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COUNTRY OF ORIGIN INFORMATION REPORT

BANGLADESH

20 AUGUST 2010

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Preface

- i This Country of Origin Information Report (COI Report) has been produced by COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 30 June 2010. The 'Latest News' section contains further brief information on events and reports accessed from 1 July to 19 August 2010. The report was issued on 20 August 2010
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to UKBA as below.

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INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

- xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's country of origin information material. The IAGCI welcomes feedback on UKBA's COI Reports, COI Key Documents and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at <http://www.ociukba.homeoffice.gov.uk>
- xii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at <http://www.ociukba.homeoffice.gov.uk/>

- xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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Latest News

EVENTS IN BANGLADESH FROM 1 JULY TO 19 AUGUST 2010

18 August The Bangladesh Ministry of Home Affairs announced Wednesday [18/08/10] that it will release almost 1,000 prisoners in an effort to resolve the issue of overcrowding throughout the nation's jails. Most Bangladeshi jails currently house three times their designed capacity. Women's facilities are the most affected by the overcrowding, with some facilities accommodating four times the allotted amount.

JURIST Legal News and Research Services, Inc, 18 August 2010

<http://jurist.org/paperchase/2010/08/bangladesh-to-release-1000-inmates-to-relieve-prison-overcrowding.php>

Date accessed 18 August 2010

(See also section 13: Prison conditions)

10 August A court in Bangladesh has sentenced five members of a banned Islamist militant group, Jamaat-ul Mujahideen Bangladesh, to life imprisonment. They were convicted in connection with a series of bombings in the northern district of Bogra in 2005.

BBC News, Bangladesh orders corporal punishment to be stopped, 19 July 2010

<http://www.bbc.co.uk/news/world-south-asia-10929743>

Date accessed 8 August 2010

(See also section 15: Opposition groups and political activists and Annex B)

8 August Ten Ahmadiyyas were injured yesterday when a group of enraged villagers attacked them at Chandtara village of Ghatail upazila yesterday afternoon. The followers of Ahmadiyya Muslim Jama'at Bangladesh came under attack at 2:00pm after inaugurating the construction works of a mosque at Akandapara.

The Daily Star: 10 hurt in attack on Ahmadiyyas, 8 August 2010

<http://www.thedailystar.net/newDesign/news-details.php?nid=149886>

Date accessed 8 August 2010

(See also section 19: Freedom of religion)

3 August Despite having the mandate from the Supreme Court, the government yesterday decided in principle that it would not ban any religion-based political party. The SC in its landmark verdict gave the government the mandate to ban religion-based political parties. ... [The] government would not ban any such party since banning them could make them take up underground politics and create trouble in the country.

The Daily Star: Govt won't ban religion based parties, 3 August 2010

<http://www.thedailystar.net/newDesign/news-details.php?nid=149233>

Date accessed 3 August 2010

(See also section 15: Opposition groups and political activists, section 19: Freedom of religion and Annex B)

2 August The ruling Awami League and 17 other political parties did not submit annual financial statements to the Election Commission, in breach of

the law on registration of political parties. According to the Representation of the People Order, registration of a political party may be cancelled for failing to provide the EC with information for three consecutive years.

The Daily Star: 18 parties miss report deadline, 2 August 2010

<http://www.thedailystar.net/newDesign/news-details.php?nid=149063>

Date accessed 2 August 2010

(See also section 15: Opposition groups and political activists and Annex B)

31 July As many as 29 indigenous communities have lost their “official” indigenous identities as a recent government gazette has not recognised them ... the gazette has listed 27 indigenous communities while experts and leaders of indigenous communities say the number to be nearly 50.

The Daily Star: Most indigenous communities unrecognised, 31 July 2010

<http://www.thedailystar.net/newDesign/news-details.php?nid=148822>

Date accessed 31 July 2010

(See also section 20: Ethnic groups)

23 July The government on Thursday ordered the police to launch special drives against extremists in Pabna and neighbouring remote areas to improve law and order. The directives were given after three policemen were killed allegedly by ultra-left outfit operatives in a remote area at Bera Upazila in Pabna.

The Daily Newspaper, New Age, Govt orders drives against extremists, 23 July 2010

<http://www.newagebd.com/2010/jul/23/front.html#3>

Date accessed 23 July 2010

(See also section 15: Opposition groups and political activists and Annex B)

19 July The High Court in Bangladesh has ordered the government to stop corporal punishment in schools. It comes after a 10-year-old boy, who had allegedly been beaten by his teacher, committed suicide last week.

BBC News, Bangladesh orders corporal punishment to be stopped, 19 July 2010

<http://www.bbc.co.uk/news/world-south-asia-10687875>

Date accessed 19 July 2010

(See also section 24: Children)

16 July Madrasa Education Board has topped the success chart, for the fifth straight year, among the 10 education boards securing a staggering 86.55 percent pass rate in this year's Higher Secondary Certificate (HSC) and equivalent examinations. The average success rate of the board has increased by more than two percentage point this year compared to that of last year.

The Daily Star: Madrasas top success list Fatwa illegal Money-laundering charges pressed, 16 July 2010

<http://www.thedailystar.net/newDesign/news-details.php?nid=146929>

Date accessed 16 July 2010

(See also section 24: Children-Education)

12 July For the first time in the country's history, a court yesterday sent the officer-in-charge and 10 other policemen of Singra Police Station to jail on charge of killing a youth in "crossfire". The Court of the District and Sessions Judge, Natore gave the order six days after a High Court bench slammed the law enforcers for custodial deaths.
The Daily Star: 11 cops sent to jail for 'crossfire' Fatwa illegal Money-laundering charges pressed, 12 July 2010
<http://www.thedailystar.net/newDesign/news-details.php?nid=146375>
 Date accessed 12 July 2010

(See also section 8: Security forces-Extra-judicial killings)

9 July The High Court in a verdict yesterday declared illegal all kinds of extrajudicial punishment including those made in the name of fatwa in local arbitration. The court directed the authorities concerned to take punitive action against the people involved in enforcing fatwa against women. Anyone involved, present or taking part in or assisting any such conviction or execution would come under purview of the offences under the penal code and be subject to punishment, the court observed.
The Daily Star: Fatwa illegal Money-laundering charges pressed, 9 July 2010
<http://www.thedailystar.net/newDesign/news-details.php?nid=146004>
 Date accessed 9 July 2010

(See also section 19: Freedom of religion-Fatwa)

7 July The Anti-Corruption Commission yesterday pressed money-laundering charges against BNP Senior Vice-Chairman Tarique Rahman and his business partner Giasuddin Al Mamun. ACC Assistant Director Mohammad Ibrahim submitted the charge sheet to the Chief Metropolitan Magistrate's Court in Dhaka, accusing the two of laundering Tk 20.41 crore in between 2003 and 2007.
The Daily Star: Money-laundering charges pressed, 7 July 2010
<http://www.thedailystar.net/newDesign/news-details.php?nid=145676>
 Date accessed 7 July 2010

(See also section 18: Corruption)

1 July Sheikh Hasina, on Wednesday told the parliament that a total of 14 journalists were murdered by the criminals during the five-year rule of Bangladesh Nationalist Party-led alliance government between 2001 and 2006. Apart from that, some 384 journalists were repressed by police and the then ruling party or arrested during the period.
The Daily Newspaper, New Age, 14 journalists murdered during BNP-Jaamat rule: Hasina, 1 July 2010
<http://www.newagebd.com/2010/jul/01/front.html#5>
 Date accessed 1 July 2010

(See also section 16: Freedom of speech and media)

1 July Thirty-eight teachers and administrative officials of Bangabandhu Sheikh Mujib Medical University (BSMMU) were suspended temporarily following a review report of the syndicate committee on recruitment and promotion irregularities. ... According to the report, the recruitments of those employees were not done in accordance

with the rules. ... The suspended doctors were recruited during 2001-06 and most of them were pro-BNP doctors.

The Daily Star: BSMMU Recruitment Anomalies, 38 doctors, staff suspended. 1 July 2010

<http://www.thedailystar.net/newDesign/news-details.php?nid=144881>

Date accessed 1 July 2010

(See also section 26: Medical Issues)

1 July Jamaat-e-Islami Ameer Motiur Rahman Nizami, Secretary General Ali Ahsan Mohammad Mojahid, and Nayeab-e-Ameer Delwar Hossain Sayedee were shown arrested yesterday in a slew of cases including four in connection with war crimes. They were also remanded for 16 days each. The move came a day after they had been arrested for failing to appear in a Dhaka court in connection with a case of hurting the religious sentiment of the country's Muslims.

The Daily Star: Jamaat trio linked with glut of cases, 1 July 2010

<http://www.thedailystar.net/newDesign/news-details.php?nid=144880>

Date accessed 1 July 2010

(See also section 4: Recent Developments and section 15: Political Affiliation)

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**REPORTS ON BANGLADESH PUBLISHED OR ACCESSED BETWEEN 1 JULY
AND 19 AUGUST 2010****Amnesty International**

Bangladeshi security forces used excessive force during raid

<http://www.amnesty.org/en/news-and-updates/bangladeshi-security-forces-used-excessive-force-during-raid-2010-07-01>

Published 1 July 2010

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Background information

1. GEOGRAPHY

- 1.01 The People's Republic of Bangladesh is located in south Asia and is bordered almost entirely by India, except for a small frontier in the southeast with **Burma (The Union of Myanmar)** and a coastline along the Bay of Bengal in the south. The capital is Dhaka. (CIA World Factbook, updated 27 November 2009) [62] The country covers an area of approximately 144,000 sq. km. (56,000 sq. miles). (Europa, Country Statistics, accessed 14 December 2009) [1b]
- 1.02 From the administrative point of view, Bangladesh is divided, into 6 Divisions, 64 Districts, 6 City Corporations, 308 Municipalities, 481 Upazillas, 599 Thanas and 4498 Unions. (Ministry of Foreign Affairs website, accessed 14 December 2009). [77a] A particular name might refer to more than one geographical entity; for example, the City of Chittagong is situated in the District of Chittagong, which is in Chittagong Division. The 'Chittagong Hill Tracts' (CHT) area, referred to later in this report, comprises three of the districts within Chittagong Division. (Bangladesh Guide Map 2003) [25]
- 1.03 The Bangladesh Census at a Glance, published on 5 July 2007 by the Bangladesh Bureau of Statistics (BBS), gave the total population of Bangladesh as **130.5 million (statistically adjusted)**. [43b] (p1) The US Bureau of the Census estimated that the population of Bangladesh would reach 156.1 million by July 2009. (CIA World Factbook, updated 27 November 2009) [62] The 2001 census showed that 76.5 per cent of the population resided in rural areas. [43b] (p2) The metropolitan area of Dhaka, in 2001, had a population of 9.7 million; the populations of the other principal cities (as 'statistical metropolitan areas') were as follows in 2001: Chittagong 3.3 million, Khulna 1.2 million, and Rajshahi 0.7 million. (BBS, Census by metropolitan area) [43d] Apart from territories comprising less than 1,200 sq. km in area, Bangladesh is the most densely populated country in the world. (Europa, Statistics, accessed 14 December 2009) [1b] The 2001 census, as summarised in 'Bangladesh Census Results at a Glance' by the Bangladesh Bureau of Statistics, classified 89.6 per cent of the population as Muslim, 9.3 per cent as Hindu, 0.6 per cent as Buddhist and 0.5 per cent as Christian or 'other'. [43b] (p5)
- 1.04 About 95 per cent of the population speak Bengali, the state language, while the remainder mostly use tribal dialects. (Europa, Statistics, accessed 14 December 2009) [1b] *Sylheti*, which is spoken primarily in Sylhet Division in the north-east of the country, is commonly defined as a dialect of Bengali/Bangla, although it is quite different to standard Bengali in its sound system, the way in which its words are formed and in its vocabulary. (Hampshire County Council, accessed 21 April 2009) [110] There are approximately three million indigenous (*Adivasi*) people in Bangladesh, many of whom have their own language or dialect. 11 out of the 45 ethnic groups are concentrated in the Chittagong Hill Tracts, where they are collectively known as the *Jumma* peoples. There are also about 300,000 Urdu-speakers in the country, collectively known as 'Biharis' (see Section 22). (FCO, 6 November 2007) [11k]

PUBLIC HOLIDAYS

1.05 Below are listed Public Holidays for the January 2009 – December 2010 period.

“2009

1 Jan	New Year's Day.
21 Feb	International Mother Language Day.
9 Mar	Eid-e-Milad-un Nabi (Birth of the Prophet).
26 Mar	Independence Day.
14 Apr	Bangla New Year.
1 May	Labor Day.
9 May	Buddha Purnima.
20 Jul	Shab-e Barat (Ascension of the Prophet).
21 Sep	(3 days) Eid al-Fitr (End of Ramadan).
2 Oct	Durga Puja (Dashami).
20 Oct	Shab e-Qadr (Evening of Destiny).
7 Nov	National Revolution Day.
28 Nov	(3 days) Eid ul-Adha (Feast of the Sacrifice).
16 Dec	Victory Day (Bijoy Dibosh).
18 Dec	Islamic New Year.

“2010

1 Jan	New Year's Day.
21 Feb	International Mother Language Day.
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26 Mar	Independence Day.
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1 May	Labor Day.
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2 Oct	Durga Puja (Dashami).
20 Oct	Shab e-Qadr (Evening of Destiny).
2 Oct	(3 days) Eid al-Fitr (End of Ramadan).
7 Nov	National Revolution Day.
17 Nov	(3 days) Eid ul-Adha (Feast of the Sacrifice).
16 Dec	Victory Day (Bijoy Dibosh).
29 Dec	Islamic New Year.

Note:

“(a) Muslim festivals are timed according to local sightings of various phases of the moon and the dates given above are approximations. During the lunar month of Ramadan that precedes Eid al-Fitr, Muslims fast during the day and feast at night and normal business patterns may be interrupted. Many restaurants are closed during the day and there are restrictions on smoking and drinking. Some disruption may continue into Eid al-Fitr itself. Eid al-Fitr and Eid ul-Azha may last anything from two to 10 days, depending on the region. (b) Buddhist festivals are declared according to local astronomical observations and it is not possible to forecast the date of their occurrence exactly.” (iExplore - First Choice Holidays, accessed 17 December 2009) [118]

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MAPS

- 1.06 Map showing the main cities and towns, and the Divisions of Bangladesh. (United Nations Cartographic Section: Map no. 3711 ref.2, dated January 2004; **Sylhet Division omitted on original, added by COIS for completeness**).



Other maps of Bangladesh

The Perry-Castañeda Library, University of Texas, Map Collection has a variety of maps available. <http://lib.utexas.edu/maps/bangladesh.html>

The Asiatic Society of Bangladesh: *Banglapedia*
<http://www.banglapedia.org/httpdocs/Atlas/bangladesh.htm>

2. ECONOMY

- 2.01 The Economist Intelligence Unit, in its Bangladesh Country Profile of 2008 (EIU Country Profile 2008), estimated Gross Domestic Product (GDP) per head in 2007 to have been US\$427, compared with US\$1,033 for India, US\$871 for Pakistan and US\$1,650 for Sri Lanka. [40n] (p24) The EIU Country Profile 2008 quoted another BBS survey as indicating that, by 2005, approximately 40 per cent of the population lived below the poverty line. (The poverty line was here defined as being able to afford to buy food providing a daily intake of 2,122 calories.) [40n] (p19) [43e] Full-year data for fiscal year 2008/09 (July-June) put the budget deficit at 4% of GDP, compared with 6.1% in 2007/08, and the Economist Intelligence Unit is therefore now forecasting smaller deficits in 2009/10 and 2010/11. We expect real GDP growth to slow to 5.7% in 2009/10, from 6% in the previous year. Growth is expected to accelerate to 5.9% in 2010/11. (EIU Country Report, December 2009) [40c]
- 2.02 Agriculture (including fishing) employed more than half of the labour force and contributed 19 per cent of GDP in 2006/2007. Bangladesh is now virtually self-sufficient in food. However, unpredictable weather, including flooding and droughts, regularly undermine production plans and targets, disrupting the economy and necessitating food imports. Bangladesh is the world's largest exporter of jute; other agricultural exports include frozen foods, fish, leather and hides, and tea. By 2006/2007, ready-made garments accounted for over 75 per cent of the country's total export earnings. (EIU Country Profile for 2008) [40n] (p18-26) Despite signs that Bangladesh's main export markets were emerging from recession, in the first quarter of 2009/10 total exports fell by 11.7 per cent year on year. Garment exports, which accounted for 80 per cent of the total, fell by 10 per cent year on year in the three-month period as orders from international retailers remained weak. The recent decline followed healthy export growth in the past five years, during which Bangladesh's garment industry has successfully undercut its Asian competitors. The value of other exports, such as those of frozen food, home textiles, leather and footwear also dropped sharply. (EIU Country Report, December 2009) [40c]
- 2.03 The EIU, in their Country Report of February 2008, recorded that the price of rice, the country's staple food, had nearly doubled since January 2007. Production losses, particularly as a result of the floods of July-August 2007 and the cyclone in November 2007, had led to a severe food shortage in the country. [40i] (p7,11,13) *The Daily Star*, however, reported on 24 March 2009 that rice prices had stabilised; coarse rice varieties, for example, were selling in retail markets at 23-25 Taka (BDT) per kg, compared with 30-33 BDT a year earlier (see currency in paragraph 2.07). [38c] The Food Planning and Monitoring Committee announced in April 2009 that the Government would, between May and September 2009, procure large quantities of certain types of rice at fixed prices to help maintain wholesale market prices at levels viable to farmers. (UNB, 27 April 2009) [39az] On taking office as Prime Minister, on 7 January 2009, Sheikh Hasina said that one of her government's first priorities would be to bring down the prices of essential consumer commodities. (*The Daily Star*, 7 January 2009) [38dk] However, according to the EIU in their Country Report of December 2009, annual food price inflation stood at 5 per cent in September 2009 as sugar and rice prices continued to rise. Consumer prices had risen each month since February 2009. [40c]

- 2.04 The EIU Country Profile 2008 observed, “The importance of remittance inflows to the economy is likely to be far greater than reflected in official data, as large sums of money are thought to enter the country through unofficial channels.” [40n] (p23) According to a BBC News article of 4 June 2009, there were more than six million Bangladeshis working abroad; however, thousands were returning home in 2009 as a result of the global recession and a slowdown in construction work in the Gulf States. [21f]
- 2.05 The EIU Country Report of December 2009 stated:
 “Remittances from the estimated 6m Bangladeshis working overseas grew by 21.2% year on year to US\$3.6bn in the first four months of 2009/10—a slightly slower rate of increase than in the year-earlier period, when remittances surged by 36.5%. Inflows of workers' remittances were particularly strong in October, when they leapt by 41% year on year, to US\$911m. The sharp increase was remarkable given the current weakness of overseas labour markets, but is probably a reflection of the growing popularity of remitting money via official channels and the fact that a proportion of the total amount remitted comes from Bangladeshi communities based abroad permanently. According to the Bureau of Manpower Employment and Training, the number of Bangladeshis finding employment abroad in the first 11 months of 2009 stood at 441,590, only around one-half of the total in the year-earlier period.” [40c]
- 2.06 The unit of currency in Bangladesh is the ‘Taka’ (BDT), which is divided into 100 poisha/paisa. (Europa) [1b] The rate of exchange on 11 June 2010 was £1 sterling = 106.105 Bangladesh taka. (xe.com) [22]

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3. HISTORY (1947 TO 2009)

The section provides a brief history of Bangladesh since independence from the UK in 1947, when it was known as East Pakistan. More detailed information on Bangladesh's recent history can be found on The Federal Research Program of the Library of Congress: [A Country Study: Bangladesh](#) [9a]

PRE-INDEPENDENCE: 1947 – 1971

- 3.01 The International Institute for Strategic Studies (IISS) in its Armed Conflict Database (ACD), undated, accessed on 17 December 2009, reported,

"British rule over India came to an end in 1947, and a predominantly Muslim state comprising East and West Pakistan was established on either side of the country. As a result, the newly created country existed in two geographically separate territories. East Pakistan was the smaller of the two, and friction with the politically dominant West Pakistan was soon evident. East Pakistanis felt exploited by the West Pakistan-dominated central government. The sense of estrangement was compounded by linguistic and ethnic differences between the two. Sentiments for Bengali independence found focus with the creation of the Awami League (AL) in 1949, and the party began to agitate for greater autonomy. An early indication of the coming friction came in 1950 and when the East rejected an attempt by the West to establish Urdu as the national language.

"Tensions came to a head in 1971. One year earlier, a cyclone had devastated East Pakistan and claimed some 500,000 lives. The weak response by the central government in West Pakistan was heavily criticised. Later in 1970, the AL won an election victory in East Pakistan, gaining it a majority in parliament and propelling its leader Sheikh Mujibur Rahman (also known as Mujib) to prominence. Authorities in West Pakistan refused to recognise the results, and rioting took place on the streets of Dhaka. President Yahya Khan's strategy was to arrest Mujib, and to launch a military invasion of East Pakistan on 25 March 1971. The resulting war exacted an immense toll from Bangladeshi's, and casualty estimates range from hundreds of thousands up to three million. Some ten million refugees fled into India to escape the massacres alleged to have been perpetrated by West Pakistani forces.

"India's role in the conflict would prove decisive. Since 1947, India had felt extreme discomfort at the prospect of being flanked by both an East and West Pakistan. For this reason and because of the massive influx of refugees with which it was suddenly forced to cope, India chose in December 1971 to intervene on behalf of East Pakistan. On 16 December West Pakistani forces announced their surrender. Their defeat paved the way for the return from incarceration of Mujib, who became prime minister of the newly founded independent state of Bangladesh, which was to be governed by parliamentary democracy with a constitution. In March the following year, Bangladesh and India signed a treaty of friendship." [116b]

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GOVERNMENT OF SHEIKH MUJIBUR RAHMAN, 1972-75

- 3.02 The US State Department 'Background Note: Bangladesh', updated May 2010, stated that on 16 December 1971: "... Bangladesh - meaning 'Bengal country' - was born; the new country became a parliamentary democracy under a 1972 constitution. The first government... was formed in Dhaka with Justice Abu Sayeed Choudhury as President, and Sheikh Mujibur Rahman ('Mujib')...Prime Minister." The Note continued:

"Mujib came to office with immense personal popularity but had difficulty transforming this popular support into the political strength needed to function as head of government. The new constitution, which came into force in December 1972, created a strong executive prime minister, a largely ceremonial presidency, an independent judiciary, and a unicameral legislature on a modified Westminster model. The 1972 constitution adopted as state policy the Awami League's (AL) four basic principles of nationalism, secularism, socialism, and democracy.

"The first parliamentary elections held under the 1972 constitution were in March 1973, with the Awami League winning a massive majority. No other political party in Bangladesh's early years was able to duplicate or challenge the League's broad-based appeal, membership, or organizational strength. Relying heavily on experienced civil servants and members of the Awami League, the new Bangladesh Government focused on relief, rehabilitation, and reconstruction of the economy and society. Economic conditions remained precarious, however. In December 1974, Mujib decided that continuing economic deterioration and mounting civil disorder required strong measures. After proclaiming a state of emergency, Mujib used his parliamentary majority to win a constitutional amendment limiting the powers of the legislative and judicial branches, establishing an executive presidency, and instituting a one-party system, the Bangladesh Krishak Sramik Awami League (BAKSAL), which all members of Parliament (and senior civil and military officials) were obliged to join.

"Despite some improvement in the economic situation during the first half of 1975, implementation of promised political reforms was slow, and criticism of government policies became increasingly centered on Mujib. In August 1975, Mujib, and most of his family, were assassinated by mid-level army officers. His daughters, Sheikh Hasina and Sheikh Rehana, were out of the country. A new government, headed by former Mujib associate Khandakar Moshtaque, was formed." [2e]

GOVERNMENT OF ZIAUR RAHMAN, 1975-81

- 3.03 "Successive military coups resulted in the emergence of Army Chief of Staff Gen. Ziaur Rahman ('Zia') as strongman. He pledged the army's support to the civilian government headed by President Chief Justice Sayem. Acting at Zia's behest, Sayem dissolved Parliament, promising fresh elections in 1977, and instituted martial law.

"Acting behind the scenes of the Martial Law Administration (MLA), Zia sought to invigorate government policy and administration. While continuing the ban on political parties, he sought to revitalize the demoralized bureaucracy, to

begin new economic development programs, and to emphasize family planning. In November 1976, Zia became Chief Martial Law Administrator (CMLA) and assumed the presidency upon Sayem's retirement 5 months later, promising national elections in 1978.

"As President, Zia announced a 19-point program of economic reform and began dismantling the MLA. Keeping his promise to hold elections, Zia won a 5-year term in June 1978 elections, with 76% of the vote. In November 1978, his government removed the remaining restrictions on political party activities in time for parliamentary elections in February 1979. These elections, which were contested by more than 30 parties, marked the culmination of Zia's transformation of Bangladesh's Government from the MLA to a democratically elected, constitutional one. The AL and the Bangladesh Nationalist Party (BNP), founded by Zia, emerged as the two major parties.

"In May 1981, Zia was assassinated in Chittagong by dissident elements of the military. The attempted coup never spread beyond that city, and the major conspirators were either taken into custody or killed. In accordance with the constitution, Vice President Justice Abdus Sattar was sworn in as acting president. He declared a new national emergency and called for election of a new president within 6 months--an election Sattar won as the BNP's candidate. President Sattar sought to follow the policies of his predecessor and retained essentially the same cabinet, but the army stepped in once again." [2e]

GOVERNMENT OF HUSSAIN MOHAMMED ERSHAD, 1982-90

- 3.04 "Army Chief of Staff Lt. Gen. H.M. Ershad assumed power in a bloodless coup in March 1982. Like his predecessors, Ershad suspended the constitution and--citing pervasive corruption, ineffectual government, and economic mismanagement--declared martial law. The following year, Ershad assumed the presidency, retaining his positions as army chief and CMLA. During most of 1984, Ershad sought the opposition parties' participation in local elections under martial law. The opposition's refusal to participate, however, forced Ershad to abandon these plans. Ershad sought public support for his regime in a national referendum on his leadership in March 1985. He won overwhelmingly, although turnout was small. Two months later, Ershad held elections for local council chairmen. Pro-government candidates won a majority of the posts, setting in motion the President's ambitious decentralization program. Political life was further liberalized in early 1986, and additional political rights, including the right to hold large public rallies, were restored. At the same time, the Jatiya (National) Party, designed as Ershad's political vehicle for the transition from martial law, was established.

"Despite a boycott by the BNP, led by President Zia's widow, Begum Khaleda Zia, parliamentary elections were held on schedule in May 1986. The Jatiya Party won a modest majority of the 300 elected seats in the National Assembly. The participation of the Awami League--led by the late President Mujib's daughter, Sheikh Hasina Wajed - lent the elections some credibility, despite widespread charges of voting irregularities.

"Ershad resigned as Army Chief of Staff and retired from military service in preparation for the presidential elections, scheduled for October. Protesting that martial law was still in effect, both the BNP and the AL refused to put up

opposing candidates. Ershad easily outdistanced the remaining candidates, taking 84% of the vote. Although Ershad's government claimed a turnout of more than 50%, opposition leaders, and much of the foreign press, estimated a far lower percentage and alleged voting irregularities.

"Ershad continued his stated commitment to lift martial law. In November 1986, his government mustered the necessary two-thirds majority in the National Assembly to amend the constitution and confirm the previous actions of the martial law regime. The President then lifted martial law, and the opposition parties took their elected seats in the National Assembly.

"In July 1987, however, after the government hastily pushed through a controversial legislative bill to include military representation on local administrative councils, the opposition walked out of Parliament. Passage of the bill helped spark an opposition movement that quickly gathered momentum, uniting Bangladesh's opposition parties for the first time. The government began to arrest scores of opposition activists under the country's Special Powers Act of 1974. Despite these arrests, opposition parties continued to organize protest marches and nationwide strikes. After declaring a state of emergency, Ershad dissolved Parliament and scheduled fresh elections for March 1988.

"All major opposition parties refused government overtures to participate in these polls, maintaining that the government was incapable of holding free and fair elections. Despite the opposition boycott, the government proceeded. The ruling Jatiya Party won 251 of the 300 seats. The Parliament, while still regarded by the opposition as an illegitimate body, held its sessions as scheduled, and passed a large number of bills, including, in June 1988, a controversial constitutional amendment making Islam Bangladesh's state religion and provision for setting up High Court benches in major cities outside of Dhaka. While Islam remains the state religion, the provision for decentralizing the High Court division has been struck down by the Supreme Court.

"By 1989, the domestic political situation in the country seemed to have quieted. The local council elections were generally considered by international observers to have been less violent and more free and fair than previous elections. However, opposition to Ershad's rule began to regain momentum, escalating by the end of 1990 in frequent general strikes, increased campus protests, public rallies, and a general disintegration of law and order.

"On December 6, 1990, Ershad offered his resignation. On February 27, 1991, after 2 months of widespread civil unrest, an interim government headed by Acting President Chief Justice Shahabuddin Ahmed oversaw what most observers believed to be the nation's most free and fair elections to that date."
[2e]

GOVERNMENT OF KHALEDA ZIA, 1991-96

- 3.05 "The center-right BNP won a plurality of seats and formed a government with support from the Islamic fundamentalist party Jamaat-I-Islami, with Khaleda Zia, widow of Ziaur Rahman, obtaining the post of prime minister. Only four parties had more than 10 members elected to the 1991 Parliament: The BNP, led by Prime Minister Begum Khaleda Zia; the AL, led by Sheikh Hasina; the

Jamaat-I-Islami (JI), led by Ghulam Azam; and the Jatiya Party (JP), led by acting chairman Mizanur Rahman Choudhury while its founder, former President Ershad, served out a prison sentence on corruption charges. The electorate approved still more changes to the constitution, formally re-creating a parliamentary system and returning governing power to the office of the prime minister, as in Bangladesh's original 1972 constitution. In October 1991, members of Parliament elected a new head of state, President Abdur Rahman Biswas.

"In March 1994, controversy over a parliamentary by-election, which the opposition claimed the government had rigged, led to an indefinite boycott of Parliament by the entire opposition. The opposition also began a program of repeated general strikes to press its demand that Khaleda Zia's government resign and a caretaker government supervise a general election. Efforts to mediate the dispute, under the auspices of the Commonwealth Secretariat, failed. After another attempt at a negotiated settlement failed narrowly in late December 1994, the opposition resigned en masse from Parliament. The opposition then continued a campaign of marches, demonstrations, and strikes in an effort to force the government to resign. The opposition, including the Awami League's Sheikh Hasina, pledged to boycott national elections scheduled for February 15, 1996.

"In February, Khaleda Zia was re-elected by a landslide in voting boycotted and denounced as unfair by the three main opposition parties. In March 1996, following escalating political turmoil, the sitting Parliament enacted a constitutional amendment to allow a neutral caretaker government to assume power and conduct new parliamentary elections; former Chief Justice Mohammed Habibur Rahman was named Chief Adviser (a position equivalent to prime minister) in the interim government. New parliamentary elections were held in June 1996 and the Awami League won plurality and formed the government with support from the Jatiya Party led by deposed president Ershad; party leader Sheikh Hasina became Prime Minister." [2e]

GOVERNMENT OF SHEIKH HASINA, 1996-2001

- 3.06 "Sheikh Hasina formed what she called a 'Government of National Consensus' in June 1996, which included one minister from the Jatiya Party and another from the Jatiyo Samajtantric Dal, a very small leftist party. The Jatiya Party never entered into a formal coalition arrangement, and party president H.M. Ershad withdrew his support from the government in September 1997. Only three parties had more than 10 members elected to the 1996 Parliament: The Awami League, BNP, and Jatiya Party. Jatiya Party president, Ershad, was released from prison on bail in January 1997.

"International and domestic election observers found the June 1996 election free and fair, and ultimately, the BNP party decided to join the new Parliament. The BNP soon charged that police and Awami League activists were engaged in large-scale harassment and jailing of opposition activists. At the end of 1996, the BNP staged a parliamentary walkout over this and other grievances but returned in January 1997 under a four-point agreement with the ruling party. The BNP asserted that this agreement was never implemented and later staged another walkout in August 1997. The BNP returned to Parliament under another agreement in March 1998.

"In June 1999, the BNP and other opposition parties again began to abstain from attending Parliament. Opposition parties staged an increasing number of nationwide general strikes, rising from 6 days of general strikes in 1997 to 27 days in 1999. A four-party opposition alliance formed at the beginning of 1999 announced that it would boycott parliamentary by-elections and local government elections unless the government took steps demanded by the opposition to ensure electoral fairness. The government did not take these steps, and the opposition subsequently boycotted all elections, including municipal council elections in February 1999, several parliamentary by-elections, and the Chittagong city corporation elections in January 2000.

"In July 2001, the Awami League government stepped down to allow a caretaker government to preside over parliamentary elections. Political violence that had increased during the Awami League government's tenure continued to increase through the summer in the run up to the election. In August, Khaleda Zia and Sheikh Hasina agreed during a visit of former President Jimmy Carter to respect the results of the election, join Parliament win or lose, forswear the use of hartals (violently enforced strikes) as political tools, and if successful in forming a government allow for a more meaningful role for the opposition in Parliament. The caretaker government was successful in containing the violence, which allowed a parliamentary general election to be successfully held on October 1, 2001." [2e]

GOVERNMENT OF KHALEDA ZIA, 2001-2006

3.07 "The four-party alliance led by the BNP won over a two-thirds majority in Parliament. Begum Khaleda Zia was sworn in on October 10, 2001, as Prime Minister for the third time (first in 1991, second after the February 15, 1996 elections).

"Despite her August 2001 pledge and all election monitoring groups declaring the election free and fair, Sheikh Hasina condemned the election, rejected the results, and boycotted Parliament. In 2002, however, she led her party legislators back to Parliament, but the Awami League again walked out in June 2003 to protest derogatory remarks about Hasina by a State Minister and the allegedly partisan role of the Parliamentary Speaker. In June 2004, the AL returned to Parliament without having any of their demands met. They then attended Parliament irregularly before announcing a boycott of the entire June 2005 budget session.

"On August 17, 2005, near-synchronized blasts of improvised explosive devices in 63 out of 64 administrative districts targeted mainly government buildings and killed two persons. An extremist Islamist group named Jama'atul Mujahideen, Bangladesh (JMB) claimed responsibility for the blasts, which aimed to press home JMB's demand for a replacement of the secular legal system with Islamic sharia courts. Subsequent attacks on the courts in several districts killed 28 people, including judges, lawyers, and police personnel guarding the courts. A government campaign against the Islamic extremists led to the arrest of hundreds of senior and mid-level JMB leaders. Six top JMB leaders were tried and sentenced to death for their role in the murder of two judges; another leader was tried and sentenced to death in absentia in the same case.

"In February 2006, the AL returned to Parliament, demanded early elections, and requested significant changes in the electoral and caretaker government systems to stop alleged moves by the ruling coalition to rig the next election. The AL blamed the BNP for several high-profile attacks on opposition leaders and asserted the BNP was bent on eliminating Sheikh Hasina and the Awami League as a viable force. The BNP and its allies accused the AL of maligning Bangladesh at home and abroad out of jealousy over the government's performance on development and economic issues. Dialogue between the Secretaries General of the main ruling and opposition parties failed to sort out the electoral reform issues." [2e]

CARETAKER GOVERNMENT AND STATE OF EMERGENCY, OCTOBER 2006-JANUARY 2009

3.08 The USSD Background note stated:

"The 13th Amendment to the constitution required the president to offer the position of the Chief Adviser to the immediate past Chief Justice of the Supreme Court, Justice K.M. Hasan, once the previous parliamentary session expired on October 28, 2006. The AL opposed Justice Hasan, alleging that he belonged to the ruling BNP in the past and that the BNP government in 2004 amended the constitution to extend the retirement age for the Supreme Court judges to ensure Justice Hasan became the Chief Adviser to help BNP win the elections. Justice Hasan declined the position, and after two days of violent protests, President Iajuddin Ahmed also assumed the role of Chief Adviser to the caretaker government.

"On January 3, 2007, the Awami League announced it would boycott the January 22 parliamentary elections. The Awami League planned a series of country-wide general strikes and transportation blockades.

"On January 11, 2007, President Iajuddin Ahmed declared a state of emergency, resigned as Chief Adviser, and indefinitely postponed parliamentary elections. On January 12, 2007, former Bangladesh Bank governor Fakhruddin Ahmed was sworn in as the new Chief Adviser, and ten new advisers (ministers) were appointed. Under emergency provisions, the government suspended certain fundamental rights guaranteed by the constitution and detained a large number of politicians and others on suspicion of involvement in corruption and other crimes. In January 2008, a reshuffle of the caretaker government took place, which included the appointment of special assistants to help oversee the functioning of the administration.

"On July 16, 2007 the government arrested Awami League president and former Prime Minister Sheikh Hasina on charges of extortion during her tenure as Prime Minister. Hasina was released on parole in June 2008 and allowed to travel to the United States for medical treatment. The cases against her continue. On September 3, 2007, the government arrested BNP chairperson and former Prime Minister Khaleda Zia on charges of corruption. Sheikh Hasina returned from abroad and Khaleda Zia was released from prison to lead their respective parties in the parliamentary election campaign in the fall of 2008."

Municipal elections were held in 13 city corporations and municipalities on August 4, 2008. These elections were judged free and fair by international and

- domestic observers. The Election Commission registered over 80 million voters in preparation for parliamentary elections, which were held December 29, 2008. The Awami League swept to a landslide victory in what domestic and international observers declared a free, fair and credible election. The caretaker government ended on January 6, 2009 when Awami League President Sheikh Hasina became Prime Minister.” [2e]
- 3.09 It was announced on 17 December 2008 that the President had signed an order terminating the state of emergency completely. (BBC News) [20eh]

GENERAL ELECTION OF 29 DECEMBER 2008

- 3.10 The United Nations Development Programme (UNDP) reported in a press release dated 25 December 2008:
- “As Bangladesh gears up for its first parliamentary elections in seven years, a nationwide independent audit of the country’s new digital voter list has concluded that all names on the roll are legitimate voters and nearly all eligible voters are on the list. This first ever computerized photo voter list in Bangladesh contains pictures of more than 80 million voters and took 11 months to compile ... The independent audit of the computer voter list, conducted by Washington-based International Foundation for Electoral Systems (IFES), consisted of two nationwide surveys sampling nearly 17,000 individuals of voting age across the country. It concluded that the list was compiled with a ‘high degree of accuracy’. It verified that no ‘ghost voters’ were found on the 2008 photo voters list.” [108b]

Political parties which contested the General Election

- 3.11 The Election Commission required political parties to register by 20 October 2008 in order to take part in the general election. Over 100 parties applied for registration, but only 39 of those met the criteria laid down in the Representation of the People Ordinance 2008 and its amendments; 38 of these 39 parties actually fielded candidates. In addition, 148 individuals stood as independents. (*The Daily Star*, 1 January 2009) [38d] (RP2008 Ordinance) [16d]
- 3.12 Both the Awami League (AL) and the Bangladesh Nationalist Party (BNP) maintained alliances with a number of other parties to contest the 2008 election: The AL-led 14-party *Mohajot*, or ‘grand alliance’, and the BNP-led ‘four party alliance’ (see Results below). (BBC News, 12 December 2008) [20en]

Results of the General Election

- 3.13 The results (marked 'unofficial'), published on the website of the Bangladesh Election Commission (accessed 13 January 2009), were as follows:

	Number of seats	
Awami League-led 'grand alliance':		
Awami League	230	
Jatiya Party – Ershad	27	
Jatiya Samajtantrik Dal (JSD)	3	
Liberal Democratic Party	1	
Workers Party	2	263
BNP-led 'four-party alliance':		
Bangladeshi Nationalist Party (BNP)	30*	
Jamaat-e-Islami	2	
Bangladesh Jatiya Party (BJP)	1	33
Independent candidates		4
Total		300

*includes the result in Noakhali-1, declared 12 January 2009 [16c]

Reaction to the results

- 3.14 The magnitude of the Awami League win came as a surprise to most commentators. One reason for the outcome, it was suggested, was that the AL – formerly seen as a traditionalist party – presented a pragmatic and forward-looking set of policies, which appealed to younger and first-time voters, whereas the BNP and its allies reportedly conducted a more negative campaign. (Economist Intelligence Unit, 30 December 2008) [40v]
- 3.15 BBC News reported on 30 December 2008 that BNP leader Khaleda Zia had said she rejected the results, telling reporters: "We have confirmed reports of rigging and other irregularities in many polling stations across the country...We are collecting details of more irregularities and will give them to the media and appropriate authorities over the next few days." [20em] Nevertheless, BNP officials confirmed on 7 January 2009 that their MPs would be attending the first session of the new parliament "for the sake of democracy, the country's interest and to continue the democratic process". (BBC News, 12 January 2009) [20ek]

International observer reports

- 3.16 According to a BBC News article of 30 December 2008, the general election was monitored by some 200,000 observers, including 2,500 from abroad. [20ei]
- 3.17 The UNDP, in a press release of 11 January 2009, stated:
- "The High-Level Panel established by UN Secretary-General Ban Ki-Moon for the elections consisting of senior UN officials and election experts said that the Election Commission had conducted the polls with credibility and fairness, pointing to the very high voter turnout and the large participation by minorities. Over 200,000 national and 500 international election observers deployed on

Election Day returned similar verdicts: the election was peaceful, transparent, and credible, setting a high democratic standard.” [108c]

- 3.18 The Asian Network for Free Elections (ANFREL), which deployed 70 observers around the country, reported that the election was conducted credibly and it did not believe isolated breaches of the electoral laws affected the overall polling process. (United News of Bangladesh, 31 December 2008) [39bf] The Commonwealth Observer Group told a press conference that they did not find any evidence to justify the BNP’s claims of serious irregularities. (UNB, 31 December 2008) [39bg] Similarly, the European Union Election Observation Mission did not find evidence of ‘election manipulation’ as alleged by the BNP; they reported that the general election was free, fair and transparent and was held in a peaceful atmosphere, with high turnout. (*The Daily Star*, 1 January 2009) [38dw]
- 3.19 The United Nations Development Programme (UNDP) noted in a press release of 11 January 2009: “Bangladesh’s 9th parliamentary election is being hailed as the country’s most transparent, credible, and peaceful election ever.” [108c]

Post-election violence

- 3.20 The Dhaka-based human rights NGO, Odhikar, stated that – according to press reports – 62 people were killed and over 4,000 were injured in violence between supporters of various political parties during the first three months of 2009. [46s] Most were killed in clashes between supporters/activists of the Awami League, BNP and Jamaat-e-Islami and their affiliated student organisations, and between members of two opposing factions of Bangladesh Chhatra League, the student association of the AL. In most instances, the violence involved students and it took place at several different universities and colleges throughout the country. (Odhikar) [46s] For example, clashes between AL and BNP student wings in early January at Jahangir Nagar University, located 30 km from the centre of Dhaka, spread and led to the temporary closures of a number of other higher-education institutions. According to the Economist Intelligence Unit, “The violence [at Jahangir Nagar University] was sparked by an attempt by some students to ‘establish control’ over certain dormitories.” (EIU, February 2009) [40r]

SHEIKH HASINA, 2009 TO DATE

- 3.21 Awami League leader Sheikh Hasina was sworn in as Prime Minister on 6 January 2009. (BBC News, 6 January 2009) [20ej] In selecting members of her cabinet, she overlooked many in the party’s ‘old guard’ in favour of generally younger, ‘bolder’ appointments – which included four women and three members of ethnic minorities – in an attempt to build what *The Daily Star* described as “a bold, new and gender sensitive face of Bangladesh’s government”. No members of the new cabinet had faced corruption charges. (*The Daily Star*, 7 and 12 January 2009) [38dr] [38ds]
- 3.22 The USSD Background note, updated May 2010 stated that:

“...The BNP-led opposition attended the opening of the Parliament session, but has since mounted several boycotts in protest of perceived slights by the ruling party. Both sides struggle to break free from their shared history of

confrontational politics, and key institutions necessary for strengthening democracy remain weak. As the new government was settling into office, it was rocked by a mutiny by border guards on February 25-26, 2009 in which more than 50 army officers were murdered.

“Prime Minister Hasina has sought to increase Bangladesh’s presence on the world stage. As leader of one of the countries most vulnerable to climate change, Hasina has been a vocal advocate for mitigation and adaptation by both developed and developing countries, aligning with the Copenhagen Accord in January 2010. In a sharp change from previous administrations, her government has actively confronted violent extremist groups to deny space to terrorist networks and activities within its borders. The simultaneous elections of the Awami League and the Congress Party in India set the stage for renewed bilateral talks between the countries, an atmosphere which has been improved by counterterrorism cooperation. In January 2010, Hasina travelled to New Delhi to meet with Indian Prime Minister Singh, where they signed three agreements on mutual legal assistance in criminal matters, transfer of sentenced persons, and countering terrorism, organized crime, and illegal drug trafficking; and two memoranda of understanding on energy sharing and cultural exchange programs.” [2e]

LOCAL ELECTIONS

- 3.23 Elections for the upazila parishads (sub-district councils) were held on 22 January 2009. The Economist Intelligence Unit reported:

“Preliminary results released on January 24th showed that Awami League-backed candidates had won 306 of the 475 upazila leadership positions contested; the authorities suspended voting in several upazilas, owing to disturbances or electoral irregularities. BNP-backed candidates won 79 seats, followed by an Islamist party, Jamaat-e-Islami, with 20, the Jatiya Party, also with 20, and candidates of other parties with 44. Unlike the national election, the local polls were marred by violence and allegations of vote-rigging and voter intimidation; at least three people were killed and 150 injured in post-poll violence ... The Election Commission has said that there were instances in which the AL, which now governs at national level, misused its power to interfere with the electoral process. The BNP rejected the upazila poll results, saying that the elections had been ‘grossly rigged’ ... [T]he new national government has already indicated that it will modify the legislation to give parliamentarians greater influence at local level than envisaged by the previous administration.” (EIU Country Report, February 2009) [40r]

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BANGLADESH RIFLES (BDR) MUTINY

- 3.24 On 25 February 2009 a mutiny took place at a Bangladesh Rifles (border guards) barracks in the Pilkhana area of Dhaka, apparently following a dispute over pay and conditions; the mutineers surrendered the following day, after tanks surrounded the barracks. (BBC News, 27 February 2009) [20eo] By 2 March, the bodies of 57 murdered army officers and 17 other people had been found at the barracks. (Army officers are seconded to command posts in the Bangladesh Rifles.) Nearly 700 guardsmen (*jawans*) had, by then, been

detained and were liable to charges ranging from sedition to murder. Police were still searching for several hundred other guardsmen and ‘accomplices’ who had absconded since 25 February. (BBC News, 2 March 2009) [20ep]

- 3.25 Investigators said on 10 March that they had so far found evidence of about 450 guardsmen being involved in the mutiny. (The *Daily Star*, 10 March 2009) [38ec] BBC News reported on 11 March that a team from Scotland Yard had arrived in Bangladesh to help with the investigation. BBC News commented that Prime Minister Sheikh Hasina had “won praise” from many Bangladeshis for her handling of the situation and in “averting a coup”. She had apparently held a meeting with about 2,000 army officers soon after the event, many of whom expressed anger that the government had not sent in troops immediately news of the mutiny had been received. [20eq] The *Daily Star* reported on 21 April that 1,079 guardsmen and 20 other people had so far been arrested for suspected involvement in the mutiny. Investigators were making use of video footage and ‘information from various sources’ to identify suspects. The government reportedly would be consulting legal experts to decide under what law the accused would be tried. [38ed]
- 3.26 In a news release dated 25 March 2009, Human Rights Watch (HRW) noted that six of those in custody, including five border guards and an Islamic imam, had died. While press reports quoted the authorities as saying that the men either committed suicide or had died of heart attacks, relatives of one of the men publicly alleged that he was tortured to death. [10m] An Amnesty International (AI) release of 27 March, referring to four of the deaths, stated: “There are credible reports suggesting that these detainees may have died as a result of torture.” The AI report said it was not clear whether they were in the custody of the police or the army when they died. [7v] HRW claimed to have received “credible information that several other border guard members in custody have been brought to hospital with signs of torture”. HRW urged the government to ensure that all suspects had access to lawyers and were tried in a judicial process that met international fair trial standards. HRW contended it would be inappropriate to hold the trials in military courts, as the Bangladesh Rifles are under the authority of the Home Ministry and not the Defence Ministry. [10j]

Further historical information can be found at World History at [WHKMLA – Bangladesh](#).

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4. RECENT DEVELOPMENTS – 2009 TO DATE.

- 4.01 The Economist Intelligence Unit, in its Bangladesh Country Report dated December 2009, stated that:

“Assuming that it retains the support of the security forces, the ruling Awami League (AL) is expected to monopolise parliamentary proceedings for the next few years after securing a landslide victory at the 2008 parliamentary election. The party currently holds 230 parliamentary seats out of a total of 300, more than the two-thirds parliamentary majority that is required to pass constitutional amendments unchallenged. Its commanding position in parliament also means that the AL can govern without the support of any other members of the Grand Alliance, the group of 14 political parties that it leads.” [40c] (p4)

- 4.02 The same source stated that:

“During its term of office the greatest challenge for the government will be to retain the support of the security forces, and in particular the army and the Bangladesh Rifles (BDR, a paramilitary force). A mutiny staged by members of the BDR in February, which resulted in the deaths of around 70 army officers and civilians, threatened to destabilise relations between the two security forces. In addition, the army's insistence on using the Army Act (which stipulates the death penalty for mutineers) to prosecute the perpetrators of the mutiny also threatened to strain relations between it and the government. The government shrewdly left to the Supreme Court the decision on whether the perpetrators of the mutiny should be prosecuted under the act; the court decided in September that they should not. By seeking the opinion of the Supreme Court on the issue, the government has managed to escape accusations of bias from either the BDR or the army. It has also managed to avoid the political embarrassment of mass executions.” [40c] (p4)

- 4.03 The *Daily Star* reported on 15 May 2009 that a military committee appointed to investigate the reasons behind the mutiny had returned largely inconclusive findings. The committee recognised that the guardsmen had several grievances and that these had been made known prior to the mutiny, but there were apparently also suggestions that ‘external parties’ may have exploited the soldiers’ grievances to instigate the mutiny, possibly for political reasons. The committee pointed out that its terms of reference did not permit it to record statements from civilians, and it therefore recommended that a more powerful enquiry board be formed to continue the investigation. The committee also suggested that the guardsmen be tried under army rules. The *Daily Star* recorded that a further 750 guardsmen had been arrested on sedition charges since 10 May. [38ek]

- 4.04 The trial of the first group of some 3,500 members of the BDR who are accused of taking part in the mutiny in February 2009 started on 24 November 2009. Observers noted that for the government, the trial was important for several reasons. Firstly, it wanted to bring to justice the perpetrators of the mutiny. Secondly, the government needed to maintain good relations with the still influential army, which relinquished political power in December 2008 after a two-year state of emergency. Finally, the government wanted to be seen as being able to deliver justice. (EIU Country Report, December 2009) [40c] (p9)

- 4.05 The same EIU report also noted that up to 48 detainees accused of taking part in the mutiny have died in custody since March [2009] and that the remaining detainees were being prosecuted under a controversial Speedy Tribunal Law that limits the duration of the trial. [40c] (p10)

See: [Bangladesh Rifles \(BDR\) mutiny](#)

WAR CRIMES COMMITTED IN 1971

- 4.06 The Economist Intelligence Unit, in the Country Report of May 2010 stated that:

“Following the government’s recent decision to establish a war crimes tribunal to investigate atrocities committed during the 1971 war of independence from Pakistan, there have been no signs that it might start soon. Optimistic observers believe that if the work of the tribunal were to commence this year, it could conclude its proceedings before the end of the AL’s current term of office in 2014. Establishing proof of war crimes perpetrated four decades ago is a time consuming process. The tribunal, which was set up in late March, is starting from scratch. At least initially, it is reviewing evidence collated by others, some of which is highly contentious. The War Crimes Fact Finding Committee (WCFFC), a Dhaka-based non-governmental organisation, is widely regarded as the only independent body in Bangladesh to have collated reliable evidence relating to the atrocities carried out in 1971. In April it published a list of 500 people whom it claims committed crimes against humanity, mass killings and other war crimes. The head of the WCFFC, M A Hasan, has said that, based on the list, ‘at least 20 notorious criminals’ could be detained. But under the International War Crimes Tribunal Act 1973, the tribunal judges can issue an arrest warrant only once a person has been charged with an offence. The tribunal is some way away from filing charges, as a report of the findings of its investigations has yet to be compiled.” [40w]

TRIAL OF MURDERERS OF BANGABANDHU SHEIKH MUJIBUR RAHMAN

- 4.07 A report from Reuters.com dated 27 January 2010 stated that: “... Mujibur, or Mujib as he was popularly known, was Bangladesh’s first president. He was killed with most of his family in a 1975 army revolt that ended the South Asian country’s first spell of democracy and set the stage for decades of military rule. ... The government installed after the revolt issued an ordinance in November 1975 granting immunity to the killers.” [93a]

- 4.08 The same report stated that:

“Mujib’s daughter Sheikh Hasina was elected prime minister in 1996 and vowed to put her father’s killers on trial. Her government revoked the indemnity ordinance in 1996 and cleared the way for a trial of the assassins and coup leaders, beginning with a police complaint identifying 20 accused. In 1998 a Dhaka judge handed down death sentences on 15 of the 20 accused, of whom only four were in custody. They appealed in the High Court against the verdict, the first of a series of appeals. Between repeated appeals and governments less interested in the case than Hasina, who was out of power from 2001 until early 2009, those convicted remained in prison.” [93a]

- 4.09 The report continued:
- “After lengthy hearings, the Supreme Court in November 2009 upheld the sentences on the five as well as six others still at large and believed to be outside the country. Another whose death sentence was upheld died abroad. Yet more appeals reached the end of the judicial process with the Supreme Court decision this month.
- “Under Bangladeshi law the death sentences must be carried out within three or four weeks of that decision, unless the president grants clemency. President Zillur Rahman rejected clemency appeals by the convicted men. ... On 27 January 2010 the five convicted killers of independence leader Sheikh Mujibur Rahman were executed at a Dhaka prison.” [93a] also [93b]
- 4.10 Regarding the six ‘abscondee’ a report on NEWKERALA.COM date 29 January 2010 stated that: “Efforts were on to bring back to Bangladesh six fugitive killers of the country’s founding father Sheikh Mujibur Rahman, a minister said. ... The six absconding people are Lt Col (dismissed) Khandaker Abdur Rashid, Lt Col (relieved) Shariful Haque Dalim, Lt Col (retd) Nur Chowdhury, Lt Col (retd) A.M. Rashed Chowdhury, Capt Abdul Mazed and Risalder Moslehuddin.” [119a]
- See also section 3: History – Sheikh Mujibur Rahman. And for a time line of events, the *Daily Star* report, [The] Long Road to Justice. [38eo]
- 4.11 Md. Zillur Rahman, a 79 year old Awami League leader, was sworn in as President of Bangladesh on 12 February 2009 having been elected (unopposed) by parliament. He resigned his seat as an MP. The former President, Iajuddin Ahmed, whose five-year term expired in September 2007, had remained in office until after the election of a new parliament. The presidency of Bangladesh is a largely ceremonial post. (The *Daily Star*, 12 February 2009) [38el]
- 4.12 It was reported on 25 March 2009 that a large arms cache and bomb-making equipment had been found at an Islamic school, or madrasa, in the southern district of Bhola; the school was reportedly run by ‘Green Crescent’, a UK-based charity. (BBC News) [20er]
- 4.13 Opposition Leader Khaleda Zia was, on 20 April 2009, served with a notice to vacate her residence in the Dhaka cantonment (military compound) within 15 days. She had lived there since her husband, former President Ziaur Rahman, was assassinated in 1981. The government claimed that Mrs Zia was allocated a house in the Gulshan district of Dhaka following her husband’s death, and that it was illegal for her to hold a lease on that house as well as the residence in the Dhaka cantonment. Mrs Zia’s supporters viewed the notice as an act of political vindictiveness and resolved to challenge it in court. (EIU, May 2009) [40s] The *Daily Star* reported on 28 May that the High Court had stayed (for three months) a third notice of eviction and had issued a rule upon the government to explain why the notice should not be declared illegal. [38eh] The *Daily Star* further reported that the order staying the governments’ third notice was extended by a further four months as the government had not responded to the illegality question. [38en]

Natural catastrophies

- 4.14 Cyclone Aila struck on 25 May 2009 and caused devastation in the country's southern coastal districts. UNB reported on 29 May that the official death toll stood at 155; at least 7,000 people had been injured and over 500,000 homes were destroyed or partially damaged. [39b]

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5. CONSTITUTION

- 5.01 Europa, accessed on 14 December 2009, stated that a new Constitution for the People's Republic of Bangladesh came into effect on 16 December 1972. Following the military coup of 24 March 1982, the Constitution was suspended and the country placed under martial law. On 10 November 1986, martial law was repealed and the Constitution reinstated. [1a] The Economist Intelligence Unit (EIU) Country Profile 2007 noted that amendments to the Constitution require a two-thirds majority of parliament. [40] (p8)
- 5.02 Europa noted that the 1972 Constitution based its fundamental principles on nationalism, socialism, democracy and secularism. The Constitution aimed to establish a society free from exploitation in which the rule of law, fundamental human rights and freedoms, justice and equality were to be secured by all citizens. All citizens are equal before the law and have a right to its protection. Arbitrary arrest or detention, discrimination based on race, age, sex, birth, caste or religion, and also forced labour are all prohibited under the Constitution. Subject to the law, public order and morality, every citizen has a right to freedom of movement, of assembly and of association. The Constitution also aims to guarantee freedom of conscience, speech, press and religious worship. [1a] Europa recorded that the Constitution was amended in 1977 to increase the influence of Islam in its text; the word 'secularism' was also deleted from the preamble. A further amendment in 1988 established Islam as the state religion. [1a]
- 5.03 A United Nations Development Programme report of September 2002, entitled *Human Security in Bangladesh*, commented: "The Constitution states that all existing laws that are inconsistent with fundamental rights shall be declared void, and the State is forbidden to make any law inconsistent with fundamental rights ... However, the enjoyment of any right is subject to 'reasonable' restrictions imposed by law in the interest of the State, public order, public health, morality or decency." The UNDP report pointed out that "reasonable" is a relative term, and what is reasonable in one given set of circumstances may be unreasonable in another. [8b] (p15)

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6. POLITICAL SYSTEM

- 6.01 As recorded in the US State Department Country Report on Human Rights Practices for 2008, Bangladesh, released on 13 March 2009, (USSD 2008), Bangladesh is a multiparty, parliamentary democracy in which elections by secret ballot are held on the basis of universal suffrage. (Section 3) A parliamentary election held on 29 December 2008 was considered by international and domestic observers to have been free and fair, although marked by isolated irregularities and sporadic violence. [2b] (Introduction) The Jatiya Sangsad (Parliament) is a unicameral legislature; members are directly elected for a five-year term on the basis of universal adult franchise from single territorial constituencies i.e. a member of parliament for each constituency is elected by simple majority, on a 'first-past-the-post' basis. Persons aged eighteen and over are entitled to vote. (Europa) [1a] BBC News reported on 16 May 2004 that a Constitutional amendment, approved by Parliament on that day, increased the number of seats in the Jatiya Sangsad from 300 to 345 for a period of ten years, with the additional 45 seats reserved for women. [20ae]
- 6.02 Europa noted that the President is the constitutional Head of State and is elected by Parliament (Jatiya Sangsad) for a period of five years. Executive power is held by the Prime Minister, who heads the Council of Ministers. [1a]
- 6.03 The Freedom House report of September 2009, *Freedom in the World 2009: The Annual Survey of Political Rights and Civil Liberties*, covering events in 2008, commented:

"Bangladesh's military-backed caretaker government oversaw a raft of electoral reforms in 2008, laying the groundwork for national elections that were finally held on December 29 [2008]. However, the government had less success in implementing an anticorruption drive and reducing the power and popularity of the two main political parties. Emergency regulations, including restrictions on a range of civil liberties and political activity, remained in place until just prior to the campaign period. The elections, which were widely deemed free and fair, returned the opposition Awami League to power in a sweeping victory. Despite the significant openings in the political environment, human rights abuses including extrajudicial executions remained a concern." [65a] (p1)

CARETAKER GOVERNMENT

- 6.04 The Economist Intelligence Unit's Bangladesh Country Profile 2007 (EIU Country Profile 2007) noted that, under the 13th amendment to the Constitution passed in March 1996, a non-party Caretaker Government takes office for a period of up to three months preceding a general election. This administration assumes office within 15 days of the dissolution of parliament and must hold the general election within 90 days of the dissolution; it is led by a Chief Advisor – who holds the status of a prime minister – and who runs the Government with not more than ten other Advisors appointed by the President on the advice of the Chief Advisor. [40j] (p9-10) Article 58c (7) of the Constitution provides that the Advisors must not be members of any political party or of any organisation affiliated to a political party. [4] The Caretaker Government is responsible for giving the Election Commission "all possible aid and assistance that may be required for holding the general election of

Members of Parliament peacefully, fairly and impartially". (EIU Country Profile 2006) [40a] (p9)

- 6.05 Clause 58c(3) of the Constitution states that "The President shall appoint as Chief Advisor the person who among the retired Chief Justices of Bangladesh retired last and who is qualified to be appointed as an Advisor under this article..." The Constitution goes on to detail, in 58c(4) and (5), a sequence by which other senior retired judges would become eligible, should the most recently retired Chief Justice be unavailable for the post. Article 58c(6) also says: "Notwithstanding anything contained in this Chapter, if the provisions of clauses (3), (4) and (5) cannot be given effect to, the President shall assume the functions of the Chief Advisor of the Non-Party Caretaker Government in addition to his own functions under this Constitution." [4]
- 6.06 Maneeza Hossain, of the Hudson Institute, wrote in June 2007: "Although similar governments have appeared elsewhere, for Bangladesh it is a new model. I describe it as 'semi-constitutional' because it stretches the notion of a caretaker cabinet into a time-frame for which the Constitution is silent." [95] (p2) A caretaker government will be appointed in December 2013 to supervise the next election, which must then be held within 90 days. (EIU Country Report 2009) [40c] (p23)

LOCAL GOVERNMENT

- 6.07 The EIU Country Profile 2007 noted:

"Bangladesh is divided into 64 districts, each with its own district council. Beneath the districts are 460 sub-districts and 4,488 union councils [union *parishad*], which are currently the lowest tier of government in Bangladesh. In late 2003 the Government formed 40,392 village governments (*gram sarkar*) as a fourth layer of government. *Gram sarkars* are non-elected bodies at the grassroots level, and were introduced by a former president, General Zia, in late 1970s. When he was president, General Ershad introduced *upazila* (local councils) in the mid-1980s, as an elected local government body. The village governments are aimed at local development by local people. Although the constitution provides for elected bodies at all tiers of local government, only the third tier – union councils and municipalities (mostly sub-district and district administrative centres) – is elected; all others are administratively controlled. Bangladesh has six administrative divisions – Dhaka, Chittagong, Khulna, Barisal, Rajshahi and Sylhet – and four major municipal corporations – Dhaka, Chittagong, Rajshahi and Khulna. The mayors of the municipal corporations are directly elected and wield considerable political power." [40j] (p9)

- 6.08 On 2 August 2005, United News of Bangladesh and BBC News reported that the High Court had declared *Gram Sarkar* – village governments composed of nominated members – illegal and unconstitutional, on the basis that they violated the basic principles of democracy based on elections, as provided for in the Constitution. [20bf] [39x] The *Daily Star* reported on 21 April 2008 that the Government had approved the Gram Sarkar (Rescission) Ordinance 2008, abolishing Gram Sarkar village governments. [38di]

SUPERVISION OF ELECTIONS

- 6.09 Europa noted that the Bangladesh Election Commission (BEC), a constitutional body, supervises parliamentary and presidential elections. The Commission also delimits constituencies and prepares electoral rolls. It consists of a Chief Election Commissioner and other commissioners, as appointed by the President. The Election Commission is independent in the exercise of its functions. [1b]

See also Section 17: [Political affiliation](#)

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Human Rights

7. INTRODUCTION

- 7.01 Human Rights Watch's *World Report 2010*, Bangladesh, covering events in 2009, released on 20 January 2010, observed:

"Bangladesh returned to democratic rule in 2009. Constitutionally guaranteed rights, suspended during most of 2007 and 2008, were in place and the elected government under Prime Minister Sheikh Hasina made strong commitments to address a number of serious human rights problems. Yet extrajudicial executions, custodial torture, and impunity for members of the security forces continue. Following a bloody rebellion within the Bangladesh Rifles (BDR), thousands of guards were arrested, many tortured, and some killed in detention." [10n]

- 7.02 The US State Department 2009 Human Rights Report: Bangladesh, covering events in 2009, released on 11 March 2010, stated in its introductory section:

"The government's human rights record improved somewhat due to the return of a democratically elected government and the repeal of the state of emergency. There was a slight increase in the number of extrajudicial killings by security forces; there remained cases of serious abuse, including extrajudicial killings, custodial deaths, arbitrary arrest and detention, and harassment of journalists. With the return of an elected government, reports of politically motivated violence increased 3.3 percent. The failure to investigate fully extrajudicial killings by security forces, including the deaths in custody of alleged mutineers from the Bangladesh Rifles (BDR) border force, remained a matter of serious concern. Some members of security forces acted with impunity and committed acts of physical and psychological torture. Violence against women and children remained a serious problem, as did trafficking in persons. Violence against religious and ethnic minorities still occurred, although many government and civil society leaders stated that these acts often had political or economic motivations and could not be attributed only to religious belief or affiliation." [2t]

- 7.03 Bangladesh is party to most of the principal United Nations international human rights treaties. The Office of the UN High Commissioner for Human Rights website (accessed in June 2009) noted that these included:

- the International Covenant on Economic, Social and Cultural Rights (CESCR), date of accession 5 January 1999;
- the International Covenant on Civil and Political Rights (CCPR), date of accession 6 December 2000;
- the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), date of accession 11 July 1979;
- the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), date of accession 6 December 1984;
- the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW-OP), date of ratification 22 December 2000;
- the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), date of accession 4 November 1998;

- the Convention on the Rights of the Child (CRC), date of ratification 2 September 1990; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC), date of ratification 12 February 2002; the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC-OP-SC), date of ratification 18 January 2002;
- the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC), signatory only 7 October 1998. [8a]

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8. SECURITY FORCES

- 8.01 The internal security establishment consists primarily of the police and four auxiliary (paramilitary) forces: the Bangladesh Rifles (BDR), the Rapid Action Battalion (RAB), the Ansars and the Village Defence Party, all of which are organised nationally under the control of the Ministry of Home Affairs. (Bangladesh Ministry of Home Affairs, accessed 11 January 2010) [33]

See also Section 11: Military service regarding external security.

POLICE AND PARAMILITARY FORCES

- 8.02 The US State Department *2009 Human Rights Report: Bangladesh*, released on 11 March 2010, observed:

“[The] Police are organized nationally under the Ministry of Home Affairs (MOHA) and have a mandate to maintain internal security and law and order. Under recent governments, police were generally ineffective and reluctant to investigate persons affiliated with the ruling party. The government ended its use of the joint forces security structure formed in 2007 under the state of emergency and composed of police, the RAB, members of the military, and other security agencies. Unlike the previous year, the military intelligence agency, the Directorate General Forces Intelligence (DGFI), did not take the lead in maintaining law and order as it had under the state of emergency.” [2b] (Section 1d)

- 8.03 The Bangladesh Police are made up of 123,000 personnel serving under police divisions across the country and responsible to the Ministry of Home Affairs. (Bangladesh Police website, May 2009) [98b] According to the website of the Rapid Action Battalion (accessed June 2009), Bangladesh has one police officer per 1,200 population, compared with ratios of 1:728 for India and 1:625 for Pakistan. [70]

(Note: ‘Cobra’ and ‘Cheetah’, sometimes referred to as ‘Kobra’ and ‘Chita’, are units within the Bangladesh Police. [38aa])

- 8.04 The following information on the various auxiliary paramilitary forces was obtained from the websites of the Rapid Action Battalion [70], the Bangladesh Rifles [72] and the non-governmental website, Bangladesh Military Forces [71] (all accessed 11 January 2010), Jane’s Information Group [83a] (accessed 28 April 2010):

Rapid Action Battalion (RAB): The Rapid Action Battalion was established in March 2004 as a special anti-crime strike force capable of dealing with armed criminal organisations. It functions under the Ministry of Home Affairs and consists of personnel drawn mainly from the police and the armed forces. [70] [71] [83a] There are 12 RAB battalions, stationed in the main urban centres of the country, with a total strength of roughly 9,000 personnel. RAB troops have received training from the Special Forces and are equipped with modern equipment. (Human Rights Watch (HRW), 18 May 2009) [101] (Section III) [70] The Freedom House report, *Countries at the Crossroads 2007*, commented, “Although the battalion has enjoyed widespread public support, partly because

of its apparent success in cracking down on hitherto untouchable gangsters, thugs, and criminals, it has been accused of torturing innocent people and killing alleged criminals in what it calls crossfire.” [65a] The NGO Odhikar reported that, during 2008, 65 people were killed by the RAB in “crossfire/encounter/gunfight/shootout”. [46r] It was noted in the USSD 2008 report: “The RAB received human rights training through the UN Development Program; the UK government; and a local NGO, BSEHR. Although the RAB continued to commit serious human rights violations [in 2008], the number of incidents involving the RAB dropped from the previous year.” [2b] (Section 1d)

See [Torture](#), [Extrajudicial Killings](#) and [Accountability and impunity](#), below.

Bangladesh Ansar and Village Defence Parties (VDP): These voluntary forces are combined under the Ministry of Home Affairs Ansar and VDP Directorate. The forces have the stated mission of ensuring safety and security in rural Bangladesh, assisting in disaster management, contributing to socio-economic development, and work under operational control of the army during an emergency or war. They are divided into three basic components: Ansar Bahini, Battalion Ansar, and VDP. Ansar Bahini is said to have a company of 100 men and a female platoon of 32 members in every sub-district, as well as 32 members in each ‘union’ of the country. Battalion Ansar is made up of 35 male battalions and one female battalion. The total strength of VDP is about 5.6 million people, of which 50% are women. There is a VDP presence in most villages of the country; there is also an urban version of VDP called the Town Defence Party. (Bangladesh Military Forces Group, accessed 11 June 2010) [71] (HRW, 19 May 2009, accessed 8 February 2010) [10i] (Section III)

Bangladesh Rifles (BDR): The primary role of this paramilitary force is border control, including anti-smuggling and anti-trafficking activities. [71] The BDR has also been called upon to assist the police in various “internal” operations, such as recovering illegal firearms and guarding election polling stations. [72] The BDR is reported to have 67,000 personnel, is under the authority of the Home Ministry and is mainly commanded by officers seconded from the army. [10i] (Section III)

See Section 4: [Bangladesh Rifles \(BDR\) mutiny](#)

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ARMED FORCES

- 8.05 The armed forces total 135,000 members: 120,000 in the army, 8,500 in the navy and 6,500 in the air force (Jane’s *Sentinel Country Risk Assessment*, Armed Forces, updated 14 December 2009) [83g] The USSD Background Note, Bangladesh, updated May 2009, stated :

“The Bangladesh Army, Navy, and Air Force are composed of volunteer military members. In addition to traditional defense roles, the military is frequently called on to provide support to civil authorities for disaster relief and internal security. During the period of emergency rule from January 2007 to December 2008, the military played a central role in the formulation and

execution of key government strategies, including the anti-corruption campaign and voter registration.” [2e]

OTHER GOVERNMENT FORCES

Directorate General of Forces Intelligence (DGFI)

- 8.06 The DGFI is Bangladesh's principal military intelligence agency and operates subdivisions serving all branches of the armed forces. Established in 1977, it reports directly to the prime minister and maintains offices in all of the country's districts and sub-districts. (HRW, 18 May 2009) [10I] (Section III) According to the Human Rights Watch report of 18 May 2009, the DGFI

“... is widely regarded as a driving force behind the military-backed regime that took power on January 11, 2007, and exercised a central role in its anti-corruption campaign. It intimidated, arrested, and arbitrarily detained dozens of businesspersons, senior party officials, journalists, and academics and placed them in illegal detention facilities inside the military cantonment in Dhaka. Many were physically and mentally tortured, often threatened...to make forced confessions or implicate others in crimes ... During much of the state of emergency, DGFI exercised control over media outlets.” [10I] (Section III)

- 8.07 The USSD Report 2009 observed: “Unlike the previous year, the military intelligence agency, the Directorate General Forces Intelligence (DGFI), did not take the lead in maintaining law and order as it had under the state of emergency.” [2t] (section 1d)

HUMAN RIGHTS VIOLATIONS BY THE SECURITY FORCES

Arbitrary arrest and detention

See also Section 14: Arrest and Detention – Legal Rights and Section 17: Opposition Groups and Political Activists

- 8.08 According to the USSD 2009 report:

“The constitution prohibits arbitrary arrest and detention; however, the law permits authorities to arrest and detain persons suspected of criminal activity without an order from a magistrate or a warrant. In December 2008 the president promulgated the Emergency Power (Repeal) Ordinance to revoke the state of emergency that had been declared in 2007. Under the state of emergency, the government promulgated the Emergency Power Rules (EPR), which gave the government authority to detain citizens without filing formal charges or specific complaints. In repealing the state of emergency, the ordinance specified that, although cases brought under the EPR would continue to have validity, pending cases would be conducted under the traditional rules and laws.

According to official government statistics, the police arrested 50,787 persons during the year. Of those arrested, 15,894 were detained without arrest warrants or convictions. [2t] [Section 1d]

- 8.09 A Human Rights Watch (HRW) report published in January 2008, stated: “The government has not published accurate statistics on detainees, access to official places of detention has been restricted, and the security forces have used unofficial sites, such as the headquarters of the Directorate General of Forces Intelligence (DGFI, or military intelligence) in Dhaka, making it impossible to know exactly how many people were arrested or how many are still being held.” The HRW report stated that most arrests under the state of emergency had taken place without warrants. [10h] (p3)
- 8.10 An intensive wave of arrests took place between 28 May and 12 June 2008, when between 18,000 and 25,000 people (based on media estimates) were arrested by police and ‘joint forces’ in what the government described as a drive against ‘miscreants, criminals and those wanted by the law’. Those arrested included political leaders and activists (of both major political parties) at district, sub-district and municipal level. It is not known how many were subsequently released. (*New Age*, 9 June 2008) [96f] (Odhikar, 12 June 2008) [46q]

Torture

- 8.11 The USSD 2009 report stated:
- “Although the constitution prohibits torture and cruel, inhuman, or degrading punishment, security forces including the RAB, military, and police frequently employed severe physical and psychological abuse during arrests and interrogations. According to figures provided by human rights organizations, the use of such techniques dropped in 2008 but increased during the year. Abuse consisted of threats, beatings, and the use of electric shock. According to human rights organizations, security forces tortured at least 68 persons. The government rarely charged, convicted, or punished those responsible, and a climate of impunity allowed such abuses by the RAB, police, and military to continue.” [2t] (Section 1c)
- 8.12 The human rights NGO, Odhikar, recorded 68 incidents of torture by the law enforcement agencies in 2009. However, Odhikar points out that the actual number could have been higher as not all incidents are reported. (Odhikar *Human Rights Report 2009*) [46w] (p17)
- 8.13 A Human Rights Watch report, *Ignoring Executions and Torture...*, published on 18 May 2009, stated that: “Although there are no reliable statistics on the extent to which state agents engage in acts of torture...nongovernmental organizations and journalists in Bangladesh have over the years documented and reported thousands of cases.” [10i] (Section II)
- 8.14 According to the Human Rights Watch (HRW) World Report 2010 (covering events of 2009), dated 20 January 2010:
- “Torture continues to be used by law enforcement officials to force confessions in criminal investigations and to extort money. The bodies of those who are killed by RAB and the police regularly have physical marks and injuries indicating that they were subjected to torture.
- “Several persons taken into custody following the BDR rebellion in February 2009 died under suspicious circumstances. Many detainees were subjected to

physical torture, including beatings and electric shocks. Relatives of Mobarak Hossain, one of the BDR members who died after being detained, allege that he was tortured to death. Sources at the Dhaka Medical College morgue told the media and human rights workers that Hossain's wrists, arms, knees, and shoulders were swollen and badly bruised. In May the government announced that a commission had been established to investigate the deaths of BDR members in custody. The findings of the commission, which was to have submitted its report within 15 days, have not been made public at this writing.

"On October 22, F.M. Masum, a journalist at the New Age newspaper, was detained by RAB officers and tortured. Masum has written several reports about the paramilitary unit for New Age, including on its involvement in extrajudicial killings.

"Laws that facilitate torture by removing or undermining fundamental safeguards against arbitrary arrests and detention remain in effect, including the Special Powers Act and the newly adopted Anti-Terrorism Act." [10n]

Odhikar Torture Prevention Project

- 8.15 Odhikar, a Dhaka-based human rights NGO, stated in their *Human Rights Report 2009*, issued 1 January 2010 that:

"The Government abruptly brought an end to the torture prevention project being implemented by Odhikar, where Odhikar was to provide training to human rights defenders and carry out mass-awareness raising programmes. The NGO Affairs Bureau under the Prime Minister's Office, approved the programme and gave permission to launch the project titled 'Human Rights Defenders Training and Advocacy Programme in Bangladesh' on April 28, 2009. After the permission was granted, Odhikar provided training to Human Rights Defenders as to how human rights could be upheld; how human rights violations could be prevented; how one could assist the tortured persons; along with providing training as to how public awareness could be raised against torture and to enact a domestic law criminalising torture as an offensive crime and carry out advocacy programmes to inspire the Government to sign the Optional Protocol to the Convention Against Torture.

"... Odhikar then received a letter dated August 17, 2009, from the NGO Affairs Bureau ordering it to shut down its torture prevention programmes. The letter reached Odhikar on August 31, 2009. The letter, which was signed and stamped by the NGO Affairs Bureau authority, stated that the project had been cancelled because of objections expressed by the Ministry of Home Affairs. No prior notification or valid reason to shut the programme was given by the government.

"Odhikar filed a Writ Petition (No. 6550) challenging the cancellation of its project by the Government. On October 11, 2009, the High Court Division of the Supreme Court of Bangladesh issued a rule against the Government and at the same time stayed the impugned order of the NGO Affairs Bureau ... "[46w] (p29)

Extra-judicial killings

- 8.16 According to the USSD 2009 report:

"Members of the security forces committed numerous extrajudicial killings. The police, BDR, military, and the Rapid Action Battalion (RAB) occasionally used unwarranted lethal force.

"According to government statistics, there was a 3 percent increase in the number of killings by all security personnel, and the government did not take comprehensive measures to investigate these cases despite public statements by high-ranking officials that the government would show "zero tolerance" and would fully investigate all extrajudicial killings by security forces. The number of killings by the police and combined security forces also increased. According to the media and local human rights organizations, no case resulted in criminal punishment, and in the few instances in which the government levied charges, those found guilty generally received administrative punishment.

"According to media reports, local and international human rights organizations, and the government, the RAB killed 41 persons during the year, from 68 the year before, a nearly 40 percent drop. The average number of such deaths dropped from six per month in 2008 to three per month during the year. Combined security units consisting of RAB members and police, however, killed 25 persons during the year. The deaths, some under unusual circumstances, occurred during raids, arrests, and other law enforcement operations, or in some cases while the accused were in custody. The government often described these deaths as "crossfire killings," "gunfights," or "encounter killings," terms it used to characterize exchanges of gunfire between the RAB or police and criminal gangs." [2t] (Section 1a)

- 8.17 The NGO Odhikar stated in a report of 31 May 2009 that 29 people had been "extra-judicially killed" by the police and security forces since the Awami League government came to office on 6 January 2009. In an address to the Human Rights Council on 3 February, the Foreign Minister said the Government would show "zero tolerance" towards extrajudicial killings, torture and custodial deaths. [46t]
- 8.18 Odhikar, noted in their *Human Rights Report 2009* (published 1 January 2010) that, according to media reports, 154 persons were killed by law enforcement agencies during the year 2009, 129 of them in "crossfire/encounters/gunfights/shootouts". In addition, the deaths of 21 people are reported to have occurred following torture in custody. Of the 154 deaths, 38 were attributed to the Rapid Action Battalion (RAB), 63 to the Police and the balance to joint forces or other units. [46w] (p21) The NGO, Ain o Salish Kendra (ASK), in their 2008 Annual Report, stated that, according to their records, 175 people were killed by law enforcement agencies in 2008 – 82 of them by the RAB, 72 by the police and 21 by joint units. Of the 175 deaths, 48 took place while the person concerned was in custody. Nine of the 175 deaths were associated with torture. [109a] (Chapter 4)
- 8.19 According to the Human Rights Watch (HRW) report *Ignoring Executions and Torture...*, published on 18 May 2009:

"The longstanding problem of killings in custody assumed endemic proportions after the creation of the Rapid Action Battalion (RAB), a paramilitary law enforcement agency, in 2004. RAB started the trend of so called 'crossfire

killings'-apparent extrajudicial killings that officials purport were legitimate or accidental killings where the victims (people RAB called 'wanted criminals' or 'top terrors') died when they resisted arrest or when they were caught in the crossfire during an armed clash between RAB and a criminal group. But the police also adopted these methods soon after. Since June 2004, well over 1,000 people have been killed by the police, RAB, and other security forces. It is widely believed that the vast majority of these killings in reality are thinly-disguised executions, often preceded by torture." [10i] (Section II)

8.20 According to the Human Rights Watch World Report 2010:

"On several occasions during 2009 the government promised that it would end the grave problem of extrajudicial executions by members of the security forces. Yet the Rapid Action Battalion (RAB)-an elite paramilitary law enforcement agency-and the police continued to kill people in what the authorities refer to as "crossfire" killings, "encounters," and "shootouts" but in fact constitute thinly disguised extrajudicial executions. ... The killings increased significantly during the second half of the year, suggesting a lack of commitment to confront the security forces once the government settled into office. Alleged members of outlawed left-wing political parties are particularly targeted. In echoes of previous governments' statements that had been heavily criticized by the Awami League while in opposition, the government claimed that law enforcement agencies were only exercising their right to self defense." [10n]

See also [Accountability and impunity](#) below

Accountability and impunity

8.21 Human Rights Watch's *World Report 2010*, Bangladesh, released on 20 January 2010, noted:

"In 2009 Human Rights Watch could identify no cases of members of the security forces being convicted and imprisoned for killings, acts of torture, or illegal detentions. The government removed from their positions a few individuals responsible for human rights abuses committed by the Directorate General of Forces Intelligence (Bangladesh's most important military intelligence agency) during the former interim government's anti-corruption campaign.

"Legal provisions that have traditionally shielded members of the security forces and other public officials from prosecution, by requiring government approval for criminal actions to be initiated, remain in effect." [10n]

8.22 According to the USSD 2009 report:

"Police are organized nationally under the Ministry of Home Affairs (MOHA) and have a mandate to maintain internal security and law and order. Under recent governments, police were generally ineffective and reluctant to investigate persons affiliated with the ruling party ... The government took steps to address widespread police corruption and a severe lack of training and discipline. The Inspector General of Police continued to implement a new strategy, partially funded by international donors, for training police, addressing corruption, and creating a more responsive police force ...

Plaintiffs rarely accused police in criminal cases due to lengthy trial procedures and the fear of retribution. Such reluctance to confront police created a climate of impunity.” [2t] (Section 1d)

CORRUPTION IN THE LAW ENFORCEMENT AGENCIES

- 18.23 A study carried out by Transparency International (TI) in 2006-2007 found that 64.5 per cent of those respondents who had dealings with the law enforcement agencies claimed to have used bribery. [42g] (pp34-36) In the ‘Base Line’ survey published in 2006 on behalf of TI, over 90 per cent of all respondents expressed agreement with the statement “It is impossible to get any help from the police without money or influence.” [42e] (p58)

See also [Avenues of complaint](#)

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Police Reform Programme

- 8.24 A Police Reform Programme (PRP), designed to assist the Bangladesh Police to improve performance and professionalism, to ensure equitable access to justice and to be more responsive to the needs of vulnerable people, commenced in 2005 and then progressed more rapidly under the Caretaker Government. A comprehensive public attitude baseline survey was carried out in 2006 and submitted in January 2007 (see ‘Avenues of complaint’, below). [97c] [97a] By April 2008, 11 model *thanas* (police stations), designed under the Programme, had so far opened in different regions of the country; officers were receiving training on human rights, on gender awareness and on accountability. [97c] [97a]
- 8.25 Under the Police Reform Programme, a draft ordinance (Bangladesh Police Ordinance 2007) was prepared to replace the Police Act of 1861; it aimed to redefine the roles and responsibilities of police. It also recommended pay increases and improved allowances for police personnel, and provided for specialised training of officers. (*New Age*, 10 June 2007) [96d] (PTI, 10 May 2007) [56b] The draft ordinance proposed the establishment of a Police Complaints Commission, as well as a Summary Court for quick adjudication of cases against police personnel accused of abuse of power or other irregularities. (*Daily Star*, 20 June 2007) [38cw] An article in the *Daily Star* of 26 August 2008 noted that Police Ordinance 2007 had not yet been implemented, but had been referred to stakeholders for comment. [38cx] It was reported on 16 February 2009 that the government had not yet selected the draft Ordinance for ratification by Parliament. (*The Daily Star*) [38dm]
- 8.26 In February 2009 the country’s first Victim Support Centre was established in Dhaka by the Bangladesh Police. It is staffed by 17 trained female police officers and is supported by a network of health care professionals, social workers, lawyers and NGO personnel. The UN Development Programme’s Country Director, Stefan Priesner, commented at the Centre’s inauguration that it reflected “the significant shift that has taken place in the police mindset in recent years”. (Minsitry of Home Affairs, Police Reform Programme press release, 17 February 2009) [97c]

See also [Avenues of Complaint](#) (below); Section 9: [Crime](#) and Section 20: [Corruption](#)

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Avenues of complaint

8.27 According to a Human Rights Watch (HRW) report of December 2006: “Citizens who wish to file a complaint with the police face many hurdles. First is the fear of reprisal, sometimes based on direct threats not to file a complaint. When families of victims are brave enough to come forward, the police frequently refuse to accept the case. Under Bangladeshi law, the government must provide sanction for courts to consider any offence by a public servant on official duty, including members of the police and other security forces.” [10c] (Section II) The HRW report of 18 May 2009 noted that, in certain cases where the police had refused to accept a complaint, individuals had turned directly to the judiciary – which had the power to conduct its own investigations into those cases. [10l] (Section III)

8.28 The public attitude baseline survey conducted on behalf of the UNDP in 2006 found:

“Only a meagre percent of the respondents at household (4-7%) mentioned that they reported any incidence of crime to the police during the last 12 months and of them about three fourths (71-74%) were dissatisfied with the response received from the police... About half (49-55%) of the respondents were dissatisfied with the ease of reporting and accuracy of reporting crimes to the police. The following were identified as problems in reporting crimes to the police (placed in order of priorities): police seeks incentives/bribes (money); they remain busy and do not give time or listen; non availability of forms (printed) and papers (carbon paper); concerned police staff not available; police influence or discourage complainant from lodging complaints; forms are complex, not understandable; and police create unnecessary complications and delays ... The overwhelming majority of the respondents (82-83%) mentioned that people [most frequently] report to police when the crime committed is a life-threatening one. [Other] crimes which [frequently] induce people to report to police...are physical torture (63%); property related crimes (57-63%); and [honour-related] issues/defamation (29-53%). Crimes [which victims usually do not report to police] include violence against women. Sex related crimes have also been identified by three fourths of the female respondents (77%)...as crimes inhibiting reporting to police. Other crimes which discourage victims from reporting to police are crimes committed by [influential people] or police themselves and unnecessary harassments.” [‘Common or minor crimes’ were also usually not reported]. [97a] (piii) (p51)

8.29 The report added:

“The [female respondents] hardly or never reported crimes to the police unless police was incidentally present at the place of occurrence. Males...most frequently, or frequently, reported crimes by visiting the police station personally or sending somebody to police station or through telephone or sending letters or bringing the police to the place of occurrence. Most frequently, or frequently, cited reasons for not reporting crimes to the

police...include: worried or afraid to face police; problems or fear of expenditure; fear of harassment by the police; fear of harassment by the criminals; fear of losing honor; no confidence in police/ police not effective; community people/ward commissioner solved the problem; neutral investigation and equal protection of law not expected; and directly filed case in the court." [97a] (p111)

Police officers interviewed for this survey estimated that, on average, it required 23 to 26 hours to reach the scene of a crime after receiving information. [97a] (p52) Most household respondents said that the police were over-worked and did not have sufficient time off. However, a majority also perceived that police officers spent time doing errands for higher officials, or on protocol functions or VIP protection or collecting incentives/bribes, or could not perform their duties properly. [97a] (p64-65)

- 8.30 The British High Commission in Dhaka, in a letter dated 1 October 2004, described how citizens could proceed if the police refused/declined to investigate a particular complaint or file a criminal case: "Lawyers working for the respected Human Rights NGO, Odhikar, have advised that in such a case an individual can petition a magistrate. If the magistrate agrees with his [or her] claim, the magistrate can then direct the police to accept the case. [The British High Commission has also] heard the same from another Human Rights NGO, the Human Rights Congress for Bangladeshi Minorities." [11h]

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9. MILITARY SERVICE

- 9.01 Conscription has never existed in Bangladesh, although the 1952 Bangladesh Army Act does provide for a possible introduction of compulsory military service. (War Resisters International: Bangladesh entry, last updated March 1998, accessed Dec 2009) [13] A State Party report, dated 14 July 2005, to the United Nations Convention on the Rights of the Child (UN CRC) observed: "There is no provision for compulsory recruitment into the armed forces of Bangladesh." [52b]
- 9.02 According to the Coalition to Stop the Use of Child Soldiers *Global Report 2008* (accessed 15 June 2009) the minimum age for voluntary recruitment in the army is 16, and 17 years for the navy and air force. The minimum age for recruitment into the armed paramilitary and auxiliary forces, including the Bangladesh Rifles and the Ansar, is 18 years. [35] (Bangladesh narrative) The UN CRC report of July 2005 clarified that, because recruits into the armed forces initially underwent a period of basic training, there was no scope for any person to be employed for actual service or combat duty before attaining the age of 18. [52b]

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10. ABUSES BY NON GOVERNMENT ARMED GROUPS

- 10.01 Jane's Sentinel Security Risk Assessment, Bangladesh, Executive Summary, posted on 28 April 2009, stated:

"Islam has become an increasingly defining feature of Bangladeshi politics in recent years. One consequence of the rise of Islamic politics in Bangladesh has been a deterioration in the security environment. The former BNP-led government (2001-2006), which included the Bangladesh Islamic Conference (Jamaat-i-Islami Bangladesh: JIB) and the Coalition of Islamic Unity (Islami Oikya Jote: IOJ), came under pressure for its tacit support of radical Islamist groups such as the Jamaat ul-Mujahideen Bangladesh (JMB), which was responsible for 459 near-simultaneous improvised explosive devices that detonated on 17 August 2005, killing two people and injuring more than 100 others. The judiciary was also targeted that year with attacks on courthouses in Gazipur and Chittagong, likely because they are symbols of secularity. The BNP belatedly began to crack down on the JMB. Although this created tensions with the JIB, the government succeeded in capturing and executing the leading operatives of the terrorist attacks. Nevertheless, in May 2007, three near-simultaneous bomb explosions struck three railway stations in three cities. The attacks were attributed to a new organisation called Zadid Al-Qaeda, which may be a regrouping of certain JMB activists. Although there have been no major attacks on the same scale as the 2005 blasts, and arrests of JMB leaders across the country continue, militancy remains a threat, particularly given that the BNP, the AL and the army remain politically unwilling to fully investigate the links between the various Bangladeshi militant groups and the former governing Islamic parties." [83e]

- 10.02 The Institute for Conflict Management's South Asia Terrorism Portal (SATP) reported in their Bangladesh Assessment 2010 (covering events of 2009):

"Bangladesh has experienced an abrupt political stabilization in 2009, even as subversive activities by Islamist extremist groups have been substantially curbed by the Government. No terrorist attack has so far been recorded in 2009 by the Islamist militants, though radical groups continue to maintain a varying presence across the country. Bangladeshi authorities, however, continue to vigorously target alleged Left Wing Extremists, though there is little corresponding evidence of a proportionately violent Left Wing movement in the country." [59g]

- 10.03 The Armed Conflict Database of the International Institute for Strategic Studies, undated, accessed 10 February 2010, stated:

"Militants were responsible for a few small-scale incidents, including violent demonstrations on university campuses, and just one fatality during 2009. Eighty-six died in incidents not linked to militancy, 74 of them during the mutiny by the Bangladesh Rifles (BDR) border guards. However, despite this lull in the conflict, intelligence sources reported that Islamist organisations continued to operate and recruit throughout Bangladesh. There were arrests and continuous security operations throughout the year, including a hunt for Islamist militants' bomb stores." [116a]

- 10.04 The South Asia Terrorism Portal's *Data Sheets*, updated to 31 December 2009 reported that there were no fatalities associated with Islamist terrorism in 2008 or 2009. During the same period, 86 left-wing militants – mostly members of Purba Bangla Communist Party factions and the New Biplobi Communist Party – and six civilians were killed, primarily in encounters with the security forces. [59f]
- 10.05 The Institute for Conflict Management, in their Bangladesh Assessment 2010 reported that: "According to a November 7, 2009, report 13 Left Wing Extremist (LWE) groups are active in the country: Purba Banglar Communist Party, PBCP (Janajuddha), PBCP (M-L Red Flag), PBCP (M-L Communist War), Biplabi Communist Party, New Biplabi Communist Party, Gono Bahini, Gono Mukti Fouz, Banglar Communist Party, Socialist Party, Biplabi Anuragi, Chhinnamul Communist Party and Sarbahara People's March." [59g]

See also Section 4: [Recent Developments](#) and [Annex B](#)

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11. JUDICIARY

11.01 Article 35(3) of the Constitution states “Every person accused of a criminal offence shall have the right to a speedy and public trial by an independent and impartial court or tribunal established by law.” Article 27 provides: “All citizens are equal before the law and are entitled to equal protection of law.” [4]

11.02 According to the US State Department *Country Report on Human Rights Practices 2009* (USSD 2009 report), released 11 March 2010:

“The law provides for an independent judiciary, but in practice a longstanding temporary provision of the constitution placed the executive in charge of the lower courts, judicial appointments, and compensation for judicial officials. In 2007 the caretaker government implemented legislation the previous government had developed separating the judiciary from the executive, and that legislation remained in effect throughout the year... Corruption and a substantial backlog of cases hindered the court system, and trials were typically marked by extended continuances, effectively preventing many from obtaining a fair trial due to witness tampering, victim intimidation, and missing evidence. Human rights observers contended magistrates, attorneys, and court officials demanded bribes from defendants in many cases filed under the Special Powers Act during the year.” [2t] (Section 1e)

11.03 Freedom House’s report, *Freedom of the World 2010*, covering events in 2009, released in May 2010 observed

“The court system is prone to corruption and severely backlogged; pretrial detention is lengthy, and many defendants lack counsel. The indigent have little access to justice through the courts. In August 2009, the government launched an initiative to form small courts in 500 rural administrative councils that could settle disputes outside of traditional court settings, reducing pressure on the legal system.” [65d]

ORGANISATION

11.04 As noted in the USSD 2009 report:

“The court system has two levels: the lower courts and the Supreme Court. Both hear civil and criminal cases. After the separation of the judiciary from the executive, the government appointed judicial magistrates to replace the executive magistrates who had presided over the lower courts. Although executive magistrates still exist, their powers are restricted, and they are only appointed in specific circumstances; for example, executive magistrates were appointed to administer the mobile court system to look at issues of food adulteration and quality. The Supreme Court has two parts, the high court and the appellate divisions. The High Court Division hears some original cases mostly dealing with constitutional issues, and reviews cases from the lower courts. The Appellate Division hears appeals of judgments, decrees, orders, or sentences of the High Court. Rulings of the Appellate Division are binding on all other courts.” [2t] (Section 1e)

11.05 Decisions of the Appellate Court are binding on all other courts, including the High Court. The judges of both divisions of the Supreme Court are appointed

by the President, according to the terms of the Constitution. [Bangladesh Constitution, accessed 15 March 2010] [4]

- 11.06 The Civil Justice system in Bangladesh is based on the British model (USSD Background Note, August 2008) [2e] and continues to operate under the 1908 Civil Procedure Code. Certain amendments have been incorporated to try to speed up the process and avoid long and unnecessary delays. (*Daily Star*, 16 July 2005) [38ag]
- 11.07 The Law Commission was formed in 1976; its functions include recommending the repeal or amendment of existing laws which are obsolete or inconsistent with fundamental rights; recommending the enactment of new laws; and recommending reforms to modernise the judicial system. The Commission is headed by a retired Chief Justice of Supreme Court. (Law Commission of Bangladesh (website) accessed 15 March 2010) [84]

Special Tribunals

- 11.08 The USSD *Country Report on Human Rights Practices 2006*, released March 2007, recorded that, under the provisions of the Public Safety Act, the Law and Order Disruption Crimes Speedy Trial Act (see below), and the Women and Children Repression Prevention Act (see Section 25: [Women](#)), special tribunals hear cases and issue verdicts. Cases under these laws must be investigated and tried within specific time limits, although the law is unclear regarding the disposition of a case if it is not finished within an allotted time period. [21] (Section 1e)

The Truth Commission

- 11.09 As noted by the NGO, Ain o Salish Kendra (ASK) in their Annual Report 2008:

“The ‘Truth and Accountability Commission’ was set up on 3 August [2008], pursuant to the Right to Voluntary Disclosure Ordinance 2008, which allows citizens to avoid imprisonment by making voluntary disclosures regarding any unearned income and depositing the same with the Commission. The tenure of the Commission was set to end on 2 January 2009. Up to November, some 389 people, mainly government officials and medium-level businessmen, applied for voluntary disclosure; 259 of them admitted to possessing assets beyond their known source of income amounting to some Taka 27.79 crores (277.9 million Taka) and deposited Taka 14.46 crores (144.6 million Taka) with the public exchequer. However, the High Court, on 13 November, declared the Ordinance, the formation of the Commission, and all its functions illegal and unconstitutional, in a public interest litigation. The Court observed that the Commission was unconstitutional as it had by allowing offenders to be exonerated without trial in the courts, effectively by-passed the judiciary. The writ petitioners argued that the provisions of the Ordinance which allowed the conduct of private hearing by the Commission, the reliance on self-incriminating evidence and the confiscation of private property were in violation of fair trial protections under Article 35 of the Constitution. The Appellate Division, on 16 November [2008], stayed the High Court order for one month, allowing the Commission to function in the mean time. However, the Commission had completed all its hearings before the High Court order, and functioned only administratively following this order.” [109a] (Chapter 6)

Informal systems of justice: village courts and *Shalish*

- 11.10 The UNDP 2002 report noted that about two-thirds of all disputes did not enter the formal court process; instead they were either settled at a local level by local leaders or a village court, or they remained unsettled. *Shalish* (or *Grameen Shalish*) local mediation councils provide a traditional alternative to dispute resolution and comprise local community leaders who either individually or in groups provide a forum for arbitration and dispute resolution. A study of *Shalish* in two districts in 1996 indicated that the majority of disputes dealt with related to family law, maintenance, second marriage, dowry and land ownership. According to the UNDP 2002 report, the option of conciliation through mediation was particularly favoured by women and the poor. [8b] (p91-100) *Shalish* cannot lawfully try criminal cases; all criminal proceedings must be regulated by the Code of Criminal Procedure or by specific acts passed by parliament. (UNB, 20 March 2009) [39b1] Village courts deal with both civil and criminal matters; they have the power to summon witnesses and can impose a fine on contempt charges. The officials of village courts are usually chairmen and members of 'union parishads' (the local government authorities, of which there are 4,448 in Bangladesh) and are generally powerful members of the local community. Village courts can, however, be open to outside influences. The main sources of influence were said to be local political leaders, community leaders, wealthy people and other influential individuals in the village. Village courts generally functioned in co-operation with the local police. [8b] (p91-100)

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INDEPENDENCE

- 11.11 Article 94(4) of the Constitution states "Subject to the provisions of this Constitution the Chief Justice and the other Judges shall be independent in the exercise of their judicial functions." Article 96 provides that a judge cannot be removed from office for reasons other than those set out in the Constitution. [4]
- 11.12 As noted in the USSD 2009 report:
- "The court system has two levels: the lower courts and the Supreme Court. Both hear civil and criminal cases. After the separation of the judiciary from the executive, the government appointed judicial magistrates to replace the executive magistrates who had presided over the lower courts. Although executive magistrates still exist, their powers are restricted, and they are only appointed in specific circumstances; for example, executive magistrates were appointed to administer the mobile court system to look at issues of food adulteration and quality. The Supreme Court has two parts, the high court and the appellate divisions. The High Court Division hears some original cases mostly dealing with constitutional issues, and reviews cases from the lower courts. The Appellate Division hears appeals of judgments, decrees, orders, or sentences of the High Court. Rulings of the Appellate Division are binding on all other courts." [2t] (Section 1e)
- 11.13 The NGO Odhikar commented in its *Human Rights Report 2008* of 15 January 2009 that the separation of the Judiciary from the Executive could be regarded

as one of the major successes of the Caretaker Government. The report, however, stated that the Government still exercised some control over the recruitment of judges, which was done by the Public Service Commission through the Ministry of Law. [46r] (p26)

- 11.14 The Asian Human Rights Commission (AHRC) reported in *"The State of Human Rights in Bangladesh 2009"*, undated, that:

"Bangladesh's government has made public announcements that the judiciary would be separated from the executive and will function independently, including to the international community in pledges made as part of the country's re-election bid for membership in the UN Human Rights Council. However, the same government also amended the Code of Criminal Procedure in 2009 to allow 'executive magistrates' to arbitrarily take over trials of any cases they deem fit, greatly undermining any notion of independence of the judiciary, in particular concerning cases of human rights violations allegedly committed by the State." [66b] (p63)

FAIR TRIAL

- 11.15 As noted on the website of the Bangladesh Embassy in Washington DC (accessed on 8 October 2006), "The Government has constituted Legal Aid Committees, headed by District Judges in 61 districts, to provide legal assistance to the poor and destitute litigants. These district level committees have been working under the National Legal Aid Committee." [85]

- 11.16 The USSD 2009 report stated:

"The law provides accused persons with the right to be represented by counsel, to review accusatory material, to call or question witnesses, and to appeal verdicts. Cases are decided by judges rather than juries, and trials are public. In practice a public defender is rarely provided to defendants. Defendants are presumed innocent, have the right to appeal, the right to be present and to see the government's evidence." The report added, "Corruption and a substantial backlog of cases hindered the court system, and trials were typically marked by extended continuances, effectively preventing many from obtaining a fair trial due to witness tampering, victim intimidation, and missing evidence." [2t] (Section 1e)

- 11.17 The Asian Human Rights Commission (AHRC) reported in *The State of Human Rights in Bangladesh 2009*, undated, that:

"The criminal justice system of Bangladesh is incapable of holding a fair trial and providing justice to the country's citizens. In order to establish the rule of law, the country immediately requires equal access to be provided to citizens to effective complaint mechanisms without any fear or manipulation. Criminal investigations should be efficient, impartial and independent from the regular police. The prosecution needs to be independent and permanent instead of the current practice of politicised recruitments followed by dismissals depending on which political party is in power. Judges occupying the judiciary's various branches need to exhibit competence and judicial skills and be supported with adequate resources." [66b] (p65)

CORRUPTION IN THE JUDICIARY

- 11.18 The Asian Legal Resource Centre (ALRC), in its publication of February 2010, *Politics – Corruption Nexus in Bangladesh, An Empirical Study Of The Impacts On Judicial Governance* stated that:

“No matter what form of corruption takes place in the judiciary of Bangladesh, political factors play a huge part in terms of the origin, development and practices of corruption. Government must take a holistic approach to the problems and undertake a thorough reformation of the existing systems without any further delay. The Subordinate Judiciary of Bangladesh has yet to develop as an effective institution under the status quo, and this is so even after its de jure separation from the executive branch of the State machinery. It is one of the most neglected institutions of the State having only minimum facilities. In upholding the rule of law, in maintaining law and order, in protecting fundamental human rights and in building up a strong check and balance system amongst the State organs, the judiciary should be rescued directly and with all due speed, from its status of vulnerability.” [76a] (p111)

- 11.19 The ALRC publication highlighted several areas of concern, which included:

1. Local touts and persons with vested interests can exploit the man/woman on the street by using their ignorance of the judicial process, as an opportunity for their own personal gain;
2. Innocent persons are victimized by political leaders or activists through false cases and especially in counter cases;
3. People use every means to avoid lodging their cases in a police station because of the possibility of endless police harassment;
4. Police do not record genuine cases because of political considerations or because their demands for money were refused. [76a]

- 11.20 The Asian Human Rights Commission (AHRC) reported in *“The State of Human Rights in Bangladesh 2009”*, undated, that:

“Different forms of corruption can be found at most stages of criminal investigations. The police play a key role in corruption in investigative and trial cases. It is difficult to lodge a complaint in a criminal case in a police station. It is also difficult to file a complaint case before the cognizance magistrate courts. ... Bribes for court staff are an inevitable expectation for services rendered at all stages from the filing to the disposal of a criminal case. ... Accused persons under arrest are not consistently presented before the nearest magistrate within twenty-four hours. The most corrupt area of judicial matters involves bail, where the majority of stakeholders are either directly or indirectly involved. Strict legal formalities in recording confessions are not properly followed by the magistrates.” [66b] (p31)

See also Section 20: [Corruption](#)

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12. ARREST AND DETENTION – LEGAL RIGHTS

See also Section 10: Arbitrary Arrest and detention and Section 17: Opposition Groups and Political Activists

- 12.01 As stated in the US State Department *Country Report on Human Rights Practices 2009* (USSD 2009 report), released on 11 March 2010: “The constitution prohibits arbitrary arrest and detention; however, the law permits authorities to arrest and detain persons suspected of criminal activity without an order from a magistrate or a warrant.” USSD also has noted that, In December 2008 the president promulgated the Emergency Power (Repeal) Ordinance to revoke the state of emergency that had been declared in 2007. Under the state of emergency, the government promulgated the Emergency Power Rules (EPR), which gave the government authority to detain citizens without filing formal charges or specific complaints. In repealing the state of emergency, the ordinance specified that, although cases brought under the EPR would continue to have validity, pending cases would be conducted under the traditional rules and laws. [2t] (Section 1d)

PREVENTIVE DETENTION AND ITS LEGISLATIVE FRAMEWORK

- 12.02 The USSD 2009 report noted:

“The law provides for arrest without the use of warrants in certain cases. Section 54 of the Criminal Procedure Code and Section 100 of the Dhaka Metropolitan Police Ordinance authorize detention of persons on suspicion of criminal activity without an order from a magistrate or a warrant, and the government regularly used such provisions. The number of preventive and arbitrary arrests declined from the previous year when the state of emergency was in effect.” [2t] (Section 1d)

- 12.03 Human Rights Watch (HRW) commented in their report of 18 May 2009, “Laws giving the authorities the power to deprive a person of his or her liberty in order to prevent potential future criminal acts have been in place on the subcontinent since British colonial rule. As no crime has been committed, these laws are by their very nature in conflict with the right to be presumed innocent until proved guilty, as well as to not be arbitrarily detained.” [10] (Section V)

The Code of Criminal Procedure (CrPC): Section 54

- 12.04 Section 54 of CrPC authorises any police officer to arrest “without an order from a magistrate or without a warrant.... any personconcerned in any cognisable offence or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been so concerned”. Section 54 of the CrPC lays down certain procedures to be observed once an arrest has been made. This includes that the accused must be produced before a magistrate within 24 hours, and that a magistrate must give prior permission if police want to hold a prisoner for longer. However, it is reported that despite these safeguards, Section 54 effectively allows the police to arrest anyone at any time for almost any reason, and is one of the most easily abused provisions in the Bangladesh legal system. (Canadian IRB, September 1998) [3f] (p4)

The Special Powers Act (SPA)

- 12.05 The Special Powers Act (SPA) of 1974 gives the Government powers to detain any person for an initial period of up to 30 days, without a formal charge or specific complaint, in order to prevent him or her performing a 'prejudicial act'. A prejudicial act is broadly defined as "any act... likely to prejudice... the sovereignty and defence of the country, national security, public order or the economic or financial interests of the state". (Canadian IRB, 1998) [3f] (p5)
- 12.06 The USSD 2003 report provided the following details:
- "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... Detainees are allowed to consult with lawyers, although usually not until a charge is filed; however, they are not entitled to be represented by a lawyer before an advisory board. Detainees may receive visitors." [2o] (Section 1d)
- 12.07 The USSD 2008 report confirmed:
- "Under the Special Powers Act, the government or a district magistrate may order a person detained for 30 days to prevent the commission of an act that could threaten national security; however, authorities held detainees for longer periods. The magistrate must inform the detainee of the grounds of detention, and an advisory board is required to examine the detainee's case after four months. Detainees had the right to appeal... however, detainees arrested under the Special Powers Act were not entitled to representation. The government rarely provided detainees with state-funded defense attorneys, and there were few legal aid programs to offer such detainees financial assistance. Many persons arrested on charges of graft under the Special Powers Act typically would not have qualified for legal aid because of their relatively high incomes. The government generally permitted lawyers to meet with their clients only after formal charges were filed in the courts, which in some cases occurred several weeks or months after the initial arrest." [2b] (Section 1d)
- 12.08 The HRW report of 18 May 2009 noted that the advisory board, required to review the detainee's case after 120 days, and thereafter every six months, is made up of two persons qualified to be high court judges, and 'one senior officer in the service of the Republic'. The proceedings before the board are confidential. [10i] (Section V)
- 12.09 The HRW report of 18 May 2009 commented:
- "From 1974 to March 1995, according to court records, of the 10,372 habeas corpus writs that were moved before the High Court Division of the Supreme Court to challenge detentions, only in less than 9 percent did the court find the detention to be valid-an indication of the extent to which the Act has historically been misused. However, the executive seems to have taken little or no notice of the Supreme Court's repeated criticism of the law and its

implementation. It has even ignored release orders, forcing the court to initiate contempt of court proceedings.” [10l] (Section V)

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PRE-TRIAL DETENTION

12.10 The USSD 2008 report recorded:

“In cases not affiliated with the state of emergency or anticorruption drive, arbitrary and lengthy pretrial detention remained a problem. The total number of pending civil and criminal cases was more than 1.8 million. Many persons who were arrested served longer in pretrial detention than they would have if given the maximum sentence for their alleged crimes. According to the International Centre for Prison Studies, nearly 70 percent of prison inmates remained in pretrial detention at year's end [2008].” [2b] (Section 1d)

BAIL

12.11 The USSD 2009 report confirmed that there was a functioning bail system in the regular courts. For example, the courts granted bail to many of the officials and former officials accused of corruption [2t] (Section 1d)

12.12 The ALRC, in its publication of February 2010, *“Politics – Corruption Nexus in Bangladesh, An Empirical Study Of The Impacts On Judicial Governance”* stated that:

“The most corrupt and highly controversial area of the judicial system in Bangladesh is the matter of bail for an accused person. Bail shall be granted as a right, and the court cannot refuse bail if it is requested by any arrested person or an accused person who has surrendered himself. Unfortunately, as a group, lawyers have the tendency to demand huge sums of money from their clients who are arrested in cases where bail is allowed. They paint a negative picture of the court's attitude towards the alleged offence. In some instances they take money in the name of the responsible judge or magistrate. To lend credibility to their dealings they make lengthy and unnecessary submissions before the court in front of their clients.

“The question of bail arises as soon as a person is arrested by the police or detained in custody or a warrant of arrest is issued against an accused person by the court. In most cases, the accused or their relatives try to obtain bail at any cost, even when bail is available. This is the area where local touts, political leaders, lawyers and judicial officers take the opportunity to amass huge sums of money.” [76a] (p39)

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13. PRISON CONDITIONS

- 13.01 According to the US State Department *Country Report on Human Rights Practices 2008*, (USSD 2008) released on 25 February 2009: "The prison system remained abysmal due to overcrowding, inadequate facilities, and the lack of proper sanitation. Local human rights observers considered these conditions to be contributing factors to custodial deaths." The report continued:

"In most cases, prisoners slept in shifts because of the overcrowding and did not have adequate bathroom facilities ... In 2007 the inspector general of prisons (IGP) took several steps to improve the prison system, including updating the jail code, reducing corruption and drug trafficking in prisons, limiting the use of full shackles on prisoners for reasons other than discipline, improving the quality of food, creating more prisoner vocational training opportunities and literacy classes, and improving the morale of prison staff ... NGOs argued that these reforms were helpful, but that they were not adequately maintained and that the pace of reform during the year was slower than in previous years. These reforms included the construction of three new jails exclusively for women, the launch of several small-scale training programs for prisoners to assemble garments, and physical improvements such as the addition of television sets and fans. During the year the IGP tried to address prisoner morale by allowing low-level offenders to meet family and friends inside jail cells without any physical barriers between them." [2b] (Section 1c)

- 13.02 The International Centre for Prison Studies (ICPS) at King's College, London, recorded in their Prison Brief ([accessed 7 May 2010](#)) that, according to the national prison administration, the total prison population stood at approximately 83,000 on 19 September 2008, while the country's 67 prisons had an official capacity of only 27,451. ICPS noted that pre-trial detainees/remand prisoners then comprised 69 per cent of the prison population. [78a] The *Daily Star* had reported on 26 July 2008 that the prison population was then 87,011. In Dhaka Central Jail, which was accommodating around 9,000 to 10,000 inmates in July 2008 but had a capacity to house only 2,600, prisoners were sleeping in shifts and had to wait in long queues to use the bathrooms and toilets. [38cu] The Bangladesh Prisons Directorate reported that the total prison population on 28 February 2009 was 75,521, while the nominal capacity of all prisons was 27,368. [112a]

- 13.03 The NGO Odhikar noted in its *Human Rights Report 2009*, dated 1 January 2010, that 50 people had died in prison during 2009. [46w] (p39) The report also noted that:

"The prisons of Bangladesh are afflicted with various problems, which do nothing to improve the situation of their inmates. One of the main factors is the condition of the prison buildings. The cells are small and cramped, with poor sanitation and inadequate ventilation. Many of the buildings are dilapidated and are, throughout the years, accommodating prisoners beyond cell capacity; supply of low quality food; lack of adequate medical facilities; crime; the spread of various kinds of disease and torture have all led to deaths of the prisoners in Bangladesh." [46w] (p39)

- 13.04 Women prisoners comprised 3.7 per cent of the prison population in September 2008. (ICPS, 1 September 2008) [78a] In 2007, the government

opened a new prison for women in Gazipur. (USSD 2008) [2b] (Section 1c) On 3 October 2006, Parliament had passed a law allowing release on parole of women prisoners in certain categories and their eventual freedom from imprisonment on fulfilment of certain conditions. (USSD 2006) [2l] (Section 5)

- 13.05 It was stated in the USSD 2008 report: “In general the government did not permit prison visits by independent human rights monitors, including the International Committee of the Red Cross. Government-appointed committees of prominent private citizens in each prison locality monitored prisons monthly but did not release their findings. District judges occasionally visited prisons, but rarely disclosed their findings.” [2b] (Section 1c)

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14. DEATH PENALTY

14.01 The Amnesty International (AI) *Annual Report of 2010* (covering events of 2009) released on 26 May 2010, noted that Bangladesh retains the death penalty. According to this report, at least 64 people were sentenced to death in 2009; at least three executions were actually carried out. [7a]

14.02 Hands Off Cain, an Italian NGO which campaigns for an end to the death penalty worldwide, stated in their Bangladesh country report accessed on 11 June 2010):

“The number of death sentences passed in Bangladesh increased significantly with the introduction of [Speedy Trial Tribunals established under the Disruption of Law and Order Offences Act of 2002]. According to official sources in the Ministry of Law, Justice and Parliamentary Affairs, the nine Speedy Trial Tribunals of the country dealt with 650 cases between October 2002, when they were set up, up to June 30, 2005. The tribunals passed death sentences on 311 people. On the other hand, Sessions Judges' courts of the country sentenced 123 people with death punishment from 2001 until June 30, 2005. A total of 221 people were sentenced to death by different courts of the country until 2001 since independence. On the other hand, 80 people were given death sentence in 2002, 162 in 2003, 112 in 2004 and 80 in 2005 (up to June 30), the sources said... The Ministry of Law, Justice and Parliamentary Affairs, on June 30, 2005, said there were 655 prisoners condemned to death in prisons scattered across the country. The government had only 53 cells for condemned prisoners with each cell originally made to accommodate only one convict. Bangladesh resumed executions in 2001, after a de facto three-year suspension. Two men were hanged between February and March and another in November. One execution was recorded in 2002 and two people were put to death in 2003. At least 13 people were sent to gallows in 2004 and at least five in 2005; four people were executed in 2006 an[d] six in 2007. On December 18, 2008 Bangladesh voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.” [73a]

14.03 Bangladesh applies the death penalty for such crimes as murder, sedition and drug-trafficking. In March 1998 the Bangladesh Cabinet approved the death penalty for crimes against women and children, including trafficking and rape. Skyjacking and sabotage became capital offences in 1997. (Hands Off Cain) [73a] In 2002 the death penalty was introduced for acid attacks. (State party report to CEDAW, dated 3 January 2003.) [47a] (p20) In March 2008 the Caretaker Government approved an anti-terrorism ordinance containing a provision for the death sentence as the maximum penalty for those convicted of terrorism. As of 14 February 2010 there had been five executions, there were 25 death sentences issued and 1020 people were on death row. (Hands Off Cain) [73a]

14.04 Amnesty International noted in a statement of 28 September 2006 “Prisoners sentenced to death in Bangladesh have an automatic appeal hearing before the High Court. They can also lodge additional appeals with the High Court. They can then appeal to the Supreme Court, and after that they have the right to appeal to the President for mercy. Executions are carried out after all these appeals have been exhausted.” [7p]

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15. POLITICAL AFFILIATION

See also Section 18: [Freedom of Speech and the Media](#) and Section 6: [Political System](#)

FREEDOM OF POLITICAL EXPRESSION

- 15.01 The US State Department *Country Report on Human Rights 2009*, released on 11 March 2010, recorded that:

“Although public criticism of the government was common, newspapers depended on government advertisements for a significant percentage of their revenue. As a result, newspapers practiced self-censorship on some issues.

“There were hundreds of daily and weekly independent publications. Although there were significant improvements over the previous year, newspapers critical of the government experienced some government pressure. Journalists perceived to be critical of the government and those aligned with the opposition alleged harassment from unspecified wings of the security forces and members of the ruling party. [2t] (Section 2a)

FREEDOM OF ASSOCIATION AND ASSEMBLY

- 15.02 As noted in the USSD 2009 report., “The constitution provides for freedom of assembly and association, and the government generally respected these rights in practice. The lifting of the state of emergency in December 2008 restored these rights to citizens.” [2t] (Section 2b)
- 15.03 The USSD 2009 report added “The law provides for the right of every citizen to form associations, subject to ‘reasonable restrictions’ in the interest of morality or public order, and the government generally respected this right. Individuals were free to join private groups.” [2t] (Section 2b)

OPPOSITION GROUPS AND POLITICAL ACTIVISTS

Political violence

- 15.04 Violence involving members of student organisations affiliated to the main political parties has occurred frequently in Bangladesh. This has not been co-ordinated on a nationwide basis, but has typically involved small groups of students/youths in a specific university or college or area who are vying for control of ‘local turf’. In most instances over the past few years, clashes have been between activists of the Awami League-affiliated student organisation ‘Bangladesh Chhatra League (BCL)’ on the one side, and the BNP’s ‘Jatiyabadi Chhatra Dal (JCD)’ and/or Jamaat-e-Islami’s ‘Islami Chhatra Shibir’ (ICS) on the opposing side. (South Asia Terrorism Portal, accessed June 2009) [59d]
- 15.05 Freedom House, in their 2010 report ‘*Freedom in the World –Bangladesh*, published May 2010’ observed that: “The level of political violence remained relatively high in 2009; local rights group Odhikar registered 251 deaths and more than 15,000 injured as a result of inter- or intraparty clashes during the

year, with a spike surrounding the January 2009 local government polls.” [65d] [46w] (p9)

Charges against, and restrictions on, the main party leaders

- 15.06 On 28 May 2008 both the Awami League and the BNP declared that they would not take part in discussions with the Caretaker Government, ahead of the next general election, until their leaders had been released from detention. (BBC News, 28 May 2008) [20dv] It was reported on 9 June 2008 that the special court had ruled that Sheikh Hasina would not have to remain present in court while her lawyers defended her four cases; she could thus be released from detention while her trial was still in progress. The court would return her passports. (BBC News) [20ea] (UNB) [39av] She was released on bail and allowed to travel abroad under an ‘executive order’ on the grounds of urgent medical treatment. [109a] (Chapter 6) Sheikh Hasina flew to the US on 12 June 2008. (BBC News, 12 June 2008) [20eb]
- 15.07 BBC News reported on 9 June 2008 that the Government had responded to Sheikh Hasina’s release by immediately offering Khaleda Zia, who was still in custody, the opportunity to travel abroad to seek treatment for her arthritis and knee problems. [20ec] Ms Zia rejected the conditional offer and instead pleaded for the release from remand of her two sons, Tarique Rahman and Arafat Rahman Koko, whom she said were both in poor health and in need of treatment. (BBC News, 9 June 2008) [20ec] (UNB, 20 June 2008) [39au] Koko was released on two months’ parole on July 17 2008 to facilitate his treatment abroad. [38dg] Khaleda Zia’s elder son, Tarique Rahman – who had 13 cases pending against him involving extortion, tax evasion and other alleged offences – was released on bail on 3 September and granted permission to seek medical treatment abroad. (UNB, 12 September 2008) [39ba] On 11 September 2008, Khaleda Zia was released on bail from her makeshift prison in the Parliament complex. She had been detained since 3 September 2007. (UNB) [39bb]

See also Section 14: [Arrest and Detention – Legal Rights](#)

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16. FREEDOM OF SPEECH AND MEDIA

- 16.01 The US State Department *Country Report on Human Rights 2009*, released on 11 March 2010 (USSD 2009) stated that:

"The constitution provides for freedom of speech and press, but the government occasionally did not respect these rights in practice. Although public criticism of the government was common, newspapers depended on government advertisements for a significant percentage of their revenue. As a result, newspapers practiced self-censorship on some issues.

"There were hundreds of daily and weekly independent publications. Although there were significant improvements over the previous year, newspapers critical of the government experienced some government pressure. Journalists perceived to be critical of the government and those aligned with the opposition alleged harassment from unspecified wings of the security forces and members of the ruling party. In addition to one official government-owned news service, there were two private news services.

"Unlike in the previous year, the military's Inter-Service Public Relations (ISPR) office and the DGFI did not directly restrict newspaper ownership or content. However, journalists reported the military cautioned them against criticizing the government or the military, especially in the aftermath of the BDR mutiny. Matiur Rahman Chowdhury, editor of *Manabzamin* and host of two television talk shows, stated in the English language *New Age* that officials told him indirectly to refrain from inviting specified guests during the BDR incident. He also said tapes for a particular talk show were taken from station several hours before the show was scheduled to be broadcast.

"The host of a popular Bengali-language current affairs talk show, *Point of Order*, alleged she received phone calls from individuals identifying themselves as DGFI officials who warned her against promoting 'antigovernment and antistate propaganda.' She also said sponsors of her program had been encouraged to stop their support of her show.

"The government owned one radio and one television station. The parliament passed a law mandating that the public television station, BTV, remain the country's only terrestrial broadcast channel. An estimated 60 percent of the population did not have access to private satellite channels. There were 10 private satellite television stations and three private radio stations in operation. There were two foreign-based and licensed satellite television stations that maintained domestic news operations. Cable operators generally functioned without government interference. The government required all private stations to broadcast, without charge, selected government news programs and speeches by the prime minister." [2t] (Section 2a)

- 16.02 The Freedom House report, *Freedom in the World 2010*, Bangladesh, covering events in 2009, released in May 2010, (Freedom House report 2010) stated:

"Bangladesh's media environment opened up considerably in 2009. In late 2008 the CG had lifted the Emergency Powers Rules (EPR), which limited coverage of sensitive topics, allowed censorship of print and broadcast

outlets, criminalized ‘provocative’ criticism of the government, and imposed penalties—including up to five years in prison and hefty fines—for violations. Media were allowed to freely cover the December 2008 elections, and despite occasional cases of censorship, the print media were generally given more leeway when covering sensitive topics than broadcasters, particularly the private television channels that provide 24-hour news coverage. Mohammad Atiqullah Khan Masud, editor of the national daily Janakantha, was released in January 2009 after being held for 22 months under the EPR. Separately, a journalist and writer who was first arrested in 2003, Salah Uddin Shoaib Choudhury, still faced sedition, treason, and blasphemy charges; his trial began in June 2008 and was ongoing during 2009, but he was allowed to travel abroad while the proceedings continued. A new Right to Information Act took effect in July 2009. According to the press freedom group Article 19, the measure would apply to all information held by public bodies, simplify the fees required to access information, override existing secrecy legislation, and grant greater independence to the Information Commission charged with overseeing and promoting the law.” [65d]

16.03 The BBC News *Country Profile: Bangladesh*, updated 11 January 2010 noted that:

“The main broadcasters - Radio Bangladesh and Bangladesh Television (BTV) - are state-owned and government-friendly. There is little coverage of the political opposition, except in the run-up to general elections when a caretaker government takes control.

“TV is the most-popular medium, especially in cities. BTV is the sole terrestrial TV channel. Popular satellite and cable channels include ATN, Channel i, NTV, RTV, Channel One, BanglaVision and Boishakhi.

“Foreign, especially Indian, TV stations have large audiences in Dhaka and other cities.

“State-run radio covers almost the entire country. BBC World Service programmes in English and Bengali are broadcast on 100 MHz FM in Dhaka.

“Newspapers are diverse, outspoken and privately-owned. English-language titles appeal mainly to an educated urban readership.

“The constitution guarantees press freedom, but journalists are prone to harassment from the police and political activists. The government exercises some influence through the placement of official advertising.

“Media rights organisation Reporters Without Borders has accused the army of targeting journalists, who it says face arrest, maltreatment and censorship.

“There were 500,000 internet users in Bangladesh by March 2008 - 0.3% of the population (ITU figure).” [20am]

16.04 The USSD 2009 report noted that:

“Unlike in previous years, the government did not subject foreign publications and films to stringent reviews and censorship. A government-managed film censor board reviewed local and foreign films and had the authority to censor

or ban films on the grounds of state security, law and order, religious sentiment, obscenity, foreign relations, defamation, or plagiarism, but this was less strict than in the past. In practice video rental libraries and DVD shops stocked a wide variety of films, and government efforts to enforce censorship on rentals were sporadic and ineffective.

“Unlike in the previous year, the government only rarely exercised censorship in cases of immodest or obscene photographs, perceived misrepresentation or defamation of Islam, or objectionable comments regarding national leaders. There were hundreds of daily and weekly independent publications ... In addition to one official government-owned news service, there are two private news services.” [2t] (Section 2a)

16.05 The NGO Odhikar reported on 1 April 2009:

“The government has recently imposed a rigid censorship on the browsing of some websites, including youtube.com, for Bangladeshi nationals. The Bangladesh Telecommunication Regulatory Commission prohibited the visiting of some of [sic] websites on the pretext of protecting ‘national security’. However, the government did not officially specify what kind of content and information should be forbidden in the name of ‘national security’.” [46s]

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TREATMENT OF JOURNALISTS

16.06 The Freedom House report noted:

“Journalists continue to be threatened and attacked with impunity by organized crime groups, party activists, and Islamist groups, although the level of harassment has declined and no journalists have been killed for the past four years, according to the Committee to Protect Journalists. In February, journalist Farid Alam fled the country after receiving death threats from the JMB in connection with his new book on militant Islam. Several cases of arbitrary arrest, prolonged detention, and custodial torture of journalists were documented during 2009, including that of New Age reporter F.M. Masum, who was tortured by a member of a government paramilitary unit in October. Journalists have also reported receiving threatening telephone calls from intelligence agencies seeking to prevent negative coverage, and many practice self-censorship when reporting on sensitive topics.” [65d]

16.07 Odhikar’s *‘Human Rights Report 2009’* stated that during 2009, at least 84 journalists were reportedly injured, 1 journalist was arrested, 45 were assaulted and 73 were threatened; 23 legal cases were filed against journalists. [46w] (p27)

16.08 The Committee to Protect Journalists recorded in their special report, *‘Getting Away with Murder 2010’*, dated 20 April 2010:

“Bangladesh has been in a holding pattern. While no journalist murders have been reported since 2005, no convictions have been won in any of the seven unsolved killings perpetrated in the first half of the decade, when journalists faced heavy reprisals for their coverage of corruption, organized crime, and

extremist groups. The most recent murder claimed the life of newspaper reporter Gautam Das, who was found strangled in his office in November 2005. Police arrested several suspects in the case, but to date none have been convicted.” [51a]

16.09 The USSD 2009 report noted:

“Attacks on journalists continued to be a problem. There was an increase in individuals affiliated with the government or ruling party harassing, arresting, or assaulting journalists. According to Odhikar and media watchdog groups, at least three journalists were killed, 84 were injured, one was arrested, 45 were assaulted, 73 were threatened, and 23 had cases filed against them during the year. According to some journalists and human rights NGOs, journalists engaged in self-censorship for fear of retribution from the government.” [2t] (Section 2a)

See Section 7: [Right to Information Ordinance](#)

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17. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

Read in conjunction with sections on [Political affiliation](#) and [Freedom of speech and media](#).

- 17.01 The United Nations *Common Country Assessment* for 2004 had observed:

“The growth of civil society and in particular nongovernmental organizations (NGOs) has been one of the great success stories in Bangladesh. Though the country has a long tradition of social activism throughout its history – the language movement being one example – the emergence of the NGO sector has been a relatively new phenomenon that began in the late 1970s. Today, NGOs are a significant provider of social services, in particular health and education, to the rural poor. Specialized microfinance institutions (MFIs) such as the Grameen Bank, pioneered the micro-credit model that has been replicated all around the world and MFIs have had considerable success in helping to provide alternative income-generating opportunities for poor women in Bangladesh. The emergence of NGOs has also played a significant role in the improvement of human development indicators and compensated, in part, for weak market and state institutions. Within the context of a rights-based approach, it should be noted that local NGOs have also played a significant role in terms of helping poor and marginalized groups to make claims for the fulfilment of their rights to education and health and secure and sustainable livelihoods. Today there are well over a thousand NGOs registered with the Government. From village cooperatives and women’s groups on the one hand to large internationally recognized institutions with staff running into the thousands, civil society in Bangladesh has thrived since the restoration of democracy.” [8d] (p69)

- 17.02 The report added:

“Legitimate questions have been raised on the accountability and representation of (foreign funded) NGOs and there have been several attempts to limit the work of NGOs to basic service provision. In a couple of notable cases, prominent NGOs have come under fire from within and outside the sector for allegedly crossing the line into direct partisan activities. Legislation is under consideration for tightening the regulatory environment for NGOs including issues relating to registration and taxation.” [8d] (p70)

NATIONAL HUMAN RIGHTS COMMISSION (NHRC)

- 17.03 On 9 December 2007 the Council of Advisors approved an ordinance for the establishment of the National Human Rights Commission (NHRC), ‘for the protection, development and institutionalization of human rights in the country’. (UNB, 9 December 2007) [39ak] As noted in the *Daily Star* of 13 December, various previous governments had described the setting up of a national human rights ‘watchdog’ as a priority, but the approval of this ordinance represented the first definite action towards establishing such an institution. [38cq]

- 17.04 According to the *Daily Star*:

“The functions of the commission will include investigating any allegation of human rights violation received from any individual or quarter, or the

commission itself can initiate investigation into any incident of rights violation. The commission would be empowered to investigate particular human rights violation allegations brought forward by citizens or discovered through their own monitoring. If a human rights violation has been proved, the NHRC can either settle the matter or pass it on to the court or relevant authorities.” [38cq]

- 17.05 At a meeting on 26 February 2008, representatives of various human rights NGOs expressed concern that the Ordinance would not ensure the independence, transparency, accountability and effectiveness of the Human Rights Commission. (*Daily Star*, 27 February 2008) [38cr]
- 17.06 The National Human Rights Ordinance 2007 came into effect on 1 September 2009. On 20 November 2008, the President appointed a former judge of the Supreme Court, Justice Amirul Kabir Chowdhury, as Chairman of the NHRC and Professor Niru Kumar Chakma and Ms Munira Khan as members, for a three-year period. (*Daily Star*, 20 November 2008) [38em] On 7 June 2009, the Foreign Minister confirmed that a Human Rights Commission bill had been placed before parliament for ratification. (*Daily Star*, 8 June 2009) [38eg] The National Human Rights Commission Bill was duly passed on July 9, 2009. (*Odhikar Human Rights Report 2009*, published 1 January 2010) [46w] (p13)

TREATMENT OF HUMAN RIGHTS NGOS

- 17.07 The US State Department *Country Report on Human Rights 2008*, released on 25 February 2009 (USSD 2008) stated:

“A wide variety of domestic and international human rights groups generally operated independently and without government restriction, investigating and publishing their findings on human rights cases. Although human rights groups were often sharply critical of the government, they also practiced self-censorship. The government required all NGOs, including religious organizations, to register with the Ministry of Social Welfare. After the government declared the state of emergency, NGOs came under heightened scrutiny by the caretaker government and the military. Transparency International Bangladesh alleged that some local NGOs were guilty of corruption. [2b] (Section 4)

- 17.08 HRW's *World Report 2010*, Bangladesh, covering events in 2009, released in January 2010 noted:

“The NGO Affairs Bureau, which approves projects and funding of NGOs, created obstacles for some organizations trying to obtain permission to receive foreign donor funding. In August 2009 the Bureau cancelled an ongoing anti-torture project implemented by Odhikar on the grounds that the Ministry of Home Affairs objected to it.

Staff members of several human rights organizations were subjected to harassment by members of the security forces. Advocate Shahanur Islam Saikot of the Bangladesh Institute of Human Rights, who filed several cases against members of the army, RAB, and police for torture, received several death threats from individuals identifying themselves as belonging to these agencies” [10?]

17.09 In its '*Freedom in the World 2009*' Country report, dated September 2009, Freedom House reported that:

"Numerous world-class nongovernmental organizations (NGOs) operate in Bangladesh and meet basic needs in fields such as education, health care, and microcredit. However, those perceived to have a political bias or to be overly critical of the government, particularly on human rights issues, are subject to intense official scrutiny and occasional harassment. Amnesty International has noted that at least eight human rights defenders have been assassinated since 2000, and that many have been injured or threatened by criminal gangs or party factions. Others have faced arbitrary arrest and torture by the authorities." [65d] (p7)

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18. CORRUPTION

- 18.01 In its 2009 Corruption Perceptions Index (CPI), released on 17 November 2009, Transparency International (TI) ranked Bangladesh 139th in the world corruption ranking, out of 180 countries, giving it a CPI score of 2.4. (CPI score relates to perceptions of the degree of corruption as seen to exist among public officials and politicians by business people and country analysts. [42k]

ANTI-CORRUPTION COMMISSION (ACC)

- 18.02 The Government formally constituted an Anti-Corruption Commission (ACC) on 21 November 2004. The ACC absorbed most of the 950 staff of the dissolved Bureau of Anti-Corruption and was headed by a retired High Court judge. (EIU, January 2005) [40b] (p15) In March 2007 the ACC sought a number of additional facilities from the Government, such as for its staff to be increased to about 1,200, a panel of high-profile lawyers to handle cases in trial courts and the legal power to attach the properties of graft suspects. (*Daily Star*, 22 March 2007) [38bh] The ACC was, by then, being assisted in its investigations by the National Co-ordination Committee on Combating Corruption and Crime. (*Daily Star*, 19 April 2007) [38bi]
- 18.03 In February 2007 the Caretaker Government replaced the three members of the Anti-Corruption Commission (ACC); former army chief, Lieutenant-General Hasan Mashud Chowdhury, was appointed as the new Chairman (*Aljazeera*, 22 February 2007) [91a]
- 18.04 Following criticism from different quarters, the Caretaker Government announced a further amendment to the Emergency Powers Ordinance on 9 April, to provide for bail in certain cases under the Penal Code. (*Daily Star*, 10 April 2007) [38bz]
- 18.05 According to the Human Rights Watch (HRW) World report 2008:
- “The [Emergency Powers] Ordinance...empowers Anti-Corruption Commission officials, with retroactive effect, to arrest suspects without warrants, confiscate property without court orders, and detain suspects for thirty days without a warrant. Many suspects have been held for 30 days while evidence of their alleged offences is collected. The special tribunals set up for these cases often fail to meet international fair trial standards because of limits on access to counsel, flawed evidentiary requirements, and lack of judicial independence.” [10i]
- 18.06 HRW, in a news release dated 31 March 2010, reported that:
- “The Bangladeshi government should reject amendments that would restrict the ability of the Anti-Corruption Commission to take independent action against corrupt government officials, including those in the governing party....
- [that] “A cabinet committee established in 2009 to review Bangladesh's anti-corruption legislation has proposed amendments requiring the Anti-Corruption Commission, which was established by law in 2004, to obtain permission from the government before taking legal action against government officials and members of parliament suspected of corruption.

"Public sector corruption is a grave problem in Bangladesh, corroding faith in government and undermining the rule of law and efforts at reforming institutions like the police and army," ... "Creating laws that shield government officials from prosecution would send a clear message that the government is not serious in fighting corruption." [10o]

HIGH-PROFILE ARRESTS ON CORRUPTION AND OTHER CHARGES

18.07 The US State Department *Country Report on Human Rights 2009*, released on 11 March 2010 (USSD 2009) noted:

"The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Following the declaration of a state of emergency in 2007, the caretaker government and military took several significant steps to address government corruption. On April 2, however, the ACC chairman resigned On May 2, the president appointed ... a new chairman of the ACC.

"During the year the government undertook a substantial review of the actions of the ACC under the caretaker government. An AL-headed parliamentary standing committee summoned the former ACC chairman and two of its current members to appear before the committee to account for some of the ACC's actions against political leaders during the caretaker period. The ACC officials defied the summons and the committee recommended parliamentary action against them. A parliamentary committee also conducted an inquiry into alleged corruption and irregularities by the speaker, the deputy speaker, and the chief whip of parliament and recommended action against them, including stripping former speaker and BNP leader Jamiruddin Sircar of his membership in parliament. Sircar petitioned the High Court to challenge the authority of the committee to take these actions against him. Parliament, however, rejected the committee's recommendation to strip Sircar of his membership.

"The government formed a review committee headed by the state minister for law, justice, and parliamentary affairs to recommend withdrawal of politically motivated cases that the government and ACC filed. The committee subsequently recommended the withdrawal of approximately 1,817 cases filed mostly against AL leaders, including all the cases filed against Sheikh Hasina. Other cases recommended for withdrawal included one case against BNP leader Khaleda Zia's son, Tarique Rahman, one against BNP leader and former law minister Moudud Ahmed, and one against Jatiya Party secretary general Ruhul Amin Howlader. Ahmed refused the government's offer to withdraw all cases against him and demanded withdrawal of all politically motivated cases against BNP leaders, including Khaleda Zia and her sons.

"During the year authorities had released most of the accused in ACC cases from prison on bail, and the ACC did not file many new cases against politicians or bureaucrats. On March 16, the ACC filed a money laundering case against Arafat "Koko" Rahman, son of BNP leader Khaleda Zia. Separately, the ACC also filed a money laundering case against Tarique Rahman and his associate Giasuddin Al Mamun. On August 5, the ACC filed charges against Khaleda Zia and others for allegedly embezzling funds from the Zia Orphanage Trust.

“As in prior years, the ACC focused its efforts on developing cases involving public persons failing to disclose income. The National Board of Revenue filed a tax evasion case against AL advisory council member and immediate past general secretary Abdul Jalil. The arrest came soon after Jalil told a television reporter that his party's victory in the 2008 elections was the result of an understanding with the caretaker government and the military leaders.

In previous years the caretaker government detained prominent business leaders using the Special Powers Act, which permitted preventive detention. Most of those persons were then tried under existing anticorruption legislation. Most high-profile cases were handled under the EPR, which initially denied suspects both the right to bail and the right to appeal their cases during the course of the trial. A Supreme Court ruling restored some forms of bail and the court exercised its authority to consider bail petitions.

“The release of many corruption suspects continued to draw comment from some members of civil society, who stated the government was not serious about fighting corruption...” the authority to consider bail petitions. [2t] (Section 4)

See Section 10: Police and Auxiliary Paramilitary Forces: Accountability and impunity Section 13: Corruption in the Judiciary and Section 35: Forged and fraudulently obtained documents

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19. FREEDOM OF RELIGION

- 19.01 The US State Department's *International Religious Freedom Report 2009* (2009 Religious Freedom Report) published 26 October 2009, covering the period 1 July 2008 to 30 June 2009, observed:

"According to the 2001 census, Sunni Muslims constitute 90 percent of the population and Hindus 9 percent. The rest of the population is mainly Christian, mostly Roman Catholic, and Theravada-Hinayana Buddhist. Ethnic and religious minority communities often overlap and are concentrated in the Chittagong Hill Tracts and northern regions. Buddhists are predominantly found among the indigenous (non-Bengali) populations of the Chittagong Hill Tracts. Bengali and ethnic minority Christians live in communities across the country, including Barisal City, Gournadi in Barisal District, Baniarchar in Gopalganj, Monipuripara in Dhaka, Christianpara in Mohakhal, Nagori in Gazipur, and Khulna City. There also are small populations of Shi'a Muslims, Sikhs, Baha'is, animists, and Ahmadis. Estimates of their numbers varied from a few thousand to 100,000 adherents per group. There is no indigenous Jewish community and no significant immigrant Jewish population. Religion is an important part of community and cultural identity for citizens, including those who did not participate actively in prayers or services" [2s] (Section 1)

- 19.02 The 2009 Religious Freedom Report stated, "The Constitution establishes Islam as the state religion. It provides for the right to profess, practice, or propagate all religions, subject to law, public order, and morality. It also states that every religious community or denomination has the right to establish, maintain, and manage its religious institutions." [2s] (Introduction) The report noted also that:

"Although the Government publicly supported freedom of religion, attacks on religious and ethnic minorities continued to be a problem during the reporting period. There were no reported demonstrations or attempts to attack institutions of the Ahmadiyya Muslim Community, but there were isolated instances of harassment. Demands that Ahmadis be declared non-Muslims continued sporadically, but the Government generally acted in an effective manner to protect Ahmadis and their property. Religion exerted a significant influence on politics, and the Government was sensitive to the religious sentiments of most citizens. There was no change in the status of respect for religious freedom by the Government during the reporting period... Citizens generally were free to practice the religion of their choice. Government officials, including police, nonetheless often were ineffective in upholding law and order and sometimes were slow to assist religious minority victims of harassment and violence. The Government and many civil society leaders stated that violence against religious minorities normally had political or economic dimensions and could not be attributed solely to religious belief or affiliation ... There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice during the period covered by this report, although figures suggested such incidents declined significantly in comparison to the previous reporting period. Hindu, Christian, and Buddhist minorities experienced discrimination and sometimes violence from the Muslim majority. Harassment of Ahmadis continued." [2s] (Introduction)

- 19.03 The US State Department *Country Report on Human Rights Practices 2008* (USSD 2008 report), released on 25 February 2009 noted:

“The constitution establishes Islam as the state religion and also stipulates the right, subject to law, public order, and morality, to practice the religion of one's choice. The government generally respected this right in practice. Although the government was secular, religion shaped the platforms of certain political parties. Discrimination against members of religious minorities existed at both the governmental and societal levels, and religious minorities were disadvantaged in practice in such areas as access to government jobs, political office, and justice.” [2b] (Section 2c)

- 19.04 The same report further noted “The government allowed various religions to establish places of worship, train clergy, travel for religious purposes, and maintain links with co-religionists abroad.” The government allows foreign missionaries to work in the country and the law permits citizens to proselytise. [2b] (Section 2c)

Family law

- 19.05 As noted in the USSD 2008 report, the Muslim Family Ordinance codifies traditional Islamic law concerning inheritance, marriage and divorce for registered marriages of members of the Muslim community. There are similar sets of laws in place for the Hindu and Christian communities. [2b] (Section 1e) The US State Department's International Religious Freedom Report 2008 confirmed that *Sharia* law was not implemented formally and was not imposed on non-Muslims during the period covered by the report. Marriage proceedings are governed by the family law of the religion of the parties concerned and marriages are also registered with the state. There are separate family laws in Bangladesh for Muslims, Hindus and Christians, based on their respective traditions. [2p] (Section II)

- 19.06 The 2009 Religious Freedom Report stated:

“Shari'a played an influential role in civil matters pertaining to the Muslim community; however, there is no formal implementation of Shari'a and it is not imposed on non-Muslims. For instance, alternative dispute resolution was available to individuals for settling family arguments and other civil matters not related to land ownership. With the consent of both parties, arbitrators relied on principles found in Shari'a for settling disputes. In addition, Muslim family law was loosely based on Shari'a... Family laws concerning marriage, divorce, and adoption differed slightly depending on the religious beliefs of the persons involved. Each religious group has its own family laws. For example, Muslim men may marry as many as four wives; however, a Muslim man must get his first wife's signed permission before marrying an additional woman. Society strongly discourages polygamy, and it is rarely practiced. In contrast, a Christian man could marry only one woman. Under Hindu law unlimited polygamy is permitted, and although there is no provision for divorce and legal separation, Hindu widows could legally remarry. The family law of the religion of the two parties concerned governs marriage rituals and proceedings; however, marriages also are registered with the state. There are no legal restrictions on marriage between members of different religious groups.” [2s] (Section II)

See Section 26 on [Children: Education](#)

19.07 The 2009 Religious Freedom Report related:

"The Government ran training academies for imams (Islamic clergy) and proclaimed Islamic festival days but generally did not dictate sermon content or select or pay clergy. However, the Government has the authority to appoint or remove imams and exercises a degree of indirect influence over sermon content in government mosques, including the national mosque, Baitul Mukarram. The Government monitored the content of religious education in Islamic religious schools, or madrassahs, and announced its intention to make changes to the curriculum, including modernizing and mainstreaming the content of religious education." [2s] (Section II)

The report continued:

"Religious studies were part of the curriculum in government schools. Children attended classes in which their own religious beliefs were taught. In the past, parents complained about the quality of education, claiming teachers employed by the Government, especially those leading classes on minority religions were not members of that religion nor qualified to teach it. Schools with few students from religious minority groups often made arrangements with local churches or temples to hold religious studies classes outside school hours, although ensuring transportation to these sites was often a problem. There were at least 25,000 madrassahs, some of which were funded by the Government. Some observers suggested there might be more than twice that number; the think tank Bangladesh Enterprise Institute puts the figure at nearly 33,000. There were no known government-run Christian, Hindu, or Buddhist schools, although private religious schools exist throughout the country." [2s] (Section II)

19.08 As stated in the 2009 Religious Freedom Report:

"The Government took steps to promote interfaith understanding. For example, government leaders issued statements on the eve of religious holidays calling for peace and warned that action would be taken against those attempting to disrupt the celebrations. Through additional security deployments and public statements, the Government promoted the peaceful celebration of Christian, Hindu and secular Bengali festivals, including Durga Puja, Christmas, and Easter and Pohela Boisakh (Bengali New Year)." [2s] (Section II)

19.09 The 2009 Religious Freedom Report commented: "Since 2001 the Government routinely has posted law enforcement personnel at religious festivals and events that may be targets for extremists." [2s] (Section II) And continued:

"There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice during the reporting period. Clashes between religious groups occasionally occurred. Violence directed against religious minority communities continued to result in the loss of lives and property, but the true motives--whether religious animosity, criminal intent, personal disputes, or property disputes--were often unclear. Religious minorities were vulnerable due to their relatively limited influence with political elites. Like many citizens, they usually were reluctant to seek recourse from a criminal justice system they perceived as corrupt and ineffective. Police frequently

were ineffective in upholding law and order and sometimes were slow to assist religious minorities. This promoted a greater atmosphere of impunity for acts of violence against minorities. However, persons who practiced different religious beliefs often joined each other's festivals and celebrations such as weddings. Shi'a Muslims practiced their religious beliefs without interference from Sunnis." [2s] (Section III)

19.10 The 2009 Religious Freedom Report related:

"The Ministry of Religious Affairs administered three funds for religious and cultural activities: the Islamic Foundation, the Hindu Welfare Trust, and the Buddhist Welfare Trust. The Christian community consistently rejected government involvement in its religious affairs. The Hindu Religious Welfare Trust received a total of \$882,400 (60 million taka) from the Government for the fiscal year ending June 2009, much of which was dedicated to temple-based literacy and religious programs. In addition, the trust money aided in repairing temples, improving cremation pyres, and helping destitute Hindu families afford medical treatment. The trust spent approximately \$43,478 (3 million taka) in government funds on annual Puja religious worship and festivals. The Buddhist Welfare Trust, founded in the 1980s, received \$33,333 (2.3 million taka) from the Government in the year ending June 2009. The trust used funds to repair monasteries, organize training programs for Buddhist monks, and celebrate the Buddhist festival Purnima. There was no public criticism of how the money was proportioned or distributed." [2s] (Section II)

Fatwa

19.11 As was stated in the 2009 Religious Freedom Report, "In 2001 the High Court ruled all legal rulings based on Shari'a known as fatwas to be illegal. However, the ban had not been implemented because of a pending appeal filed by a group of Islamic clerics, which remained unresolved at the end of [the reporting period - June 2009]." [2s] (Section II) According to the USSD 2007 Religious Freedom Report, issued in September 2008

"In deeming all fatwas illegal, the high court intended to end the extrajudicial punishments and restrictions forced on local populations by religious leaders. However, the high court's prohibition also included pronouncements on purely religious matters such as the dates of festivals or the religious validity of marriage or divorce. Several weeks later, after an appeal was filed by a group of Islamic clerics, the appellate court stayed the high court's ruling, stating that while the appeal was pending, the ban on fatwas could not be implemented. It was unclear when the appeal was expected to be considered." [2m] (Section II)

19.12 The 2009 Religious Freedom Report noted that "Although Islamic tradition dictates that only muftis (religious scholars) who have expertise in Islamic law are authorized to declare a fatwa, village religious leaders at times made declarations in individual cases. Sometimes this resulted in extrajudicial punishments, often against women, for perceived moral transgressions." [2s] (Section II) According to a BBC News article of 13 February 2001, punishments could vary from public naming and shaming to physical mutilation. [20g] The USSD 2008 report stated that incidents of vigilantism against women, sometimes led by religious leaders (by means of fatwas), had occurred during 2008. [2b] (Section 4) The 2009 Religious Freedom Report stated that:

“Human rights groups and press reports indicated that vigilantism against women accused of moral transgressions occurred in rural areas, often under a fatwa, and included punishments such as whipping. During 2008 and until the end of the reporting period, religious leaders issued 37 fatwas, demanding punishments that ranged from lashings and other physical assaults to shunning by family and community members, according to the Bangladesh Mahila Parishad, a human rights organization focused on women's rights.” [2s] (Section III)

- 19.13 Barrister M.A. Muid Khan, in an article dated 20 March 2009, noted that if a punishment meted out as a result of a fatwa causes hurt or grievous bodily harm, it contravenes the Penal Code and possibly also the Suppression on Women and Children (Special Provision) Act, both of which carry lengthy terms of imprisonment. However, no persons who had issued fatwas (fatwabazs) had so far been convicted under these provisions. (UNB) [39bi]

See Section 25: [Women - Vigilantism](#)

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HINDUS

- 19.14 The Internal Displacement Monitoring Centre (IDMC) 2006 report entitled ‘Bangladesh: Minorities increasingly at risk of displacement’ noted that the Hindu population comprised approximately 10.5 per cent of the total population of Bangladesh in 1991, compared with about 25 per cent in 1947. It is estimated that 5.3 million Hindus left Bangladesh between 1964 and 1991. [45b] (p21) The Census showed that Hindus, in 2001, comprised only 9.34 per cent of the population. [43b]

- 19.15 The 2009 Religious Freedom Report noted:

“Many Hindus have been unable to recover landholdings lost because of discrimination under the defunct Vested Property Act. Although an Awami League Government repealed the Act in 2001, the new Government did not take any concrete action to reverse the property seizures that occurred under the act. The Vested Property Act was an East Pakistan-era law that allowed the Government to expropriate ‘enemy’ (in practice Hindu) lands. Under the law, the Government seized approximately 2.6 million acres of land, affecting almost all Hindus in the country. According to a study conducted by a Dhaka University professor, nearly 200,000 Hindu families lost approximately 40,667 acres of land since 2001, despite the annulment of the Act the same year. In April 2001 Parliament passed the Vested Property Return Act, stipulating that land remaining under government control that was seized under the Vested Property Act be returned to its original owners, provided that the original owners or their heirs remained resident citizens. The law required the Government to prepare a list of vested property holdings by October 2001. Claimants were to file claims within 90 days of the publication date. In 2002 Parliament passed an amendment to the Vested Property Return Act that allowed the Government unlimited time to return the vested properties and gave control of the properties, including the right to lease them, to local government employees. By the end of the period covered by this report, the Government had not prepared a list of such properties.” [2s] (Section II)

- 19.16 The NGO Ain o Salish Kendra (ASK) reported that the Caretaker Government had formed a Vested Property Return Tribunal and an Appeal Tribunal in October 2008, but commented that it was not clear under what mandate or guiding principles the Tribunal would be operating. (ASK Annual Report 2008) [109a] (Chapter 15)
- 19.17 The 2008 Religious Freedom Report observed:
- “In contrast to the previous reporting period, there were no reports of the military conducting widespread evictions of Hindus from their land. During the previous reporting period, the military attempted to evict 120 families, 85 percent of them Hindu, from land in the Mirpur area of Dhaka abutting the military cantonment. A temple is also located on the property. The eviction was being carried out on the basis of a 1961 land purchase agreement by the military. The land owners challenged the land acquisition and eviction in court. At the end of the reporting period the case was still pending.” [2p] (Section III)
- 19.18 The 2009 Religious Freedom Report observed that: “Attacks against the Hindu community continued, although numbers dropped significantly from the previous year. According to the Bangladesh Buddhist-Hindu-Christian Unity Council (BHBCOP), during the period from April 2008 to March 2009, there were three killings, 10 attacks on or occupation of temples, 12 incidents of land grabbing, two cases of rape, and three kidnappings.” [2s] (Section III)
- 19.19 According to the 2008 Annual Report of the NGO Ain o Salish Kendra (ASK):
- “As noted in previous years’ reports, incidents of harassment against the Hindu minority community continued at a low level, almost as a persistent ‘background noise’ in the country’s overall human rights situation. There were arguments, often by those who wished to deny specific religious discrimination, that such incidents of harassment, looting, rape, etc., occur against all impoverished communities in Bangladesh. Religious minorities continue to be most vulnerable ... Temples appeared to be a vulnerable target, with several major cases reported by the press this year [2008] ... An attack on Kotiadi monastery, Kishoreganj, which resulted in the rape of one monastery occupant and death of the elderly priest Abinash Chandra Goshai; destruction of idols of two hundred year old temple at Gouranadi arson at Badarganj temple, Rangpur; and destruction of idols at Aghoiljhara, Barisal district ... Thus whether the motivation was looting or communal attack, or a combination of both, the lack of punishment for one incident appears to create an enabling environment for more attacks in same location. Even more worrying are incidents that happen with support of local authorities, as in Bagerhat, where attempts to build a structure on temple land resulted in hundreds of Hindu community members surrounding the offices of municipal authorities demanding the temple area be left intact for Kirtan, Kobi Gaan and other religious events. In many cases of attacks against minority community, the local police appeared reluctant to take the cases seriously. In cases where there is sustained reporting, it is often revealed that land grabbing is a primary motive behind the violence... The footprint of the Vested Property Act can be seen both in the targeting of Hindu land as more vulnerable to legal maneuvers, as well as the frequent exhortations to ‘move to India’.” [109a] (Chapter 15)

BUDDHISTS

- 19.20 The 1991 Census showed that there were then 623,000 Buddhists in Bangladesh, of whom 575,000 were living in the Division of Chittagong. [43b] According to an estimate quoted by BuddhaNet, the Australian-based website of the Buddha Dharma Education Association, there were about one million Buddhists in Bangladesh by 2004, living mainly in the area of the city of Chittagong, the Chittagong Hill Tracts (CHT), Comilla, Noakhali, Cox's Bazar and in Barisal. The Buddhists of Bangladesh belong to four groups of nations who have been gradually mixed together; the groups are the Austic, the Tibeto-Burman, the Dravilians and the Aryans. According to historians the Tibeto-Burman consists of three tribes – the Pyu, the Kanyan and the Thet (Chakma). The Chakma tribes primarily reside in the Chittagong Hill Tracts. The Kanyan tribe is known as the Rakhine (Arakanese) group who still live in the South-Eastern part of Chittagong district. The plain Buddhists of Bangladesh, known as the Burua-Buddhist, are the ancient peoples of Bangladesh who have lived there for five thousand years, according to Arakanese chronology. [92a]
- 19.21 As stated in a report of the Canadian Immigration and Refugee Board (IRB) dated 16 August 2005, the majority of the Jumma people of the Chittagong Hill Tracts practise Buddhism. [3v]
- 19.22 Reports from the Bangladesh Hindu Buddhist Christian Unity Council (BHBCUC) indicate that there have, on occasion, been religiously motivated attacks against the Buddhist community. For example, a gang reportedly set fire to the Paschim Nanupur Anandodham Bouddha Bihar in Chittagong district on 29 December 2008. [57a]
- 19.23 The Asian Centre For Human Rights (ACHR) in a report '*Bangladesh: IPs Massacred For Land Grab*' dated 23 February 2010 stated that:
- "On 19-20 February 2010, the Bangladesh army personnel and the illegal Bengali settlers under the overall command of Lt Col. Wasim, Commander of the Baghaihat zone Army Camp, launched major communal attacks against the indigenous Jumma peoples in 14 Jumma villages in Baghaihat area of Sajek Union under Rangamati district in Chittagong Hill Tracts (CHTs) of Bangladesh. In these pre-planned attacks that began on the night of 19 February 2010, the illegal plain settlers backed by the Bangladesh army burnt down at least 200 to 300 houses." [66c]

For further information on the treatment of Buddhists See Section 22: The Indigenous Jumma Peoples of the Chittagong Hill Tracts.

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THE AHMADIYYA COMMUNITY (ALTERNATIVELY AHMADIS OR KADIYANIS OR QADIANIS)

- 19.24 The US Committee on International Religious Freedom, Annual Report 2010, covering events from May 2009 to April 2010, released in May 2010, observed that:

“Bangladesh’s small Ahmadi community of about 100,000 has been the target of a campaign to designate the Ahmadis as ‘non-Muslim’ heretics. In January 2004, the then-government, led by the BNP in coalition with Jamaat-e-Islami Bangladesh and a smaller Islamist party, banned the publication and distribution of Ahmadi religious literature. Police seized Ahmadi publications on a few occasions before the courts in December 2004 stayed the ban. . Since then, the ban has not been enforced, although it has never been officially rescinded. In some instances, local anti-Ahmadi agitation has been accompanied by mob violence in which Ahmadi homes have been destroyed and Ahmadis are held against their will and pressured to recant. However, violence against Ahmadis has diminished in recent years due to improved and more vigorous police protection. Bangladeshi Ahmadis were able to hold their annual national convention in March 2010, in the eastern city of Brahmanbaria, although they received death threats from anti-Ahmadi groups. They also were subject to written restrictions from the police (including regarding religious content), who entered the Ahmadi mosque to order the cutting off the mosque’s internal sound system.” [115b] (p327)

- 19.25 The USSD 2008 report also noted that “Government protection of Ahmadiyyas continued to improve, although social discrimination continued” and the ban on publishing Ahmadiyya literature remained stayed by the High Court, effectively allowing the continued publication of such material. [2b] (section 2c)

- 19.26 The 2009 Religious Freedom report stated that:

“There were approximately 100,000 Ahmadis concentrated in Dhaka and several other locales. Although mainstream Muslims rejected some of the Ahmadiyya teachings, most of them supported Ahmadis’ right to practice without fear or persecution. As compared to the previous reporting period, harassment of Ahmadis by those who denounced their teachings declined. Prothom Alo reported that on July 27, 2008, the Muslim religious extremist group Amra Dhakabashi resumed its campaign to declare the Ahmadiyya non-Muslim. The organization filed civil cases against the religious leaders of the Ahmadiyya in all 64 districts and launched a cell phone text message-based defamation campaign against Ahmadiyya leadership. By the end of the reporting period, these campaigns had been unsuccessful in provoking a widespread backlash against the Ahmadiyya community.” [2s] (Section III)

- 19.27 Ain o Salish Kendra (ASK) commented in their Annual Report 2008:

“Continuing tensions prevail regarding the security of the country’s *Ahmadiya* community ... while there have been occasional forays by bigotted groups, as in Khulna against the Moazzem Hossain family, there have been no attacks on *Ahmadiya* mosques. The *Ahmadiya* faith’s centennial celebrations were carried out without hindrance, with a cross-section of political and civil society leadership in attendance. However, while there were no major incidents, we should note the organizing of a seminar by Amra Dhakabashi at Deen Hall, where discussants demanded that *Ahmadiyas* (‘Qadiyanis’ to their opponents)

be declared non-Muslim. This group, essentially involved in street violence earlier, is now pushing hate speech demands through law-based arguments. When looking at recent court case demanding ban of construction of a statue in Narayanganj, one can see possible futures where hate groups push their agenda through the courts rather than street demonstrations, allowing them to take on an apparent mantle of respectability.” [109a] (Chapter 15)

CHRISTIANS

- 19.28 A report from the Immigration and Refugee Board of Canada, dated 9 August 2006, has quoted from various other sources as follows:

“There are an estimated 350,000 to 500,000 Christians living in Bangladesh, the majority of whom are Catholic. The [2005 Religious Freedom Report] indicates that Bengali Christians are spread across Bangladesh, and that some indigenous (non-Bengali) groups are also Christian...Reported incidents against religious minorities, including Christians, have included killings, sexual assaults, extortion, intimidation, forced eviction, and attacks on places of worship... According to Open Doors (OD), an evangelical Christian organization that provides religious materials, training and support to Christians around the world, Christians, and particularly Muslims who convert to Christianity, are not safe in Bangladesh. According to the International Coalition for Religious Freedom, a US-based NGO, Muslim converts to Christianity generally do not openly practice their religion. Sources consulted indicate that Muslims who convert to Christianity could face rejection by their families and society and physical ‘danger’. A May 2005 U.S. Newswire article reports that Christian Freedom International (CFI), a US based human rights organization, found evidence of ‘persecution’ of Muslims who had converted to Christianity during a fact-finding mission to Bangladesh. Cited in the same article, the president of CFI indicated that Muslim women who convert to Christianity may be subject to beatings, abduction, rape, forced marriage and forced reconversion to Islam. Specific reports of Muslim women who converted to Christianity being subject to such treatment could not be found among the sources consulted by the Research Directorate [IRB]...The government has, however, taken measures to provide security at places of worship of religious minorities around the country. During Christmas celebrations in 2005, the government reportedly tightened security at churches across the country following a series of Islamic militant bombings earlier that year.” [31]

- 19.29 The 2008 Religious Freedom Report recorded certain incidents of harassment and violence in which the victims were Christian:

“Reports of harassment and violence against the Christian community were recorded during the reporting period. According to Christian Life Bangladesh (CLB), members of a Muslim fundamentalist group attacked two Christian men at Rangunia in Chittagong on April 12, 2008, as they were showing a film to build social awareness about arsenic pollution, child marriage, and other social ills ... Members of a banned insurgent group called Shanti Bahini in Chittagong Hill Tracts (CHT) attacked Chengko Marma, a member of CLB’s community awareness team in Khagrachhari Hill District on September 6, 2007. According to CLB, the Buddhist-dominated Shanti Bahini targeted the Christian man because of his religious beliefs. In another incident, the CLB reported the daughter of a Christian evangelist who converted some local

Hindus was raped by Muslim men in Mymensingh in April 2008 ... In the northern district of Nilphamari, police on July 26, 2007, arrested Sanjoy Roy, a church pastor, after a mob pressured the police to take action against him for converting 25 Muslims to Christianity, CLB stated. Roy was released after 2 days in custody and most of the converts returned to Islam” [2p] (Section III)

- 19.30 The 2009 Religious Freedom Report recorded “According to the BHBCOP and Prothom Alo, on January 28, 2009, in Tangail, a gang of unidentified attackers killed Basanti Mangsa, a Christian headmistress of Gaira Missionary Primary School, as she was returning home from a meeting. Two teachers were also injured in what was apparently a well-planned attack. The motive was unclear and the case remained unsolved.” [2s] (Section III)

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20. ETHNIC GROUPS

- 20.01 Bangladesh is ethnically "... highly homogeneous, with more than 98 percent of the population being Bengali. Members of ethnic minority communities, mostly tribal peoples in the north and in the east, are often non-Muslim." (USCIRF Report 2010) [115b] (p326) An article in the *Bangladesh News* dated 27 March 2008 reported that:

"Different ethnic groups of Bangladesh and their colourful lifestyles have significantly enriched the entire culture of Bangladesh. For centuries, Bangladesh has been the dwelling place of different ethnic groups. In fact, 35 smaller groups of indigenous people covering about two percent of the total population have been living in different pockets of the hilly zones and some areas of the plain lands of the country. Their historical background, economic activities, social structure, religious beliefs and festivals make them distinctive." [6b]

THE INDIGENOUS JUMMA PEOPLES OF THE CHITTAGONG HILL TRACTS

- 20.02 The Chittagong Hill Tracts (CHT) covers about 10 per cent of the total land area of Bangladesh; it includes the districts of Khagrachhari, Rangamati and Bandarban within the Division of Chittagong. (The Mappa Ltd: Bangladesh Guide Map 2003) [25] With regard the CHT, Amnesty International (AI), in a report of 1 March 2004, stated:

"The Chittagong Hill Tracts (CHT) is a hilly, forested area in south-eastern Bangladesh which for many hundreds of years has been home to people from 13 indigenous tribes [collectively known as the *Jumma* people]. These tribal people differ significantly from the rest of the population of Bangladesh in terms of their appearance, language, religion and social organisation.

"Pressure for land to cultivate and encouragement from successive governments have led to the migration of large numbers of non-tribal Bengali people to the CHT. Tribal people have viewed the movement of Bengali settlers to the CHT as a threat to their way of life and their customs and traditions.

"Armed rebellion in the Chittagong Hill Tracts began in mid-1970s. A peace accord signed in 1997 ended the armed conflict, but human rights violations against the tribal people which began during the armed conflict have continued on a smaller scale." [7m]

- 20.03 As recorded in an Asian Centre for Human Rights (ACHR) report of 23 April 2008, hundreds of illegal plain settlers attacked seven indigenous Jumma villages in the Chittagong Hill Tracts on 20 April 2008.... Hundreds of people had been displaced as indigenous Jummas took shelter into the deep forest fearing further attack. [53d]

- 20.04 The US State Department *Country Report on Human Rights Practices 2009* (USSD 2009 report), released on 11 March 2010, stated as follows:

"There was some progress in the implementation of the 1997 Chittagong Hill Tracts (CHT) Peace Accord. The government reconstituted the CHT Land

Commission, which announced its decision to conduct a land survey beginning on October 15. The National Committee for Implementation of the CHT Peace Accord also was reconstituted Law and order problems and alleged human rights violations continued, as did dissatisfaction with the implementation of the Peace Accord. ...NGOs continued to allege that security forces abused the indigenous population of the CHT. [2t] (Section 6)

See also Section 31: [Internally Displaced People](#)

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BIHARIS

Background

- 20.05 Biharis are sometimes referred to as 'stranded Pakistanis', or as the Urdu speaking community of Bangladesh). At the time of the partition of India in 1947, many Urdu-speaking Muslims from the east Indian states – predominantly Bihar but also from Assam and Orissa – chose to migrate to East Pakistan. An additional number of Indian and Pakistani Urdu-speakers subsequently relocated to Bangladesh; these separate groups of Urdu-speakers became known, collectively, as 'Biharis'. (FCO, 6 November 2007) [11k]
- 20.06 In 2008-2009 there were estimated to be about 250,000 to 300,000 Biharis living in Bangladesh.(UNB, 18 May 2008) [39ar] (*Daily Star*, 19 May 2008) [38de] (*Daily Star*, 26 January 2009) [38ej] Of those, approximately 160,000 were living in 116 camps situated throughout the country; the remainder were living outside of the camps. (Oxford University: Refugee Studies Centre, April 2009) [114a] (*Daily Star*, 30 December 2008) [38ej]

Biharis recognised as citizens

- 20.07 The US State Department Human Rights Report 2009, Bangladesh, released on 11 March 2010, observed that:

"In May 2008 the High Court ruled that Biharis living in the country, once considered stateless, were citizens. Approximately 160,000-200,000 non-Bengali Bihari Muslims who immigrated to the former East Pakistan during the 1947 partition, a large number of whom supported Pakistan during the 1971 war, continued to live in camps throughout the country. According to Refugees International, many of these persons lived in unsanitary conditions with little access to education and medical resources. Some Biharis declined citizenship in 1972, and a minority awaited repatriation to Pakistan, where the government was reluctant to accept them. Many in the Bihari community were born after 1971, and the vast majority of this population has now been assimilated into the mainstream Bengali-speaking environment, although social barriers to upward mobility remained.

"Approximately 80 percent of all adult Biharis, or 184,000 persons, were registered as voters following voter registration drives ahead of the December 2008 elections." [2t] (Section 2d)

20.08 The NGO Refugees International (RI) commented in a report dated 23 May 2008, "This measure will allow about half of the 200-500,000 stateless Biharis, hosted by Bangladesh for 36 years, to find a remedy to their lack of an effective nationality. The decision does not cover individuals who were adults at the time of independence." [74b]

20.09 An article published in April 2009 by the Oxford University Refugee Studies Centre noted:

"In August 2008, the Election Commission began a drive to register the Urdu-speaking communities in the settlements around Bangladesh. This was an important first step towards integrating these minority communities into Bangladeshi society ... Now all camp residents [born after 1971 or who were under 18 years old at the time of independence] are Bangladeshi citizens and all of them have National ID cards." [104a]

20.10 The *Daily Star* confirmed that Biharis had voted in significant numbers in the general election of 29 December 2008. [38ei] However, the *Daily Star* reported on 26 January 2009:

"Despite obtaining country's citizenship, the Urdu-speaking Bihari are still being deprived of getting Bangladeshi passports as copy of the High Court (HC) verdict is yet to reach the Home Ministry even after eight months of the ruling ... After obtaining the citizenship, many Biharis have applied for getting passport. Though they have submitted the applications after following proper system, the passport offices have rejected the applications depriving their citizen rights, many Bihari alleged ... Secretary for Home Affairs Md Abdul Karim told *The Daily Star* that the ministry is bound to follow the HC ruling but its copy yet to be received. 'Without knowing the verdict clearly, we can't do anything for issuing passport to Biharis,' he said. The passport officials are still unaware of new government policy regarding issuing passport to Biharis. Abdur Rab Hawlader, director general of Department of Immigration and Passport said, 'We didn't receive any instruction from the authorities on issuing passports to the Biharis'." [sic] [38ej]

The report added:

"Kafil Uddin Bhuiyan, deputy director of Regional Passport Office, Dhaka said, 'We provide passport on the basis of police verification...' But the residents at different Bihari camps said, they are still being addressed as 'Stranded Pakistani' in police verification, which is the main barrier to get the passport. In some cases, passport officers say, without holding a permanent address, one will not [be] eligible for getting a passport ... Meanwhile, concealing original identity, many Biharis had got passports before obtaining Bangladeshi citizenship. But they are also facing the same problem while trying to renew the passport." [sic] [38ej]

20.11 The United Nations High Commissioner for Refugees (UNHCR), in a "Note on the nationality status of the Urdu-speaking community in Bangladesh" dated December 2009 stated that:

"In light of the May 2008 Supreme Court decision and subsequent implementing measures taken by the Government of Bangladesh, the

Urdu-speaking community can no longer be viewed as stateless, as they are considered to be nationals of Bangladesh.

“Despite the fact that pockets of Bangladeshi society resent the role that some Urdu speakers played in the 1971 Liberation War, many members of Urdu-speaking communities, including those in the open camps, are living alongside the Bengali community and speak Bengali. Urdu speakers living in extreme poverty are sometimes unable to access basic services, either because of the unavailability of such services in their area, or because they are unable to meet the necessary legal or administrative requirements applicable to all Bangladeshi nationals (for example, they may lack a valid address, which is required to acquire a passport); this is not, however, a problem unique to Urdu speakers in Bangladesh. Although there may be instances where officials, particularly at the local level, would seek further guidance from their ministries on the effect and application of the 2008 Sadaqat Khan judgment before resolving a matter involving Urdu speakers, difficulties in accessing services do not denote a refusal to recognize Urdu speakers as nationals of Bangladesh.” [8i] (p5)

Living conditions in the camps

- 20.12 The Refugees International report of 23 May 2008 noted that conditions in the camps were poor: “Living conditions are miserable primarily due to high population density, aging accommodations, poor sanitation and hygiene, lack of education and health care facilities, and limited access to livelihoods...” [74b]
- 20.13 The USCR World Refugee Survey 2007, published in June 2007, observed that ‘half of the Biharis’ lived outside of the camps and were integrated into the local community. [37g] (p32) While the USSD 2008 report stated that many of the Biharis born after 1971 have “assimilated into the mainstream Bengali-speaking environment.” [2b] (Section 2d)

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21. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

In considering the position of lesbians and bisexual women see also the section on [Women](#) below

- 21.01 The US State Department *2009 Human Rights Report: Bangladesh*, (USSD 2009), released on 11 March 2010, observed:

“Homosexual acts remained illegal but in practice the law was rarely enforced. There were a few informal support networks for gay men, but organizations to assist lesbians were rare.

“Attacks on lesbians and gay men occurred on occasion, but those offenses were difficult to track because victims desired confidentiality. Strong social stigma based on sexual orientation was common and repressed open discussion about the subject. Local human rights groups did not monitor the problem, and there were few studies on homosexuality in the country.

“Although overt discrimination against lesbians, gays, bisexuals, and transgender individuals was fairly rare—partly because few individuals openly identified their orientation—there was significant societal discrimination. Openly gay individuals, particularly those from less affluent backgrounds, found their families and local communities ostracized them. Some sought refuge in the transgender or ‘hijra’ community.” [2t] (Section 5)

- 21.02 Aidsdatahub’s (a website that co-ordinates data on HIV/AIDS in the region to assist Governments in their response to the problem) country profile of Bangladesh, updated on 2 April 2010, noted that there are estimated to be 40,000 to one million men who have sex with men (MSM) in Bangladesh. The profile added that there were around 5,000 transgender persons in Dhaka, most of whom were sex workers. The same source also noted:

“Male-to-male sexual activity is illegal and [there is an] absence of non-discrimination laws and regulations which specify protection for MSM... Although there were differences within the various geographic regions of the country, many MSM were also purchasing sex from males or hijra [transgender persons] and group sex was reportedly common. Many MSM had female sex partners and/or were married due to societal pressure to marry and become fathers.” [15a]

LEGAL RIGHTS

- 21.03 According to the State-sponsored Homophobia survey, published by the International Lesbian and Gay Association (ILGA) in May 2010, same-sex male sexual acts are illegal; same-sex female sexual acts are legal. [24x]
- 21.04 A Human Rights Watch (HRW) report of August 2003 noted that Section 377 of the Bangladesh Penal Code of 1860, inherited from the British colonial administration and titled “Of Unnatural Offences” provides, in part: “Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.” The report said that Human Rights Watch had

not documented any instances in which Section 377 had been enforced in Bangladesh, but continued:

“Most of the arrests recounted to Human Rights Watch were brought under section 54 [of the Criminal Procedure Code - see [Section 12](#) above]. Whether or not the law is enforced, however, it may effectively criminalize the status of being a *kothi* or any man who has sex with men. The perception by the police and by society that men who have sex with men are inherently criminal fuels attacks on their dignity and the denial of their equality before the law. A report published by the Bangladesh Ministry of Law, ‘Mapping Exercise on HIV/AIDS- Law, Ethics and Human Rights’, stated that male sex workers and *hijras* consulted for the report argued that the section ‘exists only to be used by the police to victimize gay and bisexual men whom they catch in public areas with a motive to extort money and blackmail.’ The report concluded that ‘Section 377 of the Penal Code violates [the] constitutionally protected right to privacy under the expanded definition of right to life and personal liberty (article 32).’ To the extent that section 377 discriminates on the basis of sexual orientation, it is in violation of international human rights law.” [10g] (p43)

- 21.05 The Constitution, under Article 28, protects citizens against discrimination by the State on the grounds of religion, race, caste, sex or place of birth - but is silent on sexual orientation. Article 31, however, states that the protection of the law is the inalienable right of every citizen. [4] The ILGA Survey 2010 in its LGBTI rights global overview section did not identify Bangladesh as prohibiting discrimination in employment based on sexual orientation or gender identity. Nor did the state make illegal hate crimes based on sexual orientation or gender identity and there was no provision in the Constitution to prohibit discrimination based on sexual orientation. [24x] (p44-50)
- 21.06 There is no military conscription in Bangladesh. COI Service does not have information on whether LGBT persons are generally barred from voluntary service or careers in the military or in the various security services. See Section 9: [Military Service](#)
- 21.07 It should also be noted that over 80 percent of Bangladesh’s population is Muslim and that same-sex sexual relations are prohibited in Islamic Sharia Law. [36d] (p29)

TREATMENT BY AND ATTITUDES OF THE STATE

ILL-TREATMENT BY POLICE OFFICERS AND BY MASTANS

- 21.08 In their August 2003 report entitled ‘Ravishing the Vulnerable’, Human Rights Watch (HRW) stated that many men who have sex with men (msm) interviewed by them reported being raped, gang raped and beaten frequently by police and by *mastans* (defined broadly as criminal thugs, sometimes with local political connections). [10g] (p39) According to the report:

“Like women sex workers, men who have sex with men are abducted, raped, physically assaulted, and subject to extortion by police and mastans. Men who have sex with men are sometimes arrested and abused without being charged with any crime. They have no effective means of lodging official complaints about the abuses they experience. The police also sometimes harass, beat, and arrest men engaging in HIV/AIDS outreach work. Moreover, men who

have sex with men are discriminated against by the wider society: turned away from jobs and harassed at school. An old colonial law against 'carnal intercourse' is interpreted to criminalize men who have sex with men. These violations stem from and result in a subjugated, subhuman status for this group of people while simultaneously undermining Bangladesh's capacity to fight an emerging AIDS epidemic." [10g] (p37-38)

HRW stated that gay men interviewed by them also reported that they were regularly subjected to extortion by both police and *mastans*; those men who engaged in prostitution said that their clients were also subject to extortion. Some of those interviewed reported that they had been arrested under Section 54 of the Criminal Procedure Code; this had not led to criminal charges or prosecution, but rather to abuses such as extortion and physical assault. They did not see any merit in bringing an official complaint about police or *mastan* abuse, as they believed the police would not act on such a complaint. [10g] (p39-41) Human Rights Watch has recorded that only 17 individuals were interviewed in depth for this report; the respondents were identified through organisations of sex workers, organisations for gay men, needle exchange programs and/or drug rehabilitation programs. [10g] (p10 'Methods') Most of those interviewed described themselves as *kothis* (men or boys who take on a feminine demeanour and identify themselves as female in sexual relationships with men). The HRW report noted that, according to some experts, a significant proportion of *kothis* engage in sex work. [10g] (p10, 37, 38)

- 21.09 A 2006 UNAIDS report cited a study conducted in 2002 ('AIDS and STD Control Programme: Second Generation Surveillance for HIV in Bangladesh'), in which 40.9 per cent of male sex workers and 50.1 per cent of *hijras* reported violence or rape by policemen or *mastans*. [36d] (p29)
- 21.10 As is referred to in Section VIII of the 2003 Human Rights Watch report [10g] (p48), the Government has been implementing a Police Reform Programme since this report, and the 2002 report cited by UNAIDS, were produced.
- 21.11 The NGO Ain o Salish Kendra (ASK), in its Human Rights in Bangladesh 2008 annual report, undated, stated that:

"Although there has been only one reported case involving Section 377 in the four decades since the independence of Bangladesh, the existence of this offence is reportedly used by law enforcing agencies and others to threaten and harass individuals, and thus inhibit their free exercise of expression and behaviour. In fact, none of the cases reported by or to Bandhu (see below) involved Section 377 directly, although the threat of arrest under this law may have been invoked. More significant is the abuse of Section 54 of Criminal Procedure Code and Section 86 of the Dhaka Metropolitan Police Ordinance (and related provisions in the police ordinances applicable to other Metropolitan cities) which are commonly used to harass persons using public spaces. Indeed, this situation is not very different from that of sex workers and other socially marginalized groups detained under Section 54 without being shown any cause. And yet, while lawyers and human rights groups are vocal about the perils of Sections 54 and 86, they have tended to be silent about the specific effects of these provisions on this community." [109b] (Chapter 22)

SOCIETAL TREATMENT AND ATTITUDES

- 21.12 Ain o Salish Kendra (ASK), in its *Human Rights in Bangladesh 2008* annual report, undated, stated that:

“For a number of reasons, including cultural invisibility, a general reluctance to discuss sexuality in the public sphere, and the stigma attached to non-normative sexualities, information on sexual minorities in Bangladesh is quite limited. For that matter, most human rights organizations, until very recently, have not considered the subject of sexual rights to be an obvious part of their mandate.” [109b] (Chapter 22)

- 21.13 Commenting on the situation of lesbians in Bangladesh, journalist Richard Ammon noted in June 2006: “The fate of virtually all Islamic women here is marriage and motherhood. Anyone stepping outside that frame by expressing independence or, far worse, as a lesbian, renders herself un-marriageable and sets her on a likely course of rejection and social derision.” (GlobalGayz.com) [44a] Afsan Chowdhury of Himal Magazine had observed in 2004 that lesbianism “is kept a secret fearing loss of marriage prospects. And marriage, after all, is society’s idea of a woman’s ultimate nirvana ... Society frowns upon single women, and the social pressure to marry – doesn’t matter who to – is intense. Most succumb to it, despite their sexual preferences, and end up miserably knotted ...The tolerance level for lesbians is very low in Bengali society.” [12a]

Hijras

- 21.14 In the culture of the Indian sub-continent, *hijras* are regarded as a “third gender”; most *hijras* see themselves as “neither man nor woman”. They cannot accurately be described as “eunuchs” or “hermaphrodites” or “transsexual women”, which are Western terms. Most *hijras* were born male or ‘intersex’ (with ambiguous genitalia); many will have undergone a ritual emasculation operation, which includes castration. Some other individuals who identify as *hijras* were born female. Although most *hijras* wear women’s clothing and have adopted female mannerisms, they generally do not attempt to pass as women. Becoming a *hijra* involves a process of initiation into a *hijra* ‘family’, or small group, under a guru “teacher”. For further background information, refer to sources [101a] [105a] [20b] In a BBC News article of 30 November 2000, George Arney wrote that *Hijras* have been part of the South Asian landscape for thousands of years. He continued: “Even though they generally provoke horror or ridicule, they have traditionally had a role to play on the margins of society as entertainers and as bestowers of curses and blessings.” [20b] A *Daily Star* article of 26 September 2005 commented: “The *hijra* or hermaphrodite community has been a despised and neglected minority in society [in Bangladesh]. They face discriminations and deprivations throughout their life. As the hermaphrodites are hounded out of school, they are deprived of basic education and job opportunities. It is impossible for them to cast [a] vote in elections, get a passport, open a bank account or even get a descent [sic] house on rent.” [38cs] At a conference on HIV/AIDS and human rights issues, held in June 2007, hermaphrodites (i.e. *hijras*) were described as the most neglected and marginalised community in society. They were also said to be the “worst victims of mental and sexual abuse as they have no social and legal protection due to identity crisis” (sic). Speakers participating in the discussion called for the recognition of a separate gender identity for *hijras*

to ensure their proper recognition in society. (*Daily Star*, 11 June 2007) [38ct] In 2008, for the first time, *hijras* were able to enrol as voters. (ASK Annual Report 2008) [109a] (Chapter 1) Badhan Hijra Sangha is a social welfare NGO which provides support to transgender people in Bangladesh, focusing on health care, human rights awareness and vocational training. [104]

ACCESS TO HEALTH AND WELFARE SERVICES

- 21.15 UNAIDS estimated in 2008 that the overall prevalence of HIV in Bangladesh was less than 0.2 per cent. [36c] The UNAIDS 'Report on the Global AIDS Epidemic', published in May 2006, showed that the prevalence of HIV was then only 0.8 per cent amongst *hijras* and 0 per cent for male sex workers, although syphilis rates were relatively high for both groups. The overall HIV prevalence among gay men was less than one per cent in most areas of the country. Nevertheless, UNAIDS expressed concern about low levels of HIV knowledge and high levels of risk behaviour in Bangladesh. [36d] (p29) The USSD 2008 report stated that there were no reported cases of violence or discrimination against HIV/AIDS patients during 2008. [2b] (Section 5)

See Section 26: [Medical services](#) (HIV/AIDS)

- 21.16 Aidsdatahub country profile of Bangladesh, updated on 2 April 2010, observed that:

- MSM are formally and informally organized and a national MSM sexual health service named Bandhu Social Welfare Society is the largest MSM sexual and reproductive health programme in Asia;
- National Strategic Plan (2004-10) focuses on provision of necessary services to vulnerable populations including MSM;
- Government has mobilized and secured credit funds through international donors to support interventions among high-risk groups, including MSM." [15a]

- 21.17 The *Bandhu Social Welfare Society* was established in 1997 with international funding, to provide sexual health services to the gay community and to campaign for greater openness and legitimacy for this community. The society, which is run according to a model developed by the international Naz Foundation, has more than 220 staff members based in six cities. Field services include an outreach programme, education on safe sex, condom distribution and referrals to clinics for sexually transmitted diseases. The society set up a clinic in Dhaka in April 1998. By June 2003, 21,593 people had accessed the clinic's services, either to obtain treatment for sexually transmitted diseases, or for psychological services, or for general health services. [36d] (p30-35)

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22. DISABILITY

22.01 The NGO Ain o Salish Kendra (ASK) advised in their Annual Report for 2008:

“Bangladesh has ratified the UN Convention on the Rights of Persons with Disabilities (CRPD). Pursuant to constitutional guarantees of equality and non-discrimination, specific laws have been passed to safeguard the rights of persons with disabilities (PWDs) such as the Disability Welfare Act 2001. In addition, the National Policy on Disability 1995 and the National Action Plan on Disability 2006 have also been adopted. However PWDs continue to face legal and practical barriers to equality including unjust treatment, discrimination in access to voting rights, lack of free access to educational opportunities, health services and job opportunities without discrimination. Their right to free movement is still restricted and many PWDs are still victims of violence and abuse without remedy.” [109a] (Chapter 21)

22.02 The ASK Annual Report noted:

- Political participation of PWDs as voters, candidates and campaigners has remained limited. According to ASK: “It is estimated that...eligible people with disabilities have had limited access to voter registration, due to high levels of illiteracy, lack of access to information, vulnerability and poverty. Exclusion from the voter list has in turn excluded them in claiming and receiving services from the public service department and local government.” The Election Commission, in 2007, inserted a provision for identifying voters with disabilities in the registration form. In 2008 the major political parties addressed disability issues in their election manifestos for the first time.
- “Reportedly only four per cent of children with disabilities have access to education in any form. About 1.6 million eligible school-aged children with disabilities are unable to access formal and non-formal education.”
- “In practice, public health centres, such as Upazila Health Complexes and District general hospitals, were also inaccessible to PWDs and provided no disability related services such as early identification, fitting of artificial limbs, aids and appliances, educational or therapeutic services or vocational rehabilitation. NGOs are providing some limited services.”
- “According to a recent study, the mean employment rate of persons with disabilities is less than a quarter of those without a disability.”
- In 2008, some new initiatives were taken by public institutions to facilitate mobility. [109a] (Chapter 21)

22.03 The US State Department *Country Report on Human Rights Practices 2008*, released on 25 February 2009, noted

“The law provides for equal treatment and freedom from discrimination for persons with disabilities; in practice, persons with disabilities faced social and economic discrimination. The law focuses on prevention of disability, treatment, education, rehabilitation and employment, transport accessibility, and advocacy.

“The Ministry of Social Welfare, the Department of Social Services, and the National Foundation for the Development of the Disabled were the

government agencies responsible for protecting the rights of persons with disabilities.

“Government facilities for treating persons with mental handicaps were inadequate. Several private initiatives existed for medical and vocational rehabilitation, as well as for employment of persons with disabilities.” [2b] (Section 5)

22.04 The UN *Common Country Assessment* for 2004 had stated:

“According to the National Forum of Organisations 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 has some form of disability. The economic condition of most families limits their ability to assist with the special needs of the disabled, and superstition and fear of persons with disabilities sometimes results in their isolation.” [8d] (p68-69)

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23. WOMEN

OVERVIEW

- 23.01 Bangladesh acceded to the Convention on the Elimination of All Forms of Discrimination against Women on 6 December 1984 and ratified the Optional Protocol on the Convention on 22 December 2000. [8a]

In the most recent State party report to the United Nations Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), dated 3 January 2003, observed that “Bangladesh is a gradually changing society where the position, status and roles of men and women have primarily been shaped by the stereotype of male predominance and authority over women.” [47a] (p16) The report noted, “Traditional socio-cultural values and practices work against raising the status of women. Women still have limited opportunities for education, technical and vocational training, employment and activities.” (p5-6) “According to the Constitution, women enjoy the same status and rights as men in terms of education, health, political process, employment, development processes and social welfare. However, in practice, they do not enjoy the fundamental rights and freedom to the extent as men do. The unequal status of women in society and in public life is largely due to the fact of having unequal status in the family life. Women’s lower socio-economic status, lower literacy, lesser mobility are some of the practical obstacles to the establishment of their fundamental rights.” (p10) The same report detailed recent initiatives both by the Government and by NGOs to reduce discrimination and gender-based oppression. [47a] (p7, 10-18)

- 23.02 CEDAW, in its Concluding Comments dated 26 July 2004, urged the Bangladesh Government to implement comprehensive awareness-raising programmes to change stereotypical attitudes and norms about the roles of women; CEDAW also expressed concern over the unequal status of Bangladeshi women within the family and the fact that personal laws, derived from religious precepts which are discriminatory to women, continued to exist in the country. [47b] (p5)

- 23.03 The Organisation for Economic Co-operation and Development’s Social Institutions and Gender Index (OECD SIGI), profile of Bangladesh, undated, accessed 11 June 2010, stated that

“Bangladesh is a highly patriarchal society and gender discrimination is evident across all levels. Women are dependent on men throughout their lives, from their fathers through to husbands, brothers or sons. The Constitution affirms gender equality, but state legislation and institutions frequently disregard women’s rights. For example, women and young girls are more disadvantaged than men in their access to education, health care and financial assets.

“Traditionally, women were recognised mainly for their reproductive role, and were often discouraged from participating in public life. Due to increased poverty and demand for labour, female employment has risen since the mid-1980s.” [63a]

- 23.04 Human Rights Watch's World Report 2010, Bangladesh, issued on 20 January 2010, covering events in 2009, observed that:

"While women occupy several key positions in the government, discrimination against women is common in both the public and private spheres. Bangladesh's reservations against the requirement in the Convention on the Elimination of All Forms of Discrimination against Women to ensure equal rights for women and men remain in effect.

"Domestic violence is a daily reality for many women, and long-awaited laws on domestic violence and sexual harassment were still pending in 2009. The Acid Survivors Foundation reported 90 acid attacks, primarily against women, between January and September, but only eight convictions. There were reports of village elders and clerics issuing fatwas that resulted in women being caned for adultery or for talking to non-Muslim men." [10n]

See also Section 26: Children, which includes some material which is gender-specific.

LEGAL RIGHTS

- 23.05 The US State Department *Country Report on Human Rights Practices 2009* (USSD 2009 report), released on 11 March 2010, report noted:

"Laws specifically prohibit certain forms of discrimination against women, provide for special procedures for persons accused of violence against women and children, call for harsher penalties, provide compensation to victims, and require action against investigating officers for negligence or wilful failure of duty. Enforcement of these laws was weak. In 2003 parliament passed an amendment to the current law, weakening provisions for dowry crimes and addressing the issue of suicide committed by female victims of acts of dishonor." [2t] (Section 6)

- 23.06 Dr Nusrat Ameen, in her book *Wife Abuse in Bangladesh* published in 2005, noted that a "patriarchal interpretation of the law" by society is common. "Despite Constitutional guarantees that women shall have equal rights with men in all spheres of the State and of public life...Jahan points out that many aspects of the legal system reflect the continuing dominance of patriarchal attitudes in society." Dr Ameen argued that both substantive and procedural law is not gender-neutral and she noted that the laws governing women's private lives were discriminatory; for example, there was differential treatment of women in divorce proceedings. There was also discrimination between women from different religious groups, since there are different sets of family laws in place for the Muslim, Hindu and Christian communities. Dr Ameen stated that the legal solutions made available to women were often constrained by practical factors, such as the weak economic situation of women, the reluctance of the police to become involved in marital disputes, the difficulty of enforcing and sometimes obtaining injunctions, the emphasis on mediation, arbitration and *shalish* by legal aid workers and professionals, as well as illiteracy and family pressures. [80] (p7-14)

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POLITICAL RIGHTS

- 23.07 The Constitution provides for equal opportunities for women in politics and public life. [4] There were 64 women serving in parliament, 19 of them were directly elected. According to the law, women are eligible to contest and win any number of seats among the 345 members of parliament, but 45 seats were reserved for women. Six women, including Prime Minister Hasina, held the status of cabinet minister, including the ministers of home affairs, foreign affairs, and agriculture. Khaleda Zia, as the leader of the opposition, and Sajeda Chowdhury, as the deputy leader of parliament, also had the status of cabinet minister. Two women were appointed as state ministers, and a third was serving as a whip of parliament with the status of a state minister. In the January 22 upazila elections, 481 women vice chairpersons were elected to reserved positions for women. Six of the 89 Supreme Court judges were women. [2t] (Section 2d)
- 23.08 Of the 345 Members of Parliament, 300 are directly elected. The remaining 45 seats are reserved for women nominated by the political parties, based on their proportional representation within the 300-member group of directly elected members. (USSD 2007 report) [2a] (Section 3) This provision was introduced by an amendment to the Constitution in May 2004, and remains effective until May 2014. (BBC News, 16 May 2004) [20ae] At the local government level, three seats on each of the 4,479 Union Parishad councils and three seats on each Zila (district) council are reserved for women. (CEDAW, January 2003) [47a] (pp5, 22, 23) IRIN News in an article dated 27 January 2009 noted that, following elections in December 2008, "Seventeen directly elected female parliamentarians took up their seats on 25 January [2009], and 45 more are set to join them soon, meaning 62 women out of 345 will sit in the unicameral legislature." [103d]

SOCIAL AND ECONOMIC RIGHTS

- 23.09 The USSD 2009 report noted that
- "Women remained in a subordinate position in society, and the government did not act effectively to protect their basic rights. For example, under traditional Islamic inheritance laws, women inherited only half that of sons, and in the absence of sons, they may inherit only what remains after settling all the debts and other obligations.
- "Employment opportunities increased at a greater rate for women than for men in the last decade, largely due to the growth of the export garment industry. Women constituted approximately 80 percent of garment factory workers. There were some disparities in pay in the overall economy between men and women, but in the garments sector they were roughly comparable." [2t] (section 5)
- 23.10 The Bangladesh Law Commission, in a report dated 18 July 2005, '*Opinion on the Study Report for Marriage, Inheritance and Family Laws in Bangladesh towards a Common Family Code*' concluded that:
- "The personal laws of marriage, divorce, guardianship, maintenance, inheritance etc. of all the communities including the tribal communities of Bangladesh are different from each other in nature and in their manners of

application. All these religious or personal laws are based on religious injunctions, faith and beliefs. More so, the personal laws of all communities are sensitive, complex and of diverse origin. It is impossible to bring uniformity in these differing laws by way of modification or reforms for purposes of incorporation in a Common Family Code. Any such attempt is likely to cause injury to the religious sentiment, faith and beliefs of the people of the country. In view of the discussions above, our opinion is that there cannot be any Common Family Code for all the communities in our country as proposed by a few persons only which does not reflect the wish or opinion of all the people of the country. [111a]

- 23.11 The OECD SIGI Bangladesh profile, undated, accessed 11 June 2010, reported that:

“Women in Bangladesh have a relatively low level of protection in the family context. The country has the highest rate of early marriage in Asia, and ranks among the highest worldwide. A 2004 United Nations report estimated that 48 per cent of all girls between 15 and 19 years of age were married, divorced or widowed. Traditionally, parents marry their daughters young to decrease the economic burden on the household. Increased use of contraceptives and declining fertility rates provide more encouraging evidence that the role of women in Bangladesh is changing.

Polygamy is legal in Bangladesh, but many consider the practice to be outdated. The incidence of polygamy has decreased over the past 50 years (particularly in the cities); at present, about 10 per cent of married men are in such unions. As reported by the Islamic Republic News Agency, in 2006 the city of Rajshahi (the country’s fourth-largest city) introduced a new law and a so-called “polygamy tax”; any man taking a second wife must pay a one-time amount of BDT 10 000 (Bangladesh takas) (USD 142). The tax rises to BDT 30 000 (USD 426) for a third wife and BDT 40 000 (USD 568) for a fourth wife.

“In Bangladesh, parental authority is closely linked to religion. Islamic Sharia law regards women as ‘custodians’ but not legal guardians of their children. In the event of divorce, women can retain custody of sons until age seven and daughters until puberty. If a father dies, his children may be taken away by his family. Hindu law also views fathers as the natural, legal guardians of children.

“Inheritance practices also follow religious teachings. According to Islamic law, daughters inherit half as much as sons. In the absence of a son, daughters can inherit only as a residuary (that is, only after the settling of all debts and other obligations). In principle, wives are entitled to half of the assets of a deceased husband. Under Hindu law, a widow (or all widows in the case of a polygamous marriage) inherits the same share as a son. For Christians, the Succession Act of 1925 provides equal inheritance between sons and daughters.” [63a]

- 23.12 With regard to ownership rights the same source noted that:

“Tradition and social norms limit the ability of Bangladeshi women to achieve financial independence. Despite their growing role in agriculture, social and customary practices effectively exclude women from any hope of direct access to land. Similarly, although national law accords men and women equal rights to access to property other than land, women own very few assets. Their

situation is further impaired by discriminatory inheritance laws and cultural norms: Bangladeshi women are unlikely to claim their share of family property unless it is offered to them.

“In Bangladesh, women’s access to bank loans and other forms of credit is often determined by the demographic composition of their households. Lack of mobility, particularly in rural areas, forces women to depend on male relatives for any entrepreneurial activities. Several NGOs provide micro-credit to Bangladeshi women, but there is a growing concern as to whether these women actually retain control over their loans.” [63a]

For further socio-economic information see the *Gender, Institutions and Development Database 2009* at:

<http://stats.oecd.org/Index.aspx?DatasetCode=GID2> and also *State of the World’s Children*: <http://www.unicef.org/sowc09/statistics/tables.php>

See also Section 2: Economy (Micro-credit financing) and Section 36: Employment rights

VIOLENCE AGAINST WOMEN

See also Section 10: Security Forces: Avenues of complaint, Section 9: Crime, Section 26: Children: Violence against children and Section 27: Trafficking

23.13 In her book published for the BNWLA in 2005, entitled *Wife Abuse in Bangladesh*, Dr Nusrat Ameen observed that:

“The law in Bangladesh was far more involved with ‘stranger’ violence against women, for example murder, rape or trafficking; there was no specific law on wife abuse, although there were several special laws to deal with violence against women. [80] (pp7&62) Dr Ameen’s book examined in detail the various legal remedies available to victims of domestic violence. For example:

- The Penal Code provides sanction: all forms of physical violence, some forms of psychological violence and threats of physical injury constitute criminal offences. In practice, however, when such an offence was committed by a husband against his wife, it was not considered as an offence punishable in the same way. (p47-48)
- The Women and Children Repression Prevention Act (2000), as Amended in 2003, lays down severe penalties for violent offences against women; it also provides for the speedy trial of offenders in special tribunals situated throughout the country. The Act specifies deterrent punishment for dowry-related crimes and also covered such ‘stranger’ offences as rape, trafficking and abduction; however, Dr Ameen stated that it “is silent regarding punishment for husbands for abusing wives, except in dowry offences”. (p60-61)
- The Dowry Prohibition Act, passed in 1980, also makes giving, taking or demanding dowry punishable offences. (p58)
- There were no specific civil law remedies to which victims of wife abuse could resort, other than divorce and claims for dower, maintenance and custody. A wife could seek an injunction under the Civil Procedure Code, the Specific Relief Act or the Family Court Ordinance of 1985, but these were ancillary to other proceedings. [80] (p53-54)

- 23.14 The various special laws to protect women from abuse had not proved as effective as they were designed to be; their deterrent value had been diminished by low conviction rates. (p48 & 58) Dr Ameen added, "Owing to the prevalent patriarchal attitude towards women, in most cases complaints are not recorded properly by the police, evidence is hard to produce or establish, there is a very slim chance of the perpetrator being punished. A study by the Family Court in Dhaka shows that husbands rarely appear and thus suits are dismissed *ex parte* and wives are denied justice." [80] (p8)
- 23.15 According to a report by the human rights NGO 'Odhikar', published on 15 January 2009:

"Violence against women is widespread in Bangladesh and in most of the cases the victims are underprivileged, poor women. Despite specialized criminal laws for protecting women – the Suppression of Violence against Women and Children Act, the Dowry Prohibition Act, the Child Marriage Restraint Act, the Acid Crime Control Act, to name a few – instances of violence against women- especially dowry, domestic violence and rape – have not decreased in any significant manner. The major reasons why women do not get justice are: barriers to accessing the justice system, police corruption, mismanagement of vital evidence, and ignorance of the law and a lack of proper medical reports. However, due to social 'values' and stigma many women do not disclose the violence. The number of women who experience violence – including rape, dowry related violence, beatings, torture and murder – is high in impoverished sections of society and particularly among women who live in rural areas of Bangladesh, both in domestic situations and outside the home." [46r] (p32)

Domestic Violence

- 23.16 The USSD 2009 report noted that:

"Domestic violence is not criminalized. According to women's rights groups, it was widespread and increased during the year, although data quantifying it was difficult to obtain. A 2000 study by the UN Population Fund indicated that at least 50 percent of women experienced domestic violence at least once in their lives. The National Women Lawyers' Association (BNWLA) reported 3,502 incidents of domestic violence and received 3,496 complaints related to domestic violence issues. Domestic violence is not criminalized in the country, and most efforts to combat it were funded by NGOs with little assistance from the government. Some of the reported violence against women was related to disputes over dowries. There was an increase in the number of dowry-related killings during the year. Odhikar reported 227 dowry-related killings, an increase from 188 the previous year. [2t] (Section 6)

- 23.17 According to the 2009 Annual Report by the human rights NGO 'Odhikar', published on 1 January 2010:

"The most common reason for domestic violence in Bangladesh occurs due to dowry demands. A total of 319 women reportedly became victims of dowry demands during this reporting period. However, Odhikar believes that the actual number of victims of dowry demands could be more, because it is believed that there are lot of incidents which are not taken into account and

many women do not talk about dowry-related abuse. In the socio-economic context of Bangladesh, most of the women are dependent on their husbands. Many do not open their mouth and they tolerate torture silently. Furthermore, women in Bangladesh have to live with dowry-related violence due to socio-political pressure and lack of legal support. Due to dowry related violence, a total of 227 women were reportedly killed and 81 were tortured and 11 allegedly committed suicide after failing to tolerate the dowry related torture.” [46w] (p43)

- 23.18 In her book published for the BNWLA in 2005, entitled *Wife Abuse in Bangladesh*, Dr Nusrat Ameen commented that “Wife abuse is endemic and is overtly or covertly sanctioned [80] (p20) ... Research shows that violence in the family occurs at all levels of society (p22) ... However, the practice of wife abuse is one about which there is least social awareness or outcry in Bangladesh (p27).” Dr Ameen observed that the patriarchal nature of society and of the household, especially in rural areas, permitted socially acceptable violence against women in the form of physical chastisement by a husband. A misinterpretation of religious teaching reinforced this social sanction. (p27-36) Women often faced domestic violence not only from their husbands, but also from their in-laws. (p49) Dowry abuse also continued to lead to cases of serious physical abuse or murder and to the suicides of young married women, though the Dowry Prohibition Act came into force in 1980. (p39-45) A UNFPA report in 1997 quoted a study by the NGO Ain-O-Shalish Kendra (ASK) in saying that up to 50 per cent of all murders in Bangladesh had been attributed to marital violence. Evidence suggested that only a minor proportion of such cases reached the courts and resulted in convictions. [80] (p49-51)

Rape

- 23.19 The NGO Odhikar reported in January 2009 that it was aware of 202 women (over the age of 16) who had been victims of rape during the year 2008; of them, 68 women were killed and five committed suicide after being raped. Of the 202 women, 110 were reportedly the victims of gang rape. A further 252 females under the age of 16 were raped in 2008; 30 of them were murdered after being raped. [46r] The USSD 2008 report stated: “According to human rights monitors, the actual number of rape cases was higher [than the 454 recorded by Odhikar] because many rape victims did not report the incidents due to social stigma. Prosecution of rapists was not consistent.” [2b] (Section 5)
- 23.20 As noted in the State Party report dated 14 March 2003 to the UN Convention on the Rights of the Child (CRC), the Suppression of Violence against Women and Children Act 2000 carries the death penalty or life imprisonment for rape if death or injury results or is intended. Attempted rape is subject to a penalty of five to ten years’ imprisonment. [52a] (p31) In January 2005 at a workshop organized by BSEHR, then-attorney general AF Hassan Ariff said that “Judges consider the seriousness of rape to be the same as theft, robbery, and other crimes.” (USSD 2007 report) [2a] (Section 5)
- 23.21 Dr Nusrat Ameen noted that the Women and Children Repression Prevention Act (2000) provided for trials to be in camera, for non-publication of the victim’s identity and for pecuniary compensation to the victim. [80] (p60-61) An article dated 26 January 2004 from United News of Bangladesh revealed that there were then 2,200 cases pending in the Women and Children Repression Prevention Tribunal. [39h]

- 23.22 According to the USSD 2008 report, there were at least five reported incidents of rape or sexual abuse by law enforcement personnel during 2008. [2b] (Section 1c)

Acid Attacks

- 23.23 The USSD 2005 report had stated that “Rejected suitors, angry husbands, or those seeking revenge sometimes threw acid on a woman's face [or body] as an act of retribution.” [2f] (Section 1c) Noted USSD 2008: “Acid attacks remained a serious problem. Assaultants threw acid in the faces of women and sometimes men, leaving victims disfigured and often blind.” [2b] (Section 5)
- 23.24 The State party report to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), dated 3 January 2003, recorded that two laws were introduced in 2002 – the Acid Crime Prevention Act 2002 and the Acid Control Act 2002 – to restrict the import and sale of acid in open markets, allow for trials in acid-throwing cases by a special tribunal (with a right of appeal to a higher court) to make the maximum punishment for acid-throwing offences the death penalty and to provide for the treatment and rehabilitation of victims. [47a] (p20)
- 23.25 Statistics provided by the Acid Survivors Foundation (ASF) on its website, accessed 15 June 2009 [64a], show that the number of recorded attacks peaked in 2002, and then declined:

Year	Incidents	Total victims
2000	172	232
2001	250	347
2002	366	489
2003	335	411
2004	266	325
2005	214	270
2006	180	221
2007	155	192
2008	137	179

- 23.26 Of the 179 recorded victims in 2008, there were 94 women, 55 men and 30 children under 18 years, of whom the majority were girls. The proportion of male victims was higher than in 2007. (ASF, accessed 15 June 2009) [64a] (Statistics) In its *Human Rights Report 2008*, Odhikar recorded 133 acid attacks: 73 women; 34 men; 15 girls; and 11 boys. [46r] (p34)

Further statistical information, including incidents in 2009, can be found on the [ASF website](#).

- 23.27 The Bangladesh National Women Lawyers Association and the Bangladesh Acid Survivor's Foundation estimated in 2003 that only ten per cent of attackers were convicted. It was also stated that the total number of acid attacks against women was difficult to document because many cases went unreported for fear of reprisals. (Asian Legal Resource Centre statement to the UN Economic and Social Council, 10 March 2003) [8c] Among the factors inhibiting case conviction rates are (a) lack of sufficient evidence (b) intimidation of victims or witnesses (c) out of court 'settlements'. [64c] At a workshop held by the Bangladesh Acid Survivor's Foundation on 30 November 2007 it was stated that, in the 18 districts of the country most

affected by acid violence, only 42 out of a total of 622 cases (recorded since 2000) had so far resulted in convictions, 195 of the accused had been released, 177 cases had been dismissed due to a lack of proper evidence and another 208 cases remained unresolved. (ASF *Voice* newsletter, Issue 12-13) [64d] The USSD 2008 report noted:

“The law provides for speedier prosecutions of acid-throwing cases in special tribunals and generally does not allow bail. The Women and Child Repression Control Act (2000) also seeks to control the availability of acid and reduce acid violence directed toward women, but lack of awareness of the law and poor enforcement limited its effect. Although the special tribunals were not entirely effective, according to the Acid Survivors Foundation, tribunals convicted 444 persons for acid attacks since 2002, including 216 during the year [2008].” [2b] (Section 5)

- 23.28 The motives for acid attacks were not always directly gender-related. For example, 49 per cent of recorded acid attacks in 2008 were, according to the ASF, in connection with land/property/money disputes; 20 per cent of attacks related to marital or family or dowry disputes and 12 per cent of attacks were categorised as “refusal/rejection of love/marriage/sex”. [64a] However, even in the category of land/property/money disputes, the majority of the victims were female; the Director of the ASF has explained that male perpetrators sometimes seek vengeance against other men by throwing acid at their wives or daughters. (ASF) [64c]
- 23.29 In a report published in February 2008, the NGO Odhikar suggested a number of reasons why annual figures on reported incidents of rape and acid violence remain high and conviction rates are lower than they should be:
- The victims are largely from the poor and underprivileged sections of society, who struggle for access to justice;
 - There is not yet a separated modernised investigation department in the police for such offences;
 - The police are overburdened and not able to carry out investigations properly;
 - There are hardly any checks as to whether businesses are procuring licences for the sale and trade of acid
 - Many doctors are reluctant to come to court to give evidence. [46p]
- 23.30 The Acid Survivors Foundation in Bangladesh runs a 40-bed hospital, at which a total of 416 people were treated in 2006. In addition, the ASF provides professional psychotherapy and counselling to victims, as well as legal services and a full social re-integration programme. (ASF, 14 June 2007) [64b]

Vigilantism

- 23.31 According to the USSD 2008 report, “Incidents of vigilantism against women – sometimes led by religious leaders by means of fatwas – occurred. According to ASK [the NGO *Ain-o-Salish Kendra*], 20 incidents of vigilante justice against women occurred during the year [2008]. The punishments included whipping ... exclusion from the community, and other forms of physical and mental repression.” [2b] (Section 5) As detailed in Section 21, such fatwas and punishments are illegal. Barrister M.A. Muid Khan, in an article dated 20 March 2009, commented:

“In my opinion, lack of knowledge about their very basic legal rights, among [both] the educated and uneducated Muslim women of our country, gives opportunity to rural illiterate and half-literate religious leaders to issue Fatwa with a view to oppress the women. Over the last couple of years, [these] religious leaders have tortured women for various ‘alleged offences’ through illegal and extra-judicial procedures (so-called fatwas).” (UNB) [39bi]

See Section 21: [Fatwa](#)

Government and NGO assistance to victims of domestic violence

- 23.32 There were several agencies working to assist women in abused situations, noted Dr Ameen. Typically, an agency would serve a notice to the husband to appear at the agency for mediation, following a written complaint made by the wife. If the husband did not attend, the agency had a right to issue a warrant and to seek help from the police. If mediation failed to work, the case could be taken up in court by family lawyers provided by the agency, who would normally handle the case free of charge. [80] (p83-84) Research suggested that most abuse victims are reluctant to report their cases directly to the police and, of those who did, most were not given adequate assistance. There was a widely-held belief that police officers did not like to become involved in ‘family matters’ and were likely to ask the parties to reconcile matters between themselves. (p84 & 100) There was often also a reluctance by victims to inform doctors of the injuries they had sustained. (p84-85) Most women in Bangladesh could not afford to approach lawyers directly. And most women, even some educated ones, were unaware of the legal machinery and were also discouraged from contacting lawyers by family, friends and sometimes even the lawyers themselves. (p84) Women in villages commonly sought arbitration through *Shalish* (local mediation councils) – even though the arbiters are usually the ‘local male elite’ and a *Shalish* decision was not binding. (p85-86) However, there was, in general, a reluctance among abused women to seek relief against their husbands, often due to social stigma, or economic insecurity, or fear of retribution, or acceptance of violence as a social norm. [80] (p86-88)
- 23.33 The USSD 2006 report recorded that the Women Affairs Department runs six shelters, one each in the six divisional headquarters, for abused women and children. [21] (Section 5) The USSD 2008 report added: “NGOs such as [Bangladesh National Women Lawyers’] BNWLA ran facilities to provide shelter to destitute persons and distressed women and children. According to [Bangladesh National Women Lawyers’ Association] BSEHR, persons in safe custody were no longer housed in prisons. Courts sent most of them to shelter homes. In a few cases they were sent to prison as a transit for short periods.” [2b] (Section 5)
- 23.34 The USSD 2009 noted: “NGOs such as the [Bangladesh National Women’s Lawyer Association] [BNWLA](#) operated facilities to provide shelter to destitute persons and distressed women and children. According to the BSEHR, persons in ‘safe custody’ were no longer housed in prisons. Courts sent most of them to shelter homes. In a few cases they were sent to prison as a transit for short periods.” [2x] (section 5)

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HEALTH ISSUES

- 23.35 The United Nations/Bangladesh Government report of February 2005 on Bangladesh's progress toward meeting the Millenium Development Goals (MDG Progress Report of 2005) observed:

"In the health sector, women's status compares unfavourably with that of men. Although the life expectancy gap between men and women has narrowed over the last decade, Bangladesh continues to be amongst the very few countries in the world where women's life expectancy is lower than that of men: in 1990, life expectancy at birth was 56.4 years for males; 55.4 years for females. The maternal mortality rate, estimated to be in the range 320 to 400 per 100,000 live births in 2001, is among the highest in Asia. Pregnancy-related problems, including early and frequent pregnancies, are among the major causes of these phenomena." [8f] (p21)

- 23.36 Save the Children in its 2010 Report '*State of the World's Mothers*' issued in May 2010 stated that "Large numbers of women in Bangladesh have no say in their own health care needs – 48 percent say their husbands alone make the decisions regarding their health care." [102b] (p18)

- 23.37 According to data provided by UNICEF, most rural women give birth at home, without medical assistance. [58a] During the period 2000-2007, 51 per cent of women attended an antenatal care facility at least once during pregnancy; 18 per cent of all births were attended by a doctor, nurse or midwife and 15 per cent of deliveries took place in a hospital or local health centre. The maternal mortality ratio for this period (i.e. the reported annual number of deaths of women from pregnancy-related causes) was 320 per 100,000 live births. During 2000-2006, approximately 56 per cent of women aged 15-49 were using contraception. [58c]

- 23.38 Save the Children in its 2010 Report stated that:

"Bangladesh has made tremendous strides in maternal and child health over the past 30 years. Between 1990 and 2008, under-5 mortality declined 64 percent and Bangladesh is on track to achieve the Millennium Development Goal for child survival. Bangladesh also cut its maternal mortality rate dramatically during this same period – by 53 percent. Still, more than 11,600 mothers and 120,000 newborn babies die each year in Bangladesh, mainly because of inadequate care during childbirth. The country does not have enough skilled birth attendants and 82 percent of deliveries occur at home without proper assistance." [102b] (p18)

- 23.39 As noted by the UN Department of Economic and Social Affairs (website accessed in August 2008), abortion law in Bangladesh is based on the Penal Code of 1860, which permits abortion only to save the life of the woman. 'Menstrual regulation' services have, however, been available in the Government's family planning programme. Menstrual regulation is available on request until eight weeks after the last menstrual period. [8g]

- 23.40 The MDG Progress Report of 2005 stated:

"While the country's overall HIV prevalence rate is believed to be less than one percent, sexual behaviour of partners put women at high risk of HIV/AIDS

infection. Sex workers in Bangladesh brothels have an average of 19 clients a week, which is among the highest turnover rates in Asia. This is even higher (44 clients per week) for hotel-based sex workers. Condom use among the clients of sex workers is very low, and condom use among female sex workers is the lowest in Asia (two to four percent). The majority of married men who frequent brothels or have sex with street girls, engage in unprotected sex while continuing to maintain sexual relationship with their wives.” [8f] (p21)

See also Section 28: [Medical issues](#)

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24. CHILDREN

OVERVIEW

This section should be read in conjunction with Section 25: [Women](#), which includes further information on issues affecting children.

24.01 The US State Department *Country Report on Human Rights Practices 2009* (USSD 2008 report), released on 11 March 2010 stated:

"The government, with the assistance of local and foreign NGOS, worked to improve children's rights and welfare, enabling the country to make significant progress in improving children's health, nutrition, and education. Despite the progress, according to UNICEF slightly fewer than half of all children remained chronically malnourished... Despite advances, including the creation of a monitoring cell in the home ministry, trafficking of children continued to be a problem. Child labor remained a problem in certain industries; it frequently resulted in the abuse of children, mainly through mistreatment by employers during domestic service, and occasionally included servitude and trafficking for commercial sexual exploitation abroad. According to a 2006 study by the Bangladesh Institute of Labor Studies, attacks on children constituted more than 50 percent of the deaths, injuries, and sexual assaults reported among domestic workers during the year." [2t] (section 5)

24.02 UNICEF on its website, [Bangladesh profile](#), accessed on 11 June 2010, identified the following as major issues facing children in Bangladesh:

- Maternal mortality remains high. Most rural women give birth at home, without medical assistance;
- Millions of children are malnourished. Roughly half of all children under age five are underweight (see [Health and Welfare](#), below);
- Primary school enrolment is relatively high, but many children – especially those in urban slums – are still denied their right to a basic education (see [Education](#), below);
- Seven percent of Bangladeshi children under age fourteen are in the labour force (see [Child Labour](#), below);
- Birth registration has been very low, hindering enforcement of child protection measures (see [Documentation](#), below);
- The rise in sea levels predicted due to global warming has the potential to displace millions. [58a] (Background)

24.03 About four million babies are born in Bangladesh each year. There has been a steady decline in the infant (under 1-year) mortality rate from 105 per thousand live births in 1990 to 47 per thousand in 2007. The under-five mortality rate was 61 per thousand in 2007, compared with 151 per thousand in 1990. (UNICEF, accessed 11 June 2010) [58a] UNICEF gave the main causes of death in neonates as Infection. Second is birth asphyxia, which causes one in every five neonatal deaths. Low-birth weight, often caused by poor maternal nutrition and teenage pregnancy, is the direct cause of 11 per cent of neonatal deaths. In children aged 1-4 the main causes were diarrhoea, acute respiratory infection, injury and drowning. [58d]

See [Health and Welfare](#) below

- 24.04 Bangladesh ratified the UN Convention on the Rights of the Child (CRC) on 3 August 1990 (with a reservation to article 14, paragraph 1); it entered into force on 2 September 1990. Bangladesh ratified both the CRC Optional Protocol on the Involvement of Children in Armed Conflict and the CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography on 6 September 2000; both entered into force in 2002. (Bayefsky.com, accessed 14 May 2009) [100]
- 24.05 In 2005, the Ministry of Women and Children Affairs launched the third National Plan of Action (NPA) for Children, for the period 2005-2010, in order to focus resources and efforts to improve children's lives, establish child rights, promote gender equality and implement the terms of the UN Convention on the Rights of the Child (CRC). [52g] (paragraph 34) A National Plan of Action against Sexual Exploitation and Abuse of Children, including Trafficking (NPA-SEACT), has also been formulated. [52e] (pp6, 7, 17, 19, 60)

See also UNICEF State of the World's Children report for statistical information: <http://www.unicef.org/rightsite/sowc/statistics.php>

Basic legal information

- 24.06 The State Party report to the UN Committee on the Rights of the Child, dated 14 March 2003, noted "The age of majority in Bangladesh is set at 18 years under the Majority Act 1875, although the Act has no effect on the capacity of any person in relation to marriage, dowry, divorce and adoption or on the religion and religious customs of any citizen [52a] (paragraph 45) The State Party report to the UN Committee on the CRC of October 2008 added, "There are a number of laws related to children in Bangladesh. These do not provide a consistent definition of a child. These laws are yet to be revised to bring in a unified definition. Each law has specific objective and it is difficult to synchronize ages in different laws. A high powered Committee has been formed to review and harmonize the national laws in line with CRC." [52g] (paragraph 73)

The State Party reports of March 2003 and October 2008 have provided examples of minimum legal age requirements set by various pieces of national legislation. Some examples are:

- End of compulsory education – 10 years;
- Admission to employment – various ages between 14 and 18 years;
- Marriage – 18 years for girls and 21 years for boys under the Child Marriage Restraint Act 1929, although religious personal laws permit marriage at an earlier age;
- Sexual consent – 14 years;
- Criminal responsibility – The age of criminal responsibility has been raised to 9 from 7 years (Penal Code Amendment Act, 2004);
- Deprivation of liberty including by arrest, detention and imprisonment: Juvenile justice cases – linked to age of criminal responsibility (see above); care and protection cases – no minimum age;
- Capital punishment – 17 years. Life imprisonment in certain exceptional circumstances – 9 years if presumption of capacity not rebutted, otherwise 12 years;

- Giving testimony in court – no minimum age but a witness must be capable of understanding questions put to him or her and of giving intelligible and sensible answers. [52a] (paragraph 47) [52g] (paragraph 71)

- 24.07 Persons aged eighteen and over are entitled to vote. (Europa World Online, accessed 19 February 2009) [1a] There is no military conscription in Bangladesh. The minimum age for voluntary recruitment in the army and the navy is 17 years, and 16 years for the air force. Because recruits initially undergo a period of basic training, there is no scope for any person to be employed for actual service or combat duty before attaining the age of 18. (Third & Fourth Periodic Report of the Government of Bangladesh under the CRC: August 2007) [52e] (p78)
- 24.08 Bangladeshi nationality can be acquired by birth, descent, migration or naturalization. A child's nationality is based on the nationality of his or her father. (Accessed 11 June 2010) [52e] (p23) [52g] (paragraph 120)

Concluding observations of the Committee on the Rights of the Child: Bangladesh, 26 June 2009 on reports submitted by states parties under article 44 of the Convention can be seen here.

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LEGAL RIGHTS

- 24.09 Agence France-Presse confirmed on 8 March 2005 that the Muslim Marriages and Divorces (Registration) (Amendment) Bill 2005 received presidential consent. [23n] The Act provides for the registration of all marriages to be made compulsory and has introduced stiffer penalties for under-age marriages; the legal minimum age for marriage remains 18 years for a woman and 21 for a man. (United News of Bangladesh: 16 February 2005) [39q] The 2006 MICS survey – conducted jointly by UNICEF and the Bangladesh Bureau of Statistics – showed that about 33 per cent of female respondents aged below 15 years, and 74 per cent of those under 18 years, were already married. The marriage rate for women under 18 years was higher in rural than in urban areas. [52e] (p17) The USSD 2008 report noted that, in an effort to prevent child marriage, the government has offered stipends for girls' school expenses if parents promised to delay their daughters' marriage until at least age 18. [2b] (Section 4)
- 24.10 The High Court confirmed on 9 July 2006 that all children must be tried in juvenile courts. The Court ruled that "When the accused is a child under the Children Act 1974, irrespective of the offence alleged, that child must be tried by a juvenile court and not by any other court." (Save the Children UK – Bangladesh Office, via CRIN.) [30b]

VIOLENCE AGAINST CHILDREN

- 24.11 UNICEF, in a newsletter, *In Focus: Protection of Children at Risk*, Issue 11, March 2009 stated that:

"Children in Bangladesh are vulnerable to violence within the family, at schools, at work places, within institutions and on the streets. Violence against

children takes different forms: physical abuse, molestation, acid throwing, trafficking and sexual abuse including rape and various kinds of sexual exploitation for commercial purposes.

“More than half a million children are estimated to live on the streets in Bangladesh. Many children who live on the streets are forced to work to support themselves and their families. Approximately 13% of children aged 5-14 years are involved in child labour.

“A recent UNICEF study on the commercial sexual exploitation of children in Bangladesh found that a half of the children surveyed were initially involved in child labour. Involvement in child labour leads to a situation in which a child can easily be pushed out of informal safety-nets and exposed to abuse and exploitation. The survey found the average age at which surveyed children first became involved in commercial sexual exploitation was 13 years. Commercial sexual exploitation of children is often linked to trafficking. Many girls are trafficked into sexual exploitation or bonded servitude and many boys have been trafficked to the Middle East to become camel racing jockeys. Many children are taken with their parents’ consent, having been duped by stories of well-paid jobs or marriages. It is estimated that 50,000 children live in Bangladesh’s orphanages and child care institutions, however the actual number is probably higher than that.” [58e] (p3)

- 24.12 The USSD 2008 report recorded, “According to the Bangladesh Child Rights Forum, 47 children were abducted, 154 were murdered, 388 were injured in various forms of violence, 115 were raped, 15 were victims of acid attacks, and 394 others were missing [in 2008]. [2b] (Section 5 According to human rights monitors, child abandonment, kidnapping, and trafficking continued to be serious and widespread problems.” [2t] (Section 5) An Odhikar report of January 2009 recorded that 252 females under the age of 16 were raped during the year 2008; 30 of them were killed after being raped. Of the 252, 70 were victims of gang rape. During the same year, 26 children were the victims of acid attacks [46r] [Note: These figures were based on press reports – the actual incidence of serious human rights violations involving children may be far higher.]
- 24.13 The State Party report of October 2008, to the UN Committee on the Rights of the Child, noted that the Government had enacted a number of laws to address violence against children, such as the Suppression of Violence against Women and Children Act 2000, The Acid Control Act 2002 and the Acid Crimes Prevention Act, 2002. The report stated that “offenders are now being arrested and tried in more numbers than before”, but did not provide information on the number of cases prosecuted. [46r] (paragraph 360) The State Party report of 23 December 2005 noted that the Suppression of Violence against Women and Children Act 2000 lays down severe penalties (including life imprisonment and the death penalty) for various kinds of offences against children (up to 14 years), such as rape, sexual harassment, kidnapping and detention for ransom. [52c] (p14-15)
- 24.14 The Bangladesh Rural Advancement Committee (BRAC), a major welfare NGO, stated in their 2008 Annual Report:

“According to the reported incidents of extreme form of violence across the country, rape or attempted rape shows the highest prevalence. Disaggregated

by age during 2007-8, the data on rape/attempted rape indicates that victims of these incidents are mostly children. The general lack of child protection against sexual abuse as well as the lack of rehabilitation and social re-integration for the majority of child victims has resulted in a large number of children suffering in silence. Social stigmas, negative attitudes towards victims of sexual abuse, lack of mental health counselling services and child-unfriendly legal systems lead to continuous re-victimization of the child victims.” [28a]

24.15 The USSD 2008 report noted that:

“The authorities generally ignored the minimum age of 18, often circumvented by false statements of age, for legal female prostitution. The government rarely prosecuted procurers of minors, and large numbers of underage girls in prostitution worked in brothels. Local NGOs estimated the total number of female prostitutes was as many as 100,000. The UN Children's Fund (UNICEF) estimated in 2004 that there were 10,000 underage girls used in commercial sexual exploitation in the country, but other estimates placed the figure as high as 29,000. Trafficking of women internally and internationally remained a problem.” [2b] (Section 5)

See also Section 25: [Violence against Women](#) and Section 27: [Trafficking](#)

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Child labour

24.16 UNICEF, in an undated background note, *Child Sexual Abuse, Exploitation and Trafficking in Bangladesh*, reported that;

“Children in Bangladesh are vulnerable to being trafficked into bonded labour or brothels; being sexually abused in the home, the workplace, community and at school; and being sexually exploited. There are few protections in place for children such as these. In a country where less than 10 per cent of children are registered at birth, it is difficult to track whether children's rights are being protected. Those who are abused, trafficked or exploited are explicitly denied their rights to be safe from these practices under the Convention on the Rights of the Child (CRC). They are also more vulnerable to HIV/AIDS, drug abuse, more likely to not finish - or begin - their education, or realize their right to be brought up with their family.” [58f] (p1)

24.17 The USSD 2008 report observed:

“The BLA [Bangladesh Labor Act of 2006] regulates child employment depending on the type of work and the child's age. Because of widespread poverty many children began to work at a young age. In 2006 the International Labor Organization (ILO) released a 2005 Baseline Survey for Determining Hazardous Child Labor Sectors, which estimated that of the 2.2 million workers in 45 targeted hazardous sectors, 532,000 child workers age five to 17 did hazardous labor ... During the year [2008] the government, with ILO support, established a child labor unit at the Ministry of Labor and Employment to coordinate planning and execution of all child-related labor interventions. Children routinely performed domestic work. The government occasionally

brought criminal charges against employers who abused domestic servants. Under the law every child must attend school through grade five or the age of 10 years, but there is no effective legal mechanism to enforce this provision. There was little enforcement of child labor legislation outside the export garment sector. The BLA specifies penalties for child labor violations, typically nominal fines of less than 5,000 taka (\$80). Agriculture and other informal sectors that had no government oversight employed large numbers of children.” [2b] (Section 6d)

- 24.18 The State Party report of August 2007 to the UN Convention on the Rights of the Child (CRC) stated:

“According to the Second National Child Labour Survey (NCLS) 2002-03, of 42.3 million children aged 5-17 years, estimated 7.4 million children (17.5 percent) are engaged in some form of economic activity. Based on definition used in ILO Convention, it is estimated that 3.2 million (43 percent) children would be considered as child labour, representing 7.5 percent of the of the entire child population in this range. Over half of the working children (53 percent) were employed in agriculture sector, followed by production (15 percent), trading/sales (14 percent) and transport (10 percent). Children often work alongside family members in small scale and subsistence agriculture. Of the total child labour (3.2 million), 26 percent were attending schools and working simultaneously. As revealed in the survey, approximately 41 percent of child labour or 1.3 million children were engaged in hazardous labour ... There is no official record of actual number of child [domestic workers] because of the ‘hidden’ nature of work. According to one survey (ILO-IPEC, 2005/06), the total number of [child domestic workers] is estimated at 405,508, of them 31 percent are in Dhaka city and remainder in other parts of the country. Of the total domestic help in Dhaka, 92 per cent are full time [child domestic workers] and the remaining are part time ... Given the often-informal nature, regulation is difficult. However, recently the Government has been bringing criminal charges against employers who abuse domestic [workers] ... However, there is no effective mechanism for enforcing the law in favour of child domestics in particular. [52e] (p66-67)

- 24.19 The State Party report of October 2008 to the UN Committee on the CRC recorded that a new law, the Bangladesh Labour Act 2006 (BLA), had been enacted in October 2006. This prohibits hazardous work by any person below the age of 18. The Government publishes a list of jobs deemed hazardous. For any other (non-hazardous) economic activity, the lower limit of admission into employment is 14 years; however, a child under 18 can only be employed if a registered medical doctor certifies the fitness and age of the child. The employer must also adjust working hours to allow the child to continue with his/her education. [52g] (paragraph 28)

- 24.20 A report of the US Department of Labor, *2008 Findings on the Worst Forms of Child Labor - Bangladesh*, published on 10 September 2009, noted that the law forbids parents or guardians from pledging their children’s labour in exchange for a payment or benefit. [88a]

- 24.21 According to the State Party report of October 2008:

“The Government is very much concerned about child labour and is increasingly undertaking different poverty focused programmes for reduction

of child labour through facilitating access to education, with collaboration of NGOs and development partners. A comprehensive Time Bound Programme (2004-15) for eradicating child labour has been undertaken with the support of development partners. There are several other projects also addressing the issues of hazardous child labour, street children etc.” [52g] (paragraph 357)

- 24.22 As commented on the International Labour Organization (ILO) website, accessed in June 2009:

“Extreme forms of poverty play a crucial role. Child labour is part of a vicious cycle, with poverty as a main cause as well as a main consequence. This implies that child labour cannot be addressed in isolation. Among factors contributing to child labour are rapid population growth, adult unemployment, bad working conditions, lack of minimum wages, exploitation of workers, low standard of living, low quality of education, lack of legal provisions and enforcement, low capacity of institutions, gender discrimination, conceptual thinking about childhood, etc. One or more of the above contribute to the large numbers of children working under exploitative or hazardous conditions.” [32a]

- 24.23 The US Department of Labor report dated 10 September 2009 noted: “According to a survey by the ILO, there are over 421,000 children, mostly girls, working as domestic servants in private households, some in exploitive conditions. These child domestics are vulnerable to abuse, including sexual abuse.” [88a] In the abstract to a report of March 2006, Nasrin Akter cited a higher estimate of the number of children engaged in domestic work:

“Some NGOs estimate that there are approximately two million children engaged in domestic work in Bangladesh. Child domestic workers in Bangladesh stay alone in individual households, hidden from public scrutiny, and their lives controlled by their employers. The destiny of these child domestic workers rests largely on the mercy of their employers. As their parents primarily live in rural areas and usually are unable to afford to visit Dhaka regularly to oversee the condition of their children, they are exposed to abuses and health risks. Although some aspects of child domestic workers, for example, sexual exploitation and education, have recently received attention from scholars, we are not sufficiently aware of the health consequences of child domestic workers in Bangladesh.” [107]

- 24.24 In 2001 Bangladesh ratified ILO Convention 182, concerning the Prohibition and Immediate Action on Elimination of Worst Forms of Child Labour. The Government has also declared itself committed to the Rawalpindi Declaration of the South Asian Association for Regional Cooperation (SAARC) calling for the eradication of child labour by 2010. [52e] (Forward)

CHILD CARE AND PROTECTION

- 24.25 The USSD 2005 report quoted a 2002 news release from the government news agency Bangladesh Shongbad Shongsta in saying that there were then approximately 400,000 homeless children in the country, of whom as many as 150,000 had no knowledge of their parents. [2f] (Section 5) In June 2007, the executive director of the NGO ‘Incidin Bangladesh’ was quoted as saying “It is impossible to figure out an accurate number but it is assumed that about two million children are living in the streets.” He urged the Government to ensure

an adequate provision in the national budget to establish safe night shelter for street children. (*Daily Star*, 10 June 2007) [38ak]

- 24.26 The State Party report of October 2008 to the UN Convention on the Rights of the Child (CRC) stated:

“There is no reliable statistics on orphans and orphanages. The registered orphanages provide services to about 50,000 orphans and abandoned children. This is indeed a very small proportion compared to the estimated number of orphans. Devoid of parental support and care orphans are vulnerable to hazardous child labour, HIV, trafficking, physical and sexual exploitation. In case of orphaned girls, the risks of early marriage, abortion, sexual exploitation and other forms of violence are high.” [52g] (paragraph 189)

- 24.27 The State Party report of August 2007 noted that the Ministry of Social Welfare ran 85 orphanages (capacity 10,300 children); six ‘Baby Homes’, one each in Division (capacity 550 children) for abandoned children aged 1 to 5 years; six Destitute and Vagrant Centres, six Safe Homes with capacity for 400 children, and a number of other facilities. [52e](p33) According to the State Party report of 14 March 2003, there were another 950 orphanages run by NGOs, some with Government funding. These included institutions linked to various religions: over 300 Muslim orphanages attached to madrasa schools, nine Hindu, five Buddhist and four Christian orphanages. [52a] (p29)

- 24.28 The State Party report to the UN Committee on the CRC, dated 23 December 2005, noted that it is an offence under the Children Act for a person who has custody, care or charge of a child to assault, ill-treat, neglect, abandon or expose the child or to cause such things to happen to him or her in a way likely to cause the child unnecessary suffering or injury to their health. [52c] (p14-15)

- 24.29 With regard to children with disabilities, the State Party report of October 2008 noted as follows:

“No comprehensive survey on disability has so far been conducted in Bangladesh. Findings of different partial surveys or supplementary information of other surveys indicate a range of 10-18 percent Persons with Disability (PWDs) in Bangladesh. Children with disabilities are subjected to various discriminatory practices from the moment of their birth. Considered a social and economic encumbrance, children with disabilities experience prejudicial treatment in terms of family entitlements, learning opportunities, health services and equal opportunities to develop individual capacities. Girls are generally the worst suffers. Government has undertaken various measures to address the problems of persons/children with disabilities, in some cases in collaboration with NGOs/CBOs and development partners.” [52g] (paragraphs 193-194)

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EDUCATION

24.30 Europa on-line, (accessed 11 June 2010) stated that:

"The Government provides free schooling for children of both sexes for eight years. Primary education, which is compulsory, begins at six years of age and lasts for five years. Secondary education, beginning at the age of 11, lasts for up to seven years, comprising a first cycle of three years, a second cycle of two years and a third cycle of two further years. In the late 1980s the Government laid great emphasis on the improvement of the primary education system in an attempt to raise the rate of literacy. A scheme was, therefore, undertaken to establish one primary school for every 2,000 people in Bangladesh. In 2003/04 an estimated 89% of children (87% of boys; 91% of girls) in the relevant age group were enrolled at primary schools, while the comparable enrolment ratio at secondary schools was 41% (40% of boys; 42% of girls) in the same year. In 2004/05 there were 80,397 primary schools and 18,500 secondary schools. Secondary schools and colleges in the private sector vastly outnumber government institutions. Educational reform is designed to assist in satisfying the manpower needs of the country, and the greatest importance is given to primary, technical and vocational education. In 2004/05 there were 24 state universities, including one for agriculture and one for engineering and technology, and an Islamic university. In the same year there were 2,728 technical colleges, vocational institutes and colleges offering general education. The Government launched an Open University Project in 1992 at an estimated cost of US \$34.3m. The 2009/10 budget allocated 102,810m. Taka to education and technology (equivalent to 13.1% of total projected government expenditure)." [1d] (education)

24.31 Education is divided into four levels: Primary (from grades 1 to 5), Secondary (from grades 6 to 10), Higher Secondary (grades 11 to 12) and Tertiary. The language of tuition in state schools is Bangla. A number of private schools provide an English medium education and offer 'O' and 'A' level courses. There are also 11 government universities and approximately 20 private universities in Bangladesh. Specialised universities include Bangladesh University of Engineering and Technology (BUET), Bangladesh Agricultural University and Bangabandhu Shaikh Mujib Medical University. ('Bangla2000' website, accessed June 2009) [26a]

24.32 Primary education was free and compulsory, but the implementation of compulsory education fell short, in part because parents kept children out of school to work for money or help with household chores. Government incentives to families who sent children to school contributed significantly to the rise in primary school enrolments in recent years. Despite these efforts and contrary to established policies, public schools imposed fees that were burdensome to poor families and created a disincentive to attend school. (USSD 2009 report) [2t] (Section 5)

24.33 The EIU Country Profile 2008, dated 18 July 2008, noted that the level of enrolment in primary schools increased substantially in the 1990s; the number of primary school children increased from 12.0 million in 1990 to 16.2 million in 2005. ... [however it] described the general quality of elementary education as 'poor' and attributed this to badly trained or absentee teachers, large classes and a shortage of books. [40n] (p13) IRIN reported in February 2009 that a study, conducted for the Department of Primary Education, had shown that 69

per cent of students who had completed five years of primary school were unable to read news headlines in Bangla, while 87 per cent failed to do simple mathematical calculations. Students in the fifth grade completed only about 56 per cent of the Bangla syllabus, 46 per cent of the mathematical syllabus and 47 per cent of the English syllabus. The quality of education in remote rural areas was far worse than in urban areas. [103b] Over 98 per cent of secondary schools were private, but the Government paid 90 per cent of the teacher and staff salaries for these schools. (State Report on the CRC 2007) [52e] (p54)

Madrasahs

24.34 The Institute of Peace and Conflict Studies (IPCS), in a report '*Madrasahs in Bangladesh*' dated August 2007 stated that:

"Madrasah education, as one of the three branches of the Bangladeshi education system – the others being general education and technical vocational education – plays a vital role in the country. Aleya madrasahs are a unique system of Islamic religious education that has few parallels in the Muslim world, offering both religious education and modern general education. They function under the Bangladesh Madrasah Education Board, an independent body funded by the government that is charged with establishing madrasahs, assigning teachers, and formulating the curriculum. This system mandates teaching modern subjects like English, Bangla, Science, Social Studies, Mathematics, Geography, History, and a modified version of the Dars-i-Nizami system. It is structured in five levels – ebtidai (primary), dakhil (secondary), alim (higher secondary), fazil (graduate), and kamil (post-graduate). Although these madrasahs are mostly privately owned and run, they receive government support. The government of Bangladesh pays 80 per cent of the salaries of their teachers and administrators and a significant part of their development expenditure, provides scholarships and books, and assigns a substantial sum to the construction of additional private madrasahs. The majority of the graduates of the Aleya madrasah system pursues a higher education or joins the job market." [117a]

The IPCS report continued:

"Qawmi madrasahs are private nongovernmental institutions which are, for the most part, affiliated to the Deobandi faith and teach the traditional Dars-i-Nizami system. Before the government recognized the system in 2006, they had little or no association with the government, and were solely supported by religious endowments or by zakat, sadaqa, donations, and contributions from individuals or local and international Islamic organizations. These madrasahs have been organized under a private institution called the Befaul Mudarressin of the Bangladesh Qawmi Madrasah Education Board, enjoying autonomy from the state. This has now become problematic as its financial independence has allowed the ulema in Bangladesh to wield religio-political power. What is more, it has permitted the ulema to resist efforts by the state authorities to institute reforms in the madrasah system and bridge the differences between the traditional system of Islamic education and modern secular education. Concerns arise when the entire education system comes to be seen as a religious institution because of this wing which has a traditionalist hard line policy and is against any kind of modern thinking. It is important to appreciate the distinctions between the two types of madrasahs. Qawmi madrasahs continue to represent Islamic identity in Bangladesh, catering to its

society's need for religious practices and services. At the same time, however, it contributes to a traditional rather than a modern education system. This does not help Bangladesh's development or its education system. Further, the Qawmi madrasas' use of the traditional education system generates incorrect beliefs that madrasas are archaic. Conversely, Aleya madrasas are viewed in a more positive light as they combine religious and modern subjects and, therefore, are seen as contributing positively to the education system." [117a]

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HEALTH AND WELFARE

- 24.35 UNICEF in its March 2009 report, *'Bangladesh: Demographic and Health Survey 2007'* stated that:

"Data from the 2007 BDHS show that under-five mortality (65 deaths per 1,000 live births) has continued its notable decline. Large decreases were observed in both child mortality (age 1-4 years) and postneonatal mortality. One of every 15 Bangladeshi children dies before reaching age five, compared with one in 11 in the 2004 BDHS. Likewise, the number of children who die before reaching the first birthday has decreased from one in fifteen children to one in 19 (52 deaths per 1,000 live births). Around 71 percent of infant deaths occur during the first month of life (neonatal mortality). ...Eighty-two percent of Bangladeshi children age 12-23 months are fully immunized." [58d] (pxxviii)

The report continued:

"The 2007 BDHS measured all children under five in the household and found that 43 percent of children in that age group are stunted, and 16 percent are severely stunted. Seventeen percent of children under five are wasted, and 3 percent are severely wasted. Weight-for-age results show that 41 percent of children under five are underweight, with 12 percent are severely underweight." [58d] (pxxix)

- 24.36 UNICEF has noted that various diseases which could be prevented by vaccination have, in the past, killed tens of thousands on children under the age of five; these include diphtheria, whooping cough, tetanus, tuberculosis and measles. [58d] In 2006, 96 per cent of 1-year old children were immunised against tuberculosis, 88 per cent against polio and 81 per cent against measles. There have also been measures to protect infants against tetanus. (UNICEF) [58c] More than 12 million children have received de-worming treatment. (UNICEF) [58a] It was estimated in 2004 that 74 per cent of the population had access to 'improved drinking-water sources'. (UNICEF) [58c] Sanitation coverage has almost doubled since 2003; by the end of 2006, the country had achieved 81 per cent coverage. (UNICEF) [58a]

Further statistical data regarding children can be found on the [UNICEF website](#).

See also Section 25: [Women](#) and Section 28: [Medical issues](#)

DOCUMENTATION

- 24.37 UNICEF, in a fact sheet, *Birth Registration in Bangladesh* accessed 11 June 2010, stated that:

"In Bangladesh, the BR rate is currently at approximately 10% of the total population. This low rate is attributed to several factors, such as the absence of an effective and functioning birth registration system, the weak capacity of the relevant local government authorities and low level of awareness. The biggest obstacle facing birth registration in Bangladesh has been the extremely low level of awareness on the importance of birth registration, which has led to the low demand for the certificates. However, the 2004 Births and Deaths Registration Act that replaced previous legislation from 1873 came into force on 3 July 2006. It provides for birth registration to adopt a cross sectoral approach by linking its activities to the health and education sector. The Act requires birth certificates to serve as proof of age and identity for services such as enrolment in educational institutions, issuance of passports, and transfer of property. Certificates will also be requested for voter registration, issuance of driving licences and passports, as well as for employment in government or non-government organizations. In addition, the Government of Bangladesh has decided to adopt a Universal Birth Registration strategy which provides for free registration for the following two years after the Act came into force. The strategy aims at registering all by the end of 2008." [58h]

- 24.38 The new National Identity Card, issued to over 80 million registered voters (adults) in 2008, also shows the individual's date of birth. [16f] A sample appears on the website of the Bangladesh Election Commission: <http://www.ecs.gov.bd/QLExternalFilesEng/21.jpg>

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25. TRAFFICKING

- 25.01 The US State Department *Country Report on Human Rights Practices 2009* (USSD 2009 report) released on 11 March 2010 recorded:

"The law prohibits trafficking in persons, but trafficking remained a serious problem affecting men, women, and children. Trafficking in children for 'immoral or illegal purposes' carries the death penalty or life imprisonment, and the government took measures for the expeditious prosecution of traffickers ... Trafficked women and children went to India, Pakistan, Bahrain, the United Arab Emirates (UAE), Kuwait, and destinations within the country. Men seeking work abroad as expatriate labor in countries such as Malaysia and the Middle East found themselves in exploitative situations of forced labor, with conditions including restrictions on movement, threats, and physical assault. Some women and children were trafficked internally for commercial sexual exploitation ... According to government sources, law enforcement personnel rescued 73 victims of trafficking during the year. Some of the rescued victims remained in government homes or at NGO-run shelters and received social and vocational skills training while NGOs attempted to locate their families." (USSD 2009 report) [2t] (Section 5).

- 25.02 The USSD 2009 report noted that:

"Although a lack of resources hindered investigations, the government maintained anti-trafficking police units in all 64 districts to encourage victims to testify against their traffickers and to compile data on trafficking. In response to inadequately trained police and prosecutors, the government worked with legal experts to provide specialized training to prosecutors and with the International Organization on Migration to develop an anti-trafficking course for the National Police Academy." [2t] (Section 5) In June 2008 the Bangladesh Police established a new investigation wing to combat human trafficking. [97d]

- 25.03 The US State Department's '*Trafficking in Persons Report*' of June 2010 (USSD Trafficking report 2010) pointed out that "The Bangladeshi judicial system's handling of sex trafficking cases continued to be plagued by a large backlog and delays caused by procedural loopholes." [2u] (Country Narratives)

- 25.04 According to the USSD 2008 report, police and local government officials often ignored trafficking in women and children for commercial sexual exploitation and were easily bribed. [2b] (Section 5) The USSD Trafficking report 2008 quoted UNICEF and other sources as estimating that between 10,000 and 29,000 children are engaged in prostitution in Bangladesh. [2n] (Country Narratives)

- 25.05 The USSD '*Trafficking in Persons Report*' of June 2010 stated:

"Bangladesh does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government has continued to address the sex trafficking of women and children. Despite these significant efforts, the government did not demonstrate evidence of increased efforts to prosecute and convict labor trafficking offenders, particularly those responsible for the fraudulent recruitment of Bangladeshi workers for the purpose of forced labor overseas. Similarly it did not demonstrate increased efforts to prevent the forced labor of Bangladeshi

workers overseas through effective controls on high recruitment fees and other forms of fraudulent recruitment; Some government officials and members of civil society continue to believe the forced labor and debt bondage of Bangladeshi workers abroad was not considered labor trafficking, but rather employment fraud perpetrated on irregular migrants.” [2u] (Country Narratives)

25.06 The USSD 2009 report stated that:

“Many NGOs, community-based organizations, and local government leaders worked against trafficking through prevention, research, data collection, documentation, advocacy, awareness creation, and networking, cross-border collaboration, legal enforcement, rescue, rehabilitation, and legislative reform. Despite constraints such as lack of birth and marriage records at the village level, authorities prosecuted trafficking cases. There was limited success in increasing shelter capacity and developing rehabilitation programs, including skills and vocational training, to facilitate sustainable social reintegration of the survivors largely due to lack of adequate funding. Despite efforts to address trafficking for sexual exploitation, the government failed to demonstrate significant progress in criminally prosecuting and convicting labor trafficking offenders and recruiters. In December the government formed a committee at the Expatriates' Welfare Ministry to review laws and regulations on labor migration for reformation.” [2b] (Section 5)

See Section 25: [Women: Violence against women](#) and Section 26: [Children: Violence against children](#)

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26. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

26.01 The EIU Country Profile 2007 stated that medical facilities in the country were “extremely scarce”; in the fiscal year 2005/06 there were 49,669 hospital beds, 42,101 registered doctors and 14,689 registered nurses in the public sector. (This translates to approximately 27 doctors and 10 registered nurses per 100,000 population.) [40j] (p16) As was noted in the United Nations Common Country Assessment for 2004, the private sector provides the major proportion of outpatient curative care, especially among the poor, while the public sector serves the larger proportion of inpatient care. [8d] (p30) The EIU Country Profile noted that only about 12 per cent of all “serious cases” were referred to public health services. The report added, “Whereas health services for the general population remain poor, there are private hospitals that provide first-rate medical services for the wealthy in Dhaka.” [40j] (p17)

26.02 It was reported in an article in the *Daily Star* dated 27 February 2010 that:

“Public health services across the country are being severely hampered by a staggering shortage of health professionals. According to officials from the Directorate General of Health Services (DGHS), there are currently 33,000 vacant posts, which is more than a fifth of the total workforce.

“Government sources expressed doubt that health services could be rendered smoothly with so many posts being vacant. Prof Rashid E Mahbub, former president of Bangladesh Medical Association (BMA), said that the health sector will collapse if the workforce isn't made more robust. Prof Mahbub said, ‘The government took steps to recruit manpower, which was certainly a good decision. But this has been halted due to corruption in the recruitment process.’ [38ep]

See also section 20: [Corruption](#).

26.03 The World Health Organisation (WHO) informed in its Bangladesh Country Profile, undated, [accessed December 2009](#):

“Significant changes in human resources for health have taken place in recent years leading to overall improvement in the coverage of health services. These include production and deployment of more health and health-related personnel, refresher training for health personnel in service, and greater use of health volunteers ... Actions are being taken, which include the establishment of a permanent health institute, formulation of a human resource development plan, and enhancing the quality of medical education ... As early as the 1980s, Bangladesh had a national essential drugs policy and a list of essential drugs to be procured and used in health services. These have been maintained to date. Most of the essential drugs were known by their generic name and were less costly than brand name drugs. Production and distribution facilities, both in the private sector and public limited companies, are adequate. Despite these advantages, government run health facilities did not have sufficient essential drugs to meet their actual needs, since the budgetary allocation for the procurement of drugs was not enough.” [14a] (Country Health System Profile; p 5)

26.04 The World Health Organisation estimated that life expectancy at birth increased from 55 years in 1990 to 63 years in 2006, for both males and females. The Infant Mortality rate declined from 100 per thousand live births in 1990, to 52 per thousand in 2006. [14c]

26.05 The database of the Directorate General of Health Services provides a comprehensive listing of medical institutions in Dhaka. [82]

See also Section 26: [Children](#) and Section 25: [Women](#)

HIV/AIDS – ANTI-RETROVIRAL TREATMENT

26.06 The United Nations General Assembly Special Session on HIV/AIDS (UNGASS) *Country Progress Report - Bangladesh*, Reporting period: January 2008–December 2009 stated that:

“Prevention efforts in Bangladesh had been initiated way before the first HIV case was detected in 1989. Though there is no comprehensive national study to measure the prevalence of HIV among the general population, however, the prevalence has been considered at less than 0.1 percent. In all of the eight HIV Serological Surveillance rounds conducted till date (Round 8, 2007) in Bangladesh, the HIV prevalence among the MARPs remained below 1 percent with the exception of Injecting Drug User (IDU) population mainly in the capital city of Dhaka. On December 1, 2009, on the occasion of World AIDS Day, the National AIDS/STD Program (NASP) had confirmed a total of 1745 HIV cases reported in Bangladesh. In 2009 alone, a total of 250 new cases were identified, 143 had developed AIDS and a total of 39 deaths were reported. Total number of HIV infected people developed AIDS until 2009 is 619 and a total of 204 deaths had occurred due to AIDS.” [19a] (p23)

26.07 The UNGASS Country Progress Report further reported that:

“The first Voluntary counselling and testing (VCT) centre in Bangladesh was set up in 2002 and by 2009 numbers have gone up to about 105. The quality and range of services vary – only a few centres have professionally trained counsellors, physicians to offer medical examinations when other STIs are suspected, gold-standard HIV test and laboratory procedures, quality assurance and validation of HIV test results etc. Outside Dhaka, to obtain test results can take up to a week in some centres. Post test counselling for people who test positive also includes referral to People Living with HIV (PLHIV) support groups. In recent years, PLHIV peer support groups have expanded to well over 500 members. They provide counselling, home visits, referrals and free treatment for opportunistic infections, advice and information on positive living and advocacy and communication with the general public to reduce stigma and discrimination. On experience of stigma and discrimination, there are numerous reports of denial of treatment to high risk individuals by the health care providers. Only a few facilities in Bangladesh (mostly in Dhaka) are able to treat HIV-related infections or provide ART. On the indicator - Percentage of adults and children with advanced HIV infection receiving antiretroviral therapy (UNGASS Indicator 4), the current ART coverage has been increased from 13.3% in 2007 to 47.7% in 2009.” [19a] (p39)

KIDNEY DIALYSIS

- 26.08 The website of the National Kidney Foundation of Bangladesh gives details of hospital- and clinic-based dialysis centres in the principal cities, and of renal transplant facilities in Dhaka:
<http://www.kidneyfoundationbd.com/forum/viewtopic.php?f=4&p=7> [81]

MENTAL HEALTH

- 26.09 Mental healthcare is provided at the primary level by primary care physicians and health workers, at the secondary level by district hospitals (though only one hospital has been equipped to provide the services), and at tertiary level by teaching hospitals. Of the 14 drugs for psychiatric treatment listed in the WHO Project Atlas survey for 2005, only three were not available in Bangladesh. (WHO Mental Health Atlas 2005) [14b] The British High Commission in Dhaka commented in November 2003: "As requested we have made enquiries into the provision of psychiatric care in Bangladesh. We have been advised by doctors working here that there are practising psychiatrists here who trained in the UK. While that standard of care provided in government hospitals is not necessarily fully up to UK standards, most doctors also run high quality private practices where fees are minimal compared with the UK." [11f]

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27. FREEDOM OF MOVEMENT

- 27.01 The US State Department *Country Report on Human Rights Practices 2009* (USSD 2009 report), released on 11 March 2010 stated:

"The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice except in the cases of some opposition political figures. Immigration officials at Zia International Airport in Dhaka prevented numerous politicians belonging to the opposition BNP and Jamaat-e-Islami from leaving the country, citing instructions from undisclosed higher authorities. Some of the politicians successfully challenged the unannounced restrictions on their travel abroad and managed to depart and return to the country. In some instances, the government filed criminal charges against the politicians after they had filed petitions with the High Court challenging the prohibition on their travel. With the lifting of the state of emergency, the government no longer had legal authority to prohibit travel. " [2t] (Section 2d)

- 27.02 The US Committee for Refugees and Immigrants (USCRI) *World Refugee Survey 2009*, published 17 June 2009, recorded:

"The 1972 Constitution reserves its protection of freedom of movement to citizens, while the 1946 Foreigner's Act, without exceptions for refugees, permits the Government to require foreigners to reside in particular places and to impose "any restrictions" on their movements. Bangladesh has no law, regulation, or formal policy regulating the confinement of refugees and asylum seekers; authorities simply do it arbitrarily. [37i]

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28. INTERNALLY DISPLACED PEOPLE (IDPs)

- 28.01 The Internal Displacement Monitoring Centre (IDMC), in a special report of 28 March 2006 entitled 'Minorities increasingly at risk of displacement', has recorded that civil war and persecution of minorities have displaced hundreds of thousands of people in Bangladesh since 1971. [45b] (p3)
- 28.02 The largest occurrence of conflict-induced displacement is found in the Chittagong Hill Tracts (CHT) in south-east Bangladesh, noted the above IDMC report. No recent information exists about the current number of people displaced; estimates of the number of IDPs in the CHT have varied between 60,000 (Amnesty International, 2000) and 500,000 (Government task force, 2000), although there is apparently a consensus between tribal representatives, NGO workers and academics that the task force list is inaccurate. There was also a debate about the definition of an IDP. [45b] (p13-14) According to the IDMC, "The government of Bangladesh has done little to assess and respond to the rights and needs of people who have been forced to flee their homes due to conflict. A national strategy and political will are lacking to address the needs of the internally displaced in Bangladesh." [45b] (p23)
- 28.03 The IDMC report of March 2006 cautioned: "The tribal population of the Chittagong Hill Tracts remains under serious threat of displacement as a result of evictions from existing reserve forests, acquisition of land by government agencies for the creation of additional reserve forests, expansion of military facilities and lease of land by the government for commercial plantations." [45b] (p18)
- 28.04 The IDMC report "Bangladesh: Indigenous people and religious minorities still affected by displacement" of 16 July 2009 stated that:
- "Indigenous people in the CHT continue to be displaced due to evictions from existing reserve forests and acquisition of their land by the government as well as land grabbing by Bengali settlers. Since 2007 Bengali settlers, with the tacit understanding or direct support of the army, have continued to seize land. The evictions were particularly intense during the state of emergency in effect throughout 2007 and 2008, but have been reported as recently as June 2009 (*The Daily Star*, 15 June 2009)." [45d] (p4)

See also Section 22: [The indigenous Jumma peoples of the Chittagong Hill Tracts](#)

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29. FOREIGN REFUGEES

- 29.01 The US State Department *Country Report on Human Rights Practices 2009* (USSD 2009 report), released on 11 March 2010 recorded:

“The country is not a party to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol. As a result, and in the absence of any national legislation, the law does not provide a legal framework for the granting of asylum or refugee status. The government had no formal system for providing protection to refugees. In practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedoms would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees. [2t] (Section 2d)

- 29.02 The US Committee for Refugees and Immigrants (USCRI) *World Refugee Survey 2008*, published June 2008, stated that there had been no reports of refoulement of UNHCR-registered refugees or asylum seekers in 2007. However, the report continued

“In late December [2007]...authorities forced some 14 Muslim Rohingyas from Myanmar back over the border. At least several hundred left for other countries, such as Malaysia, because of the Government’s severe restrictions against them in Bangladesh ... UNHCR began training [personnel of the Bangladesh Rifles], which patrolled the border, on the difference between asylum seekers and migrants but they still treated asylum seekers as illegal entrants and often detained them, generally releasing them for bribes.” [37h]

- 29.03 The US Committee for Refugees and Immigrants (USCRI) *World Refugee Survey 2009*, published June 2009, observed:

“[The] Authorities generally do not forcibly return registered refugees. As the Government of Myanmar refuses to accept the deportation of Rohingyas from detention in Bangladesh, the BDR increasingly pushes non-registered would-be Rohingya entrants back over the border to Myanmar rather than arresting, processing, or formally deporting them.

“Bangladesh is not party to either the 1951 Convention relating to the Status of Refugees or its 1967 Protocol and has no refugee law. The 1972 Constitution obliges the Government to ‘support oppressed peoples throughout the world waging a just struggle against...racism.’ It also provides that ‘no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law.’ There are no reports, however, of courts applying these provisions to refugees. The Birth Registration Act of 2004 specifically provides for the registration of refugee children. The 1920 Passport Act, the 1946 Foreigner’s Act, and the 1952 Control of Entry Act apply to all foreigners without exception for refugees.” [37i]

ROHINGYA REFUGEES

- 29.04 According to the USCRI *World Refugee Survey 2009*, published in June 2009:

“Bangladesh hosted some 193,000 refugees, almost all of them Muslim residents of North Rakhine State of Myanmar - commonly known as the Rohingya ... The Government confines some 28,100 of them in Nayapara and Kutupalong camps in the southern Cox's Bazar District. UNHCR has registered these and the Government at least recognizes their right to temporary asylum. The Government estimates that, in addition, there are between 100,000 to 200,000 Rohingya living outside the camps without legal status in the Cox's Bazar district and the Bandarban sub-district of Chittagong. The Government relocated about 9,000 of these from the Teknaf squatter camp on the edge of the Naf River to Leda and another 15,000 set up makeshift housing around Kutupalong camp.” [37i]

29.05 The USSD 2009 report recorded:

“The government continued to deny asylum to Rohingyas arriving from Burma. The government categorized them as illegal economic migrants and turned back many at the border; however, the border was porous, and attempts to stem the tide of migration proved unsuccessful. According to the UNHCR, some of the individuals who were turned back were likely entitled to refugee status. Some unregistered persons in UNHCR camps returned to the country illegally after their official repatriation to Burma. On a number of occasions, local police picked up unregistered persons outside the camps and imprisoned them under the Foreigners Act.

“Working with the UNHCR, the government provided temporary protection to approximately 28,000 registered Rohingya refugees at two official refugee camps and to individual asylum seekers whom the UNHCR interviewed and recognized as refugees on a case-by-case basis. According to international aid organizations active in the area, there were an estimated 200,000 to 500,000 Rohingyas not officially recognized as refugees living among the local population in the surrounding area of Teknaf and Cox's Bazaar, including approximately 12,000 at an unofficial site. There were no repatriations of Rohingyas during the year.” [2t] (Section 2d)

29.06 The USSD 2009 report stated: “Working with the UNHCR, the government continued to improve conditions in refugee camps following findings in recent years that sanitation, nutrition, and shelter conditions had fallen below minimum international standards. The government permitted the UNHCR to build replacements for shelters and latrines and permitted more NGOs to work in the camps on skills training, education, and health for residents.” [2t] (Section 2d)

29.07 An Agence-France Presse report dated 30 December 2009 stated that:

“Bangladesh's plans to repatriate 9,000 Myanmar Muslim refugees to their homeland hit trouble on Wednesday when a leader of the minority said they would refuse to leave. Bangladesh's top foreign ministry official, Mirajul Quayes, said Tuesday that neighbouring Myanmar had agreed to take back 9,000 Rohingya refugees in what was seen as a breakthrough in a decade-long problem ... Described by the United Nations as one of the most persecuted minorities, some 250,000 Rohingyas fled to Bangladesh in the early 1990s. But some 230,000 were later taken back by Myanmar following a UN-brokered deal. Since then, thousands of Rohingyas from Buddhist-majority

Myanmar's northern Rakhaine state have streamed across the border every year and are now estimated to number nearly 400,000. But only 28,000 of them have been granted official refugee status and are allowed to stay in two UN-assisted camps in the country's Cox's Bazar district just miles (kilometres) across the Myanmar border." [23u]

For background to this group: See the HRW report: '*Rohingya Refugees in Bangladesh: The Search for a Lasting Solution*.'

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30. CITIZENSHIP AND NATIONALITY

- 30.01 The Bangladesh Citizenship (Temporary Provisions) Order 1972 introduced the citizenship laws after the country's independence. Article 2 of the Order stipulates that anyone who was born in the territories now comprised in Bangladesh (or whose father or grandfather was born in these territories) and who was a permanent resident in these territories on 25 March 1971 and continues to be so resident, will be deemed to be a Bangladeshi citizen. Article 2A provides that a person to whom the above article would have applied, but who is resident in the United Kingdom, shall be deemed to have continued to have been permanently resident in Bangladesh. The Government may notify, in the official Gazette, any person or categories of persons to whom this Article shall not apply. In case of doubt as to whether a person is qualified to be deemed a citizen of Bangladesh under Article 2 of the Order, a decision of the Government will be final. [18a]
- 30.02 The Bangladesh Citizenship Order of 1972 further provides that any person who "owes, affirms or acknowledges, expressly or by conduct, allegiance to a foreign state", or is notified under the provisions of Article 2A, does not qualify for Bangladeshi citizenship. [18a]
- 30.03 The 1978 Bangladesh Citizenship (Temporary Provisions) Rules allow for the Government to consider an application for citizenship from an applicant who is a foreign woman and married to a Bangladeshi citizen and has resided in Bangladesh for two years, or from any other applicant who has resided in Bangladesh for a period of five years. [18b]

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31. EXIT AND RETURN

- 31.01 The US State Department *Country Report on Human Rights Practices 2008* (USSD 2008 report), released on 25 February 2009 confirmed that the law provides for freedom of movement in respect of foreign travel, emigration and repatriation; the government generally respected these rights in practice during 2008, although there were instances in which the government restricted these rights. [2b] (Section 2d)
- 31.02 The Immigration and Refugee Board of Canada (IRB), in a document dated 21 February 2005, quoted the Bangladesh High Commission as saying that the validity of passports or travel documents might vary from 'months' to several years (usually up to five years); documents with shorter validity were normally issued to Bangladesh nationals who had lost their passport or were unable to produce details of their previous passport. Passports were issued after standard identity checks, as required by law. [3s]

CHILDREN

- 31.03 The Canadian IRB was advised by the Bangladesh High Commission in November 2003 that a woman did not need her husband's consent in order to obtain a passport. A child under the age of 12 would usually be included on their mother's passport but, should there be cause for concern regarding the application, the authorities might request the other parent's consent. There was no official requirement for parental consent for children over the age of 12 who apply for a passport, although children were "typically accompanied by a parent when filing their application". Passport applicants were required to provide their birth certificates and, since 2002, the names of both parents had appeared in passports. [3p]
- 31.04 A Canadian IRB paper of 20 November 2003 quoted the Bangladesh High Commission as stating that in instances where minor children were travelling from Bangladesh with one parent, the presence and/or consent of the other parent was not normally required. Children could travel alone provided that a form had been filled out and signed by one parent; the name of the guardian who was to pick the child up at the destination was stipulated on the form. According to the High Commission, there were no provisions in policy or legislation that restricted the travel of children although, in practice, the view was that children should travel in the presence of their mother. Furthermore, immigration authorities had the right to prevent anyone from leaving the country if they reasonably suspected wrong-doing. Where the parents were separated or divorced and a custody order had been issued stipulating that a parent was not permitted to leave the country with their child(ren), immigration authorities were notified of this by the courts. [3q] However, a separated or divorced parent could leave the country with their child(ren) after obtaining permission from the courts. [3r]

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32. FORGED AND FRAUDULENTLY OBTAINED OFFICIAL DOCUMENTS

- 32.01 The Canadian High Commission in Dhaka, in July 2005, advised the Canadian IRB as follows, inter alia:

“Many false documents exist; it is relatively easy to verify these documents, but verification takes a long time when it is done outside the capital ... The content of genuine documents is often questionable. The rampant corruption in various levels of the government weakens the integrity and the credibility of officially issued documents ... It is common for [political party] membership confirmation letters to be issued to facilitate verification procedures, even if the information is incorrect ... We often hear people saying that it is normal to provide incorrect information for a third party, because it is considered a duty to help ‘co-nationals/brothers’ to immigrate to a so-called ‘rich’ country ... Genuine medical certificates containing incorrect information can also be issued ... Birth certificates are issued [often years after the person’s birth] upon verbal or written request, and no proof of the person’s date of birth, identity or age is required; these certificates have the same value as the information provided by the applicant ... Similarly, it is relatively easy to obtain a passport under a false identity.” [3b]

- 32.02 British High Commission in Dhaka stated as follows in a letter of 1 December 2003:

“Forged and fraudulently obtained documents are readily available in Bangladesh and are frequently submitted in support of entry clearance applications. Such documents include forged passports, birth, death and marriage certificates, bank statements (local and British), business plus employment related documents and educational certificates. Maintenance of official records in Bangladesh tends to be haphazard. Most records are kept in hand written logs, with very little in the way of computerised records. There is no local equivalent of the UK Police National Computer system. Instead, records are kept at local police stations with no national link. With regard to birth and death certificates, and marriage and divorce certificates, local municipal corporations or union councils, and local registrars issue these respectively. As with police records, there is no national link up between any of these records. Most banks have similar poor maintenance of accounts, and most rural branches lack computers or even telephones.” [11g]

- 32.03 The Country Information Service of the Australian Department of Immigration and Multicultural Affairs noted in a 1998 document entitled “*Bangladesh: Profile of Asylum Claims and Country Conditions*”:

“Asylum applicants from all [Bangladeshi political] parties submit voluminous documentation to support their claims, including in particular outstanding warrants for their arrest if they return to Bangladesh and other alleged court and police documents. Arrest warrants are not generally available to the public, and all such documents should be scrutinized carefully. Many ‘documented’ claims of outstanding arrest warrants have proved to be fraudulent. As of December 1997, the Embassy had examined several hundred documents submitted by asylum applicants; none proved to be genuine.” [50a]

- 32.04 A sample of the new National Identity Card, issued to all registered voters in 2008 [16f], appears on the website of the Bangladesh Election Commission: <http://www.ecs.gov.bd/QLExternalFilesEng/21.jpg>

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33. EMPLOYMENT RIGHTS

- 33.01 The US State Department *Country Report on Human Rights Practices 2009*, (USSD 2009 report), released on 11 March 2010, stated:

“The law provides for the right to join unions and, with government approval, the right to form a union, although numerous restrictions on union registration remained. For example, the law requires more than 30 percent of an enterprise's total workforce to be members before approval and the union can be dissolved if membership falls below 30 percent; no more than three trade unions can be registered in any establishment; and managerial staff and other employees designated by employers as "confidential" may not join unions.

“Civil service and security force employees were legally prohibited from forming unions. In 2006 new categories of workers, including teachers and NGO workers, were permitted to form unions; however, due to the broad limitations on union organizing during the state of emergency, these regulations were not formally instituted.

“The total labor force was approximately 50 million, of whom approximately 1.9 million belonged to unions, many of which were affiliated with political parties. There were approximately 5,000 garment factories employing 2.5 million workers; more than 80 percent were women. No reliable labor statistics were available for the large informal sector in which the majority (nearly 80 percent) of citizens worked.

The 2006 Bangladesh Labor Act (BLA) consolidated laws from 25 separate acts into one comprehensive law.” [2t] (Section 7a)

- 33.02 The USSD 2009 report added:

“The law recognized the right to strike; however, many restrictions on this right remained. For example, 75 percent of union membership must consent to a strike before it can proceed. The government can shut down any strikes lasting more than 30 days and refer the matter to labor courts for adjudication. ... In practice few strikes followed legal requirements, which are cumbersome; strikes or walk-outs often occurred based on the spontaneous decisions of workers. ... The law established mechanisms for conciliation, arbitration, and labor court dispute resolution. Workers have the right to strike in the event of a failure to reach settlement. The government filed cases against some striking labor leaders and workers for destruction of property, blocking roads, or violation of the EPR provisions. In some cases, the appeals courts subsequently acquitted strikers. Unions were highly politicized but were independent of the government and were strongest in state-owned enterprises, including jute mills, textile mills, chemical industries, and the government-run Port of Chittagong. [2t] (Section 7a)

- 33.03 The USSD 2009 report stated that:

“The penal code prohibits forced or bonded labor; however, the prescribed penalty of imprisonment for up to one year or a fine was not sufficiently stringent to deter the offense, and the government did not enforce the prohibitions effectively. The BLA created inspection mechanisms to strengthen

laws against forced labor, but these laws were not enforced. Though relatively uncommon in urban areas, bonded labor remained common in rural areas and in domestic service. Faced with extreme poverty and unemployment, rural workers, including entire families, were engaged in bonded labor, often facing physical abuse and sometimes death. [2t] (Section 7a)

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Annex A: Chronology of major events

Source: The following Information is from the British Broadcasting Corporation (BBC) Timeline: Bangladesh, updated 11 January 2010 [200] unless otherwise stated.

- 1947** British colonial rule over India ended. A largely Muslim state comprising East and West Pakistan was established, either side of India. The two provinces were separated from each other by more than 1,500 km of Indian territory.
- 1949** The Awami League was established to campaign for East Pakistan's autonomy from West Pakistan.
- 1970** The Awami League, under Sheikh Mujibur Rahman, won an overwhelming election victory in East Pakistan. The Government in West Pakistan refused to recognise the results, leading to rioting.

Independence

- 1971** Independence of the province of East Pakistan – as the People's Republic of Bangladesh – was proclaimed on 26 March. The Awami League formed the government-in-exile on 17 April with Sheikh Mujibur Rahman, imprisoned in Pakistan, as the President.
- 1972** Sheikh Mujibur became Prime Minister. He began a programme of nationalising key industries in an attempt to improve living standards, but with little success.
- 1974** Severe floods devastated much of the grain crop, leading to an estimated 28,000 deaths. A national state of emergency was declared as political unrest grew.
- 1975** Sheikh Mujibur became President of Bangladesh. The political situation worsened. Sheikh Mujibur was assassinated in a military coup in August. Martial law was imposed.
- 1976** The military banned trade unions.
- 1977** General Ziaur Rahman assumed the presidency. Islam was adopted in the Constitution.
- 1979** Martial law was lifted following elections, which Zia's Bangladesh Nationalist Party (BNP) won.
- 1981** Zia was assassinated during an abortive military coup. He was succeeded by Abdus Sattar.

The Ershad era

- 1982** General Ershad assumed power in an army coup. He suspended the Constitution and political parties.

- 1983** Ershad's proposal that all schools should teach Arabic and the Koran led to demonstrations. Limited political activity was permitted. Ershad became President.
- 1986** Parliamentary and presidential elections were held. Ershad was elected to a five-year term. He lifted martial law and reinstated the Constitution.
- 1987** A state of emergency was declared after opposition demonstrations and strikes.
- 1988** Islam became the state religion. Floods covered up to three-quarters of the country. Tens of millions were displaced.
- 1990** Ershad stepped down following mass protests.
- 1991** Ershad was convicted and jailed for corruption and illegal possession of weapons. Begum Khaleda Zia, widow of President Ziaur Rahman, became Prime Minister. The Constitution was changed to render the position of president ceremonial. The prime minister now had primary executive power. A cyclonic tidal wave killed up to 138,000.

Awami League returns to power

- 1996** Two sets of elections saw the Awami League win power, with Sheikh Hasina, the daughter of Sheikh Mujibur Rahman, becoming Prime Minister.
- 1997** Ershad was released from prison. The opposition BNP began a campaign of strikes against the Government.
- 1998** Two-thirds of the country was affected by floods. Fifteen former army officers were sentenced to death for involvement in the assassination of President Mujibur in 1975.
- 2000** **September:** Sheikh Hasina criticised military regimes in a UN speech, prompting Pakistani leader General Musharraf to cancel talks with her. Relations were strained further by a row over the leaked Pakistani report on the 1971 War of Independence.
December: Bangladesh expelled a Pakistani diplomat for comments on the 1971 war. The diplomat had put the number of dead at 26,000, whereas Bangladesh insisted nearly three million were killed. Bangladesh wanted Pakistan to apologise for alleged genocide that it said Pakistani forces were guilty of during the War of Independence.
- 2001** **July:** Sheikh Hasina stepped down and handed power to a caretaker government. She was the first Prime Minister in the country's history to complete a five-year term.

BNP-led coalition Government

- 2001** **October:** A BNP-led coalition won an overwhelming victory in the general election. Khaleda Zia once again became Prime Minister. [20i] Three hundred international monitors declared the poll to have been free and fair. [1a]

- 2002** **March:** The Government introduced a law making acid attacks punishable by death.
April: The Government approved a temporary law to speed up the legal process for dealing with violent crime.
June: President Chowdhury resigned after the Bangladesh Nationalist Party accused him of taking an anti-party line.
 The opposition Awami League ended its boycott of parliament and attended for the first time since losing the general election of October 2001.
September: Iajuddin Ahmed, a retired professor from Dhaka University, was announced as the new President. [20s]
October: "Operation Clean Heart" was launched by the Government in response to criticism over rising crime and deteriorating law and order. This involved the deployment of nearly 40,000 soldiers in all major cities to help restore law and order, arrest "listed criminals" and recover illegal firearms. More than 11,000 people were arrested during the Operation, and between 31 and 40 people died after soldiers detained them.
- 2003** **January to March:** Local elections to 4,267 local councils were held. By February 2003, 25 people had reportedly been killed in election-related violence.
February: The Joint Force Indemnity Ordinance 2003 was passed by Parliament to give legal protection to members of the army and security forces who took part in Operation Clean Heart.
- 2004** **January:** A bomb attack took place on a shrine in Sylhet.
May: A Constitutional amendment increased the number of seats in Parliament from 300 to 345, the additional 45 being reserved for nominated women members.
May: A bomb attack at a Muslim shrine in Sylhet killed two and injured 25, including the British High Commissioner.
July-August: Devastating floods hit Bangladesh: more than 600 people were killed and an estimated 30 million people were displaced or stranded; 60 per cent of the country, including half of Dhaka, was under water at one stage.
August: On 21 August a grenade attack at an Awami League rally in Dhaka, addressed by Sheikh Hasina, killed 23 people and injured about 200. Rioting by Awami League supporters subsequently erupted across the country; the Awami League called general strikes. [40b](p16)
September-October: Police carried out "blanket" arrests ahead of an Awami League mass rally on 3 October.
November: The Anti-Corruption Commission was established.
December: An Awami League-led opposition alliance staged two "human chain" demonstrations stretching right across the country.
- 2005** **January:** Former Finance Minister Shah AMS Kibria and four other Awami League activists were killed in a grenade attack in Habiganj.
February: The Government banned two militant Islamic groups, Jumatul Mujahedin Bangladesh (JMB) and Jagrata Muslim Janata Bangladesh (JMJB).
August: Some 400 small home-made bombs exploded almost simultaneously in 63 cities and towns across Bangladesh, killing two people and injuring over 100. Jumatul Mujahedin Bangladesh (JMB) reportedly claimed responsibility.
October: Bomb attacks inside law court buildings in three districts killed two people and injured dozens; Jumatul Mujahedin Bangladesh (JMB) were believed responsible. The Islamist group Harkat-ul-Jihad-al-Islami (HuJI) was banned.

November: Two judges were assassinated on 14 November. Several other judges received death threats from Islamist groups. On 29 November at least 14 people were killed and over 40 injured in a suicide bombing inside the law courts in Gazipur and a bomb blast in Chittagong. JMB were believed to be responsible.

- 2006** **February:** At least 40,000 members of the Awami League-led opposition alliance held a mass rally in Dhaka. [23o]
March: Sheikh Abdur Rahman and Siddiqui Islam, alias 'Bangla Bhai', the leaders of Jama'ul Mujahedin Bangladesh (JMB) and Jagrata Muslim Janata Bangladesh (JMJB), were captured by police and RAB units. [20bq] [39ac]
May: Sheikh Abdur Rahman, Siddiqui Islam and other senior JMB members were sentenced to death for involvement in the assassination of two judges in November 2005. [5j]
May-June: Unprecedented labour unrest in the garment sector results in the closure of several factories. [5j]
June-September: The AL-led opposition alliance stepped up its campaign of street protests and *hartals*, demanding reforms to the election commission and the caretaker government due to take power in October 2006. [20bz]
October: Renewed labour unrest in the garment industry followed the announcement of a new minimum wage. Micro-credit pioneer Dr Muhammad Yunus and Grameen Bank were jointly awarded the Nobel Peace Prize. [90]

Caretaker Government

October cont.: On 27 October the term of office of Khaleda Zia's BNP-led coalition government came to an end. [20cf] President Iajuddin Ahmed assumed the role of Chief Advisor of the interim Caretaker Government after former Chief Justice KM Hasan withdrew his candidature in response to mass protests by the Awami League-led 14-party alliance. [40h]

- 2007** **January:** The Awami League-led 14-party alliance announced on 3 January that it would boycott the forthcoming general election on the grounds that it would not be fair; its demands included the reconstitution of the Election Commission and the correction of irregularities in the voters' list. The alliance announced a renewed programme of general strikes and blockades. On 11 January President Iajuddin Ahmed proclaimed a State of Emergency and postponed the general election, scheduled to take place on 22 January, until such time as conditions existed for free and fair and credible elections. [38ah] The proclamation of the Emergency Power Ordinance 2007 effectively suspended articles 36, 37, 38, 39, 40 and 42 of the Constitution. [20cb] [38aj] Dr Fakhruddin Ahmed, a former Governor of the Bangladesh Bank, was appointed the new Chief Advisor and was sworn in on 12 January. [38ai] On 17 January the Caretaker Government gazetted four rules as a prerequisite for the separation of the lower Judiciary from the executive branch of government. [38as]
February: On 4-6 February, joint security forces arrested several high-profile politicians and businessmen, including nine former government ministers, on suspicion of corruption. (By 13 April, more than 160 prominent politicians, businessmen and senior bureaucrats had been detained.) [38bc] [20cs]
March: The re-constituted Election Commission announced on 22 March 2007 its decision to simultaneously prepare national identity cards and a new Voter List, with photographs, for the ninth parliamentary election. [38bq] On 29 March Sheikh Abdur Rahman, Siddiqui Islam (alias 'Bangla Bhai') and four

other leaders of the militant Islamist organisation Jamatul Mujahedin Bangladesh (JMB) were hanged for murder. [38au]

April: On 12 April the Chief Advisor stated the Caretaker Government's intention to hold the ninth general election before the end of 2008. [38bt]

May: Simultaneous bomb explosions took place at railway stations in the cities of Dhaka, Sylhet and Chittagong on 1 May. An unknown group, Jadid al-Qaeda Bangladesh, claimed responsibility. [20cn]

July: On 16 July Awami League leader Sheikh Hasina was arrested and charged with extortion [20dh]

August: The Government imposed a curfew on Dhaka and five other cities amid violent clashes between police and students demanding an end to emergency rule. [20i] [20k]

September: Former Prime Minister Khaleda Zia was detained on September 3rd on charges of extortion and corruption. [61c] On 10 September the ban on indoor political activity was partially lifted. [38d]

November: Cyclone Sidr hit Bangladesh killing thousands. Hundreds of thousands of survivors were left struggling for basic necessities. [5s] The Code of Criminal Procedure (Amendment) Ordinance came into effect, separating the lower Judiciary from Executive control and placing it under the jurisdiction of the Supreme Court. [11i] [20dn]

December: The Council of Advisors approved an ordinance for the establishment of a National Human Rights Commission. [39ak]

2008 May: On 18 May 2008, the Council of Advisers approved the Anti-Terrorism Ordinance 2008. [38dc] The High Court declared valid the claim of the Urdu-speakers known as Biharis (or 'Stranded Pakistanis') to become voters, as citizens of Bangladesh.

June: Awami League leader Sheikh Hasina was released from custody to obtain medical treatment in the US. [20ea] Khaleda Zia, leader of the BNP, was also released on bail. [20o] Voter registration was nearly completed. [16c]

August: Local elections were held in five city 'corporations' and in over 4,000 *union parishads*. Candidates backed by the Awami League performed strongly. [20o]

November: Sheikh Hasina returned to Bangladesh. [20o]

December: The state of emergency, declared in January 2007, was lifted on 17 December 2008. Following the general election on 29 December, which international observers described as free and fair, a democratically-elected government – that of the Awami League under Sheikh Hasina – took over from the interim Caretaker government that had been in power since October 2006. [20o]

2009 February: Md. Zillur Rahman became President of Bangladesh on 12 February. [38es] About 74 people, mostly army officers, were killed in a mutiny by border guards at a Bangladesh Rifles barracks on 25-26 February; police charged over 1000 guardsmen with offences ranging from sedition to murder. [20o]

June: In a ruling on the decades-old dispute between two main political parties, the High Court decides that it was the father of PM Sheikh Hasina, and not late husband of her arch-rival Khaleda Zia, who proclaimed independence from Pakistan in 1971. [20o]

October: The government bans the local branch of the global Islamist organisation Hizb-ut Tahrir, saying it poses a threat to peace. [20o]

November: Five former army officers lose their final appeal against their convictions for the 1975 murder of Bangladesh's founding PM, Sheikh Mujibur Rahman, ending the country's most long-running and controversial trial. [20a]

2010

January: Bangladesh executed five ex-army officers convicted of killing the country's independence leader in 1975. The men killed Sheikh Mujibur Rahman, the president's wife, three sons, two daughters-in-law and approximately 20 others as part of a military coup. [22et]

February: In Bangladesh at least 20 people were injured and dozens of houses torched in fresh clashes between tribal groups and Bengali settlers in the insurgency-hit south-eastern hills. (TimelinesDB) [27a]

February: In Bangladesh a fire started at the seven-storey Garib and Garib Sweater factory in the industrial town of Gazipur. Witnesses said the exit gates on the top floor were locked at the time. The fire started on the 2nd floor of the factory, trapping scores of workers. Police say 14 women and 7 men were killed and around 40 people injured. (TimelinesDB) [27a]

March: Bangladesh police said Mahbub Sarwar (26), a Dhaka-based Facebook stocks tipster with more than 10,000 followers, has been arrested on charges of illegally manipulating Bangladesh's overheated stock exchange. (TimelinesDB) [27a]

March: Bangladesh set up a war crimes tribunal for long-delayed trials of people accused of murder, torture, rape and arson during its 1971 independence war. (TimelinesDB) [27a]

April: Bangladesh deployed the army to guard water pumps in the capital Dhaka after acute shortages triggered widespread protests. (TimelinesDB) [27a]

April: Bangladesh Labor and Manpower Minister Mosharraf Hossain said Bangladesh will raise the minimum wage for millions of garment workers, as workers staged another mass protest that blocked the country's main highway. (TimelinesDB) [27a]

May: In eastern Bangladesh a speeding bus plunged off a bridge after slamming into another bus, killing 11 people and injuring 32 others. (TimelinesDB) [27a]

May: Bangladesh said it has blocked the popular social networking website Facebook over a page that urges people to draw images of Islam's prophet Muhammad. (TimelinesDB) [27a]

June: In Bangladesh a four-story apartment building constructed on a former canal collapsed in Dhaka, burying nearby shanties and killing at least 20 people. (TimelinesDB) [27a]

June: In Bangladesh an illegal chemical warehouse fuelled a toxic blaze that ripped through one of Dhaka's most densely populated areas, killing at least 117 people. (TimelinesDB) [27a]

July: A special tribunal in Bangladesh issued arrest warrants against four senior leaders of the country's largest Islamic party ahead of a planned trial over alleged crimes against humanity during the nation's 1971 independence war. (TimelinesDB) [27a]

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Annex B: Political organisations

MAIN POLITICAL PARTIES

Awami League (AL)

The AL was established in 1949 to campaign for East Pakistan's independence, appealing to the province's Bengali identity. It rejected the notion that the Muslim provinces of British India should be united in a single, Muslim state. In 1970, the AL led by Sheikh Mujib ur-Rahman won the elections in East Pakistan, but West Pakistan refused to recognise the results. Following a period of mass unrest, East Pakistan unilaterally proclaimed independence in March 1971 and established the People's Republic of Bangladesh. Sheikh Mujib's term in office was characterised by corruption, economic collapse and civil unrest. Shortly after he assumed the presidency and declared one-party rule in 1975, Sheikh Mujib was assassinated. The AL had to wait for more than two decades before it came back to power under Sheikh Mujib's daughter, Sheikh Hasina. She overturned the indemnity given to her father's killers, a group of five army officers. They were finally executed in January 2010, after long delays in the trial process while the AL was out of power. [83h] (Internal Affairs)

An AL-led Grand Alliance swept the general election in December 2008, which marked the country's return to democratic rule, winning 262 seats in the 300-seat parliament (including 230 seats for AL). Hasina began her second term as prime minister in January 2009 as an avowedly secular party; the AL government has also sought to curtail the influence of religion in politics. In October 2009, the government banned the non-violent proselytising group, Hizb ut-Tahrir for its anti-government and anti-democracy stance, and has encouraged constitutional amendments banning religious-based parties. Despite its landslide victory in the elections, the AL is riven by opposing factions at the local level, which has often translated into violence, particularly in universities. In March 2010, the party's presidium began a month-long tour of the country aimed at resolving disputes and instilling a stronger sense of unity, recognising the need to shore up support at a time when the BNP was going on the political offensive. [83h] (Internal Affairs)

Bangladesh Nationalist Party (BNP) (*Bangladesh Jatiyatabadi Dal*)

The Bangladesh Nationalist Party (Bangladesh Jatiyabadi Dal) was created in 1978 by Bangladesh's first military ruler, General Zia ur-Rahman, primarily as a vehicle for him to mobilise grassroots support. It has followed a policy of Islamisation, albeit not as comprehensive or as doctrinal as many fundamentalists would like. Zia assumed the presidency in 1977 following a period of civil unrest and declared martial law. His rule was confirmed by a referendum, which gave him nominal democratic legitimacy. After Zia's BNP won the elections of 1979, martial law was lifted and the state of emergency was revoked. Zia was killed in 1981 during an abortive coup attempt and was succeeded by then vice-president Abdus Sattar, who won the November 1981 presidential elections. BNP rule ended in March 1982 following a successful coup by General Hussain Muhammad Ershad, which incited the BNP to invite Khaleda Zia, the widow of Zia ur-Rahman, to assume the chair of the party. [83h] (Internal Affairs)

The BNP, led by Khaleda and supported by the Bangladesh Islamic Conference (Jamaat-i-Islami Bangladesh: JIB), returned to power in 1991, following the collapse of General Ershad's military dictatorship. The BNP was defeated in the subsequent election, but was returned to power with the support of its allies in October 2001. Its five-year term ended in October 2006. [83h] (Internal Affairs)

The party fared extremely poorly in the December 2008 elections, winning only 30 of 300 seats. Despite this, Khaleda refused to accept the party's reduced significance, claiming electoral fraud and demanding that the party receive at least four front-bench seats in parliament. Disputes over this issue led the BNP and its coalition partners to boycott parliament between June 2009 and February 2010. In May 2010, she called for a general strike as part of the party's ongoing attempts to destabilise the government and force a new election. The return of such tactics comes in spite of an election manifesto in 2008 which called for an end to parliamentary boycotts as a political tactic. [83h] (Internal Affairs)

Islami Oikya Jote (IOJ) (alternatively Islami Oikkyo Jote)

The IOJ was established in 1990 and comprised seven parties: Khelafat Majlis, Nezam-e-Islam, Faraizi Jamaat, Islami Morcha, Ulama Committee, a splinter group of National Awami Party (Bhasani) and Islami Shashantantra Andolo. Its main aim is to establish an Islamic polity based upon Islamic jurisprudence and the Khilafat. The IOJ's chairman, Mufti Fazlul Haque Amini, advocates the implementation of sharia (Islamic law) in the country and has routinely issued fatwas (religious opinions) against the media. Despite its nominal representation in parliament (the IOJ won two seats out of 300 in the 2001 parliamentary election) the radical party managed to exercise a significant hold over the then ruling BNP's policies. [83h] (Internal Affairs)

Bangladesh Islamic Conference (Jamaat-i-Islami Bangladesh: JIB)

The JIB grew out of the Jamaat-e-Islami of Pakistan, which advocated the union of all Muslim-dominated areas of former British India and the creation of Pakistan. The Jamaat opposed the AL's call for Bangladeshi independence and fought on the side of Pakistan during the 1971 war of liberation. Under the government of Sheikh Mujib, the Jamaat was banned and forced into exile in Pakistan. The Political Parties Regulation, introduced by General Zia in 1976, legalised the Islamic Democratic League, which was supported by the Jamaat, along with other political parties that were banned in 1974 under a special act by Mujibur's government. [83h] (Internal Affairs)

It enjoyed modest support throughout the 1980s, however, the party's support declined dramatically in the 1990s when it adopted a more radical and violent political strategy, killing those it regarded as 'traitors' who had fought against Pakistan in the war of independence. During the term of military-led interim government from January 2007 to December 2008, the JIB fared better than the BNP and AL, although Matiur Rahman Nizami, the head of the JIB was briefly arrested as part of the government's anti-corruption campaign and the party, which had won 17 seats in the last general election in 2001 won only two seats during the polls in December 2008. [83h] (Internal Affairs)

The government has sought to crack down on the JIB's student wing, the Islami Chhatra Shibir, which has been involved in increasing violence in 2009 and 2010. In February 2010, over 100 Shibir members were arrested in Dhaka and Chittagong as part of a nationwide sweep against religious militants and student agitators. [83h] (Internal Affairs)

Jatiya Party (Ershad)

The National (Jatiya) Party was created in 1986 by General Ershad to win popular support for his regime following a bloodless coup in 1982. In the 1986 elections, which were widely regarded as rigged; the Jatiya Party won 153 seats, giving the government an overall majority and a facade of democratic legitimacy. The 1991 elections, which followed Ershad's resignation, gave the party 36 seats. The party broke up in the face of government repression and the imprisonment of senior party members, including Ershad. The Jatiya Party experienced something of a revival during the political crisis

of 1996 when it supported the AL in demanding Khaleda Zia's resignation. The party managed to retain 32 seats in the 1996 election and joined the AL-led government. Ershad was subsequently freed by Hasina. [83h] (Internal Affairs)

The Jatiya Party has three factions which effectively operate as separate political parties, only one of which is significant. The faction led by Ershad, the largest faction with 14 seats, has repositioned itself as a party of the centre-left and allied itself with the AL. The party won 27 seats during the parliamentary election in December 2008 where it reportedly agreed to support the AL-led Grand Alliance in exchange for Ershad being promised the position of president, although this did not take place. [83h] (Internal Affairs)

Bangladesh Jatiya Party (N-F), or Jatiya Party (Naziur): This faction, led by Naziur Rahman Manzur, secured four seats in the 2001 election and formed part of the BNP-led governing coalition'; secured only one seat in December 2008. The party is secular.

Jatiya Party (Manju) is a separate party/faction which broke away from the Jatiya party in 1999 and won one seat in 2001. [1b]

A full list of the 95 political parties' allocated symbols for the 2001 general election is on the website of the Bangladesh Election Commission:
http://www.bangla2000.com/Election_2001/150_symbols.shtm

STUDENT/YOUTH ORGANISATIONS

Bangladesh Chhatra League (BCL)

Affiliated to Awami League. [11b]

Jatityatabadi Chhatra Dal (JCD)

Affiliated to Bangladesh Nationalist Party (BNP). [11b]

Islami Chhatra Shibir (ICS)

Affiliated to Jamaat-e-Islami (Jamaat). [11b]

Jatiya Chhatra Samaj

Affiliated to Jatiya Party. [11b]

Gonotantrik Chhatra League

Affiliated to the Democratic League. [11b]

PROSCRIBED AND/OR EXTREMIST ORGANISATIONS

See also Section 12: Abuses by Proscribed Militant Groups

The following list gives the most important and well known groupings:

TERRORIST OUTFITS

Harkat-ul-Jihad-al Islami Bangladesh (HuJI-B)

Jagrata Muslim Janata Bangladesh (JMJB)

Jama'atul Mujahideen Bangladesh (JMB)

Purba Bangla Communist Party (PBCP)

EXTREMIST GROUPS

Islami Chhatra Shibir (ICS)

Source: Institute for Conflict Management, New Delhi: South Asia Terrorism Portal [59]

Jadid (new) al-Qaeda Bangladesh

The existence of this group first became apparent on 1 May 2007, when bomb explosions took place simultaneously at railway stations in the cities of Dhaka, Sylhet and Chittagong. Messages etched into metal plates left at two of the sites said the attacks had been carried out by Jadid al-Qaeda Bangladesh. Police said at the time that they were investigating whether this was a new group, or a new name for a terrorist group that already existed. (BBC News, 1 May 2007) [20cn] In May and June 2007 the police, on three occasions, recovered bombs planted near the main gate of the Rajshahi University of Engineering and Technology (RUET). One of the powerful home-made bombs was wrapped in an aluminium sheet which bore the name 'Jadid al Qaeda'. (*Daily Star*) [38cg] (UNB, 14 June 2007) [39af]

Biplobi Communist Party (before 1971 was known as the Communist Party of East Pakistan)

Maoist movement. Fought against both the Pakistan army and the Awami League during independence struggle. By mid-1970s largely suppressed by State; revived 1980s. [11a] [38z]

New Biplobi Communist Party (NBCP)

Formed in 1999 after the Biplobi Communist Party split. Police estimate about 5,000 'cadres'. Leader was Monoranjon Goshal, alias 'Mrinal'. Has mainly been active in Khulna, Jessore, Bagerhat and Satkhira districts. Financed through racketeering. [38x]

OTHER GROUPS

Rohingya Solidarity Organisation (RSO)

The RSO, a militant Sunni Muslim group, was founded in 1982 as a faction of the Rohingya Patriotic Force, with the apparent aims of preventing the oppression of ethnic Rohingyas in Burma and of Rohingya refugees in Bangladesh, and the establishment of an autonomous Rakhine (Arakan) state for the Rohingya people. According to a Jane's Sentinel Security Assessment of January 2007, the organisation had by then become dormant – despite claims to the contrary by the Burmese and Bangladeshi governments. The RSO's primary activity was confined to the Burma-Bangladesh border region; Jane's stated that most terrorist activities attributed to the RSO are more likely to have been carried out by HuJI and other organisations. Last known leader was Mohammad Yunus. [83f]

Swadhin Bangabhumi Movement ('Free Land of Bengal')

Hindu separatist movement. Founded in Calcutta by former Awami League MP, who fled to India in August 1975. Seeks separate state in southwest Bangladesh (where there is a large Hindu minority). Responsible for attempted take-over of Bangladesh

High Commission in Calcutta in 1984. Bangladesh security forces launched a crackdown against the movement in 1988, arresting many top leaders. [11a]

Shanti Bahini ('Peace Force')

Armed wing of the Parbattya Chattagram Jana Sanghati Samity (PCJSS), a tribal insurgency which operated in the Chittagong Hill Tracts. Founded in 1972. Stood for political independence for the Chittagong Hill Tracts, and drew support from Chakma tribes. However, following the Peace Accord of 2 December 1997, Shantu Larma reportedly declared an end to the Shanti Bahini. On 10 February 1998 the Shanti Bahini formally surrendered their arms to the Government, marking an end to the 25-year insurgency. The group is now considered to have disbanded, having surrendered their arms and had criminal cases against them dropped as part of the Peace Accord. [11a]

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Annex C: Prominent people

AHMED Prof. Iajuddin

President of Bangladesh from September 2002 to February 2009. [20s] [20ef]

AHMED Dr Fakhruddin

Formerly a Governor of the Bank of Bangladesh; served as Chief Advisor of the Caretaker Government (in effect, acting prime minister) from January 2007 to December 2008. [38ai]

AHMED General Moeen

Army Chief of Staff from June 2005 to June 2009. [40n]

ERSHAD General Hossain Mohammed

Leader of the main faction of the Jatiya Party from 1986 until June 2007. Assumed power following a military coup in March 1982 and ruled the country as an autocrat until December 1990. [1a] [40a] [38ck]

HASINA Sheikh

Leader of the Awami League (AL); Prime Minister since 6 January 2009. [20ej] Was previously Prime Minister from 1996 to 2001. A daughter of Bangladesh's founder, Sheikh Mujibur Rahman, Sheikh Hasina Wajed became leader of the AL in 1981. [40a] [1a]

MUBEEN General Md Abdul

Army Chief of Staff since June 2009 [83]

NIZAMI Motiur Rahman

Leader of Jamaat-e-Islami, Bangladesh's largest Islamist party. [40a]

RAHMAN Sheikh Mujibur (Mujib)

Bangladesh's first Prime Minister; assassinated in August 1975. [1a]

RAHMAN Ziaur (General Zia)

Assumed the Presidency in April 1977; assassinated in May 1981. [1a]

RAHMAN Zillur

President of Bangladesh since 12 February 2009. [20ef]

YUNUS Dr Muhammad

Micro-credit pioneer and founder of Grameen Bank. Awarded the Nobel Peace Prize in 2006. [20cm]

ZIA Begum Khaleda

Leader of the Bangladesh Nationalist Party (BNP). Prime Minister from 2001 to October 2006. Was previously Prime Minister from 1991 to 1996. The wife of former President Ziaur Rahman, she became leader of the BNP in 1981. [20i] [40a]

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Annex D: List of abbreviations

AI	Amnesty International
AL	Awami League
BCL	Bangladesh Chhatra League
BJP	Bangladesh Jatiya Party
BNP	Bangladesh Nationalist Party
BNWLA	Bangladesh National Women Lawyers' Association
BRAC	Bangladesh Rural Advancement Committee
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CHT	Chittagong Hill Tracts
CPJ	Committee to Protect Journalists
EU	European Union
FCO	Foreign and Commonwealth Office (UK)
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
HUJI/HuJI	Harkat-ul-Jihad-al-Islami
ICS	Islami Chhatra Shibir
IDP	Internally Displaced Person
IMF	International Monetary Fund
IOJ	Islami Oikya Jote
IOM	International Organisation for Migration
JCD	Jatiyatabadi Chhatra Dal
JMB or JM	Jamatul Mujahedin Bangladesh
JMJB	Jagrata Muslim Janata of Bangladesh
MSF	Médecins sans Frontières
NBCP	New Biplobi Communist Party
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
OECD	Organisation of Economic Cooperation and Development
PBC	Purba Bangla(r) Communist Party
RSF	Reporteurs sans Frontières
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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