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# **BANGLADESH 2019 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Bangladesh's constitution provides for a parliamentary form of government in which most power resides in the Office of the Prime Minister. Sheikh Hasina and her Awami League (AL) party won a third consecutive five-year term, keeping her in office as prime minister, in an improbably lopsided December 2018 parliamentary election that was not considered free and fair and was marred by reported irregularities, including ballot-box stuffing and intimidation of opposition polling agents and voters. During the campaign there were credible reports of harassment, intimidation, arbitrary arrests, and violence that made it difficult for many opposition candidates and their supporters to meet, hold rallies, and campaign freely. International election monitors were not issued accreditation and visas within the timeframe necessary to conduct a credible international monitoring mission, and only seven of the 22 Election Working Group nongovernmental organizations (NGOs) were approved to conduct domestic election observation.

The security forces encompassing the national police, border guards, and counterterrorism units such as the Rapid Action Battalion (RAB) maintain internal and border security. The military, primarily the army, is responsible for national defense but also has some domestic security responsibilities. The security forces report to the Ministry of Home Affairs and the military reports to the Ministry of Defense. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included: unlawful or arbitrary killings; forced disappearance; torture; arbitrary or unlawful detentions by the government or on its behalf; harsh and life-threatening prison conditions; arbitrary or unlawful interference with privacy; arbitrary arrests of journalists and human rights activists, censorship, site blocking, and criminal libel; substantial interference with the rights of peaceful assembly and freedom of association, such as overly restrictive NGO laws and restrictions on the activities of NGOs; significant restrictions on freedom of movement; restrictions on political participation, where elections were not found to be genuine, free, or fair; significant acts of corruption; criminal violence against women and girls; trafficking in persons; crimes involving violence or threats of violence targeting indigenous people; crimes involving violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons and criminalization of same-sex sexual conduct; restrictions on independent trade unions and workers' rights; and the use of the worst forms of child labor.

There were reports of widespread impunity for security force abuses. The government took few measures to investigate and prosecute cases of abuse and killing by security forces.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

The constitution provides for the rights to life and personal liberty. There were numerous reports, however, that the government or its agents committed arbitrary or unlawful killings.

Law enforcement raids occurred throughout the year, primarily to counter terrorist activity, drugs, and illegal firearms. Suspicious deaths occurred during some raids, arrests, and other law enforcement operations. Security forces frequently accounted for such deaths by claiming when they took a suspect in custody to a crime scene to recover weapons or identify coconspirators, accomplices fired on police and killed the suspect as well. The government usually described these deaths as “crossfire killings,” “gunfights,” or “encounter killings.” The media also used these terms to describe legitimate uses of police force. Human rights organizations and media outlets claimed many of these crossfire incidents actually constituted extrajudicial killings. In some cases human rights organizations claimed law enforcement units detained, interrogated, and tortured suspects, brought them back to the scene of the original arrest, executed them, and ascribed the death to lawful self-defense in response to violent attacks.

According to police policy, all significant uses of force by police, including actions that resulted in serious physical injury or death, triggered an automatic internal investigation, usually by a professional standards unit that reports directly to the Inspector General of Police. The government neither released statistics on total killings by security personnel nor took comprehensive measures to investigate cases. Human rights groups expressed skepticism over the independence and professional standards of the units conducting these assessments. In the few known instances in which the government brought charges, those found guilty generally received only administrative punishment.

In July the High Court encouraged caution by law enforcement officials in the course of their duties, saying, “We don’t like ‘extrajudicial killings.’ Law enforcers may be compelled to make extrajudicial killings most of the time to

protect themselves. But law enforcers, including the police, should be more careful in conducting drives to arrest the criminal and committing extrajudicial killings. They should ensure all legal facilities for the accused during their arrest.”

In a November report, Amnesty International reported 466 incidents of alleged extrajudicial executions in 2018, a three-fold increase from the previous year, and the highest number of incidents reported in any single year by local human rights organizations. A domestic human rights organization, Odhikar, reported security forces killed 315 individuals in crossfire incidents from January through September. Human rights organizations and civil society expressed concern over the alleged extrajudicial killings and arrests, claiming many of the victims were innocent.

On August 6, law enforcement officers in Jessore killed Shishir Ghosh in a “gunfight,” after detaining and taking him to a local brick kiln where police suspected illegal firearms were kept. According to police reports, once they brought Ghosh to the brick kiln, his “associates” opened fire, triggering a gunfight that killed Ghosh. Police claimed Ghosh had 17 active charges against him, including murder, possession of arms and explosives, and extortion. Ghosh’s family, however, disputed the police’s claim, saying he was charged with only 10-12 counts, was out on bail for all charges, and had no arrest warrants against him.

There were no updates on the investigation stemming from a RAB shooting death in May 2018 of Teknaf City Municipal Councilor Ekramul Haque in Cox’s Bazar District. RAB authorities said Haque was killed during a gunfight with drug dealers. Haque’s family disputed RAB’s assertion he was involved in narcotics and provided several audio clips to journalists with recorded sounds of gunfire accompanied by groans. Shortly after Haque’s death, Home Minister Asaduzzaman Khan told media his ministry would assign a magistrate to investigate the incident.

## **b. Disappearance**

Human rights groups and media reported disappearances and kidnappings continued, allegedly committed by security services. The government made limited efforts to prevent or investigate such acts. Following alleged disappearances, security forces released some individuals without charge, arrested others, found some dead, and never found others. In an April report discussing enforced disappearances, the Paris-based organization International Federation of Human Rights concluded enforced disappearances between 2009 and 2018

followed a pattern that included individuals subjected to enforced disappearance had previously been targeted by authorities; witnesses observed similar law enforcement tactics when detaining individuals who later disappeared; and following the disappearance, authorities treated relatives either dismissively or with threats.

The government did not respond to a request from the UN Working Group on Enforced Disappearances to visit the country.

High-ranking government officials repeatedly denied incidents of enforced disappearance and claimed victims were hiding of their own accord. In July, Home Minister Asaduzzaman Khan rejected reports of disappearances and extrajudicial killings, stating, “We can tell you with emphasis that there is no single incident of disappearance or extrajudicial killing with the knowledge of this government. For the last 10 years there is no lawlessness in the country or any application of torture by this government to silence dissent with any government machinery.” A 2017 judicial inquiry concluded enforced disappearances occurred and ordered the Police Bureau of Investigation to take actions regarding disappeared persons. Local law enforcement maintained they continued investigating all disappearances throughout the year.

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

Although the constitution and law prohibit torture and other cruel, inhuman, or degrading treatment or punishment, local and international human rights organizations and media reported security forces, including intelligence services and police, employed torture and cruel, inhuman, or degrading treatment or punishment. Security forces reportedly used torture to gather information from alleged militants and members of political opposition parties. Security forces reportedly used threats, beatings, kneecappings, and electric shock, and sometimes committed rapes and other sexual abuses. In August the UN Committee against Torture (CAT) expressed concerns with allegations of widespread use of torture and mistreatment by law enforcement officials to obtain confessions or solicit the payment of bribes. The CAT report also cited the lack of publicly available information on abuse cases and the failure to ensure accountability for law enforcement agencies, particularly the RAB.

In June, according to the local human rights group Odhikar, Tahmina Begum accused the Detective Branch of Narshingdi of extorting her for money and using

her son's detention as leverage. When she refused to pay 500,000 Bangladeshi taka (BDT) (\$6,000) for her son's release, she said police punished her son, Sohel Mia, with electric shocks. After threats that her son would be killed in a "cross fire," she gave 100,000 BDT (\$1,200) to police, who subsequently released Mia.

The law contains provisions allowing a magistrate to place a suspect in interrogative custody, known as remand, during which questioning of the suspect can take place without a lawyer present. Human rights organizations alleged many instances of torture occurred during remand.

In October media reported the Bangladesh Armed Forces opened an investigation into the alleged rape of a 12-year-old Rohingya girl. According to the girl's brother, Mohammad Osman, on September 29, three soldiers forced their way into his house and raped his sister. While the Bangladesh Armed Forces internal investigation was ongoing, Osman claimed security forces threatened his family and urged him not to report the case to police. Due to threats, Osman and his family did not file a police report.

Photojournalist Shahidul Alam, who was arrested in August 2018 for making "provocative statements" when reporting on student protests, alleged he was tortured in prison. He was released on bail in November 2018, after filing a petition to the High Court. Alam still had charges pending against him. On August 18, the Supreme Court upheld a High Court order to stay the investigation of the case filed against Alam.

### **Prison and Detention Center Conditions**

Prison conditions remained harsh and at times life threatening due to overcrowding, inadequate facilities, and a lack of proper sanitation. There were no private detention facilities.

Physical Conditions: According to the Department of Prisons, in September more than 80,000 prisoners occupied a system designed to hold approximately 37,000 inmates. Authorities often incarcerated pretrial detainees with convicted prisoners.

In September media reported there were only nine prison doctors for more than 80,000 inmates, and 60 prisons in the country had no doctors at all. The assistant inspector general of the Prisons Department stated 316 prisoners died of illness in 2018. From January through August, 188 inmates died of illnesses such as tuberculosis, diabetes, and kidney and liver problems, a rate of 26 deaths each

month. To address the lack of doctors, prisons employed nurses or pharmacists to provide medical care to inmates. Due to an overall shortage of medical professionals, prisoners were often brought to hospitals too late for treatment and subsequently died.

Conditions in prisons, and often within the same prison complex, varied widely. Authorities lodged some prisoners in areas subject to high temperatures, poor ventilation, and overcrowding. The law allows individuals whom prison officials designated as “VIPs” to access “Division A” prison facilities with improved living and food, more frequent family visitation rights, and the provision of another prisoner without VIP status to serve as an aide in the cell.

While the law requires holding juveniles separately from adults, authorities incarcerated many juveniles with adults. Children were sometimes imprisoned (occasionally with their mothers) despite laws and court decisions prohibiting the imprisonment of minors. Authorities held female prisoners separately from men.

Although Dhaka’s central jail had facilities for those with mental disabilities, not all detention facilities had such facilities, nor are they required by law. Judges may reduce punishments for persons with disabilities on humanitarian grounds. Jailors also may make special arrangements, for example, by transferring inmates with disabilities to a prison hospital.

Administration: Prisons had no ombudsmen to whom prisoners could submit complaints. Prison authorities indicated they were constrained by significant staff shortages. The scope for retraining and rehabilitation programs was extremely limited.

Independent Monitoring: The government permitted visits from governmental inspectors and nongovernmental observers who were aligned with the incumbent party. No reports on these inspections were released.

#### **d. Arbitrary Arrest or Detention**

The constitution prohibits arbitrary arrest and detention, but the Special Powers Act of 1974 permits authorities to arrest and detain an individual without an order from a magistrate or a warrant if authorities perceive the individual may constitute a threat to security and public order. The act was widely cited by law enforcement in justifying their arrests. The constitution provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but the

government did not generally observe these requirements. Media, civil society, and human rights organizations accused the government of conducting enforced disappearances not only against suspected militants but also against civil society and opposition party members. Authorities sometimes held detainees without divulging their whereabouts or circumstances to family or legal counsel, or without acknowledging having arrested them.

### **Arrest Procedures and Treatment of Detainees**

The constitution requires arrests and detentions be authorized by a warrant or occur as a result of observation of a crime in progress, but the Special Powers Act of 1974 grants broad exceptions to these protections.

Under the constitution, detainees must be brought before a judicial officer to face charges within 24 hours, but this provision was not regularly enforced. 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 sometimes held detainees for longer periods with impunity.

There is a functioning bail system, but law enforcement routinely rearrested bailed individuals on other charges, despite a 2016 directive from the Supreme Court's Appellate Division prohibiting rearrest of persons when they are released on bail in new cases without producing them in court.

Authorities generally permitted defense lawyers to meet with their clients only after formal charges were filed in the courts, which in some cases occurred weeks or months after the initial arrest. Detainees are legally entitled to counsel even if they cannot afford to pay for it, but the country lacked sufficient funds to provide for this entitlement.

Arbitrary Arrest: Arbitrary arrests occurred, often in conjunction with political demonstrations or as part of security force responses to terrorist activity, and the government held persons in detention without specific charges, sometimes in an attempt to collect information about other suspects. The expansiveness of the 1974 Special Powers Act grants a legal justification to arrests that would often otherwise be considered arbitrary, since it removes the requirement arrests be based on crimes that have occurred previously. Human rights activists claimed police falsely constructed cases to target opposition leaders, workers, and supporters, and that the government used the law enforcement agency to crack down on political rivals. In 2018 law enforcement officials arrested at least 100 students, most of



whom participated peacefully in the quota reform and road safety protest movements. In February the government gave 15 officials awards for spying on, and arresting, these same student activists.

According to the International Federation for Human Rights, on May 11, the Detective Branch of Police of Mymensingh arrested journalist and human rights activist Mohammad Abdul Kaium. In a meeting, Mohammed Idris Khan, a client of Kaium's, offered Kaium payment of two hundred dollars towards their 120,000 BDT (\$1,400) agreement. Kaium refused, saying he would accept payment only in BDT. When he left Khan's office, Mymensingh police arrested Kaium without a warrant. The police accused him of carrying U.S. dollars and involvement in "illegal business of foreign currency" even though they were unable to find any U.S. dollars on him. While in custody, Kaium was beaten by the officer in charge and a subinspector. On July 2, Kaium was released on bail.

Pretrial Detention: Arbitrary and lengthy pretrial detention continued due to bureaucratic inefficiencies, limited resources, lax enforcement of pretrial rules, and corruption. In some cases the length of pretrial detention equaled or exceeded the sentence for the alleged crime.

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

The law provides for an independent judiciary, but corruption and political interference compromised its independence.

Human rights observers maintained magistrates, attorneys, and court officials demanded bribes from defendants in many cases, or they ruled based on influence by or loyalty to political patronage networks. Observers claimed judges who made decisions unfavorable to the government risked transfer to other jurisdictions. Officials reportedly discouraged lawyers from representing defendants in certain cases.

Corruption and a substantial backlog of cases hindered the court system, and the granting of extended continuances effectively prevented many defendants from obtaining fair trials.

In February the High Court ordered prison authorities to release Jahalam, a jute factory worker misidentified as another man accused of loan fraud and embezzlement. Prior to his release, Jahalam spent three years in prison after the Anti-Corruption Commission (ACC) confused him with accused suspect Abu

Salek. Despite Jahalam appearing in court multiple times, the court continued to identify Jahalam as Abu Salek. Following media coverage of the identification blunder in 2018, the High Court ruled Jahalam's imprisonment unfounded and directed the prison authorities to release him and the ACC to compensate him for wrongful imprisonment. After the ruling, Jahalam was released. Jahalam had not been compensated for his wrongful imprisonment by year's end.

### **Trial Procedures**

The constitution provides for the right to a fair and public trial, but the judiciary did not always protect this right due to corruption, partisanship, and weak human resources.

Defendants are presumed innocent, have the right to appeal, and have the right to be informed promptly and in detail of the charges against them. Defendants do not have the right to a fair, timely, and public trial. The accused are entitled to be present at their public trial. Indigent defendants have the right to a public defender. Trials are conducted in the Bengali language. The government does not provide free interpretation for defendants who cannot understand or speak Bengali. Defendants also have the right to adequate time to prepare a defense.

Accused persons have the right to confront prosecution or plaintiff witnesses and present their own witnesses and evidence. They also have the right not to be compelled to testify or confess guilt although defendants who do not confess their guilt are often kept in custody. The government frequently did not respect these rights.

Mobile courts headed by executive branch magistrates rendered immediate verdicts that often included prison terms to defendants who were not afforded the opportunity for legal representation. Deputy commissioners from various districts requested the government expedite the passage of an amendment to the Mobile Court Act of 2009 giving executive magistrates increased judicial powers. Parliament had not introduced such legislation by year's end.

### **Political Prisoners and Detainees**

There were reports of political prisoners or detainees. Political affiliation often appeared to be a factor in claims of arrest and prosecution of members of opposition parties, including through spurious charges under the pretext of responding to national security threats. The opposition Bangladesh Nationalist

Party (BNP) maintained that thousands of its members were arrested arbitrarily throughout the year, often in connection with planned and preauthorized political rallies in an attempt to both intimidate and prevent activists and political leaders from participating.

In February 2018 former prime minister of Bangladesh and chairperson of the BNP, Khaleda Zia, was sentenced to five years' imprisonment on corruption and embezzlement charges, which were first filed in 2008 under a nonpartisan caretaker government. In October 2018 the High Court increased her sentence to 10 years. International and domestic legal experts commented on the lack of evidence to support the conviction, suggesting a political ploy to remove the leader of the opposition from the electoral process. The courts were generally slow in considering petitions for bail on her behalf and most recently rejected her bail in December, despite reports of Zia's deteriorating health.

On July 3, the court sentenced nine men to death and 25 men to life imprisonment for an alleged attack on a train carrying Prime Minister Sheikh Hasina when she was the leader of the opposition party in 1994. Although the attack resulted in multiple injuries, the prime minister was not hurt. The convicted persons were all BNP members. BNP Secretary General Mirza Fakhrul Islam Alamgir condemned the verdict and said the case was "fake and fabricated," alleging the Awami League had staged the attack.

### **Civil Judicial Procedures and Remedies**

Individuals and organizations may seek judicial remedies for human rights violations; however, lack of public faith in the court system deterred many from filing complaints. While the law has a provision for an ombudsman, one had not been established.

### **Property Restitution**

The government did not implement the 2001 Vested Property (Return) Act to accelerate the process of return of land to primarily Hindu individuals (see section 6). The act allows the government to confiscate property of anyone whom it declares to be an enemy of the state. It was often used to seize property abandoned by minority religious groups when they fled the country, particularly after the 1971 independence war.

Minority communities continued to report land ownership disputes that disproportionately displaced minorities, especially in areas near new roads or industrial development zones where land prices had increased. They also claimed local police, civil authorities, and political leaders were sometimes involved in evictions or shielded politically influential land grabbers from prosecution (see section 6). In 2016 the government amended the Chittagong Hill Tracts (CHT) Land Dispute Resolution Commission Act, which may allow for land restitution for indigenous persons living in the CHT. The amendment has not provided resolution to any of the disputes (see section 2.d.).

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law does not prohibit arbitrary interference with private correspondence. Intelligence and law enforcement agencies may monitor private communications with the permission of the Ministry of Home Affairs, but police rarely obtained such permission from the courts to monitor private correspondence. Human rights organizations alleged the Bangladesh Police, the National Security Intelligence, and the Directorate General of Forces Intelligence employed informers to conduct surveillance and report on citizens perceived to be critical of the government.

The government became increasingly active in monitoring social media sites and other electronic communications. The government formed a monitoring cell to “detect rumors” on social media. On June 28, State Minister for Posts, Telecommunication, and Information Technology Mustafa Jabbar said the government would start intervening in any content on social media beginning in September in order to create a safer internet. Civil society expressed concern the initiative was outside the scope of the constitution and would impair freedom of speech.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Expression, Including for the Press**

The constitution provides for freedom of speech, including for the press, but the government sometimes failed to respect this right. There were significant limitations on freedom of speech. Some journalists self-censored their criticisms of the government due to harassment and fear of reprisal.

Freedom of Expression: The constitution equates criticism of the constitution with sedition. Punishment for sedition ranges from three years' to life imprisonment.

The law limits hate speech but does not define clearly what constitutes hate speech, which permits the government broad powers of interpretation. The government may restrict speech deemed to be against the security of the state; against friendly relations with foreign states; and against public order, decency, or morality; or that constitutes contempt of court, defamation, or incitement to an offense. The 2016 Foreign Donation (Voluntary Activities) Regulation Act criminalizes any criticism of constitutional bodies. The 2006 Information and Communication Technology Act references defamation of individuals and organizations and was used to prosecute opposition figures and civil society.

The 2018 Digital Security Act (DSA), passed ostensibly to reduce cybercrimes, provides for sentences of up to 10 years' imprisonment for spreading "propaganda" against the Bangladesh Liberation War, the national anthem, or the national flag. Human rights groups, journalists, media outlets, and political opposition parties denounced the DSA for suppressing freedom of expression and criminalizing free speech.

Press and Media, Including Online Media: Both print and online independent media were active and expressed a wide variety of views; however, media outlets that criticized the government experienced negative government pressure. In October the World Economic Forum found press freedom declined over the past year.

The government maintained editorial control over the country's public television station and mandated private channels broadcast government content at no charge. Civil society organizations said political interference influenced the licensing process, since all television channel licenses granted by the government were for stations supporting the ruling party.

Violence and Harassment: Authorities, including intelligence services on some occasions, and student affiliates of the ruling party, subjected journalists to physical attack, harassment, and intimidation, especially when tied to the DSA. The DSA was viewed by human rights activists as a tool to intimidate journalists. The Editors' Council, an association of newspaper editors, stated the DSA stifled investigative journalism. Individuals faced a threat of being arrested, held in pretrial detention, subjected to expensive criminal trials, fines, and imprisonment, as well as social stigma associated with having a criminal record.

On October 21, police arrested Munir Uddin Ahmed, a district correspondent of the newspaper *New Nation* and former general secretary of Khulna Press Club, in a case filed under the DSA for mistakenly posting on his Facebook a photograph of the Chittagong Metropolitan police commissioner instead of the Bhola superintendent of police. Although the court twice denied Ahmed's bail, the Khulna Metropolitan Magistrate court rejected a police request to interrogate him. Observers commented police interrogation--known as remand--occasionally involved mistreatment of the detained. Ahmed remained in prison at year's end.

Censorship or Content Restrictions: Independent journalists and media outlets alleged intelligence services influenced media outlets in part by withholding financially important government advertising and pressing private companies to withhold their advertising as well. The government penalized media that criticized it or carried messages of the political opposition's activities and statements. Reporters without Border alleged media self-censorship was growing due to "endemic violence" against journalists and media outlets and the "almost systematic impunity enjoyed by those responsible."

Privately owned newspapers, however, usually enjoyed freedom to carry diverse views. Political polarization and self-censorship remained a problem. Investigative journalists often complained of their management and editors "killing" reports for fear of pressure from the government and its intelligence agencies. Some journalists reportedly received threats after publishing their stories.

According to some journalists and human rights NGOs, journalists engaged in self-censorship due to fear of security force retribution and the possibility of being charged with politically motivated cases. Although public criticism of the government was common and vocal, some media figures expressed fear of harassment by the government.

On January 2, the newspaper *Daily Star* reported the government detained Khulna reporter Hedait Hossain Molla to investigate accusations he violated the DSA by reporting "false information" about the number of votes cast from Khulna during the 2018 general elections. Following the elections, Molla reported that official initial elections results showed the number of votes cast was higher than the number of eligible voters. A Khulna elections official later corrected the official vote tally, lowering the number of votes cast, but reporters had already published their stories. Molla was then arrested under the DSA for spreading false

information. Although Molla was released on bail, he was obliged to appear regularly before the court, since the case remained active.

Journalists claimed the government penalized media that criticized the government or broadcast the opposition's activities and statements. In April the government cancelled the publishing rights of *Juger Chinta*, a daily newspaper in Narayanganj. This move sparked a human chain protest in Narayanganj. Journalists claimed the government penalized *Juger Chinta* because it published reports criticizing the ruling party's local member of parliament (MP).

Libel/Slander Laws: Libel, slander, defamation, and blasphemy are treated as criminal offenses, most commonly employed against individuals speaking against the government, the prime minister, or other government officials. The DSA provides for sentences of up to 10 years' imprisonment for spreading "propaganda" against the Bangladesh Liberation War, the national anthem, or the national flag. As of July a total of 420 petitions requesting an investigation had been filed under the act with more than 80 individuals arrested.

In March law enforcement arrested Federation Internationale de Football Association (FIFA) Council member Mahfuza Khter Kiron for allegedly defaming the prime minister after saying on a television talk show that Prime Minister Hasina was neglecting football in the country in favor of cricket, maintaining a double standard rewarding the cricket team's successes, but ignoring those of the football team. In April, Kiron was granted bail, but the charges against her were not dropped.

Nongovernmental Impact: Atheist, secular, and LGBTI writers and bloggers reported they continued to receive death threats from violent extremist organizations.

## **Internet Freedom**

The government restricted and disrupted access to the internet and censored online content in isolated incidents. The government prohibited Virtual Private Networks and Voice over Internet Protocol telephone but rarely enforced this prohibition.

In several incidents the government interfered in internet communications, filtered or blocked access, restricted content, and censored websites or other communications and internet services. It suspended or closed many websites

based on vague criteria, or with explicit reference to their pro-opposition content being in violation of legal requirements.

The Bangladesh Telecommunication Regulatory Commission (BTRC) is charged with the regulation of telecommunications. It carries out law enforcement and government requests to block content by ordering internet service providers to take action. The BTRC filtered internet content the government deemed harmful to national unity and religious beliefs.

In March the government blocked al-Jazeera's English news website hours after it published an article detailing the alleged involvement of a senior security and defense figure in the disappearance of three men as part of a business dispute involving his wife. *Joban*, a local news and discussion site that published a summary of the article in Bengali, was also inaccessible during that time. No other local or foreign outlets covered the story.

In the past, the country's security services instructed the BTRC to block websites by emailing all International Internet Gateways. During the year the Department of Telecommunications and the National Telecommunication Monitoring Center launched a new system that allowed the agencies to block websites centrally without having to involve the BTRC.

### **Academic Freedom and Cultural Events**

Although the government placed few restrictions on academic freedom or cultural events, authorities discouraged research on sensitive religious and political topics that might fuel possible religious or communal tensions. Academic publications on the 1971 independence war were also subject to scrutiny and government approval.

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

The government limited or restricted freedoms of peaceful assembly and association.

#### **Freedom of Peaceful Assembly**

The law provides for the right to peaceful assembly, but the government limited this right. The law gives the government broad discretion to ban assemblies of



more than four persons. The government requires advance permission for gatherings such as protests and demonstrations.

According to human rights NGOs, authorities continued to use approval provisions to disallow gatherings by opposition groups and imposed what observers saw as unreasonable requirements for permits. Occasionally, police or ruling party activists used force to disperse demonstrations.

While the government allowed the primary opposition party, the BNP, to hold political rallies throughout the country during the year, the government occasionally imposed restrictions. In July, Chittagong Metropolitan Police gave the BNP conditional permission to organize a rally the evening prior to the event. Conditions for the rally included making paper copies of the permit for all rally participants, estimated at 100,000-200,000 persons before the event took place.

In September, 80 BNP leaders were apprehended immediately before a Rajshahi rally. BNP leadership alleged the Rajshahi Metropolitan Police (RMP) arrested the party leaders to weaken the rally. RMP said 150 individuals were arrested in the same timeframe, all for drug peddling, and none for political activities.

During the year police used force to disperse peaceful demonstrations. In July leaders and activists with Left Democratic Alliance (LDA) protested a proposed gas price hike. Newspaper *New Age* reported police injured 25 LDA marchers when police charged them for trying to remove barbed wire barricades placed by police along the protest route.

### **Freedom of Association**

The law provides for the right of citizens to form associations, subject to “reasonable restrictions” in the interest of morality or public order, and the government generally respected this right. The government’s NGO Affairs Bureau sometimes withheld its approval for foreign funding to NGOs working in areas the bureau deemed sensitive, such as human rights, labor rights, indigenous rights, or humanitarian assistance to Rohingya refugees (see sections 2.d., 5, and 7.a.).

The 2016 Foreign Donations (Voluntary Activities) Regulation Act places restrictions on the receipt of foreign funds by NGOs or government officials and provides for punishment of NGOs making any derogatory comments regarding the constitution or constitutional institutions (see section 5). In August the government announced a number of NGOs, including foreign-funded relief

organizations, were no longer allowed to operate in the Rohingya camps in Cox's Bazar, following a peaceful rally commemorating the two-year mark of the 2017 Rohingya crisis (see section 5).

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

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights, except in two sensitive areas: the CHT and the Rohingya camps in Cox's Bazar. The government enforced restrictions on access to the CHT by foreigners.

In-country Movement: The government is not a party to the 1951 Refugee Convention and the 1967 Protocol. As a result the government claims it is not bound under legal obligation to uphold the basic rights enshrined in this document.

The government did not recognize the new Rohingya arrivals as refugees, referring to them instead as "forcibly displaced Myanmar nationals." In practice, however, the government abided by many of the established UN standards for refugees. One notable exception was that the Rohingya did not enjoy full freedom of movement throughout the country. While the refugees were able to move largely unrestricted in the Ukhia and Teknaf subdistricts, the government established checkpoints to prevent their movement outside this area.

Foreign Travel: Some senior civil society representatives reported harassment and delays at the airport when departing the country. The government prevented war crimes suspects from the 1971 independence war from leaving the country. The country's passports are invalid for travel to Israel, according to government policy.

### **e. Internally Displaced Persons**

Societal tensions and marginalization of indigenous persons continued in the CHT as a result of a government policy initiated during an internal armed conflict from 1973-97. This policy relocated landless Bengalis to the CHT with the implicit objective of changing the demographic balance to make Bengalis the majority, displacing tens of thousands of indigenous persons.

The internally displaced persons (IDPs) in the CHT had limited physical security. Community leaders maintained indigenous persons faced widespread violation of their rights by settlers, sometimes supported by security forces.

In 2016 the government amended the Chittagong Hill Tracts Land Dispute Resolution Commission Act to curtail the unilateral authority of the commission chair to make decisions on behalf of the commission. The amended act failed to resolve the disputes during the year as tribal leaders insisted on establishing a governing framework for the law before hearing disputes for resolution. In 2017 the government reappointed Justice Mohammad Anwarul Haque chair of the commission for three years. The Land Ministry formulated rules for implementation of the act, but the rules had not been officially promulgated by year's end.

The number of IDPs in the CHT remained disputed. In 2000 a government task force estimated it to be 500,000, which included nonindigenous as well as indigenous persons. The CHT commission recently estimated slightly more than 90,000 indigenous IDPs resided in the CHT. The prime minister pledged to resolve outstanding land disputes in the CHT to facilitate the return of the IDPs and close remaining military camps, but the taskforce on IDPs remained unable to function due to a dispute over classifying settlers as IDPs. The commission reported authorities displaced several indigenous families to create border guard camps and army recreational facilities. No land disputes were resolved during the year.

#### **f. Protection of Refugees**

Prior to the August 2017 Rohingya influx, the government and the UN High Commissioner for Refugees (UNHCR) provided temporary protection and basic assistance to approximately 33,000 registered Rohingya refugees from Burma living in two official camps (Kutupalong and Nayapara), while the government and the International Organization for Migration (IOM) provided assistance to approximately 200,000 undocumented Rohingya living in makeshift settlements in Cox's Bazar. In August 2017 more than 700,000 Rohingya fled ethnic cleansing in neighboring Burma to seek safe haven in Bangladesh. As a result of this influx, approximately one million Rohingya refugees were living in refugee camps, makeshift settlements, and host communities. According to the United Nations, more than half of the population was younger than 18 years old. A National Task Force, established by the Ministry of Foreign Affairs, led the coordination of the

overall Rohingya crisis. The Ministry of Disaster Management and Relief coordinated the Rohingya response with support from the Bangladesh Army and Border Guard Bangladesh. At the local level, the Refugee, Relief and Repatriation Commissioner provided coordination.

The government temporarily deployed the military to Cox's Bazar District in the fall of 2017 to streamline relief activities and to assist in registration of Rohingya in coordination with the civilian administration. In response to growing security concerns, the military again became more active in the refugee camps. In September the Ministry of Home Affairs announced the army would begin taking over security tasks the police and other law enforcement agencies had held since 2017. In the same month, the government introduced restrictions on telecommunication services in Cox's Bazar. This move limited access to mobile and internet service in and around camps and hampered emergency response and coordination of life-saving services, including the Protection Hotline for reporting incidents of violence or abuse.

Abuse of Migrants, Refugees, and Stateless Persons: The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to Rohingya refugees. As of August the IOM identified 96 Rohingya trafficking victims from the camps, the overwhelming majority for labor exploitation. While the majority of the victims were women and girls, there were indications many Rohingya men and boys did not self-identify, nor did they seek services following their return. When discovered, government officials returned trafficking victims to the camps.

International organizations reported an increase in gender-based violence directed against women in the camps, with intimate partner violence comprising an overwhelming majority--approximately 70 to 80 percent--of the cases. International organizations warned the numbers could increase further if the dearth of livelihood and educational opportunities for Rohingya men continued.

Accountability for all crimes, including human trafficking, remained a problem. Rohingya relied on government officials responsible for each camp (also known as the Camps in Charge, or CiC) to address allegations of crime. The CiCs were largely autonomous in practice and varied in terms of responsiveness to camp needs. According to international organizations, some were susceptible to corruption. International organizations alleged some border guard, military, and police officials were involved in facilitating the trafficking of Rohingya women

and children, ranging from “looking the other way,” to bribes for allowing traffickers to access Rohingya in the camps, to direct involvement in trafficking.

Refoulement: According to UNHCR, the government sent six Rohingya back to Burma in September in a possible incident of refoulement. There were no other reported cases of potential refoulement or forced repatriation. On August 22, authorities sent buses to selected Rohingya camps to pick up and transport anyone ready to return to Burma. They called off the initiative when no refugees volunteered. Several times during the year, senior government officials reaffirmed the country’s commitment to voluntary, safe, dignified, and sustainable refugee returns, based on informed consent. On September 27, at the United Nations, Prime Minister Sheikh Hasina underscored voluntariness and safety as necessary requirements for any repatriation.

Access to Asylum: The law does not provide for granting asylum or refugee status, nor has the government established a formal system for providing protection to refugees. The government provided significant protection and assistance to Rohingya refugees resident in the country. The government cooperated with UNHCR to provide temporary protection and basic assistance to registered refugees resident in two official camps. After the 2017 arrival of Rohingya refugees, the government started to register the new refugees biometrically and provided identity cards with their Burmese address. The government was working jointly with UNHCR to verify Rohingya refugees and issue identity cards that replaced prior cards and provided for protection of Rohingya refugees, consistent with the government’s commitment against forced returns to Burma. Despite this documentation system, the lack of formal refugee status for Rohingya and clear legal reporting mechanisms in the camps impeded refugees’ access to the justice system, leading to underreporting of cases of abuse and exploitation and impunity for traffickers and other criminals.

Freedom of Movement: There continued to be restrictions on Rohingya freedom of movement. According to the 1993 memorandum of understanding between Bangladesh and UNHCR, registered Rohingya refugees are not permitted to move outside the two camps. After the August 2017 influx, police set up checkpoints on the roads to restrict travel by both registered refugees and new arrivals beyond the Ukhia and Teknaf subdistricts. In November the government began erecting fencing to better secure the camp and protect Rohingya from migrant smuggling.

Many camp authorities introduced curfews and law enforcement patrols, particularly at night, in response to reported concerns about violent attacks, abductions, or kidnappings in the camps.

Employment: The government did not formally authorize Rohingya refugees living in the country to work locally, although it allowed limited cash-for-work schemes for Rohingya to perform tasks within the camps. Despite their movement restrictions, some refugees worked illegally as manual laborers in the informal economy, where some were exploited as labor trafficking victims.

Access to Basic Services: The rapid increase in the population strained services both inside and outside of the designated camps and makeshift settlements. The UN-led Inter Sector Coordination Group (ISCG) coordinates the many actors and agencies providing basic services to the Rohingya. Nonetheless, according to the ISCG, refugees lived in congested sites that were poorly equipped to handle the monsoon rains and cyclone seasons. While agencies made significant efforts to move those most vulnerable, the shortage of land remained a central issue that hindered the ability of Rohingya to access basic services.

Public education remained a problem. The government continued its policy prohibiting formal education but allowed informal education of Rohingya children. UNICEF led the education sector in developing a comprehensive learning approach to guide the education interventions of humanitarian partners in the camps. Primary education followed a learning framework developed by UNICEF and endorsed by the government; it does not confer recognition or certification of students having attained a specific education level by the Bangladeshi or Burmese government, however. Rahima Akter, a Rohingya woman, hid her identity to enroll in Cox's Bazar International University to study law. In October 2018 Rahima was featured in a video by the Associated Press in which she discussed her dreams to study human rights. The video went viral and revealed her identity. In September the university expelled her for being Rohingya.

Government authorities allowed registered and unregistered Rohingya formal and regular access to public health care but Rohingya needed authorities' permission to leave the camp. Humanitarian partners ensured their health-care expenses were covered and that they returned to the camps. The health sector maintained information about all of the health facilities within the camps and the surrounding areas. Based on the data available, overall coverage met the minimum requirements.

### **g. Stateless Persons**

The Rohingya in the country were legally or in fact stateless. They could not acquire citizenship, nor does the government of Burma recognize them as citizens.

The estimated 300,000 Urdu-speaking population (known as Biharis, originally Urdu-speaking Muslims who migrated to then East Pakistan before the 1971 war of independence) were formerly stateless but received Bangladeshi citizenship through a 2008 court case that directed the Election Commission to issue national identity cards to every member of the community who applied and met the legal and administrative requirements. Nevertheless, members from this community said their requests to obtain passports were rejected by immigration officers due to their address. The overwhelming majority of this population still resided in refugee-like camps established by the International Community for Red Cross in the 1970s, when many believed they would return to Pakistan following the 1971 Liberation War.

### **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: Prime Minister Sheikh Hasina and her AL party won a third consecutive five-year term in an improbably lopsided December 2018 parliamentary election that was not considered free nor fair and was marred by irregularities, including ballot-box stuffing and intimidation of opposition polling agents and voters. With 96 percent of the vote, the AL and its electoral allies won 288 of 300 directly elected seats, while the main opposition BNP and its allies won only seven seats. Despite their initial announcement of a boycott of the newly formed parliament, terming it illegitimate, the BNP MPs-elect, except BNP Secretary General Mirza Fakhrul Islam Alamgir, joined the parliament session on April 29. Parliament conferred the official status of the opposition to the Jatiya Party, a component of the AL-led governing coalition, which seated 22 members in parliament. During the campaign leading to the election, there were credible reports of harassment, intimidation, arbitrary arrests, and violence that made it difficult for many opposition candidates and their supporters to meet, hold rallies, and campaign freely.

During the December 2018 national elections, the government did not grant credentials and issue visas within the timeframe necessary to conduct a credible international monitoring mission to the majority of international election monitors from the Asian Network for Free Elections. Only seven of the 22 Election Working Group NGOs were approved by the Home Ministry, NGO Affairs Bureau, and the Election Commission to conduct domestic election observation.

On March 11, Dhaka University held its first Dhaka University Central Students' Union election after more than 20 years, with 47,000 students registered to vote. Students alleged the election was marred by ballot-box stuffing in favor of the ruling AL-backed candidates by teachers responsible for conducting the election.

Political Parties and Political Participation: The government mobilized law enforcement resources to level civil and criminal charges against opposition party leaders. BNP leader Khaleda Zia was convicted and imprisoned in February 2018 based on corruption charges filed under a nonpartisan caretaker government in 2008. She was unable to take advantage of bail awarded in this case pending appeal due to more than two dozen other charges filed against her in recent years by the government. The BNP maintained police implicated thousands of BNP members in criminal charges prior to the 2018 national election and detained many of the accused. Human rights observers claimed many of these charges were politically motivated.

Opposition activists faced criminal charges. Leaders and members of Jamaat-e-Islami (Jamaat), the largest Islamist political party in the country, could not exercise their constitutional freedoms of speech and assembly because of harassment by law enforcement. Although Jamaat was deregistered as a political party by the government, prohibiting candidates from seeking office under the Jamaat name, the fundamental constitutional rights of speech and assembly of its leaders and members continued to be denied. Media outlets deemed critical of the government and the AL were subjected to government intimidation and cuts in advertising revenue, and they practiced some self-censorship to avoid adverse responses from the government. AL-affiliated organizations such as their student wing, the Bangladesh Chhatra League (BCL), reportedly carried out violence and intimidation around the country with impunity, including against individuals affiliated with opposition groups.

On October 7, Abrar Fahad Rabbi, a student at Bangladesh University of Engineering and Technology (BUET) was beaten to death over suspected



involvement with the group Shibir, Jamaat-e-Islami's student wing, and following several Facebook posts criticizing recent bilateral agreements with India. A medical examiner determined Fahad died from internal bleeding and excessive pain after being subject to repeated blows of blunt force from cricket stumps. In the days following his death, authorities arrested 18 persons, including BUET BCL leadership, in connection with Fahad's death. A BCL leader confessed to beating Fahad along with other BCL leaders. This incident sparked student protests across the country, and civil society spoke out against political student organizations carrying out violence under a culture of impunity. On October 11, the BUET vice chancellor declared a ban on political activities of all student organizations in response to Fahad's killing. On November 13, police filed a charge sheet accusing 25 BUET students in Farhad's killing.

The 86 criminal charges filed by the government against BNP Secretary General Mirza Fakhrul Islam Alamgir in the previous years remained unresolved. Alamgir remained free on bail. The charges involved attacks on police, burning buses, and throwing bombs. In some instances, the government interfered with the right of opposition parties to organize public functions and restricted the broadcasting of opposition political events. Unlike in the preceding years, the government allowed BNP limited freedom to hold a few rallies and form human chains demanding release of jailed BNP chairperson Khaleda Zia and free and fair elections.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. In July 2018 parliament amended the constitution to extend by 25 additional years a provision that reserves 50 seats for women in parliament. These female parliamentarians are nominated by the 300 directly elected parliamentarians. The seats reserved for women are distributed among parties proportionately to their parliamentary representation.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

Corruption: Corruption remained a serious problem. In July the ACC chairman stated the commission suffered from a crisis of public trust, since most of the ACC's investigations were only against petty instances of corruption.

The ACC leadership were also suspected in corruption. In July, Khandaker Enamul Basir, a former ACC director, was arrested on charges of bribery in a corruption case involving top-ranking Deputy Inspector General of Police Miznur Rahman. The ACC found Rahman earned 4.63 crore BDT (\$550,000) between 1998 and 2018, but only 1.35 crore BDT (\$160,000) came from legal sources. Rahman claimed Basir accepted a bribe to clear Rahman of graft allegations, an accusation that led to Basir's removal from the ACC and arrest.

In August 2018 parliament enacted a law prohibiting the arrest of any public servant by the ACC without permission from the government before framing charges by the court. Campaigners for good governance and transparency decried the provision, saying it shielded corrupt officials.

The government took steps to address widespread police corruption through continued expansion of its community-policing program and through training.

Financial Disclosure: The law requires candidates for parliament to file statements of personal wealth with the Election Commission. The law does not require income and asset disclosure by officials.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A number of domestic and international human rights groups generally operated with some government restrictions, investigating and publishing their findings on human rights cases. Government officials were rarely cooperative and responsive to their views.

Although human rights groups often sharply criticized the government, they also practiced some self-censorship. Observers commented on the government's strategy to reduce the effectiveness and inhibit operations of civil society, exacerbated by threats from extremists and an increasingly entrenched leading political party. Even civil society members affiliated with the ruling party reported receiving threats of arrest from the security forces for public criticism of government policies.

The government continued to restrict the funding and operations of the human rights organization Odhikar. Odhikar continued to report harassment by government officials and security forces, including disruption of their planned

events, and planned to close operations due to funding constraints at the end of the year.

On November 14, a local magistrate mobile court ordered human rights organization Ain O Salish Kendra (ASK) to leave its main Dhaka office in two months. The magistrate also fined the organization 200,000 BDT (\$2,400) for violating a law that prohibits commercial activities from operating in a residential space. ASK Executive Director Sheepa Hafiza called the order “illegal” and told reporters ASK would move the matter to the judicial court to refute allegations the organization committed an offense. Hafiza further said the government’s move “shrank the activities of rights bodies.”

The government required all NGOs, including religious organizations, to register with the Ministry of Social Welfare. Local and international NGOs working on sensitive topics or groups, such as religious issues, human rights, indigenous peoples, LGBTI communities, Rohingya refugees, or worker rights, faced both formal and informal governmental restrictions. Some of these groups claimed intelligence agencies monitored them. The government sometimes restricted international NGOs’ ability to operate through delays in project registration, cease-and-desist letters, and visa refusals.

Numerous NGOs entered the country in response to the August 2017 Rohingya influx. In August the NGO Affairs Bureau imposed restrictions and suspensions on a number of NGOs in Cox’s Bazar, following an August 25 peaceful rally commemorating the two-year mark of the 2017 Rohingya crisis (see section 2.b.). The government did not publicly disclose all the names of those NGOs.

The Foreign Donations (Voluntary Activities) Regulation Act restricts foreign funding of NGOs and includes punitive provisions for NGOs that make “derogatory” comments regarding the constitution of the country, its founding history, or constitutional bodies (that is, government institutions and leaders).

The United Nations or Other International Bodies: The government did not respond to a UN Working Group on Enforced Disappearances request to visit the country. The Office of the UN Resident Coordinator in Bangladesh reported 15 other pending requests for UN special rapporteurs to visit the country, including the special rapporteur on extrajudicial, summary or arbitrary executions; the special rapporteur on the rights to freedom of peaceful assembly and of association; and the special rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

Government Human Rights Bodies: The National Human Rights Commission (NHRC) has seven members, including five honorary positions. Nasima Begum, former senior secretary in the Ministry of Women and Children Affairs, was appointed NHRC chairman in September. This appointment prompted quick criticisms from civil society, who questioned the government's selection process, and larger discussions on the commission's effectiveness and independence as all members were government bureaucrats. The NHRC's primary activities are to investigate human rights violations, address discrimination in law, educate the public about human rights, and advise the government on key human rights issues.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: The law prohibits rape of a female by a male and physical spousal abuse, but the law excludes marital rape if the female is older than 13. Rape can be punished by life imprisonment or the death penalty.

Credible human rights organizations agreed the first half of the year saw an alarming increase in rape cases, with ASK, the Human Rights Support Society, and the Bangladesh Mahila Parishad (BMP) estimating 630-738 women raped between January and June, figures higher than the same timeframe of the previous year. In comparison, the BMP reported a total of 942 women were raped in all of 2018.

There were reports of sexual violence with impunity. In August authorities in Khulna removed two policemen, including the officer in charge (OC) of Khulna Government Railway police station, for dereliction of duty following reports police had detained and gang-raped a woman. According to the woman's family, she was detained inside a train by Railway Police in Khulna's Phultala Railway Station and then taken to a police residential building. There, according to her family, she was raped by the OC and four other policemen. When the victim's family learned of her detention, they went to the police station, where police demanded 1.5 lakh BDT (\$1,800) for her release, alleging first she had stolen a mobile phone, and later alleging drug possession. Following public criticism, police filed a case against the OC under the Torture and Custodial Death (Prevention) Act.

According to human rights monitors, many victims did not report rapes due to lack of access to legal services, social stigma, fear of further harassment, and the legal

requirement to produce witnesses. The burden is on the rape victim to prove, using medical evidence, a rape occurred.

In April 2018 the High Court released a 16-point guideline on the handling of rape cases by law enforcement personnel and other parties to the matter. The guidelines came in response to a 2015 writ petition following complaints of delays in recording rape cases. According to the guidelines, the OC of a police station must record any information relating to rape or sexual assault irrespective of the place of occurrence. Chemical and DNA tests are required to be conducted within 48 hours from when the incident was reported. The High Court guidelines also stipulated every police station must have a female police officer available to victims of rape or sexual assault during the recording of the case by the duty officer. The statements of the victim are required to be recorded in the presence of a lawyer, social worker, protection officer, or any other individual the victim deems appropriate. Victims with disabilities should be provided with government-supported interpretation services, if necessary, and the investigating officer along with a female police officer should escort the victim to a timely medical examination.

Other Harmful Traditional Practices: Some media and NGOs reported violence against women related to disputes over dowries, despite recent legal changes prohibiting dowry demands. Apparently to stop abuse of the 1980 Dowry Prohibition Act, parliament adopted the Dowry Prohibition Act of 2018, which imposes a maximum five years' imprisonment, a fine of 50,000 BDT, (\$590), or both for demanding or giving dowry.

On September 11, Shova Rajmoni Hosna died following a series of dowry-related beatings from her husband. Hosna, the daughter of a political leader, and her family claimed her husband beat her regularly to demand dowry. While her body bore multiple injury marks, the doctors ruled her case a suicide, a finding human rights advocates sharply questioned. Her husband was arrested in connection with her death.

A Supreme Court Appellate Division ruling allows the use of fatwas (religious edicts) only to settle religious matters; fatwas may not be invoked to justify punishment, nor may they supersede secular law. Islamic tradition dictates only those religious scholars with expertise in Islamic law may declare a fatwa. Despite these restrictions, village religious leaders sometimes made such declarations. The declarations resulted in extrajudicial punishments, often against women, for perceived moral transgressions.

Incidents of vigilantism against women occurred, sometimes led by religious leaders enforcing fatwas. The incidents included whipping, beating, and other forms of physical violence.

Assailants threw acid in the faces of victims, usually women, leaving them disfigured and often blind. Acid attacks were frequently related to a woman's refusal to accept a marriage proposal or were related to land disputes.

Sexual Harassment: Although sexual harassment is prohibited by a 2009 High Court guideline, harassment, also known as "Eve teasing," was common according to multiple NGOs.

On March 27, Nusrat Jahan Rafi accused her madrassah (Islamic school) principal of touching her inappropriately when he summoned her to his office. Accompanied by her family, she went to the police station to file a sexual harassment complaint. The officer in charge filmed the interview and shared it broadly online. Police then arrested the principal. According to a police report, while in detention, the principal ordered students loyal to him to intimidate Nusrat's family to withdraw charges against him, and if unsuccessful, to kill Nusrat. On April 6, according to Nusrat's statement, she was lured to a building rooftop where male students disguised in burqas again pressured her to withdraw the case. When she refused, they gagged and bound her, doused her with kerosene, and set her on fire. During her ride to the hospital, fearing she would not survive, Nusrat recorded a statement of the events on her brother's mobile phone and identified her attackers as students in the madrassah. On April 10, Nusrat died from her injuries. Following her death, authorities charged 16 persons, including the madrassah principal, in connection with her death. On October 24, the Feni Women and Children Repression Prevention Tribunal sentenced the 16 individuals to death. A leading human rights activist welcomed the verdict but said the judgment was a "blanket" judgment and suggested the tribunal should have sentenced the perpetrators individually based on the severity of their involvement.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The constitution declares all citizens equal before the law with entitlement to equal protection of the law. It also explicitly recognizes the equal rights of women to those of men "in all spheres of the state and of public life." According to human rights NGOs, the government did not always enforce the

constitution or the laws pertaining to gender equality effectively. Women do not enjoy the same legal status and rights as men in family, property, and inheritance law. Under traditional Islamic inheritance law, daughters inherit only half of what sons do. Under Hindu inheritance law, a widow's rights to her deceased husband's property are limited to her lifetime and revert to the male heirs upon her death.

## Children

Birth Registration: Individuals are born citizens if their parents were Bangladeshi citizens, if the nationality of the parents is unknown and the child is born in Bangladeshi territory, or if their fathers or grandfathers were born in the territories now part of the country. The government suspended birth registrations for Rohingya refugees born in Cox's Bazar. If a person qualifies for citizenship through ancestry, the father or grandfather must have been a permanent resident of these territories in or after 1971. Birth registration is required to obtain a national identity card or passport.

Education: Education is free and compulsory through eighth grade by law, and the government offered subsidies to parents to keep girls in class through 10th grade. Teacher fees, books, and uniforms remained prohibitively costly for many families, despite free classes, and the government distributed hundreds of millions of free textbooks to increase access to education. Enrollments in primary schools showed gender parity, but completion rates fell in secondary school, with more boys than girls completing that level. Early and forced marriage was a factor in girls' attrition from secondary school.

Child Abuse: Many forms of child abuse, including sexual abuse, physical and humiliating punishment, child abandonment, kidnapping, and trafficking, continued to be serious and widespread. Children were vulnerable to abuse in all settings: home, community, school, residential institutions, and the workplace. The law prohibits child abuse and neglect with a penalty of up to five years, a fine of one lakh BDT (\$1,180), or both. According to Bangladesh Shishu Adhikar Forum (BSAF), the law was not fully implemented, and juvenile cases--like many other criminal cases--often lagged in the judicial system. In 2016 the government, with support from UNICEF, launched "Child Helpline--1098," a free telephone service designed to help children facing violence, abuse, and exploitation. The Department of Social Services, under the Ministry of Social Welfare, operated the hotline, which received approximately 80,000 calls a year on average and was accessible from anywhere in the country. The hotline center provided services such as rescue, referral, and counseling.

In July, BSAF published a report estimating nearly 500 instances of child rape in the first half of the year, an increase of 41 percent compared with 2018. The report said children as young as two were among the rape victims and cited a failure of the law and order situation in the country as reason for the increase in child rape.

During the year former students detailed multiple allegations of sex abuse at the hands of teachers and older pupils in Islamic madrassahs. According to AFP, in July at least five madrassah teachers were arrested on rape charges against boys and girls under their care. In one instance, senior students were held for the rape and beheading of an 11-year-old orphan. BSAF commented these crimes had not been reported previously due to the sensitivity of the subject but were “widespread and rampant.” Many smaller schools had few teachers and had no oversight from governing bodies.

Despite advances, including establishing a monitoring agency in the Ministry of Home Affairs, trafficking of children and inadequate care and protection for survivors of trafficking continued to be problems. Child labor and abuse at the workplace remained problems in certain industries, mostly in the informal sector, and child domestic workers were vulnerable to all forms of abuse at their informal workplaces.

Early and Forced Marriage: The legal age of marriage is 18 for women and 21 for men. A 2017 law includes a provision for marriages of women and men at any age in “special circumstances.” The government did not implement the recommendations raised by child rights organizations, human rights organizations, and development partners concerning this act. In 2017 the High Court ruled the government should explain why the provision allowing the marriage of a minor should not be declared illegal in response to a writ petition filed by Bangladesh National Women Lawyer Association. The association’s petition argued the Muslim Family Law describes marriage as a “contract,” and a minor could not be a party to a contract.

According to government data, 52 per cent of girls were victims of child marriage in 2011. UNICEF’s 2018 report estimated this figure at 59 per cent.

In an effort to reduce early and forced marriages, the government offered stipends for girls’ school expenses beyond the compulsory fifth-grade level. The government and NGOs conducted workshops and public events to teach parents the importance of their daughters waiting until age 18 before marrying.



Sexual Exploitation of Children: The penalty for sexual exploitation of children is 10 years' to life imprisonment. Child pornography and the selling or distributing of such material is prohibited. In June the NGO Terre des Hommes-Netherlands released a report stating street children were the most vulnerable to sexual exploitation but had little legal redress due to a lack of social and financial support and a lengthy criminal justice system. The report said although the government took "necessary legal and institutional measures to combat commercial sexual exploitation, children face multiple challenges in accessing justice." The report found 75 percent of female children living on Dhaka streets were at risk of sexual exploitation. Underage girls working in brothels were able to produce notarized certificates stating they were older than age 18, and some NGOs claimed that corrupt government and law enforcement officials condoned or facilitated these practices. In May human traffickers brought 23 teenage Rohingya girls from refugee camps to Dhaka (ref. 2.f.). Police speculated the girls were potential victims of forced prostitution.

Displaced Children: See section 2.d.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

There was no Jewish community in the country, but politicians and imams reportedly used anti-Semitic statements to gain support from their constituencies.

## **Trafficking in Persons**

See the State Department's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Persons with Disabilities**

The law provides for equal treatment and freedom from discrimination for persons with disabilities, and the government took measures to enforce these provisions more effectively. NGOs reported the government took cases of violence based on

discrimination against disabled persons seriously, and official action was taken to investigate and punish those responsible for violence and abuses against those with disabilities.

Although the law requires physical structures be made accessible to those with disabilities, the government did not implement the law effectively. For example, government buildings had no accommodations for disabled individuals. The law calls for the establishment of local committees to expedite implementation of the law, but most committees had not been activated. In many cases local authorities were not aware of their responsibilities under this law. A report prepared by several NGOs in 2016 highlighted negligence in areas such as accessibility in physical structures; access to justice; rights of women with disabilities; freedom from exploitation, violence, and abuse; the right to education, health, and a decent work place; the right to employment; and political rights and representation.

The law requires persons with disabilities to register for identity cards to track their enrollment in educational institutions and access to jobs. This registration allows them to be included in voter lists, to cast votes, and to participate in elections. It states no person, organization, authority, or corporation shall discriminate against persons with disabilities and allows for fines or three years' imprisonment for giving unequal treatment for school, work, or inheritance based on disability, although implementation of the law was uneven. The law also created a 27-member National Coordination Committee charged with coordinating relevant activities among all government organizations and private bodies to fulfill the objectives of the law. Implementation of the law was slow, delaying the formation and functioning of Disability Rights and Protection Committees required by the legislation.

According to the NGO Action against Disability, some children with disabilities did not attend public school due to lack of special accommodation, but data was not readily available. The government trained teachers about inclusive education and recruited disability specialists at the district level. The government also allocated stipends for students with disabilities.

The law affords persons with disabilities the same access to information rights as nondisabled persons, but family and community dynamics often influenced whether these rights were exercised.

The law identifies persons with disabilities as a priority group for government-sponsored legal services. The Ministry of Social Welfare, Department of Social

Services, and National Foundation for the Development of the Disabled are the government agencies responsible for protecting the rights of persons with disabilities.

According to *The Daily Star*, in the 2019 budget money allocated towards the disabled was 0.31 of the total government budget. Allowances made up 85 percent of the total allocation, displacing other services and resource needs for the disabled. Disability rights organizations pointed out this allocation was not enough to cover the significant number of students with disabilities studying in different schools, colleges, and universities.

The government took official action to investigate those responsible for violence and abuses against persons with disabilities.

Government facilities for treating persons with mental disabilities were inadequate. The Ministry of Health established child development centers in all public medical colleges to assess neurological disabilities. Several private initiatives existed for medical and vocational rehabilitation as well as for employment of persons with disabilities. National and international NGOs provided services and advocated for persons with disabilities. The government established 103 disability information and service centers in all 64 districts, where local authorities provided free rehabilitation services and assistive devices. The government also promoted autism research and awareness. The government inaugurated an electronic system to disburse social welfare payments, including disability allowances.

Government inaction limited the rights of persons with disabilities to participate in civic life, including accessibility in elections.

### **National/Racial/Ethnic Minorities**

There were no major attacks on religious minorities motivated by transnational violent extremism. There were, however, reports of attacks on Hindu and Buddhist property and temples for economic and political reasons. Police did not file charges against Muslim villagers accused of vandalizing and burning approximately 30 Hindu houses in Rangpur in 2017 in response to a rumored Facebook post demeaning Islam.

NGOs reported national origin, racial, and ethnic minorities faced discrimination. For example, some Dalits (lowest-caste Hindus) had restricted access to land, adequate housing, education, and employment.

## Indigenous People

The CHT indigenous community experienced widespread discrimination and abuse despite nationwide government quotas for participation of indigenous CHT residents in the civil service and higher education. These conditions also persisted despite provisions for local governance in the 1997 CHT Peace Accord, which had not been fully implemented--specifically the portions of the accord empowering a CHT-specific special administrative system composed of the three Hill District Councils and the Regional Council. Indigenous persons from the CHT were unable to participate effectively in decisions affecting their lands due to disagreements regarding land dispute resolution procedures under the Land Commission Act.

Indigenous communities in areas other than the CHT reported the loss of land to Bengali Muslims, and indigenous peoples' advocacy groups reported deforestation to support Rohingya refugee camps caused severe environmental degradation in their land, adversely affecting their livelihoods. The government continued construction projects on land traditionally owned by indigenous communities in the Moulvibazar and Modhupur forest areas.

The central government retained authority over land use. The land commission, designed to investigate and return all illegally acquired land, did not resolve any disputes during the year. In July, three CHT villages filed a report with the deputy commissioner accusing Jashim Uddin Montu, a businessman, of land grabbing. In an investigative report, *The Daily Star* discovered Montu faked residency documents in Bandarban for the right to purchase CHT land in order to build a tourist property. Villagers said Montu donated money and some of the purchased land in CHT to build a two-story police camp in Bandarban.

The Chakma and Marma indigenous communities, organized under different political groups, engaged in intraindigenous community violence causing dozens of deaths. The factional clashes between and within United Peoples' Democratic Forum (UPDF) and Parbatya Chattagram Jana Samhati Samiti resulted mostly from the desire to establish supremacy in particular geographic areas. Media reported many leaders of these factions were engaged in extortion and smuggling of money, drugs, and arms. Meanwhile, the deaths and violence remained unresolved. During the year NGOs warned intraparty violence in CHT had sharply risen.

In April, UPDF leader and indigenous rights activist Michael Chakma disappeared after he left his house for an organizational event. Human rights groups and activists pressed the government to investigate his disappearance and claimed Chakma's criticisms of government activities played a direct factor in his disappearance. No investigation had begun at year's end. Many observers compared this case with the 1996 disappearance of Kalpana Chakma, another indigenous rights activist and dissident. Despite 39 officers investigating the 1996 case, police in 2018 said they found only "initial proof" of her abduction, while admitting an overall failure to identify the culprit, and concluded the chances of recovering Kalpana Chakma remained unlikely.

Reports of sexual assaults that occurred in 2018 on indigenous women and children by Bengali neighbors or security personnel remain unresolved. In January 2018 security personnel allegedly raped an 18-year-old Marma girl and sexually assaulted her 13-year-old sister during a raid on the village of Orachhari in Rangamati. The accused officials publicly denied any incidence of rape but administratively confined the personnel member accused of the rape to battalion headquarters. Police filed a report on insistence from civil society but prevented media and NGO personnel from talking to the victims.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

Same-sex sexual activity is illegal under the penal code. The government did not actively enforce the law. LGBTI groups reported the government retained the law as a result of societal pressure. LGBTI groups reported police used the law as a pretext to harass LGBTI individuals and individuals who were perceived to be LGBTI regardless of their sexual orientation, as well as to limit registration of LGBTI organizations. Some groups also reported harassment under a suspicious behavior provision of the police code. The transgender population has long been a marginalized, but recognized, part of society, but it faced continued high levels of fear, harassment, and law enforcement contact in the wake of violent extremist attacks against vulnerable communities.

Members of LGBTI communities received threatening messages via telephone, text, and social media, and some were harassed by police.

The law does not prohibit discrimination against LGBTI persons in housing, employment, nationality laws, and access to government services such as health

care. LGBTI groups reported official discrimination in employment and occupation, housing, and access to government services.

Organizations specifically assisting lesbians continued to be rare. Strong social stigma based on sexual orientation was common and prevented open discussion of the subject.

The government took positive steps to increase LGBTI inclusion. In January the government announced *hijra* (third gender) candidates who identify as women were eligible for national parliamentary election, and in April the government included hijra as a separate sex category on the national voters list. On October 14, the country elected the first transgender woman into local office: Sadia Akhter Pinky was elected vice chairman of the Kotchandpur subdistrict in Jhenaidah, a neighborhood near Khulna.

In July police pressed charges against eight members of Ansar al-Islam, a banned militant group, for the 2016 death of Xulhaz Mannan, a LGBTI human rights activist, and Mahbub Rabbi Tonoy.

### **HIV and AIDS Social Stigma**

Social stigma against HIV and AIDS and against higher-risk populations could be a barrier for accessing health services, especially for the transgender community and men who have sex with men.

### **Other Societal Violence or Discrimination**

Vigilante killings occurred. From July to September, mob violence erupted over false social media rumors of children being kidnapped and sacrificed as offerings for the construction of the Padma Bridge. Odhikar estimated at least 20 individuals were killed by mob violence between July and September. On July 20, housewife Taslima Begum was publicly lynched after a mob wrongly suspected her of child abduction. The issuance of illegal fatwas and village arbitration, which a prominent local NGO defined as rulings given by community leaders rather than religious scholars, also occurred.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right to join unions and, with government approval, the right to form a union, although labor rights organizations said cumbersome requirements for union registration remained. The law requires a minimum of 20 percent of an enterprise's total workforce to agree to be members before the Ministry of Labor and Employment may grant approval for registration of a union. The ministry may request a court to dissolve the union if membership falls below 20 percent. Generally, the law allows only wall-to-wall (entire factory) bargaining units. NGOs reported the approval rate for union registration applicants declined significantly over the past year. Registration applications were often rejected or challenged for erroneous or extrajudicial reasons outside the scope of the law.

The labor law definition of workers excludes managerial, supervisory, and administrative staff. Fire-fighting staff, security guards, and employers' confidential assistants are not entitled to join a union. Civil service and security force employees are prohibited from forming unions. The Ministry of Labor and Employment may deregister unions for other reasons with the approval of a labor court. The law affords unions the right of appeal in the cases of dissolution or denial of registration. Export processing zones (EPZs), which do not allow trade union participation, are a notable exception to the labor law. On February 28, the government enacted a new labor law for the EPZs. These laws continued to deny EPZ workers the right to form or join a union.

Prospective unions continued to report rejections based on reasons not listed in the labor law. The Ministry of Labor and Employment reported that the country had 7,823 trade unions, covering nearly three million workers, with 596 unions in the garment sector. This figure included 574 new unions in the garment sector formed since 2013. The ministry reported the shrimp sector had 16 unions and the leather and tannery sector had 13. According to the Solidarity Center, a significant number of the unions in the ready-made garment sector ceased to be active during the year due to factory closures or alleged unfair labor practices on the part of employers, and it became increasingly harder to register unions in larger ready-made garment factories. After a sharp increase in trade union applications in 2014, there was a decline every year thereafter.

The law provides for the right to conduct legal strikes but with many limitations. For example, the government may prohibit a strike deemed to pose a "serious hardship to the community" and may terminate any strike lasting more than 30 days. The law additionally prohibits strikes for the first three years of commercial production if the factory was built with foreign investment or owned by a foreign investor.

The government occasionally targeted union leaders. During wage protests in December 2018 and January, police dispersed protesters using tear gas, water cannons, batons, and rubber bullets, reportedly injuring dozens of workers and killing at least one. In the aftermath, factory owners filed cases against thousands of workers. More than 50 workers and union leaders were arrested and spent weeks in jail. According to Solidarity Center, most if not all of the cases against hundreds of workers remained pending at year's end. Several companies also illegally suspended or terminated thousands of workers without proper severance payments. In some cases, factory management exploited the situation to target active union leaders and to blacklist them from employment. Other intimidation tactics included frequent police visits to union meetings and offices, police taking pictures and video recordings of union meetings, and police monitoring of NGOs involved in supporting trade unions. While most workers from the 2016 widespread Ashulia labor unrest were reinstated, labor leaders had cases pending against them despite international pressure to resolve these cases.

In response to unrest in the Dhaka industrial suburb of Ashulia in 2016, the government formed a permanent tripartite consultative council to address labor concerns in the garment industry. NGOs said the tripartite consultative council was not functioning. The state minister for labor and employment and the ministry's deputy secretary serve as president and secretary of the 20-member council. The council also includes six representatives from the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) and Bangladesh Knitwear Manufacturers and Exporters Association, six additional representatives from the government, and six worker representatives. The council was supposed to meet at least three times a year, but the president may convene meetings as needed. Labor leaders expressed concern that worker representatives were appointed, not elected, and that some of the appointed council members were either not active in the ready-made garment industry, were leaders of very small federations, or were closely aligned with industry.

Legally registered unions recognized as official Collective Bargaining Agents (CBAs) are entitled to submit charters of demands and bargain collectively with employers. This occurred rarely, but instances were increasing. The law provides criminal penalties for unfair labor practices such as retaliation against union members for exercising their legal rights. Labor organizations reported that in some companies, workers did not exercise their collective bargaining rights due to their unions' ability to address grievances with management informally or due to fear of reprisal.



The law includes provisions protecting unions from employer interference in organizing activities; however, employers, particularly in the ready-made garment industry, often interfered with this right. Labor organizers reported acts of intimidation and abuse, the termination of employees, and scrutiny by security forces and the intelligence services, a tactic used to chill the organizing environment. Labor rights NGOs alleged that some terminated union members were unable to find work in the sector because employers blacklisted them. The BGMEA reported that some factory owners complained of harassment from organized labor, including physical intimidation, but statistics and specific examples were unavailable.

According to the labor law, every factory with more than 50 employees is required to have a participation committee (PC). A 2018 amendment to the labor law states there shall not be any participation committee if any registered trade union exists in a factory. Employers often selected or appointed workers for the PC instead of permitting worker elections to determine those positions. Employers also failed to comply with laws and regulations to ensure the effectiveness and independence of PCs. The International Labor Organization's Better Work Bangladesh program found 75 percent of factories had ineffective or nonfunctional PCs.

A separate legal framework under the authority of the Bangladesh Export Processing Zone Authority (BEPZA) governs labor rights in the EPZs, with approximately 458,000 workers. EPZ law specifies certain limited associational and bargaining rights for worker welfare associations (WWAs) elected by the workers, such as the rights to bargain collectively and represent their members in disputes, but prohibits unions within EPZs. While an earlier provision of the EPZ law banning all strikes under penalty of imprisonment expired in 2013, the law continues to provide for strict limits on the right to strike, such as the discretion of the BEPZA's chairperson to ban any strike he views as prejudicial to the public interest. The law provides for EPZ labor tribunals, appellate tribunals, and conciliators, but those institutions were not established. Instead, eight labor courts and one appellate labor court heard EPZ cases. The BEPZA has its own inspection regime with labor counselors that function as inspectors. WWAs in EPZs are prohibited from establishing any connection to outside political parties, unions, federations, or NGOs. There were no reports of legal strikes in the EPZs.

The government adopted standard operating procedures regarding union registration. With the exception of limitations on the right of association and worker protections in the EPZs, the labor law prohibits antiunion discrimination.

A labor court may order the reinstatement of workers fired for union activities, but reinstatement was rarely awarded.

The government did not always enforce applicable law effectively or consistently. For example, labor law establishes mechanisms for conciliation, arbitration, and dispute resolution by a labor court. It also establishes that workers in a collective-bargaining union have the right to strike in the event of a failure to reach a settlement. Few strikes followed the cumbersome legal requirements, however, and strikes or walkouts often occurred spontaneously.

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

The law prohibits all forms of forced or compulsory labor. Penalties for forced or bonded labor offenses are insufficient to deter violations. Inspection mechanisms that enforce laws against forced labor did not function effectively. Resources, inspections, and remediation efforts were inadequate. The law also provides that victims of forced labor have access to shelter and other protective services afforded to trafficking victims.

Some individuals recruited to work overseas with fraudulent employment offers subsequently were exploited abroad under conditions of forced labor or debt bondage. Many migrant workers assumed debt to pay high recruitment fees, imposed legally by recruitment agencies belonging to the Bangladesh Association of International Recruiting Agencies and illegally by unlicensed subagents.

Children and adults were also forced into domestic servitude and bonded labor that involved restricted movement, nonpayment of wages, threats, and physical or sexual abuse (see section 7.c.).

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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

The law regulates child employment, and the regulations depend on the type of work and the child's age. The 2018 amendment of the labor law establishes the minimum age for work as 14, and the minimum age for hazardous work is 18, with no exceptions. The government reported all labor inspectors were notified on the amendment, including the changes to the light work provisions for children. Formerly, the law had allowed children ages 12 or 13 to perform light work.

Minors may work up to five hours per day and 30 hours per week in factories and mines or up to seven hours per day and 42 per week in other types of workplaces. By law every child must attend school through eighth grade. Several factors contributed to children not attending school, such as inadequate access to water and sanitation facilities and the costs associated with education, including books and uniforms.

The Labor and Employment Ministry's enforcement mechanisms were insufficient for the large, urban informal sector, and authorities rarely enforced child labor laws outside the export-garment and shrimp-processing sectors. Agriculture and other informal sectors that had no government oversight employed large numbers of children.

The law does not prohibit all of the worst forms of child labor. Children engaged in the worst forms of child labor, including forced child labor in the production of dried fish and bricks. Children also performed dangerous tasks in the production of garments and leather goods. Laws do not cover children working in the informal sector, and hazardous work prohibitions are not comprehensive. Moreover, the number of labor inspectors was insufficient for the size of the workforce.

The law specifies penalties that were not sufficient to deter violations of child labor laws. The government occasionally brought criminal charges against employers who abused domestic servants.

Child labor was widespread in the informal sector and in domestic work. According to a 2016 Overseas Development Institute report based on a survey of 2,700 households in Dhaka's slums, 15 percent of six- to 14-year-old children were out of school and engaged in full-time work. These children were working well beyond the 42-hour limit set by national legislation.

According to the International Labor Organization, agriculture was the primary employment sector for boys and services was the main sector for girls. According to Young Power in Social Action, an NGO working to protect the rights of shipbreakers in Chittagong, 11 percent of the shipbreaking workforce was younger than 18. NGOs, such as Shipbreaking Platform, reported laborers worked long hours without training, safety equipment, holidays, adequate health care, and also without contractual agreements.

Children frequently worked in the informal sector in areas including the unregistered garment, road transport, manufacturing, and service industries.

In 2018 the government funded and participated in programs that include the goal of eliminating or preventing child labor, including a \$35 million government-funded three-year project that seeks to identify 100,000 child laborers, reintegrate the children into schools, and provide livelihood support for their parents.

Rohingya children residing in refugee camps were vulnerable to forced labor. Rohingya girls were trafficked from the camps to Dhaka or other countries for domestic servitude. Rohingya children recruited to work outside the refugee camps were reported to be underpaid or unpaid, subjected to excessive working hours, or in bonded labor.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

#### **d. Discrimination with Respect to Employment and Occupation**

The labor law prohibits wage discrimination on the basis of sex or disability, but it does not prohibit other discrimination based on sex, disability, social status, caste, sexual orientation, or similar factors. The constitution prohibits adverse discrimination by the state on the basis of religion, race, caste, sex, or place of birth and expressly extends that prohibition to government employment; it allows affirmative action programs for the benefit of disadvantaged populations.

The lower-wage garment sector traditionally offered greater employment opportunities for women. Women represented the majority of garment-sector workers, making up more than 50 percent of the total ready-made garment workforce, according to official statistics, although statistics varied widely due to a lack of data. Despite representing a majority of total workers, women were generally underrepresented in supervisory and management positions and generally earned less than their male counterparts, even when performing similar functions. A 2017 Center for Economic Research and Graduate Education Economics Institute and Oxford University study found women earned lower wages in export-oriented garment factories, even after controlling for worker productivity. According to the study, approximately two-thirds of the wage gap remained even after controlling for skills, which the study attributed to higher mobility for male

workers. Women were also subjected to abuse in factories, including sexual harassment. In June a human rights NGO concluded, after conducting survey research, that 80 percent of female garment workers reported experiencing gender-based violence on the job.

In the tea industry, female workers faced discrimination. Male workers received rice rations for their female spouses, but female tea workers' male spouses were not given rice rations, as they were not considered dependents.

Some religious, ethnic, and other minorities reported discrimination, particularly in the private sector (see section 6).

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

The National Minimum Wage Board established minimum monthly wages on a sector-by-sector basis. The board may convene at any time, but it is supposed to meet at least every five years in a tripartite forum to set wage structures and benefits industry by industry. During the year the board failed to include a legitimate workers' representative. Without a workers' representative, garment workers did not have a voice in negotiations to set the new minimum wage. By law the government may modify or amend wage structures through official public announcement in consultation with employers and workers. The minimum wage was set for \$94 a month and fixed for the ready-made garment sector only. This wage was above the poverty line. The minimum wage was not indexed to inflation (which averaged 6 to 8 percent annually since 2010, according to World Bank data), but the board occasionally made cost-of-living adjustments to wages in some sectors.

Wages in the apparel sector often were higher than the minimum wage, and wages in the EPZs typically were higher than general wage levels, according to the BEPZA. In November 2018 a BEPZA circular declared the minimum wages and other benefits for workers employed in different enterprises in the EPZs. Among the lowest minimum wages were those for tea packaging at 3,060 BDT (\$36.14) a month, as of December 2018. A Transparency International Bangladesh report found more than 90 percent of tea worker families shared a single room with domestic animals without proper access to safe water, electricity, or health care. None of the set minimum wages provided a sufficient standard of living for urban dwellers. The minimum wage was not indexed to inflation, but the board occasionally made cost-of-living adjustments to wages in some sectors.

By law a standard workday is eight hours. A standard workweek is 48 hours, but it may be extended to 60 hours, subject to the payment of an overtime allowance that is double the basic wage. Overtime cannot be compulsory. Workers must have one hour of rest if they work for more than six hours a day or a half-hour of rest for more than five hours' work a day. Factory workers are supposed to receive one day off every week. Shop workers receive one and one-half days off per week.

The law establishes occupational health and safety standards, and amendments to the law created mandatory worker safety committees. The law states that every worker should be allowed at least 11 festival holidays with full wages in a year. The days and dates for such festivals are supposed to be fixed by the employer in consultation with the CBA, if any, or on the recommendation of the participation committee in absence of the CBA.

Labor law implementing rules outline the process for the formation of occupational safety and health committees in factories, and the government reported that approximately 2,175 safety committees were formed as of July 2018. The committees include both management and workers nominated by the CBA or, in absence of CBA, workers representatives of the factory's worker participation committee. Where there is no union or worker participation committee, the Department of Inspection for Factories and Establishments (DIFE) arranges an election among the workers for their representatives.

The government did not effectively enforce minimum wage, hours of work, overtime pay, and occupational safety and health laws. Although increased focus on the garment industry improved compliance in some garment factories, resources, inspections, and remediation were generally not adequate across sectors, and penalties for violations were not sufficient to deter violations. A labor rights NGO found 95 percent of factories did not comply with overtime limits.

DIFE's resources were inadequate to inspect and remediate problems effectively. On March 4, a fire broke out at an apparel warehouse in Ashulia, damaging the entire factory. According to DIFE's website, they last visited the factory on October 26, 2013. There were also criticisms regarding DIFE's complaint mechanism. In the current system, a worker has to enter his or her name, position, and identity number in DIFE's complaint form. Once received, DIFE issues a letter to factory management with reference to the complaint form. This provides inadequate protections to workers and raises doubts on the efficacy of the mechanism for filing complaints.

The 2013 Rana Plaza building collapse killed 1,138 workers and injured more than 2,500. In the aftermath of the collapse, private companies, foreign governments, and international organizations worked with the government to inspect more than 3,780 garment factories. Many factories began to take action to improve safety conditions, although remediation in many cases proceeded slowly due to a range of factors, including failure to obtain adequate financing. Two initiatives formed by international brands, Nirapon (including most North American brands and continuing the work of the Alliance for Bangladesh Worker Safety) and the Accord on Fire and Building Safety in Bangladesh (“Accord,” consisting mostly of European brands), continued to oversee the inspection and remediation efforts of ready-made garment factories producing for Accord and Nirapon members while government oversight of factories outside of these initiatives remained limited. The two brand-led initiatives covered only member factories in the ready-made garment industry, leaving thousands of other garment and nongarment factories without oversight. Boiler or chemical-related explosions increased the focus on nonfire industrial accidents.

In May a court-ordered memorandum of understanding established guidelines for a transition process for the Accord to begin to hand over authority to the government. In this transition the ready-made garment Sustainability Council was established, including representation from the BGMEA, international brands, and trade union federation leaders.

The court case against the owner of Rana Plaza and 40 other individuals on charges including murder began in 2016. Rana received a maximum three-year sentence for failing to declare his personal wealth to an antigraft commission. The murder trial against Rana and others repeatedly stalled, however, due to appeals and High Court stay orders.

A trial against those implicated in the 2012 Tazreen Fashions fire started in 2015 after charges were brought against 13 individuals, including chairman Mahmuda Akhter and managing director Delwar Hossain, in September 2015. The case was ongoing.

Workers’ groups stated safety and health standards established by law were sufficient, and more factories took steps toward compliance. The law provides for penalties that did not deter violations. Many ready-made garment employers failed to adequately train workers on safety and hazardous materials, provide required equipment, or ensure functioning Safety Committees, all required by law.

Legal limits on hours of work were violated routinely. In the ready-made garment sector, employers often required workers to labor 12 hours a day or more to meet export deadlines, but they did not always properly compensate workers for their time. According to the Solidarity Center, workers often willingly worked overtime in excess of the legal limit. Employers in many cases delayed workers' pay or denied full leave benefits.

Few reliable labor statistics were available on the large informal sector that employed most workers, and it was difficult to enforce labor laws in the sector. The Bangladesh Bureau of Statistics reported 51.3 million workers in the informal labor sector in 2016, which was 86.2 percent of the total labor force.

In February a fire broke out in Chawkbazaar, a historic Dhaka neighborhood, when a compressed natural gas-powered car caught on fire. The blast ignited other cylinders used at street-side restaurants. Very quickly, a plastics store and a shop illegally storing chemicals also burst into flames. The fire--which analysts assessed may have been averted had proper building violations been addressed--killed at least 70 persons.