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BANGLADESH

Bangladesh is a parliamentary democracy, with broad powers exercised by the Prime Minister. Prime Minister Sheikh Hasina is the leader of the Awami League, which came to power in 1996 in national elections deemed to be free and fair by international observers. There is an active political opposition. Violence is a pervasive feature of politics, including political campaigns and elections, and elections frequently are marred by violence, intimidation of voters, and rigging. The major opposition political parties often boycott or otherwise absent themselves from Parliament, making it a less effective deliberative body. The Awami League Government has been accused of abusing its parliamentary majority to prevent real debate on legislation and national issues. The higher levels of the judiciary display a significant degree of independence and often rule against the Government; however, lower judicial officers fall under the executive, and are reluctant to challenge government decisions.

The Home Affairs Ministry controls the police and paramilitary forces, which bear primary responsibility for maintaining internal security. Civilian authorities' control over the police is weak, and there is widespread police corruption and lack of discipline. Police officers committed numerous serious human rights abuses.

Bangladesh is a very poor country. Annual per capita income among the population of 128 million is less than \$300. Slightly more than half of all children are chronically malnourished. Seventy percent of the work force is involved in agriculture, which accounts for one-third of the gross domestic product. The economy is market-based, but the Government still plays a significant role. The industrial sector is growing, albeit slowly, based largely on the manufacture of garments and textiles by privately owned companies. A small wealthy elite controls much of the private economy, but there is an emerging middle class. Foreign investment has increased significantly in the gas sector and in electrical power generation facilities. Foreign aid is still significant, but has diminished somewhat in relative importance vis-a-vis increased earnings from exports and remittances from workers overseas. Efforts to improve governance and economic growth through reform have been unsuccessful, and were blocked by bureaucratic intransigence, vested economic interests, endemic corruption, and political polarization. The Government's commitment to economic reform is weak. Periodic natural disasters, including a severe flood in 1998, also hamper development. Despite the flood, the economic growth rate during the last fiscal year was about 5 percent.

The Government continued to restrict or deny many fundamental rights, and failed to prevent or punish abuses committed by others. Police committed a number of extrajudicial killings, and some persons died in police custody under suspicious circumstances. Police routinely used torture, beatings, and other forms of abuse while interrogating suspects. Police frequently beat demonstrators, at times Members of Parliament (M.P.'s). The Government rarely convicts and punishes those responsible for torture or unlawful deaths. Prison conditions are extremely poor for the majority of the prison population. Rape of female detainees in prison or other official custody is a problem. The Government continued to arrest and detain persons arbitrarily, and to use the Special Powers Act (SPA) and Section 54 of the Code of Criminal Procedure, which allow for arbitrary arrest and preventive detention, to harass political opponents and other citizens by detaining them without formal charges. The Government filed numerous criminal cases against opposition leaders and activists; at least some times, these charges were false. Much of the judiciary is subject to executive influence and suffers from corruption. A large case backlog slowed the judicial process, and lengthy pretrial detention was a problem. The

Government sometimes infringed on citizens' privacy rights. Virtually all journalists practiced some self-censorship. Attacks on journalists and efforts to intimidate them by government officials, political party activists, and others, occasionally occurred. The Government limited freedom of assembly, particularly for political opponents, and on occasion limited freedom of movement. The Government generally permitted a wide variety of human rights groups to conduct their activities, but it continued to refuse to register a local chapter of Amnesty International. Abuse of children and child prostitution are problems. Violence and discrimination against women remained serious problems. Discrimination against the disabled, indigenous people, and religious minorities was a problem. There was occasional violence against members of the Ahmadiya religious minority. The Government continued to limit many worker rights. Some domestic servants, including many children, work in conditions that resemble servitude, and many suffer abuse. Child labor and abuse of child workers remained widespread and serious problems. However, a 1995 agreement has eliminated about 95 percent of child labor in the export garment sector, the main export industry. Trafficking in women and children for the purpose of forced prostitution and at times for forced labor remained serious problems. Both ruling and opposition political parties and their activists routinely employed violence, causing many deaths and numerous injuries. Vigilante justice resulted in numerous killings.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

Police committed a number of extrajudicial killings.

Security forces sometimes used unwarranted lethal force. In March police in Jhenidah shot and killed a student who was part of a village crowd that was holding five policemen whom the residents accused of street robbery. On March 14, police officers in Dhaka drowned college student Mujibur Rahman. Police had searched the Rahman family's house, purportedly looking for stolen goods. Mujibur Rahman attempted to flee by boat across a nearby lake after police began to beat his sister, Shilpi, at the house. Eyewitnesses saw pursuing police in another boat hit Rahman with bamboo sticks, fling him into the water, then continue to strike him until he drowned. Authorities took no action against the police involved in the Jhenidah or Mujibur Rahman incidents. On July 3, three policemen in Dhaka allegedly severely beat a young man they had detained, Mohammed Shahjada Tuku, then threw him into a canal where he drowned. As of year's end, no one was arrested in this case.

According to government figures, 101 persons died in prison and police custody during the first 9 months of the year (see Section 1.c.).

Most abuses go unpunished, and the resulting climate of impunity remains a serious obstacle to ending police abuse and extrajudicial killings. However, in some instances where there was evidence of police culpability for extrajudicial killings, the authorities took action. In March four police officers were charged with murder after a body was found in the rooftop water tank of the Detective Branch in Dhaka. A police sergeant in Agargaon was arrested and charged in July after he shot and killed a rickshaw puller.

Court proceedings continued against 13 persons, including 12 police officers, arrested and charged after a college student in police custody was beaten to death in July 1998. There was no verdict as of year's end. However, the Government decided that the July 1998 police shooting of a female squatter in Satkhira was justifiable self defense in the face of mob attacks during an eviction protest. A police inquiry into the shooting deaths of four persons by police after a 1997 opposition rally in Chittagong ruled that the violence had been provoked by the opposition, and that police exercised restraint.

In 1995 the Government charged former President Hossain Mohammad Ershad with ordering the 1981 murder of the alleged assassin of President Ziaur Rahman. Ershad was granted bail in 1997. In late 1998, immediately after Ershad took a stronger stance against the Government, the Prime Minister made remarks implying that the Government might accelerate the case. There were some preliminary court proceedings in the murder case during the year, and the Government unsuccessfully requested the High Court to revoke Ershad's bail. In 1998 a judge convicted and sentenced to death 15 persons for the 1975 murder of then-President Sheikh Mujibur Rahman (father of current Prime Minister Sheikh Hasina) and several of his family members (see Section 1.e.). The High Court's review of the death sentences was still pending at year's end.

The Government continued to imprison eight individuals accused of perpetrating the November 1975 murders of four senior Awami League leaders who were then in jail (see Sections 1.d. and 1.e.).

Violence, often resulting in killings, is a pervasive element in Bangladeshi politics (see Sections 1.c. and 3). Supporters of different political parties, and sometimes supporters of different factions of one party, often clash with each other and with police during rallies and demonstrations. Awami League supporters, often with the connivance and support of the police, violently disrupted rallies and demonstrations of the opposition parties (see Sections 2.b. and 3), which resulted in numerous deaths. Opposition parties also used armed violence and intimidation to disrupt their opponents' gatherings and rallies, as well as to enforce general strikes (see Section 2.b.). During the year, 24 persons died in hartal-related violence.

During an opposition-called hartal on February 9, eyewitnesses saw Maqbul Hossain, an Awami League Member of Parliament (M.P.) for the Dhanmondi area of Dhaka, lead a procession of vehicles to defy the strike. According to witnesses, members of Maqbul's motorcade brandished guns and other weapons openly. When the convoy encountered two groups of activists from the Bangladesh Nationalist Party (BNP), the major opposition party, being chased by police, armed men exited their vehicles, fired shots in the air, and chased the BNP supporters. Two young men were seized and dragged towards Maqbul Hossain's car, whereupon M.P. Hossain ordered them to be killed. Members of Hossain's entourage then shot in the chest at point-blank range one of the men, BNP activist Sajal Chowdhury; the other was beaten (see Section 1.c.). About a dozen police officers who were standing nearby in riot gear made no effort to intervene or to apprehend the gunmen, nor did the Government later take action against those responsible. However, police summoned the family of Chowdhury, which filed a murder complaint against M.P. Hossain and the armed men, for repeated interrogations. One family member was arrested on criminal charges, then detained under the SPA after a judge granted him bail (see Section 1.d.). Newspapers largely did not report the story (see Section 2.a.). Eight persons were killed in hartal-related violence during the nationwide strike held February 9-11.

On February 23, during the first day of a 3-day hartal, a rickshaw pullers' union activist affiliated with the Awami League was killed when a bomb was thrown at an antihartal procession. A BNP activist also was killed in Barisal (see Section 3). On February 24, the second day of the hartal, three more persons were killed, one each in Feni, Pabna, and Rajshahi (see Sections 1.c. and 2.a.).

In March two persons were killed while making bombs at a ruling party M.P.'s residence in Sylhet; credible reports state that the bombs were to have been used in local intra-party conflicts. Police arrested the M.P. in May for involvement in bomb making. The M.P. was on bail, and the case remained pending at year's end. On February 16, masked gunmen shot and killed Jatiya Samajtantrik Dal leader Kazi Aref Ahmed and five other party officials as they were addressing a public rally in a village near Kushtia. On March 7, two bombs that exploded in Jessore killed eight persons attending the performance of the left-affiliated cultural group Udichi Shilpa Gosthi (see Section 1.c.). While authorities charged or detained opposition leaders and activists in both incidents, the identity of the perpetrators remained unclear at year's end (see Section 1.d.). One policeman died and

eight others were injured on July 7 when several small bombs were hurled at riot police after an opposition procession ended in central Dhaka. One man died on July 8 when a brick was thrown through a bus window. Authorities later initiated a formal investigation of 150 opposition leaders and activists, including four M.P.'s; the opposition blamed an agent provocateur from the ruling party for the bombing incident.

In August BNP activist Chowdhury Shahen Shah was stabbed to death. The BNP asserts that Awami League activists killed him; police claim that he was attacked over a family land dispute. Awami League activists chopped to death a BNP youth front leader in Natore on the first day of a 60-hour opposition-called hartal that ended on September 15 (see Section 1.c.). On November 7, during the first day of a 42-hour opposition-led hartal, a stray bullet, allegedly shot by a police officer, killed a housewife, and a BNP ward leader was shot and killed by unidentified assailants (see Section 1.c.). Violence also is endemic between the student political wings of the major national parties, and between rival factions within the parties. Several persons were killed in local factional disputes within the student wing of the ruling Awami League, including incidents in Chittagong, Rajshahi, and Sirajganj (see Sections 1.c. and 2.a.).

There was occasional violence against members of the Ahmadiya religious minority. For example, on October 8, a bomb exploded during Friday prayers at an Ahmadiya mosque in Khulna, killing at least six persons and injuring others (see Sections 1.c. and 5).

Vigilante violence against criminals by private citizens is common. The Government reported that 20 persons were killed by vigilantes as of September 30. Authorities rarely arrest and punish those responsible for vigilante violence. Ten persons were beaten to death by vigilante mobs in Dhaka and Chittagong in a 1-month period beginning August 3; authorities charged no one in the deaths. Two men who allegedly attempted to rob a woman were beaten to death by a mob next to the National Mosque in downtown Dhaka on August 3. An August 21 editorial in a proruling party newspaper criticized the spate of killings, and attributed the phenomenon to the public's lack of faith in the law enforcement system.

Human rights groups and press reports indicate that vigilante violence against women who are accused of having committed moral offenses is common, particularly in rural areas, and sometimes is led by religious leaders (see Section 5).

Disappearance

There were no reports of politically motivated disappearances.

There were no developments in the 1996 disappearance of Kalpana Chakma, central organizing secretary of the Hill Women's Federation, an organization of tribal people in the Chittagong Hill Tracts.

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

The Constitution prohibits torture and cruel, inhuman, or degrading punishment; however, police routinely employ physical and psychological torture and other abuse during arrests and interrogations. Torture may consist of threats, beatings and, occasionally, the use of electric shock. The Government rarely convicts or punishes those responsible for torture, and a climate of impunity allows such police abuses to continue. After several Dhaka policemen were arrested in 1998 for allegedly beating to death a college student in police custody (see Section 1.a.), the deputy commissioner of the Dhaka police detective branch publicly defended the use of physical coercion against suspects, saying that the practice was necessary in order to obtain information. Housewife Nasima Begum was beaten after her arrest under the SPA on April 25, then subjected to harsh interrogation lasting several days (see also Section 1.d.).

Rape of female detainees in police or other official custody is a problem. Authorities

routinely do not take action against those responsible, nor do they move to correct the circumstances that promote such abuses. According to human rights groups and media reports, police engaged in violence and looting during the July raid of the Tanbazar and Nimtali red-light districts, allegedly attacking residents as well as over 40 female human rights activists who were protesting the eviction. In July the evicted sex workers, who were detained forcibly in a center for vagrants, alleged that the guards, center employees, and the vagrants who were staying at the center tortured and raped some of them because they refused to provide sexual favors (see Section 1.f.). Police also rape women who are not in custody. On September 14, a police constable allegedly raped a 15-year-old girl in a government building in Tangail; the girl had been visiting a relative in an adjacent medical clinic. In addition after women report that they were raped (or were involved in family disputes), they frequently are detained in "safe custody," where they endure poor conditions, and sometimes are raped or otherwise abused (see Sections 1.d. and 5).

According to family members throughout her April and May imprisonment (see Sections 1.d. and 1.e.), police did not permit Zobaida Rashid, wife of a convicted murderer of Sheikh Mujib Rahman, access to necessary medications or other health care. Prison guards slapped and kicked Zobaida occasionally, denied her proper food, and did not permit other prisoners to talk with her.

The police often employ excessive, sometimes lethal, force in dealing with opposition demonstrators (see Sections 1.a., 2.b., and 3). On January 26, during an opposition-enforced hartal, police reportedly beat a BNP M.P. near the National Press Club in Dhaka; the M.P. was admitted later to a hospital with head injuries (see Sections 1.a., 2.b., and 3). On February 9, police did not interfere as an Awami League M.P. ordered the killings of two BNP activists; one was shot to death and the other was beaten with a pistol (see Section 1.a.). On February 11, police shot Shafiul Alam Prodhan, president of the small opposition party Jatiya Ganotantrik, with pellets in Central Dhaka. Allegedly, police suddenly launched an attack on the party's prohartal procession, and shot Prodhan from behind. Police and ruling party activists also reportedly opened fire on a procession of opposition-party Jamaat-e-Islami members in downtown Dhaka, wounding three Jamaat activists and a roadside vendor. During a general strike on May 11, police beat several senior opposition leaders leading a procession. Police injured at least 20 persons, including 5 journalists, when they fired rubber bullets and tear gas. Police also partially stripped one opposition female demonstrator of her sari. On February 24, in Dhaka, a rickshaw puller had his arm blown off in front of the National Press Club; some eyewitnesses said that the bomb came from a bus manned by antihartal activists, while others said that it came from nearby prohartal activists. Police apprehended no one in the incident, but clubbed the bus passengers before letting them go on their way. Police also beat at least four photographers taking pictures of the incident (see Section 2.a.).

Police corruption remains a problem and there were credible reports that police facilitated or were involved in trafficking in women and children (see Section 6.f.).

Both opposition and ruling parties routinely use actual or threatened violence to achieve political ends. Violence is a common feature during rallies, demonstrations, and general strikes. For example, several persons were killed and over 350 persons of various parties were injured by gunshots, bombs, stab wounds, and clubs, during a 3-day hartal in February (see Sections 1.a., 2.b. and 3). On March 7, two bomb explosions killed 8 persons and injured over 100 persons in Jessore (see Sections 1.a. and 1.d.).

Some opposition political activities allegedly are staged with the intent of provoking violent clashes, in order to embarrass the Government and galvanize public opinion (see Section 2.b.). A September 12 opposition sit-in around the Secretariat, the office complex in central Dhaka where most government ministries have their headquarters, ended in police clashes with the opposition when several small bombs were thrown near police, and police responded with tear gas and rubber bullets. In addition police beat several BNP leaders, including four M.P.'s. More than a dozen police members received bomb injuries over the 3 days. On September 13, after a policeman received a head injury from a bomb blast, angry police officers chased and beat many nearby pedestrians, administering a

severe beating to one middle-aged man emerging from a mosque. The opposition claimed that ruling party provocateurs were responsible for the bombs. During the violence at the sit-in, and the ensuing 3-day nationwide general strike called by the opposition, 1 person was killed and at least 300 persons were injured (see Sections 1.a. and 1.d.). During a November 8 hartal, police fired rubber bullets at a BNP procession, wounding BNP M.P. Sadeq Hossain Khoka, former Environment Minister Abdullah Al Noman, and a BNP city ward commissioner. In addition to several other deaths, newspapers estimated that more than 80 persons were injured during the hartal (see Section 1.a.).

During a November 15 parliamentary election in Tangail, at a polling center voters began to throw stones at security forces, which then opened fire. Police wounded nine persons, many seriously (see Section 3).

During the February 16 murder attack of Kazi Aref Ahmed, unknown gunmen killed 6 persons and injured over 20 others (see Section 1.a.). The slayings seemingly were part of settling scores between local splinter political parties which have evolved into gangs.

In October 6 persons were killed and 40 persons were injured when a bomb exploded inside of a Khulna mosque (see Sections 1.a. and 5).

There was occasional violence against members of the Ahmadiya religious minority. In January several hundred persons attacked the Ahmadiya place of worship in Kushtia, beating many devotees and destroying property (see Section 5).

In rural areas, human rights groups and press reports indicate that vigilantism against women for perceived moral transgressions occurs, and may include humiliating, painful punishments (see Sections 1.a. and 5).

Prison conditions are extremely poor for the majority of the prison population. Official figures indicated that 100 persons died in prison as of September 30 (see Section 1.a.). According to credible sources, poor conditions were at least a contributing factor in many of these deaths. Most prisons are overcrowded and lack adequate facilities. According to government figures, the current prison population of more than 60,000 is roughly 250 percent of the official prison capacity. In some cases, cells are so crowded that prisoners sleep in shifts. A 1998 judicial report noted the poor physical condition of jails and unhygienic food preparation. The treatment of prisoners in the jails is not equal. There are three classes of cells: A, B, and C. Common criminals and low-level political workers generally are held in C cells, which often have dirt floors, no furnishings, and poor quality food. The use of restraining devices on prisoners in these cells is common. Conditions in A and B cells are markedly better; A cells are reserved for prominent prisoners.

In general the Government does not permit prison visits by independent human rights monitors (see Section 4). Government-appointed committees of prominent private citizens in each prison locality monitor prisons monthly, but do not release their findings. District judges also visit prisons monthly, but rarely disclose their findings.

d. Arbitrary Arrest, Detention, or Exile

The Government continued to arrest and to detain persons arbitrarily, as well as to use national security legislation (the SPA) to detain citizens without formal charges or specific complaints being filed against them. The Constitution states that each person arrested shall be informed of the grounds for detention, provided access to a lawyer of his choice, brought before a magistrate within 24 hours, and freed unless the magistrate authorizes continued detention. However, the Constitution specifically allows preventive detention, with specified safeguards, outside these requirements. In practice, authorities frequently violate these constitutional provisions, even in non-preventive detention cases. In an April ruling, a two-judge High Court panel criticized the police force for rampant abuse of detention laws and powers.

Under Section 54 of the Code of Criminal Procedure, individuals may be detained for suspicion of criminal activity without an order from a magistrate or a warrant. Some persons initially detained under Section 54 subsequently are charged with a crime, while others are released without any charge. According to the Government, 1,329 persons were detained in Dhaka alone under Section 54 through September 30. In 1998 the Home Minister acknowledged that police abuse Section 54. The Government sometimes uses Section 54 to harass and to intimidate members of the political opposition and their families. After a bomb exploded in Jessore in March, police quickly detained 46 activists of the Jamaat-e-Islami and its student front, many under Section 54. There did not appear to be concrete evidence tying those detained to the crime, and the activists eventually were released (see Sections 1.a. and 1.c.). In addition police commonly detain opposition activists prior to and during general strikes without citing any legal authority, holding them until the event is over. On September 13, police arrested the one non-M.P. in a prohartal procession of nine BNP leaders. The police also on occasion detain persons for personal vengeance.

Under the SPA, the Government or a district magistrate may order anyone detained for 30 days to prevent the commission of an act likely "to prejudice the security of the country." Other offenses subject to the SPA include smuggling, black market activity, or hoarding. The Government (or magistrate) must inform the detainee of the grounds for detention within 15 days, and the Government must approve the grounds for detention within 30 days or release the detainee. In practice detainees sometimes are held for longer periods without the Government stating the grounds for the detention or formally approving it. Detainees may appeal their detention, and the Government may grant early release.

An advisory board composed of two persons who have been, or are qualified to be, high court judges, and one civil servant are supposed to examine the cases of SPA detainees after 4 months. If the Government adequately defends its detention order, the detainee remains imprisoned; if not, the detainee is released. Appellate courts sometimes order authorities to release SPA detainees after finding that the Government is unable to justify the detention. If the defendant in an SPA case is able to present his case before the High Court in Dhaka, the High Court generally rules in favor of the defendant. However, many defendants are either too poor or, because of strict detention, are unable to obtain legal counsel and thereby move the case beyond the magistrate level. Magistrates are subject to the administrative controls of the Law Ministry and are less likely to dismiss a case (see Section 1.e.). Detainees are allowed to consult with lawyers, although usually not until a charge is filed. They are not entitled to be represented by a lawyer before an advisory board. Detainees may receive visitors. While in the past the Government has held incommunicado some prominent prisoners, there were no known cases of incommunicado detention during the year.

There is a system of bail for criminal offenses. Bail is granted commonly for both violent and nonviolent crimes. If bail is not granted, the law does not specify a time limit on pretrial detention. Persons arrested under the Women and Children Repression Prevention Act, which provides special procedures for persons accused of violence against women and children, cannot be granted bail during an initial investigation period of up to 90 days. Some human rights groups express concern that a large number of allegations made under the act are false, since the non-bailable period of detention is an effective tool for exacting personal vengeance. According to government figures, 1,968 persons were detained under this act during the first 9 months of the year.

Prisons often are used to provide "safe custody" for women who are victims of rapes or domestic violence (see Sections 1.d. and 5). One study conducted by the Bangladesh National Woman Lawyers Association (BNWLA) found that nearly half of the women in Dhaka's Central Jail were crime victims being held in safe custody, not criminals (see Sections 1.c. and 5). While women may consent initially to this arrangement, it often is difficult for them later to obtain their release, or to gain access to family or lawyers. One 25-year-old woman who was freed during the year through the efforts of a human rights group had agreed to safe custody after being gang raped, then spent almost 4 years in

prison while seeking her release. Police officers sometimes rape women in "safe custody" (see Section 1.c.).

A major problem with the court system is the overwhelming backlog of cases, which produces long pretrial delays. According to an official of the Law Ministry, almost 800,000 cases were pending in criminal and civil courts in December. Approximately 44,000 persons, or 73 percent of the country's prison population, were awaiting trial or under trial. Government sources report that the period between detention and trial averages 6 months, but press and human rights groups report some instances of pretrial detention lasting several years. Trials often are characterized by lengthy adjournments, which considerably prolong the incarceration of accused persons who do not receive bail.

The Government cites a significant reduction in the number of persons held under the SPA as evidence that it is minimizing its use of the act. According to the Government, 739 persons were under SPA detention as of August. This was somewhat fewer than the 885 persons under detention as of July 1998, and a substantial decrease from the approximately 2,000 persons under SPA detention in mid-1997. According to the Government, authorities detained 2,586 persons under the SPA from the beginning of the year through the end of August--1,642 for terrorism and antisocial activity, 932 for smuggling, and 12 for acts prejudicial to national security. The Government released 2,307 SPA detainees during the same period.

There are credible reports from human rights monitors and political activists that the Awami League Government uses the SPA as a tool to harass and to intimidate political opponents and others. On April 21, authorities arrested Zobaida Rashid, the wife of one of the persons convicted in absentia in November 1998 for the 1975 murder of Sheikh Mujibur Rahman (father of the current Prime Minister), without a warrant. Zobaida Rashid had been arrested in 1996 in the Sheikh Mujib murder case, and there were credible reports of her mistreatment in custody at the time; in June 1997, the High Court ordered charges against her dismissed as groundless. After her April arrest, Rashid was held under the SPA--the Government alleged that Zobaida was plotting to undermine stability in Bangladesh and create a crisis situation through attacks on power and water facilities. Her lawyer argued that she actually was detained because authorities had never accepted the dismissal of charges against her in the Sheikh Mujib trial. Her family alleged that she was mistreated while in prison (see Section 1.c.). She was freed in early June, several days after the High Court ruled her detention illegal. On February 24, police arrested Neaz Ahmed, the brother-in-law of Sajal Chowdhury, an opposition activist killed 2 weeks earlier by gunmen linked to a ruling party M.P. (see Section 1.a.). Ahmed was a key witness in the family's murder complaint. He was charged with offenses ranging from bombing the residence of the Speaker of Parliament to looting, arson, and rioting. After a judge granted him bail, the Government detained him under the SPA. He finally was freed on March 31, after the High Court declared his detention illegal.

Citizens who are not political opponents sometimes also are detained arbitrarily. Housewife Nasima Begum was arrested under the SPA on April 25, allegedly for treason and sabotage; credible reports stated that she was detained as a result of a personal dispute over property. She was released on May 14 after the High Court ruled the charges unfounded (see Section 1.c.). A 10-year-old boy was detained under the SPA on December 22, 1998; police recorded his age as 19 in jail records. The Home Minister ordered the boy released in early January, after press reports and a High Court directive to police to explain the case. On July 24, police forcibly removed 267 sex workers from two Dhaka brothels, and then detained them without charges and without allowing them access to legal counsel for several weeks (see Sections 1.c. and 1.f.). In its April judgment criticizing the police for abuse of detention powers, the High Court commented that the police had become a law breaking agency. Most persons detained under the SPA ultimately are released without charges being brought to trial (see Sections 1.f. and 2.a.).

The Government sometimes uses serial detentions to prevent the release of political activists. Saidur Rahman Newton, vice president of the BNP's student wing, was arrested first on January 6. He was granted bail six times over the next 6 months, but was detained

in prison on new charges each time.

Numerous court cases have been filed against opposition M.P.'s and activists, on charges ranging from corruption to murder. In June the Prime Minister told Parliament that more than 70 current BNP M.P.'s were under investigation for alleged corruption during the previous government. Obaidur Rahman, a BNP M.P., remained in prison. Rahman and two other political figures were arrested in October 1998 for alleged complicity in the 1975 "jail killings" of four senior Awami League leaders. In July and August the Government suffered reversals when courts invalidated as legally deficient two government efforts at charge sheets (similar to an indictment) in the case. The Government continued to hold eight persons accused of perpetrating these murders; at year's end, legal proceedings remained at a preliminary stage due to legal challenges by defense lawyers.

Some opposition activists were detained or charged in questionable cases. In April authorities charged 22 persons with the August 1998 murder of Jessore magazine editor Saiful Alam Makul (see Section 2.a). All 22 persons are opposition party members, including a former minister of social welfare and 20 other persons from the BNP. Journalists and others cited numerous weaknesses in the Government's case, leading some observers to allege that the charges were a means to harass the opposition and allow the real murderers to escape.

In July the Government detained two union officials who were organizing a government strike; after a month, the High Court declared the detention to be illegal, and they were released (see 6.a.).

It is difficult to estimate the total number of detentions for political reasons. In some instances criminal charges may apply to the actions of activists, and many criminals claim political affiliations. Because of crowded court dockets and magistrates who are reluctant to challenge the Government, the judicial system does not deal effectively with criminal cases that may be political in origin. There is no independent body with the authority and ability to monitor detentions, or to prevent, detect, or publicize cases of political harassment. Most such detentions appear to be for short periods, such as several days or weeks. Defendants in most cases receive bail, but dismissal of wrongful charges or acquittal may take years.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, under a longstanding "temporary" provision of the Constitution, some subordinate courts remain part of the executive and are subject to its influence. The higher levels of the judiciary display a significant degree of independence and often rule against the Government in criminal, civil, and even politically controversial cases; however, lower level courts are more susceptible to pressure from the executive branch. There also is corruption within the legal process, especially at lower levels.

There was tension between the executive and the judiciary during the year. The Government repeatedly charged that the High Court indiscriminately granted bail to criminals, crippling efforts to combat crime. In March the Supreme Court dismissed a contempt of court petition brought by the President of the Supreme Court Bar Association against the Prime Minister for remarks she made at a January press conference. The Prime Minister said that her remarks were mischaracterized, and apologized for any offense. The Supreme Court's judgment observed that the Prime Minister's remarks contained gross factual errors about bail decisions and called into public question the independence of the judiciary. The judgment noted that the courts were at a serious disadvantage in responding to such political attacks. Speaking to Parliament in September, the Home Minister accused High Court judges of "sheltering terrorists" by granting them bail.

The court system has two levels: The lower courts and the Supreme Court. Both hear civil and criminal cases. The lower courts consist of magistrates, who are part of the administrative branch of government, and session and district judges, who belong to the judicial branch. The Supreme Court is divided into two sections, the High Court and the Appellate Court. The High Court hears original cases and reviews cases from the lower courts. The Appellate Court has jurisdiction to hear appeals of judgments, decrees, orders, or sentences of the High Court. Rulings of the Appellate Court are binding on all other courts.

Trials are public. The law provides the accused with the right to be represented by counsel, to review accusatory material, to call witnesses, and to appeal verdicts. State-funded defense attorneys rarely are provided, and there are few legal aid programs to offer financial assistance. In rural areas, individuals often do not receive legal representation. In urban areas, legal counsel generally is available if individuals can afford the expense. However, sometimes detainees and suspects on police remand are denied access to legal counsel. Trials conducted under the SPA and the Women and Children Repression Prevention Act are similar to normal trials, but are tried without the lengthy adjournments typical in other cases.

Persons may be tried in absentia, although this rarely is done. In November 1998, 15 of the 19 defendants tried for the 1975 killing of then-President Sheikh Mujibur Rahman (father of current Prime Minister Sheikh Hasina) and several of his family members were convicted and sentenced to death, and 4 persons were acquitted. Fourteen of the defendants were tried in absentia, and 12 of them were convicted. At year's end, all 15 death sentences were awaiting automatic review by the High Court. The High Court is to rule simultaneously on appeals filed by five defendants present in the country. There is no automatic right to a retrial if a person convicted in absentia later returns. Absent defendants may be represented by state-appointed counsel (as was done in the Sheikh Mujibur case), but may not choose their own attorneys, and, if convicted, may not file appeals until they return to the country.

A major problem of the court system is the overwhelming backlog of cases, and trials under way typically are marked by extended continuances while many accused persons remain in prison (see Section 1.d.). These conditions, and the corruption encountered in the judicial process, effectively prevent many persons from obtaining a fair trial or justice. According to one independent sample survey conducted by Transparency International, more than half of the persons involved in court cases paid bribes to court officials. Because of the difficulty accessing the courts and because litigation is time consuming, alternate dispute resolution by traditional village leaders, which is regarded by some persons to be more transparent and swift, is popular in rural communities.

The Government states that it holds no political prisoners, but the BNP and human rights monitors claim that many opposition activists have been arrested and convicted under criminal charges as a pretext for their political activities. It is not clear how many political prisoners actually are being held (also see Section 1.d.).

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

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

The Government sometimes forcibly resettles persons against their will. On July 24, police forcibly removed 267 sex workers from a large brothel district in Tanbazar, Narayanganj. Authorities claimed that the women wished to be rehabilitated, but credible eyewitness accounts state that the women refused the offer. The 267 women were confined in a center for vagrants, where some alleged that they were abused. Although most women were released from the vagrant houses by year's end, some continued to be

detained at the end of the year (see Sections 1.c.). The July "rehabilitation" drive in Tanbazar also caused several thousand other sex workers to flee the area.

From August 8-11, 1,500 police and paramilitary troops forced more than 50,000 persons from their homes in six Dhaka slum areas. The action followed the August 6 murder of one police officer and wounding of nine others by a criminal gang in one of the slums. On August 7, authorities decided to demolish 74 Dhaka slums on Government-owned land. On August 11, the High Court temporarily barred the Government from continuing with the slum clearance drive after three human rights organizations argued that the Government had not followed the required legal process. On August 24, the High Court reversed its restriction, but urged the Government to adopt a phased approach to slum clearance, with prior assistance for voluntary resettlement. The Government stated that it viewed the order as morally, if not legally, binding, and has not attempted to carry out its earlier plans for large-scale slum clearance in Dhaka. A September 27 government circular asked all nongovernmental organizations (NGO's) to cease operations in slum areas, and to shift their efforts to assisting the Government's resettlement efforts. NGO's did not respond to the request and the Government withdrew the circular.

The Government sometimes punishes family members for the alleged violations of others (see Section 1.c.).

The police Special Branch, National Security Intelligence, and the Directorate General of Forces Intelligence (DGFI) employ informers to report on citizens perceived to be political opponents of the Government, and conduct surveillance of them. Human rights activists, foreign NGO's, and journalists report occasional harassment by these security organizations. After a reporter published a story about the alleged suicide of an army general in December, the DGFI subjected him to a 3-hour interrogation.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech, expression, and the press, subject to "reasonable restrictions" in the interest of security, friendly relations with foreign states, public order, decency and morality, or to prohibit defamation or incitement to an offense, and with some exceptions, the Government generally respects these rights. Citizens freely express criticism of the Government.

The press, numbering hundreds of daily and weekly publications, is a forum for a wide range of views. While most publications support the overall policies of the Government, many newspapers report critically on government policies and activities, including those of the Prime Minister. In addition to an official government-owned wire service, there is one privately owned wire service affiliated with a major international company. A second such service closed early in the year for financial reasons.

Newspaper ownership and content are not subject to direct government restriction. However, if the Government chooses, it can influence journalists through financial means. Government-sponsored advertising and allocations of newsprint imported at a favorable tariff rate are central to many newspapers' financial viability. Government-sponsored advertising is the largest source of revenue for many newspapers. In allocating advertising through the Department of Films and Publications, the Government states that it considers circulation of the newspapers, wage board implementation, objectivity in reporting, coverage of development activities, and "attitude towards the spirit of Bangladesh's War of Liberation." Commercial organizations often are reluctant to advertise in newspapers critical of the Government due to fear of unspecified governmental or bureaucratic retaliation.

Attacks on journalists and newspapers, and efforts to intimidate them by government officials, political party activists, and others, occasionally occur. Such attacks by political

activists are common during times of political street violence, and some journalists also are injured in police actions (see Section 1.c.). On February 11, activists from the ruling party ransacked the offices of a newspaper associated with Jamaat-e-Islami. On February 24, the Jamaat-e-Islami's Sangbad newspaper was raided by Awami League activists during a hartal, then subjected to tear gas by police responding to the journalists' distress call. On May 20, activists from the Jamaat student front threw stones and issued threats at the Chittagong office of an independent Bangla daily. On August 30, several gunshots were fired at the offices of a progovernment Bangla daily just after a procession from the BNP passed the building. One employee of the newspaper suffered a gunshot wound. In April authorities charged 22 members of the opposition with the August 1998 murder of magazine editor Saiful Alam Makul, but there is doubt that the persons who were charged are guilty of the crime (see Section 1.d.). When a rickshaw puller had his arm blown off during a February hartal, police officers beat at least four photographers taking pictures of the incident (see Section 1.c.).

Virtually all print journalists practice self-censorship to some degree, and are reluctant to criticize politically influential personalities in both the Government and the opposition. Many journalists cite fear of possible harassment, retaliation, or physical harm as a reason to avoid sensitive stories. For example, when Awami League M.P. Makbul Hossain ordered the murder of a BNP student activist on February 9 during an opposition-called hartal, only one newspaper covered the details of the killing; other newspapers picked up the story only in a very limited fashion, with very few follow-up stories (see Sections 1.a. and 1.c.). A February report that detailed rampant corruption in the December 10, 1998 parliamentary by-election (see Section 3) received extensive coverage only in the handful of opposition-affiliated newspapers. In August the High Court directed four newspapers to show cause why they should not be cited for contempt for publishing allegedly distorted articles in 1998 regarding the granting of bail by the Court.

Journalists and others are potentially subject to incarceration as a result of criminal libel proceedings filed by private parties. Ruling party M.P.'s filed separate criminal libel suits against several newspapers after articles were published that the politicians viewed as false and defamatory. The journalists in all cases received anticipatory bail from the courts, and none of the cases moved to trial. Sedition charges filed against a Bangla newspaper in February 1998 remained pending, and those persons accused remained on bail.

Feminist author Taslima Nasreen, whose writings and statements provoked death threats from some Islamic groups in 1993 and 1994, left the country for Europe in 1994. Nasreen returned to Bangladesh in September 1998, and then left the country again in January (see Section 5). The Government provided some protection for Nasreen from possible threats, and she remained in hiding. During her stay, the Government made no move to proceed with charges filed against her in 1994 of intentionally insulting religious beliefs, and a judge ordered anticipatory bail on a similar case filed in 1994 by a private citizen.

The Government owns and controls radio and television stations, which do not provide balanced coverage of the news. The activities of the Prime Minister occupy the bulk of prime time news bulletins on both television and radio, followed by the activities of members of the Cabinet. Opposition party news gets little coverage. In its 1996 election manifesto, the Awami League called for the privatization of the state-controlled media. A government committee subsequently recommended measures for authorizing private radio and television broadcasts. No move has been made to grant autonomy to the state-owned Bangladesh Radio and Television. However, the Ministry of Information solicited and received bids from parties interested in establishing private television and radio stations. A private radio station began operations in March, and the Government approved a private television station owned by the same person. That television station did not begin broadcasting by year's end. As a condition of operation, both these stations are required to broadcast free some government news bulletins and speeches by the Prime Minister and President.

Foreign publications are subject to review and censorship. Censorship most often is used

in cases of immodest or obscene photographs, perceived misrepresentation or defamation of Islam, and objectionable comments about national leaders. The Government banned the March 20 issue of the West Bengal weekly *Desh*, which contained a poem by Taslima Nasreen. On August 12, the Government announced that it was banning the import, sale, and distribution of the book "My Childhood" by Nasreen. In both cases, the Government bans cited the likelihood that the material would hurt the feelings and religious sentiments of the Muslim community and inflame passions.

A government Film Censor Board reviews local and foreign films, and may censor or ban them on the grounds of state security, law and order, religious sentiment, obscenity, foreign relations, defamation, or plagiarism. No films were banned or censored during the year. The Government does not limit citizens' access to the Internet.

Academic freedom generally is respected by the Government. Teachers and students at all levels are free to pursue academic assignments except on extremely sensitive religious and political topics.

The situation on public university campuses remains volatile, seriously inhibiting the ability of students to receive a university education and of teachers to teach. Armed clashes between rival student groups resulted in temporary closures of universities or colleges in Chittagong, Rajshahi, Khulna, Sylhet, and Mymensingh. In August students at Jahangirnagar University near Dhaka protested what they viewed as ineffective responses by the university to deal with campus violence caused by two rival local factions of the ruling party's student wing. Violence between student political factions has little to do with ideological differences, and more to do with extortion rackets run by nonstudent party activists, including those based on physical control of dormitories. As a result of widespread violence and campus closures, it takes on average 6 years or more to earn a 4-year degree. However, several private universities that were established during the 1990's are not affected by student political violence.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, subject to restrictions in the interest of public order and public health; however, the Government limits this right on occasion. The Government sometimes prohibits rallies for security reasons, but many independent observers believe that such explanations usually are a pretext. Several rallies of Kader Siddiqi, a dissident ruling party M.P. who later was expelled from the Awami League, were prohibited in July and August for alleged security reasons. In December Kader Siddiqi scheduled a Dhaka rally at which he planned to announce the formation of a new political party. Members of the Awami League student wing broke up the rally with gunfire, homemade bombs, and beatings. Subsequently, the Government refused to allow Siddiqi to hold another rally at a popular Dhaka park, although it routinely authorized other such rallies. When Siddiqi's followers came to the park for the rally, police forcefully removed them (see Section 3). Authorities banned an April 3 BNP rally in Rajshahi after the Awami League also called a rally for the same time and place.

Authorities also permit armed ruling party activists to blockade roads and take other steps to disrupt opposition events. For example, ruling party activists placed barricades on several roads into Dhaka on the morning of September 12, preventing opposition activists from joining a sit-in around the Secretariat.

Ruling party supporters, often with the connivance and support of the police, violently disrupted rallies and demonstrations of the opposition parties. On March 3, Awami League activists attacked a Jatiya Party rally in Rangpur, injuring 50 persons. Police did not intervene to stop the violence, and no one was arrested. On May 11, police forcibly prevented a small group of prohartal processionists, led by BNP M.P.'s, from reaching the BNP Dhaka headquarters. Police fired rubber bullets and tear gas, and at one point nearly removed a female activist's sari (see Section 1.c.). During a September 13-15 hartal, police broke up a BNP procession near the BNP Dhaka headquarters and briefly detained and

beat several party leaders, including four M.P.'s, (see Sections 1.c. and 1.d.). Two days later, 33 BNP M.P.'s were allowed to parade and give speeches, but their supporters were kept away.

Numerous opposition-called hartals took place during the year at the national or local levels. There were 27 days of hartals during the year. The opposition called several hartals in January and February to protest the holding of municipal council elections without taking steps demanded by the opposition (see Section 3). The strikes included ones on January 26, February 9-11, and February 23-25. On July 8, the opposition called a hartal to protest the Government's budget. The opposition called a hartal from September 13-15 to protest the violent end to the opposition's September 12 sit-in at the Secretariat (see Section 1.c.). The opposition also called hartals on November 1, November 7-9, November 16, November 26, December 5-6, December 13, December 13-14, December 15, and December 18, and other days.

Many persons died in violence during the numerous hartals, and hundreds were injured, including opposition activists, police, and many ordinary citizens (see Sections 1.a., 1.c., and 3).

Local ruling party groups sometimes also call local general strikes. An Awami League faction enforced a general strike in Chittagong on July 8 when its leader was arrested. Party activists enforce these strikes through threatened or actual violence toward strikebreakers. Those who are opposed to or neutral toward the strike are coerced into observing prohibitions against vehicular transport and normal operation of businesses. Both opposition and ruling party activists mount processions during general strikes. Police rarely interfere with ruling party processions on such occasions; police and ruling party activists often work in tandem to disrupt and to discourage opposition processions. On May 13, a High Court panel, acting on its own initiative, affirmed that violence and coercion for or against general strikes constituted criminal activities, and directed police to take appropriate action. At the request of the BNP, the Supreme Court stayed this ruling.

The Constitution provides for the right of every citizen to form associations, subject to "reasonable restrictions" in the interest of morality or public order, and in general the Government respects this right. Individuals are free to join private groups, but a local magistrate must approve public meetings.

c. Freedom of Religion

The Constitution establishes Islam as the state religion but also stipulates the right to practice the religion of one's choice, and the Government respects this provision in practice. However, although the Government is secular, religion exerts a powerful influence on politics, and the Government is sensitive to the Muslim consciousness of the majority of its citizens. Approximately 88 percent of the population are Muslim. Some members of the Hindu, Christian, and Buddhist minorities continue to perceive and experience discrimination toward them from the Muslim majority (see Section 5).

The law permits citizens to proselytize. However, strong social resistance to conversion from Islam means that most missionary efforts by non-Muslims are aimed at Hindus and tribal groups. The Government allows various religions to establish places of worship, to train clergy, to travel for religious purposes, and to maintain links with co-religionists abroad. Foreign missionaries may work in the country, but their right to proselytize is not protected by the Constitution. Some missionaries face problems in obtaining visas.

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

Citizens generally are able to move freely within the country and to travel abroad, to emigrate, and to repatriate; however, there were instances in which the Government restricted these rights. The Government confiscated the passports of two high-profile

members of the opposition Jatiya Party, depriving them of the right to travel outside the country. In August immigration officers seized the passport of the party's general secretary, Naziur Rahman Monzur, as he was at the airport preparing to leave the country on a personal trip. In December party chairman and former president, Mohammed Ershad, was at the airport with the Chinese Ambassador awaiting a flight to China on an official visit. Airport officials seized his passport. Ershad appealed to the courts for its return. A hearing was scheduled for January 31, 2000.

The law does not include provisions for granting refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally cooperates with the U.N. High Commission for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The law does not provide for first asylum or resettlement of asylum seekers. However, in practice, the Government grants temporary asylum to individual asylum seekers whom the UNHCR has interviewed and recognized as refugees, on a case-by-case basis. At the request of the UNHCR, the Government has allowed about 200 asylum seekers, mostly from Somalia and Iran, to remain in Bangladesh for several years until they can arrange their resettlement in another country.

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

Approximately 260,000 Rohingya refugees (Muslims from the northern Burmese state of Arakan) crossed into southeastern Bangladesh in late 1991 and 1992, fleeing repression. Since 1992 approximately 238,000 Rohingyas have been repatriated voluntarily to Burma, leaving approximately 22,000 in two camps administered by the Government in cooperation with the UNHCR. After blocking further repatriation since August 1997, Burma allowed repatriation to resume in November 1998, but at such a slow rate that births in the camps outnumbered repatriations. The UNHCR urged the Government to allow any refugees who could not return to Burma to be allowed to work in the country, benefit from local medical programs, and send their children to local schools. The Government refused these requests, insisting that all Rohingya refugees must remain in the camps until they return to Burma. In July the Burmese Foreign Minister visited Dhaka, but the Government was unable to obtain assurances of concrete Burmese steps to accelerate repatriation. While some reports indicated that refugees had been pressured to volunteer for repatriation, UNHCR officials state that procedures for verifying the voluntariness of repatriation applications were followed rigorously.

Several thousand more Rohingyas arrived during the year, but recent arrivals avoided the camps and attempted to settle in the southeastern areas of the country. The Government effectively denied first asylum to the new arrivals it encountered by categorizing them as illegal economic migrants, turned back as many as possible at the border, and denied UNHCR officials access to those who did enter the country successfully.

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

Bangladesh is a multiparty, parliamentary democracy in which elections by secret ballot are held on the basis of universal suffrage. M.P.'s are elected at least every 5 years. The Parliament has 300 elected members, with 30 additional seats for women, who are chosen by Parliament. Under a 1996 constitutional amendment, general parliamentary elections are presided over by a caretaker government, led by the most recently retired Chief Justice of the Supreme Court. Domestic and international observers deemed the last general election, held in June 1996, to be generally free and fair. The high voter turnout of 75 percent set a new record.

In June the Government passed legislation that allowed it to delay by several months elections for the new upazilla (sub-district) level of government, and for mayor and ward commissioners in four major cities. The elections had been required to be held in July and September, respectively. At the end of December, the opposition was agitating against scheduling upazilla elections and municipal elections. The Government had not scheduled upazilla elections, and municipal elections in three of the four cities were tied up in legal challenges. The city elections in Chittagong were scheduled for January 3, 2000, despite opposition party threats of resistance.

Elections often are marred by violence, intimidation of voters, and vote rigging. The Government and activists of major political parties frequently use violence and harassment against political opponents, practices that intensify in the period prior to elections. On February 22, the Fair Election Monitoring Alliance (FEMA), an independent umbrella group of NGO's, published its final report on the December 10, 1998 parliamentary by-election in Pabna. The report documented unchecked harassment of opposition supporters by police and ruling party activists, concerns about the neutrality of election officials, unfair use of government resources to campaign for the ruling party candidate, and lopsided results from several polling stations that presented prima facie evidence of manipulation. The report concluded that the numerous irregularities raised doubt that the victory of the Awami League candidate in the by-election represented the will of the voters (see Section 2.a.).

Citing problems in the Pabna by-election, the opposition alliance presented a four-point ultimatum to the Government on January 6, threatening to boycott upcoming municipal council elections if its demands were not met. The opposition stated that the demands, including resignation of the Chief Election Commissioner, were required to ensure fairness in the elections. The Government did not meet the demands, and the opposition boycotted the February 23-25 elections. The opposition called a 3-day nationwide general strike to coincide with the elections, but did not otherwise obstruct balloting significantly. Some opposition candidates ran despite the boycott and won. Violence during the elections resulted primarily from conflict between supporters of rival ruling party candidates in the elections. The opposition also boycotted and called a local hartal, but did not otherwise obstruct a May 10 parliamentary by-election in Meherpur. The by-election was held to fill the vacancy resulting from the death of the incumbent BNP M.P.

The ruling Awami League expelled its dissident member Kader Siddiqi after his prolonged criticism of the party and its leadership. After his expulsion, Siddiqi resigned his seat in Parliament and immediately began to campaign as an independent candidate to regain his seat in a by-election. The election was marked by massive fraud and vote rigging, calling into serious question the purported victory of the Awami League candidate in preliminary results. However, the Election Commission refused to certify the election results, and at year's end, the election dispute still was unresolved, and the parliamentary seat remained vacant.

Political activists, at the local and national levels, also reportedly engage in extortion from businesses and individuals.

Under constitutional amendments enacted in 1991, the country changed from a presidential system to a parliament-led system. The changes stipulated that an M.P. who resigns from his party or votes against it in Parliament automatically loses his seat. In practice, this provision solidifies the control of Parliament by the Government and the Prime Minister. The lack of democracy within the political parties that have formed governments since 1991 has resulted in a concentration of political power in the office of the Prime Minister. In practice the Prime Minister usually decides on major governmental policies with little or no involvement by Parliament. Parliament's effectiveness as a deliberative body is undermined further by the country's narrow, partisan politics. However, parliamentary standing committees on government ministries, which were formed in 1998, now are headed by M.P.'s rather than the ministers concerned, increasing the committees' effectiveness in overseeing government work.

Women are underrepresented in government and politics. Thirty parliamentary seats are reserved for women chosen by majority vote in Parliament; critics charge that these seats act far less to empower women than to enhance the ruling party's majority. In addition to these seats, women are free to contest any seat in Parliament. Seven women were elected in their own right in the 1996 national elections. Seats are not specifically reserved for other minority groups, such as tribal people. Of the 300 elected M.P.'s, three are Tribal Buddhists from the Chittagong Hill Tracts and five are Hindu. The rest are Bengali Muslims. The Jamaat-I-Islami, the country's largest Islamic political party, had 18 seats in Parliament after the 1991 elections, but only 3 after the 1996 elections.

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

The Government generally permits human rights groups to conduct their activities. A wide variety of groups publish reports, hold press conferences, and issue appeals to the Government with regard to specific cases. While human rights groups often are sharply critical of the Government, irrespective of the ruling party, they frequently practice self-censorship, particularly on some politically sensitive cases and subjects. In past years, the Government has consulted with human rights groups on some draft legislation and taken their views into account. However, the Government continues to refuse to register the Bangladesh Section of Amnesty International, which since 1990 has applied several times for registration under the Societies Registration Act. Without this registration, a voluntary organization cannot receive funding from abroad. Observers attribute the situation to resentment of criticism of the Government's human rights record by Amnesty International.

The Government is defensive about international criticism regarding human rights issues. However, the Government has been open to dialog with international organizations and foreign diplomatic missions regarding issues such as the detention of opposition leaders and trafficking in women and children. At year's end, legislation to establish a National Human Rights Commission had been submitted to the cabinet for approval.

The Government has put pressure on individual human rights advocates in the past, but there were no reports of such incidents during the year. Such pressure has included long delays in issuing re-entry visas. Missionaries who advocate human rights have faced similar problems.

Human rights organizations also report that the Government has put pressure on them usually in the form of harassment by government intelligence agencies, and threats from activists of the ruling party. In the past, some NGO's also have faced attacks organized by Muslim religious leaders who contend that their activities are "un-Islamic." The Government sometimes has failed to criticize, investigate, and prosecute perpetrators of these attacks.

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

The Constitution states that "all citizens are equal before the law and are entitled to equal protection by the law." However, in practice the Government does not enforce strongly laws aimed at eliminating discrimination. In this context, women, children, minority groups, and the disabled often confront social and economic disadvantages.

Women

Violence against women is difficult to quantify because of unreliable statistics, but wife beating appears to be widespread. The Government, the media, and women's rights organizations have fostered a growing awareness of the problem of violence against women.

Much of the violence against women is related to disputes over dowries. According to one human rights group, there were 96 dowry-related killings during the year. Human rights groups and press reports indicate that incidents of vigilantism against women--sometimes led by religious leaders--at times occur, particularly in rural areas. These include humiliating, painful punishments, such as the whipping of women accused of moral offenses. Some women are disfigured by assailants who fling acid in their faces. The most common motivation for acid-throwing attacks against women is revenge by a rejected suitor. There were 130 cases of acid-throwing reported to police in 1998, the last full year for which statistics are available. Few perpetrators of such extrajudicial punishments are prosecuted.

The law prohibits rape and physical spousal abuse, but it makes no specific provision for spousal rape as a crime. The Government has enacted laws specifically prohibiting certain forms of discrimination against women, including the Anti-Dowry Prohibition Act of 1980, the Cruelty to Women Law of 1983, and the Women and Children Repression Prevention Act of 1995. However, enforcement of these laws is weak, especially in rural areas, and the Government seldom prosecutes those cases that are filed. There are five government-run and four private shelter homes available for use by women who are victims of violence. These are insufficient to meet victims' shelter needs. As a result, the Government often holds women who file rape complaints in "safe custody," usually in prison. "Safe custody" frequently results in further abuses against victims, discouraging the filing of complaints by other women, and often continues for extended periods, during which the woman is often unable to gain release (see Sections 1.c. and 1.d.).

There is extensive trafficking in women for the purpose of forced prostitution within the country and to other countries in Asia (see Section 6.f.).

For the most part, women remain in a subordinate position in society, and the Government has not acted effectively to protect their basic freedoms. Literacy rates are approximately 26 percent for women, compared with 49 percent for men. In recent years, female school enrollment has improved. Approximately 50 percent of primary and secondary school students are female. Women often are ignorant of their rights because of continued high illiteracy rates and unequal educational opportunities, and strong social stigmas and lack of economic means to obtain legal assistance frequently keep women from seeking redress in the courts. Many NGO's operate programs to raise women's awareness of their rights, and to encourage and assist them in exercising those rights.

Under the 1961 Muslim Family Ordinance, female heirs inherit less than male relatives do, and wives have fewer divorce rights than husbands. Men are permitted to have up to four wives, although this right rarely is exercised. Laws provide some protection for women against arbitrary divorce and the taking of additional wives by husbands without the first wife's consent, but the protections generally apply only to registered marriages. Marriages in rural areas often are not registered because of ignorance of the law. Under the law, a Muslim husband is required to pay his ex-wife alimony for only 3 months, but this rarely is enforced.

Employment opportunities have been stronger for women than for men in the last decade, which largely is due to the growth of the export garment industry in Dhaka and Chittagong. Eighty percent of the 1.4 million garment sector workers are women. Programs extending credit to large numbers of rural women also have contributed to greater economic power for them. However, women still occupy only a small fraction of other wage-earning jobs, and hold fewer than 5 percent of government jobs. The Government's policy to include more women in government jobs has had limited effect. In recent years, 14.4 percent of all recruits into government service have been women.

The garment and shrimp processing industries are the highest employers of women laborers. Forty-three percent of women work in the agriculture, fisheries, and livestock sectors, but 70 percent of them are unpaid family laborers. Many women also work as

manual laborers on construction projects, constituting nearly 24 percent of all manufacturing workers. Women also are found in the electronics, food processing, beverage, and handicraft industries.

Children

The Government undertakes programs in the areas of primary education, health, and nutrition. Many of these efforts are supplemented by local and foreign NGO's. While much remains to be done, these joint efforts have allowed the country to make significant progress in improving health, nutrition, and education. For example, the Bangladesh Rural Advancement Committee (BRAC), a domestic NGO, provides primary education to more than 1.2 million children. The Government made universal primary education between the ages of 6 and 10 years mandatory in 1991, but stated that it lacked the resources to implement the law fully. According to Education Ministry figures, approximately 86 percent of children between the ages of 5 and 10 years are enrolled in school, including 84 percent of girls. Attendance rates drop steadily with age, and only about half of all children complete grade 5. To reach the maximum number of children with limited facilities, most schools have two shifts. As a result, most children spend only 3 hours per day in the classroom. The Government provides incentives for rural female children between the ages of 12 and 16 to remain in school. These incentives have been effective in increasing the number of girls in school.

Because of widespread poverty, many children are compelled to work at a very young age. This frequently results in abuse of children, mainly through mistreatment by employers during domestic service (children who work in domestic service may work in conditions that resemble servitude) (see Section 6.c.) and prostitution; this labor-related child abuse occurs commonly at all levels of society and throughout the country (see Section 6.d.). Reports from human rights monitors indicate that child abandonment, kidnaping, and trafficking for labor bondage and prostitution continue to be serious and widespread problems. There is extensive trafficking of children, primarily to India, Pakistan, and destinations within the country largely for the purposes of forced prostitution (see Section 6.f.). The U.N. Children's Fund (UNICEF) has estimated that there are about 10,000 child prostitutes in the country. Other estimates have been as high as 29,000. Prostitution is legal, but only for those over 18 years of age with government certification. However, this minimum age requirement commonly is ignored by authorities, and is circumvented easily by false statements of age. Procurers of minors rarely are prosecuted, and large numbers of child prostitutes work in brothels. The law stipulates a maximum sentence of life imprisonment for persons found guilty of forcing a child into prostitution.

People with Disabilities

The law provides for equal treatment and freedom from discrimination for the disabled; however, in practice, the disabled face social and economic discrimination. The Government has not enacted specific legislation or otherwise mandated accessibility for the disabled. Facilities for treating the mentally ill or the retarded are inadequate. Unless a family has money to pay for private service, a mentally ill person can find little treatment in the country.

Indigenous People

Tribal people have had a marginal ability to influence decisions concerning the use of their lands. The 1997 Chittagong Hill Tracts (CHT) Peace Accord has been in effect for 2 years, and has ended 25 years of insurgency in the CHT. The situation in the CHT was peaceful at year's end. Former insurgent leader Shantu Larma accepted a position as Regional Council Chairman in May, allowing formation of the long-stalled body to go forward. However, there is still confusion regarding the overlapping responsibilities of government bodies with responsibilities in the Hill Tracts. The Land Commission that is to deal with land disputes between tribals and Bengali settlers was established during the year, but had not begun operating. Tribal leaders also have expressed disappointment at

the lack of progress in providing assistance to tribals that left the area during the insurgency.

Until 1985 the Government regularly allotted land in the CHT to Bengali settlers, including land that was claimed by indigenous people under traditional concepts of land ownership. This led to the displacement of many tribal groups, such as the Chakmas and Marmas. Bengali inhabitants in the CHT increased from 3 percent of the region's population in 1947 to approximately 50 percent of the area's population of 1 million in 1997. In response to the Government's action, the Shanti-Bahini, a tribal group, had waged a low-level conflict in the CHT from the early 1970's until the signing of the peace agreement with the Government in December 1997. During the periods of violence, all those involved--indigenous tribes, settlers, and security forces--accused each other of human rights violations. The terms of the 1997 pact provided for a strong local government, consisting of mostly tribal representatives, including the chairperson; reduction of the military presence in the CHT region; and a substantial compensation package for displaced tribal families.

Tribal people in other areas also have reported problems of loss of land to Bengali Muslims through questionable legal practices and other means. The Garos, of the Modhupur forest region in north central Bangladesh, continue to face problems in maintaining their cultural traditions and livelihoods in the face of deforestation and encroachment by surrounding Bengali communities. The pressure on the Garo community has resulted in greater migration to urban areas and to the Indian state of Meghalaya, threatening the existence of an already small community estimated at only 16,000 persons. The Government had indicated in 1995 that it would establish a national park of 400 acres in the Mymensingh district. Part of the land would be taken from the Garo tribals. Action still is pending on that proposal. The Government has not ruled out moving the tribals from the land.

Religious Minorities

Hindus, Christians, and Buddhists constitute about 12 percent of the population.

Islamic extremists occasionally have attacked women, religious minorities, and development workers. The Government sometimes has failed to criticize, investigate, and prosecute perpetrators of these attacks. The Ahmadiyas, whom many mainstream Muslims consider heretical, have been the target of some attacks and harassment. In January several hundred persons attacked the Ahmadiya place of worship in Koldiar village in Kushtia. Devotees were beaten, and the place of worship was ransacked. Following the attack, Ahmadiyas were harassed on the streets and prevented from praying at their place of worship. Ahmadiyas alleged that the local police did not intervene to stop these abuses. According to press reports, the assistant police inspector in the area was fired and the officer in charge of the police station was withdrawn for failure to discharge their duties during the incident. At year's end, Ahmadiyas reported that their mosque was still under the control of local police and that they have not been allowed to return. On October 8, a bomb exploded during Friday prayers at an Ahmadiya mosque in Khulna. Six persons were killed and over 40 others were injured (see Sections 1.a. and 1.c.). At approximately the same time, unexploded bombs were found at a Sunni mosque in Dhaka. On October 10, two explosive devices were located at the Ahmadiya Central Mosque in Dhaka. Although police conducted an investigation, no suspects were arrested or detained. Seven persons were injured on November 12 when a mob ransacked an Ahmadiya mosque near Natore in western Bangladesh. According to press reports, the attack was provoked by Muslims from Dhaka.

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

Many Hindus have been unable to recover landholdings lost because of discrimination in

the application of the law, especially the Vested Property Act. Property ownership, particularly among Hindus, has been a contentious issue since independence in 1971, when many Hindus lost land holdings because of anti-Hindu discrimination in the application of the law. Prior to its 1996 election victory, the Awami League promised to repeal the Vested Property Act, the law used to deprive Hindus of their property. However, the Government so far has taken no action. There have been in past years cases of violence directed against religious minority communities that also have resulted in the loss of property. The last such major incidents occurred in 1992, although there also were some minor incidents of this type during the period surrounding the 1996 elections. Such intercommunal violence reportedly has caused some members of religious minorities to depart the country. According to press reports, in January Muslim youths smashed a mud-and-straw image of a Hindu goddess as Hindus were celebrating the festival of Saraswati, causing several hundred Hindus to flee.

Feminist author Taslima Nasreen left the country in January due to concerns about her personal security (see Section 2.a.). Some Islamic groups issued statements protesting her departure after she was allowed to leave.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right to join unions and--with government approval--the right to form a union. Approximately 1.8 million of the country's 5 million workers in the formal sector belong to unions (the total work force is approximately 58 million). There is a large unreported informal sector, for which no reliable labor statistics exist.

For a union to obtain and maintain its registration, 30 percent workplace participation is required. Moreover, would-be unionists technically are forbidden to engage in many activities prior to registration, and legally are not protected from employer retaliation during this period. Labor activists have protested that this requirement severely restricts workers' freedom to organize, and the International Labor Organization (ILO) has requested the Government to amend the 30 percent provision due to the same grounds. The ILO also has requested the Government to amend legislative provisions that bar registration of a union that is composed of workers from different workplaces owned by different employers. About 15 percent of the approximately 5,450 labor unions are affiliated with 23 officially registered National Trade Union (NTU) centers. There also are several unregistered NTU's.

With the exception of workers in the railway, postal, telegraph, and telephone departments, civil servants, police, and military personnel are forbidden to join unions. Many civil servants who are forbidden to join unions, such as teachers and nurses, have formed associations that perform functions similar to labor unions, that is, providing for members' welfare, offering legal services, and airing grievances. However, collective bargaining is prohibited. Some workers have formed unregistered unions, particularly university employees and workers in the construction and transport (both public and private) industries. The Government banned trade union activity in the Bangladesh Bank, the country's central bank, in early 1998. The ban followed an incident in which some labor unionists affiliated with the ruling party's trade union assaulted a senior bank official, after which there were clashes between members of rival unions. In July and August, low paid government employees staged protests inside the Secretariat, the office complex in central Dhaka housing most ministries. The employees' demands included a significant pay increase and changes in working hours. When police suppressed the protests, there were violent clashes, and workers ransacked some offices, including that of the Labor Minister. Police arrested two officials of the protesting union for alleged criminal offenses, then detained them under the SPA. After more than 1 month, the High Court declared the detention illegal and ordered the two men to be released (see Section 1.d.). The ILO Committee of Experts stated that the Government's rejections of several applications for registration by trade unions in the textile, metal, and garment sectors were on unjustified grounds.

There are no legal restrictions on political activities by labor unions, although the calling of nationwide general strikes (hartals) or transportation blockades by unions is considered a criminal rather than a political act and thus forbidden.

While unions are not part of the government structure, they are highly politicized, and are strongest in state-owned enterprises. Virtually all the NTU centers are affiliated with political parties, including one with the ruling Awami League. Some unions are militant and engage in intimidation and vandalism. Illegal blockades of public transportation routes by strikers frequently occurred during the year. Pitched battles between members of rival labor unions occur regularly. Fighting often is over the control of rackets or extortion payoffs and typically involves knives, guns, and homemade bombs.

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

The right to strike is not recognized specifically in the law, but strikes are a common form of protest. General strikes are standard tools of political opposition groups and are used to pressure the Government to meet political demands (see Section 2.b.). There were no labor-related nationwide strikes during the year. Workers at Chittagong port, the country's major harbor, conducted several industrial actions to protest a proposed privately run port facility, and went on strike for more than a week in September over a pay dispute. Some employees organized in professional associations or unregistered unions also went on strike during the year. University teachers went on strike for short periods over pay and benefits, as well as the continuing problem of campus violence. Wildcat strikes are illegal but occur frequently, with varying government responses. Wildcat strikes in the transportation sector are particularly common.

The Essential Services Ordinance permits the Government to bar strikes for 3 months in any sector that it declares essential. This ban, which generally is obeyed, in the past has been applied to national airline pilots, water supply workers, shipping employees, and electricity supply workers. The ban may be renewed for 3-month-periods. The Government is empowered to prohibit a strike or lockout at any time before or after the strike or lockout begins and to refer the dispute to the Labor Court. Mechanisms for conciliation, arbitration, and labor court dispute resolution were established under the Industrial Relations Ordinance of 1969. Workers have the right to strike in the event of a failure to settle. If a strike lasts 30 days or longer, the Government may prohibit the strike and refer the dispute to the Labor Court for adjudication. This has not happened since 1993. The ILO has criticized the provisions of the Industrial Relations Ordinance that require three-quarters of a worker's organization to consent to a strike and that grant the Government authority to prohibit a strike at any time if it is considered prejudicial to the national interest or if it involves a public utility service.

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

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

b. The Right to Organize and Bargain Collectively

Collective bargaining is legal only for private sector workers, on the condition that they are represented by unions legally registered as collective bargaining agents by the

Registrar of Trade Unions. Collective bargaining occurs on occasion in large private enterprises such as pharmaceuticals, jute, or textiles but, because of high unemployment, workers may forgo collective bargaining due to concerns over job security. Collective bargaining in small private enterprises generally does not occur. The International Confederation of Free Trade Unions (ICFTU) has criticized the country for what it views as legal impediments which hamper such bargaining.

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

The Registrar of Trade Unions has wide powers to interfere in internal union affairs. He has the authority to enter union premises and inspect documents; however, there were no reports during the year that the Registrar of Trade Unions had abused these powers.

Under the Industrial Relations Ordinance, there is considerable leeway for discrimination against union members and organizers by employers. For example, the Ordinance allows the arbitrary transfer of workers suspected of union activities or termination with payment of mandatory severance benefits (2 weeks' salary). In practice, private sector employers usually discourage any union activity, sometimes working in collaboration with local police. The Registrar of Trade Unions rules on discrimination complaints. In a number of cases, the Labor Court has ordered the reinstatement of workers fired for union activities. However, the Labor Court's overall effectiveness is hampered by a serious case backlog, and there also have been allegations that some of its deliberations have been corrupted by employers.

The country's two export processing zones (EPZ's) are exempted from the application of the Employment of Labor (Standing Orders) Act of 1965, the Industrial Relations Ordinance of 1969, and the Factories Act of 1965. Among other things, these laws establish the freedom of association and the right to bargain collectively, and set forth occupational safety and health standards. While substitutes for some of the provisions of these laws have been implemented through EPZ regulations, professional and industry-based unions are prohibited in the zones. A small number of workers in the EPZ's have skirted prohibitions on forming unions by setting up associations. The Government has not implemented its 1992 commitment to end restrictions on freedom of association and formation of unions by 1997, and to apply all sections to labor law in the EPZ's by 2000. No collective bargaining takes place in the EPZ's. Approximately 84,000 persons are employed in EPZ's, primarily in the textile and apparel, electronics component, and leather industries.

An NGO study released in December reported the following practices, among others, in the Chittagong and Savar EPZ's: Sexual harassment and abuse, physical abuse, unpaid overtime work, child labor, noncompliance with minimum wage regulations, lack of information available to workers about their legal rights, and substandard safety conditions. However, serious questions were raised about the methodology of the study and of the reliability of its findings.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, including that performed by children; however, the Government does not enforce this prohibition effectively. The Factories Act and Shops and Establishments Act, both passed in 1965, established inspection mechanisms to enforce laws against forced labor; however, these laws are not rigorously enforced, partly because resources for enforcement are scarce. There is no large-scale bonded or forced labor; however, numerous domestic servants, including many children, work in conditions that resemble servitude and many suffer physical abuse, sometimes resulting in death. In at least some cases, the Government does bring criminal charges against employers who abuse domestic servants. There is extensive trafficking in both women and children, mainly for purposes of forced prostitution, although in some

instances for labor servitude outside of the country (see Section 6.f.).

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

There is no law that uniformly prohibits the employment of children, and child labor is a serious problem. Some laws prohibit labor by children in certain sectors. The Factories Act of 1965 bars children under the age of 14 from working in factories. This law also stipulates that children and adolescents are allowed to work only a maximum 5-hour day and only between the hours of 7 a.m. and 7 p.m. The Shops and Establishments Act of 1965 prohibits the employment of children younger than the age of 12 in commercial workplaces. The Employment of Children Act of 1938 prohibits the employment of children under the age of 15 in the railways or in goods' handling within ports.

Coverage and enforcement of these rules is inadequate. Because of widespread poverty, many children begin to work at a very young age. According to a 1996 labor force survey by the Government, the country has 6.3 million working children between the ages of 5 and 14 years who work for compensation and are not enrolled in school. Also, children often work alongside other family members in small-scale and subsistence agriculture. UNICEF and ILO surveys indicate that, of children 6 to 17 years of age, 21 percent of boys and 4 percent of girls work in paid employment. Hours usually are long and the pay low, and the conditions sometimes are hazardous. Children drive rickshaws, break bricks at construction sites, carry fruit, vegetables, and dry goods for shoppers at markets, work at tea stalls, and work as beachcombers in the shrimp industry. Many children work in the beedi (hand-rolled cigarette) industry, and children under 18 years sometimes work in hazardous circumstances in the leather industry. Children routinely perform domestic work. Cases of children being abused physically and occasionally killed by the head of the household where they work are reported in the press. In at least some cases, the Government does bring criminal charges against employers who abuse domestic servants. Some children are trafficked domestically or overseas, often for prostitution, and child prostitution is a serious problem (see Sections 5 and 6.f.). Under the law, every child must attend school through the fifth grade, or the age of 10 years. However, the Government continues to maintain that it does not yet have the resources to implement this law effectively.

Protracted negotiations led to the July 1995 signing of a Memorandum of Understanding (MOU) between the Bangladesh Garment Manufacturers and Exporters Association (BGMEA), UNICEF, and the ILO to eliminate child labor in the garment sector. Under the MOU, the garment sector was to become child labor free by October 31, 1996, with former child laborers enrolled in UNICEF-sponsored schools and follow-up inspections of factories by ILO-managed inspection teams. Under the program, former child-employees receive a small monthly stipend while attending school to help replace their lost income. Violations of the ban on child labor in the garment export sector rose slightly from low levels as the year progressed, to about 5 percent of factories inspected. According to ILO inspectors, most factories where violations were committed had one or two child laborers, and only about 1 percent of the factories had more than this amount. However, a BGMEA arbitration committee, which is tasked with imposing fines on violating factories, functions slowly. The number of children working in nonexport, or nonfactory garment production, is unknown.

The Government did not grant the Ministry of Labor additional resources to enforce its commitment as a member of the South Asian Association for Regional Cooperation to eliminate hazardous child labor by 2000, and to eliminate all child labor by 2010; the existing small corps of labor inspectors continues to be ineffective against all labor problems because of inefficiency and corruption.

UNICEF is implementing a "hard-to-reach" program to provide education to 350,000 (primarily working) children in urban slum areas. ILO/IPEC has approximately 24 ongoing programs, the largest involving 3,000 children in hazardous conditions, designed to ensure that children receive an education, rather than removing children from work.

The Constitution prohibits forced or compulsory labor, including that performed by children; however, the Government does not enforce this prohibition effectively, and some children work as domestic servants in conditions that resemble labor servitude or are trafficked for the purpose of forced prostitution (see Section 6.c.).

e. Acceptable Conditions of Work

There is no national minimum wage. Instead, the Wage Commission, which convenes every several years, sets wages and benefits industry by industry. In most cases, private sector employers ignore this wage structure. For example, in the garment industry, legal minimum wages are not paid by many factories, and it is common for workers of smaller factories to experience delays in receiving their pay, or to receive "trainee" wages well past the maximum 3 months. The average monthly wage of \$1.50 to \$2.50 per day (taka 76 to taka 130) is sufficient to provide an individual with a minimal standard of living, but is not sufficient to provide a decent standard of living for a worker and family.

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

The Factories Act of 1965 nominally sets occupational health and safety standards. The law is comprehensive but largely is ignored by employers. For example, there are many fire safety violations in the garment industry. Many factories are located in structures that were not designed adequately for industrial use, nor for the easy evacuation of large work forces. In addition, numerous factories have insufficient toilet facilities (for example, 1 toilet for 300 employees). Workers may resort to legal action for enforcement of the law's provisions, but few cases actually are prosecuted. Enforcement by the Labor Ministry's industrial inspectors is weak, due both to the low number of labor inspectors (100 for 300,000 covered establishments), and to endemic corruption and inefficiency among inspectors. Due to a high unemployment rate and inadequate enforcement of the laws, workers demanding correction of dangerous working conditions or refusing to participate in perceived dangerous activities risk losing their jobs.

f. Trafficking in Persons

There is extensive trafficking in both women and children, primarily to India, Pakistan, and destinations within the country, mainly for purposes of forced prostitution, although in some instances for labor servitude. Some children also are trafficked to the Middle East to work as camel jockeys.

The number of women and children trafficked is unknown; human rights monitors estimate that several thousand women and children are victims of trafficking each year. Most trafficked persons are lured by promises of good jobs or marriage, and some are forced into involuntary servitude outside of the country. Seeing no alternative for breaking the cycle of poverty, parents often willingly send their children away. Unwed mothers, orphans, and others outside of the normal family support system also are susceptible. Traffickers living abroad often arrive in a village and "marry" a woman, only to dispose of her upon arrival in the destination country, where women are sold by their new "friends," or "husbands" into bonded labor, menial jobs, or prostitution. Much of the trafficking and smuggling of persons is conducted by criminal gangs. The border between Bangladesh and India is porous, especially around Jessore and Benapole, making illegal border crossings easy.

The law provides severe penalties for trafficking, but few perpetrators are punished. Human rights monitors also credibly report that police and local government officials often either ignore trafficking in women and children for prostitution, easily are bribed to look the other way, or even are involved in the operation (see Section 1.c.). According to one anti-trafficking organization, 63 persons were arrested during the year for trafficking.

While most of those arrested were not prosecuted by year's end, 13 persons arrested previously were convicted for trafficking offenses and sentenced to life imprisonment. Exact numbers of those arrested are difficult to obtain as charges against traffickers usually are for lesser crimes, such as crossing borders without proper documents.

UNICEF has estimated that there are about 10,000 child prostitutes in Bangladesh; other estimates have been as high as 29,000. Prostitution is legal, but only for those over 18 years of age with government certification; however, this minimum age requirement commonly is ignored by authorities, and is circumvented easily by false statements of age. Procurers of minors rarely are prosecuted, and large numbers of child prostitutes work in brothels. The law stipulates a maximum sentence of life imprisonment for persons found guilty of forcing a child into prostitution.

The Government has expressed concern about the problem and has worked with NGO's and international organizations against trafficking, conducting awareness campaigns, research, lobbying, and rescue and rehabilitation programs. Some NGO's and international organizations have been active in addressing the problem. For example, the Association for Community Development conducted a study on trafficking issues and conducted workshops and outreach programs aimed at reaching potential victims of trafficking before they are trafficked. The Bangladesh National Women Lawyer's Association (BNWLA) conducts awareness programs, aimed at alerting poor persons to the dangers of trafficking through leaflets, stickers, and posters. The BNWLA also provides legal assistance to trafficking victims, and initiates legal action against traffickers. The BNWLA runs a shelter home for trafficked women and children that provides health care, counseling, and training. The Center for Women and Children (CWCS) has networks to monitor trafficking across the country, conducts awareness meetings, and has a pilot project to make police aware of the rights of women and children. Awareness of trafficking is increasing, and it receives frequent press coverage. Two umbrella organizations of anti-trafficking NGO's exist, and are seeking to improve coordination and planning of efforts against the problem.

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