

Bangladesh (6)



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Bangladesh

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Bangladesh is a parliamentary democracy, with broad powers exercised by the Prime Minister (PM). PM Khaleda Zia, leader of the Bangladesh Nationalist Party (BNP), came to power in elections on October 1, 2001, deemed to be free and fair by international and domestic observers. The BNP formed a four-party alliance Government with Jamaat-e-Islami, Bangladesh Jatiya Party (BJP), and Islami Oikko Jote (IOJ). Political competition is vigorous, and violence is a pervasive feature of politics, including political campaigns. The October 2001 elections, supervised by a non-party Caretaker Government (CG), took place in a climate of sporadic violence and isolated irregularities. All of the major parties boycotted Parliament while in the opposition, claiming that they had little opportunity to engage in real debate on legislative and national issues. The higher levels of the judiciary displayed a significant degree of independence and often ruled against the Government; however, lower judicial officers were reluctant to challenge government decisions and suffered from corruption. The Official Secrets Act of 1923 can protect corrupt government officials from public scrutiny, hindering the transparency and accountability of the Government at all levels.

The Home Affairs Ministry controlled the police and paramilitary forces, which had primary responsibility for internal security. Police were often reluctant to pursue investigations against persons affiliated with the ruling party, and the Government frequently used the police for political purposes. There was widespread police corruption and lack of discipline. Security forces committed numerous serious human rights abuses and were rarely disciplined, even for the most egregious actions.

Annual per capita income among the population of approximately 131.2 million was approximately \$375. The economy is market-based, but the Government owned most utilities, many transport companies, and large manufacturing and distribution firms. A small elite controlled much of the private economy, but there was an emerging middle class. Foreign investment was concentrated in the gas sector and in electrical power generation facilities. Earnings from exports fell by 8 percent, but remittances from workers overseas increased. Foreign aid remained an important source of national income. Efforts to improve governance through reform have been unsuccessful, often blocked by bureaucratic intransigence, vested economic interests, endemic corruption, and political polarization.

The Government's commitment to economic reform was piecemeal, although it has taken some difficult decisions, including closing money-losing state-owned enterprises.

The Government's human rights record remained poor and it continued to commit numerous serious human rights abuses. Security forces committed a number of extrajudicial killings, and deaths in custody more than doubled from 2001. Both major political parties often employed violence, causing deaths and numerous injuries. According to press reports, vigilante justice resulted in numerous killings. Police routinely used torture, beatings, and other forms of abuse while interrogating suspects and frequently beat demonstrators. The Government rarely punished persons responsible for torture or unlawful deaths. Prison conditions were extremely poor.

The Government continued to arrest and detain persons arbitrarily, and to use the Special Powers Act (SPA) and Section 54 of the Code of Criminal Procedure, which allowed for warrantless arrest and preventive detention. The Government replaced the Public Safety Act (PSA), which lacked bail provisions, with the Speedy Trial Act (STA), which provided for quicker disposal of cases and bail. The lower judiciary was subject to executive influence and suffered from corruption. A large judicial case backlog existed and lengthy pretrial

detention was a problem. Police searched homes without warrants, and the Government forcibly relocated illegal squatter settlements. Virtually all journalists practiced some self-censorship. Attacks on journalists and efforts to intimidate them by government officials, political party activists, and others increased. The Government limited freedom of assembly, particularly for political opponents, and on occasion, limited freedom of movement. The Government generally permitted a wide variety of human rights groups to conduct their activities, but it brought a number of nongovernmental organizations (NGOs) under intense scrutiny. Violence and discrimination against women remained serious problems. Abuse of children and child prostitution were problems. Societal discrimination against persons with disabilities, indigenous people, and religious minorities was a problem. The Government limited worker rights, especially in the Export Processing Zones (EPZs), and was ineffective in enforcing those workers' rights in place. Some domestic servants, including many children, worked in conditions that resembled servitude and many suffered abuse. Child labor and abuse of child workers remained widespread and were serious problems. Trafficking in women and children for the purpose of prostitution and at times for forced labor remained serious problems. Bangladesh was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

Security forces committed a number of extrajudicial killings. The police; the paramilitary organization, Bangladesh Rifles (BDR); the auxiliary organization, Ansar; and the army used unwarranted lethal force.

According to one human rights organization, 83 persons died as a result of the use of lethal force by the police and other security forces during the year. Fifteen of those deaths occurred during the army-led anti-crime drive "Operation Clean Heart" that began on October 16. An additional 148 deaths occurred in custody, 31 of those following arrest and interrogation by the army during Operation Clean Heart. Government statements regarding these deaths at first asserted that the deceased had died of heart attacks or of drowning while trying to escape. However, on November 18 the Government's Principal Information Officer stated that there had been no deaths in army custody (as of that date the death toll was 36) and on November 24 he alleged that some newspaper reports on deaths related to Operation Clean Heart were baseless.

Jamaluddin Fakir, an Awami League (AL) student activist, died on April 19 as a result of police torture at the Kapsasia police station in the Gazipur district. Human rights organizations concluded that Fakir's death was a result of torture while in police custody. The Government suspended two police officers and investigated the incident. Fakir's mother filed murder charges with a local court after the police station refused to register the case.

On May 9, the Detective Branch (DB) police in Narayanganj arrested four persons, including Badal, suspected in a rape and murder incident. According to Badal's mother, police tortured her son. On May 17, Badal became critically ill and died. A fellow detainee reported that the police blindfolded detainees and tortured them. He said Badal faced the most severe torture, including possibly electric shocks. Police denied having tortured Badal. Badal's mother filed a murder case against the police but withdrew it under threats and pressure.

In early June, BDR personnel killed Mohammed Sohel during an anticrime drive in Dhaka. The BDR claimed that Sohel had died from falling off a roof; others disputed that claim. Human rights organizations asserted that Sohel died from torture.

On October 28, according to a newspaper report, army personnel assaulted Abul Hossain Litu at his poultry farm. According to Litu's wife, army personnel claimed that Litu was a member of the criminal group "Seven Star." When he did not produce firearms as they demanded, they tortured him until he died. After Litu's wife filed murder charges against Major Kabir and his troops, a lower court ordered the police to investigate the charges.

On November 8, army personnel arrested Abu Sufain, a BNP activist, during Operation Clean Heart. According to newspaper reports, Sufain became ill during interrogation on November 9 and died. An inquest report was prepared and an autopsy was performed. Newspapers reported that the inquest report made mention of signs of injury on Sufain's legs and hands. Investigation by a human rights NGO revealed that Abu Sufain died due to torture by army personnel.

In February 2001, after the High Court ruled that all "fatwas" (expert opinions on Islamic law) were illegal (see Section 2.c.), NGOs organized a rally in Dhaka to applaud the ruling. Some Islamic groups blocked roads into the city and tried to disrupt the rally. In the ensuing violence, a policeman was killed. Police arrested leaders of the IOJ a member of the four-party opposition alliance in connection with the killing. In Brahmanbaria some Muslim leaders called a "hartal" (general strikes which were often used by opposition parties and other groups) to demand the reversal of the High Court verdict and the release of the arrested IOJ leaders. Several thousand persons marched in a demonstration that became violent. When police and paramilitary forces opened fire, they killed 6 persons and injured 25 others. During the clash, 15 policemen were also injured. After a mob attacked the police station in retaliation, the police shot and killed three more persons.

According to one human rights organization, 117 persons died in prison and police custody during the year (see Section 1.c.). Moreover, an additional 31 deaths occurred after security forces detained suspects during the army-led anticrime drive "Operation Clean Heart." Most abuses go unpunished, and the resulting climate of impunity remained a serious obstacle to ending abuse and killings. However, in some instances where there was evidence of police culpability for killings, the authorities took action.

On March 14, a district and sessions court in Natore convicted a police subinspector and nine others for the 1994 killing of a youth in custody. The court sentenced the police officer to a 10-year prison term and the others to life in prison.

Violence, often resulting in deaths, was a pervasive element in the country's politics (see Sections 1.c. and 3). Supporters of different political parties, and often supporters of different factions within one party, frequently clashed with each other and with police during rallies and demonstrations. According to human rights organizations, more than 420 persons were killed and nearly 8,741 others were injured in politically motivated violence throughout the year. BNP supporters, often with the connivance and support of the police, violently disrupted opposition party rallies and demonstrations (see Sections 2.b. and 3). However, there were no reports of deaths from violence related to hartals.

On May 2, the police filed charges against Alhaj Maqbul Hossain, former AL M.P. for the Dhanmondi area of Dhaka, Mohammed Sadeq Khan, former Dhaka City Commission ward commissioner, and 11 others for the 1999 murder of Sajal Chowdhury, a BNP activist. On November 23, Khan was denied bail and sent to the Dhaka Central Jail. Hossain and another accused were out on bail. The remaining 10 accused were still at large at year's end.

Between May and October, four newly elected BNP-backed ward commissioners of Dhaka City Corporation were shot and killed by unknown assailants. On October 4, police arrested eight persons for their alleged involvement in the murders.

On June 9, Sadequunnahar Sony, a student of Bangladesh University of Engineering and Technology (BUET), was killed in the crossfire between two factions of the JCD. Sony's death sparked protests from students and teachers, ultimately leading to the closure of BUET and the banning of student politics on campus. After the university reopened in August, student groups protested the ban.

In June 2001, an explosion during a meeting at an AL office in Narayanganj killed 20 and injured over 100 persons. The AL Government accused 27 persons from the BNP and the Freedom Parties in connection with the bombing. Six persons were arrested and subsequently released on bail. In May the son of a woman who was killed in the bombing filed charges against 58 leaders and activists of the AL and Jatiya Party. The accused included local AL leader Khokon Shaha and former AL M.P. Shamim Osman. Most of the others accused have secured bail from the High Court. The Criminal Investigation Department (CID) was investigating the case. In mid-September a commission investigating bombings that took place during the previous administration submitted its report to the government. In its report, the commission blamed Sheikh Hasina and some of her AL party colleagues for six of the seven bomb attacks in the second half of the AL administration (see Section 2.c.).

The trial of the July 2000 killing of eight persons, including six members of the Bangladesh Chhatra League (BCL) was ongoing.

In April 2001, the High Court upheld the 1998 convictions of 12 of the 15 persons sentenced to death for the 1975 murder of then-President Sheikh Mujibur Rahman (father of AL President and former Prime Minister Sheikh Hasina) and 21 of his family members. Of the 12 persons convicted, 4 were in custody. The 11 others, living outside of the country, were convicted in absentia. The appeals process has been stalled because three of the seven-member appellate panel of the Supreme Court have refused to hear the case and two other judges have been recused due to their participation in the hearing at the High Court level. The case could progress if the Government would appoint an ad hoc judge to the appellate division for the purpose of

completing this case; however, by the end of the year, this has not happened.

Four of the eight persons accused of perpetrating the November 1975 killings in jail of four senior AL leaders remained in prison. Their trial began in April 2001. Thirteen others living outside of the country were being tried in absentia (see Section 1.e.). Four of the eight persons originally imprisoned were released on bail in December 2001. The case was still being actively pursued through the courts.

Press reports of vigilante killings by mobs were common. Newspapers on numerous occasions reported that mobs had beaten alleged muggers, sometimes to death. Press editorials and commentaries commented that the increasing mob violence reflected a breakdown of law and order and a popular perception that the criminal justice system did not function.

Violence along the border with India remained a problem. According to press accounts and human rights groups, border violence has claimed several hundred citizen lives during the last 5 years. Domestic human rights NGOs reported that Indian border forces killed as many as 105 citizens during the year.

b. Disappearance

On November 11, police and army personnel arrested Mintoo Ghosh and, according to his mother, took him to an unknown location. Ghosh's mother had not seen him since then. On November 17, she filed a case requesting the officer-in-charge of the Sutrapur police station inform her of Ghosh's whereabouts.

In August 2001, Abu Taher, General Secretary of the AL in Laxmipur, and one other suspect were jailed for the alleged abduction in September 2000 of Nurul Islam, a BNP official. In August charges were filed against 31 persons including Taher, his wife, and two of his sons following the jail cell confession of one of the other suspects. The suspect who confessed said that he and the others accused disposed of Nurul Islam's body in the Meghna River. On October 23, the trial began. Taher's wife, her eldest son, and 17 others accused were still at large. On December 25, it was announced that the court proceedings were likely to be switched to the Divisional Special Trial Tribunal in Chittagong.

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

The Constitution prohibits torture and cruel, inhuman, or degrading punishment; however, police routinely employed physical and psychological torture and other abuse during arrests and interrogations. Torture may consist of threats and beatings, and the use of electric shock. The Government rarely convicted or punished those responsible for torture, and a climate of impunity allowed such police abuses to continue.

On February 28, A.F.M. Bahauddin Nasim, aide to Sheikh Hasina, was arrested. Nasim's lawyers claimed Nasim suffered severe torture while in police and army custody, including having his hands and feet tied, his head covered, and being hung upside down and spun. The police also allegedly beat Nasim on various parts of his body with glass bottles filled with hot water and administered electric shocks. After meeting her husband in prison, Nasim's wife, Dr. Sultana Shamim Chowdhury, told reporters that she saw visible signs of torture on his body. Originally arrested under Section 54, the Government filed numerous charges against Nasim in an effort to keep him jailed as long as possible. On December 30, the High Court declared his detention illegal and ordered his release (see Section 1.d.).

On April 4, two policemen allegedly detained A.T. Shamsuzzaman, owner of a restaurant in the Mohakhali section of Dhaka and assaulted him for his failure to pay extortion. At the Gulshan police station, police kicked and beat him with a baton. Shamsuzzaman told human rights investigators that the policemen took money from him at his restaurant.

On July 24, male and female police officers entered a female student dormitory at Dhaka University (DU), dragged female students out of the dormitories, and beat them. Some of the victims alleged sexual harassment by male police officers. The police detained 18 students overnight. Thirty students were injured in the raid. A one-member judicial commission investigated the incident and found DU administrators and police officers responsible for the incident. The commission report recommended banning teacher participation in politics on campus. On October 13, the inquiry committee formed by DU authorities submitted its report October 13 to the university Vice Chancellor with nine recommendations, including transfer of all officers and employees of the hall and taking action against Zannatul Kanon, the individual who filed the charges, for filing cases against students. Police and BDR personnel conducted raids at DU dormitories several times throughout the year and recovered some weapons. They also arrested some students and outsiders on campus.

On August 21, BNP workers dragged AL leader Chhabi Rani Mondol into the BNP office at Rampal in Bagerhat. They beat her with hammers and clubs on the face, chest, and forehead. Her attackers allegedly took photographs of her nude before throwing her out onto the road. A local BNP chapter expelled four of the persons involved in the incident and dissolved the Rampal unit of the party. Officials were pursuing a case filed by Mondol against 15 persons in the incident. Police arrested 3 of the 15 accused. The Government suspended and then reassigned a police officer for negligence in the case.

During Operation Clean Heart in October, an individual was arrested by the police and taken into custody. Relatives and friends were not permitted to see him. While in custody he was blindfolded and taken to an unknown location. There he was hung upside down and beaten on his hips, buttocks and thighs for an extended amount of time. His interrogators accused him of being an agent of the Indian Government and state enemy and instructed him to leave the country. Interrogators also ordered him to urinate into an electrified bucket. He remained confined in a very small cell for at least 2 more weeks.

Rape of female detainees in police or other official custody has been a problem in the past. While there were no reports of such rapes during the year, it was unclear whether the situation has improved or whether rapes continued and were not being reported.

Police have been known to rape women not in custody, as well. One human rights organization documented seven cases of rape and, during the first 6 months of the year, six cases of attempted rape by law enforcement officials against women not in custody.

In addition, after women reported that they were raped or involved in family disputes, they frequently were detained in "safe custody" (in reality, confined in jail cells) where they endured poor conditions and were sometimes abused and raped (see Section 5). Although the law prohibits women in safe custody from being housed with criminals, in practice, no separate facilities existed. This year the Government began transferring women in safe custody to vagrant homes or NGO-run shelters, where available.

The police often employed excessive, sometimes lethal, force in dealing with opposition demonstrators (see Sections 1.a. and 2.b.).

Police corruption remained a problem, and there were credible reports that police facilitated or were involved in trafficking in women and children (see Section 6.f.). In July the Law Commission, an independent body, recommended amendments to Section 54 to curb police abuse. None of the recommendations had been adopted by the end of the year. Extortion from businesses and individuals by law enforcement personnel and persons with political backing was common, and businessmen on several occasions went on strikes to protest the extortion.

Human rights groups and press reports indicated that vigilantism against women for perceived moral transgressions occurred in rural areas, often under a fatwa (a proclamation from an Islamic leader) (see Section 2.c.), and included punishments such as whipping. One human rights organization recorded 32 such fatwa cases during the year. In these cases, 19 persons were lashed and others faced punishments ranging from physical assault to shunning of families by their communities.

Rejected suitors, angry husbands, or those seeking revenge sometimes threw acid on a woman's face (see Section 5).

Prison conditions were extremely poor and were a contributing factor in some custodial deaths. One human rights organization reported that 148 persons died in custody during the year (see Section 1.a.). Most prisons were overcrowded and lacked adequate facilities. Government figures indicated that the existing prison population of roughly 75,000 was 300 percent of the official prison capacity of approximately 25,000. Prison population figures included 2,000 women and approximately 1,200 children under the age of 16. Of the entire prison population, approximately 25 percent of those detained had been convicted and 71 percent were being tried or awaiting trial. In some cases, cells were so crowded that prisoners slept in shifts. At the end of the year the Dhaka Central Jail (DCJ) reportedly housed approximately 11,500 prisoners in a facility with a capacity of just over 2,600. A new prison facility in Kashimpur, north of Dhaka, opened in September 2001 although the first phase of construction for it had yet to be completed. Law Minister Moudud Ahmed told the official news agency that the first phase of the construction work for the Kashimpur jail would be completed soon, but did not provide a date for its completion.

There were reports of rampant corruption and irregularities in the prisons. In August the new Inspector General of Prisons found gross irregularities inside DCJ and transferred 17 officials from DCJ to other prisons. According to a newspaper report, a deputy inspector general (DIG) of prisons fled from Chittagong after

receiving death threats because of his investigation of irregularities in the jail there. The DIG had confiscated two truckloads of unauthorized materials, including knives and liquor, intended for notorious criminals incarcerated there.

The treatment of prisoners in the jails was not equal. There were three classes of cells: A, B, and C. Common criminals and low-level political workers generally were held in C cells, which often have dirt floors, no furnishings, and poor quality food. The use of restraining devices on prisoners in these cells was common. Conditions in A and B cells were markedly better; A cells were reserved for prominent prisoners. B cells were considered 'second class' and were reserved for convicted individuals. Those confined to B cells received items like clothing that other detainees and prisoners being tried did not receive.

Juveniles were required by law to be detained separately from adults; however, due to a lack of facilities, in practice many were with adult prisoners.

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

d. Arbitrary Arrest, Detention, or Exile

The Government continued to arrest and to detain persons arbitrarily, as well as to use national security legislation such as the SPA of 1974 to detain citizens without formal charges or specific complaints being filed against them. The Constitution states that each person arrested shall be informed of the grounds for detention, provided access to a lawyer of his choice, brought before a magistrate within 24 hours, and freed unless the magistrate authorizes continued detention. However, the Constitution specifically allows preventive detention, with specified safeguards, outside these requirements. In practice authorities frequently violated these constitutional provisions, even in nonpreventive detention cases. In an April 1999 ruling, a two-judge High Court panel criticized the police force for rampant abuse of detention laws and powers. There has been no change in police methods since that ruling.

Under Section 54 of the Code of Criminal Procedure, individuals may be detained for suspicion of criminal activity without an order from a magistrate or a warrant. Some persons initially detained under Section 54 subsequently were charged with a crime, while others were released without any charge. According to one human rights organization, a total of 755 persons were detained under the SPA during the first 6 months of 2001. Another human rights organization, quoting prison authorities, cited the number of SPA detainees at 655. No data is available for detentions this year; however, on December 23 two benches of the High Court Division of the Supreme Court declared 138 detentions illegal and ordered the release of the detainees. All the detained persons were arrested under Section 54 and were being held under the SPA. The Government frequently used Section 54 to harass and intimidate members of the political opposition and their families. Police sometimes detained opposition activists prior to and during demonstrations without citing any legal authority, holding them until the event was over. Newspapers reported instances of police detaining persons to extract money or for personal vengeance.

Under the SPA, the Government or a district magistrate may order a person detained for 30 days to prevent the commission of an act likely "to prejudice the security of the country." Other offenses subject to the SPA include smuggling, black market activity, or hoarding. The magistrate must inform the detainee of the grounds for detention within 15 days, and the Ministry of Home Affairs must agree with the grounds presented for detention within 30 days or release the detainee. The Government does not have to charge the detainee with a statutory crime. In practice detainees sometimes were held for longer periods. Detainees may appeal their detention, and the Government may grant early release.

An advisory board composed of two persons who have been, or are qualified to be, high court judges and one civil servant are supposed to examine the cases of SPA detainees after 4 months. On June 19, the High Court stated that the Government does not have any right to extend detention and, as such, SPA detainees must be released after 30 days unless the advisory board recommends an extension. The High Court judgment also made mandatory the requirement that authorities inform the court of the grounds for the detention order against the accused within 15 days and, if possible, earlier. On June 24, the Appellate Division of the Supreme Court concurred with the High Court judgment. If the Government adequately defends its detention order, the detainee remains imprisoned; if not, the detainee is released. If the defendant in an SPA case is able to present his case before the High Court in Dhaka, the High Court generally rules in favor of the defendant. However, many defendants either were too poor or, because of strict detention, were unable to obtain legal counsel and thereby moved the case beyond the magistrate level. Magistrates subject to the administrative controls of the Establishment Ministry were less likely to dismiss a case (see Section 1.e.). Detainees were

allowed to consult with lawyers, although usually not until a charge was filed; however, they were not entitled to be represented by a lawyer before an advisory board. Detainees may receive visitors. The Government has held incommunicado prominent prisoners for extended amounts of time.

According to a September 2000 study by a parliamentary subcommittee, 98.8 percent of the 69,010 SPA detainees over a period of 26 years were released on orders from the High Court. The study asserted that SPA cases generally were so weak and vague that the court had no alternative but to grant bail. This situation continued at year's end.

On February 25, police arrested 10 leaders of BCL near the residence of the AL president without warrant or charges. The police filed a case against them under Section 54 and sought a 7-day custody period from the court. The magistrate rejected the custody request and granted bail. The individuals, however, could not be released because the police had requested their continued detention under the SPA. After successfully challenging the detention order, seven of these arrested were released from DCJ on March 27. The remaining were released later, but were rearrested several times.

On March 4, the AL presidium expressed concern over the whereabouts of A.F.M. Bahauddin Nasim, personal assistant to Sheikh Hasina. The presidium stated that Nasim was arrested and accused in a number of criminal cases, was kept incommunicado and was tortured. In an April 3 ruling, the High Court ordered the Government to disclose where and under what authority they were holding Nasim. The Appellate Division of the Supreme Court stayed the order. Nasim faced criminal charges, including sedition and remained in prison. Originally arrested under Section 54, he was charged with smuggling foreign currency. On April 12, he was charged with taking part in the June 2001 armed attack of Khaleda Zia's motorcade. The hearing on the sedition charges began on October 16. On September 17, the High Court ruled against the Government regarding Nasim's petition to have his smuggling charges dismissed. In November the High Court granted him bail on all charges and on December 30 declared his detention illegal and ordered his release (see Section 2.d.).

On March 15, police arrested former State Minister Dr. Mohiuddin Khan Alamgir under Section 54 and later detained him under the SPA. Alamgir was charged in a total of eight cases as of the end of the year ranging from misappropriating grant funding, corruption, and to sedition. On August 3, the High Court declared the SPA detention of Alamgir illegal. In total he had been detained for six months. Alamgir was granted bail on all eight of the alleged offenses while he awaited trial (see Section 2.d.).

On October 20, the army, during Operation Clean Heart, arrested Saber Hossain Chowdhury, political secretary to Sheikh Hasina. He was given 2 days remand and charged under Section 54. On October 24, he was charged in two cases, one in connection with the attack on Khaleda Zia's motorcade in June 2001 and the other for attempted embezzlement. The High Court declared his detention illegal in November and ordered him released from prison. On December 14, the High Court again issued a ruling questioning the legality of Chowdhury's detention.

The Government used Section 54 and the SPA to arrest and detain many other opposition activists, including former M.P.s Haji Selim and Kamal Ahmed Mujumder, as well as AL leader and activist Sayeed Kokon, and former General Secretary of BCL, Ashim Kumar Ukil.

On April 2, Parliament scrapped the Public Safety Act enacted by the AL Government in January 2000. The BNP alleged widespread AL government misuse of the PSA to harass and detain political opponents.

Like the SPA, the PSA allowed police to circumvent normal procedures, which led to arrests based on little or no concrete evidence. A week after the repeal of PSA, Parliament passed the Law and Order Disruption Crimes Speedy Trial Act (STA) to remain in force for 2 years if not extended. It contains a provision for the trial of those accused of certain crimes in special courts from 30 to 60 days after arrest. Unlike the PSA, the STA has a bail provision, but made it mandatory for the court to record the grounds for granting bail. As a safeguard against misuse of the law, it provided punishment for bringing false charges with jail terms from 2 to 5 years. On June 23, in response to a writ filed by Lalmonirhat Bar Association President Matiur Rahman, who was charged under the STA on June 13, the High Court requested the Government to explain why the STA should not be declared unconstitutional. In general there have not been allegations of widespread misuse of the STA.

In November 2001, the police Special Branch detained Shariar Kabir and held him for 2 days before charging him with carrying out seditious acts abroad. On January 20, Kabir was released on bail and a sedition case against him remained pending. On December 8, police arrested Kabir, along with several other AL leaders, under Section 54 following a series of deadly bomb explosions in Mymensingh cinema halls. He was charged with involvement in acts of sabotage and subversion. Kabir was given 30 days' detention on December 12 and charged with antistate activities in another case, involving two foreign journalists associated with British TV and

their local facilitators. On December 15, a High Court ruling questioned the legality of Kabir's SPA detention and directed the Government to pay compensation to Kabir as well as provide him with medical care. Kabir was granted ad interim bail on December 18 in connection with the British TV case, however the Government failed to produce him as ordered by the court and he remained in jail at year's end.

There was a system of bail for criminal offenses that was employed for both violent and nonviolent crimes. However, some provisions of the law precluded the granting of bail. The Women and Children Repression Prevention Act provides special procedures for persons accused of violence against women and children. The law calls for harsher penalties, provides compensation to victims, and requires action against investigating officers for negligence or willful failure in duty.

Some human rights groups expressed concern that the non-bailable period of detention was an effective tool for exacting personal vengeance.

In February, the Government released one Indian and four Burmese nationals from DCJ following a January High Court order to end their illegal detention (see Section 2.d.). The Burmese nationals were arrested in September 1994 under the Foreigners Act for entering the country without valid travel documents and were given jail sentences of a maximum of 5 months. The Indian national arrested under the same law in 1999 was sentenced to a 16-month prison term. The High Court ordered the Government to grant the five's request for political asylum or to transport them to a third country. In April officials of the Ministry of Foreign Affairs decided to repatriate 731 foreigners who had served their jail terms.

In July 2 months after his death, Falu Miah won a compensation suit for his unlawful detention of more than 21 years. Police arrested Falu Miah in connection with a robbery in August 1972. He was never brought before a court during his imprisonment and was not informed of the reason for his detention. The court acquitted him 10 days after his release on bail.

On August 28, Faruk Miah, a victim of mistaken identity, was released from prison in Kishoreganj after 30 months of imprisonment. The police had arrested him in February 2000 in connection with a case in which he was not involved.

In June police arrested an 11-year-old boy and sent him to prison after a detained smuggler named the boy and other members of the boy's family as accomplices. The local chapter of a human rights organization filed a petition with the court to secure the boy's release.

On July 21, a High Court bench issued a ruling against a police officer in Manikganj after newspapers reported that the officer had filed charges against an 18-month-old boy in a case for allegedly taking part in a clash. The High Court ordered the child's acquittal on the charges.

The Government sometimes used serial detentions to prevent the release of political activists.

On March 27, the High Court declared the February 25 SPA detention of three top leaders of Bangladesh Chhatra League-Liaqat Shikder, Nazrul Islam Babu and Rafiqul Islam Kotowal-illegal and ordered their release. They were rearrested at the entrance of the jail and accused in a previously filed murder case. On April 1, the metropolitan sessions judge granted them interim bail but two more cases were filed against them and the police again arrested them. On September 9, in a written statement made by Shikder's mother, she claimed Shikder had become seriously ill due to continuous torture. In September all three were released from jail.

In March 2001, JP Chairman Ershad was detained under the SPA after the court ordered his release upon payment of a fine in a corruption case. He faced numerous other charges at year's end.

On July 15, AL President Sheikh Hasina told reporters that 450,000 of her supporters were implicated in false cases throughout the country since the Government took office in October 2001. Law Minister Moudud Ahmed stated that the AL government had filed 17,000 political cases and harassed about 425,000 opposition activists during its rule between 1996 and 2001, giving as examples the 154 cases the AL government filed against M.P. Sadeq Hossain Kholā and 114 cases filed against M.P. Amanullah Aman. On March 3, Home Minister Altaf Hossain Chowdhury said that since coming to power in October 2001, the Government had released 11,706 persons detained in 960 politically motivated cases filed under the previous Government.

It is difficult to estimate the total number of detentions for political reasons. Many activists were charged for crimes, and many criminals claim to be political activists. Because of crowded court dockets and magistrates who were reluctant to challenge the Government, the judicial system did not deal effectively with criminal

cases that may be political in origin. There was no independent body with the authority and ability to monitor detentions or to prevent, detect, or publicize cases of political harassment. Most such detentions appeared to last for several days or weeks. Defendants in most cases receive bail, but dismissal of wrongful charges or acquittal may take years.

The Constitution does not address exile, but does provide for the right of free movement within the country, foreign travel, emigration, and repatriation. The Government did not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, under a longstanding "temporary" provision of the Constitution, the lower courts remained part of the executive and were subject to its influence. The higher levels of the judiciary displayed a significant degree of independence and often ruled against the Government in criminal, civil, and even politically controversial cases. However, there was corruption within the legal process, especially at lower levels. Corruption within the police force and lack of transparency of police investigations delayed or thwarted justice in many cases.

Victims of police abuse were generally reluctant to file cases against the police, as there was no independent body charged with investigation of criminal allegations against members of the police force. However, a December 2001 ruling of the High Court bench found that police presence during a judicial inquiry of alleged victims of police abuse was illegal.

The court system has two levels: the lower courts and the Supreme Court. Both hear civil and criminal cases. The lower courts consisted of magistrates, who were part of the executive branch of the Government, and session and district judges, who belonged to the judicial branch.

In June 2001, the Supreme Court reaffirmed a 1997 High Court order to separate the judiciary from the executive. The ruling declared which elements of the 1997 order could be implemented without constitutional amendment and ordered the Government to implement those elements within 8 weeks. The AL government did not implement the directive. In August 2001, Ishtiaq Ahmed, law advisor to the caretaker Government, announced that the judiciary would be separated from the executive by promulgating an ordinance and left the job of implementing the ordinance to the next elected Government. The newly elected Government formed a cabinet committee to develop implementation plans. However, the committee has made slow progress, drawing criticism from the Appellate Division of the Supreme Court. The appellate panel has extended the period for implementation of its directives on several occasions at the request of the Government and the latest deadline for implementation is scheduled for January 26, 2003.

The Supreme Court is divided into two sections: the High Court and the Appellate Court. The High Court hears original cases and reviews cases from the lower courts. The Appellate Court has jurisdiction to hear appeals of judgments, decrees, orders, or sentences of the High Court. Rulings of the Appellate Court are binding on all other courts.

Due to the judicial system's million-case backlog, the Ministry of Law initiated a pilot program in the city of Comilla offering Alternative Dispute Resolution (ADR) in some civil cases. Citizens have the opportunity to have their cases mediated by persons with a background in law before filing their cases. According to Government sources, the pilot program, initiated in family courts in 15 districts in 2001, was very successful and popular among citizens. According to the Law, Justice, and Parliamentary Affairs Minister Moudud Ahmed, the program was to be extended to all the remaining 49 district family courts by the end of the year.

Early in the year, the number of judges on the appellate panel of the Supreme Court was raised from five to seven so the appellate panel could split into two benches and more quickly dispose of cases. The Home Ministry formed a special committee to monitor progress of proceedings for more than 100 high-profile cases and provide directives to government agencies to speed up the trials. In one case, the Dhaka Metropolitan Sessions court completed a kidnapping/murder trial in 27 working days.

On October 24, President Iajuddin Ahmed signed an ordinance instituting a "Special Tribunal for Speedy Trial" system that would cover six major criminal offences. The new law deals with crimes including murder, rape, possession of illegal arms, narcotics and explosives, and hoarding. It was signed into law while Parliament was not in session, but was ratified in Parliament November 14 during an opposition walkout. Thirty cases were initially sent to the 'tribunals' for trial. The High Court issued a show cause notice concerning the constitutionality of the law on December 15.

Trials were public. The law provided the accused with the right to be represented by counsel, to review

accusatory material, to call witnesses, and to appeal verdicts. State funded defense attorneys rarely were provided, and there were few legal aid programs to offer financial assistance. There is no mandated provision of counsel for accused indigents, but the Government does appoint lawyers to represent individuals tried in absentia. In rural areas, individuals often did not receive legal representation. In urban areas, legal counsel generally was available if individuals can afford the expense. However, sometimes detainees and suspects in police detention were denied access to legal counsel. Trials conducted under the SPA, the PSA, and the Women and Children Repression Prevention Act were similar to normal trials, but were tried without the lengthy adjournments typical in other cases. Under the provisions of the PSA, STA, and the Women and Children Repression Prevention Act, special tribunals heard cases and issued verdicts. Cases under these laws must be investigated and tried within specific time limits, although the law was unclear as to the disposition of the case if it is not finished before the time limit elapses (see Section 1.d.).

Persons may be tried in absentia, although this rarely occurred. Thirteen of the 21 persons accused in the 1975 "jail killing" case were being tried in absentia and eight of those convicted of killing Sheikh Mujibur Rahman and 21 members of his family were convicted in absentia in 1998 (see Section 1.a.). There is no automatic right to a retrial if a person convicted in absentia later returns. Absent defendants may be represented by state-appointed counsel but may not choose their own attorneys and, if convicted, may not file appeals until they return to the country.

A major problem of the court system was the overwhelming backlog of cases, and trials underway typically are marked by extended continuances while many accused persons remained in prison. These conditions, and the corruption encountered in the judicial process, effectively prevented many persons from obtaining a fair trial.

Transparency International estimated that more than 60 percent of the persons involved in court cases paid bribes to court officials.

In August 2001, Idris Ali was released after serving 5 years in prison in a case of mistaken identity. The High Court ordered his release on three separate occasions, but the orders did not reach the jail authorities. Idris's lawyer stated publicly that only bribery ensured proper processing of documents in court. Because of the difficulty in accessing the courts and because litigation is time consuming, alternative dispute resolution by traditional village leaders, which is regarded by some persons to be more transparent and swift, was popular in rural communities. However, these mechanisms were also subject to abuse.

The Government stated that it holds no political prisoners, but opposition parties and human rights monitors claimed that many opposition activists were arrested and convicted with criminal charges as a pretext for their political activities. Soon after assuming power in mid-July 2001, the CG formed a judicial commission to review cases of political prisoners and detentions under the SPA. The commission recommended that some cases be brought to trial and others dismissed. In December 2001, the new Government formed its own judicial commission to look into political cases. On March 4, Home Minister Altaf Hossain Chowdhury said the Government had released 11,706 persons in politically motivated cases. In April the PSA Repeal Law became law and gave the Government authority to determine which cases filed under the SPA law would be withdrawn and which ones would be pursued (see Section 1.d.).

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

The law requires authorities to obtain a judicial warrant before entering a home; however, according to human rights monitors, police rarely obtained warrants, and officers violating the procedure were not punished. In addition, the SPA permits searches without a warrant.

Security forces raided the residence of a top AL leader, Amir Hossain Amu, three times between May and December. According to AL sources, security forces ransacked Amu's house and verbally abused his wife under the pretext of searching for illegal firearms.

On June 21, police in the Pakundia section of Kishoreganj district raided the home of an AL supporter, Abdul Malek, without warrant. The police harassed the occupants of the house, including Abdul Malek's wife, and reportedly tried to remove her clothes. The police allegedly told Malek's family that they would go if the family paid them money. A human rights organization reported that the authorities took no action against the police officers involved.

During the year, the police and the BDR conducted raids on the houses of political activists and alleged criminals without warrants during frequent anticrime drives. On May 29, BDR personnel broke into the house of a BNP leader and gas line contractor Nurul Haq and started beating him. Haq was rescued by the intervention of local police.

The Government periodically forcibly resettled persons. In March a High Court bench stayed, for 3 months, a Ministry of Housing and Public Works order to dismantle slums in the Amtali section of Dhaka and ordered the Government to explain why it should not be directed to resettle the slum residents.

In September 2001, 70 prostitutes tried to re-enter the vacant Tanbazar brothel and police resisted. Some women were injured, three of whom were hospitalized.

The Government sometimes punished family members for the alleged crimes of others. In May in Dhaka, having failed to arrest two alleged criminals, police arrested 12 of their relatives and detained them under the SPA, including the 60-year-old father and 53-year-old mother of one of the alleged criminals.

The police Special Branch, National Security Intelligence, and the Directorate General of Forces Intelligence (DGFI) employed informers to report on citizens perceived to be political opponents of the Government and to conduct surveillance of them. Political leaders, human rights activists, foreign NGOs, and journalists reported occasional harassment by these security organizations. In addition, foreign missionaries reported that internal security forces and others closely monitored their activities; however, no missionaries reported other harassment during the year.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech, expression, and the press, subject to "reasonable restrictions" in the interest of security, friendly relations with foreign states, public order, decency and morality, or to prohibit defamation or incitement to an offense; however, there were numerous examples of the Government limiting these rights in practice. Some government leaders encouraged violence against journalists by ruling party members.

As in past years, journalists pressed for repeal of the Official Secrets Act of 1923. According to the act, a citizen must prove why he or she needs information before the Government will provide it. The act protected corrupt government officials from public scrutiny and hindered transparency and accountability of the Government at all levels.

The hundreds of daily and weekly publications provided a forum for a wide range of views. While some publications supported the overall policies of the Government, most newspapers reported critically on government policies and activities. In addition to an official government-owned wire service, there was one private wire service affiliated with overseas ownership.

Despite this proliferation of news articles, Reporters Without Borders (RSF), in their first publication of a worldwide index of countries according to their respect for press freedom, ranked the country 118 out of 139, stating that, "armed rebel movements, militias or political parties constantly endanger the lives of journalists. The state fails to do all it could to protect them and fight the immunity very often enjoyed by those responsible for such violence."

Newspaper ownership and content were not subject to direct government restriction. However, the Government influenced journalists through financial means such as government advertising and allocations of newsprint imported at favorable tariff rates. The Government stated that it considered circulation of the newspapers, compliance with wage board standards, objectivity in reporting, coverage of development activities, and "attitude towards the spirit of Bangladesh's War of Liberation" as factors in allocating advertising. In the past, commercial firms often were reluctant to advertise in newspapers critical of the Government; however, this appeared to no longer be the case.

The Government owned and controlled virtually all radio and television stations with the exception of a few privately owned cable stations, such as Ekushey Television (ETV), ATN Bangla, and private broadcaster Radio Metrowave.

On August 29, the Supreme Court, responding to a petition by two pro-BNP educators and a journalist, ordered ETV, the only full-fledged broadcast television station in the private sector, to be closed down. This was based on alleged irregularities in its license. No appeals are possible from this court. Petitions were filed, however, concerning the shutting down of ETV's transmission and seizure of its equipment. These petitions were rejected by the High Court on September 16.

The activities of the Prime Minister occupied the bulk of prime time news bulletins on both television and radio, followed by the activities of members of the Cabinet. Opposition party news received little coverage. As a condition of operation, both private stations were required to broadcast for free government news programs and national addresses by both the Prime Minister and the President. In July 2001, Parliament approved two bills granting autonomy to state-run Bangladesh Television (BTV) and Bangladesh Betar (Bangladesh Radio). Passage of these laws has not ensured real autonomy for them and the Government has not implemented the laws. Government intrusion into the selection of news remained a pervasive problem. Many journalists at private stations exercised self-censorship as well.

Journalists and others were subject to incarceration when private parties filed criminal libel proceedings against them. Ruling party M.P.s filed separate criminal libel suits against several newspapers after articles were published that the politicians viewed as false and defamatory. The journalists in all cases received anticipatory bail from the courts, and none of the cases moved to trial. Sedition charges remained pending, and those persons accused remained on bail.

While some journalists were critical, most practiced some degree of self-censorship. Many journalists cited fear of possible harassment, retaliation, or physical harm as a reason to avoid sensitive stories. Government leaders, political party activists, and others frequently launched violent attacks on journalists and newspapers, and violent physical attacks against journalists occurred during the year. Political parties and persons acting on their behalf conducted attacks both on media offices and on individual journalists targeted as a consequence of their news reporting. These crimes largely remained unsolved and the perpetrators, often identified by name or party affiliation in press reports, were not held accountable in many cases. Attacks by political activists on journalists also were common during times of political street violence, and some journalists were injured in police actions.

In March the management of the government-run wire service Bangladesh Sangbad Sangsiha (BSS) fired 20 journalists. Observers believe the journalists were fired because of their alleged allegiance to the AL. Colleagues of the journalists protested management's action and were in turn threatened with disciplinary action. BSS management hired 22 journalists who reportedly were sympathetic to the BNP.

On May 20, Matiur Rahman Chowdhury, editor of Manavzamin and stringer for the Voice of America (VOA) Bangla Service, was sentenced to 6 months in jail for publishing a recorded conversation between former president Hussain Muhammad Ershad and a judge of the High Court Division of the Supreme Court. Chowdhury appealed the verdict and the sentence has been stayed.

According to RSF during the year, 244 journalists faced repression, compared to 162 in 2001, and 126 in 2000. They also reported that during the year, 3 journalists were killed, 102 injured, 39 attacked, 30 arrested, and 147 threatened. On June 18, RSF stated that in the 8 months since the Government's assumption of power, "as many as 145 journalists were assaulted or threatened with death, 1 was murdered, 4 detained by the authorities, and 16 press clubs or newsrooms attacked." The figures reported by RSF were not independently verified and the Government protested the characterization portrayed in the statement.

On June 21, police and security personnel used sticks to assault journalists who converged at the residence of the President to gather news after President Professor A.Q.M. Badruddoza Chowdhury resigned. The officials dragged women journalists by their hair and kicked several photojournalists. They did not allow the journalists to speak with Chowdhury. When Chowdhury's son, a BNP M.P., told the police that his father would like to speak with the press, the security men declared that they had been instructed by higher authorities not to allow the journalists to speak with the outgoing President.

On July 2, armed BNP activists assaulted Monirul Haidar Iqbal, the Mongla correspondent of Dhaka's largest circulation Bangla- language daily, Jugantor. According to a complaint filed by Iqbal, the BNP activists assaulted him because of his stories on the illegal occupation of shrimp fields by supporters of the ruling coalition. Iqbal lodged a formal complaint with the police.

On July 5, members of a faction of the outlawed BCP allegedly kidnaped Shukur Ali, a reporter with Anirban, a Khulna daily newspaper. He remained missing and five BCP members have been charged in the case.

On July 5, the Government cancelled the publishing license of a Bangla language daily Dainik Uttarbanga Barta, published in Natore. The government action followed the publication of a March 26 article that referred to the current Prime Minister Begum Khaleda Zia as leader of the opposition and to former Prime Minister Sheikh Hasina as the prime minister. The managing editor of the newspaper, who was also a local AL leader, apologized for what he claimed was an error due to incorrect data processing and a correction was published the following day. The newspaper management said that they would appeal against the Government's decision.

On July 13, a caller identifying himself as the son of Parliament's Chief Whip Khondokar Delwar Hossain made death threats against Arifu Rahman, a staff correspondent of Dhaka's Bangla-language daily Prothom Alo. Rahman lodged a formal complaint with the police.

On July 22, the Bangla-language daily Janakantha accused the Government of trying to suppress its reporting. The statement noted that soon after coming to office, the Government stopped placing advertisements in Janakantha. It then threatened to file a treason case against the daily for publishing a report about transfers in the police.

On September 7, JCD activists reportedly attacked a public pro-ETV meeting. The activists reportedly ransacked the podium and assaulted the organizers of the meeting. Ten persons were injured in the attack, two critically, including a correspondent of a Dhaka-based Bangla-language daily and a cultural activist belonging to the Sheikh Mujib Cultural Alliance. Seven pro-BNP student activists were suspended from the party for their role in the attack. Ten individuals accused of participating in the incident were granted anticipatory bail on September 11.

On November 25 police arrested two foreign journalists associated with British Television, Zeba Naz Malik and Leopold Bruno Sorentino, while crossing to India at the Benapole border. Two citizens, Moniza Pricila Raj and Meser Ali were taken into custody that same day in connection with the case. Ali was released after providing a witness statement in the Chief Metropolitan Magistrate's Court. Police confiscated videocassettes and U.S. currency from Raj when she was taken into custody. The three, plus Selim Samad, a freelance journalist, were charged with sedition and the three in custody were placed on 5-day remand on November 26. Sumi Khan, a journalist of the weekly Shaptahik 2000, was also arrested in Chittagong in connection with the incident. Khan was released on November 29 after 10 hours detention. In a press briefing on December 1, the Government's Principal Information Officer, Khondker Mairul Alam stated that the two foreigners were held as NGO activists for their suspected involvement in "subversive" and "anti-state acts." The two foreign journalists were deported on December 11 after issuing statements expressing their regret for the incident.

Raj was granted ad interim bail on December 18, but remained in prison until December 22. Samad was granted bail on December 23 and the order sent via special messenger to ensure the delay in release that occurred with Raj was not repeated. Samad, however, was placed on 1-month detention under the SPA before the bail order was received at the jail. On December 31, the High Court issued a ruling questioning the legality of Samad's detention.

On December 7, Reuters released an article with a quote attributed to the Home Minister that stated the Mymensingh bombing attacks could be the work of Osama bin Laden's al-Qa'ida network and that he had ordered a national security alert. The Home Minister denied making the statement and Reuters retracted the story. On December 13, police arrested Enamul Haque Chowdhury, a stringer for Reuters, as the author of the article and searched the Reuters office in Dhaka. He remained in jail at year's end.

Political activists frequently attacked journalists. In January 2001, political activists, reportedly with the support and backing of AL M.P. Joyanal Hazari, beat and stabbed the United News of Bangladesh's (UNB) correspondent in Feni, Tipu Sultan. Opponents of the AL blamed a pro-AL student front and AL activists for the attack. The AL Government donated \$2,000 (Taka 100,000) for the injured journalist's treatment. The journalist initiated legal proceedings without any result to date. The case was under reinvestigation. The Committee to Protect Journalists (CPJ) cited Sultan for his exposure of official corruption, which resulted in his being assaulted.

In November 2001, the Government stopped buying advertising space in the popular Bangla language daily Janakantha following reports by the newspaper of alleged atrocities committed against minority community and activists of the AL.

Feminist author Taslima Nasreen remained abroad after being freed on bond while criminal charges were still pending against her for insulting religious beliefs of the country's Muslims. On May 26, the Government banned her latest book, Utal Hawa (Wild Wind). Utal Hawa is a sequel to her earlier novel, Amar Meyebela (My Girlhood), published in 1999, which was also banned in the country for being anti-Islamic. On October 13 a court sentenced Nasreen, in absentia, to one year in jail for her "derogatory remarks about Islam" in a case filed by a local Jamaat-e-Islami leader November 1999.

A government Film Censor Board reviewed local and foreign films and may censor or ban them on the grounds of state security, law and order, religious sentiment, obscenity, foreign relations, defamation, or plagiarism. The Board did not ban any locally produced films during the year; however, in April the Film Censor Board obliged a filmmaker to modify a film's dialogue before issuing a certificate for public screening. On December 14, the High Court stayed the screening of the film "Hason Raja" (a mystic philosopher who composed hundreds of

songs) in response to a petition filed by Sadia Chowdhury Porag, a descendent of Hason Raja. In her petition, Porag asserted that the film bears no relationship to the truth, distorting the image of and placing a stigma on the memory of Hason Raja. The court also issued a show cause notice to the Film Censor Board to provide reason why screening of the film should be allowed. The Board banned the screenings of several imported English-language movies for their pornographic content. Video rental libraries provided a wide variety of films to their borrowers, and government efforts to enforce censorship on these rental films were sporadic and ineffectual. The Government did not limit citizens' access to the Internet.

Foreign publications were subject to review and censorship. Censorship most often was used in cases of immodest or obscene photographs, perceived misrepresentation or defamation of Islam, and objectionable comments about national leaders.

The Government banned the April 4 issue of the Far Eastern Economic Review for an article it contained on the rise of pro-Islamic movements in the country. Security services were instructed to closely monitor foreign journalists entering the country on tourist visas.

The Government generally respected academic freedom. Although teachers and students at all levels largely were free to pursue academic assignments, research on extremely sensitive religious and political topics was forbidden.

The situation on public university campuses seriously inhibited the ability of students to receive a university education and of teachers to teach. Armed clashes between student groups of different parties or of different factions within a particular party resulted in prolonged closures of colleges and universities in Dhaka, Chittagong, Sylhet, and Noakhali.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, subject to restrictions in the interest of public order and public health; however, the Government frequently limited this right. Section 144 of the Criminal Procedure Code (CrPC) allows the Government to ban assemblies of more than four persons. According to one human rights organization, the Government imposed 24 such bans during the first 6 months of the year. The Government sometimes used bans to prohibit rallies for security reasons, but many independent observers believed that such explanations usually were a pretext. Supporters of the ruling party frequently will schedule their own rallies at the same venue and time, thus providing the Government a basis for imposing a ban.

On January 9, armed police fired teargas to disperse a peaceful AL sit-in demonstration near the AL central office in Dhaka in protest of a rise in the price of petroleum. Police charged the demonstrators with batons. The AL opted to stage the sit-in after the police refused to allow them to conduct a procession. In the same afternoon, police took similar action to break up another AL rally at Muktangon and picked up 10 AL student activists. Questioned by AL leaders, police replied they were acting on instructions from higher authorities.

On March 25, the Dhaka Metropolitan Police imposed Section 144 at the Osmany Udyan area to foil an AL scheduled hunger strike. The hunger strike was held to protest the passage of a law aimed at removing the portrait of late president Sheikh Mujibur Rahman, revered by AL supporters as the Father of the Nation, from government offices. When leaders and supporters started to gather at Osmany Udyan, defying the ban, police charged with clubs and teargas, assaulting key leaders. They included former Agriculture Minister Motia Chowdhury, the AL President's political secretary Saber Hossain Chowdhury, and noted television actor and politician Asaduzzaman Noor. These persons were detained for about 3 hours.

Violence also was endemic between the student political wings of the major national parties, and between rival factions within the parties.

On January 15, students of Bangladesh Agricultural University in Mymensingh rioted in protest of a reported Government intention to change the name of the university. Approximately 100 students, as well as several teachers, were injured in clashes with the police.

During an August 27 nationwide student strike called by the Progressive Students' Unity (PSU), 12 students were injured in police action on the BUET campus. Escalating demonstrations led to an indefinite closure of the university.

In late 2001, PM Zia, who had suspended the central committee of the BNP student wing, Jatiyabadi Chhatra Dal (JCD) appealed to other political parties to reach a consensus on banning student politics. The AL and some students and teachers opposed the move. On September 9, PM Zia lifted her suspension order on the

JCD central committee and announced the formation of a new convening committee.

Various political parties called numerous hartals during the year. Party activists enforced these strikes through threatened or actual violence against strikebreakers. Those persons who did not join the strike were coerced into observing prohibitions against vehicular transport and normal operation of businesses. Party activists mounted processions during the hartals. Although surveys indicated a majority of citizens were opposed to the use of hartals as a political weapon, all of the major parties continue to use them. In August 2001, leaders of all parties agreed to refrain from calling for hartals, but the agreement did not last, and there was no attempt this year to refrain from hartals. Police rarely interfered with ruling party processions on such occasions and often worked in tandem with ruling party activists to disrupt and to discourage opposition processions.

The Constitution provides for the right of every citizen to form associations, subject to "reasonable restrictions" in the interest of morality or public order, and in general the Government respected this right. Individuals were free to join private groups.

c. Freedom of Religion

The Constitution establishes Islam as the state religion and also stipulates the right—subject to law, public order, and morality—to practice the religion of one's choice; however, the Government generally respected this provision in practice. Although the Government is secular, religion exerts a powerful influence on politics. The Government is sensitive to the Muslim consciousness of the majority of its citizens. It can fail to protect minority groups, contributing to an atmosphere of impunity. Approximately 88 percent of the population is Muslim. Some members of the Hindu, Christian, and Buddhist minorities experienced discrimination by those who regard minorities in general as politically vulnerable.

Religious minorities were disadvantaged in practice in such areas as access to government jobs and political office. Selection boards in the government services often lacked minority group representation.

Religious organizations were not required to register with the Government; however, all NGOs, including religious organizations, were required to register with the NGO Affairs Bureau if they received foreign money for social development projects. The Government has the legal ability to cancel the registration of an NGO or to take other actions such as dissolve the executive committee of the NGO, freeze its bank accounts, or cancel projects. However, such powers rarely were used and did not affect NGOs with religious affiliations.

The Government allowed various religions to establish places of worship, to train clergy, to travel for religious purposes, and to maintain links with co-religionists abroad. The law permitted citizens to proselytize. However, strong social resistance to conversion from Islam means that most missionary efforts by Christian groups were aimed at serving communities that have been Christian for several generations or longer. Foreign missionaries were allowed to work in the country, but their right to proselytize is not protected by the Constitution. Some missionaries faced problems in obtaining visas or renewing visas, which must be renewed annually. Some foreign missionaries reported that internal security forces and others closely monitored their activities; however, no missionaries reported other harassment during the year.

In January 2001, the High Court ruled illegal all fatwas, or expert opinions on Islamic law. Only those Muftis (religious scholars) who have expertise in Islamic law are authorized to declare a fatwa; however, in practice village religious leaders sometimes made declarations on individual cases, calling the declaration a fatwa. Fatwas commonly deal with marriage and divorce, or mete out punishments for perceived moral transgressions. Victims were sometimes lashed or shunned by their communities (see Section 1.c.). While the Court's intention was to end the extrajudicial enforcement of penalties by religious leaders, the 2001 ruling, which generated violent protests, declared all fatwas illegal (see Section 1.a.). Several weeks later, the Appellate Court stayed the High Court's ruling. No date has been set for rehearing the issue.

Many Hindus have been unable to recover landholdings lost because of discrimination in the application of the law, especially the Vested Property Act. Property ownership, particularly among Hindus, has been a contentious issue since partition in 1947. In April 2001 Parliament passed the Vested Property Return Act. This law required the Government to return land that was seized under the now-defunct Vested Property Act; a law that allowed "enemy" (in practice Hindu) lands to be expropriated by the State. The Government was tasked to prepare a list of vested property holdings by October 2001, and claims were to have been filed within 90 days of the publication date. No further claims were to be accepted after that period expired. The Government has yet to publish the list of vested properties.

On November 26, the Parliament passed an amendment to the Vested Property Act allowing the Government unlimited time to return the vested properties. The properties were to remain under the control of Deputy

Commissioners until a tribunal settles ownership. The amendment also gives the Deputy Commissioners the right to lease such properties until they are returned to their owners. The Government claimed that this provision would prevent the properties from being stolen.

Since the October 2001 elections, some newspapers and NGOs, the Bangladesh Hindu Buddhist Christian Unity Council, and the AL have alleged that religious minorities have been targeted for attacks. The Government sometimes has failed to criticize, investigate, and prosecute the perpetrators of attacks by local gang leaders. However, targeted attacks, motivated solely by religious differences, could not be independently verified.

Violence, including killings and injuries, occurred both before and after the October 2001 election. There were reports of harassment of Hindus, including killings, rape, looting, and torture, also was related to post-election violence.

In late November 2001, the High Court ordered the Government to look into and report on attacks on religious minorities, and to demonstrate that it is taking adequate steps to protect minorities. The Government submitted its report later in the year.

According to one human rights organization, during the transition of power from the CG to the newly elected Government in October 2001, BNP supporters raped at least 10 Hindu women in the island district of Bhola and looted several Hindu houses. Incidents of rape and looting were also reported in the southwestern district of Bagerhat. The situation improved after the new government members visited the areas and deployed additional police to troubled locations. In February an AL-backed Crime Against Humanity convention alleged "systematic persecution" of religious minorities and called for the perpetrators of the persecutions to be brought to trial under local and international laws.

In some cases, field investigations by independent human rights organizations into incidents of alleged religious persecution of minority communities found that newspapers exaggerated the stories and inflated common criminal incidents into stories of religious persecution. A BNWLA investigation team found that the June 4 Janakantha report of Jamaat-e-Islami supporters stripping and taking a nude photograph of a 60-year-old Hindu woman could not be substantiated.

In the past, the Ahmadiyas, whom many mainstream Muslims consider heretical, were the target of attacks and harassment. An Ahmadiya mosque in Kushtia which mainstream Muslims captured in 1999 remained under police control for approximately 3 years, preventing Ahmadiyas from worshipping. In August, the Ahmadiyas regained control and starting using the mosque for prayers.

On April 22, unidentified assailants killed Ganojyoti Mohasthobir, a monk at a Buddhist temple and orphanage at Rauzan in Chittagong District. Media reports suggested that the killing might have been related to a land dispute. Home Minister Altaf Hossain Chowdhury and Foreign Minister Morshed Khan visited the temple and assured the public that the incident would be properly investigated and those involved in the killing would be brought to trial. On December 22, police arrested Alich Mohammad alias Mahmud in connection with the case. The case remained under investigation at the end of the reporting period.

On April 28, a criminal gang at Radha Madam Asram in Khagrachhari killed Modon Gopal, a Hindu priest. The criminals also looted gold statues from the temple.

On May 12, 12 unidentified persons broke into Dabua Benubon Bhlar Buddhist Monastery at Beltoli before the monastery occupants and local residents chased them away. Ain-O-Shalish Kendra, a human rights NGO, filed a petition with the High Court asking that the Government be ordered to investigate the incidents and submit its findings to the court. The Government submitted its report to the court in August stating that it had taken action against perpetrators of violence against members of the minority communities wherever such incidents took place. The Government report said investigations revealed that many of the reports were false or exaggerated.

In June 2001, in Baniachar, Gopalganj district, a bomb exploded inside a Catholic church during Sunday mass, killing 10 persons and injuring 20. The army investigated and concluded that the bomb was produced outside of the country. Police detained various persons for questioning, but as of year's end; no progress had been made on the case. A judicial commission, formed by the Government in December 2001 to probe politically motivated bombing incidents during the AL Government period, investigated the Baniachar bombing incident. In mid-September the commission submitted its report to the Government. The commission blamed Sheikh Hasina and some of her AL party colleagues for six of the seven bomb attacks in the second half of the AL administration. Two of the three commission members stated they could not identify the culprit of the bombings.

investigated and dissented, saying that the head of the commission, Judge Abdul Bari Sarkar inserted his personal views in the final report.

In November 2001, unidentified assailants killed Principal Gopal Krishna Muhuri of Nazirhat College in Chittagong. Following the murder, Hindus staged a violent demonstration, protesting that Muhuri was killed because he was a Hindu. Muhuri's family stated that he was unpopular with the Jammal-I-Islami party, as he had refused it and other political parties access to the college's campus. It is unclear whether the murder was religiously motivated. Three teachers at the college were arrested in connection with the murder and have since been granted bail. In July the police also arrested three known criminals on suspicion of their involvement in the killings, all of whom were in jail. On November 14, police filed a case against 12 persons in connection with the killing, including the three teachers, the three persons currently in jail, and an accountant at the college where Muhuri was Principal.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution does not address exile, but does provide for the right of free movement within the country, foreign travel, emigration, and repatriation. In practice, citizens generally were able to move freely within the country and to travel abroad, to emigrate, and to repatriate. There were, however, instances in which the Government restricted these rights.

On December 2, the High Court ordered the return of former State Minister for Planning, Alamgir's passport to allow him to travel abroad for 3 months seeking medical treatment. His passport was confiscated at Zia International Airport as he was departing for Singapore (see Section 1.d.).

On occasion, the movement of major opposition political leaders was restricted, and the Government did little to assist them.

On August 30, BNP activists barricaded a road in southwestern Satkhira district to obstruct a motorcade of AL Leader Sheikh Hasina. BNP activists allegedly threw bricks at the vehicle. Hasina's bodyguards overpowered the demonstrators and her motorcade passed unharmed. AL leaders alleged police inaction during the melee and called a countrywide hartal on September 1 to protest the incident (see Section 1.d.).

The country's passports were invalid for travel to Israel.

Approximately 300,000 Bihari Muslims live in various camps throughout the country; they have been in the camps since 1971 awaiting settlement in Pakistan. Biharis are non-Bengali Muslims who emigrated to what formerly was East Pakistan during the 1947 partition of British India. Most supported Pakistan during the country's 1971 War of Independence. They later declined to accept citizenship and asked to be repatriated to Pakistan. The Government of Pakistan historically has been reluctant to accept the Biharis.

Since 1992 approximately 232,000 Rohingya (Muslims from the northern Burmese state of Arakan) have been repatriated voluntarily to Burma. An additional 22,700 have left the camps and are living among the local citizens. More than 20,800 refugees remained in two camps administered by the Government in cooperation with the U.N. High Commissioner for Refugees (UNHCR). In April 1999, the UNHCR urged the Government to allow any refugees who could not return to Burma to be allowed to work in the country, benefit from local medical programs, and send their children to local schools. The Government refused these requests, insisting that all Rohingya refugees must remain in the camps until their return to Burma. According to Human Rights Watch, there were reports of violence by refugee camp officials against Rohingya. There were also claims of discrimination from the local population towards the Rohingya.

On April 24, in a clash involving refugees, police, and student activists, about 70 persons including 10 Rohingya were injured when student activists of the BNP converged on Kutupalong refugee camp demanding fees from a contractor who was building new sheds.

Despite senior level discussions with the Burmese Government, the two Governments remained unable to accelerate the rate of repatriation.

According to the UNHCR, the Government, and human rights groups, more than 100,000 Rohingya who entered the country since 1991 live in precarious circumstances outside the camps with no formal documentation. The Government effectively denied asylum to the new arrivals by categorizing them as illegal

economic migrants and turned back as many persons as possible at the border. According to UNHCR, which has interviewed some of these migrants, at least some of them were fleeing persecution and were entitled to refugee status. Visits to refugee camps by foreign diplomats revealed that some unregistered persons, many of them having returned illegally after their official repatriation to Burma, live in the camps and share food with relatives who receive rations based on the number of registered members of the camps. On a number of occasions, camp officials have handed some of the unregistered persons over to the police who sent them to prison under the Foreigners' Act.

The law does not include provisions for granting refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally cooperates with the UNHCR and other humanitarian organizations in assisting refugees. The law does not provide for first asylum or resettlement of asylum seekers. However, in practice the Government granted temporary asylum to individual asylum seekers whom the UNHCR interviewed and recognized as refugees on a case-by-case basis. At the request of UNHCR, the Government allowed approximately 125 refugees and asylum seekers, including non-Rohingya Burmese, Somalis, Iranians, and Sri Lankans, to remain in the country pending durable solutions such as voluntary repatriation or resettlement to other countries. The Government rejected asylum petitions from one Indian and four Burmese nationals who were released from prison in February (See Section 1.d.).

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

The country is a multiparty, parliamentary democracy in which elections by secret ballot are held on the basis of universal suffrage. M.P.s are elected at least every 5 years. The Parliament has 300 elected members. Party leaders appoint candidates for elections; many allege that some candidates effectively "purchase" nomination from party leaders with generous campaign contributions or personal "gifts."

Under a 1996 constitutional amendment, general parliamentary elections are presided over by a caretaker government, led by the most recently retired Chief Justice of the Supreme Court. If he cannot or is unwilling, another senior retired justice or other neutral figure presides over the caretaker government. Sheikh Hasina, leader of the AL, was Prime Minister until Parliament's term of office expired in July 2001. At that time, in accordance with the Constitution, a CG was installed to oversee the holding of the elections and to manage the day-to-day operations of the Government until the next Prime Minister took office on October 10, 2001. Domestic and international observers deemed the eighth general election held on October 1, 2001 to be generally free and fair, in spite of sporadic violence and isolated irregularities. The AL president alleged "crude rigging" in the election. However, she eventually was sworn in as an M.P. and was subsequently elected the Leader of the Opposition in Parliament.

The AL, which has 58 members in the 300-seat parliament boycotted parliament from October 2001 until June 24, alleging harassment of party activists and attacks on minority community members by ruling party supporters in different areas of the country.

Violence, including killings and injuries, occurred both before and after the October 2001 election. In September an activist from the AL was killed as he was campaigning. Also in September, two bomb blasts killed at least 8 AL members and injured more than 100 others in the district of Bagerhat during an election rally. In response to the increased violence, the caretaker Government deployed 50,000 troops. In the first 25 days of October, 266 murders and 213 rape cases related to post election violence were recorded around the country. Harassment of Hindus, including killings, rape, looting, and torture, also allegedly was related to post-election violence (see Sections 1.a. and 2.c.).

In July 2000, Parliament passed the "zilla" (district) council law, which provided for indirect election of the district council chairman by an electoral college of elected lower level representatives. The law empowered the Government to appoint these chairmen until the indirect elections can be held to date; the Government has not made such appointments.

In 1991 the Constitution was amended to change the country from a presidential system to a parliamentary system. The changes stipulated that an M.P. who resigned from his party or voted against it in Parliament automatically lost his seat. In practice this provision solidified the control of Parliament by the Government and the Prime Minister. The Prime Minister usually decides on major governmental policies, with little or no involvement by Parliament. Parliament's effectiveness as a deliberative body was undermined further by the country's relatively narrow partisan politics. Political activities were motivated by short-term benefits, often limited to the individual politician. All of the major parties have boycotted Parliament while in the opposition, claiming that they had little opportunity to engage in real debate on legislation and national issues. In August 2001, all of the major parties agreed that they would not boycott Parliament; however, the AL boycotted the first three sessions and part of the fourth session of the current Parliament.

M.P.s rather than the ministers concerned head parliamentary committees, which potentially allowed them to effectively oversee government work. However, most of the parliamentary committees, including standing committees for 37 ministries/divisions, were yet to be formed. The AL has demanded that the ruling party appoint opposition members as chairs of at least 10 of the 48 committees. Of the seventh Parliament's 46 committees, an opposition M.P. chaired only one.

On August 8, 2001 the CG passed the Representation of the People Amendment Ordinance that addressed much-needed election reform issues. The ordinance gave more independence to the Election Commission and law enforcement powers to specify military branches on election day. The Ordinance required political parties to maintain accounts and keep records of campaign contributions and expenses. It also codified rules for election observers, both international and domestic, in polling places. While a limited number of observers had been present in the polling booths during previous elections, there was no legal provision guaranteeing them access. Local NGOs and civil society organizations deployed a large number of observers for the October 2001 elections. The ordinance also contained a provision to expedite the process for adjudicating election fraud cases. At the time of the October 2001 elections, 21 of 22 election fraud cases from the 1996 elections were still pending. Under the new provisions, election fraud cases are tried in the High Court instead of a lower level court. The Election Commission was working on a draft to propose more reforms giving the Commission additional powers to ensure transparency of the election process, but has not made any notable progress.

Parliamentary by-elections in four constituencies were held in January, in a peaceful and generally orderly manner. Voter turnout was lower than normal. The AL also boycotted the April 25 elections to city offices in Dhaka, Khulna, and Rajshahi.

Until April 2001, when the constitutional provision that provided parliamentary participation for women expired, 30 legislative seats were reserved for women appointed by majority vote in Parliament; critics charged that these seats acted far less to empower women than to enhance the ruling party's majority. Women were free to contest any seat in Parliament, and in August 2001, the AL and the BNP agreed in principle to add at least 60 seats, exclusively for women M.P.s to the existing 300 in Parliament. However, neither the BNP nor the AL had taken any steps to introduce this election provision during the period covered by this report.

Seats were not specifically reserved for minority groups, such as tribal people. Members of minority groups held legislative seats. However, minorities were not represented proportionately. Minorities represented approximately 12 percent of the population and they held less than three percent of the Parliamentary seats.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government generally permitted human rights groups to conduct their activities. A wide variety of groups published reports, held press conferences, and issued appeals to the Government with regard to specific cases. While human rights groups were often sharply critical of the Government, they frequently practiced self-censorship, particularly on some politically sensitive cases and subjects. During the year, the Government requested that UNICEF finalize the Birth Registration Act in consultation with women and children's rights groups. In January 2000, Parliament passed the Women and Children Repression Prevention Act.

In June the Government granted registration to the Bangladesh Section of Amnesty International, under the Societies Registration Act. The application was originally filed in October 1990. Registration allows an NGO to receive funding from abroad.

The Government was defensive about international criticism regarding human rights problems. However, the Government was open to dialog with international organizations and foreign diplomatic missions regarding such issues. Despite their election pledge and repeated public announcements, the Government did not take action to enact legislation establishing an independent National Human Rights Commission. The previous government also failed to establish this commission despite repeated promises. The Government also has not taken any visible steps to make good its election pledge of forming an independent anticorruption commission.

The Government has not taken action on its promise to replace the Official Secrets Act with the Right to Information Act. In April, Law Minister Moudud Ahmed said that a Right to Information Bill would be brought to Parliament in 2 months, but no bill was introduced by year's end. Early in the year, the Government took action to bring into effect the decades-old Ombudsman Law, and the Law Minister announced that an ombudsman would be appointed soon; however, by year's end this had not occurred.

The Government pressured some individual human rights advocates, including by filing false allegations against them or by delaying reentry visas for international human rights activists. Missionaries who advocated

for human rights faced similar problems. A few human rights activists reported harassment by the intelligence agencies.

From September through the end of the year the Government drafted a policy report regarding NGO operations inside the country, primarily aimed at restricting political activities by NGOs. Despite several statements of its impending release, the draft policy report had not been completed by year-end.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution states "all citizens are equal before the law and are entitled to equal protection by the law;" however, in practice the Government did not strongly enforce laws aimed at eliminating discrimination. Women, children, minority groups, and persons with disabilities often confronted social and economic disadvantages.

Women

Recent reports indicated that domestic violence was widespread. However, violence against women was difficult to quantify because of unreliable statistics. A report released by the U.N. Fund for Population Activities (UNFPA) in September 2000 asserted that 47 percent of adult women reported physical abuse by their male partner. The Government, the media, and women's rights organizations fostered a growing awareness of the problem of violence against women. Much of the violence against women was related to disputes over dowries. According to the report of a human rights group, there were 190 dowry-related killings during the year. In addition to the killings, 28 women committed suicide, 1 attempted suicide, 90 underwent physical torture, 14 others were victims of acid attacks, at least 1 was divorced by her husband, and 2 were driven out of their husbands' houses following disputes over dowries during the same period.

On May 14, a special tribunal judge in Jessore sentenced a man to death for beating his wife, Kohinoor, to death in January 1997 over a dowry dispute.

On July 1, K.M. Rashid "Jewel" allegedly beat his wife Noorjahan Akhter Bakul following Bakul's family's failure to meet Jewel's demand for dowry. Seriously injured, Bakul was rushed to Dhaka Medical College Hospital where she died.

On July 2, a district court in Kishoreganj sentenced Motiur Rahman to death for beating his wife, Hasne Ara, to death in June 1994 for her family's failure to meet his dowry demand.

In May 2001, the High Court confirmed the death sentence of three policemen convicted of the 1995 rape and killing of a 14-year-old girl.

The law prohibits rape and physical spousal abuse, but it makes no specific provision for spousal rape as a crime. According to one human rights organization, 1,350 women and girls were raped during the year. Prosecution of rapists was uneven. While some rapists received sentences of "life imprisonment" (in practice generally 22½ years), other cases were settled by village arbitration councils, which did not have the authority to prosecute criminals and therefore only levied fines. Many rapes go unreported. In some cases, rape victims committed suicide to escape the psychological aftermath including social stigma. According to an NGO report, 15 rape victims committed suicide in the first 6 months of the year.

According to one women's rights organization, courts sentenced 18 rapists to death and 61 rapists to life terms in prison through mid-August.

In some cases, rural arbitrators punished the rape victim along with or instead of punishing the rapist. On February 26, a union council member raped an indigenous woman at Miahpara near Rajshahi. Village leaders later whipped the rape victim and forced her to pay a fine of approximately \$25 (Taka 1,500).

The Government enacted laws specifically prohibiting certain forms of discrimination against women, including the Dowry Prohibition Act, the Cruelty to Women Law, and the Women and Children Repression Prevention Act (see Section 1.d.). However, enforcement of these laws was weak, especially in rural areas, and the Government seldom prosecuted those cases that were filed. According to Government sources, the Social Welfare Department runs six vagrant homes and one training center for destitute persons, with a total capacity of 2,300. In July there were 1,986 persons, including 1,075 women, in those facilities. In addition, the Women Affairs Department runs six shelters, one each in the six divisional headquarters, for abused women and children.

On May 20, the Department opened a Safe Custody center in Dhaka. The Bangladesh National Women Lawyers' Association (BNWLA) also has two shelters in Dhaka, and a few other NGOs also run smaller facilities to provide shelter to destitute persons and distressed women and children. However, this was insufficient to meet victims' shelter needs; as a result, the Government often held women who filed rape complaints in "safe custody," usually in prison. Safe custody frequently resulted in further abuses against victims, discouraged the filing of complaints by other women, and often continued for extended periods during which women often were unable to gain release (see Section 1.c.).

Human rights groups and press reports indicated that incidents of vigilantism against women—sometimes led by religious leaders—at times occurred, particularly in rural areas. These included punishments such as the whipping of women accused of moral offenses (see Section 2.c.).

Acid attacks were a growing concern. Assaults throw acid in the faces of women and a growing number of men, leaving victims horribly disfigured and often blind. According to the Acid Survivors' Foundation, a local organization that offers assistance to acid attack victims, approximately 300 acid attacks occur each year. Over half of acid attack victims are female. The percentage of male acid attack victims has increased for the past three years.

Even after extensive treatment, victims remained severely scarred, making social reintegration very difficult. The most common motivation for acid throwing attacks against women was revenge by a rejected suitor; land disputes are another leading cause of the acid attacks. Few perpetrators of the acid attacks are prosecuted. Often the perpetrator flings the acid in through an open window during the night, making cases difficult to prove.

According to one human rights organization, 483 persons fell victim to acid attacks during the year, 247 women and 136 men. In the first eight months of the year the BNWLA pursued 26 cases involving acid crimes and three of them were resolved. In one case, the perpetrator was sentenced to death; three other perpetrators were sentenced to life in prison. Of approximately 750 reported assaults with acid between 1998 and 2001, 25 perpetrators were found guilty. Of the 25 guilty verdicts, nine perpetrators were sentenced to death. Sentences are commensurate with the extent of the victim's burns.

In March the Government enacted two laws to control the availability of acid and address acid violence directed towards women. The acid crime control law has failed to have an impact primarily because of lack of awareness of the law among the public and law enforcement personnel and because of its poor application. In 2001 351 persons, mostly women, came under acid attacks and 153 cases were filed. However, the new acid crime control law provides for speedier prosecutions in special tribunals and generally does not allow bail for crimes charged under this law.

There was extensive trafficking in women for the purpose of prostitution within the country and to other countries in Asia, and there were credible reports that police facilitated or were involved in trafficking (see Section 6.f.).

For the most part, women remained in a subordinate position in society, and the Government had not acted effectively to protect their basic freedoms. Literacy rates were approximately 29 percent for women, compared with 52 percent for men. In recent years, female school enrollment had improved. Approximately 50 percent of primary and secondary school students were female. Women often were ignorant of their rights because of continued high illiteracy rates and unequal educational opportunities. Strong social stigmas and lack of means to obtain legal assistance frequently keep women from seeking redress in the courts. Many NGOs operated programs to raise women's awareness of their rights, and to encourage and assist them in exercising those rights. The Government also has expanded its program of incentives for female education by making education free for girls up to grade 12 (approximately age 18) using a stipend system from grades six to 12. By comparison, boys received free education up to grade five. Prime Minister Khaleda Zia inaugurated a stipend program for female students in grades 11 and 12 on August 1 and hinted that the program might be expanded up to a higher level.

Under the Muslim Family Ordinance, female heirs inherit less than male relatives do, and wives have fewer divorce rights than husbands. Men are permitted to have up to four wives, although this right was rarely exercised. Laws provide some protection for women against arbitrary divorce and the taking of additional wives by husbands without the first wife's consent, but the protections generally applied only to registered marriages. Marriages in rural areas sometimes are not registered because of ignorance of the law. Under the law, a Muslim husband is required to pay his ex-wife alimony for only 3 months, but this was not always paid for the required amount of time and not paid at all in some instances.

Employment opportunities have been greater for women than for men in the last decade, largely due to the

growth of the export garment industry in Dhaka and Chittagong. Approximately 80 percent of the 1.4 million garment sector workers were women. Programs extending micro-credit to rural women also have contributed to greater economic power for them. However, women still filled only a small fraction of other wage-earning jobs. According to a Public Administration Reforms Commission report of October 2000, women held only 12 percent of government jobs, and only 2 percent of senior positions. The government policy to include more women in government jobs has had only limited effect. In recent years, approximately 15 percent of all recruits into government service were women. According to a government survey released in May 2001, women made up only 2.1 percent of the workforce in the Home Ministry, which is responsible for police and internal security and 1.77 percent of the workforce in the Ministry of Local Government and Rural Development.

The garment and shrimp processing industries employed the largest proportions of female laborers. Forty-three percent of women worked in the agriculture, fisheries, and livestock sectors, but 70 percent of them were unpaid family laborers. Many women work as manual laborers on construction projects as well; women constitute nearly 25 percent of all manufacturing workers. Women also were found in the electronics, food processing, beverage, and handicraft industries. Pay was generally comparable for men and women performing similar work.

Children

The Government undertook programs in the areas of primary education, health, and nutrition. Many of these efforts were supplemented by local and foreign NGOs. These joint efforts have allowed the country to begin making significant progress in improving health, nutrition, and education; however, slightly more than half of all children were still chronically malnourished.

The Bangladesh Rural Advancement Committee (BRAC), the country's largest NGO, provided primary education to more than 1.2 million children. In cooperation with the Nonformal Education Directorate of the Government and some NGO partners, UNICEF implemented a program to provide education to 350,000 (primarily working) children in urban slum areas around the country.

In addition, the ILO has undertaken education and social welfare programs for more than 50,000 children. The Government made universal primary education between the ages of 6 and 10 years mandatory in 1991, but has not implemented the law fully.

According to Education Ministry statistics, more than 80 percent of children between the ages of 6 and 10 years were enrolled in school. Enrollment of boys and girls was roughly equal. Approximately 70 percent of all children completed grade five. Most schools have two shifts. Most children in grades one and two spend 2½ hours a day in school; children in grades three to five are in school for 4 hours. The Government provided incentives for rural female children between the ages of 12 and 16 years to remain in school. These incentives were effective in increasing the number of girls in school.

Because of widespread poverty, many children were compelled to work at a very young age. This frequently results in abuse of children, mainly through mistreatment by employers during domestic service and may include servitude and prostitution; this labor-related child abuse occurred commonly at all levels of society and throughout the country (see Sections 6.c. and 6.d.). Sometimes children were seriously injured or killed in workplaces (see Section 6.d.). Reports from human rights monitors indicate that child abandonment, kidnapping, and trafficking continued to be serious and widespread problems. There was extensive trafficking of children, primarily to India, Pakistan, and destinations within the country, largely for the purpose of prostitution and forced labor (see Section 6.f.).

According to a report published by the Government news agency BSS on September 5 there were about 400,000 homeless children in the country; as many as 150,000 of whom have no knowledge of their parents.

UNICEF estimated that there are approximately 10,000 child prostitutes in the country; other estimates have been as high as 29,000. Prostitution is legal, but only for those over 18 years of age and with government certification. However, this minimum age requirement commonly is ignored by authorities, and is circumvented easily by false statements of age. Procurers of minors rarely were prosecuted, and large numbers of child prostitutes worked in brothels.

Few facilities existed for children whose parents are incarcerated. According to one NGO, about 1,200 children under 16 years of age were in prisons throughout the country as of September.

According to a children's rights organization, 538 children were abducted during the year. Abductors killed at least two of the children when their guardians failed to meet demands for ransom. In one case, a district court

in Dhaka sentenced an abductor to death. According to this organization, nearly 1,500 children suffered unnatural deaths during the year.

Persons with Disabilities

The law provides for equal treatment and freedom from discrimination for persons with disabilities; however, in practice, persons with disabilities faced social and economic discrimination. The Bangladesh Persons with Disability Welfare Act of 2001 provides for equal rights for disabled persons. The act focuses on prevention of disability, treatment, education, rehabilitation and employment, transport accessibility and advocacy. Government facilities for treating persons with mental handicaps were inadequate.

According to the National Forum of Organizations Working With the Disabled, an umbrella organization consisting of more than 80 NGOs working in various fields of disability, approximately 14 percent of the country's population had some form of disability. The economic condition of most families limited their ability to assist with the special needs of a person with disabilities, and superstition and fear of persons with disabilities in society sometimes resulted in their isolation.

However, there have been a number of private initiatives in the areas of medical and vocational rehabilitation, as well as employment of persons with disabilities. The Center for Rehabilitation of the Paralyzed, a privately-funded facility, provided both in-patient and out-patient medical services for both children and adults with various physical disabilities, and an educational facility for training professionals specializing in treating persons with disabilities. It ran a model village to enable the disabled to adjust to village life before reintegration, helped to integrate residents back into society and provided vocational training, micro-credits, and employment generation opportunities. The Center also offered advocacy, networking, and accident prevention programs. In addition, The Center was also involved with a 3-year research project to develop policies to ensure a safe and healthy workplace environment in the country. It focused on identification of high-risk work sites, developing a database for work-related injuries, and developing a network of spinal cord lesion management service providers. Some employers, both in the private for-profit and nonprofit sectors, have hired individuals with hearing impairments and physical disabilities for professional and nonprofessional positions, including as clerical workers, therapists, trainers, and computer-aided design operators.

Indigenous People

Tribal people have had a marginal ability to influence decisions concerning the use of their lands. The 1997 Chittagong Hill Tracts (CHT) Peace Accord ended 25 years of insurgency in the CHT, although law and order problems continued. The Land Commission that is to deal with land disputes between tribal individuals and Bengali settlers did not function effectively in addressing critical land disputes. Tribal leaders also expressed disappointment at the lack of progress in providing assistance to tribals who left the area during the insurgency.

Until 1985 the Government regularly allotted land in the CHT to non-tribal Bangladeshi settlers, including land that was claimed by indigenous people under traditional concepts of land ownership. This led to the displacement of many tribal groups, such as the Chakmas and Mamas. Bangladeshi inhabitants in the CHT increased from 3 percent of the region's population in 1947 to approximately 50 percent of the area's 1 million persons in 1997. The Shanti-Bahini, a tribal group, waged a low-level conflict in the CHT from the early 1970s until the signing of the CHT Peace Accord with the Government in December 1997. During the periods of violence, all of those involved, including indigenous tribes, settlers, and security forces, accused each other of human rights violations. Such accusations continue to this day.

The terms of the 1997 pact provided for a strong local Government, consisting of mostly tribal representatives; reduction of the military presence in the CHT region; and a substantial compensation package for displaced tribal families. Under the pact, the Government established a Land Commission to deal with land disputes between Bangladeshis and tribals. According to the Peace Accord, the Commission's verdict was to be final and appeal would not be possible; however, until July 2001 there was no legal basis for the Commission. Moreover, tribal leaders continued to express disappointment in the lack of progress in providing assistance to tribals who left the area during the insurgency. Shantu Lama, the former insurgent leader, held talks with the Prime Minister in April and with the Law Minister in July to discuss implementation of the Peace Accord, setting up of district courts in the three hill districts, and ways to improve law and order.

Extortion and kidnaping for ransom were rampant in the CHT. On January 19, alleged members of United People's Democratic Front (UPDF) abducted three persons in Matiranga in the sub-district of Khagrachhari. On February 13 armed youths kidnaped 10 businessmen. A committee formed by the local administration negotiated the release of eight victims on February 21. On February 13, the kidnapers of two businessmen who were abducted from Naniarchar received a ransom payment and released their victims. On July 19,

alleged UPDF members kidnaped two jeep drivers from near Tarabunia Bridge in Rangamati and demanded ransom. On August 3, masked men said to be from a rival tribal group kidnaped six tribal persons, shooting and killing them on the bank of the Shongu River in Bandarban district.

In February 2001, three foreign engineers were abducted at gunpoint from a road in Rangamati District in the CHT. After their release in March of 2001 one of the hostages told a newspaper reporter that one of his abductors had confided that the motive was not political but rather, they wanted money for the benefit of Chakma people. Donor-assisted development activities in the CHT came to a halt following this incident.

Beginning June 1, a mission comprising government representatives and donor agencies under the coordination of the United National Development Program (UNDP) carried out an 11-day assessment of the CHT security situation and the possibility of renewed development assistance. In its report, the mission said kidnappings and extortion of development workers had continued, mostly due to regional party conflicts and extortion rackets. The mission report further stated that the security situation throughout most of the region was good enough to resume development assistance. However, tribal and non-tribal differences, unresolved issues relating to land, elections, and the law and order situation all continued to create tension and the potential for conflicts.

In June 2001, an alleged tribal member killed a Bangladeshi truck driver in Khagrachhari District in the CHT. Bangladeshis formed a procession to protest the killing and to demand action against those responsible. A bomb exploded during the procession. Clashes between Bangladeshis and tribals ensued, injuring 18 persons, including 1 policeman. Bangladeshis later set fire to more than 100 houses belonging to tribals. The Government imposed provisions of Section 144 of the Penal Code, which permitted arrest for unlawful assemblies that threatened public safety. Police arrested 6 tribals in connection with the murder of the truck driver, and 15 others for arson.

According to one human rights organization, in August 2000, some Bangladeshis allegedly killed Alfred Soren, a leader of the Santal tribe over a land dispute. Although ninety-one persons were accused of involvement in the attack, four were arrested. In February 2001, the Government paid approximately \$926 (Taka 50,000) in compensation to Soren's family and approximately \$185 (Taka 10,000) to each of the families of nine injured persons.

Tribal people in other areas have also reported problems of loss of land to Bengali Muslims. The Garos of the Modhupur forest region continued to face problems in maintaining their cultural traditions and livelihoods in the face of deforestation and encroachment. The pressure on the Garo community had resulted in greater migration to urban areas and to the Indian state of Meghalaya, threatening the existence of 16,000 persons.

On Easter Sunday 2001, the Forestry Department inaugurated an eco-park on the lands inhabited by the predominantly Christian Khasi tribals in Moulvibazar. Although indigenous Khasis had lived on these lands for generations, the Government did not recognize their ownership. The Government claimed ownership and stated that the Khasis were occupying the land illegally. The Government did not undertake any activities to implement the eco-park project this year, but the project has not been officially cancelled.

On July 21, Forest Department officials evicted the Khasi members living in a village in Moulvibazar. On July 26, Forest Department guards shot and killed a Khasi member, Abinash, and injured 10 others in an attempt to evict the Khasis after they had returned to the village. Two Forest Department guards sustained arrow wounds. At year's end, police did not arrest anyone in connection with the killing.

In April 2001, in a clash over land between Khasi and Bengalis in Moulavibazar, 1 person died and 10 were injured. Later in 2001 a group of 50 to 60 Bengalis led by a former union council member attacked a Khasi village. Fifty persons, mostly Khasi, were injured in the attack.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right to join unions and—with Government approval—the right to form a union; however the Government did not always respect this right in practice. The total work force was approximately 58 million persons, of whom 1.8 million belonged to unions, most of which were affiliated with political parties. There were no reliable labor statistics for the large informal sector, in which the vast majority (75 to 80 percent) of citizens worked.

A workplace requires 30 percent union participation for union registration. Moreover, would-be unionists

technically were forbidden to engage in many activities prior to registration, and legally are not protected from employer retaliation during this period. Labor activists have protested that this requirement severely restricted workers' freedom to organize, particularly in small enterprises and the private sector, and the International Labor Organization (ILO) has requested the Government to amend the 30 percent provision. The ILO also had requested that the Government amend provisions that bar registration of a union composed of workers from different workplaces owned by different employers. An estimated 15 percent of the approximately 5,450 labor unions were affiliated with 25 officially registered National Trade Union (NTU) centers. There were also several unregistered NTUs.

Railway, postal, telegraph, and telephone department workers may join unions; other civil servants, police, and military personnel were forbidden to join unions in large part because of the highly political nature of those unions. Many civil servants who were forbidden to join unions, such as teachers and nurses, formed associations that performed functions similar to labor unions, such as providing for members' welfare, offering legal services, and airing grievances. Some workers formed unregistered unions, particularly university employees and workers in the construction and transport (both public and private) industries.

In 1999 the ILO Committee of Experts stated that the Government's rejections of several applications for registration by trade unions in the textile, metal, and garment sectors was unjustified. The Ministry of Labor contended that these cases lacked the necessary documentation.

There were no legal restrictions on political activities by labor unions, although the calling of nationwide hartals or transportation blockades by unions was considered a criminal rather than a political act and was forbidden.

Unions were highly politicized, and were strongest in state-owned enterprises and in such institutions as the government-run port in Chittagong. Virtually all the NTU centers were affiliated with political parties. Some unions engaged in intimidation and vandalism. Fighting often was over the control of rackets or extortion payoffs and typically involved knives, guns, and homemade bombs. According to the ICFTU, Iqbal Majumder, the General Secretary of the Workers Trade Union Federation was shot dead on August 2, 2001.

Workers were eligible for membership on their union's executive staff, the size of which is set by law in proportion to the number of union members. The Registrar of Trade Unions may cancel registration of a union with the concurrence of the Labor Court, but no such actions were known to have taken place during the year.

There were provisions in the Industrial Relations Ordinance for the immunity of registered unions or union officers from civil liability. Enforcement of these provisions was uneven. In past illegal work actions, such as transportation blockades, police officers had arrested union members under the SPA or regular criminal codes.

There were no restrictions on affiliation with international labor organizations, and unions and federations maintained a variety of such links. Trade unionists are required to obtain government clearance to travel to ILO meetings, but there were no reports that clearances were denied during the year.

In a November report, the ILO Committee on Freedom of Association reviewed complaints that the president and other members of the Bangladesh Diploma Nurses Association had been harassed and persecuted on trade union activities. According to the ILO, Taposhi Bhattacharjee was suspended from her hospital post because of alleged participation in an illegal October 2001 meeting.

The ILO Committee of Experts Report on ILO Freedom of Association noted certain exclusions from the Industrial Relations Ordinance, restrictions regarding membership in unions and election of union officials, restrictions on activities of public servants' associations, right to organize and bargain collectively in export processing zones, and restrictions on the right to strike.

b. The Right to Organize and Bargain Collectively

Under the Industrial Relations Ordinance, there is considerable leeway for discrimination against union members and organizers by employers. For example, the ordinance allows the arbitrary transfer of workers suspected of union activities or termination with payment of mandatory severance benefits (2 weeks salary). In practice private sector employers usually discouraged any union activity, sometimes working in collaboration with local police.

The Registrar of Trade Unions rules on discrimination complaints. In a number of cases, the Labor Court ordered the reinstatement of workers fired for union activities. However, the Labor Court's overall effectiveness was hampered by a serious case backlog, and in the past there had been allegations that employers had corrupted some of its deliberations.

Collective bargaining by workers is legal on the condition that unions legally registered as collective bargaining agents by the Registrar of Trade Unions represent them. Labor unions were affiliated with the various political parties; therefore, each industry generally had more than one labor union (one or more for each political party). To engage in collective bargaining, each union must nominate representatives to a Collective Bargaining Authority (CBA) committee, which the Registrar of Trade Unions must approve after reviewing the selection process. Collective bargaining occurred on occasion in large private enterprises such as pharmaceuticals, jute, or textiles but because of high unemployment, workers may forgo collective bargaining due to concerns over job security. Collective bargaining in small private enterprises generally did not occur. The International Confederation of Free Trade Unions (ICFTU) had criticized the country for what it viewed as legal impediments that hampered such bargaining.

Public sector workers' pay levels and the National Pay and Wages Commission, whose recommendations were binding and may not be disputed except on the issue of implementation, set other benefits.

The right to strike is not recognized specifically in the law, but strikes were a common form of workers' protest. In addition, political opposition parties used general strikes to pressure the Government to meet political demands. Workers at Chittagong port, the country's major harbor, conducted several work stoppages to protest a proposed new private container port. The process of conducting work stoppages was habitual until the Government designated this sector as essential during the year. Some employees organized in professional associations or unregistered unions also went on strike during the year. Wildcat strikes are illegal but did occur, with varying government responses. Wildcat strikes in the transportation sector were particularly common.

The Essential Services Ordinance of 1958 permitted the Government to bar strikes for 3 months in any sector that it declared essential. During the year, the Government applied this to the Power Development Board, the Dhaka Electric Supply Authority, Chittagong Port, and nine companies in the gas and energy sectors. In the past, the Government had applied this ban to national airline pilots, water supply workers, and shipping employees. The ban may be renewed for 3-month periods. The Government is empowered to prohibit a strike or lockout at any time before or after the strike or lockout begins and to refer the dispute to the Labor Court.

Mechanisms for conciliation, arbitration, and labor court dispute resolution were established under the Industrial Relations Ordinance. Workers have the right to strike in the event of a failure to settle. If the strike lasts 30 days or longer, the Government may prohibit it and refer the dispute to the Labor Court for adjudication, although this has not happened in recent years. The ILO has criticized the provisions of the Industrial Relations Ordinance that require three-quarters of a worker's organization to consent to a strike and that grant the Government authority to prohibit a strike at any time.

The country's five Export Processing Zones (EPZs) were exempt from the application of the Employment of Labor (Standing Orders) Act, the Industrial Relations Ordinance, and the Factories Act. These laws established the freedom of association and the right to bargain collectively, and set forth wage, hour, and occupational safety and health standards. While substitutes for some of the provisions of these laws were implemented through EPZ regulations, which the Bangladesh EPZ Authority is charged with enforcing, professional and industry-based unions are prohibited in the zones. A small number of workers in the EPZs skirted prohibitions on forming unions by setting up associations. The Bangladesh Export Processing Zone Authority (BEPZA) reported that workers selected representatives for workers' welfare committees and dispute resolution tribunals, each intended to provide workers and managers more experience in resolving workplace disputes. In 2000 the Government pledged to apply all sections of the labor law to the EPZs by January 1, 2004.

According to BEPZA there were approximately 44,000 persons employed in EPZs in Dhaka, 76,000 in Chittagong, and 1,400 in other areas. The ILO, in its 2001 report on the application of International Labor Conventions, deplored the lack of progress and discrepancies between legislation and certain ILO Conventions, including freedom of association and collective bargaining. During the year, the ILO Committee of Experts Report noted that there were particular problems with voluntary bargaining in the private sector, a lack of legal protection against acts of interference, and a denial of protection against anti-union discrimination and the right to bargain collectively.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor, including that performed by children; however, the Government did not enforce this prohibition effectively. The Factories Act and Shops and Establishments Act established inspection mechanisms to enforce laws against forced labor; however, these laws were not enforced rigorously, partly because resources for enforcement were scarce. There was no bonded or forced labor in large-scale enterprises; however, numerous domestic servants, including many children worked in

conditions that resembled servitude and many suffered physical abuse, sometimes resulting in death. A local NGO released a study of various forms of violence against domestic workers in 2001. The study found that 7 children were tortured, 3 died from physical torture, 2 were raped, and 19 were otherwise victimized. In the past, the Government has brought criminal charges against employers who abuse domestic servants; however, many impoverished families settled for financial compensation.

In 2000 the ILO noted that certain provisions of the Penal Code, the Special Powers Act, the Industrial Relations Ordinance, and the Control of Employment Ordinance, allowed for the imposition of forced labor as punishment for expressing political views or views opposed to the established political system, as a punishment for various breaches of labor discipline, and as punishment for participating in strikes in a wide range of circumstances. For example, sentences of up to 14 years of forced labor can be imposed for offenses such as "obstruction of transport," a commonly used tactic in strikes. In addition, under the Merchant Shipping Ordinance, seafarers may be forced on board ship to perform their duties. There were no reports of the use of these provisions during the year.

d. Status of Child Labor Practices and Minimum Age for Employment

There is no law that uniformly prohibits the employment of children, and child labor was a serious problem. Some laws prohibit labor by children in certain sectors. The Factories Act bars children under the age of 14 from working in factories. This law also stipulates that children and adolescents are allowed to work only a maximum 5-hour day and only between the hours of 7 a.m. and 7 p.m. The Shops and Establishments Act prohibits the employment of children younger than the age of 12 in commercial workplaces. The Employment of Children Act prohibited the employment of children under the age of 15 in the railways or in goods' handling within ports.

Because of widespread poverty, many children began to work at a very young age. The Government estimated that approximately 6.6 million children between the ages of 5 and 14 years worked. Working children were found in 200 different types of activities, of which 49 were regarded as harmful to children's physical and mental well being. Sometimes children were seriously injured or killed in workplaces.

For example, in October a 12-year old domestic servant was severely beaten and locked in the toilet for taking a spoon of milk without permission. Also in October, a 14-year old girl was taken to the hospital for burns and other injuries following severe beatings by her employer. There were no reports of deaths of children domestic workers although there were some of adult domestic workers. A November 2000 garment factory fire resulted in the death of 10 child workers.

Children often worked alongside other family members in small-scale and subsistence agriculture. Hours usually were long, the pay usually was low, and the conditions were sometimes hazardous. Children drove rickshaws; broke bricks at construction sites; carried fruit, vegetables, and dry goods for shoppers at markets; worked at tea stalls; and worked in the shrimp processing industry as "fry catchers", depot workers, and de-headers. Many children worked in the beedi (hand-rolled cigarette) industry, and children under 18 years old sometimes worked in hazardous circumstances in the leather industry. Children routinely performed domestic work. In the past, the Government brought criminal charges against employers who abused domestic servants. Under the law, every child must attend school through the fifth grade, or the age of 10 years. However, there was no effective mechanism to enforce this provision.

There was virtually no enforcement of child labor law enforcement outside the export garment sector. Penalties for child labor violations were nominal fines ranging from about \$4 to \$10 (Taka 228 to 570). The Ministry of Labor had fewer than 110 inspectors to monitor 180,000 registered factories and establishments. These inspectors were charged with enforcing labor laws pertaining to more than 1.5 million workers. Most child workers were employed in agriculture and other informal sectors, where no government oversight occurred.

The Bangladesh Garment Manufacturers' and Exporters Association (BGMEA) inspects member factories to eliminate child labor in the garment sector. Among the 3,340 garment factories they inspected during the year, the team found 71 member factories employing a total of 155 children. According to the ICFTU, there was a significant reduction of child labor in the garment industry; while 43 percent of exporting factories used child labor in 1995, by 2001, the figure had fallen 5 percent. The BGMEA fined each factory about \$100 (Taka 5,700). Former child employees were also offered a small monthly stipend to help replace their lost income while attending UNICEF-sponsored schools.

In cooperation with the Non-Formal Education Directorate of the Government and some NGO partners, UNICEF implemented a "hard-to-reach" program to provide education to 350,000 (primarily working) children in urban slum areas around the country. Working with the Government, NGOs, and some trade unions, International Program for the Elimination of Child Labor (ILO/IPEC) had 20 action programs, targeting

approximately 6,000 children working in hazardous conditions, designed to ensure that children received an education, rather than removing children from work. The largest ILO project focused on children working in hazardous occupations, ranging from exposure to chemicals and other harmful substances to long tedious working hours. The first phase of the project began in August 2001. Aimed at removing 30,000 children from hazardous occupations and preventing another 15,000 younger siblings from taking their place, the project focused on the beedi industry, the construction sector, leather tanneries, match factories, and the domestic work sector. The ILO has contracted with 24 NGO partners to create child labor monitoring community resource centers. So far, over 18,000 working children are attending non-formal education classes and 2,000 have been mainstreamed to formal schools. 1,681 have been withdrawn from hazardous work while 6 beedi factories have signed memoranda of understanding with the local communities declaring themselves "child labor free."

The Constitution prohibits forced or bonded labor, including that performed by children; however, the Government did not enforce this prohibition effectively.

e. Acceptable Conditions of Work

There was no national minimum wage. Instead, the Wage Commission, which convenes every several years, sets wages and benefits industry by industry, using a range based on skill level. In most cases, private sector employers ignored this wage structure. For example, in the garment industry, many factories did not pay legal minimum wages, and it was common for workers of smaller factories to experience delays in receiving their pay or to receive "trainee" wages well past the maximum 3 months. According to the ICFTU, an international trade union study from February 2001 indicated that 21.7 percent of textile workers in the country earned the minimum wage. Wages in the EPZs were generally higher than outside the zones. The declared minimum monthly wage for a skilled industrial worker was approximately \$63 (Taka 3,400) for a worker in an EPZ and approximately \$49 (Taka 2,650) for a worker outside an EPZ. This was sufficient to provide an individual with a minimal standard of living, but was not sufficient to provide a decent standard of living for a worker and family.

The law sets a standard 48-hour workweek with 1 day off mandated. A 60-hour workweek, inclusive of a maximum 12 hours of overtime, was allowed. The law was enforced poorly in industries such as hosiery and ready-made garments.

The Factories Act nominally sets occupational health and safety standards. The law is comprehensive but largely was ignored by employers. For example, there are many fire safety violations in the garment industry. Many factories were located in structures that were not designed adequately for industrial use, nor for the easy evacuation of large work forces. In November 2000, 48 garment workers, including 10 children, were killed and more than 100 persons were injured when they were unable to escape from a factory fire due to locked exits.

In August 2001, 18 garment workers were trampled to death because an exit gate jammed as they were fleeing a factory after a fire alarm. Workers may resort to legal action for enforcement of the law's provisions, but few cases actually were prosecuted. Enforcement by the Labor Ministry's industrial inspectors was weak, due both to the low number of labor inspectors, and to endemic corruption and inefficiency among inspectors. Due to a high unemployment rate and inadequate enforcement of the laws, workers demanding correction of dangerous working conditions or refusing to participate in perceived dangerous activities risked losing their jobs.

f. Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking was a serious problem. There was extensive trafficking in both women and children, primarily to India, Pakistan, and destinations within the country, mainly for the purpose of prostitution and in some instances for labor servitude. Some children also were trafficked to the Middle East to be used as camel jockeys.

Trafficking in children for immoral or illegal purposes carries the death penalty or life imprisonment. However, few perpetrators were punished. Besides law enforcement agencies, a number of NGOs, including BNWLA, Odhikar, ACD, Ahasania Mission and INCIDIN, recovered and assisted victims of trafficking. In the first six months of the year, law enforcement agencies rescued 103 victims while the BNWLA rescued 25 victims from inside the country and 14 others from outside the country. During this period, 163 alleged traffickers were arrested and detained in prisons. The BNWLA conducted 129 cases related to trafficking in women and children and 23 traffickers were convicted in nine cases resolved in the first half of the year.

The number of persons arrested for trafficking was difficult to obtain as charges against traffickers usually are

for lesser crimes, such as crossing borders without proper documents. A September 6 newspaper report quoting statistics from the Center for Women and Children Studies (CWCS) said only 1 percent of trafficked children and 55 percent of kidnaped children were rescued between January 2000 and June. According to CWCS most trafficked boys were under 10 years of age while most trafficked girls were between 11-16 years old.

The Government developed a set of policies and plans regarding the trafficking issue, and initiated a program across a number of ministries to address the problem. Arrests and prosecutions increased significantly and a major national anti-trafficking prevention campaign was launched to increase awareness of the problem among vulnerable groups. However, government capacity to address this issue remained limited. Government projects included conducting awareness campaigns, research, lobbying, and rescue and rehabilitation programs. While the Government provided support for returning trafficking victims, government-run shelters were generally inadequate and poorly run.

In June 2000, the Government signed a 3-year, approximately \$2 million (Taka 108 million) project with the Norwegian Government aid organization, NORAD, to develop an interministerial infrastructure for addressing the trafficking problem. This project, based in the Department of Women and Children's Affairs, was intended to be the focal point for addressing the prosecution, protection, and prevention activities carried out by the Government. A goal of the project was for the Government to become more involved in arresting and prosecuting traffickers. However, because the Government did not keep records of births and marriages at the village level, it was very difficult for authorities to detect false claims of marriage or family ties. Despite this, there was some prosecution of these cases. Increasing shelter capacity and rehabilitation programs was another feature of the NORAD project.

The exact number of women and children trafficked was unknown; however, human rights monitors estimated that more than 20,000 women and children were trafficked annually from the country for the purpose of prostitution. Most trafficked persons were lured by promises of good jobs or marriage, and some were forced into involuntary servitude outside of the country. Parents sometimes willingly sent their children away to escape poverty. Unwed mothers, orphans, and others outside of the normal family support system were also susceptible. Traffickers living abroad often arrived in a village to "marry" a woman, only to dispose of her upon arrival in the destination country, where women were sold by their new "friends" or "husbands" into bonded labor, menial jobs, or prostitution. Criminal gangs conducted some of the trafficking. The border with India was loosely controlled, especially around Jessore and Benapole, making illegal border crossings easy.

The number of child prostitutes was difficult to determine. Prostitution is legal, but only for persons over 18 years of age with government certification; however, this minimum age requirement commonly was ignored by authorities, and was circumvented easily by false statements of age. Procurers of minors rarely were prosecuted, and large numbers of child prostitutes worked in brothels. Trafficking in women for purposes of prostitution carries a sentence varying from 10 years in prison to the death penalty. Human rights monitors also credibly reported that police and local government officials often ignored trafficking in women and children for prostitution, and were easily bribed to look the other way (see Sections 1.c. and 5).

Children, usually young boys, also were trafficked into the Middle East to work as camel jockeys. It was estimated that there were anywhere from 100 to more than 1,000 underage South Asian camel jockeys working in the United Arab Emirates (UAE) alone; while many come from India and Pakistan, a growing number came from the country. Criminal gangs procured most of the youths. The majority of such children worked with the knowledge of their parents, who received as much as approximately \$200 (Taka 10,000) for their child's labor, although a significant minority simply were kidnaped. The gangs bringing the jockeys earned approximately \$150 (Taka 7,500) per month from the labor of each child. The usual procedure used was to add the children's names to the passport of a Bangladeshi or Indian woman who already has a visa for the Middle East. During the year, police made arrests in several incidents for trafficking in young boys to the Middle East and at year's end these cases were pending before the courts.

There were credible reports that police facilitated trafficking of women and children. When perpetrators were caught trafficking persons across the border, police involvement was low level, consisting primarily of falsifying documents with statements like "passport fraud" rather than "trafficking." The law stipulates a maximum sentence of life imprisonment for persons found guilty of trafficking a child into prostitution.

Many NGOs and community-based organizations are working on the trafficking problem through prevention efforts, research, data collection, documentation, advocacy, awareness creation and networking, crossborder collaboration, legal enforcement, rescue, rehabilitation, reintegration, income generation and low-interest loan programs, vocational training, and legislative reform.

Action Against Trafficking and Sexual Exploitation of Children (ATSEC), a national antitrafficking network,

recently began to implement several antitrafficking activities. These activities included linking NGOs and government entities into a strong partnership, establishing a focal point for moving the national antitrafficking agenda forward, establishing a resource center to disseminate data on the subject, and providing technical support to grassroots organizations. In addition, ATSEC developed culturally sensitive prevention and awareness messages that will reach persons at the community level. The program has developed and tested materials used for a national campaign using all media. This included conducting awareness-raising workshops and meetings at all levels, launching school programs, establishing a mobile campaign throughout the country, and launching an advertising campaign in border areas.

The Association for Community Development conducted a study on trafficking issues and conducted workshops and outreach programs aimed at reaching potential victims of trafficking before they are trafficked. The BNWLA conducted awareness programs aimed at alerting poor persons to the dangers of trafficking through leaflets, stickers, and posters. The BNWLA also provided legal assistance to trafficking victims, and initiated legal action against traffickers. The BNWLA ran a shelter home for trafficked women and children that provided health care, counseling, and training. CWCS monitored trafficking across the country, conducted awareness meetings, and had a pilot project to make police aware of the rights of women and children. Awareness of trafficking is increasing, and the topic received frequent press coverage. Two umbrella organizations of antitrafficking NGOs existed and sought to improve coordination and planning of efforts against the problem.

Over the past year a number of important breakthroughs have been made in the trafficking sector. All of the major actors, including the Government, have come together to develop a common, unified umbrella program. In addition, agencies have developed a proposed plan of action to address the trafficking issue regionally.