

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

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RESPONSE

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The information referred to is a briefing on Bangladesh, dated 2 April 1993, by the former Second Secretary, Australia High Commission, Dhaka (Country Information Service 1996, *Country Information Report No. 497/96*, 7 June, sourced to a letter dated 2 April 1993 from Former Second Secretary, Australian High Commission, Dhaka – Attachment 1).

The reports below detail more recent information on internal relocation in Bangladesh. However, it should be noted that currently the situation in Bangladesh is fractured, with a State of Emergency in place since January 2007. This has impacted on freedom of movement in Bangladesh. The Emergency Power Ordinance 2007 empowers the government to “arrest or detain any person or restrict the entry, living, stay or movement of any person, in order to prevent activity deemed to be ‘harmful to the relations with any foreign country or in the public interest’” (UK Home Office 2007, *Country of Origin Information Bulletin: Bangladesh*, 16 January – Attachment 2).

Department of Foreign Affairs and Trade (DFAT)

RRT Country Research has subsequently requested information from DFAT seeking clarification on the internal relocation information contained in the 1993 briefing. In 1999,

RRT Country Research requested an update from the DFAT Post in Dhaka on the matter of internal flight and relocation. The response from DFAT states:

Answers To Specific Questions

Question One – *Is a Bangladeshi able to relocate from urban to rural areas or rural to urban areas without difficulty?*

Answer One – Bangladeshis are able to move freely from urban to rural areas and vice versa. As in many developing countries, people from the country are attracted to the cities in search of work. The problem is exacerbated in Bangladesh by the phenomenon of river erosion. This is a regular occurrence and results in many families losing both their homes and agricultural land. Without accommodation and the means of earning a livelihood, people are forced to move to the towns and cities.

The government has programs to assist city dwellers wishing to return to the country. Last month there were forced slum clearances in Dhaka. The government said these clearances were undertaken to counter criminal activity and to demonstrate that it was not acceptable to occupy government land.

Question Two – *Do social / cultural / religious practices impede this mobility in any way?*

Answer Two – Mobility in Bangladesh is impeded more by poverty than social, cultural and religious practices. While poverty is often a push factor, it can also constrain freedom of movement insofar as people lack the financial means to move. Socially and culturally, Bangladesh is quite a homogeneous society. While some may prefer to reside near people sharing their social, cultural and/or religious beliefs, “mixed” communities are quite common.

Perhaps the other key constraint is access to land. Bangladesh is the most densely populated nation and land is therefore, a scarce resource. Compounding the problem, the system of land administration requires reform and modernisation as it often cannot give certainty of title (Department of Foreign Affairs and Trade 1999, *DFAT Report 0233 – RRT Bangladesh Internal Movement BGD13753*, 8 September – Attachment 3; See also RRT Country Research 1999, ‘RRT Information Request: BGD13753’, 26 August – Attachment 4).

Other Government sources

The most recent UK Home Office Operational Guidance Note for Bangladesh (2006) includes information on internal relocation. Regarding political activists and members and supporters of political parties, the information states:

3.6 Members of political parties

3.6.1 Many claimants will seek asylum or make a human rights claim based on ill treatment amounting to persecution at the hands of the Bangladesh authorities due to their involvement with political organisations. Claimants may fall into one of two categories:

- those who describe themselves as supporters or members of the main opposition party, the *Awami League*, and who have participated in low level political activity at local level, express fear of ill-treatment at the hands of the local police. Similar claims are also made by members of other political parties such as the ruling *Bangladesh National Party (BNP)* or *Jatiya Party* (who claim a fear of *local* police who are politically aligned in opposition to them.

- high profile political activists, i.e. those who are known beyond their local area perhaps because of police interest or media coverage, may claim a fear of persecution or ill-treatment on return to Bangladesh as a consequence of their political activity.

...3.6.10 Internal Relocation The Bangladesh Constitution provides for the right of free movement within the country and in practice the Government generally respected these rights, allowing citizens to move freely within the country. Although there were instances in which the Government restricted these rights, these related to the movement of major opposition political leaders and there is no indication that there are any restrictions on the movement of ordinary party members or officials.

3.6.11 Where the ill treatment / persecution feared is at the hands of *local* police, individuals can relocate to areas where their political opinions do not bring them to the attention of the local police or areas where they are in the political majority. It is highly unlikely that such individuals will be pursued outside of the local area. It would not be unduly harsh to expect individuals to relocate in these circumstances.

...3.6.13 Conclusion It is most unlikely that anyone claiming involvement in *low-level* political activities would be able to demonstrate that the treatment they might suffer at the hands of *local* police would amount to a well-founded fear of persecution within the terms of the 1951 Convention. Although there may not be a sufficient protection provided at local level in their home areas they can relocate safely to escape the attention of local officials and therefore such claims will generally fall to be refused and be clearly unfounded. The exact nature of the political activity and level of involvement with any political party should be thoroughly investigated.

3.6.14 There may however be some individual *high profile* activists who are able to demonstrate that they face persecution or ill-treatment by the Government as a consequence of their political opinion. Where individuals are able to demonstrate such a risk a grant of asylum is appropriate.

3.7 Political activists in fear of members of opposing parties

3.7.1 Some claimants make a human rights or asylum claim based on a fear of ill-treatment by members of opposing political parties or a fear of opposing factions within their own party.

3.7.2 Treatment The Bangladesh constitution guarantees freedom of association and assembly, subject to restrictions in the interest of public order and public health; however, the government frequently limited these rights in 2004. Violence, often resulting in deaths, was a pervasive element in the country's politics. Supporters of different political parties, and often supporters of different factions within one party, frequently clashed with each other and with police during local rallies and demonstrations in 2005.

3.7.3 Amnesty International, in August 2005, reported attacks on Awami League gatherings by BNP supporters on 15 August 2005. Hundreds of Awami League (AL) supporters were reportedly injured, including an MP and a local AL leader. According to reports received by Amnesty International, police who were present failed to stop the attackers and AL members reacted angrily, getting involved in physical clashes with the attackers. The Awami League had held gatherings and processions throughout the country on 15 August to observe the 30th anniversary of the assassination of Sheikh Mujibur Rahman, Bangladesh's first president. Amnesty International expressed concern about comments attributed to the Communications Minister which may have encouraged the attackers.

3.7.4 Tensions between the two main political parties, the Bangladesh National Party (BNP) and the Awami League (AL), continued in 2006, with frequent clashes between their

supporters, as well as with police.

3.7.5 Sufficiency of Protection. The Police are organised nationally, under the Ministry of Home Affairs (MOHA), and have a mandate to maintain internal security and general law and order. It was reported that in 2005 the police were generally ineffective, reluctant to investigate persons affiliated with the ruling party, and were used frequently for political purposes by the government. The RAB, a better-equipped police unit drawing personnel from various police units and security agencies, including the military, developed plans for overall police reform, but few concrete steps were taken in 2005 to address human rights problems. Whilst not always fully effective the authorities have not shown that they are unwilling or unable to offer sufficiency of protection from members of opposing political parties or opposing factions of a claimants own party. However sufficiency of protection from those affiliated with the ruling party would not usually be available.

3.7.6 Internal Relocation. The Bangladesh Constitution provides for the right of free movement within the country and in practice the Government generally respected these rights, allowing citizens to move freely within the country. Although there were instances in which the Government restricted these rights, these related to the movement of major opposition political leaders and there is no indication that there are any restrictions on the movement of ordinary party members or officials.

3.7.7 Political violence in Bangladesh is localised, and intensifies at election times. Internal relocation is, therefore, a viable option and claimants could relocate from areas where they are in the political minority to safer areas that are not dominated by political violence or where they are in the political majority (UK Home Office 2006, *Operational Guidance Note – Bangladesh*, 19 December, pp. 5-8 – Attachment 5)

Regarding freedom of movement within Bangladesh, the latest US Department of State country report on human rights in Bangladesh states that “[t]he law provides for these rights, and the government generally respected these rights in practice; however, there were instances in which the government restricted these rights” (US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – Bangladesh*, March, Section 2.d. – Attachment 6).

However, a 2007 UK Home Office Country of Origin Information (COI) Bulletin details the President’s announcement, in January 2007, of a state of emergency and the postponement of the elections, after widespread Awami League protests and blockades. The bulletin states:

The Emergency Power Ordinance 2007 was proclaimed on 12 January 2007 and will remain in force for the period of the state of emergency. Under the ordinance, power has been given to the relevant authorities to restrict any activities deemed to be ‘subversive to the state’, or ‘hampering the relations of Bangladesh with foreign countries’, or ‘disrupting peace in any part of the country or creating enmity, hatred, or confrontations among different sections of society’. The government may suspend the activities of all political parties, trade unions, clubs and associations and ban any industrial strike or lockout. Publication of any newspaper, book, document or paper, or broadcasting any news or information deemed detrimental to public safety, can be banned. **The Ordinance will empower the government to arrest or detain any person or restrict the entry, living, stay or movement of any person, in order to prevent activity deemed to be ‘harmful to the relations with any foreign country or in the public interest’.** The government can also control or disrupt or block any message or news through the postal service, radio, telegram, telex, fax, internet or telephone. The legality of orders to be proclaimed under the authority of the Ordinance cannot be challenged in a court of law. Police and other security agencies, including the Rapid Action Battalion, will continue to operate under the Interior Ministry, now under the control of the interim Caretaker

Government. The Election Commission also remains responsible to the Caretaker Government [researcher emphasis added] (UK Home Office 2007, *Country of Origin Information Bulletin: Bangladesh*, 16 January – Attachment 2).

The Immigration and Refugee Board of Canada (IRB) has compiled a relatively recent report on internal relocation, although the information is limited and relates mainly to religious minorities. A report dated 4 August 2006 looks at the availability of state protection and internal relocation for Hindus. The report states:

In its 2006 profile of the internal displacement situation in Bangladesh, the Internal Displacement Monitoring Centre (IDMC) indicates that a growing number of religious minorities have moved from rural to urban centres or sought “safer places” to live with relatives (Immigration and Refugee Board of Canada 2006, *BGD101509.E – Bangladesh: The situation of Hindus; the availability of state protection and of internal relocation (2004 – 2006)*, 4 August http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=450389 – Accessed 29 March 2007 – Attachment 7).

An IRB report dated 27 July 2006 gives information on the Awami League (AL), including the treatment of AL supporters by the authorities (Immigration and Refugee Board of Canada 2006, *BGD101503.E – Bangladesh: The Awami League (AL); its leaders; subgroups, including its youth wing; activities; and treatment of AL supporters by the authorities (2004-2006)*, 27 July http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=450371 – Accessed 29 March 2007 – Attachment 8).

An RRT Country Research response dated 4 February 2004 provides some information on the Awami League and internal relocation (RRT Country Research 2004, *Research Response BGD16427*, 4 February – Attachment 9).

Urban-rural migration

According to a 2005 paper on migration trends and patterns in South Asia:

In Bangladesh, nearly two thirds of out-migration from rural areas were to urban areas. At the same time, rural to rural migration was 10% compared to the overseas migration of 24%. Recent estimates indicate a 6.3 percent annual increase in the migration to the capital Dhaka. Two thirds of the urban growth since independence in 1979 could be attributed to internal migration with 25 per cent of the population living in urban areas in 2000 (up from 6.2 per cent in 1965 and 9.9 per cent in 1975) (Haque, M. S. 2005, ‘Migration Trends and Patterns in South Asia and Management Approaches and Initiatives’, 24 August. Document prepared for *Regional Seminar on the Social Implications of Internal Migration, 24-26 August 2005, Bangkok*. Cited on United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) website <http://www.unescap.org/esid/psis/meetings/SIIM/TrendsPatterns.pdf> – Accessed 29 March 2007 – Attachment 10).

List of Sources Consulted

Internet Sources:

Google search engine <http://www.google.com.au/>

Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

1. Country Information Service 1996, *Country Information Report No. 497/96*, 7 June (sourced to a letter dated 2 April 1993 from Former Second Secretary, Australian High Commission, Dhaka). (CISNET Bangladesh CX17304)
2. UK Home Office 2007, *Country of Origin Information Bulletin: Bangladesh*, 16 January.
3. Department of Foreign Affairs and Trade 1999, *DFAT Report 0233 – RRT Bangladesh Internal Movement BGD13753*, 8 September.
4. RRT Country Research 1999, 'RRT Information Request: BGD13753', 26 August.
5. UK Home Office 2006, *Operational Guidance Note – Bangladesh*, 19 December.
6. US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – Bangladesh*, March.
7. Immigration and Refugee Board of Canada 2006, *BGD101509.E – Bangladesh: The situation of Hindus; the availability of state protection and of internal relocation (2004 – 2006)*, 4 August http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=450389 – Accessed 29 March 2007.
8. Immigration and Refugee Board of Canada 2006, *BGD101503.E – Bangladesh: The Awami League (AL); its leaders; subgroups, including its youth wing; activities; and treatment of AL supporters by the authorities (2004-2006)*, 27 July http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=450371 – Accessed 29 March 2007.
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10. Haque, M. S. 2005, 'Migration Trends and Patterns in South Asia and Management Approaches and Initiatives', 24 August. Document prepared for *Regional Seminar on the Social Implications of Internal Migration, 24-26 August 2005, Bangkok*. Cited on United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) website <http://www.unescap.org/esid/psis/meetings/SIIM/TrendsPatterns.pdf> – Accessed 29 March 2007.