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Freedom in the World 2015 - Bangladesh

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2015 Scores

Status: Partly Free

Freedom Rating (1 = best, 7 = worst): 4.0

Civil Liberties (1 = best, 7 = worst): 4

Political Rights (1 = best, 7 = worst): 4

Ratings Change:

Bangladesh's political rights rating declined from 3 to 4 due to national elections that were marred by an opposition boycott, as well as widespread violence and intimidation by a range of political parties.

OVERVIEW

Bangladesh held national elections on January 5, 2014, which the ruling Awami League (AL) party won handily following a boycott by the leading opposition Bangladesh Nationalist Party (BNP). Election-related violence and intimidation, an uncharacteristically low turnout, and attacks on minority groups all marred the polls. Nevertheless, the AL resisted calls for fresh elections and consolidated its strength and popularity by year's end.

Bangladesh's ongoing political and social unrest continued following the elections. Street protests – some of which turned violent – around politics and controversial rulings of the International Crimes Tribunal (ICT) took place regularly throughout the year, and there was some harassment of opposition media as well as outspoken nongovernmental organizations (NGOs) and their staff. Despite reforms following the 2013 Rana Plaza factory collapse, unsafe working conditions in the garment industry remain a concern.

The ICT – established in 2010 to prosecute those suspected of committing war crimes or other atrocities during the 1971 war of independence – handed down 16 guilty verdicts and issued 14 death sentences in 2014, the majority to senior officials in the Islamist Jamaat-e-Islami (JI) party.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 21 / 40 (-3)

A. Electoral Process: 7 / 12 (-2)

Terms for both the unicameral National Parliament and the largely ceremonial presidency are five years. Parliament is composed of 350 members, of whom 300 are directly elected. Based on their share of elected seats, political parties nominate 50 female members, who are then voted on by their fellow lawmakers. The president is elected by parliament.

In national elections held on January 5, 2014, the BNP and 17 allied parties boycotted the vote to protest what they said were unfair elections, leaving the majority of elected seats (153) uncontested and ensuring an AL victory. The AL won 234 parliamentary seats, and independents and minority parties captured the remainder. The Jatiya Party (JP), winning the second-highest number of seats (34), became the official opposition, although some critics contend it compromised this position by agreeing to be included in the AL's cabinet. Western monitoring groups declined to send election observers and criticized the conditions under which the polls were held. Apart from the boycott, the elections were marred by extensive violence – Human Rights Watch termed them the bloodiest since independence – and intimidation by both sides that resulted in an extremely low turnout of 22 percent. A number of attacks specifically targeted members of the country's Hindu and Christian minority groups, affecting around 700 people.

B. Political Pluralism and Participation: 9 / 16 (-1)

Bangladesh has had a strong two-party system in which power alternates regularly between political coalitions led by the AL and BNP. Following boycotts of parliament throughout 2013, the BNP boycotted the 2014 elections. Instead, opposition parties engaged in street action, making regular use of *hartals* (strikes) and mass protests, as well as targeted violence intended to intimidate AL supporters. Such actions have failed to gain traction with the public at large. The human rights group Odhikar registered more than 190 deaths and more than 9,400 people injured as a result of inter- or intraparty clashes during the year.

Ruling party harassment of the opposition was widespread in 2014, ranging from charges filed against senior BNP members to preemptive detention and limitations placed on political activities. For example, BNP leader Khaleda Zia was placed under effective house arrest following the January elections, while JP leader Hussain Muhammad Ershad was confined to a military hospital. Charges in a range of legal cases – including death sentences handed down in late January to 14 opposition party members and supporters in a long-dormant arms smuggling case – also helped to curb the opposition's power. Members of the JI faced ongoing waves of arrests. The ICT ordered the execution of three senior JI officials and upheld the death sentence of a JI assistant secretary-general who had appealed an earlier verdict. The party was banned from taking part in the elections due to its overtly Islamist charter; the constitution bans religiously based political parties. Meanwhile, the JI enforced several nationwide strikes by violent means, exploding crude bombs and vandalizing property to disrupt the normal flow of business.

Religious minorities remain underrepresented in politics and state employment, though the secularist AL government has appointed several members of such groups to leadership positions.

C. Functioning of Government: 5 / 12

Endemic corruption and criminality, weak rule of law, limited bureaucratic transparency, and political polarization have long undermined government accountability. Moreover, regular opposition boycotts of parliament have significantly hampered the legislature's role in providing thorough scrutiny of government policies, budgets, and proposed legislation.

Bangladesh was ranked 145 out of 175 countries and territories surveyed by Transparency International's 2014 Corruption Perceptions Index. Under the AL government, anticorruption efforts have been weakened by patchy or biased enforcement and subversion of the judicial process. In particular, the Anticorruption Commission (ACC) has become ineffective and subject

to overt political interference. In 2013, the ACC law was amended to withdraw its authority to bring cases against officials without permission from the government. The AL government continued to bring or pursue cases against the BNP. In September 2014, a Supreme Court ruling on appeal cleared the way for BNP leader Zia to face trial in a key corruption case.

The 2009 Right to Information Act mandates public access to all information held by public bodies and overrides secrecy legislation. Although it has been unevenly implemented, journalists and civil society activists have had some success in using it to obtain information from local governing authorities.

Civil Liberties: 29 / 60

D. Freedom of Expression and Belief: 8 / 16

Bangladesh's media environment remains relatively lively, though the legal and regulatory framework allows for some restrictions, and physical attacks and harassment against reporters increased in 2014. Authorities curbed expression through informal directives on coverage or particular talk show guests, particularly on television. In August, the cabinet approved the National Broadcasting Policy that could be used to restrict coverage critical of the government or security forces, or that is determined to threaten national security. In December, British journalist David Bergman was convicted of contempt of court for his writings on the ICT and war crimes issues.

Three journalists were killed in 2014, according to the Committee to Protect Journalists, with one of the murders definitively linked to the reporter's work covering drug trafficking; the reporter's family blames local drug traffickers. On a number of occasions during the year, journalists were harassed or attacked while trying to cover breaking news stories.

Censorship of internet-based content has become increasingly common in Bangladesh in recent years, with periodic blocks of YouTube, Facebook, and high-profile Bengali blogs. The Information and Communication Technology Act was used to arrest and charge a number of individuals for online expression in 2014. In February, the case against four bloggers arrested in 2013 over allegations of blasphemy was suspended pending an evidentiary hearing. In April, Asif Mohiuddin, the most prominent of the accused, went into exile in Germany. Various forms of artistic expression, including books and films, are occasionally banned or censored.

A 2011 constitutional amendment confirmed Islam as the official religion, but also reaffirmed the secular nature of the state. Although religious minorities have the right to worship freely, they face societal discrimination as well as harassment and legal repercussions for proselytizing. Minority groups and their houses of worship are occasionally the targets of physical attacks. Members of the Ahmadiyya sect are considered heretical by some Muslims, and despite state protection, they have encountered physical attacks, boycotts, and demands that the state declare them non-Muslims. They are also occasionally denied permission to hold religious events.

In the run-up to the 2014 elections, more than two dozen members of the Hindu minority were killed and many more injured in what officials described as a coordinated campaign by the JI. In the days after the election, several thousand Hindus were displaced following violent attacks on numerous villages across the country, and hundreds of their homes and businesses were looted or destroyed. In May, a Hindu community was attacked when a mob of more than 3,000 people ransacked a village, destroying homes and a local temple. An investigation revealed the attack was planned after two teens from the village allegedly insulted the prophet Mohammed on Facebook. In November, five Hindu temples were vandalized and the home of a Hindu man was attacked after he allegedly posted song lyrics online defaming Mohammed.

While authorities largely respect academic freedom, research on sensitive political and religious topics is reportedly discouraged. Political polarization at many universities, including occasional

clashes involving the armed student wings of the three main parties, inhibits education and access to services.

E. Associational and Organizational Rights: 6 / 12

The constitution provides for the rights of assembly and association, but the government can and regularly does ban gatherings of more than five people. Nevertheless, many demonstrations took place during the year. Authorities sometimes try to prevent rallies by arresting party activists, and protesters are frequently injured and occasionally killed during clashes in which police use excessive force.

Many NGOs operate in Bangladesh. While many of these are able to function without onerous restrictions, the NGO Affairs Bureau must give clearance for them to use foreign funds and can approve or reject individual projects. Groups that are seen as overly critical of the government, particularly on human rights issues, are regularly denied permission for proposed projects and were subject to escalating harassment and surveillance in 2014. Odhikar secretary Adilur Rahman Khan, arrested in 2013 for allegedly spreading false information, was formally indicted for violating the Information and Communication Technology Act in January 2014, along with Odhikar director Nasiruddin Elan; the case remained ongoing at year's end. Meanwhile, the government, which had announced plans to bring the Grameen Bank, one of the country's largest and most influential microfinance nonprofit institutions, under the direct control of the central bank, gave itself the power in November 2014 to appoint most of the bank's board of directors; they had previously been elected by borrowers.

Labor union formation is hampered by a 30-percent employee-approval requirement, restrictions on organizing by unregistered unions, and rules against unionization by certain categories of civil servants. Union leaders who attempted to organize or unionize workers at a number of factories faced dismissal or other forms of intimidation in 2014. Organizations and individuals that advocate for labor rights, such as the Bangladesh Center for Workers' Solidarity, have also faced increased harassment over the past several years. Worker grievances fuel unrest at factories, particularly in the rapidly expanding garment industry, where strikes and protests against low wages and unsafe working conditions are common.

F. Rule of Law: 6 / 16

Politicization of the judiciary remains an issue, despite a 1999 Supreme Court directive ordering the separation of the judiciary from the executive. Political authorities have continued to make appointments to the higher judiciary, in some cases demonstrating an overt political bias, leading to protests from the Supreme Court Bar Association. Harassment of witnesses and the dismissal of cases following political pressure are also growing issues of concern. In September 2014, the AL-dominated parliament passed a constitutional amendment granting it the power to impeach judges on the grounds of "incapability or misconduct."

The court system is prone to corruption and severely backlogged, with an estimated 2.3 million pending cases. Pretrial detention is often lengthy, and many defendants lack counsel. The indigent have little access to justice through the courts. Prison conditions are extremely poor, severe overcrowding is common, and juveniles are often incarcerated with adults. Suspects are routinely subject to arbitrary arrest and detention, demands for bribes, and physical abuse by police. Torture is often used to extract confessions and intimidate political detainees. Criminal cases against ruling party activists are regularly withdrawn on the grounds of "political consideration," which has undermined the judicial process and entrenched a culture of impunity.

According to Odhikar, law enforcement agencies perpetrated 172 extrajudicial killings in 2014. High-level officials routinely excuse or deny the practices of torture and extrajudicial executions, yet the rate of custodial deaths has increased since the AL took office in 2009. Abductions and

enforced disappearances are also a growing concern, with more than 39 cases recorded in 2014. In a positive step, a 2013 law criminalizes custodial torture or death – with mandated minimum fines for perpetrators. While Bangladeshi law still prohibits prosecutions from proceeding against public figures for acts committed in their official capacity without the permission of the government, the first case under the law was brought in July 2014 against a group of police officers accused of torturing a detainee to death.

The 1974 Special Powers Act permits arbitrary detention without charge, and the criminal procedure code allows detention without a warrant. A 2009 counterterrorism law includes a broad definition of terrorism and generally does not meet international standards. The National Human Rights Commission is empowered to investigate and rule on complaints against the armed forces and security services.

Revisions to the 1973 International War Crimes Tribunal Act and the current tribunal's procedural rules were intended to help meet international standards on issues such as victim and witness protection, the presumption of innocence, defendant access to counsel, and the right to bail. However, the ICT trials conducted thus far have fallen short of these standards, with concerns raised regarding political interference, due process shortcomings, and inadequate protection for witnesses and defense lawyers. In September 2014, the court reversed a 2013 death sentence handed down to JI vice president Delwar Hossain Sayedee in favor of life imprisonment. However, the tribunal issued several death sentences toward the end of 2014.

Protests by Islamist political parties and other pressure groups – some of which involved violence – were a key feature in 2014, though terrorist attacks by Islamist militant groups have been negligible since a 2006 crackdown. Casualties from clashes involving Maoist militants have also declined dramatically in recent years.

Members of ethnic and religious minority groups face some discrimination under law, as well as harassment and violations of their rights in practice. Indigenous people in the Chittagong Hill Tracts (CHT) remain subject to physical attacks, property destruction, and land grabs by Bengali settlers, as well as occasional abuses by security forces. In August 2014, a prominent activist and member of the CHT Commission was assaulted after being abandoned by her state-sponsored security detail. In December, Bengali settlers attacked and burned down dozens of houses and shops belonging to indigenous peoples, allegedly in retaliation for local resistance to their expanding settlements. Indigenous leaders criticized the national government for failing to implement provisions of the 1997 peace accord; most notably, a promised semiautonomous local governing council has yet to be established.

Roughly 270,000 ethnic Rohingyas who fled to Bangladesh from Myanmar beginning in the early 1990s are subject to substantial harassment; the vast majority do not have official refugee status and suffer from a complete lack of access to services such as health care, employment, and education. The government has attempted to discourage a more recent influx of refugees by further marginalizing the Rohingya community and undermining the work of international organizations providing humanitarian aid. In July 2014, authorities announced that they had ceased issuing marriage certificates to Rohingyas.

A criminal ban on same-sex sexual acts is rarely enforced, but societal discrimination remains the norm, and dozens of attacks on LGBT (lesbian, gay, bisexual, and transgender) individuals are reported every year. Transgender people face persecution. Although the government announced that it would officially consider transgender people to be a separate, third gender in 2013, people registered under this category have no inheritance rights under the Sharia (Islamic law) provisions governing personal status matters in Bangladesh.

G. Personal Autonomy and Individual Rights: 9 / 16

The ability to move within the country is relatively free, as is foreign travel. Property rights are unevenly enforced, and the ability to engage freely in private economic activity is somewhat constrained. Corruption and bribery, inadequate infrastructure, and official bureaucracy and regulatory hurdles hinder business activities throughout the country. State involvement and interference in the economy is considerable.

Land rights for the Hindu minority remain tenuous. The 2011 Vested Properties Return Act allows Hindus to reclaim land that the government or other individuals seized, but it has been unevenly implemented. Tribal minorities have little control over land decisions affecting them, and Bengali-speaking settlers continue to illegally encroach on tribal lands in the CHT. A commission set up in 2009 should allocate land to indigenous tribes, but it has suffered from delays and interruptions and has not addressed land disputes effectively.

Under the personal status laws affecting all religious communities, women have fewer marriage, divorce, and inheritance rights than men, which increases their socioeconomic insecurity. In rural areas, religious leaders sometimes impose flogging and other extrajudicial punishments on women accused of violating strict moral codes, despite Supreme Court orders calling for the stop to such practices. Women also face discrimination in health care, education, and employment.

Rape, acid throwing, and other forms of violence against women occur regularly, despite laws offering some level of protection for women from such crimes. A law requiring rape victims to file police reports and obtain medical certificates within 24 hours of the crime in order to press charges prevents most cases from reaching the courts. Police also accept bribes to quash rape cases and rarely enforce existing laws protecting women. Giving or receiving dowry is a criminal offense, but coercive requests remain a problem, as does the country's high rate of early marriage. In a draft law the cabinet approved in September 2014, officials scrapped a proposal to lower the marriage age but retained new penalties for violations. Odhikar noted a decrease in dowry-related violence against women since 2012, with around 123 murders recorded during 2014 (down from 158 in 2013).

Bangladesh remains both a major supplier of and transit point for trafficking victims, with tens of thousands of people trafficked each year. Women and children are trafficked both overseas and within the country for the purposes of domestic servitude and sexual exploitation, while men are trafficked primarily for labor abroad. A comprehensive 2013 antitrafficking law provides protection to victims and increased penalties for traffickers. However, training for law enforcement remains inadequate, as does regulation of certain enterprises that facilitate trafficking, such as labor recruitment agencies.

Child labor is widespread. Following the 2013 Rana Plaza factory collapse, in which more than 1,100 workers were killed, increased inspections and safeguards instigated by Western apparel companies led to the closure of around 200 of a total of 4,500 factories, according to industry representatives. However, wholesale reforms of the system are hampered by the fact that a growing number of factory owners are also members of parliament or influential businesspeople.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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