

Bangladesh (6)

63

U.S. Department of State

Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

BANGLADESH

Bangladesh is a parliamentary democracy, with broad powers exercised by the Prime Minister. Prime Minister Sheikh Hasina Wajed 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 and rigging. The major opposition political parties frequently boycott or otherwise absent themselves from Parliament, making it a less effective deliberative body. The Awami League government has been accused of abusing its majority powers. The judiciary displays a high degree of independence at appellate levels; 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. There is widespread corruption and lack of discipline among the police, effectively reducing control over them by civilian authorities. Police officers committed a number of serious human rights abuses.

Bangladesh is a very poor country. Annual per capita income is less than \$300, and more than one-third of the country's estimated 126 million people live in poverty. Seventy percent of the work force is involved in agriculture, which accounts for one-third of gross domestic product (GDP). The economy is market-based, but the Government plays a significant role in the industrial sector. The industrial sector is growing, based largely on the manufacture of garments, textiles, rerolled steel, cement, and jute. A small wealthy elite controls much of the private economy, but there is an emerging middle class. Discovery of potentially large gas reserves has attracted foreign investors. In recent years, the relative importance of foreign aid has diminished vis-à-vis increased earnings from exports and remittances from workers overseas. Efforts to reform the economy have been hampered by endemic corruption, political turmoil, and the opposition of public sector enterprises, government bureaucrats, and other vested interests. Nevertheless, the economic growth rate during the last fiscal year was above 5 percent. The worst flooding during the 20th century occurred in 1998. The floods lasted for 3 months, and covered two-thirds of the country. Flooding affected all sectors of the economy; the agriculture, infrastructure, and microfinance sectors were the hardest hit.

The Government's human rights record changed little from the previous year; the Government continued to restrict or deny many fundamental rights, and failed to prevent or punish abuses committed by others. Police committed extrajudicial killings, and some persons died in police custody under suspicious circumstances. Police routinely use torture and other forms of abuse while interrogating suspects. The Government rarely convicts and punishes those responsible for torture or unlawful deaths. Prison conditions are poor. The Government continued to use the Special Powers Act (SPA) and Section 54 of the Criminal Code, which allow for arbitrary arrest and preventive detention, to harass political opponents and other citizens by detaining them without formal charges. However, govern-

ment statistics indicated a sharp decrease in the number of persons detained under these provisions. A large case backlog slows the judicial process, and lengthy pretrial detention is a problem. The Government sometimes infringes on citizen's privacy rights. Journalists practice some self-censorship. The Government limits freedom of assembly. Societal discrimination against women, the disabled, indigenous people, and religious minorities is a problem. Violence against women, trafficking in women and children for prostitution, and bonded labor remain serious problems. The Government continues to limit some worker rights. A 1995 agreement has resulted in the elimination of approximately 95 percent of child labor in the garment sector, the main export industry. Child labor and abuse of child workers are widespread and serious problems. Vigilante justice resulted in numerous killings.

On October 5, the Government acceded to the International Covenant on Economic, Social, and Cultural Rights and the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

The 1997 Chittagong Hill Tracts (CHT) peace accord has been in effect for 1 year, and has ended 25 years of insurgency in the CHT. While the situation in the CHT was peaceful at year's end, implementation of the peace accord has been slow.

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. In some instances where there was evidence of police culpability for such killings, the authorities took action. For example, on July 23 the police arrested university student Shamim Reza Rubel on a weapons charge. He was released 5 hours later and admitted to Dhaka Medical College Hospital, where he died from injuries sustained while in custody. No weapons were ever found. After public criticism, authorities arrested 6 policemen in connection with Rubel's death. The Government also appointed a judge to investigate the incident and to recommend measures to prevent a recurrence. Authorities eventually charged 13 persons, including 12 police officers, in the case (see also Section 1.c.). However, most abuses go unpunished, and the resulting climate of impunity remains a serious obstacle to ending police abuse and extrajudicial killings.

Security forces sometimes used unwarranted lethal force in responding to demonstrations. On July 27, police fired upon demonstrators protesting efforts to evict squatters from government-owned land in Satkhira. Police killed one woman and wounded several others. The Prime Minister described the shooting as "inhuman" and promised that those responsible would be punished. However, no one had been charged in the incident by year's end.

According to government figures, six persons died in police custody (also see Section 1.c.). Arun Chakroborty, who was detained for alleged robbery, died on January 23 when he fell from the roof of a five-story building. Police claimed that he fell while attempting to escape. Human rights organizations that investigated the case noted that Chakroborty had some injuries consistent with torture, and

concluded that police were responsible for his death. According to press reports, police in Khulna arrested Harun Sheikh on February 4. Police in the Rupsha police station, including senior officers, beat him. On February 6, a court refused to give the police a remand order for Harun and ordered that he be given proper medical treatment. Harun died that evening. Relatives filed a petition case alleging murder with the magistrates' court naming the Officer-in-Charge and Assistant Subinspector, but no investigation is known to have occurred.

Poor prison conditions contributed to the deaths of a number of inmates (see Section 1.c.).

There were no developments in ascertaining responsibility for the deaths that occurred after the police fired into the crowd at the end of an opposition rally in Chittagong in November 1997. The Government promised a judicial inquiry into the incident, but no inquiry is known to have occurred. Five persons, including one policeman, were killed in the incident.

On November 8, 15 of the defendants on trial for the 1975 killing of then-President Sheikh Mujibur Rahman (father of current Prime Minister Sheikh Hasina Wajed) and several of his family members were convicted and sentenced to death. Four individuals were acquitted. Fourteen of the defendants were tried in absentia. At year's end, the convictions of the defendants present in Bangladesh were pending appeal to the High Court (see also Section 1.e.).

Violence, often resulting in killings, is a pervasive element in Bangladeshi politics (see Section 3). Demonstrators from major political parties, and within political parties, often clash with police during rallies and demonstrations. The Awami League and opposition parties used armed violence and intimidation to disrupt their opponents' gatherings and rallies, and some deaths occurred. Opposition parties also used armed violence or threats of violence to enforce general strikes (see Section 2.b.). The violence perpetrated by both sides resulted in at least 12 deaths and hundreds of injuries. In one case, three persons were killed in violent exchanges between opposition party activists and government supporters during a general strike on April 15. Approximately 100 persons reportedly were injured (see Section 2.b.). A half-day general strike on May 6 called by the opposition to protest Chittagong Hill Tracts legislation resulted in armed clashes that caused 50 injuries.

Violence is also endemic between the student political wings of the major national parties. On April 24, the student wing of the ruling Awami League seized control of all 10 campus dormitories at Dhaka University by violently taking over the 3 buildings that had been under the control of the major opposition party's student wing. During gunfire exchanges, one leader of the Awami League student wing was killed and 20 persons were injured. Police did not intervene during the violence, but later arrested 73 opposition student activists. The violence between student groups on university campuses spread to universities in Chittagong and Jahangirnagar during April, as well.

Vigilante violence by private citizens is a common problem. On January 21, villagers near Chittagong attacked and lynched five men who allegedly were taking money from passing trucks. On September 17, a mob in Chittagong lynched three men who allegedly were engaged in robberies. On December 12, villagers near Jessore hacked 11 men to death; the men had allegedly been extorting money and had just killed one person. 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 is sometimes led by religious leaders. In Noakhali village in May, local arbitrators gave a

14-year-old girl who had been raped 101 lashes. She died 6 days later. Some persons were arrested in the incident, but observers stated that the real culprits had not been charged (see Section 5).

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 and later allowed to travel abroad. The murder case is not being pursued actively by the Government. Ershad was already serving a 20-year sentence for corruption. In 1996 Subinoy Chakma, a tribal peace activist in the Chittagong Hill Tracts (CHT), was killed at his home in Rangamati. His killing remained unsolved at year's end but was believed to have been committed by the Shanti Bahini, a tribal insurgent group, which opposed Subinoy's efforts to promote better relations between tribals and Bengalis in the CHT (see Section 5).

b. 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. In 1996 the Government formed an investigative committee that has yet to issue any findings.

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 July for allegedly beating a college student to death in 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. On April 24, a youth arrested by Dhaka police was admitted later that day to a hospital intensive care unit in an unconscious state. Police claimed that he had been beaten by vigilantes prior to his arrest, but credible sources found the injuries consistent with torture and not with a mob beating. The youth later was released on bail, but suffered permanent physical and neurological injuries. On July 16, the officer in charge of a police station in Sirajganj arrested a nongovernmental organization (NGO) official without a warrant and tortured him. He was later released. No action was taken against the police in either incident.

Rape of female detainees in police custody has been a problem, although there were no reports of specific incidents during the year. Police also rape women who are not in custody. According to press reports, from January to September police officers were implicated in 16 rape cases; however, women's rights activists estimate that the real number is several times higher. After a 5-year-old girl was raped in the Dhaka court building, police arrested a civilian and charged him with the crime. However, women's groups and the Dhaka Bar Association maintained that a policeman was responsible. The High Court later suspended proceedings against the man arrested while it considered a Bar Association request for a judicial inquiry into the rape. In addition, women held in police "safe custody"

because they report that they have been raped or are involved in family disputes, usually endure poor conditions, and sometimes are raped or otherwise abused.

In November police used tear gas to disrupt a peaceful opposition rally (see Section 2.b.).

There was credible evidence that police permitted a cabinet minister's son and other family members and friends to beat three detainees on January 20 in a Dhaka police holding cell. Earlier that day, one of the detainees had been in a minor traffic accident with another of the minister's sons. The two other detainees had intervened when the minister's son attacked the first detainee at the scene of the accident. The police were holding the detainees under the Special Powers Act (see Section 1.d.) for alleged terrorist activities. The detainees were held until March 1. An internal police investigation of the incident was announced, but no results ever were reported, nor was any known action taken against those involved.

Supporters of both the ruling party and the opposition sometimes inflict inhuman treatment on their opponents. For example, according to credible sources, activists of the ruling party's student wing chopped off the hands of at least three opposition student leaders. Despite witnesses to the incidents, no arrests have been made.

On November 9, 10, and 11, the opposition called a general strike. On November 9, three persons were killed and more than 100 were injured in clashes between government and opposition supporters in Dhaka (also see Section 2.b.).

In rural areas, human rights groups and press reports indicate that vigilantism against women for perceived moral transgressions is common, and may include humiliating, painful punishments. In a village near Manikganj in October, local arbitrators gave a woman and her husband 101 lashes and had their heads shaved. The woman had offended some persons in the village by divorcing her first husband, who demanded a dowry, and then remarrying. The couple later committed suicide (see Section 5).

Prison conditions are very poor. Official figures indicated that 123 persons had died in prison as of November. According to credible sources, poor conditions were at least a contributing factor to many of these deaths. Most prisons are overcrowded and lack adequate facilities. The current prison population of almost 50,000 is slightly more than twice the official prison capacity. In May a judicial report indicated that nearly 6,000 prisoners were being held in the Dhaka central jail, but that the intended capacity was only 2,190. The report also noted the poor physical condition of the jail and unhygienic food preparation. The families of three persons arrested in October in connection with the killing of senior Awami League leaders in the Dhaka central jail in 1975 expressed concern about prison conditions and inadequate medical care given to the detainees. The detainees were transferred to a prison cell in a hospital on December 15. 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 B and A cells are markedly better; A cells are reserved for prominent prisoners.

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. However, in general the Government does not permit prison visits by independent human rights monitors.

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 Special Powers Act) 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.

Under Section 54 of the Criminal Code, 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 official figures, at least 1,400 persons were detained under Section 54 in Dhaka in the first 3 months of the year. The Home Minister acknowledged to journalists in July that Section 54 is abused by police.

The Government sometimes uses Section 54 to harass and to intimidate the political opposition and their families. For example, on June 7, Jamaluddin Quader Chowdhury, a businessman who is the younger brother of two opposition Members of Parliament (M.P.s), was detained for subversive activities under Section 54. He was released without charge after 5 days. In addition, police commonly detain opposition activists prior to general strikes without citing any legal authority, holding them until the event is over.

The police on occasion detain persons for personal vengeance. For example, in January police detained a person who was involved in a minor traffic accident with a cabinet minister's son, along with two witnesses, and allowed another of the minister's sons and other family members and friends to beat the three detainees (see Section 1.c.).

The Government continues to use the Special Powers Act (SPA) to detain citizens without formal charges or specific complaints being filed against them. 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.

After 4 months, an advisory board composed of two persons who have been, or are qualified to be, high court judges, and one civil servant examines the cases of detainees. 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. Typically, the Court finds that the Government is unable to "show cause". However, many defendants are either too poor or, because of strict detention, are unable to obtain legal counsel. Without legal counsel or funds, they are unable to move the case beyond the magistrate level. The magistrates, unlike the High Court judges, are not independent. They are subject to the administrative controls of the Law Ministry and are less likely to dismiss a case. As a result, defendants in many SPA cases languish in detention without the case moving to trial. 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, and incommunicado detention generally is not practiced. However, the Government has held incommunicado some prominent prisoners, although 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. 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. If bail is not granted, the law does not specify a time limit on pretrial detention.

A major problem with the court system is the overwhelming backlog of cases, which produces long pretrial delays. According to the Government, almost 600,000 cases were pending in criminal and civil courts in November, and approximately 37,000 persons, or 71 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. In one case, Younus Ali from Mymensingh district was detained for robbery in 1988, but authorities have yet to present a case. In another case, M. Khairuzzaman was held for more than 2 years without formal charges. He was originally detained in August 1996 for alleged involvement in the 1975 murder of President Sheikh Mujibur Rahman. The High Court dismissed those charges in November 1996, due to its finding that Khairuzzaman was in India at the time of the killings. The High Court subsequently refused twice to grant bail to Khairuzzaman because the Government was investigating him for his alleged involvement in the November 1975 murder of four senior Awami League officials in the Dhaka central jail. Charges against Khairuzzaman in the jail killings case were filed in October.

The SPA is criticized routinely by opposition parties as a tool used by the Government against its opponents. The Government cites a significant reduction in the number of persons held under the SPA as evidence that it is minimizing use of the act. According to the Government, 885 persons were under SPA detention in July, a decrease from approximately 2,000 persons under SPA detention 1 year earlier. The authorities detained 2,949 persons under the SPA from the beginning of the year through the end of September, and released 3,151 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. For example, opposition politi-

cians Anwar Zahid and Shaiful Alam Prodhan were under SPA detention from October 20 to December 10, when they were granted bail. The Government contended that the two participated in meetings at the official residence of the leader of the parliamentary opposition, during which plans to sabotage the national power grid were discussed. Most opposition activists detained under the SPA ultimately are released without charges being brought against them.

The Government sometimes uses serial detentions to prevent the release of political activists, a process aided by the reluctance of magistrates to grant bail in such cases. Opposition student leader Ahmed Pintu was arrested under Section 54 of the Criminal Procedure Code on April 15. After a magistrate refused to grant bail, the High Court ruled against the detention and ordered Pintu's release. Pintu then was arrested again on other charges, and the magistrate refused to grant bail. The High Court ordered bail once more. He was finally released on July 10.

Opposition parties accuse the Government of filing thousands of false criminal charges against their leaders and activists. The Bangladesh Nationalist Party, the main opposition party, alleges that false criminal cases have been brought against dozens of its Members of Parliament, and against thousands of its party workers and supporters. However, verification of these claims was not available. It can be difficult to identify those cases in which charges are politically motivated; in some instances criminal charges may apply to the actions of activists. Therefore, it is difficult to estimate the total number of detentions for political reasons, and even opposition sources do not cite a specific number. 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, to detect, or to 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.

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 are rarely 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 is generally available if individuals can afford the expense. Trials conducted under the Special Powers Act 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 is rarely done. On November 8, 15 of the 19 defendants tried for the 1975 killing of then-President Sheikh Mujibur Rahman (father of current Prime Minister Sheikh Hasina Wajed) and several of his family members were convicted and sentenced to death, and 4 persons were acquitted (see Section 1.a.). 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, and the 5 defendants then present in the country had filed appeals. 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. According to the Government, almost 600,000 cases were pending in criminal and civil courts in November, and approximately 37,000 persons, or 71 percent of the total prison population, were in detention awaiting trial or under trial (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.

Citizens' ability to obtain due process is undermined by corruption in the judiciary. Small sums must be paid to a number of court officials in order for a civil suit to be filed. While these may appear to be processing fees, they are more in the nature of bribes; they are not established by statute or regulation, are paid to officials personally, and there is no accountability for failure to discharge duties paid for. Defendants sometimes can pay to avoid being served with a notice or suit. According to one independent sample survey conducted by Transparency International, more than half of 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 is popular in rural communities.

The Government states that it holds no political prisoners, but the opposition Bangladesh Nationalist Party (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 (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 Special Powers Act (SPA) permits searches without a warrant.

The police Special Branch, National Security Intelligence, and the Directorate General of Forces Intelligence employ informers and conduct surveillance of citizens, particularly those perceived to be political opponents of the Government. Human rights activists, foreign NGO's, and journalists report occasional harassment by these security organizations.

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. 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 are two major privately owned wire services, both of which are affiliated with international wire services.

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. The Government states that newsprint allocations are provided solely on the basis of circulation figures. However, newspapers that cannot obtain enough government newsprint to meet their needs must buy it on the open market at higher prices. Many papers do so. There were no reports of newspapers unable to publish due to lack of newsprint. Commercial organizations also often are reluctant to advertise in newspapers critical of the Government, fearing unspecified governmental or bureaucratic retaliation.

Several sources have reported that the State Minister for Information established an office at Bangladesh Television (BTV) to monitor or edit news items. The Government denies this allegation, claiming that the office at BTV was renovated to be used as a VIP waiting room.

Attacks on journalists and efforts to intimidate them by government officials, political party activists, and others, occasionally occur. 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. Only one newspaper, an English-language weekly, published a story describing an incident in January in which there was credible information that a cabinet minister's son beat three youths (see Section 1.c.). In February the Government filed sedition charges against the editors and publisher of a newspaper, which published a story alleging that the Government was attempting to make the country's defense system complementary to India's system. The High Court granted the accused bail, and the case remains pending. On April 20, three journalists were arrested for allegedly leaking questions from school exams. They were charged under the Official Secrecy Act of 1980, which usually is used to arrest spies, traitors, and similar criminals. The journalists maintained that

they published the questions, but did so to expose the corruption of officials who sold the questions prior to the exams. On May 26, the office of Dainik Manab Zamin, a newspaper published in Dhaka, was ransacked by a group allegedly belonging to the youth wing of the Jatiya Party. The newspaper had published a story that the attackers felt contained derogatory personal allegations against General Hossain Ershad, the leader of the Jatiya Party. In August the editor of a newspaper was shot to death in Jessore; authorities blamed a banned extremist party that objected to critical stories published about the group. The Committee to Protect Journalism suspects that the editor, Saiful Alam Makul, may have been killed to prevent the resumption of reporting on political corruption, gang activity, and human rights abuses. On August 10, two journalists in Dhaka received death threats from a high-ranking leader of the Chattra League, the student wing of ruling party, after they published stories about the terrorist activities of the Chattra League at Dhaka University. They later received apologies from the Chattra League and assurances of protection from the University.

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. The Government has taken no action against those who issued death threats against her, even though such threats violate the law. On September 15, Nasreen returned to the country and immediately went into hiding. Following her return, there were a number of small demonstrations by Islamic groups calling for her arrest and punishment by death. The Government provided protection for Nasreen from possible threats. Despite this, in early November, the leader of the Chittagong branch of the Jamaat-i-Islami, the largest Islamic party, personally offered a reward for information as to her whereabouts. The central Jamaat office in Dhaka stated that the Jamaat did not approve of the reward offer. Following Nasreen's return, a judge issued a warrant for her arrest pursuant to a case filed by a private citizen in 1994. The warrant was never executed, and on November 22 Nasreen requested and received anticipatory bail from the High Court.

The Government owns and controls radio and television, which do not provide balanced coverage of the news. The activities of the Prime Minister occupy the bulk of primetime 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. Upon taking power, the Government set up a committee to recommend measures for authorizing private radio and television broadcasts. The committee submitted a report to the Government in 1997, but the report has not been released to the public, and no changes in the existing framework have been announced. The Minister of Information termed some of the committee's recommendations "unrealistic." The Ministry of Information has solicited and received bids from parties interested in establishing private television and radio stations. While the tender terms have not been disclosed publicly, news reports state that private stations would be required to carry in full current government electronic news bulletins. The Government granted a license in principle to a proposed private television station, but a contract and conditions were not finalized. The Government does not restrict access to foreign radio or satellite television news. There are no restrictions on the installation of satellite dishes.

Foreign publications are subject to review and censorship. When enforced, 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 blocked distribution of the late February issue of an Indian fortnightly on the grounds that it contained "objectionable" com-

ments about late President Sheikh Mujibur Rahman's role in Bangladesh's 1952 language movement. Distribution of the periodical was allowed after a more favorable article was substituted and the magazine issued a disclaimer that stated that the article in question was published in the absence of its editor.

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. The Film Censor Board banned the release and showing of "Ammajan", a film made in Bangladesh, despite adjustments made according to suggestions from censors. The film depicts the actions taken by the son of a raped woman against her attackers, who had escaped trial for the crime.

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 university educations and of teachers to teach. Armed clashes between rival student groups resulted in closures of universities or colleges in Rangpur, Rangamati, and Patuakhali, and of the Islamic University, on several occasions in 1998. In 1997 the vice-chancellors of Rajshahi and Islamic Universities appointed by the previous BNP government were forced by the student fronts of the ruling Awami League and the Jamaat-i-Islami to resign. In April the Awami League student wing violently took over 3 dormitories from the BNP student wing at Dhaka University, giving it control of all 10 campus dorms. The violence resulted in the death of 1 person and the injury of 20 others (see Section 1.a.). Violence between student political factions has little to do with ideological differences, and more to do with extortion rackets based on physical control of dormitories and student concessions by nonstudent party activists. Physical control over the dormitories results in access to funds from the universities and from students through "protection rings". The result of widespread campus violence is that, on average, it takes 6 years or more to earn a 4-year degree.

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 are usually a pretext.

The Government occasionally charges individuals who conduct unauthorized demonstrations. In June five opposition leaders, including three Members of Parliament, were charged with obstructing vehicular movement and chanting provocative slogans against the Government after a protest against the new national budget. The High Court granted the individuals anticipatory bail, and the case remains pending.

In June the Government announced that it would not interfere with an opposition motorcade from Dhaka to the Chittagong Hill Tracts (CHT) to protest the CHT peace accord signed in December 1997. Nevertheless, credible eyewitness reports stated that the police stood by as ruling party activists commandeered and disabled vehicles in order to barricade the highway that the motorcade was to use.

Three ruling party Members of Parliament were photographed atop the barricade. The police removed the obstruction 18 hours after it had been put in place, and after 9 hours of delay for the opposition motorcade. The Government asserted that the opposition was responsible for the incident. The Government began an investigation against several opposition party members, but never filed charges.

Several opposition-called general strikes took place during the year at the national or local levels. These strikes are enforced by party activists through threatened or actual violence toward strikebreakers. Those who are opposed or neutral to 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 April 15, a general strike was called by the BNP to protest 4 bills on the Chittagong Hill Tracts. Three persons were killed and 100 were injured. On May 6, the BNP called another general strike to protest the passage of the bills. During the strike, 50 persons were injured in clashes between opposing activists and police, and 133 were arrested. On November 7, a group of ruling party activists caused disturbances at an opposition rally at a park in central Dhaka. Police then broke up the rally, firing a volley of tear gas shells that landed on the dais near the leader of the parliamentary opposition. Subsequently, a riot broke out in which one ruling party activist was killed. On November 9, the opposition called a 60-hour nonstop general strike. At least 6 persons died and at least 350 were injured during the strike, which ended November 11. The police detained 700 persons in connection with the strike. On December 2, opposition leader Begum Khaleda Zia held a peaceful 8-hour hunger strike in Dhaka.

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. Approximately 87 percent of the population is 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 are able to move freely within the country. Citizens are free to travel abroad and to emigrate. The right of repatriation generally is observed.

In February the last group of tribal refugees returned to the Chittagong Hill Tracts region from camps in India. This completed a process initiated in 1997 of repatriating more than 60,000 refugees who had fled the internecine violence of tribals and Bengali settlers in the Chittagong Hill Tracts. The repatriations were part of the peace agreement between the Government and tribal leaders signed in December 1997 (see Section 5).

The law does not include provisions for granting refugee/asylee status in accordance with the provisions of the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally cooperates with the United Nations 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 does grant 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 240,000 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 was formerly 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. During a visit to Dhaka in January, the Pakistani Prime Minister announced that Pakistan would be willing to assist in their repatriation, but no repatriation occurred during the year.

Approximately 250,000 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 repatriated voluntarily to Burma, leaving 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, albeit at a very slow rate. The UNHCR hoped to accelerate the repatriation, and urged the Government to allow any refugees who cannot return to Burma to be granted resettlement in Bangladesh, at least until conditions in Burma improved. The Government has insisted that all Rohingya refugees eventually must return to Burma. From July 1997 to October, persistent law and order problems plagued the camps, with one camp effectively under the control of militant refugees opposed to any repatriation efforts, even on a voluntary basis. On February 28, a hunger strike was started in Kutupalang camp. Organizers claimed that the strike was to protest the death of a refugee in the camp due to torture, but neutral observers said that the man died of a heart attack and that the strike was an attempt to obstruct repatriation. As in previous hunger strikes, protest organizers did not allow even pregnant and nursing women and malnourished children to receive supplemental food. In March camp authorities responded to the growing law and order problems and the food boycott by arresting some refugees alleged to be involved in criminal activities. The police action resulted in the injury of some refugee bystanders and damage to shelters, but the food boycott was ended. On October 21, authorities retook full control of the

camp. Press reports indicated that the police entered the Nayapara camp to quell clashes between refugee groups in the camp. There were conflicting reports of how many persons were injured in the incident, with estimates ranging from 30 to 100 injuries. Some reports indicated that refugees had been pressured to volunteer for repatriation, but UNHCR officials worked with the Government to ensure that procedures for verifying the voluntariness of repatriation applications were followed.

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 new arrivals it encountered by categorizing them as illegal economic migrants, turning back as many as possible at the border, and denying the UNHCR official access to those who did enter the country successfully.

In July 1997, the Government forcibly repatriated approximately 400 Rohingya refugees to Burma, including 67 children sent back without their parents. This violated its agreement with the UNHCR and Burma to adhere to strict voluntariness in the repatriation program. These refugees had been cleared by the Burmese Government as Burmese nationals. However, the individuals were not willing at that time to return to Burma. Some of the refugees indicated that they feared persecution in Burma. The Government apparently was anxious to meet the August 1997 deadline that the Burmese Government had set for repatriations.

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. Members of Parliament 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 for the country.

Nevertheless, elections in Bangladesh 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. Two Parliamentary by-elections during the year fit this pattern. Independent observers witnessed voter intimidation and other irregularities, particularly by ruling party activists. However, observers concluded that these excesses probably did not alter the outcome in either election. During the year, the Government briefly erected barbed-wire barricades around the area of the home of opposition leader Khaleda Zia, allegedly for reasons of traffic maintenance. The idea of evicting Zia from her home also was raised in Parliament after the general strike of November 9 to November 11 (see Section 2.b.). Political activists, at the local and national levels, also reportedly engage in extortion from businesses and individuals.

Under constitutional amendments enacted in 1991, Bangladesh changed from a presidential system to a parliament-led system. The changes stipulated that a Member of Parliament 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 further undermined by the country's narrow, partisan politics. However, parliamentary standing committees on government ministries, which were formed in 1998, are headed by Members of Parliament rather than the ministers concerned, increasing the committees' effectiveness in overseeing government work.

In addition to the 30 parliamentary seats reserved for women (whose occupants are chosen by Parliament), 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. However, tribal people have some parliamentary representation; eight members from minority groups won seats in the last 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. During the year, the Government shared some drafts of human rights related legislation with nongovernmental organizations (NGO's), and took 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 sensitive to international opinion 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, the proposed National Human Rights Commission, and trafficking in women and children.

The Government has put pressure on individual human rights advocates in the past. 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 sometimes puts pressure on them, usually in the form of harassment by government intelligence agencies, and threats from activists of the ruling party (see Section 1.f.). One major attack on human rights activists was reported during the year. On December 7, a rally organized by a local umbrella NGO activist group in Brahmanbaria was broken up violently. Local religious leaders had denounced the rally as un-Islamic, and mobs attacked government and NGO offices, injuring more than 100 persons. Credible reports indicate that police did little to prevent the 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." 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. A growing awareness of the problem is fostered by the Government, the media, and women's rights organizations.

Much of the violence against women is related to disputes over dowries. According to one human rights group, there were 80 dowry-related killings in 1998. Human rights groups and press reports indicate that incidents of vigilantism against women--sometimes led by religious leaders--are common occurrences, particularly in rural areas. These include humiliating, painful punishments, such as the whipping of women accused of moral offenses. Few perpetrators of such extrajudicial punishments are prosecuted. In Noakhali village in May, local arbitrators gave a 14-year-old girl who had been raped 101 lashes. She died 6 days later. Some persons were arrested in the incident, but observers stated that the real culprits had not been charged. In a village near Manikganj in October, local arbitrators gave a woman and her husband 101 lashes, and had their heads shaved. The woman had offended some persons in the village by divorcing her first husband, who demanded a dowry, and then remarrying. The couple later committed suicide.

The law prohibits rape and physical spousal abuse, but it makes no specific provision for spousal rape as a crime. The Government sometimes 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. In May there was a public outcry after a newspaper published a photograph of a woman in safe custody who had been shackled to her hospital bed. 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 is extensive trafficking in women and children for prostitution within Bangladesh and to other countries in Asia. 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. The law provides severe penalties for trafficking, but few perpetrators ever are punished. Human rights monitors also credibly report that police and local government officials often either ignore trafficking in women and children for prostitution or actually profit from it (see Section 6.c.). The Government reported that 408 persons had been prosecuted for trafficking as of November. Exact numbers are difficult to obtain as charges against traffickers are usually for lesser crimes, such as crossing borders without proper documents. The Government has expressed concern about the problem and has worked with U.N. agencies and NGO's to seek ways to combat it. Trafficking and awareness of trafficking are increasing, and it receives frequent press coverage. The

Coalition Against Trafficking in Women in Bangladesh sponsored a regional conference on trafficking in women, which was held in Dhaka from June 26 to June 29.

Women remain in a subordinate position in society. The Government has not acted effectively to protect their basic freedoms. Literacy rates are approximately 26 percent for women, compared to 49 percent for men. In recent years female school enrollment has improved. Approximately 50 percent of primary and secondary school students are female. Women are often unaware 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 receive less inheritance than male heirs do, and wives are more restricted in divorce rights. 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.

In a setback for divorced women, in December the Supreme Court overturned a verdict entitling a divorced wife to alimony from her former husband until her remarriage or death. The ruling restored a law requiring a Muslim husband to pay his ex-wife alimony for only 3 months.

Employment opportunities have been stronger for women than for men in the last decade, which is to a large extent 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.

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 Bangladesh to make significant progress in improving health, nutrition, and education. One local NGO, for example, provides primary education to more than 1 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 fully implement the law. According to Education Ministry figures, approximately 86 percent of the 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 a scant 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 both women and children, primarily to the Middle East, India, Pakistan, and Southeast Asia, and also within the country. Much of this trafficking is for prostitution. The United Nations Children's Fund (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 easily circumvented by false statements of age. Procurers of minors rarely are prosecuted, and large numbers of child prostitutes work in government-sanctioned brothels. The law stipulates a maximum sentence of life imprisonment for persons found guilty of forcing a child into prostitution. However, human rights monitors report that police and local government officials often either ignore trafficking of children and women for prostitution, or actually profit from it.

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 provide personalized 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 1 year, and has ended 25 years of insurgency in the CHT. While the situation in the CHT was peaceful at year's end, implementation of the peace accord has been slow. There has been disagreement over the membership of the local governing bodies provided for under the accord, and as a result the local and district councils had not been inaugurated by year's end. The land commission that is to deal with land disputes between tribals and Bengali settlers had not been established by year's end. 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 which 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 a 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. Implementation of the pact proceeded in 1998, and the Government introduced and passed several bills related to the local government. In February the last group of tribal refugees returned to the CHT from camps in the neighboring Indian state of Tripura, completing the repatriation of over 60,000 refugees. However, some tribal leaders criticized the Government for implementing the agreement too slowly and for the lack of progress in providing assistance to the returned tribals.

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. 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 make up about 13 percent of the population. 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. However, the Jamaat-i-Islami, the country's largest Islamic political party, went from 18 seats in Parliament after the 1991 elections, to 3 after the 1996 elections.

Islamic extremists occasionally attacked women, religious minorities, and development workers. The Government sometimes has failed to criticize, to investigate, and to prosecute perpetrators of these attacks. However, the Government responded quickly after an April 28 attack on a Catholic school in Dhaka. The attack by an irate crowd of Muslims occurred after the school won a favorable court decision in a property dispute with a neighboring mosque. The crowd ransacked the school and attacked four churches in Dhaka. During the attack, 40 to 50 persons, including 3 policemen, reportedly were injured. Immediately after the attack began, the Home Ministry dispatched additional police to the site and sought to mediate the issue, but their efforts were ineffective in halting the violence.

Religious minorities are in practice disadvantaged in such areas as access to government jobs and political office. Selection boards in the government services are often without 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 has so far taken no action. There have been in past years cases of violence directed against the religious minority communities that also have resulted in the loss of property. The last such major incidents occurred in 1992, although there were also some minor incidents of this type during the period surrounding the 1996 elections. Such intercommunal violence has reportedly caused some members of religious minorities to depart the country.

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. Labor activists have protested that this requirement severely restricts worker's freedom to organize. The International Labor Organization (ILO) has requested the Government to amend the 30 percent provision on the grounds that it restricts workers' freedom to organize. The ILO also has requested the Government to amend legislative provisions that bar registration of a union comprising 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 are also several unregistered NTUs.

With the exception of workers in the railway, postal, telegraph, and telephone departments, civil servants, police, and military personnel are forbidden to join unions. Civil servants forbidden to join unions, such as teachers and nurses, have formed associations that perform functions similar to labor unions, i.e., 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 January. 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.

There are no legal restrictions on political activities by labor unions, although the calling of nationwide general strikes 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 occurred frequently 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 in 1998.

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. There were no labor-related national strikes in 1998. Workers at Chittagong port, the country's major harbor, conducted several industrial actions to protest a proposed privately run port facility. Some employees organized in professional associations or unregistered unions also went on strike during 1998. University teachers struck 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, generally obeyed, so far has been applied to national airline pilots, water supply workers, shipping employees, and electricity supply workers. The ban tends to be renewed every 3 months. 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.

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 Special Powers Act 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 International Labor Organization (ILO) meetings, but no clearances were reported denied in 1998.

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 forego collective bargaining out of concerns over job security. Collective bargaining generally does not occur in small private enterprises.

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.

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). There are credible reports that employers routinely engage in antiunion discrimination and harassment, including physical attack, especially in the garment industry. 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 law prohibits professional and industry-based unions in the two export processing zones (EPZ's). A small number of workers in the EPZ's have skirted prohibitions on forming unions by setting up associations. The Government has not implemented a 1992 government promise to end labor law restrictions on freedom of association and formation of unions by 1997. In addition to the prohibition on unions, no collective bargaining takes place in the EPZ's. Approximately 50,000 persons are employed in EPZ's, primarily in the textile and apparel, electronics component, and leather industries.

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, set up inspection mechanisms to enforce laws against enforced labor. These laws are not rigorously enforced, partly because resources for enforcement are few. There is no large-scale bonded or forced labor. However, some domestic servants, including many children, work in conditions that resemble servitude and may suffer physical abuse, sometimes resulting in death. There is extensive trafficking in both women and children, mainly for purposes of prostitution, although in some instances for labor servitude outside Bangladesh (see Section 5).

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

The law prohibits labor by children, including forced or bonded labor. However, such practices occur (see Section 6.c.). 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 12 in commercial workplaces. The Employment of Children Act of 1938 prohibits the employment of children under 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 side by side with 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 are working in paid employ-

ment. 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. Children routinely perform domestic work. Cases of children being physically abused and occasionally killed by heads of household where they work are reported in the press. The Constitution prohibits forced or compulsory labor, including that performed by children, however, the Government does not enforce this prohibition effectively (some children work in conditions that resemble labor servitude; see Section 6.c.). Some children are trafficked domestically or overseas, often for prostitution, and child prostitution is a serious problem (see Section 5). Under the law, every child must attend school through the fifth grade, or age 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. The children receive a small monthly stipend while attending school to help replace their lost income. Under the MOU, more than 4,000 former child laborers were enrolled in more than 300 UNICEF schools during 1998. In December the BGMEA announced that it would provide stipends to children over the age of 14 who graduated from child labor MOU schools in November. The stipend is to continue until these children are absorbed into the BGMEA's "earn and learn" program. By year's end, violations of the ban on child labor in the garment export sector had declined to about 3 percent of factories inspected. According to ILO inspectors, most violating factories had one or two child laborers, and only about 1 percent of the factories had more than this number. However, a BGMEA arbitration committee tasked with imposing fines on violating factories functions slowly. The number of children working in nonexport, or nonfactory garment production, is unknown.

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. The average monthly wage 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 poorly enforced 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. 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 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.