur or the May 2007 killing of Mohammad Kamran Islam Mojnu by members of RAB 5 battalion.

There were no updates available concerning the March 2006 killing of Iman Ali by RAB members in Dhaka, nor the September 2006 killings of Abdul Hawladar and Mohammad Shamin in Khulna by RAB members.

There were fewer politically motivated killings than in previous years, largely due to the state of emergency that suspended most political activities. According to Odhikar, 50 deaths were suspected of being politically motivated.

According to Human Rights Watch (HRW), Odhikar, and local media reports, on July 15, officers from RAB 8 in Dhaka arbitrarily arrested and killed Moshikul Alam Sentu, an activist in the BNP's student wing, the Jatiyatabadi Chhatra Dal (JCD). The RAB claimed Sentu was accused in several murder cases and had an illegal cache of weapons. Sentu's family contended the charges were politically motivated and he had been acquitted in all of the cases. Sentu's family stated they had been warned in advance that he would be killed "in a crossfire" and had paid a bribe of 300,000 taka (\$4,500) to Major AKM Mamunur Rashid Mamun to prevent his death. Shortly thereafter, Mamun reportedly assured her that her son would not be mistreated. Early the following day, however, eyewitnesses observed RAB officers dumping Sentu's body in a paddy field in Barisal city, south of Dhaka. The body had two bullet wounds in the chest and another in the leg. Sentu's neck was severely bruised and possibly broken, as was his left hand, indicating possible torture. RAB 8 later stated it had taken Sentu to Barisal to recover a cache of hidden arms and he was killed in "crossfire" when the RAB team encountered fire from Sentu's associates. HRW issued a statement urging the government to prosecute the officials responsible for killing Sentu and others "to the full extent of the law." The government did not conduct any further investigations.

On July 27, according to HRW and Odhikar, police in Naogaon killed Dr. Mizanur Rahman Tutu (also known as Tutul), a physician and leader of the PBCP-ML. Authorities claimed there were many cases against him, including involvement in several killings of police officers and political figures, though the local police superintendent stated there were no charges filed. The autopsy indicated that Tutu had been shot three times, that he had been tied up, and that there were signs of excessive blood loss, suggesting abuse prior to death. Odhikar condemned Tutu's killing, stating the police had conflated his identity with a criminal named Tutul who had died several years earlier and had targeted Tutul because of his political affiliation.

There were no updates in the investigation of the 2007 killing of Azibor Rahman or the 2006 killing of Aftab Ahmad.

Media reported that Home Affairs Adviser Gen. M. A. Matin ordered police to reinvestigate the 2005 death of Awami League parliamentarian and former Finance Minister Shah AMS Kibria. In March 2007 the Caretaker Government stated that it would open a new investigation, but that effort stalled due to alleged lack of personnel. Matin rejected that argument and ordered the reinvestigation, which was ongoing at year's end.

Authorities sentenced three individuals from the banned Islamist organization Harkatul Jihad al Islami (HuJi) to death and granted two others life sentences in the August 2007 trials of the group charged with organizing a grenade attack at the Hazrat Shahjalal Shrine in Sylhet in 2004.

Killings by political parties continued, although these were fewer in number than in

previous years.

According to media reports, on February 12, political rivals killed Md. Farman Ali of the Purbo Banglar Communist Party in Pabna.

Also according to media and NGO sources, on February 26, gunfire between Awami League and BNP activists at Moheshkhali killed one individual.

Violence along the border with India remained a problem, although the number of incidents declined. According to human rights organizations, the Indian Border Security Force (BSF) killed 59 citizens.

#### **b. Disappearance**

Disappearances and kidnappings remained problems during the year. According to Bangladesh Society for the Enforcement of Human Rights (BSEHR), 504 persons were kidnapped during the year. An indeterminate number of these kidnappings were politically motivated.

According to press reports, on September 26, pirates kidnapped more than 40 fishermen from the Kachikhali coast of Pathorghata. The victims were taken to an undisclosed location in the Sundarbans mangrove forest in southwest Bangladesh and held for a ransom of 1,000,000 taka (\$14,700). The coast guard made several attempts to rescue the kidnapping victims but was unsuccessful.

According to press reports and the individual's relatives, on November 26, RAB officers arrested and allegedly disappeared Jubo League leader Liakat Hossain. Hossain had been arrested in 2003 after being labeled as one of the country's "23 top criminals," but received bail from the High Court on September 4. On December 2, the High Court instructed the government to notify it within 72 hours of his whereabouts. The government did not take further action.

The government did not take steps to investigate the February 2007 kidnapping of Abdul Aziz, the June 2007 kidnapping of two Danish Aid Agency employees, or the May 2006 disappearance of Tera Mia.

#### **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 human rights organizations, the use of such techniques increased in 2007 after the interim government declared the state of emergency, but the number of incidents declined by 60 percent during the year. Abuse consisted of threats, beatings, and the use of electric shock. According to human rights organizations, security forces tortured 12 people to death. 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.

For example, on March 7, according to Odhikar, police arrested and tortured Abul Hossain Dahli in Botiyaghata Police Station. Odhikar reported that a few hours after Dahli's arrest, police declared he had committed suicide. Relatives who claimed the body questioned apparent bruises, burn marks, the lack of markings on the neck consistent with hanging, and the layout of the cell, which would have made hanging difficult. Relatives also claimed the family had been offered 15,000 taka (\$220) not to file a case. On March 20, Dahli's family filed a case and the head of the government committee investigating the incident agreed that police negligence was undeniable. At year's end, however, the government had not investigated the case further.

On March 18, according to Odhikar and witness accounts, officers from RAB 8 arrested

and tortured Md. Afzal Khan in Sharlatpur District. According to witness accounts, RAB officers arrested Khan at the Mahmudpur Bazaar, where they interrogated him about an alleged illegal arms cache and beat him with sticks, rifles, stones, and hammers. That night, police admitted Khan to Shariatpur Sadar Hospital, where he died the following day. According to Afzal's father, Afzal had a broken neck, wounds on his face and skull, an inflated stomach allegedly due to trampling, and cut veins in his legs.

On April 13, according to Odhikar, police arrested Fakir Chan in Maulvibazar on charges of mugging. Chan's wife claimed that she did not have access to her husband while he was in custody and that a police officer told her that her husband would be released if she paid a 50,000 taka (\$735) bribe. On April 19, police alleged that Chan fell ill and died while in custody. According to a doctor at the Narayanganj Hospital, several plainclothes policemen dropped off Chan's body at the emergency division of the hospital and refused to answer questions about his identity. The doctor conducting the autopsy stated that he saw marks on Chan's wrists and other marks on the body suggesting Chan had been hanged by his wrists and beaten. Authorities removed Superintendent Saiful Islam, Assistant Superintendent of Police Jannatul Hasan, Mamunur Rashid, and Babul Akhtar from their duty stations. No additional legal action had been taken at year's end.

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

For example, on July 2, according to Odhikar, RAB member Abdul Gaffur raped a 14-year-old girl in Sonargaon, Narayanganj. Local police arrested Gaffur, who was awaiting trial at year's end. On July 30, Police Sub-Inspector Rezaul Karim allegedly raped a young girl who had been collecting trash at a railway station in Kamlapur, Dhaka. The government did not investigate the case.

Authorities did not investigate the January 2007 torture of Shahidul Islam, director of the NGO Uttaran, or the June 2007 torture cases of Mohammad Jamal Uddin and Mohammad Kajol.

There were no developments concerning the May 2007 rape case against Sub-Inspector Nuruzzaman of Karimgonj, nor the August 2007 rape case against Sub-Inspector Abdul Mannan of Mirpur.

The 2006 case of Kishore Kumar Das remained pending at year's end.

There were no developments in the 2006 death of Tajul Islam in Kurigram, and none in the case of AL official Asraf Hossain Khan, who was detained and allegedly beaten and threatened with crossfire by the RAB in Munshigonj in 2006.

Vigilante killings increased during the year. Newspapers reported 163 vigilante killings, although local human rights organizations said the reported cases were only a fraction of the total number of actual incidents. In 2007 there were 108 reported vigilante killings.

According to press reports, on March 3, a mob killed a mugger, Babul, 35, and injured another when a gang of four tried to steal 100,000 taka (\$1,470) from a businessman at Nasirabad.

On March 8, at Kaliakoir, near Dhaka, a mob beat two robbers, Kabir Mia, 30, and Anwar Hossain, 35, to death, and injured another. According to the police, the individuals had taken part in an attempted armed robbery of a local home at 3:00 a.m., and neighbors apprehended them.

#### *Prison and Detention Center Conditions*

The prison system remained abysmal due to overcrowding, inadequate facilities, and the lack of proper sanitation. Local human rights observers considered these conditions to

be contributing factors to custodial deaths. According to international and local human rights organizations and eyewitness accounts, after the declaration of a state of emergency, security forces including the military held detainees in sub-standard ad hoc Joint Forces and military camps of the military intelligence agency, the Directorate General-Forces Intelligence (DGFI).

According to Odhikar, 66 persons died in prison and 50 persons died in the custody of police and other security forces during the year. Of the total number who died, three died due to lack of proper care and 46 died of unnatural causes.

According to the government, the existing prison population as of December 31 was 75,480, or more than 278 percent of its official capacity of 27,146. 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 had 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.

In 2007 the inspector general of prisons (IGP) took several steps to improve the prison system, including updating the jail code, reducing corruption and drug trafficking in prisons, limiting the use of full shackles on prisoners for reasons other than discipline, improving the quality of food, creating more prisoner vocational training opportunities and literacy classes, and improving the morale of prison staff. The government also opened its first jail for women in Gazipur. NGOs argued that these reforms were helpful, but that they were not adequately maintained and that the pace of reform during the year was slower than in previous years. These reforms included the construction of three new jails exclusively for women, the launch of several small-scale training programs for prisoners to assemble garments, and physical improvements such as the addition of television sets and fans. During the year the IGP tried to address prisoner morale by allowing low-level offenders to meet family and friends inside jail cells without any physical barriers between them.

The law required juveniles to be detained separately from adults; in practice, many juveniles were incarcerated with adults. Media reports stated that approximately 380 children were imprisoned despite laws and court decisions prohibiting the imprisonment of minors. In some places, the figure was much higher, allegedly because there was no proper means of recording age in the criminal justice system. According to the International Center for Prison Studies, minors make up 0.4 percent of the prison population.

Although the law prohibits women in "safe custody" – victims of rape, trafficking, and domestic violence – from being housed with criminals, in practice no separate facilities existed.

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 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.

#### **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. Following the declaration of a state of emergency in 2007, the government promulgated the Emergency Power Rules that gave authorities further authority to detain citizens without filing formal charges or specific complaints. The government relaxed the state of emergency in August and early December before fully lifting it on December 17.

#### *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. After the declaration of a state of emergency, the government formed the Joint Forces, composed of police, the RAB, the military, and other security agencies, and gave the special new teams responsibility for enforcing the state of emergency. The DGFI, a military intelligence agency, assumed the lead in enforcing the state of emergency by investigating corruption charges and interrogating suspects.

The RAB received human rights training through the UN Development Program; the UK government; and a local NGO, 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.

There were no developments concerning the June 2007 beating case of Dhaka businessman Mahbub Alam Liton by army soldiers.

There were no developments in the October 2006 National Shooting Federation Complex incident, in which police entered the Dhaka club and beat 25 members, including Asif Hossain Khan.

There were no developments in the August 2006 incident in Phulbari, Dinajpur district, in which police and members of the BDR opened fire on a crowd, killing five persons and injuring 100.

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

#### *Arrest and Detention*

The law provides for arrest without the use of warrants in certain cases. Section 54 of the Criminal Procedure Code and Section 86 of the Dhaka Metropolitan Police (DMP) Ordinance authorize detention of persons on suspicion of criminal activity without an order from a magistrate or a warrant, and the government used such provisions regularly. The law also limits gatherings of more than four persons. The number of preventive and arbitrary detentions declined from the previous year, although the overall number of arrests remained much higher than it was prior to the state of emergency.

Human rights groups reported that the government arrested more than 60,518 persons in special arrest drives during the year, including more than 30,000 in the month of June alone. This number decreased by approximately 80 percent from the previous year, although accurate figures were difficult to obtain because the government stopped its practice of releasing arrest figures. In addition, Ain O-Shalish Kendra (ASK), a domestic human rights organization, estimated that more than 2,000 routine arrests were made every day. The majority of those arrested were released within one or two days. Although many were released, figures from the Daily Star newspaper indicated that more than 150 former politicians, government officials, and business leaders were held on suspicion of corruption, extortion, or other abuses of power under the anticorruption drive, and more than 78 persons were arrested during the year. There were more than 222 individuals on the corruption suspects list. More than 97 individuals were convicted on corruption charges through October.

Between May 28 and June 15, authorities arrested approximately 32,000 persons reportedly to improve the law and order situation. Political parties and NGOs criticized



the arrests as politically motivated and claimed that as many as 350 grassroots political activists and local officials were arrested along with extremists and criminals. According to government officials, many of those detained were arrested based on existing warrants and only 191 individuals were arrested under the EPR. Authorities also claimed that fewer than 100 of the detained individuals had ties to political parties. In most cases, authorities released the individuals shortly after their arrest.

According to local human rights organizations, Joint Forces, led by the military, continued to hold suspects illegally at army camps, DGFI headquarters, and other unofficial places of detention, where they interrogated, often abused, and in some cases forced suspects to sign confessions before releasing or presenting them to a magistrate. In some cases the authorities released detainees after they agreed to file cases against other high-profile suspects.

There were no new developments regarding the January 2007 arbitrary arrest and detention of Giasuddin Al-Mamun by Joint Forces.

Under the 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 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.

There was a functioning bail system in the regular courts, although persons prosecuted under the EPR were ineligible for bail from January through December 17. Family members of persons arrested under the EPR frequently were detained without bail on suspicion of abetting corruption. In April the Supreme Court's Appellate Division curtailed the authority of the High Court to hear bail petitions under the EPR, denying the court an opportunity to grant bail under these conditions. Human rights groups and some detainees' families alleged that in cases in which the High Court ordered high-profile detainees released on bail, the military pressured trial judges to delay the release of the detainee to give the government time to file new charges against the detainee, starting a new appeals process and preventing release.

Most criminal detainees charged with crimes were granted access to attorneys; however, detainees arrested under the Special Powers Act were not entitled to representation. The government rarely provided detainees with state-funded defense attorneys, and there were few legal aid programs to offer such detainees financial assistance. Many persons arrested on charges of graft under the Special Powers Act typically would not have qualified for legal aid because of their relatively high incomes. The government generally permitted lawyers to meet with their clients only after formal charges were 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.

It remained difficult to estimate the total number of persons detained for political reasons. Many high-level officials detained during the state of emergency were also widely suspected of corruption and had credible charges of corruption pending against them at year's end. Several high profile figures, including some members of the leadership of the BNP and AL, however, were held for months without any charges filed against them. International and domestic human rights organizations accused the government of selective prosecution. For example, according to human rights organizations, several high-profile figures believed to be corrupt were omitted from lists of corruption suspects, allegedly because they agreed to ally themselves with the caretaker government and the military.

In cases not affiliated with the state of emergency or anticorruption drive, arbitrary and lengthy pretrial detention remained a problem. The total number of pending civil and

criminal cases was more than 1.8 million. Many persons who were arrested served longer in pretrial detention than they would have if given the maximum sentence for their alleged crimes. According to the International Centre for Prison Studies, nearly 70 percent of prison inmates remained in pretrial detention at year's end.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary; however, 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 November 2007 the caretaker government implemented legislation the previous government had developed separating the judiciary from the executive.

By April the Appellate Division of the Supreme Court stopped its practice of overturning politically charged decisions by the High Court Division of the Supreme Court if those rulings went against the government. Prior to the end of March, the Appellate Division overturned several decisions granting bail to high-level corruption suspects. The Appellate Division stopped this practice after the appointment of a new Chief Justice of the Appellate Division of the Supreme Court. High Court judges granted bail to thousands of political figures and common criminals from April through year's end. Corruption, judicial inefficiency, lack of resources, and a large case backlog remained serious problems.

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. The Supreme Court is divided into two divisions, the High Court and the Appellate Division. The High Court Division hears 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.

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.

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

#### *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, have the right to appeal, the right 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 that magistrates, attorneys, and court officials demanded bribes from defendants in a majority of the cases filed under the Special Powers Act.

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. The Muslim Family Ordinance codifies traditional Islamic law concerning inheritance, marriage, and divorce for registered marriages for members of the Muslim

community. There were similar sets of laws in place for the Hindu and Christian communities.

#### *Political Prisoners and Detainees*

The government detained more than 150 high-ranking politicians, businessmen, and officials as part of its anticorruption campaign. The courts released most of these persons during the year. The government held many individuals for several months under the Special Powers Act without filing charges against them.

In 2007 the government arrested on corruption charges both former prime ministers Sheikh Hasina and Khaleda Zia. In June the caretaker government released Sheikh Hasina on parole under executive order of the government. In September the Supreme Court freed Khaleda Zia on bail.

By year's end the ACC and the public prosecutor prosecuted 228 cases against high-ranking political officials, ranging from extortion and money laundering to murder. Although the government claimed these were legitimate charges, some were considered politically motivated.

In connection with this, the 2007 cases against Law Minister Moudud Ahmed remained pending at year's end, although on September 9, the High Court released him on bail. Former Communications Minister Anwar Hossain Manju was convicted and sentenced in absentia to 13 years in jail and fined 100,000 taka (\$14,500) after he left the country.

The trial against journalist Salah Uddin Shoaib Choudhury, detained for his attempted 2003 travel to Israel, began in June. While the case remained ongoing, the government allowed Choudhury to travel abroad.

#### *Civil Judicial Procedures and Remedies*

The government did not interfere with civil judicial procedures.

##### Property Restitution

During the year the government did not take any 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.

#### **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. The ordinance also gives the government, in the interest of national security, the authority to prevent telephone operators from delivering messages. The EPR strengthened the ability of the government to monitor communications, including telephones, cell phones, text messages and e-mail. In case of national emergency, the government can revoke any permit to provide communications services without providing compensation to the holder of the license, and in 2007 the government ordered cell phone providers to shut down service intermittently. 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 during the year.

Even in cases not affiliated with the Special Powers Act, police rarely obtained warrants, and officers violating these procedures were not punished. Human rights organizations indicated that the Special Branch of the police, National Security Intelligence, and DGFI employed informers to conduct surveillance and report on citizens perceived to be critical of the government.

## 2. Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The constitution provides for freedom of speech and press; however, the government used the EPR to curtail these rights. In September the government approved the Right to Information Ordinance allowing journalists and the public greater access to information.

Certain individuals were not able to criticize the government publicly without fear of reprisal. Although public criticism of the government was common, journalists regularly practiced self-censorship. The EPR had suspended indoor and outdoor political gatherings, allowed the government to take legal action against critical editors and journalists, and allowed authorities to compel the broadcast or publication of stories supporting the government, although in practice these rules were not always strictly enforced. On November 3, the government rescinded the ban on political rallies and gatherings. The government also revoked the clause of the EPR preventing the media from publishing or broadcasting reports on public meetings or rallies and banning so-called provocative stories, editorials, and shows. The government lifted these restrictions on December 17.

There were hundreds of daily and weekly independent publications. Newspapers that were critical of the government, particularly of the military, came under strong pressure throughout the year. In addition to one official government-owned news service, there are two private news services.

Newspaper ownership and content were sometimes subject to direct restriction by the military's Inter-Service Public Relations office and DGFI. Journalists reported being cautioned by DGFI against criticizing the government or the military. In May editors from several media outlets expressed concern over the increased pressure on media freedom. According to Nurul Kabir, editor of the English language newspaper *The New Age*, an intelligence agency of the armed forces began giving instructions to editors of newspapers and television channels mandating that certain news should be published or broadcast and other news should not.

The government owned one radio and one television station.

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; however, cable operators were forced to drop several international channels, allegedly for nonpayment of taxes. The government required all private stations to broadcast, without charge, selected government news programs and speeches by the chief advisor and the president.

The 24-hour all news television station, CSB, which the government shut down in September 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 the number of journalists who were harassed, arrested, and assaulted by security personnel. According to Odhikar, at least 38 journalists were injured, four were arrested, 25 were assaulted, 30 were threatened, and six had cases filed against them. According to some journalists and some human rights NGOs, journalists engaged in self-censorship.

Examples of abuse against journalists included:

On March 28, according to the Committee to Protect Journalists, plainclothes police in Durgapur arrested and assaulted Rabiul Islam, reporter for the *Daily Sunshine*, a Rajshahi-based newspaper, after he wrote stories implicating the Durgapur police in alleged corruption cases. The Durgapur police held Rabiul for 12 hours, tortured him,

and extracted a confession from him before finally releasing him.

On May 24, according to Odhikar and Daily Star reports, prison guards beat Daily Star correspondent Mirza Shakil because he investigated allegations of corruption and harassment at a local prison. During a visit to the prison, Shakil took photos of guards trying to force visitors to pay bribes; shortly afterwards 12 guards attacked him and threw him out of the jail. Local journalists rushed to his aid and took him to a local hospital, where he was admitted with severe injuries to the chest, back, and neck.

In May police tortured Iasinur Rahman, breaking his hands and his legs, because he had published a story accusing local police of sexual harassment and bribery. The government did not take steps to hold police officers accountable.

There were no developments regarding the August 2007 attack of journalists at Dhaka University; the January 2007 attack of Professor Anisur Rahman; the 2006 torture of Focus Bangla journalist Shafiqul Islam; or the 2006 shooting death of S. Changma Sattyajit, president of the Panchhari Press Club and correspondent of Shamakol.

According to journalists, editors, and other media personnel, intimidation and pressure on the media continued under the state of emergency. DGFI officials monitored the various media outlets and cautioned them about airing material deemed offensive to the government or military. Numerous editors and journalists in Dhaka reported being summoned to DGFI headquarters for questioning, and encouragement to file positive stories about the government and military.

In January according to Odhikar and Amnesty International, the Home ministry at the urging of RAB instructed police to arrest Jahangir Alam Akash, a prominent local journalist and human rights activist, under the EPR on extortion charges, following his reports of extrajudicial killings by RAB units in Rajshahi. According to Akash, authorities tortured him during his month in jail before releasing him on bail in November.

Also in July the editor of Jai Jai Din was fired because he published a cartoon critical of Army Chief General Moeen Uddin Ahmed.

Tasneem Khalil, former Daily Star journalist and researcher for HRW, continued to live in exile in Sweden following his May 2007 interrogation and torture by Joint Forces.

The government subjected foreign publications and films to review and censorship. A government-run 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. Video rental libraries and DVD shops stocked a wide variety of films, and government efforts to enforce censorship on rentals were sporadic and ineffective.

The government 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 September 2007 banning of Alpin, the satirical weekly magazine of the newspaper Prothom Alo, due to alleged blasphemy against Islam.

The government used defamation charges to curb freedom of speech, although the number of cases decreased during the year.

There were no developments in the 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. Reporters without Borders claimed police monitored journalists' e-mail. In addition, journalists and political figures detained by the Joint Forces reported they were forced to hand over their e-mail logons and passwords.

#### *Academic Freedom and Cultural Events*

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

#### **b. Freedom of Peaceful Assembly and Association**

The EPR restricted freedom of assembly and freedom of association and prohibited indoor and outdoor political activities. On May 12, the government relaxed some of the bans on indoor political activities throughout the country but limited the number of people who could attend and required parties to seek permission from the authorities to hold meetings. The government also allowed meetings and processions with permission from authorities for two weeks in 11 cities prior to the August 4 municipal elections in those cities. In September the government eased bans on indoor political gatherings in Dhaka but with limits on the number of people who could attend and a requirement for parties to seek permission from the home ministry to hold meetings. On November 3, the government eased the ban further by permitting political gatherings and rallies ahead of the December parliamentary elections and fully lifted the state of emergency on December 17.

The government implemented the ban unevenly. For example, in April and May 2007 Ferdous Ahmed Quareshi publicly had meetings in support of a new progovernment party, the Progressive Democratic Party (PDP). Despite considerable press coverage of these events and media editorials questioning their legality under the state of emergency, the government did nothing to stop them. On September 11, the government released detained BNP chairperson Khaleda Zia on bail and allowed her to reopen the BNP central office.

#### *Freedom of Assembly*

During most of the year the EPR banned public demonstrations and political gatherings and the government enforced the ban. There were, however, instances of street demonstrations by factory workers and political activists without prior notice.

On August 21, Dhaka Metropolitan Police (DMP) banned a planned march by the BNP-led four-party coalition. The coalition had planned to march to the Chief Adviser's office in Dhaka to demand the release of BNP chairperson and former Prime Minister Khaleda Zia and her elder son Tarique Rahman. When coalition supporters gathered on the city's Manik Miah Avenue to join the march, police attempted to disperse the crowd using batons. On August 27, the coalition announced it would form human chains throughout the country to protest the police action. Police broke up the human chains at different points in Dhaka and other cities, occasionally clashing with the participants.

#### *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. On September 7, the government relaxed the ban imposed on trade union activities under the state of emergency in January 2007 and allowed labor rights organizations to conduct activities on a very limited scale to allow unions to carry out financial and administrative tasks. For example, the new rules permitted gatherings of no more than 500 and stipulated that such gatherings must be held indoors and focused solely on labor

issues. Neither the ban nor its subsequent relaxation affected the Export Processing Zone (EPZ) which was covered under separate legislation, permitting only "workers associations." During the year the number of workers associations increased. The full lifting of the state of emergency on December 17 enabled trade unions to resume their normal activities.

### **c. Freedom of Religion**

The constitution establishes Islam as the state religion and also stipulates the right, subject to law, public order, and morality, to practice the religion of one's choice. The government generally respected this right in practice. Although the government was secular, religion shaped the platforms of certain political parties. Discrimination against members of religious minorities 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.

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 persons 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.

Government protection of Ahmadiyyas continued to improve, although social discrimination continued. 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 government allowed foreign missionaries to work in the country, but their right to proselytize was not explicitly protected by the law. Some missionaries faced problems in obtaining visas or renewing visas. Some foreign missionaries 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. The law permitted citizens to proselytize.

#### *Societal Abuses and Discrimination*

Discrimination against Ahmadiyyas, Hindus, and Christians occurred during the year. However, there were no demonstrations by anti-Ahmadiyya groups during the year.

On March 15 and March 21, the Special Branch of police in Brahmanbaria prevented groups of Ahmadiyyas from holding a religious convention. Due to intervention by officials at senior levels of the home ministry, both conventions were held.

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 April 2, according to ASK, RAB officers and police severely beat Biman Chandra Bosak, vice president of Joypurhat District Bar Association, at his village. According to ASK, the attack on Bosak occurred after he filed a case against a Muslim neighbor who

tried to seize land dedicated to a Hindu deity.

On April 12, according to Christian Life Bangladesh (CLB), members of an Islamist group attacked two Christian men at Rangunia as they were showing a film to build community awareness about arsenic pollution, child marriage, and other social problems.

In contrast to previous years, there were no reports of the military attempting to evict 120 Hindu families from land in the Mirpur area of Dhaka abutting the military cantonment. The eviction, based on a 1961 land purchase agreement by the military, was challenged legally, and the case was pending at year's end.

In April 2007 leaders of the Catholic Khasia community in Moulvibazar complained to the local government about harassment from Forestry Department officials who oversee the Monchhara Forest where many Khasia live. They stated several forestry officials filed false cases against their community and the head of the local Catholic mission to intimidate them. In February a meeting among Khasia community leaders, Forest Department officials, and Kulaura sub-district officials resulted in a government promise that the Khasia would not be harassed if they refrained from occupying Forest Department land. The Forest Department subsequently filed new cases against some Khasia alleging that they had occupied government land. Local forestry officials also harassed the Garo community in Madhupur. In 2007 police arrested several forestry department officials allegedly involved in corruption. Although it decreased from previous years, harassment by forestry department officials persisted.

Religious minorities were disadvantaged in seeking government jobs and political office. 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 [2008 International Religious Freedom Report](#).

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

The law provides for these rights, and the government respected these rights in practice with specific exceptions. The EPR gave the government authority to curb freedom of movement. The government prevented persons suspected of corruption from leaving the country. Law enforcement personnel prevented numerous persons from departing the country via Dhaka's international airport because they had been placed on lists of corruption suspects.

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 law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a 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 freedom would be threatened.

The government continued to deny asylum to Rohingyas newly arriving from Burma. The government categorized these refugees as illegal economic migrants and turned back as many persons as possible at the border, although to a great extent the border was porous, and attempts to stem the tide of migration proved unsuccessful. According to the UN High Commissioner for Refugees (UNHCR), some individuals the government returned were likely entitled to refugee status. Some unregistered persons in UNHCR



camps returned illegally after their official repatriation to Burma, sharing food and lodging with relatives who received rations as registered members of the camps. On a number of occasions, local police picked up unregistered persons outside the camps and imprisoned them under the Foreigners Act. There were 88 Rohingya refugees in local prisons in the Cox's Bazaar area at year's end. Of these persons, four were sentenced and 84 remained detained. A total of 385 refugees remained on bail at the end of the year. According to UNHCR, this figure may be too low given the number of unregistered Rohingyas and those in other jails that have not reported their detention.

Working with UNHCR, the government provided temporary protection to approximately 28,000 registered Rohingya refugees at two official refugee camps and to individual asylum seekers whom UNHCR interviewed and recognized as refugees on a case-by-case basis. According to international aid organizations active in the area, there were 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 10,000 at an unofficial site. There were no repatriations of Rohingyas.

Working with UNHCR, the government continued to improve conditions in the 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.

According to UNHCR, there were still 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 during the year.

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. The government insisted that all Rohingya refugees remain in camps until their return to Burma. The government claimed Rohingyas were not allowed to possess money and that money in their possession could be confiscated. In practice, however, enforcement of these rules remained sporadic. 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.

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*

On May 18, the High Court ruled that Biharis living in the country were citizens. Approximately 160,000-200,000 non-Bengali Bihari Muslims who immigrated to the former East Pakistan during the 1947 partition and who 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 was awaiting repatriation to Pakistan, where the government was reluctant to accept them. Many of the stranded Biharis born after 1971 assimilated into the mainstream Bengali-speaking environment.

In September 2007 the Election Commission (EC) announced it would permit Biharis who meet citizenship requirements to register to vote in the December 2008 elections. Approximately 80 percent of all adult Biharis, or 184,000, were subsequently registered.

### **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 elections held on the basis of

universal suffrage, albeit with significant instances of violence.

In January 2007 the head of state and head of the caretaker government, President Iajuddin Ahmed, declared a state of emergency and postponed elections in response to political violence and allegations of flaws in the preparation for national elections scheduled for January 22, 2007. With military support, he appointed Fakhruddin Ahmed, a former central bank governor, to head a new caretaker government. The caretaker appointed new election commissioners, whose mandate was to initiate electoral reform and prepare a new, unbiased voter registry. The EC started registration of approximately 81 million voters with photographs in June 2007 and completed the field level work by July 9.

In a May 22 ruling, a High Court panel of the Supreme Court concluded that the EC violated the constitution because it had not held parliamentary elections within 90 days of dissolution of the parliament. The court, however, accepted the commission's decision to hold the election by December.

On August 19, the government published the Representation of the People (Amendment) Ordinance 2008, which 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 undemocratic, such as the abolition of students' and women's wings and foreign chapters of the parties. 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 EC outlining expenditures and sources of funds.

The parliament has 345 members, 300 of whom are directly elected. The remaining 45 seats are 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 appoint 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*

Khaleda Zia, leader of the BNP, stepped down as prime minister in 2006. She had become prime minister following parliamentary elections in 2001, which international and domestic observers deemed free and fair. The 2001 elections, supervised by a nonparty caretaker government, took place in a climate of sporadic violence and isolated irregularities. The BNP formed a four-party coalition government with the Jamaat-e-Islami, Bangladesh Jatiya Party, and the Islami Oikko Jote; however, the BNP and the opposition AL dominated the political scene. At year's end Zia and former Prime Minister Sheikh Hasina Wazed of the AL had been released from prison but each was still facing corruption charges. In an address to the nation on September 20, Chief Adviser Fakhruddin Ahmed announced that the next national parliamentary elections would be held on December 18 and the upazila (sub-district) elections would be held on December 24 and 28. On November 2, the Chief Elections Commissioner amended the schedule by declaring that upazila elections would only be held on December 28. On December 3, in a compromise move, the EC agreed to hold national elections on December 29 and upazila elections on January 22, 2009.

Seven women were directly elected to the last parliament. Three women had the status of minister: Khaleda Zia, her sister (since deceased, she was the Minister for Women and Children's Affairs) and Sheikh Hasina. Sheikh Hasina, as the leader of the opposition party, enjoyed the status of a cabinet minister. Three of the 67 judges of the Supreme Court were women.

There was no provision for providing parliamentary seats for minorities. Members of minority groups constituted approximately 10.3 percent of the population but held fewer than 3 percent of parliamentary seats in the parliament.

### *Government Corruption and Transparency*

The law provides criminal penalties for official corruption; however, 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, the caretaker government and military took several significant steps to address government corruption. It appointed a retired chief of army staff (the country's senior defense official) as the new chairman of the ACC, formed a National Coordination Committee to help coordinate government and security forces' efforts regarding graft investigations, and set up several task forces to help the committee with its work.

During the year the courts released 158 of the approximately 200 high-profile graft suspects security forces detained in 2007. Among those detained were former prime ministers Sheikh Hasina and Khaleda Zia, both of whom were charged in bribery cases related to their government tenures. On June 11, the government released Hasina by executive order to facilitate her medical treatment abroad. On September 11, the Supreme Court granted Zia bail.

Using the Special Powers Act that allows preventive detention, the government detained prominent business leaders. Most of those persons were then tried under existing anticorruption legislation. Most high-profile cases were handled under the Emergency Power Rules and therefore initially denied suspects both the right to bail and the right to appeal their cases during the course of the trial. The Supreme Court, however, restored some of its bail jurisdiction through a ruling and exercised the authority to consider bail petitions.

The release of many of the corruption suspects drew criticism 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.

On September 1, the government issued a gazette notification enforcing the establishment of the National Human Rights Commission Ordinance, and later formed a six-member selection committee headed by a Supreme Court judge to recommend names for appointment to the three-member commission. On November 19, the president named Justice Amirul Kabir Chowdhury, a retired former judge of the Supreme Court, as chairman of the commission. He also appointed two other members of the Commission.

On September 20, the Council of Advisers approved the Right to Information Ordinance. This replaced the Official Secrets Act which had helped to protect corrupt government officials.

#### **4. 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 were often 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. After the government declared the state of emergency, NGOs came under heightened scrutiny by the caretaker government and the military. Transparency International Bangladesh alleged that some local NGOs were guilty of corruption.

According to Odhikar, on November 3, a major from RAB 3 battalion called to request a meeting with the Odhikar director for unspecified reasons. Odhikar agreed to meet the major at his office but he never arrived and provided no explanation for his absence.

afterward.

The NGO Affairs Bureau, the office within the Prime Minister's (and now Chief Adviser's) Office that approves NGO projects, delayed approval of NGO proposals related to elections and human rights. Odhikar's registration was still pending with the NGO Affairs Bureau at year's end.

At year's end Asudullah Al-Galib had been released on bail while awaiting trial for the 2005 attack on several offices of leading NGOs, including the Grameen Bank and the Bangladesh Rural Advancement Committee (BRAC). In 2005 authorities charged Al-Galib, the leader of Ahle Hadith, a local Islamic group, with bombing the Grameen and BRAC offices and targeting a series of cultural events and organizations. The case was still pending at year's end, although the police dropped charges in four out of 10 cases.

## 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination; however, 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 harsher penalties, provide compensation to victims, and require action against investigating officers for negligence or willful failure of duty; however, 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 suicide committed by 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 202 against women and 252 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.

Domestic violence was widespread, although violence against women was difficult to quantify. Research showed that as many as 50 percent of women experienced domestic violence at least once in their lives. The Bangladesh National Women Lawyers' Association (BNWLA) reported 622 incidents of domestic violence. 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 188 dowry-related killings although other NGOs place the figure much higher, at 300 to 500. Domestic violence is not criminalized.

There were no developments in the case of Tajul Islam, a businessman accused in 2006 of raping a 12-year-old girl who was working in his home. Islam fled the village when neighbors filed a case against him, and was at large at year's end.

Female prostitution was legal. Male prostitution was illegal, although local NGOs claimed it was common in the major cities. The 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 in prostitution worked in brothels. Local NGOs estimated the total number of female prostitutes was as many as 100,000. The UN Children's Fund (UNICEF) estimated in 2004 that there were 10,000 underage girls used in commercial sexual exploitation in the country, but other estimates placed the figure as high as 29,000. Trafficking of women internally and internationally remained a problem.

NGOs such as BNWLA ran facilities to provide shelter to destitute persons and distressed women and children. According to 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 High Court ruling in 2001 banned fatwas. Islamic tradition dictated that 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 ASK, 20 incidents of vigilante justice against women occurred during the year. The punishments included whipping, hilla or forced marriage, exclusion from the community, and other forms of physical and mental repression. Acid attacks remained a serious problem. Assailants threw acid in the faces of women and sometimes men, leaving victims disfigured and often blind. The acid attacks often related to allegations of spousal infidelity. During the year, according to Odhikar, 133 persons were attacked with acid. Of these, 73 of the victims were women, 34 were men, and 26 were children.

According to press accounts documented by ASK and BSEHR, on September 11, Mahmuda, a mother of two children in South Kalikapur, was verbally divorced by her husband during a quarrel. After the couple reconciled, several local influential persons, including a madrassah teacher, issued an edict stating that Mahmuda was divorced from her husband and was required to marry another person and divorce him after physical consummation to be eligible to remarry her original husband. As Mahmuda refused to undergo this ritual known as "hilla," the local community shunned her and her family and threatened to drive them out of the village.

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 (2000) also seeks to control the availability of acid and reduce acid violence directed toward women, but lack of awareness of the law and poor enforcement limited its effect. Although the special tribunals were not entirely effective, according to the Acid Survivors Foundation, tribunals convicted 444 persons for acid attacks since 2002, including 216 during the year.

Women remained in a subordinate position in society, and the government did not act effectively to protect their basic rights. 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. Pay was generally comparable for men and women.

On March 8, the head of the caretaker government announced a women's development policy that included reservation of approximately one-third of parliamentary seats for women, with direct election, and new laws to provide women with greater access to property. However, several Islamist groups argued that the policy sought to give men and women equal inheritance rights, contravening Shari'a and the existing Muslim Family Law. Although government advisers publicly refuted the claim, the government formed a committee of Islamic scholars to review the policy. The committee, headed by the senior religious leader at the national mosque, recommended changes to the policy. Government officials reported, however, that elements of the women's development policy were implemented through other mechanisms, such as the poverty reduction policy.

### *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 slightly fewer than half of all children remained chronically malnourished.

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 sending 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.

There were a few government hospitals designated exclusively for children. Boys and girls had equal access to medical care in government hospitals.

Although the legal age of marriage is 18 for girls and 21 for boys, underage marriage was a widespread problem. Reliable statistics concerning underage marriage were difficult to find because marriage registrations were sporadic and birth registrations to verify a person's age were available to approximately 10 percent of the population. One local human rights NGO, Mass Line Media, concluded from a survey in 2004 that an estimated 40 percent of all marriages could be considered child marriages. In an effort to reduce child marriage, the government offered stipends for girls' school expenses if parents promised to delay their daughters' marriage until at least age 18.

According to the Bangladesh Child Rights Forum, 47 children were abducted, 154 were murdered, 388 were injured in various forms of violence, 115 were raped, 15 were victims of acid attacks, and 394 others were missing.

According to human rights monitors, child abandonment, kidnapping, and trafficking continued to be serious and widespread problems. Despite advances, including the creation of a monitoring cell in the home ministry, 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; however, 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 30 cases. Courts convicted 32 persons and ordered life sentences for 22 convicted traffickers.

Trafficked women and children went to India, Pakistan, Bahrain, the United Arab Emirates, Kuwait, and destinations within the country. Men seeking work abroad as expatriate labor in countries 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 164 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.

BNWLA rescued 232 trafficking victims from within the country and repatriated 545 others during the year. The actual number of persons arrested for trafficking was difficult to assess, as charges against traffickers were sometimes for 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 years of age, while most trafficked girls were between 11 and 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, which continued to make illegal border crossings easy.

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 were easily bribed by 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 arriving in the receiving country. During the year the government closed 11 expatriate labor recruitment agencies because the agencies had allegedly defrauded workers. Former members of parliament and other senior political figures allegedly owned several of the agencies. The government suspended the activities of seven recruiting agencies and ordered six to forfeit their security deposits due to fraudulent activities and breach of contract. In 2007 the government agreed to eliminate the role of recruitment agencies and to have the Ministry of Expatriate Welfare recruit workers directly as part of negotiations to send expatriate workers to South Korea. In October 2007 the government of Malaysia announced it would suspend the import of Bangladeshi expatriate laborers after persistent problems with recruitment agencies.

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 (IOM) to develop an anti-trafficking course for the National Police Academy.

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

The ministries of Foreign Affairs, Expatriate Welfare, and Home Affairs worked closely

with foreign donors to develop an action plan to combat labor trafficking and migration issues. In 2007 the Foreign Ministry issued new instructions to all consular staff worldwide on how to handle trafficking cases abroad and introduced training courses for director-level Foreign Ministry officials in labor trafficking issues. During the year 25 foreign ministry officials received training to enhance their capacity to protect the victims of human trafficking. In addition, 12 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 178 persons on trafficking charges and disposed of 37 trafficking cases. Of those cases, 43 persons were convicted, 32 of whom were sentenced to life imprisonment. Although the death sentence exists for convicted human traffickers, no death sentences were handed down during the year. The government's efforts remained focused primarily on the trafficking of women and children. Government projects included conducting awareness campaigns, research, lobbying, and rescue and rehabilitation programs.

The MOHA secretary continued to meet monthly with NGOs working on antitrafficking issues to facilitate coordination and cooperation between the government and civil society. The MOHA continued awareness and motivation campaigns to combat trafficking in persons. During the year, MOHA, in consultation with NGOs and other stakeholders, enhanced its information campaign policy by incorporating definitions of trafficking in persons that referenced special courts dealing with incidents of repression against women and children and applicable national and international legal provisions. 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, 198 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 the 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.

Many NGOs, community-based organizations, and local government leaders worked on 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, trafficking cases were prosecuted. 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.

See also the State Department's [2008 Trafficking in Persons Report](#).

#### *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 handicaps were inadequate. Several private initiatives existed for medical and vocational rehabilitation, as well as for employment of persons with disabilities.



*Indigenous People*

Tribal people had marginal ability to influence decisions concerning the use of their lands. There was little progress in the implementation of the 1997 Chittagong Hill Tracts Peace Accord. The government refused to cede responsibility for key functions such as land use and natural resources to local authorities, as the accord called for. Law and order problems and alleged human rights violations continued, as did dissatisfaction with the implementation of the Peace Accord.

The government allowed some mobile phone and Internet coverage to the three Hill Tract districts. Although the government cited security concerns as the reason for limiting coverage, human rights groups and local officials claimed that 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. 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 February 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 has withdrawn 212 camps, leaving approximately 270 camps. The government did not conduct further withdrawals in the region.

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 is opposed to the Peace Agreement. There were no further updates regarding the 2007 killing of PCJSS activist Vinku Kumar Chakma.

Tribal organizations continued to allege that security forces abused the indigenous population of the Hill Tracts. There were no updates to the 2007 land dispute in Mahalchari in Khagrachari district.

The PCJSS and indigenous leaders alleged that Joint Forces personnel led by the army took advantage of the state of emergency to step up "suppressive actions" against indigenous people, including arrests and filing of false cases. According to their report, individuals could not protest due to the state of emergency.

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

Tribal people in other areas continued to report loss of land to Bengali Muslims. The government continued work on national park projects on land traditionally owned by indigenous communities in the Moulvibazar and Modhupur forest areas. In addition, indigenous communities, local human rights organizations, and churches in the area continued to claim that the government had yet to withdraw thousands of false charges the Forestry Department filed against indigenous residents.

*Other Societal Abuses and Discrimination*

Homosexual acts remained illegal; in practice the law is rarely invoked.

There were some informal support networks for homosexual men, but organizations to assist lesbians were rare.

Attacks on homosexuals were known to occur but difficult to track because victims desired confidentiality; there was a social stigma surrounding homosexuality; and local human rights groups did not monitor the problem. There were few studies on

homosexuality in the country.

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.

## **6. 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; Export Processing Zones (EPZs) have a separate set of labor laws. In practice the government did not consistently respect the right of association. After the government enforced the EPR, the right of labor unions to meet lawfully, conduct activities, or hold public demonstrations was suspended. Additionally, during the year several labor leaders and organizations reported intimidation and scrutiny by security forces. In September the government relaxed portions of the EPR to allow for some union and labor activities, and when the state of emergency was fully lifted all activities resumed. The measure had little practical impact on the constraints on forming and registering unions and did not affect the Workers Representation and Welfare Committees that are allowed in the EPZs.

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 no reliable labor statistics for the large informal sector in which the majority (nearly 80 percent) of citizens worked.

Overall implementation of labor regulations in the EPZs was inconsistent. EPZ-specific labor laws allowed workers to organize into "workers associations," which have collective bargaining rights. These laws allowed the formation of workers representation and welfare committees starting in 2006, followed by the workers association in a two-stage process with the ultimate aim of achieving full rights of association, namely workers unions. Many workers associations were not formally registered. According to labor groups, approximately 60 percent of factories in the EPZs had workers associations in place.

Workers filed legal cases against EPZ factories that did not follow the Bangladesh Labor Act of 2006 (BLA), and the courts made no decisions on this point. According to the law a workplace cannot have more than three trade unions operating at the same time. On May 4, 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 must be moved within three months of the date that the amendment was implemented.

The BLA consolidated laws from 25 separate acts into one comprehensive law. The Director of Labor is responsible for the registration and abolition of unions. During the year some unions were deregistered, primarily for labor law violations. The law afforded unions the right of appeal in the case of abolition or denial of registration.

The law recognized the right to strike if 75 percent of union membership consented to strike. In practice few strikes followed legal requirements; often, strikes or walkouts occurred based on the spontaneous decisions of workers, sometimes prompted by rumors.

The law established mechanisms for conciliation, arbitration, and labor court dispute resolution. The law enhanced and facilitated the process of dispute resolution. Workers have the right to strike in the event of a failure to reach settlement. If a strike lasts 30 days or longer (less in cases of public safety or national interest), the government can curtail or prohibit the strike and refer the dispute to the labor court for adjudication. However, because most strikes were conducted outside the legal provisions for

conducting a strike, the government did not exercise its authority to curtail them. The government did file cases against some striking labor leaders and workers for destruction of property, blocking roads, or violation of EPR provisions. In some cases, the appeals courts subsequently acquitted strikers.

A separate law, the EPZ Workers' Association and Industrial Relations Act (EWAIRA) specified association rights in EPZs, although EPZ authorities did not recognize the broader applicability of the BLA, which covered workers' rights beyond the freedom of association.

Under EWAIRA, starting in 2006, workers were permitted to form workers' associations that would have the legal right to strike. A special provision prohibited striking until the end of the current year, however, and instead required mandatory arbitration. Other provisions of EWAIRA allowed collective bargaining but did not permit affiliation with labor organizations outside the EPZ.

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

Civil service and security force employees were legally prohibited from forming unions. Teachers in the public and private sector had previously been banned from forming trade unions. However, in practice, many teachers and professors formed long-standing professional associations without the rights of a union. In 2006 new categories of workers, including teachers and NGO workers, were permitted to form unions. Due to the broad limitations on union organizing during the state of emergency, these regulations were not formally instituted. The BLA also has specific provisions allowing workers in specialized fields in civil aviation and on ocean-going vessels to form trade unions.

#### **b. The Right to Organize and Bargain Collectively**

The law protects the rights of workers to organize and bargain collectively without interference, but that right was not always effectively enforced. The BLA includes provisions protecting unions from employer interference in organizing activities. 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 outside the 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. Most workers in such cases, however, sought financial compensation rather than reinstatement. Of the 329 cases lodged during the year, only 10 to 15 sought reinstatement with the employer. 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. 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.

EPZ officials interpreted their regulations and applicable laws narrowly, and claimed they were exempt from the broader labor law. Labor groups challenged this claim. For example, the EPZ did not permit Worker Representation and Welfare Committee (WRWC) members to meet with WRWC members in other factories. Some factory managers strongly discouraged workers from meeting outside labor groups and sometimes terminated workers who disregarded these warnings. The challenges to EPZ officials were ongoing at year's end.

Pursuant to the law, individual factory owners received prior authorization from the Bangladesh Export Processing Zone Authority (BEPZA) Executive Chairman to terminate WRWC employees for no cause, or to dismiss them for cause. In cases where the grounds for termination were believed to be the worker's labor organization activities, workers' groups protested the decision to the BEPZA Executive Chairman. The chairman claimed his office held every employer personally accountable for termination, though workers' groups reported that this was not fully enforced.

Federations of workers associations within the EPZ were permitted. As in previous years, the government did not establish an EPZ labor tribunal or an EPZ labor appellate tribunal as required by EWAIRA. Workers in EPZs began filing complaints in the national labor courts to enforce broader legal rights in the EPZs, in addition to provisions of the EWAIRA.

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. In the wake of unrest, labor organizers reported frequent acts of intimidation and abuse, arbitrarily locked out employees, firing of workers, and increased scrutiny by security forces.

Authorities sometimes arrested labor organizers in what some NGOs considered a crackdown on labor rights activists. For example, on January 24, authorities arrested Mehedi Hasan of the Worker's Rights Consortium because he had investigated the worker protests. NGOs alleged that the government arrested him in an attempt to intimidate labor organizers from launching similar protests. Largely due to significant international pressure, authorities released Hasan on February 3.

Similarly, on January 18, according to media reports and Odhikar, police arrested 11 labor workers due to their involvement in labor protests in Mirpur and Kachukhet. During the protests, police used clubs and tear gas to disperse the crowd, injuring approximately 100 protesters. Among others, four of the labor organizers were arrested on charges of violating the Emergency Powers Rules; in addition, one was charged with assault of an officer, and the others were charged with vandalizing garment factories and vehicles. Two of the charges remained pending at year's end.

### **c. Prohibition of Forced or Compulsory Labor**

The BLA prohibits forced or bonded labor and labor by children younger than 14, although in some occupations children between 12 to 14 years of age may legally work. The government has not enforced these prohibitions effectively. The BLA created inspection mechanisms to strengthen laws against forced labor, but these laws were not enforced.

The government succeeded in eliminating some bonded and forced labor from large-scale industries. However, in some industries, such as tanning hides, ship breaking, shrimp processing, restaurants, and domestic servitude, labor groups, NGOs and newspapers reported child labor.

There continued to be numerous reports of violence against domestic workers. The government continued to bring criminal charges against employers who abused domestic servants. Many impoverished families chose to settle for financial compensation. Trafficking of women and children remained a problem.

### **d. Prohibition of Child Labor and Minimum Age for Employment**

The BLA regulates child employment depending on the type of work and the child's age. Because of widespread poverty many children began to work at a young age. In 2006 the International Labor Organization (ILO) released a 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 age five to 17 did hazardous labor.

According to the survey, no children worked in ship breaking, manufacture of cigarettes, manufacture of pesticides, or fireworks manufacture during the survey period. According to the study, child labor prevailed in hazardous establishments such as saw milling, battery recharging, welding, metal works, and carpentry. In addition, the report concluded that children were verbally and physically abused.

During the year 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.

Children routinely performed domestic work. The government occasionally brought criminal charges against employers who abused domestic servants. 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.

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.

#### **e. Acceptable Conditions of Work**

The National Minimum Wage Board (NMWB) announced a new national minimum wage in 2007 for all economic sectors not covered by industry-specific wages at 1,800 taka a month (\$26.50). Given the low standard for minimum wages and high inflation, worker advocacy groups stated that none of the set minimum wages were sufficient for a decent standard of living. The NMWB convenes every five years in a tripartite forum to set wages and benefits industry by industry, using a skill-level range. In the garment industry, wages were sometimes higher than the minimum required wages, due to skilled labor shortages. Wages in the EPZs were considerably higher than general national wage levels. It was also common practice for garment factories to force workers to work overtime, delay their pay, and deny full leave benefits.

The Bangladesh Garment Manufacturers and Exporters Association (BGMEA) reported implementation of the minimum wage at nearly 99 percent compliance in the factories surveyed. BGMEA identified 32 noncompliant garment factories as subcontracting operations. Workers groups contested BGMEA's sampling methods.

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 prosecuted. Enforcement by the Labor Ministry's industrial inspectors was weak, due to the low number of labor inspectors and endemic corruption and inefficiency among inspectors. Because of a high unemployment rate and inadequate enforcement of the laws, workers demanding correction of dangerous working conditions or refusing to work under hazardous conditions risked losing their jobs. A work day is eight hours; however, a worker 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 work week is 48 hours but can be extended up to 60 hours, subject to the payment of overtime allowances. However, annually the average weekly working hours should not exceed 56 hours. Workers must get one hour of rest if they work for more than six hours a day, one-half hour of rest if the worker needs to work 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. Shopworkers receive one and one-half days off per week.