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2011 Report on International Religious Freedom - Bangladesh

Bureau of Democracy, Human Rights, and Labor
July 30, 2012

[Covers calendar year from 1 January 2011 to 31 December 2011]

Executive Summary

The constitution and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom. The government did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom. However, some observers stated the government's treatment of religious minorities improved during the year, citing the increase in government funds for minority welfare trusts and police protection of minority groups facing societal attacks. An amendment to the constitution passed on June 30 established Islam as the state religion but reaffirmed the country as a secular state. The constitution provides for the right to profess, practice, or propagate all religions, subject to law, public order, and morality. Citizens were free to practice the religion of their choice. Although government officials, including police, were sometimes slow to assist religious minority victims of harassment and violence, there were notable examples of timely and effective police intervention. The government and many civil society leaders stated that violence against religious minorities normally had political or economic dimensions as well and could not be attributed solely to religious belief or affiliation.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice, but reports suggest that abuses declined in comparison to the previous year. There were scattered attacks on religious and ethnic minorities perpetrated by nongovernmental actors, and because of the low social status of religious minorities, they were often seen as having little political recourse. Hindu, Christian, and Buddhist minorities experienced discrimination and sometimes violence from the Muslim majority population. Harassment of Ahmadis continued.

In meetings with officials and in public statements, U.S. embassy officers encouraged the government to protect the rights of minorities. U.S. embassy representatives denounced acts of religious intolerance publicly and privately and called on the government to ensure due process for all citizens. U.S. government programs in the country supported religious tolerance.

Section I. Religious Demography

According to the 2001 census, Sunni Muslims constitute 90 percent of the population and Hindus make up 9 percent. The remaining 1 percent of the population is predominantly Christian (mostly Roman Catholic) and Theravada-Hinayana Buddhist. Ethnic and religious minority communities often overlap and are concentrated in the Chittagong Hill Tracts and northern districts. Buddhists are predominantly found among the indigenous (non-Bengali) populations of the Chittagong Hill Tracts. Bengali and ethnic minority Christians live in communities across the country, concentrating in Barisal City, Gournadi in Barisal District, Baniarchar in Gopalganj, Monipuripara in Dhaka, Christianpara in Mohakhal, Nagori in Gazipur, and Khulna City. There also are small populations of Shia Muslims, Sikhs, Baha'is, animists, and Ahmadi Muslims. Estimates of their numbers varied from a few thousand to 100,000 adherents per group. There is no indigenous Jewish community and no significant immigrant Jewish population.

Most foreign residents are of Bangladeshi descent and practice Islam. Separately, there are approximately 30,000 registered Rohingya refugees and 200,000 to 500,000 unregistered Rohingyas practicing Islam in the southeast around Cox's Bazar.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution and other laws and policies protect religious freedom. The constitution provides for the right to profess, practice, or propagate all religions, subject to law, public order, and morality. An amendment to the constitution passed on June 30 established Islam as the state religion but reaffirmed the country is a secular state.

In 2010 the Appellate Division of the Supreme Court ruled that an amendment to the constitution overturning a previous law banning unions, associations, or parties based on religion was itself unconstitutional. The Supreme Court ruling nominally banned Islamic political parties; however, officials have stated that the ban would not be strictly enforced.

Under the penal code, any person who has a "deliberate" or "malicious" intent to hurt religious sentiments is liable to imprisonment. In addition, the Code of Criminal Procedure states, "the government may confiscate all copies of a newspaper if it publishes anything that creates enmity and hatred among the citizens or denigrates religious beliefs."

Islamic law plays some role in civil matters pertaining to the Muslim community; however, there is no formal implementation of Islamic law, and it is not imposed on non-Muslims. For instance, alternative dispute resolution is available to individuals for settling family arguments and other civil matters not related to land ownership. With the consent of both parties, arbitrators rely on principles found in Islamic law for settling disputes. In addition, Muslim family law is loosely based on Islamic law.

A May ruling by the Appellate Division of the Supreme Court rejected a 2001 High Court ban on fatwas (Islamic religious decrees); however, the Appellate Division ruled that fatwas could not be punitive and could not run counter to existing secular laws. Under the law, a fatwa can be issued on any subject provided it is not punitive. Previously, most publicized fatwas were issued against men and women who were accused of transgressing religious law or custom.

Family laws concerning marriage, divorce, and adoption differ slightly depending on the religious beliefs of the persons involved. Each religious group has its own family laws that are codified in the legal system. For example, Muslim men may marry as many as four wives; however, a Muslim man must get his first wife's signed permission before marrying an additional woman. Society strongly discourages polygamy, and it is rarely practiced among Muslims. A Christian man may marry only one woman. Under Hindu law in the country unlimited polygamy is permitted for males only (but seldom practiced), and there is no provision for divorce. Hindu widows can legally remarry. The family law of the religion of the two parties concerned governs their marriage rituals and proceedings; however, marriages also are registered with the state. There are no legal restrictions on marriage between members of different religious groups.

Under the Muslim family ordinance, females inherit less than males, and wives have fewer divorce rights than husbands. During the year, the prime minister sought to make these laws more equitable by making changes to the Women's Development Policy, specifically to make inheritance laws more equitable for female heirs. The policy, however, does not carry the full force of law. Laws provide some protection for women against arbitrary divorce and polygamy without the consent of the first wife, but the protections generally apply only to registered marriages. Due to ignorance of the law in rural areas, couples occasionally do not register their marriages. Under the law a Muslim husband is required to pay his former wife alimony for three months, but this requirement was not always enforced. There is little societal pressure to enforce it and case backlogs made it difficult, if not impossible, to get redress through the courts.

In March parliament passed the Religious Welfare Trust (Amendment) Act 2011. This act provides funding for the newly-formed Christian Religious Welfare Trust as per the Christian Religious Welfare Trust Ordinance of 1983 and also describes the powers of the seven-member elected board.

Non-Muslim religious bodies are not required to register with the government; however, all nongovernmental organizations (NGOs), including religiously-affiliated ones, are required to register with the government's NGO Affairs Bureau if they receive foreign financial assistance for social development projects. The government can cancel the registration of an NGO suspected of being in breach of its legal or fiduciary obligations and take other actions, such as blocking foreign fund transfers, to limit its operation.

Religious studies are part of the curriculum in government schools. Children attend classes in which their own religious beliefs are taught. Schools with few students from religious minority groups often make arrangements with local churches or temples to hold religious studies classes outside school hours.

Anecdotal evidence suggested there were tens of thousands of madrassahs (Islamic schools) in the country. A research organization put the number at nearly 33,000, and some journalists

estimated that the number was far higher. A 2009 World Bank study estimated only 2 percent of primary school students in rural areas attended "Qaumi" madrassahs, which are independent, private madrassahs not regulated by the government. According to the same study, another 8 percent of elementary school students and 19 percent of secondary school students attended "Aliyah" madrassahs, state-regulated private madrassahs that teach a government-approved curriculum. The rest of the students either attended secular government schools or NGO-run schools or did not go to school. There are no known government-run Christian, Hindu, or Buddhist schools, although private religious schools existed throughout the country.

The government observes the following religious holidays as national holidays: Eid Milad un-Nabi, Shab-e-Barat, Shab-e-Qadar, Jumatul Wida, Eid Ul Fitr, Eid Ul Azha, Muharram (Islamic); Krishna Janmashtami, Durga Puja (Hindu); Buddha Purnima (Buddhist); and Christmas (Christian).

Government Practices

There were no reports of abuses of religious freedom. In general, government institutions and the courts protected religious freedom.

In contrast to previous years, there were no instances of missionaries reporting monitoring of their activities by intelligence agencies.

There were no financial penalties imposed based on religious beliefs; however, some religious minorities reported they were disadvantaged in access to military and government jobs, including elected office. Anecdotal evidence suggested the government appointed more religious minorities at all levels of government during the year. In the cabinet, five of 46 ministers were non-Muslim, including two Buddhists, two Hindus, and a Christian. The government appointed numerous members of minority communities to the higher ranks of government. However, no official statistics existed to determine to what extent the proportion corresponded with their proportion in the population. Selection boards for government services often lacked minority representation. Although employees were not required to disclose their religious affiliation, it could generally be determined by a person's name.

Since 2001, the government routinely posted law enforcement personnel at religious festivals and events that were at risk of being targets for extremists.

Through additional security deployments and public statements, the government promoted the peaceful celebration of Hindu, Christian, Buddhist, and secular Bengali festivals. Durga Puja, Christmas, Easter, Buddha Purnima and Pohela Boishakh (Bengali New Year) all received these kinds of government support.

The government helped support the Council for Interfaith Harmony-Bangladesh, an organization created in 2005 with a mandate to promote understanding and peaceful coexistence among different communities. This initiative came in response to a bombing campaign in the fall of 2005 by an extremist group that sought the imposition of Sharia. The council is the only organization with representation from all of the main religious groups in the country. The council met regularly at the central and division levels and began programs aimed at HIV/AIDS prevention.

Many Hindus have been unable to recover landholdings lost because of discrimination under the defunct Vested Property Act. Although an Awami League government repealed the act in 2001, the succeeding government did not take any concrete action to reverse the property seizures that occurred under the act. The Vested Property Act was an East Pakistan-era law that allowed the government to expropriate "enemy" (in practice, Hindu) lands. Under the law the government seized approximately 2.6 million acres of land, affecting almost all Hindus in the country. According to a study conducted by a Dhaka University professor, nearly 200,000 Hindu families lost approximately 40,667 acres of land since 2001, despite the annulment of the act the same year.

In April 2001 parliament passed the Vested Property Return Act, stipulating that land remaining under government control seized under the Vested Property Act should be returned to its original owners, provided the original owners or their heirs remained resident citizens. The law required the government to prepare a list of vested property holdings by October 2001. Claimants were to file claims within 90 days of the publication date. In 2002 parliament passed an amendment to the act that allowed the government unlimited time to return the vested properties and gave control of the properties, including leasing rights, to local government employees. At year's end, the government had not yet prepared a list of such properties.

The government continued to block Facebook pages it deemed offensive for religious reasons.

The constitution provides for the right to promulgate the religion of one's choice, but local authorities and communities often objected to efforts to convert persons from Islam.

The government operated training academies for imams (Islamic clergy) and proclaimed Islamic festival days, but generally did not dictate sermon content or select or pay clergy. However, the government had the authority to appoint or remove imams and exercised some indirect influence over sermon content in government mosques, including the national mosque, Baitul Mukarram. The government monitored the content of religious education in madrassahs and

announced its intention to make changes to the madrassah curriculum, including modernizing and mainstreaming the content of religious education.

The Ministry of Religious Affairs administered four funds for religious and cultural activities: the Islamic Foundation, the Hindu Welfare Trust, the Christian Religious Welfare Trust, and the Buddhist Welfare Trust. The Christian community had rejected government involvement in its religious affairs since the passing of the Religious Welfare Trust Ordinance of 1983, but during the year they opted to accept government funding and received 40 million taka (\$49,000). The Hindu Welfare Trust received 180 million taka (\$2,169,000) from the government in the fiscal year ending in June. Many of those funds were dedicated to temple-based literacy and religious programs. Of that money, 150 million taka (\$1,807,000) was specifically allocated for religious worship and festivals. In addition the trust money aided in repairing temples, improving cremation pyres, and helping destitute Hindu families afford medical treatment.

The Buddhist Welfare Trust received 50 million taka (\$61,000) from the government in the fiscal year ending in June. The trust used funds to repair monasteries, organize training programs for Buddhist monks, and celebrate the Buddhist festival Purnima.

During Ramadan, local police in Brahmanbaria District banned the local Ahmadi community from playing the call to prayer over loudspeakers.

In February local government officials in the Gazipur District cancelled the Ahmadi community's annual convention, citing a booking conflict. The Ahmadi community alleged several anti-Ahmadi officials were behind the cancellation.

Improvements and Positive Developments in Respect for Religious Freedom

The government took a number of steps to promote religious freedom and secure peace. The government appointed members of minority communities to higher ranks of government and supported minority religious trusts. Parliament passed the Christian Religious Welfare Trust (Amendment) Act 2011, increasing the amount of fixed deposits from 10 to 40 million taka (\$122,000 to \$488,000). The amount had been fixed for the last 27 years because the Trust had been established only by ordinance since 1983 and no actual board was established until 2009. Thus, the government did not allocate additional funds until the adoption of this year's amendment. The government also took administrative action to raise the amount of the Buddhist Religious Welfare Trust from 30 to 50 million taka (\$367,000 to \$610,000).

Additionally, the government made several important religious policy decisions. First, the Appellate Division Court ruling that fatwas could not be punitive nor run counter to existing secular laws upholds the country's secular nature. The prime minister's decision to make inheritance laws more equitable for female heirs protects the rights of women.

The government also took important steps to keep law and order between religious groups. There were no reports of abuses of religious freedom and when conflicts did occur, the police peacefully resolved the situation and were able to restore order.

Section III. Status of Societal Respect for Religious Freedom

There were some instances of attacks and discrimination against religious and ethnic minorities perpetrated by actors outside of the government during the year.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Violence directed against religious minority communities continued to result in the loss of lives and property, but the true motives – whether religious animosity, criminal intent, personal disputes, or property disputes – were often unclear. Religious minorities are often at the bottom of the social hierarchy and have the least political recourse.

According to press reports, a temple and four houses owned by members of the Hindu community in Chittagong were burned during a clash with the local Muslim community on October 11. The clash erupted after a series of altercations over the celebration of the Hindu holiday Lakshmi Puja. Police were able to restore order quickly. No arrests were made.

According to Odhikar, a local human rights organization, a gang related to a local Awami League official occupied land belonging to Saint Mathuranath AG Mission in early August. Local Christian leaders alleged that members of the gang assaulted local clergy in their effort to wrest control of the land from the Mission. Local police intervened and initiated efforts to peacefully resolve the situation.

Although Islamic tradition dictates only muftis (religious scholars) who have expertise in Islamic law are authorized to declare a fatwa, village religious leaders at times made declarations in isolated individual cases. Sometimes these declarations resulted in extrajudicial punishments, often against women, for perceived moral transgressions.

Human rights groups and press reports indicated that vigilantism against women accused of moral transgressions occurred in rural areas, often under a fatwa, and included punishments such as whipping. Odhikar reported five illegal fatwas by religious leaders during the year, demanding punishments that ranged from lashings and other physical assaults to shunning by family and community members.

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In February, according to several newspapers and human rights groups, a 15-year-old female in Shariatpur District of Dhaka Division died after being whipped at least 50 times in fatwa-based village arbitration. She was found guilty of adultery after she was raped by a relative. The local doctor's initial autopsy determined that she died of natural causes; however, after the issue gained national attention, the High Court ordered the victim's body exhumed, and the actual cause of death was determined. The High Court ordered the arrests of the village arbiters and revoked the local doctor's medical license. The case was ongoing at the end of the year.

Throughout the year, attacks directed at the Ahmadi community in Tangail resulted in injuries and significant property damage. The attacks occurred in three waves in June, August, and October and consisted of small groups entering Ahmadi neighborhoods with weapons, beating Ahmadi they encountered, and vandalizing several houses before leaving. The authorities made no arrests, but a few local leaders issued statements about the need to live in harmony.

Section IV. U.S. Government Policy

The U.S. embassy continued to express concern about the rights of religious and ethnic minorities. U.S. embassy staff members traveled to various regions to investigate human rights cases, including those involving religious minorities, and met with civil society members, NGOs, local religious leaders, and other citizens to discuss these cases. They also encouraged law enforcement to take proactive measures to protect the rights of religious minorities.

U.S. embassy and visiting U.S. government officials regularly visited members of minority religious communities to hear their concerns and demonstrate support.

Embassy officials assisted U.S. faith-based relief organizations in filing documents for approval of schools and other projects. The government was willing to discuss these subjects with U.S. officials and was helpful in resolving problems. The U.S. embassy also acted as an advocate with the Home Ministry for these religious organizations to resolve visa problems.

The U. S. embassy encouraged the government, through the Ministry for Religious Affairs, to develop and expand its training program for Muslim religious leaders. After a pilot program, the U.S. government provided orientation sessions for religious leaders on human rights and gender equality, among other topics. The embassy reached out to influential leaders nationwide, including religious leaders, to introduce the concepts and practices of modern development and democracy through training. Twenty thousand community leaders participated in embassy programs promoting the values of diversity and tolerance, including religious tolerance, across communities in the country.

During the year, the U.S. government continued to make religious freedom, especially the problems facing the population in the Chittagong Hill Tracts, a topic of discussion in meetings with government officials. Embassy officers met with representatives from organizations from the Hill Tracts and met with senior government officials to relay concerns about the treatment of minorities.

Democracy and governance projects supported by the U.S. government included tolerance and minority rights components.