



Home Office

# Bangladesh

## Country of Origin Information (COI) Report

COI Service

Date 31 August 2013

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- Annex B – Political organisations
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# Preface

- i This Country of Origin Information (COI) report has been produced by COI Service, Home Office, for use by officials involved in the asylum and human rights determination process. The report provides background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom (UK). The main body of the report includes information available up to 31 July 2013. The report was issued on 31 August 2013.
- ii The report is compiled from material produced by a wide range of external information sources published in English (occasionally the Home Office will arrange for a translation of source material from another language into English. Where this has occurred, this is stated in the text). All information in the report is attributed to the original source material.
- iii The report aims to provide a compilation of extracts of the source material identified, focusing on the main issues raised in asylum and human rights applications in the UK. It is not intended to be a comprehensive survey of all issues that may arise in asylum and human rights claims. Officials are recommended to examine the original source material for further detail.
- iv The structure and format of the report reflects the way it is used by Home Office decision makers and appeals presenting officers, who require quick, electronic access to information on specific issues and use the contents page to go directly to the subject of interest. Key issues arising in asylum and human rights claims are usually covered within a dedicated section but may also be referred to in other sections. Some repetition is therefore inherent in the structure of the report.
- v The information included in this report is limited to that which can be identified from source documents. While the report aims to provide a range of information on topics relevant to asylum and human rights claims, it is not always possible to obtain information on all issues. For this reason it is important to note that information included in the report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated. Similarly, the absence of information does not necessarily mean that, for example, a particular event or action did not occur.
- vi As noted above, the report is a collation of material produced by a number of information sources. In compiling the report, no attempt has been made to resolve discrepancies between source documents. For example, source documents often contain different versions of names and spellings of individuals, places and political parties, etc. Reports do not aim to bring consistency of spelling but to reflect the spellings used in the original source documents. Similarly, statistics given in different source documents sometimes vary and these are quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.
- vii The report is based substantially upon source documents issued during the previous two years. However, some older source documents may be included because they

contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this report was issued.

- viii This report and the accompanying source material are public documents. All COI reports are published on the Home Office website and the great majority of the source material is available in the public domain. Where the source documents identified are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, may be attached as an annex to the report or are available from COI Service upon request.
- ix COI reports are published on the 20 countries generating the most asylum claims in the UK. Reports on other countries may be published if there is a particular operational need. In addition, Home Office officials have access to an information request service for matters not covered by a report or where an update on a particular issue may be required.
- x In producing this report, COI Service has sought to provide an accurate, up-to-date, balanced, and impartial compilation of source material on the main issues relevant to the asylum decision making process. Any comments regarding this report or suggestions for additional source material are welcome and can be submitted to Home Office as below.

#### **Country of Origin Information Service**

Home Office

Lunar House

40 Wellesley Road

Croydon, CR9 2BY

United Kingdom

**Email:** [cois@homeoffice.gsi.gov.uk](mailto:cois@homeoffice.gsi.gov.uk)

**Website:** <http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi>

## **Independent Advisory Group on Country Information**

- xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI reports and other COI material. Information about the IAGCI's work can be found on the Independent Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>
- xii In the course of its work, the IAGCI reviews the content of selected Home Office COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI reports and other documents which have been reviewed by the IAGCI is available at <http://icinspector.independent.gov.uk/country-information-reviews>
- xiii Please note: it is not the function of the IAGCI to endorse any Home Office material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the IAGCI's work should not be taken to imply any endorsement of the

decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

**Independent Advisory Group on Country Information contact details:**

Independent Chief Inspector of Borders and Immigration

5th Floor, Globe House,

89 Eccleston Square,

London, SW1V 1PN

**Email:** [chiefinspectorukba@icinspector.gsi.gov.uk](mailto:chiefinspectorukba@icinspector.gsi.gov.uk)

**Website:** <http://icinspector.independent.gov.uk/country-information-reviews>

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# Background Information

## 1. Geography

- 1.01 The People's Republic of Bangladesh is located in south Asia and is bordered almost entirely by India, except for a small frontier in the southeast with Burma (Myanmar) and a coastline along the Bay of Bengal in the south. The capital is Dhaka. The country covers an area of approximately 147,570 sq.km. or 56,980 sq.miles. (Europa World, accessed 22 May 2013)<sup>1</sup> Much of the country lies within the deltaic plains of the Ganges (Padma), the Jamuna (Brahmaputra) and the Meghna river systems. As The World Bank has observed, 'Bangladesh's geographical position makes it one of the most vulnerable countries to climate change and natural calamities like cyclones and floods.'<sup>2</sup>
- 1.02 Bangladesh is divided administratively into 7 Divisions, 64 Districts, 483 'Upazila' (sub-districts), 599 'Thana' (police districts) and approximately 4500 'Union Parishads'. There are 6 'city corporations', 309 urban municipalities and over 87,000 villages in the country. (Bangladesh Bureau of Statistics, Administrative Units as of 31 December 2010)<sup>3</sup> A particular name might refer to more than one geographical entity; for example, the City of Chittagong is situated in the District of Chittagong, which is in Chittagong Division. The 'Chittagong Hill Tracts' (CHT) area, referred to later in this report, comprises three of the districts within Chittagong Division. (Bangladesh Guide Map 2003)<sup>4</sup>
- 1.03 The 'Bangladesh 2011 Population & Housing Census', published in 2012 by the Bangladesh Bureau of Statistics (BBS), gave the total population of Bangladesh as 149.8 million (statistically adjusted) as of 15 March 2011. There were 1015 people per sq.km., making Bangladesh one of the most densely populated countries in the world.<sup>5</sup>
- 1.04 About 95 per cent of the population speak Bengali (Bangla) or its regional dialects, while the remainder mostly use tribal languages or dialects. (Europa World, accessed 22 May 2013)<sup>6</sup> Sylheti, which is spoken primarily in Sylhet Division in the north-east of the country, is commonly defined as a dialect of Bengali/Bangla, although it is significantly different to standard Bengali in many respects. In a paper dated September 2008, Dr Benjamin Zeitlyn, a Research Fellow at the University of Sussex, noted:

'In Bangladesh Sylheti is one of several different but related speech varieties and is thus considered a dialect of Bangla. In the UK by contrast, Sylheti is the ordinary means of communication for a large group of people relatively uninfluenced by "standard" or "shuddho" Bangla and could thus be seen as a distinct language. One test Chalmers refers to of assessing the relationship of two languages is whether they are mutually

<sup>1</sup> Europa World, Bangladesh: Country Statistics. Accessed 22 May 2013

<sup>2</sup> The World Bank, 'Bangladesh: Bolstering Economic Growth to Reduce Poverty', undated <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:22888421~menuPK:141310~pagePK:34370~piPK:34424~theSitePK:4607,00.html> Accessed 22 May 2013

<sup>3</sup> Bangladesh Bureau of Statistics, 'Statistical Yearbook of Bangladesh 2010', Chapter 2 <http://www.bbs.gov.bd/WebTestApplication/userfiles/Image/SY2010/Chapter-02.pdf> Accessed 22 May 2013

<sup>4</sup> The Mappa Ltd, Bangladesh Guide Map 2003 - New Edition (hard copy)

<sup>5</sup> Bangladesh Bureau of Statistics: Population and Housing Census, 2011(summary). [http://www.bbs.gov.bd/WebTestApplication/userfiles/Image/Census2011/Bangladesh\\_glance.pdf](http://www.bbs.gov.bd/WebTestApplication/userfiles/Image/Census2011/Bangladesh_glance.pdf) Accessed 22 May 2013

<sup>6</sup> Europa World, Bangladesh: Country Statistics. Accessed 22 May 2013

intelligible; Sylheti and standard Bangla, according to academics that Chalmers cites, are nearly mutually unintelligible ... The reality is more complicated, most Sylheti speakers can understand a great deal of Bangla ... No one in Bangladesh speaks standard Bangla exactly as it is written and taught. Standard Bangla is the language of the majority of literature, education, film, media and official communication in Bangladesh. Almost everyone in Bangladesh can get by in standard Bangla even if they speak a very different dialect or language at home.<sup>7</sup>

- 1.05 There are estimated to be about two million indigenous people ('Adivasis'), who live mainly in the Chittagong Hill Tracts. They consist of at least twelve tribal groups, the predominant ones being the Chakmas, Marma and Tripura. Many groups have their own language or dialect. There are also 250,000 to 300,000 Urdu-speakers in Bangladesh, collectively known as 'Biharis'.<sup>8</sup> (See [Section 20](#))
- 1.06 See [Section 19: Freedom of religion](#) for information on the religious demography of Bangladesh.

## Public holidays

- 1.07 Public and bank holidays for 2013:

HOLIDAY	NAME OF HOLIDAY	DESCRIPTION
January 25*	Eid-e-Miladunani	Birth of the Prophet
February 21	Shahid Dibash	Language Martyrs' Day
March 17	Bangabandhu Birthday	Birthday of the Father of the Nation, Sheikh Mujibur Rahman
March 26	Independence Day	
April 14	Pohela Boishakh	Bengali New Year
May 1	May Day	Labour Day
May 23*	Buddha Purnima	Buddha Day
June 25*	Shab-e-Barat / Lailatul Barat	
July 1	Bank Holiday	

<sup>7</sup> Zeitlyn, Benjamin: 'Challenging Language in the Diaspora', *Bangla Journal*, Year 6, Issue 14, pgs. 126-140, September 2008 <http://www.diasporas.ac.uk/assets/Zeitlyn%20working%20paper.pdf> Accessed 22 May 2013

<sup>8</sup> Minority Rights Group International, *World Directory of Minorities and Indigenous Peoples - Bangladesh* : Overview, February 2011.

Adivasis: <http://www.minorityrights.org/5636/bangladesh/adivasis.html> Biharis: <http://www.minorityrights.org/?lid=5637> Accessed 22 May 2013

August 2*	Jumat-ul-bida / Jumatul Wida	
August 6*	Shab-e-Qadar / Lailatul Qadr	
August 8*,9,10	Eid Ul Fitr (3 days)	End of Ramadan
August 15	National Mourning Day	Assassination of Sheikh Mujibur Rahman in 1975
August 28	Shuva Jonmashtomi	Birth of Krishna (Hindu)
October 14*	Durga Puja / Bijoya Dashami	Lord Rama's victory (Hindu)
October 15*,16,17	Eid Ul Azha (3 days)	Feast of Sacrifice
November 14*	Muharram / Ashura	
December 16	Victory Day	
December 25	Christmas / Borodin	
December 31	Bank Holiday	
(*Subject to the appearance of the moon)		

Sources: Bangladesh Bank<sup>9</sup> and Sujonhera.com<sup>10</sup> and Bangladesh.com<sup>11</sup>

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<sup>9</sup> Bangladesh Bank, Bank Holidays 2013, undated <http://www.bb.org.bd/mediaroom/holiday.php> Accessed 17 May 2013

<sup>10</sup> Sujonhera.com, Bangladesh Calendar 2013, updated 14 March 2013 <http://sujonhera.com/bangladesh-government-public-national-holiday-calendar-2013/> Accessed 17 May 2013

<sup>11</sup> Bangladesh.com, Bangladesh Official, Public and National Holidays, undated <http://www.bangladesh.com/national-holidays/> Accessed 17 May 2013

## Map of Bangladesh

1.08 The map below shows the main cities and towns, and the seven divisions, of Bangladesh.



(United Nations Cartographic Section: Map no. 3711 ref.2, dated January 2004; edited by COI Service to show Sylhet and Rangpur Divisions.)<sup>12</sup>

<sup>12</sup> United Nations Cartographic Section: Bangladesh, Map No. 3711 Rev. 2 United Nations, January 2004. <http://www.un.org/Depts/Cartographic/map/profile/banglade.pdf>  
Accessed 22 May 2013

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## Other Maps of Bangladesh

- 1.09 An interactive Google map can be accessed at:  
<http://maps.google.com/maps?f=q&source=embed&hl=en&geocode=&q=bangladesh&ll=37.0625,-95.677068&sspn=40.732051,93.076172&ie=UTF8&hq=&hnear=Bangladesh&ll=23.684774,90.351563&spn=7.039081,9.338379&z=6><sup>13</sup>
- 1.10 The Perry-Castañeda Library Map Collection – [Bangladesh](#) contains a further selection of administrative and topographic maps.<sup>14</sup>
- 1.11 The World Bank and the Bangladesh Bureau of Statistics published a set of ‘poverty maps’ in 2009, showing the percentage of the population in each district living below the national poverty line:  
<http://www.bbs.gov.bd/WebTestApplication/userfiles/Image/UpdatingPovertyMapsofBangladesh.pdf><sup>15</sup>

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## 2. Economy

- 2.01 The Bertelsmann Foundation noted in its BTI 2012 Bangladesh Country Report:  
 ‘The Bangladeshi economy has shown great resilience in the face of the recent global economic crisis and recession and has continued to grow at a healthy rate. Since 1996, the economy has grown 5% – 6% per year ... The share of agriculture in the labor force is 45%, in industry 30% and in services 25%. The share of the service sector in GDP is 52.6% while industry’s share is 28.7% and agriculture’s 18.7%. In 2009, garment exports, totaling \$12.3 billion and remittances from [Bangladeshi nationals working abroad] totaling \$9.7 billion, accounted for almost 25% of GDP ... Despite recent high growth rates, socioeconomic development is still not favorable for the majority of the population. Poverty remains the overarching problem ... Sharp regional variations exist in the incidence of poverty ... Female economic activity accounts for 52.7% of the economy, but females earn less than half the income of their male counterparts. The number of poor women is higher than their male counterparts and the extremely poor are largely women...’<sup>16</sup> (See paragraph 1.11 for poverty maps and [Section 23: Women](#))
- 2.02 A report published by the World Bank in June 2013 showed that, despite a growing population, the number of poor people in Bangladesh had declined from 63 million to 43 million people between 2000 and 2010. (‘Poverty’ was defined as an income of less

<sup>13</sup> Google Maps, Bangladesh:

<http://maps.google.com/maps?f=q&source=embed&hl=en&geocode=&q=bangladesh&ll=37.0625,-95.677068&sspn=40.732051,93.076172&ie=UTF8&hq=&hnear=Bangladesh&ll=23.684774,90.351563&spn=7.039081,9.338379&z=6> Accessed 22 May 2013

<sup>14</sup> University of Texas: Perry-Castañeda Library Map Collection – Bangladesh.

<http://www.lib.utexas.edu/maps/bangladesh.html> Accessed 22 May 2013

<sup>15</sup> Bangladesh Bureau of Statistics, Updating Poverty Maps of Bangladesh, 2009:

<http://www.bbs.gov.bd/WebTestApplication/userfiles/Image/UpdatingPovertyMapsofBangladesh.pdf> Accessed 30 May 2013

<sup>16</sup> The Bertelsmann Foundation, Transformation Index BTI 2012: Bangladesh Country Report, March 2012

<http://www.bti-project.org/country-reports/aso/bgd> (Economic Transformation) Accessed 31 May 2013

than US \$2 a day, or a daily calorie intake of less than 2122 calories.) The report, 'Bangladesh Poverty Assessment: Assessing a Decade of Progress in Reducing Poverty, 2000-2010', noted that poverty reduction was closely linked to the growth in labour income and demographic change. Fertility rates had been steadily dropping for decades, resulting in lower dependency ratios and higher per capita income. While the rate of poverty reduction was comparable across urban and rural areas, extreme poverty 'continued to be a rural phenomenon'.<sup>17</sup>

- 2.03 The Human Development Index (HDI), published annually by the United Nations Development Programme (UNDP), provides a means of comparing countries' economic and social development by combining indicators of life expectancy, educational attainment and per capita income into one composite index.<sup>18</sup> In the 2012 Human Development Index, Bangladesh was ranked 146<sup>th</sup> out of 187 countries with an HDI of 0.515 – indicating an average living standard roughly equal to that of Pakistan, but lower than that of India.<sup>19</sup>
- 2.04 The Economist Intelligence Unit (EIU) estimated in a report generated on 23 May 2013 that consumer price inflation (headline rate) stood at 7.9 per cent, year-on-year, in April 2013; however, food prices had increased by 8.6 per cent since the previous year.<sup>20</sup>
- 2.05 According to the Millennium Development Goals (MDG) Progress Report for 2011, published by the Bangladesh Ministry of Planning in 2012, 59.3 per cent of the population in the 15 to 64 age group was economically active (in employment) in 2010; this represented 82.5 per cent of men and 36.0 per cent of women.<sup>21</sup>
- 2.06 In May 2012 the Bangladesh government approved a Tk550bn (US\$6.6bn) Annual Development Programme (ADP) for the 2012-13 fiscal year, to be allocated mainly to power generation, education, communications, healthcare and infrastructure projects. (EIU, 7 June 2012)<sup>22</sup>
- 2.07 According to the World Bank 'Bangladesh Overview', accessed in June 2013, 'Bangladesh has made impressive achievements over the last 30 years in narrowing the gap between food crop production and the needs of the population, in large part due to expansion of irrigation. The country is nearly self-sufficient in rice (the main staple food)...'<sup>23</sup>
- 2.08 Bangladesh is a world pioneer in micro-credit financing for small-scale enterprises, having first implemented pilot lending projects in the late 1970s. Micro-credit lending

<sup>17</sup> World Bank: Gimenez, Lea; Ahmed, Faizuddin; Sharif, Iffath; Jolliffe, Dean. 'Bangladesh - Poverty assessment : assessing a decade of progress in reducing poverty, 2000-2010', 19 June 2013 <http://documents.worldbank.org/curated/en/2013/06/17886000/bangladesh-poverty-assessment-assessing-decade-progress-reducing-poverty-2000-2010> Accessed 3 July 2013.

<sup>18</sup> UNDP, Human Development Index (Introduction), undated <http://hdr.undp.org/en/statistics/hdi/> Accessed 29 May 2013

<sup>19</sup> UNDP, Human Development Report 2013, 14 March 2013 [http://hdr.undp.org/en/media/HDR\\_2013\\_EN\\_complete.pdf](http://hdr.undp.org/en/media/HDR_2013_EN_complete.pdf) (p146) Accessed 29 May 2013

<sup>20</sup> Economist Intelligence Unit (subscription), Bangladesh Country Report, 23 May 2013 (p19) Accessed 23 May 2013

<sup>21</sup> Bangladesh Ministry of Planning, Millenium Development Goals Progress Report for 2011, February 2012 <http://www.un-bd.org/pub/MDG%20Progress%20Report%202011.pdf> Accessed 29 May 2013

<sup>22</sup> Economist Intelligence Unit (subscription), 'Economic development plans take shape', 7 June 2012. Accessed 29 May 2013

<sup>23</sup> The World Bank, 'Bangladesh Overview': 'Results', undated <http://www.worldbank.org/en/country/bangladesh/overview> Accessed 28 June 2013

has since expanded rapidly and has, according to the Grameen Foundation, proved effective in helping to alleviate poverty in the country and empower women, who are the principal borrowers of capital.<sup>24</sup> By June 2011 a total of about TK 248 billion had so far been advanced to 35 million people; there were 576 licensed lending institutions in June 2011, with loans outstanding to 20.65 million borrowers. (Microcredit Regulatory Authority)<sup>25</sup> According to a BBC News article of 27 January 2011, micro-credit had 'lifted 10 million Bangladeshis out of poverty between 1990 and 2008', but a large percentage of borrowers apparently had not achieved positive business results from their loans and many people had encountered hardship due to over-borrowing and 'coercive' methods adopted by some lenders.<sup>26</sup>

- 2.09 The unit of currency in Bangladesh is the 'Taka' (BDT), which is divided into 100 poisha/paisa.<sup>27</sup> The rate of exchange on 31 July 2013 was £1 sterling = 118.2 Bangladesh taka. (XE.com)<sup>28</sup>

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### 3. History

This section provides a brief history of Bangladesh. More detailed information on Bangladesh's recent history can be found on The Federal Research Program of the Library of Congress: [A Country Study: Bangladesh](#)<sup>29</sup>

#### Pre-independence: 1905 – 1971

- 3.01 The Columbia Encyclopedia, 6th ed. 2013, published by the Columbia University Press, accessed 20 May 2013, in a Bangladeshi History stated that:

'Bengal was divided by the British in 1905 into West Bengal and East Bengal, with East Bengal being more or less coterminous with modern Bangladesh. Since the new province had a majority Muslim population, the partition was welcomed by Muslims, but it was fiercely resented by Indian nationalist leaders who saw it as an attempt to drive a wedge between Muslims and Hindus. The partition was withdrawn in 1911, but it had pointed the way to the events of 1947, when British India was partitioned into the states of India and Pakistan.'<sup>30</sup>

- 3.02 The History continued:

'Pakistan consisted of two "wings," one to the west of India, and the other to the east. The Eastern section was ... known until 1955 as East Bengal and then as East

<sup>24</sup> Grameen Foundation, 'Microfinance basics', undated <http://www.grameenfoundation.org/what-we-do/microfinance-basics> Accessed 3 June 2013

<sup>25</sup> Microcredit Regulatory Authority, 'Micro-credit in Bangladesh', undated [http://www.mra.gov.bd/index.php?option=com\\_content&view=category&layout=blog&id=29&Itemid=80](http://www.mra.gov.bd/index.php?option=com_content&view=category&layout=blog&id=29&Itemid=80) Accessed 3 June 2013

<sup>26</sup> BBC News, 'Microcredit in Bangladesh 'helped 10 million'', 27 January 2011 <http://www.bbc.co.uk/news/business-12292108> Accessed 3 June 2013

<sup>27</sup> Europa World, Bangladesh: Country Statistics. Accessed 22 May 2013

<sup>28</sup> XE.com <http://www.xe.com/currencytables/?from=BDT&date=2013-07-31> Accessed 31 July 2013

<sup>29</sup> Federal Research Division, Library of Congress, A Country Study: Bangladesh <http://lcweb2.loc.gov/frd/cs/bdtoc.html> Accessed 20 May 2013

<sup>30</sup> The Columbia Encyclopedia, 6th ed. Copyright© 2013, The Columbia University Press. Bangladeshi History <http://www.questia.com/library/history/asian-history/south-asian-history/bangladeshi-history> Accessed 20 May 2013

Pakistan. Pakistan's two provinces, which differed considerably in natural setting, economy, and historical background, were separated from each other by more than 1,000 mi (1,610 km) of India. The East Pakistanis, who comprised 56 per cent of the total population of Pakistan, were discontented under a government centered in West Pakistan; the disparity in government investments and development funds given to each province also added to the resentment. Efforts over the years to secure increased economic benefits and political reforms proved unsuccessful, and serious riots broke out in 1968 and 1969. ...

'The movement for greater autonomy gained momentum when, in the December 1970, general elections, the Awami League under the leadership of Sheikh Mujibur Rahman (generally known as Sheikh Mujib) won practically all of East Pakistan's seats and thus achieved a majority in the Pakistan National Assembly. President Muhammad Agha Yahya Khan, hoping to avert a political confrontation between East and West Pakistan, twice postponed the opening session of the national assembly.

'The government's attempts to forestall the autonomy bid led to general strikes and nonpayment of taxes in East Pakistan and finally to civil war on 25 March 1971. On the following day the Awami League's leaders proclaimed the independence of Bangladesh. During the months of conflict an estimated one million Bengalis were killed in East Pakistan and another 10 million fled into exile in India. .... Finally India allied itself with Bangladesh, which it had recognized on 6 December 1971, and during a two-week war (December 3–16) defeated the Pakistani forces in the east.'<sup>31</sup>

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## Post-independence: 1972 – 2012

3.03 The Columbia Encyclopedia, Bangladesh History, accessed 20 May 2013, stated that:

'Sheikh Mujib, who had been chosen president while in prison in West Pakistan, was released, and in January 1972, he set up a government and assumed the premiership; Abu Sayeed Choudhury became president.

'Rejecting Pakistan's call for a reunited country .... Relations with Pakistan were hostile; Pakistan withheld recognition from Bangladesh, and Bangladesh and India refused to repatriate more than 90,000 Pakistani prisoners of war who had surrendered at the end of the conflict. ...

'Tensions were eased in July 1972, when President Zulfikar Ali Bhutto of Pakistan ... and Prime Minister Indira Gandhi of India agreed to peacefully settle the differences between their countries. Pakistan officially recognized Bangladesh in February 1974. Subsequently, India and Pakistan reached consensus on the release of Pakistani prisoners of war and the exchange of hostage populations.

'Bangladesh was gradually recognized by most of the world's nations. It joined the Commonwealth of Nations in 1972 and was admitted to the United Nations in 1974.'<sup>32</sup>

<sup>31</sup> The Columbia Encyclopedia, 6th ed. Copyright© 2013, The Columbia University Press. Bangladeshi History <http://www.questia.com/library/history/asian-history/south-asian-history/bangladeshi-history> Accessed 20 May 2013

<sup>32</sup> The Columbia Encyclopedia, 6th ed. Copyright© 2013, The Columbia University Press. Bangladeshi History <http://www.questia.com/library/history/asian-history/south-asian-history/bangladeshi-history> Accessed 20 May 2013



### 3.04 The Columbia Encyclopedia, Bangladesh History continued:

'... . Despite Mujib's popularity as the founder of independent Bangladesh, high rates of inflation and a severe famine (1974) resulted in a governmental crisis. In 1975, after becoming president under a new constitutional system, he was assassinated in a military coup; after two additional coups later in the year, Maj. Gen. Zia ur-Rahman emerged as ruler, beginning a period of military control that lasted into the 1990s.

'In 1981, Zia was himself assassinated in a failed coup attempt; his successor was replaced (1982) in a bloodless coup by Lt. Gen. Hussain Mohammad Ershad, who assumed the presidency. In an effort to gain legitimacy, Ershad later resigned his military office and won a disputed presidential election. He was forced to resign in December 1990, amid charges of corruption, for which he was jailed (1990–96, 2000–2001); he was convicted on additional charges in 2006 but sentenced to time already served.'<sup>33</sup>

### 3.05 The Columbia Encyclopedia further stated that:

'Elections held in February 1991, brought the Bangladesh Nationalist party (BNP) to power, and Khaleda Zia ur-Rahman, the widow of Zia ur-Rahman, became prime minister. .... In 1994, nearly all opposition members of parliament denounced Zia's government as corrupt and resigned their seats. After a series of general strikes called by the opposition, parliament was dissolved in November 1995; major opposition parties also boycotted the ensuing February 1996, elections. Zia was returned to power, but the opposition mounted protests; she resigned and an interim government headed by Habibur Rahman was installed.

'New elections held in June, 1996, resulted in a victory for the opposition Awami League, led by Hasina Wazed, daughter of Bangladesh's first prime minister. ... a series of opposition-led strikes, beginning in 1998, once again paralyzed the country. In July, 2001, a caretaker government headed by Latifur Rahman was appointed in advance of parliamentary elections in October 2001. Zia and the BNP won a landslide victory in the voting, and she again became prime minister. In 2003 the Awami League began a series of rallies and occasional strikes to mobilize opposition to the government. ...

'Zia's government resigned in October [2006] in preparation for the January 2007, elections. The issue of who should head the caretaker government<sup>34</sup> in the intervening months became a contentious one in the weeks preceding the resignation, and the BNP, Awami League, and other parties failed to reach an agreement, leading to violent clashes between the parties' supporters. In the end, President Iajuddin Ahmed appointed himself chief adviser to the interim administration. Continuing disagreements over the handling of the elections led to sometimes violent demonstrations and transportation blockades by the Awami League and its allies, and in January 2007, that 14-party alliance announced that it would boycott the elections.

<sup>33</sup> The Columbia Encyclopedia, 6th ed. Copyright© 2013, The Columbia University Press. Bangladeshi History <http://www.questia.com/library/history/asian-history/south-asian-history/bangladeshi-history> Accessed 20 May 2013

<sup>34</sup> Observerindia.com, A Year of Caretaker Government in Bangladesh, 2008, Joyeeta Bhattacharjee [http://www.observerindia.com/cms/export/orfonline/modules/analysis/attachments/Bangladesh\\_Annual\\_Review\\_12\\_02130305567.pdf](http://www.observerindia.com/cms/export/orfonline/modules/analysis/attachments/Bangladesh_Annual_Review_12_02130305567.pdf) Accessed 20 May 2013

'After the United Nations and European Union withdrew their support for the election, the president declared a state of emergency, resigned as chief adviser and appointed Fakhruddin Ahmed, an economist and former central bank governor, to the post, and postponed the elections. The Awami League and its allies halted their protests as Fakhruddin Ahmed formed a cabinet. The new government, which was backed by the military, subsequently moved to clean up the electoral rolls and attack political corruption. A number of prominent political and business figures were arrested on corruption charges, and Hasina Wazed and other political leaders were charged with murder in connection with political violence. The government moved in April, 2007, to exile Wazed and Khaleda Zia, but then reversed itself. Wazed and then Zia were subsequently charged with corruption.

'The president's term ended in September 2007, but Ahmed remained in office in the absence of a functioning parliament. ...'<sup>35</sup>

### 3.06 The Columbia Encyclopedia continued:

'In December 2008, the government finally ended the state of emergency two weeks before new parliamentary elections; both former prime ministers subsequently campaigned. The Awami League won the vote in a landslide, and in January 2009, Sheikh Hasina Wazed became prime minister, ending interim rule. Zia and the BNP asserted the election was rigged, but foreign observers called the contest credible.'<sup>36</sup>

See Section 6: [Political system - Caretaker Government](#) and Section 3: [General election of 29 December 2008](#)

### 3.07 The same source stated that:

'Paramilitary border guards mutinied in February 2009; the uprising was centered at the Bangladesh Rifles headquarters in Dhaka. More than 70 persons were killed, most of them regular army officers assigned to the forces who were murdered by mutineers; nearly 6,000 were ultimately convicted of involvement in the mutiny.

And continued:

'In June, 2010, the BNP mounted a protest strike against the government, and there also were protests by textile workers over low wages. Wage protests recurred in late July, marked then by riots; in August [2010] a number of labor leaders were arrested on charges of inciting violence. A new series of opposition-sponsored protests and strikes were mounted in 2011 and 2012.'<sup>37</sup>

See Section 4: [Recent developments](#), Section 6: [Political system](#) and Section 8: [Security forces](#)

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<sup>35</sup> The Columbia Encyclopedia, 6th ed. Copyright© 2013, The Columbia University Press. Bangladeshi History <http://www.questia.com/library/history/asian-history/south-asian-history/bangladeshi-history> Accessed 20 May 2013

<sup>36</sup> The Columbia Encyclopedia, 6th ed. Copyright© 2013, The Columbia University Press. Bangladeshi History <http://www.questia.com/library/history/asian-history/south-asian-history/bangladeshi-history> Accessed 20 May 2013

<sup>37</sup> The Columbia Encyclopedia, 6th ed. Copyright© 2013, The Columbia University Press. Bangladeshi History <http://www.questia.com/library/history/asian-history/south-asian-history/bangladeshi-history> Accessed 20 May 2013

## General election of 29 December 2008

3.08 The United Nations Development Programme (UNDP) reported in a press release dated 25 December 2008:

‘As Bangladesh gears up for its first parliamentary elections in seven years, a nationwide independent audit of the country’s new digital voter list has concluded that all names on the roll are legitimate voters and nearly all eligible voters are on the list. This first ever computerized photo voter list in Bangladesh contains pictures of more than 80 million voters and took 11 months to compile ... The independent audit of the computer voter list, conducted by Washington-based International Foundation for Electoral Systems (IFES), consisted of two nationwide surveys sampling nearly 17,000 individuals of voting age across the country. It concluded that the list was compiled with a ‘high degree of accuracy’. It verified that no ‘ghost voters’ were found on the 2008 photo voters list.’<sup>38</sup>

See also Section 6: Political system – [Supervision of elections](#)

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## Political parties which contested the general election

3.09 The National Democratic Institute for International Affairs (NDI), Final Report on the Bangladesh 2008/2009 Elections, June 2009, stated that:

‘The 2008 amendments to the Representation of the People Order (RPO) 1972, Bangladesh’s electoral law, included for the first time compulsory registration of parties. The law also requires parties to adopt procedures for democratization of internal decision-making through regular party elections and transparency in finances and fundraising. It also imposes a 33 percent minimum quota for women in all party decision-making bodies.

‘To qualify for registration, .... Party constitutions were required to be amended to conform to all of the relevant RPO provisions.

‘While some political parties expressed concern with the level of information and documentation required, others indicated that the regulations generally sought to encourage openness and transparency in the political process. Although there were some delays in meeting the final deadline for party registration ..., 39 political parties met the registration requirements and 38 actually contested the elections. ...<sup>39</sup> The final number of candidates totaled 1555, with 148 running as independents.’<sup>40</sup>

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<sup>38</sup> UNDP, Bangladesh electronic photo voter list gets excellent rating from international audit team: 25 December 2008 <http://www.undp.org.bd/media%20releases/2008/Press%20Release%20-%20IFES%20-%20Voter%20List%20-%20Final%20-%2025.12.08.pdf> Accessed 14 June 2009

<sup>39</sup> National Democratic Institute for International Affairs (NDI), Final Report on the Bangladesh 2008/2009 Elections, June 2009. (p10) [http://www.ndi.org/files/Bangladesh\\_Elections\\_Report\\_June2009.pdf](http://www.ndi.org/files/Bangladesh_Elections_Report_June2009.pdf) Accessed 25 May 2013

<sup>40</sup> National Democratic Institute for International Affairs (NDI), Final Report on the Bangladesh 2008/2009 Elections, June 2009. (II. Electoral Context) [http://www.ndi.org/files/Bangladesh\\_Elections\\_Report\\_June2009.pdf](http://www.ndi.org/files/Bangladesh_Elections_Report_June2009.pdf) Accessed 25 May 2013

## Results of the general election

3.10 The Researchers & Women and Politics in Asia Forum, Women and Politics in Asia: An Engendered Election Report, April 2009, reported the election results:

Overall Results for Parliament (Jatiya Sangsad) <sup>41</sup>

Alliance	Party	Votes	%	Seats
Grand Alliance	Bangladesh Awami	33,887,451	49.00%	230
	Jitiya Party	4,867,377	7.00%	27
	Jitiya Samajtantrik Dal	429,773	0.60%	3
	Workers Party of			
	Liberal Democratic Party	161,372	0.20%	1
Four Party	Bangladesh Nationalist			
Alliance	Jamaat-e-Islami	3,186,384	4.60%	2
	Bangladesh Jatiya Party	95,158	0.10%	1
Independents and others		3,366,858	4.90%	4
Total		69,172,649	99.99%	300

See International Crisis Group, Bangladesh: Elections and Beyond, 11 Dec 2008 <sup>42</sup> Commonwealth Secretariat, 2008 Bangladesh Elections – Final Statement <sup>43</sup> and ANFREL, Bangladesh: Ninth National Parliament Election 2008 <sup>44</sup> for further background.

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## Post-election violence

3.11 The Dhaka-based human rights NGO, Odhikar, stated that – according to press reports – 62 people were killed and over 4,000 were injured in violence between supporters of various political parties during the first three months of 2009. Most were killed in clashes between supporters/activists of the Awami League, BNP and Jamaat-e-Islami and their affiliated student organisations, and between members of two opposing actions of Bangladesh Chhatra League, the student association of the AL. In most instances, the violence involved students and it took place at several different universities and colleges throughout the country. <sup>45</sup>

<sup>41</sup> The Researchers & Women and Politics in Asia Forum, Women and Politics in Asia: An Engendered Election Report, April 2009  
[http://www.theresearchers.org/Publications/EleObser\\_MonReport/Bangladesh\\_Election\\_Report.pdf](http://www.theresearchers.org/Publications/EleObser_MonReport/Bangladesh_Election_Report.pdf) Accessed 29 May 2013

<sup>42</sup> International Crisis Group (ICG), Bangladesh: Elections and Beyond, Asia briefing No. 84, 11 December 2008  
<http://www.crisisgroup.org/en/regions/asia/south-asia/bangladesh/B084-bangladesh-elections-and-beyond.aspx> Accessed 27 May 2013

<sup>43</sup> Commonwealth Secretariat, 2008 Bangladesh Elections – Final Statement, 04 January 2009  
<http://www.thecommonwealth.org/files/187612/FileName/BANGLADESHCOG2008FINALREPORTFINAL.pdf> Accessed 27 May 2013

<sup>44</sup> Asian Network for Free Elections (ANFREL), Bangladesh : Ninth National Parliament Election, 29 December 2008 [http://newmediaauthority.com/anfrel/wp-content/uploads/2012/02/2008\\_bangladesh.pdf](http://newmediaauthority.com/anfrel/wp-content/uploads/2012/02/2008_bangladesh.pdf) Date accessed 27 May 2013

<sup>45</sup> Odhikar, Bangladesh , Three-month Human Rights Monitoring Report: 1 January – 31 March 2009: published 1 April 2009  
[http://odhikar.org/#./?&\\_suid=137724198102808139372787049997](http://odhikar.org/#./?&_suid=137724198102808139372787049997) Accessed 27 May 2013

Note: ODHIKAR - The principal objectives of the organisation are to raise the awareness of human rights and its various abuses, on the one hand and to create a vibrant democratic system through election monitoring on the other. The organisation also performs policy advocacy to address the current human rights situation. (About Us)  
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## Bangladesh Rifles (BDR) mutiny

3.12 Human Rights Watch, in a report “The Fear Never Leaves Me” Torture, Custodial Deaths, and Unfair Trials after the 2009 Mutiny of the Bangladesh Rifles, 4 July 2012, stated that:

‘In late February 2009 the Bangladesh Rifles were preparing for their annual three-day celebration, known as “BDR week,” an occasion when high ranking officers and jawans (rank and file BDR members; the term means soldier in English) mingle, hold discussions, parade, put on lights and armaments shows, and celebrate with a large party. Traditionally, senior government officials attend the celebrations, and on February 24, 2009, the new prime minister, Sheikh Hasina, made her appearance.

‘The next day, February 25, was Darbar, one of the central events in the celebrations. It takes place in Darbar Hall, the large central building in the BDR headquarters in Pilkhana. At this event, the highest command of the BDR is present to discuss matters of concern with the jawans. This is often the only time that a jawan comes into contact with the highest levels of the BDR. All BDR members at Pilkhana barracks are expected to attend the Darbar, as are all senior BDR officers, many of whom are drawn from the ranks of the army.’<sup>47</sup>

3.13 The Human Rights Report continued:

‘In 2009 tensions were high between the BDR and the army. BDR members had longstanding grievances about lower pay and benefits, the secondment of army officers as senior BDR officials, limiting the possibility of promotions among BDR officers, and the fact that BDR members were not allowed to participate in lucrative deployments on UN peacekeeping missions. In addition, BDR members resented the way the “Dal-Bhat” project under the 2007-2009 caretaker government had been implemented. Through this project the BDR provided food at affordable prices to the public in the face of high inflation. Some BDR soldiers believed that army officers had personally pocketed the profits from the “Dal-Bhat” project, instead of putting the money back into services for the BDR as intended.

‘Weapons are not allowed in the Darbar ceremony. But on February 25 many BDR members managed to enter the building secretly armed. ... A wave of killings began in the hall and barracks, with BDR jawans either holding army officers hostage, or else simply shooting the officers dead. Not all BDR jawans took part. Many of them tried to

<sup>46</sup> Odhikar, Bangladesh, About Us, (Undated)  
[http://odhikar.org/#./?&\\_suid=137724198102808139372787049997](http://odhikar.org/#./?&_suid=137724198102808139372787049997)  
Accessed 27 May 2013

<sup>47</sup> Human Rights Watch, “The Fear Never Leaves Me” Torture, Custodial Deaths, and Unfair Trials after the 2009 Mutiny of the Bangladesh Rifles, 4 July 2012, <http://www.hrw.org/reports/2012/07/04/fear-never-leaves-me>  
Accessed 28 May 2013

save the army officers, some fled, and some hid. By the time the mutiny ended, as noted above, 74 persons were dead, including 57 army officers.’<sup>48</sup>

- 3.14 Amnesty International, in its report Looking for Justice, Mutineers on Trial in Bangladesh, dated November 2009, stated that:

‘Several days after the mutiny ended the authorities called all BDR personnel back to duty. According to family members of the detainees, almost all (initially hundreds and later several thousands) were confined to barracks when they returned to their assigned compounds and allowed no contact with the outside world. BDR officials told Amnesty International that the purpose of this incarceration was to check the identity of the returning BDR personnel against the available records – some of which had been destroyed during the mutiny. They said they wanted to identify those who had taken part in the mutiny.’<sup>49</sup>

- 3.15 Human Rights Watch, in its report “The Fear Never Leaves Me” ... published 4 July 2012, stated that:

‘Reports quickly emerged of severe torture of those detained and a high number of custodial deaths. A study conducted by Odhikar, a leading and reputable human rights NGO based in Dhaka, states that at least 47 BDR personnel died while in custody. While some died of natural causes, many appear to have died from torture.

‘Since the mutiny, over 6,000 BDR members have been arrested. Approximately 4,000 were based in the Pilkhana barracks at the time of the mutiny, while the remaining 2,000 or so were based in outlying barracks.

‘Most of the BDR soldiers arrested face charges under the BDR mutiny laws. ... tried before a military tribunal ... All members of a particular unit are tried at the same time. ... Of the 6,000 arrested, 850 BDR soldiers are also facing charges under the Bangladeshi Criminal Code and the Explosive Substances Act. Some of these charges carry the death penalty.’<sup>50</sup>

- 3.16 A bdnews24.com article, Monday marks 4 years of BDR mutiny, 25 February 2013 noted that:

‘So far, a total of 57 cases were filed in different parts of the country over two types of charges – one for serious crimes like murders and looting and the other for mutiny. The trials of the cases filed over the mutiny had concluded on Oct 20 last year [2012] with a special court pronouncing the last verdicts at the Peelkhana headquarters. But the trials of the cases, over murders, looting charges and under the explosives act, filed with Kotwali and New Market police stations are still continuing.

‘Some 5,926 of more than 6,000 accused were sentenced different terms in jail with the highest seven-year imprisonment to 870 convicts while 115 were acquitted in the 57

<sup>48</sup> Human Rights Watch, “The Fear Never Leaves Me” Torture, Custodial Deaths, and Unfair Trials after the 2009 Mutiny of the Bangladesh Rifles, 4 July 2012, <http://www.hrw.org/reports/2012/07/04/fear-never-leaves-me> Accessed 28 May 2013

<sup>49</sup> Amnesty International, Looking for Justice, Mutineers on Trial in Bangladesh, November 2009 <http://www.amnesty.org/en/library/asset/ASA13/006/2009/en/bc5ff8c4-464a-4292-9410-4a2ccb9493dc/asa130062009en.pdf> Accessed 28 May 2013

<sup>50</sup> Human Rights Watch, “The Fear Never Leaves Me” Torture, Custodial Deaths, and Unfair Trials after the 2009 Mutiny of the Bangladesh Rifles, 4 July 2012, <http://www.hrw.org/reports/2012/07/04/fear-never-leaves-me> Accessed 28 May 2013

mutiny cases. Meanwhile, the trial of the killings is being held under the Criminal Procedure Code. Around 900 people were made accused in the case. The Criminal Investigation Department of the Police have pressed charges against 836 people in the explosive attack case.’<sup>51</sup>

See Open Democracy: [Bangladesh: revolt and fallout](#), 31 March 2009<sup>52</sup> for further background.

See Section 4: [Recent developments: January to July 2013](#)

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## War crimes committed in 1971

- 3.17 Amnesty International (AI), in a report ‘UN provides welcome support to Bangladesh war crimes investigations’, dated 7 April 2009, noted that:

‘The government of Bangladesh has sought and received UN assistance in its efforts to investigate and prosecute crimes against humanity and other serious violations of human rights and humanitarian law committed in 1971. ... Amnesty International welcomed the news, having called on the Caretaker Government and political parties in January 2008 to address impunity for violations carried out in 1971 in the context of the independence war.

‘...The exact number of people killed by the Pakistan army and their collaborators during the 1971 Bangladesh independence war is not known. Most estimates put the figure at around one million and a further eight to ten million people, both Hindus and Muslims, fled Bangladesh in search of safety in India. Among the dead were tens of thousands, possibly hundreds of thousands, of farmers, fishermen, villagers and factory workers. The forces also targeted intellectuals, Hindus and women. According to some reports, an estimated 200,000 thousand women were raped during the conflict.’<sup>53</sup>

- 3.18 The International Crisis Group (ICG) in a report, Bangladesh: Back to the Future, Crisis Group Asia Report N°226, dated 13 June 2012, stated that:

‘Officially, 3,000,000 civilians died and 200,000 women were raped in the war. There was a government probe into the number of deaths in 1972, but the committee never published its report. These numbers are disputed by scholars, who say the number of civilian deaths ranged between 250,000 and 1.5 million to 3 million. Detailed private studies done by the War Crimes Fact Finding Committee, a private Bangladesh

<sup>51</sup> bdnews24.com, Monday marks 4 years of BDR mutiny, 25 February 2013  
<http://bdnews24.com/bangladesh/2013/02/25/monday-marks-4-years-of-bdr-mutiny>  
Accessed 23 May 2013

<sup>52</sup> Open Democracy, Bangladesh: revolt and fallout, 31 March 2009  
<http://www.opendemocracy.net/article/bangladesh-revolt-and-fallout>  
Accessed 27 May 2013

<sup>53</sup> Amnesty International, UN provides welcome support to Bangladesh war crimes investigations, 7 April 2009  
<http://www.amnesty.org/en/news-and-updates/good-news/un-provides-welcome-support-bangladesh-war-crimes-investigations-20090407> Accessed 20 July 2011

research initiative, put the number at 1.2 million; the Liberation War Museum uses the three million figure; but there is no conclusive study on either civilian deaths or rapes.’<sup>54</sup>

See Section 3: [War crimes tribunal](#)

## Trial of murderers of ‘Bangabandhu’ Sheikh Mujibur Rahman

3.19 A report from Reuters.com, dated 27 January 2010, stated that: ‘... Mujibur, or Mujib as he was popularly known, was Bangladesh's first president. He was killed with most of his family in a 1975 army revolt that ended the South Asian country's first spell of democracy and set the stage for decades of military rule. ... The government installed after the revolt issued an ordinance in November 1975 granting immunity to the killers.’<sup>55</sup>

3.20 The same report stated that:

‘Mujib's daughter Sheikh Hasina was elected prime minister in 1996 and vowed to put her father's killers on trial. Her government revoked the indemnity ordinance in 1996 and cleared the way for a trial of the assassins and coup leaders, beginning with a police complaint identifying 20 accused. In 1998 a Dhaka judge handed down death sentences on 15 of the 20 accused, of whom only four were in custody. They appealed in the High Court against the verdict, the first of a series of appeals. Between repeated appeals and governments less interested in the case than Hasina, who was out of power from 2001 until early 2009, those convicted remained in prison.’<sup>56</sup>

3.21 The report continued:

‘After lengthy hearings, the Supreme Court in November 2009 upheld the sentences on the five as well as six others still at large and believed to be outside the country. Another whose death sentence was upheld died abroad. Yet more appeals reached the end of the judicial process with the Supreme Court decision this month.

‘Under Bangladeshi law the death sentences must be carried out within three or four weeks of that decision, unless the president grants clemency. President Zillur Rahman rejected clemency appeals by the convicted men.’<sup>57</sup> ... On 27 January 2010 the five convicted killers of independence leader Sheikh Mujibur Rahman were executed at a Dhaka prison.’<sup>58</sup>

3.22 Regarding the six ‘absconders’ a report on NEWKERALA.COM, dated 29 January 2010, stated that: ‘Efforts were on to bring back to Bangladesh six fugitive killers of the country's founding father Sheikh Mujibur Rahman, a minister said. ... The six absconding people are Lt Col (dismissed) Khandaker Abdur Rashid, Lt Col (relieved)

<sup>54</sup> International Crisis Group (ICG), Bangladesh: Back to the Future, Crisis Group Asia Report N°226, 13 June 2012 <http://www.crisisgroup.org/~media/Files/asia/south-asia/bangladesh/226-bangladesh-back-to-the-future.pdf> Accessed 28 May 2013

<sup>55</sup> Thomson Reuters, Factbox: Key facts about Bangladesh's Mujib case, 27 January 2010 <http://www.reuters.com/article/idUSTRE60Q67A20100127> Accessed 28 May 2013

<sup>56</sup> Ibid

<sup>57</sup> Ibid

<sup>58</sup> Killers of Bangladesh independence leader executed’, 27 January 2010 <http://www.reuters.com/article/idUSTRE60Q67320100127> Accessed 28 May 2013



Shariful Haque Dalim, Lt Col (retd) Nur Chowdhury, Lt Col (retd) A.M. Rashed Chowdhury, Capt Abdul Mazed and Risalder Moslehuddin.’<sup>59</sup>

See also section 3: [History – Trial of murderers of ‘Bangabandhu’ Sheikh Mujibur Rahman](#) For a time line of events see The Daily Star article, [\[The\] Long Road to Justice](#).<sup>60</sup>

Further historical information can be found at: World History at KMLA - [History of Bangladesh](#), revised 27 May 2010<sup>61</sup>

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## War crimes tribunal

3.23 The International Crisis Group (ICG) in a report, Bangladesh: Back to the Future, Crisis Group Asia Report N°226, dated 13 June 2012, stated that:

‘In March 2010, the AL government established the International Crimes Tribunal, a national court for prosecuting Bangladeshis suspected of the 1971 atrocities, under the country’s International Crimes (Tribunals) Act 1973. Since June 2010, six Jamaat and two BNP leaders have been arrested for their alleged involvement, and on 28 May 2012, two Jamaat leaders, Motiur Rahman Nizami and Abdul Quader Mollah, were formally indicted for crimes against humanity, including genocide. ... The Jamaat says that the tribunal has selectively charged only members of the opposition, ... (For example, the Jamaat said Delwar Hossain Sayedee has been charged because he has now risen to the upper rungs of its leadership, though he was only a minor local figure in 1971.) ... though prosecutors, historians and researchers say that the defendants had a public and well-documented role in the crimes.’<sup>62</sup>

3.24 The IGC Report, Bangladesh: Back to the Future, 13 June 2012, continued:

‘Critics question the tribunal’s independence, citing its creation of its own rules of procedure that cannot be challenged before the Supreme Court. They also cite the government’s efforts to stifle criticism of the tribunal and failure to respect the presumption of innocence, with ministers making statements assuming the defendants’ guilt. BNP leaders suggest that Sheikh Hasina has also rhetorically used the trials to justify actions against their party and will continue to do so ahead of the elections. The AL and its partners argue that one reason the opposition wants a caretaker government is to protect war criminals and hamper the trials. Supporters of the tribunal fear that the politicisation of the trials could make it easier for the opposition to suspend them if it came to power. A Western legal expert, however, said that it is still too early to judge the tribunal’s fairness, adding: “We will have to wait until the first verdicts to see whether the judges have deliberated on credible evidence”. Regardless of these differing assessments, all agree that the tribunal’s existence depends on the survival of the AL

<sup>59</sup> NEWKERALA.COM, Move to bring six fugitive Mujib killers to Bangladesh, 29 January 2010 <http://www.newkerala.com/news/fullnews-40540.html> Accessed 28 May 2013

<sup>60</sup> The Daily Star, Long road to justice. 29 January 2010 <http://www.thedailystar.net/newDesign/news-details.php?nid=123947> Accessed 28 May 2013

<sup>61</sup> World History at KMLA, History of Bangladesh, revised 27 May 2010 <http://www.zum.de/whkmla/region/india/xbangladesh.html> Accessed 27 July 2011

<sup>62</sup> International Crisis Group (ICG), Bangladesh: Back to the Future, Crisis Group Asia Report N°226, 13 June 2012 [http://www.crisisgroup.org/~media/Files/asia/south-asia/bangladesh/226-bangladesh-back-to-the-future.pdf](http://www.crisisgroup.org/~/media/Files/asia/south-asia/bangladesh/226-bangladesh-back-to-the-future.pdf) Accessed 28 May 2013

government and that, therefore, there is a risk the government may try to push judgments through before the end of its term.’<sup>63</sup>

3.25 The Economist Intelligence Unit Limited, in its Country Report, June 2013, stated that:

‘A number of senior figures in the BNP and its main ally, the Islamist Jamaat e Islami party, have been charged with committing atrocities during the 1971 war of secession with West Pakistan (now Pakistan) and thus face possible execution. So far, every guilty verdict has been followed by violent street clashes between supporters of Jamaat and the police. In a worrying development, secular elements of the population have now also taken to the streets, demanding tougher sentences for those convicted of war crimes. The stated aims of this group have shifted, and many protesters concerned about the role played by members of Jamaat during the 1971 war of secession from Pakistan are now calling for a ban on religious-based political parties, including Jamaat.’<sup>64</sup>

3.26 Reaction to the verdicts handed down by the tribunal has led to demonstrations and violence. A report by Future Directions International, Violence against Minorities Will Defeat the Purpose of Bangladesh War Crimes Trials, Dr Anand Kumar, published 17 May 2013 stated that:

‘The violence was muted when the first verdict came, in the case of Abul Kalam “Bachchu” Azad, as he had already fled to Pakistan where there is no danger of him being prosecuted. The second verdict imposed a life sentence on Abdul Quader Mollah, a leader of Jamaat-e-Islami and now a convicted war criminal. It created a different kind of reaction among secular and progressive Bangladeshis. On 5 February 2013, they came out in large numbers to Shahbagh Square, to protest the verdict and demand capital punishment for convicted war criminals. Similar sit-ins have since taken place across the country. The unprecedented demonstrations led to Parliament amending the International Crimes (Tribunals) Act 1973, adding a provision that allowed the state to file an appeal with the Supreme Court against any inadequate sentencing by the Tribunals.

‘This spontaneous movement has created worries for Jamaat-e-Islami and some sections of the BNP. Jamaat and the BNP have tried to denounce the Shahbagh movement for not taking up the issues of corruption and a restoration of the caretaker government. Their opposition to the Shahbagh protestors became more strident once the demonstrators started demanding a ban on Jamaat-e-Islami and seizure of the various businesses it owns.’<sup>65</sup>

See Al Jazeera, Infographic: [Turmoil over Bangladesh tribunal](#), 09 May 2013 for an overview of the War Crimes Tribunal<sup>66</sup>

<sup>63</sup> International Crisis Group (ICG), Bangladesh: Back to the Future, Crisis Group Asia Report N°226, 13 June 2012 [http://www.crisisgroup.org/~media/Files/asia/south-asia/bangladesh/226-bangladesh-back-to-the-future.pdf](http://www.crisisgroup.org/~/media/Files/asia/south-asia/bangladesh/226-bangladesh-back-to-the-future.pdf) Accessed 28 May 2013

<sup>64</sup> Economist Intelligence Unit Limited, Country Report, June 2013, (p3) [http://www.eiu.com/FileHandler.ashx?issue\\_id=1400637124&mode=pdf](http://www.eiu.com/FileHandler.ashx?issue_id=1400637124&mode=pdf) Accessed 2 July 2013 (Subscription)

<sup>65</sup> Future Directions International, Violence against Minorities Will Defeat the Purpose of Bangladesh War Crimes Trials, Dr Anand Kumar, 17 May 2013 <http://www.futuredirections.org.au/publications/associate-papers/1043-violence-against-minorities-will-defeat-the-purpose-of-bangladesh-war-crimes-trials.html> Accessed 05/07/13

<sup>66</sup> Al Jazeera, Infographic: Turmoil over Bangladesh tribunal, Al Jazeera looks at issues surrounding controversial war crimes trials that have divided the South Asian nation. 09 May 2013 <http://www.aljazeera.com/indepth/interactive/2013/03/201332610941998639.html> Accessed 5 July 2013

See The [Bangladesh Trial Observer](#), [The stated aim of which is to provide 'Independent, objective coverage of trial proceedings at the International Crimes Tribunal in Bangladesh'] for current information on legal proceedings.<sup>67</sup>

See Section 3: [War crimes committed in 1971](#) and Section 4: [Recent developments-Shabagh Square](#)

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## 4. Recent developments: January to July 2013

4.01 The Columbia Encyclopedia, 6th ed. 2013, published by the Columbia University Press, accessed 20 May 2013, in a Bangladeshi History stated that:

'In early 2013, members of Jamaat e-Islami, an Islamist party aligned with the BNP that had opposed Bangladesh's independence, were convicted of war crimes during the war for independence in trials that the opposition claimed were politically motivated; the series of verdicts led to rioting by Islamists.'<sup>68</sup>

### Shabagh Square

4.02 An article from dnaindia.com, Shahbag protests: For a secular Bangladesh, 4 Mar 2013, stated that:

'Hundreds of protesters, mostly youth, both men and women, gather everyday to demand [the] death penalty for those who committed war crimes during the 1971 war of independence. ... They are demanding a Bangladesh free of Razakars, the Islamists who sided with the Pakistani army during the 1971 Liberation War in identifying and killings hundreds of thousands of Bangladeshis fighting for creation of a new country. ... The Razakars were mainly members of the Muslim league, Jamat-e-Islami and other Islamic groups and factions. ...

'The Shahbag protests were triggered by the Feb 5 war crime tribunal judgement, convicting 65-year-old Mollah, known as the Butcher of Mirpur, to life imprisonment. Mollah, secretary general of the Jamaat, smiled and gave a victory sign to waiting journalists after the sentence was handed down to him Feb 4, triggering a groundswell of anger among people who were hoping he would be hanged. ... Online anger spread, and quickly rallied thousands to Shahbag to demand death for Mollah and other Jamaat accused of war crimes. ... With the media, especially electronic media, beaming the protests live, and the online networking among the youth, thousands turned up at Shahbag intersection, dubbed Shahbag Square, to demand the war crimes accused be hanged. The intersection is located close to Dhaka University. The protests are the largest the country has seen in two decades. ... The Shahbag protests, seen to be supported by the ruling Awami League, has dented the opposition Bangladesh National

<sup>67</sup> Berkeley War Crimes Studies Center and the East-West Center, The Bangladesh Trial Observer <http://bangladeshtrialobserver.org/> Accessed 28 May 2013

<sup>68</sup> The Columbia Encyclopedia, 6th ed. Copyright© 2013, The Columbia University Press. Bangladeshi History <http://www.questia.com/library/history/asian-history/south-asian-history/bangladeshi-history> Accessed 20 May 2013

Party's clout among people to a large extent. The Jamaat is a part of the BNP-led 18-party opposition alliance.<sup>69</sup>

See Section 3: [History - War Crimes Tribunal](#)

- 4.03 The EIRIS Foundation and Ethical Investment Research Services, in an article, *Rana plaza disaster – could this have been foreseen, or prevented?*, dated 31 May 2013, reported that:

'On 24 April 2013, the Rana Plaza building in Dhaka, Bangladesh collapsed, killing 1,127 people. Four factories were housed in the eight-storey building despite it not being designed for industrial use. It also had two illegally added storeys above. Several clothing companies sourced from factories in the building, including Primark, Loblaws, Mango, Matalan, Benetton and Bon Marche amongst others. A preliminary report by a government inquiry committee found that the Rana Plaza had been built on the site of a filled-in pond without proper precautions. The committee also said that the building was constructed with poor iron rods and cement, and that the weight and vibration from industrial machinery likely contributed to the building collapse.'<sup>70</sup>

See The Odhikar Fact finding report, [Broken Dreams: A Report on the Rana Plaza Collapse](#), released on 19 June 2013, for further information.<sup>71</sup>

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## 5. Constitution

- 5.01 Europa World Online, undated, accessed on 29 August 2012, stated in regard to the [Constitution](#)<sup>72</sup> that:

'A new Constitution for the People's Republic of Bangladesh was approved by this Assembly on 4 November 1972 and came into effect on 16 December 1972. Following the military coup of 24 March 1982, the Constitution was suspended, and the country was placed under martial law. On 10 November 1986 martial law was repealed and the suspended Constitution was revived. The Constitution was initially based on the fundamental principles of nationalism, socialism, democracy and secularism, but in 1977 an amendment replaced secularism with Islam. A further amendment in 1988 established Islam as the state religion. Under the 15th Amendment to the Constitution of 2011, secularism was restored as a fundamental principle of the state, while Islam was retained as the state religion'<sup>73</sup>

- 5.02 The power to amend any provision of the Constitution is set out in Article 142 of the Constitution which stipulates, amongst its' provisos that:

<sup>69</sup> Dnaindia.com. *Shahbag protests: For a secular Bangladesh*, 4 Mar 2013

<http://www.dnaindia.com/world/1807126/report-shahbag-protests-for-a-secular-bangladesh> Accessed 5 July 2013

<sup>70</sup> The EIRIS Foundation and Ethical Investment Research Services, *Rana plaza disaster – could this have been foreseen, or prevented?*, 31 May 2013 <http://www.eiris.org/blog/rana-plaza-disaster-could-this-have-been-foreseen-or-prevented/> Accessed 20 July 2013

<sup>71</sup> Odhikar, *Broken Dreams: A Report on the Rana Plaza Collapse*, 19 June 2013

[http://odhikar.org/#./?&\\_suid=137724198102808139372787049997](http://odhikar.org/#./?&_suid=137724198102808139372787049997) Accessed 20 July 2013

<sup>72</sup> Legislative and Parliamentary Affairs Division, Ministry of Law, Justice and Parliamentary Affairs, *The Constitution of The People's Republic of Bangladesh*

[http://bdlaws.minlaw.gov.bd/print\\_sections\\_all.php?id=367](http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=367) Accessed 28 May 2013

<sup>73</sup> *Constitution and Government (Bangladesh)*, in Europa World online. London, Routledge. Home Office <http://www.europaworld.com/entry/bd.is.48> Accessed 29 May 2013

'1. Notwithstanding anything contained in this Constitution-

a. any provision thereof may be amended by way of addition, alteration, substitution or repeal by Act of Parliament:

Provided that-

i. no Bill for such amendment shall be allowed to proceed unless the long title thereof expressly states that it will amend a provision of the Constitution;

ii. no such Bill shall be presented to the President for assent unless it is passed by the votes of not less than two-thirds of the total number of members of Parliament.<sup>74</sup>

- 5.03 A United Nations Development Programme [UNDP] report of September 2002, entitled Human Security in Bangladesh, commented: 'The Constitution states that all existing laws that are inconsistent with fundamental rights shall be declared void, and the State is forbidden to make any law inconsistent with fundamental rights ... However, the enjoyment of any right is subject to "reasonable" restrictions imposed by law in the interest of the State, public order, public health, morality or decency.' The UNDP report pointed out that "'reasonable" is a relative term, and what is reasonable in one given set of circumstances may be unreasonable in another.'<sup>75</sup>

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## 6. Political system

### Structure of the Parliament

- 6.01 In a report published jointly by the Centre for Policy Dialogue (CPD) and the Chr. Michelsen Institute (CMI), The Parliament of Bangladesh: Representation and Accountability, April 2012 it was stated that:

'The constitution of Bangladesh envisages a single chamber (unicameral) parliament comprising of 300 directly elected members from single territorial constituencies through the 'first past the post' system (Article 65). ... the FPTP electoral system favours the emergence of two major parties or two electoral alliances. Small parties are disadvantaged in getting representation in parliament under the FPTP (sic).

'In addition to 300 general members there is a provision of women's reserved seats in parliament. These women are to be "elected" by the 300 general MPs. This system of indirect election for the women's reserved seats drew opposition from various women's groups who demanded direct elections for women's reserved seats. ... Initially there was a quota of 15 women's reserved seats for a period of 10 years. The quota was later increased to 30 seats through the tenth amendment of the constitution in 1990, and 45 through the fourteenth amendment of the constitution in 2004. Changing the practice of the majority party electing all the women's reserved seats from its own members, the fourteenth amendment provided for proportional distribution of

<sup>74</sup> Legislative and Parliamentary Affairs Division, Ministry of Law, Justice and Parliamentary Affairs, The Constitution of The People's Republic of Bangladesh [http://bdlaws.minlaw.gov.bd/print\\_sections\\_all.php?id=367](http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=367) Accessed 28 May 2013

<sup>75</sup> Human Security in Bangladesh, In Search of Justice and Dignity, (p15), United Nations Development Programme: September 2002 <http://www.undp.org.bd/info/hsr/> Accessed 24 May 2013

women's reserved seats among the parties represented in parliament. The recently passed fifteenth amendment of the constitution has increased the number of women's reserved seats to 50, but kept the system of indirect election despite the persistent demands of the women's organisations and the Awami League's own electoral pledge for direct election.<sup>76</sup>

- 6.02 The UNDP report, Elections in Bangladesh 2006 – 2009, Transforming failure into success, 2010 stated that:

'The post of President is largely ceremonial, although he or she does have some important powers of appointment and has increased authority during election periods, including over the Armed Forces. The President is elected by Parliament to a five year term. Party unity in Parliament is ensured through Article 70 of the Constitution, which states that a MP must vacate his/her seat if she or he "votes against his party."<sup>77</sup>

- 6.03 The UNDP report continued:

'Executive power is highly concentrated in the hands of the Prime Minister and her or his cabinet. Legislation is initiated almost exclusively in the ministries rather than in the Parliament. While Parliament forms a number of standing committees (including a standing committee for each ministry) as required by the Constitution and parliamentary rules of procedure, it has only limited oversight over the executive. The devolution of authority to locally elected bodies has been blunted by the executive's control over local administrators, who perform parallel functions to elected local government bodies.'<sup>78</sup>

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## Caretaker government

- 6.04 In 2010 the United Nations Development Programme (UNDP) reported that under the Constitution a care taker government takes power at the end of an elected government's tenure,

“Under the Constitution, the elected government turns over power to a non-party Caretaker Government (CTG) at the end of its tenure. The CTG is required to give the Bangladesh Election Commission (BEC) all possible aid and assistance to hold free and fair elections, which the BEC is required to conduct within 90 days of the dissolution of Parliament. The system is designed to ensure the neutrality of the executive and to guarantee a level playing field for all candidates and parties during the election period.”<sup>79</sup>

Note: See Section 6: [Supervision of elections](#): on the decision to abolish the practice of holding national elections during a temporary caretaker government.

## Supervision of elections

<sup>76</sup> The Parliament of Bangladesh: Representation and Accountability, CPDCMI Working Paper 2, April 2012 [http://www.cpd.org.bd/pub\\_attach/CPD\\_CMI\\_WP2.pdf](http://www.cpd.org.bd/pub_attach/CPD_CMI_WP2.pdf) Accessed 30 May 2013

<sup>77</sup> UNDP, Elections in Bangladesh 2006 – 2009, Transforming failure into success, 2010 (p20) <http://www.undp.org.bd/info/pub/election%20in%20bangladesh.pdf>, Accessed 28 May 2013

<sup>78</sup> UNDP, Elections in Bangladesh 2006 – 2009, Transforming failure into success, 2010 (p20) <http://www.undp.org.bd/info/pub/election%20in%20bangladesh.pdf>, Accessed 28 May 2013

<sup>79</sup> UNDP, Elections in Bangladesh 2006 – 2009, Transforming failure into success, 2010 <http://www.undp.org.bd/info/pub/election%20in%20bangladesh.pdf>, Accessed 28 May 2013

## Bangladesh Election Commission

6.05 Banglapaedia – The National Encyclopaedia of Bangladesh, accessed 28 May 2013, described the Bangladesh Election Commission (BEC) as:

‘... an independent constitutional body entrusted with the responsibility of holding national and local government elections. It announces schedules of elections, delimits constituencies, prepares electoral rolls, supervises elections, announces election results and establishes election tribunals to settle election disputes. Part VII of the constitution of the Peoples Republic of Bangladesh defines the composition, powers and functions of the Election Commission.

‘The Bangladesh constitution provides that “there shall be an Election Commission consisting of a Chief Election Commissioner and such number of other Election Commissioners, if any, as the President may from time to time direct.” At present, the Election Commission consists of three members including the Chief Election Commissioner. The Election Commission is constitutionally oath-bound to ensure free and fair elections to the office of President of the Republic, and to Jatiya Sangsad and local government bodies.’<sup>80</sup>

6.06 As recorded in the US State Department 2011 Country Report on Human Rights Practices, Bangladesh, released on 24 May 2012, (USSD 2011):

‘On June 30 [2011], the AL-led parliament passed the 15th amendment to the constitution over an opposition boycott, abolishing the provision mandating that elections be held under a neutral, caretaker government. The caretaker government system was established before the 1996 parliamentary general elections in response to the electoral system’s perceived vulnerability to political manipulation. The amendment followed a May supreme court ruling that declared the caretaker system unconstitutional.’<sup>81</sup>

6.07 The USSD 2011, continued:

‘Under the 15th amendment, the 2013 parliamentary general elections and all subsequent elections are to be supervised by an independent electoral commission operating under the political government in power, which in 2013 would still be the current AL-led government. Many independent observers criticized the change because they believed that the electoral system’s vulnerabilities to political manipulation that had necessitated the creation of the caretaker system had not been addressed and would resurface, leaving the electoral system vulnerable to political manipulation. This issue became a matter of enormous partisan concern and attention during the year.’<sup>82</sup>

<sup>80</sup> Banglapaedia – The National Encyclopaedia of Bangladesh, undated  
[http://www.banglapedia.org/HT/E\\_0036.HTM](http://www.banglapedia.org/HT/E_0036.HTM) Accessed 28 May 2013

<sup>81</sup> US State Department, 2011 Country Reports on Human Rights Practices: Bangladesh, 24 May 2012. (Section 3)  
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204395> Accessed 23 May 2013

<sup>82</sup> US State Department, 2011 Country Reports on Human Rights Practices: Bangladesh, 24 May 2012. (Section 3)  
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204395> Accessed 23 May 2013

- 6.08 As recorded in the USSD 2011: ‘... Party leaders appointed candidates for elections, and there were allegations that wealthy candidates could purchase nominations from party leaders with campaign contributions or personal gifts.’<sup>83</sup>
- 6.09 The US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013, accessed 23 May 2013, stated that:  
 ‘On September 16, the Supreme Court released the text of its 2011 decision to abolish the practice of holding national elections during a temporary caretaker government. Subsequently, the main opposition party, the BNP, stated it would not participate in elections unless they were conducted under a nonpartisan administration. The opposition party has since boycotted subnational elections.’<sup>84</sup>
- 6.10 The USSD 2012, continued:  
 ‘Opposition parties boycotted parliament throughout the year but returned on certain days to fulfill the requirements for them to retain their seats. In general they demanded fair treatment by the speaker and the ruling party legislators as preconditions for their return to the house. Opposition parties participated in all 48 standing parliamentary committees in the first session, despite their absence from parliament. In some instances the government interfered with the right of opposition parties to organize public functions. It also manipulated the media to restrict broadcast of opposition political events.’<sup>85</sup>
- 6.11 The Freedom House report, Freedom in the World 2013, covering events in 2012, published 31 January 2013, further commented that:  
 ‘Political polarization and dysfunction continued to worsen during 2012, as the opposition held numerous street protests and threatened to boycott elections that must be held by early 2014 ... The BNP-led opposition continued to intermittently boycott Parliament and rigidly oppose the AL government’s initiatives in 2012, resorting once again to the use of hartals and mass protests. More than 100,000 people participated in one rally in March [2012]. A key goal of BNP activism during the year was the reinstatement of the CG system for the next elections, which must be held by early 2014.’<sup>86</sup>

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## Local government

- 6.12 The UNDP report, Elections in Bangladesh 2006 – 2009, Transforming failure into success, 2010 stated that:  
 ‘In 2010 the UNDP reported that Bangladesh systems of local government are still developing and that locally elected governments include parishads (councils), upzila parishads (sub-district councils), pourashavas (municipalities) (sic) and city corporations.

<sup>83</sup> US State Department, 2011 Country Reports on Human Rights Practices: Bangladesh, 24 May 2012. (Section 3) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204395> Accessed 23 May 2013

<sup>84</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013. (Section 3) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204395> Accessed 23 May 2013

<sup>85</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013. (Section 3) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204395> Accessed 23 May 2013

<sup>86</sup> Freedom in the World – Bangladesh (2013) (events of 2012), 31 January 2013 <http://www.freedomhouse.org/report/freedom-world/2013/bangladesh> Accessed 17 August 2013



“The Constitution of Bangladesh calls for elected local government at all administrative levels, with the power to prepare budgets, maintain funds, impose taxes, and implement plans for public services and economic development. While Bangladesh’s system of local government has an electoral history dating back to 1973, its development is still in the beginning stages.

‘The four forms of locally elected government include union parishads (councils) and upazila parishads (sub-district councils) in rural areas; and pourashavas (municipalities) and city corporations in urban areas. However, successive governments have consistently tampered with local government laws over the years. According to one analysis, this has made “local government in Bangladesh...more an area of policy experimentation than of stable institutional development. Elections for local government bodies are not contested under party banners. However, political parties are involved in selecting candidates and the party affiliation of the candidates is generally well known. There are 4,504 union parishads, each representing a conglomerate of ten to twelve villages and approximately 20,000 to 25,000 people. While the union parishads have a number of functions, including the ability to raise taxes and implement programs, they are subject to influence by administrators appointed by the central government.

‘Upazila parishads are a more recent innovation in local government, introduced in 1985. City corporations and pourashavas are elected local government institutions in the urban areas. There are 6 city corporations and 309 pourashavas, each headed by a mayor.’<sup>87</sup>

6.13 The website of the government’s Local Government Division (LGD) describes its relationship with local government institutions:

“Local Government Division is implementing various development and service-oriented activities for poverty alleviation and to make the rural people’s life more comfortable, sound and meaningful. The activities of the LGD is extended up to the grass-root level of the country.

‘The Union Parishad, Upazila Parishad, Zila Parishad, Municipalities and City Corporations are the Local Government Institutions under this division. In addition, the Local Government Engineering Department (LGED), Department of Public Health Engineering (DPHE), Dhaka WASA, Chittagong WASA, Khulna WASA and NILG are the different Department/Directorate/Institutions of this Division. Through these Departments/Institutions, LGD is working to mobilize local resources, establish good governance at the local level, providing civic/utility services to the citizen of municipalities and city corporations, rural and urban infrastructures development (constructions of feeder road, box culvert, bridges, growth centre for expansion of market facilities) supplying of safe drinking water, solid waste disposal and sanitation all over the country. LGD is also responsible for planning and implementation of development projects in the local level, conducting survey/ research regarding local government and arranging training programme for enhancing knowledge and efficiency of the elected representatives. These activities are directly and indirectly contributing in the national goal of socio-economic development through poverty reduction, human resource development and creating employment opportunities.’<sup>88</sup>

<sup>87</sup> UNDP, Elections in Bangladesh 2006 – 2009, Transforming failure into success, 2010, <http://www.undp.org.bd/info/pub/election%20in%20bangladesh.pdf> Accessed 28 May 2013

<sup>88</sup> Website of the Local Government Division, About Us,

See also Section 3: [History- General Election of 29 December 2008](#). See also Section 15: [Political affiliation](#)

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# Human Rights

## 7. Introduction

7.01 The US State Department Country Report on Human Rights Practices for 2012, released on 19 April 2013 (USSD 2012 report), stated in its Executive Summary:

‘Bangladesh is a parliamentary democracy. Prime Minister Sheikh Hasina led the Awami League (AL) to victory in the 2008 parliamentary elections, which international and domestic observers considered free and fair, although with isolated irregularities and sporadic violence. In most instances security forces reported to civil authorities.

‘The most significant human rights problems were enforced disappearances, discrimination against marginalized groups, and poor working conditions and labor rights. Suspected extrajudicial killings, disappearances, and kidnappings continued, with human rights groups alleging the involvement of the country’s security services. Marginalized groups, particularly Rohingya refugees, indigenous people, and women, suffered from unequal treatment and in some instances violence. Workers continued to face difficulties in forming unions and suffered from poor safety conditions in factories, highlighted by a factory fire on November 24 [2012].

‘Other human rights problems included arbitrary arrests, detentions, and custodial deaths ... Weak judicial capacity and resultant lengthy pretrial detentions ... instances in which the government limited freedom of speech and assembly ... [p]olitically motivated violence and pervasive official corruption ... [s]ome NGOs faced legal and informal restrictions on their activities ... children were compelled to work ... [d]iscrimination against persons with disabilities ... [i]nstances of societal violence against religious and ethnic minorities ... [c]hild marriage ... [d]iscrimination against persons based on their sexual orientation ... child labor.’

‘Official corruption and related impunity remained problems. Weak regard for the rule of law not only enabled individuals, including government officials, to commit human rights violations with impunity but also prevented citizens from claiming their rights.’<sup>89</sup>

7.02 The Human Rights Forum Bangladesh, which represents 19 human rights NGOs, noted in a presentation to diplomats in Dhaka on 12 February 2013 (under the Universal Periodic Review of the UN Human Rights Council) that there had recently been several positive developments in the country’s human rights and humanitarian situations, but that many concerns still remained<sup>90</sup>. A listing of the positive and negative ‘trends’ referred to by the Forum can be found at: [http://www.askbd.org/web/wp-content/uploads/2013/02/UPR%20Dialogue%20Presentation\\_12Feb13.pdf](http://www.askbd.org/web/wp-content/uploads/2013/02/UPR%20Dialogue%20Presentation_12Feb13.pdf)

7.03 According to the Human Rights Watch (HRW) World Report 2013, published in January 2013 and relating to events of 2012:

<sup>89</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013 (Executive Summary) <http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> Accessed 23 May 2013

<sup>90</sup> Human Rights Forum Bangladesh, Bangladesh UPR Stateholders Report: ‘Dialogue with Diplomats, 12 February 2013’ [http://www.askbd.org/web/wp-content/uploads/2013/02/UPR%20Dialogue%20Presentation\\_12Feb13.pdf](http://www.askbd.org/web/wp-content/uploads/2013/02/UPR%20Dialogue%20Presentation_12Feb13.pdf) Accessed on the ASK website, 1 June 2013

'Bangladesh's overall human rights situation worsened in 2012, as the government narrowed political and civil society space, continued to shield abusive security forces from accountability and flatly ignored calls by Human Rights Watch to reform laws and procedures in flawed war crimes and mutiny trials. Civil society and human rights defenders reported increased governmental pressure and monitoring.'<sup>91</sup>

7.04 The UK Foreign and Commonwealth Office stated in their 2012 Human Rights and Democracy report, published in April 2013:

'Forty years after independence, Bangladesh's political culture remains confrontational and violent. In 2012, NGOs estimate that 169 people were killed and over 17,000 were injured in political violence. The violence is not sectarian nor, generally, communal. Violence and vandalism have been an accepted means of political expression in a country where democratic institutions appear weak. There are no significant constraints on freedom of assembly, with frequent nationwide enforced strikes (hartals), many of which have resulted in violence and vandalism. The opposition allege law enforcement officials have used force during peaceful demonstrations. The victims are often innocent bystanders...'<sup>92</sup>

7.05 The Bertelsmann Foundation observed in its BTI 2012 Bangladesh Country Report, published in May 2012: 'Inequality is palpable at various levels, including gender, ethnic and religious inequality. Despite the fact that two female leaders have dominated the political landscape of Bangladesh since the democratic transition of 1991, and that 45 seats are reserved for women in parliament, equal opportunity is still not a reality for most women.'<sup>93</sup> (See [Section 23](#): Women)

7.06 As noted in the USSD 2012 report, 'A wide variety of domestic and international human rights groups generally operated independently and without government restriction, investigating and publishing their findings on human rights cases. Although human rights groups often were sharply critical of the government, they also practiced some self-censorship.'<sup>94</sup>

7.07 The National Human Rights Commission (NHRC) of Bangladesh was reconstituted by Act of Parliament in 2009 as a 'national advocacy institution for human rights promotion and protection.'<sup>95</sup> In 2012 the NHRC received a total of 635 complaints from individuals and organisations, concerning primarily 'incidents of abuse of power [by public officials, including law enforcement officers], domestic violence, maltreatment of citizens by state agencies and various impediments to access to justice.' The NHRC resolved or otherwise disposed of 392 complaints in 2012. The Commission has also initiated human rights education and awareness programmes throughout the country.<sup>96</sup> The USSD 2012 report, however, quoted various observers in saying that the NHRC was

<sup>91</sup> Human Rights Watch, World Report 2013, published 31 January 2013 <http://www.hrw.org/world-report/2013/country-chapters/bangladesh> Accessed 1 June 2013

<sup>92</sup> Foreign and Commonwealth Office, 'Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report': April 2013 <http://www.hrdreport.fco.gov.uk/> Accessed 1 June 2013

<sup>93</sup> The Bertelsmann Foundation, Transformation Index BTI 2012: Bangladesh Country Report, March 2012 <http://www.bti-project.org/country-reports/aso/bgd> Accessed 31 May 2013

<sup>94</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> (Section 5) Accessed 23 May 2013

<sup>95</sup> National Human Rights Commission (NHRC), 'About NHRC' <http://www.nhrc.org.bd/about.html> Accessed 1 June 2013

<sup>96</sup> National Human Rights Commission (NHRC), Annual Report 2012 <http://www.nhrc.org.bd/PDF/Annual%20Report%20English%202012.pdf> Accessed 1 June 2013

understaffed and underfunded and that there was a lack of transparency in the selection of its commissioners and support staff.<sup>97</sup>

7.08 Bangladesh is party to most of the principal United Nations international human rights treaties. The UN 'Treaty Collection' website<sup>98</sup> (accessed in May 2013) noted that these included:

- the International Covenant on Economic, Social and Cultural Rights (CESCR), date of accession 5 October 1998;
- the International Covenant on Civil and Political Rights (CCPR), date of accession 6 December 2000;
- the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), date of accession 11 June 1979;
- the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), date of accession 6 November 1984; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW-OP), date of ratification 6 September 2000;
- the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), date of accession 5 October 1998;
- the Convention on the Rights of the Child (CRC), date of ratification 3 August 1990; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC), date of ratification 6 September 2000; the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC-OP-SC), date of ratification 6 September 2000.

7.09 The International Federation for Human Rights (FIDH) noted in a report of October 2010:

'As a State Party to international human rights instruments, the government of Bangladesh has the obligation to submit periodic reports to the treaty-monitoring bodies established by the international human rights instruments ... Although the government of Bangladesh submitted periodic reports to various treaty bodies over the past years, such reports are overdue to the Human Rights Committee, the Committee on Economic, Social and Cultural rights and the Committee Against Torture. All of them are initial reports, which means that the authorities have not yet submitted a single report under those conventions.'<sup>99</sup>

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## 8. Security forces

8.01 The internal security establishment consists primarily of the police and four auxiliary (paramilitary) forces: the Border Guards of Bangladesh (BGB), the Rapid Action

<sup>97</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> (Section 5) Accessed 23 May 2013

<sup>98</sup> United Nations 'Treaty Collection' website <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en> Accessed 29 May 2013

<sup>99</sup> International Federation for Human Rights (FIDH), 'Criminal justice through the prism of capital punishment and the fight against terrorism', October 2010 (p8) [http://www.fidh.org/IMG/pdf/Report\\_eng.pdf](http://www.fidh.org/IMG/pdf/Report_eng.pdf) Accessed 22 July 2013

Battalion (RAB), the Ansars and the Village Defence Party, all of which are organised nationally under the control of the Ministry of Home Affairs. (MHA).<sup>100</sup>

See also Section 9: [Military service](#) regarding external security.

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## Police and paramilitary forces

8.02 The US State Department 2012 Country Report on Human Rights Practices: Bangladesh (USSD 2012), released on 19 April 2013, stated that:

‘Police, organized nationally under the MHA [Ministry of Home Affairs], have a mandate to maintain internal security and law and order. The army, organized under the Prime Minister’s Office, is responsible for external security but also has some domestic security responsibilities, such as in the Chittagong Hills Tracts (CHT).

‘... The government took steps to improve police professionalism, discipline, training, and responsiveness, and to reduce corruption. For example, RAB [Rapid Action Battalion] established an internal affairs unit consisting of 20 officers, which investigated 12 cases and took action, including arrest, against three of the accused officers. Police incorporated instruction on the use of force into their basic training as part of a campaign to implement community-based policing.

‘Despite such efforts, security forces, including RAB, continued sometimes to commit abuses with impunity. Plaintiffs sometimes were reluctant to accuse police in criminal cases due to lengthy trial procedures and fears of retribution. Reluctance to bring charges against police also perpetuated a climate of impunity. Security forces sometimes failed to prevent societal violence.’<sup>101</sup>

## Bangladesh Police

8.03 The non-governmental website, Bangladesh Military Forces, in an overview of Internal and Border security organisations, stated that:

‘The Bangladesh Police is the primary law enforcement agency in Bangladesh. Its mission is to uphold the rule of law, ensure safety and security of citizens, detect and prevent crime, bring offenders to justice and maintain peace, public order. In addition the Police service participates in international peacekeeping missions under the sanction of the United Nations. Various branches and departments such as the CID, SB, RAB, Metropolitan Police, SWAT, Highway Police, Railway Police, Range Police, Prison Police, Industrial Police, River Police, Air Wing and Armed Police Battalion exist in the Police service. Currently the Bangladesh Police is comprised of 138,000 personnel excluding special units such as the Rapid Action Battalion (RAB). It is led by an Inspector General, equivalent to the rank of Lieutenant General in the Army.’<sup>102</sup>

<sup>100</sup> Bangladesh Ministry of Home Affairs, Departments, undated, <http://www.mha.gov.bd/index5.php?category=4> Accessed 8 July 2013

<sup>101</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013. (Section 1.d.) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dld=204395> Accessed 23 May 2013

<sup>102</sup> Bangladesh Military Forces, <http://bdmilitary.com/>, undated, Accessed 08 July 2013

## Border Guards of Bangladesh

- 8.04 'The Border Guards of Bangladesh or BGB (formerly known as Bangladesh Rifles or BDR) is the largest and oldest border security force of the country. Its history dates back to the Colonial period where it was known as the Ramgarh Local Battalion in 1795. Its mission is to protect, defend and safeguard the border of Bangladesh and prevent smuggling in addition to assisting the civilian and military authorities as per the direction of the government. The BGB is headed by a Director General of the rank of Major General, normally deputed from the Bangladesh Army. Its manpower strength is 67,000 and is organised by a central headquarter, sectors, battalions and border outposts. Its forces are mainly stationed along the border areas of Bangladesh. In addition to being equipped with light infantry weapons and land-based logistical support it also operates helicopters and patrol vessels for transportation and patrolling purposes.'<sup>103</sup>

See Section 3: [Bangladesh Rifles \(BDR\) mutiny](#)

## Rapid Action Battalion

- 8.05 'Formed on the 26th of March 2004 the Rapid Action Battalion (RAB) is Bangladesh's primary anti-crime and anti-terrorism elite force. It is equipped with modern weapons, law enforcement equipment, patrol vehicles, helicopters and armoured personnel carriers to perform all types of internal security duties with efficiency. This elite unit is subordinate to the Ministry of Home Affairs but consists of members drawn from Police, Army, Navy and Air Force.'<sup>104</sup>

## Bangladesh Ansar/Village Defence Party

- 8.06 'The Ansar-VDP organisation consists of three basic components. Ansar Bahini, Battalion Ansar and the Village Defence Party. ... Ansar Bahini was raised on 12 February 1948 to help improve the law and order situation. ... Battalion Ansar was raised in line with the Armed Police Battalions in 1976 to augment the strength of the security forces [and the] Village Defence Party was raised on 5th January 1976 to improve the law and order situation and the socio-economic condition of the rural masses. ...

'There are 36 regular Ansar battalions have been raised including one full fledged Female Battalion. Besides, the Bahini has two other components - about 300,000 strong 'Sadharon' Ansars readily available for embodiment and deployment in a short notice; and the other is about 5.6 million strong volunteers of community based VDP. These able bodied members both male and female from the community can easily be converted into an effective resistance force against any aggressor.'<sup>105</sup>

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

## Police Reform Programme

- 8.07 The Bangladesh Ministry of Home Affairs, in discussing the Police Reform Programme (PRP), stated that the:

<sup>103</sup> Bangladesh Military Forces, <http://bdmilitary.com/>, undated, Accessed 08 July 2013

<sup>104</sup> Ibid

<sup>105</sup> Ibid

'Police Reform Programme (PRP) aims at improving the efficiency and effectiveness of the Bangladesh Police by supporting key areas of access to justice; including crime prevention, investigations, police operations and prosecutions; human resource management and training; and future directions, strategic capacity and oversight.

'The programme complements other initiatives for reform in the broader justice sector and is designed to assist Bangladesh Police to improve performance and professionalism consistent with broader government objectives. Support to a functioning, accessible and transparent criminal justice system, institutions and services (including legal aid) means that poor people and other disadvantaged groups have protection, representation and recourse to hold the resource-rich accountable ...'<sup>106</sup>

8.08 The Commonwealth Human Rights Initiative, Network for Improving Policing in South Asia (NIPSA), Overview, undated, of the Police Reform Programme (PRP) stated that:

'At present, police reform is dominated by the UNDP-led Police Reform Programme, which started in 2003 in collaboration with the Government of Bangladesh. It is a long-term capacity building project that aims to support the transition of Bangladesh from colonial-era policing to democratic policing. Phase II of the programme has seen continued efforts to enhance the impact and reach of model thanas (police stations), community policing, gender sensitisation and strategic planning, however it continues to be faced with obstacles and stern resistance from the political executive. Its second five-year phase is to end in September 2014.'<sup>107</sup>

8.09 The Government of the People's Republic of Bangladesh, Ministry of Home Affairs, Police Reform Programme (Phase II), Annual Report 2012, covers the progress and achievements made during 2012 by each PRP component. It stated that:

'The PRP aims to improve safety, access to justice and human rights for the people of Bangladesh, particularly disadvantaged and vulnerable groups such as women and children who are considered the PRP's target beneficiaries. The police service will additionally benefit from increased capacity and job satisfaction, improved morale and better social standing.'<sup>108</sup>

The same report continued:

'Following the dissemination of two PRP comparative legal studies' findings, there has been noticeable increase in support for the reform of the Bangladesh Police Act 1861... a Police Working Group ... is reviewing the 2007 draft Police Ordinance, following the draft's return from the Ministry of Home Affairs. A draft Gender and Anti-discrimination Policy for the Bangladesh Police is currently being finalised ... Within the Bangladesh Police, the ratio of women police officers increased significantly in the last three years.'<sup>109</sup>

<sup>106</sup> Bangladesh Police, Ministry of Home Affairs, Police Reform Programme, About us, undated <http://www.prp.org.bd/AboutUs.htm> Accessed 8 July 2013

<sup>107</sup> Commonwealth Human Rights Initiative, Network for Improving Policing in South Asia (NIPSA), Overview, undated. <http://www.nipsa.in/bangladesh> Accessed 8 July 2013

<sup>108</sup> The Government of the People's Republic of Bangladesh, Ministry of Home Affairs, Police Reform Programme (Phase II), Annual Report 2012, (p8) <http://www.undp.org/content/dam/undp/documents/projects/BGD/PRP%20Annual%20Report%202012%20Final%2007-03-2012.pdf> Accessed 8 July 2013

<sup>109</sup> The Government of the People's Republic of Bangladesh, Ministry of Home Affairs, Police Reform Programme (Phase II), Annual Report 2012, (p8)



8.10 The PRP Annual Report 2012 also stated that:

'The Rangamati Victim Support Centre (VSC) was established in 2012 under the guidance of the PRP to provide support services for women and child victims, in a similar arrangement to the already established Tejgaon VSC in Dhaka. ... Construction of fifteen new Model Thana Service Delivery Centres is approximately 75 percent completed. The PRP handed over six fully constructed Model Thanas to the Bangladesh Police which serve as blueprints for future Thanas with improved facilities, including women's sleeping quarters, separate toilets for women and separate cells for males, females and juveniles.'<sup>110</sup>

8.11 In setting out upcoming priorities, the PRP Annual Report 2012 stated that:

'Priorities for 2013-2014 will include supporting the review process on the draft Police Act; supporting the implementation of the Bangladesh Police Strategic Plan 2012-2014, institutionalising the PRP training programmes and incorporating those programmes into the Bangladesh Police training curricula. In recognition of the possible instability associated with the 2013 election, the PRP will focus on greater awareness of human rights issues and accountability within the Bangladesh Police, and continue strengthening police responses to disadvantaged and vulnerable groups through the Model Thana initiative and newly established Victim Support Centres. Finally, the PRP will continue its efforts to promote proactive, intelligence-led policing to implement crime prevention programmes and to increase the use of forensic evidence in investigations.'<sup>111</sup>

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## Armed forces

8.12 The armed forces total 172,000 members: 140,000 in the army, 15,000 in the navy and 17,000 in the air force.<sup>112</sup>

8.13 The army is also a major contributor to UN peacekeeping missions around the world. The Armed Forces Division (AFD), Bangladesh stated that:

'[The] Bangladesh Army started its journey in the UN peacekeeping mission in 1988 with 15 observers in UNIMOG (Iraq-Iran). Since then it is maintaining its dominance as a leading troop contributor country in UN peacekeeping. Bangladesh Armed Forces has so far participated in 54 peacekeeping missions in 38 countries. A total of 107,354 members from Bangladesh Armed Forces have participated in the noble task of

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<http://www.undp.org/content/dam/undp/documents/projects/BGD/PRP%20Annual%20Report%202012%20Final%2007-03-2012.pdf> Accessed 8 July 2013

<sup>110</sup> The Government of the People's Republic of Bangladesh, Ministry of Home Affairs, Police Reform Programme (Phase II), Annual Report 2012, (p9)

<http://www.undp.org/content/dam/undp/documents/projects/BGD/PRP%20Annual%20Report%202012%20Final%2007-03-2012.pdf> Accessed 8 July 2013

<sup>111</sup> The Government of the People's Republic of Bangladesh, Ministry of Home Affairs, Police Reform Programme (Phase II), Annual Report 2012, (p10)

<http://www.undp.org/content/dam/undp/documents/projects/BGD/PRP%20Annual%20Report%202012%20Final%2007-03-2012.pdf> Accessed 8 July 2013

<sup>112</sup> Jane's Sentinel Security Assessment - South Asia, Armed Forces-Bangladesh, Updated 27 February 2013, (Subscription)

<https://janes.ihs.com/CustomPages/Janes/DisplayPage.aspx?DocType=Reference&ItemId=+++1304799&Pubabbr=ev=SAS> Accessed 8 July 2013

peacekeeping.’<sup>113</sup> As of 31 May 2013, Bangladesh was providing a total of 8,836 personnel to United Nations peacekeeping activities.<sup>114</sup>

See [Bangladesh Army, UN Mission website](#).<sup>115</sup>

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## Other government forces

### Directorate General of Forces Intelligence (DGFI)

8.14 Bangladesh Military Forces, in an overview of Internal and Border security organisations, stated that:

‘The Directorate General of Forces Intelligence (DGFI) is Bangladesh’s premier intelligence agency. It was established by the late President Ziaur Rahman as the Directorate of Forces Intelligence (DFI) in 1977 to protect Bangladesh’s national interests. The DGFI is headed by a Director General with the rank of Major General. The Director General is assisted by seven Directors of Brigadier General Rank or equivalent. The intelligence agency maintains offices in all Bangladeshi districts and upazilas besides having a large presence in the capital Dhaka, Chittagong, Jessore, Mymensingh, Rajshahi and Sylhet. The force is mostly staffed by military personnel. The main objectives of the DGFI are to collect and analyse intelligence information to advise the government of Bangladesh. DGFI personnel undergo extensive advanced commando and intelligence training. Training of DGFI personnel is conducted both within country and abroad in the United States, United Kingdom and Pakistan with the respective intelligence agencies. Centres for special training are located all over Bangladesh including Comilla.’<sup>116</sup>

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## Human rights violations by the security forces

### Arbitrary arrest and detention

See also Section 12: [Arrest and Detention – Legal Rights](#) and Section 15: [Opposition Groups and Political Activists](#)

8.15 The Asian Human Rights Commission in The State of Human Rights in Bangladesh in 2012, dated 10 December 2012, stated that:

‘The people of Bangladesh often live in serious fear of arbitrary arrest and detention. In particular, whenever the opposition announces any protest rally in the country, the situation gets worse for the ordinary people, as happened prior to a mass rally in Dhaka on March 12, 2012 that was called by the opposition parties, and led by the Bangladesh

<sup>113</sup> Armed Forces Division (AFD), Bangladesh in UN Peacekeeping Mission, undated <http://www.afd.gov.bd/?q=node/25> Accessed 10 July 2013

<sup>114</sup> United Nations Peacekeeping, Monthly Summary of Contributions, 31 May 2013 [http://www.un.org/en/peacekeeping/contributors/2013/may13\\_1.pdf](http://www.un.org/en/peacekeeping/contributors/2013/may13_1.pdf) Accessed 10 July 2013

<sup>115</sup> Official website of the Bangladesh Army, Bangladesh UN Mission <http://www.army.mil.bd/taxonomy/term/77> Accessed 10 July 2013

<sup>116</sup> Bangladesh Military Forces, <http://bdmilitary.com/>, undated, Accessed 08 July 2013

Nationalist Party (BNP), against the ruling regime.... They have now accused the government of arresting hundreds of their activists and supporters prior to the rally.

'The government, had deployed all of its agents, including the police, Rapid Action Battalion and other intelligence agencies, to prevent the public rally of the opposition. ... Law-enforcing agents of Bangladesh have indeed arrested hundreds of ordinary people and activists of the opposition political parties, en masse. ... under Section 54 of the Code of Criminal Procedure-1989 and several other draconian laws including the Dhaka Metropolitan Police Ordinance-1976 and Anti-Terrorism Act-2009.'<sup>117</sup>

- 8.16 The US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013, accessed 23 May 2013, stated that:

'The constitution prohibits arbitrary arrest and detention. The law permits authorities to arrest and detain persons suspected of criminal activity without an order from a magistrate or a warrant.

'Legal experts and human rights activists criticized the use of mobile courts headed by magistrates during nationwide strikes called by the opposition party. Mobile courts immediately prosecuted persons who supported the strikes and rendered verdicts that often included prison terms. ...

'... The government or a district magistrate may order a person detained for 30 days to prevent the commission of an act that could threaten national security; however, authorities sometimes held detainees for longer periods. A magistrate must inform a detainee of the grounds for detention within 15 days, and an advisory board is required to examine the detainee's case after four months. Detainees have the right to appeal....

'Arbitrary arrests occurred, usually in conjunction with political demonstrations, and the government held persons in detention without specific charges, sometimes in an attempt to collect information about other suspects. Following national political demonstrations on March 12, police arrested more than 3,000 suspected protestors. Odhikar estimated that the total number of arrests for the year was 8,675.

'Arbitrary and lengthy pretrial detention continued to be a problem due to bureaucratic inefficiencies, limited resources, lax enforcement of pretrial rules, and corruption.'<sup>118</sup>

- 8.17 Freedom House, in Freedom in the World 2013 – Bangladesh, dated 10 April 2013, also stated that:

'Law enforcement abuses are facilitated by legislation such as the 1974 Special Powers Act, which permits arbitrary detention without charge, and Section 54 of the criminal procedure code, which allows detention without a warrant'<sup>119</sup>

See [Pre-trial detention](#)

<sup>117</sup> Asian Human Rights Commission, The State of Human Rights in Bangladesh in 2012, AHRC-SPR-003-2012, dated 10 December 2012 <http://www.humanrights.asia/resources/hrreport/2012/> Accessed 10 July 2013

<sup>118</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013. (Section 1.d) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204395> Accessed 23 May 2013

<sup>119</sup> Freedom House, Freedom in the world 2013 – Bangladesh, 10 April 2013 <http://www.freedomhouse.org/report/freedom-world/2013/bangladesh> Accessed 10 July 2013

**Torture**

8.18 The USSD 2012 report stated:

‘Although the constitution and law prohibit torture and other cruel, inhuman, or degrading treatment or punishment, security forces including RAB and police reportedly employed torture and physical and psychological abuse during arrests and interrogations. Security forces used threats, beatings, and electric shock. ... The government rarely charged, convicted, or punished those responsible.’<sup>120</sup>

8.19 Odhikar, the Human Rights NGO, in its Human Rights Report 2012 on Bangladesh, dated 12 January 2013, stated that:

‘The prevalence of torture has been attributed to several factors, i.e., the long practice of using violence for political ends, the high levels of corruption, the poor training of police forces and almost complete impunity for the perpetrators. The practice of torture is also facilitated by the lack of safeguards.

‘According to Odhikar’s documentation, 72 persons were reportedly tortured by different law enforcement agencies in 2012. ... Between January and December 2012, seven persons were allegedly tortured to death. Among the deceased five were tortured allegedly by the police, one by Border Guard Bangladesh (BGB) and one by jail authorities.’<sup>121</sup>

Death due to torture by year<sup>122</sup>

Law Enforcement Agencies	2012	2011	2010	2009
RAB	0	1	2	3
Police	5	14	20	11
BGB	1	0	0	5
Jail Police	1	2	0	1
Coast Guard	0	0	0	1
Total	7	17	22	21

8.20 Odhikar, Human Rights Monitoring Report-January 1 – June 30, 2013, dated 1 July 2013, stated that:

‘According to Odhikar’s documentation, 18 persons were reportedly tortured by different law enforcement agencies between January – June 2013. Among them 12 persons

<sup>120</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204395> Accessed 23 May 2013

<sup>121</sup> Odhikar, Human Rights Report 2012 – Bangladesh, 12 January 2013 (p52) [http://odhikar.org/?p=5075#/?p=5075&\\_suid=137699143430306589730761989163](http://odhikar.org/?p=5075#/?p=5075&_suid=137699143430306589730761989163) Accessed 10 July 2013

<sup>122</sup> Ibid

were allegedly tortured, but did not succumb to their injuries. Six persons were allegedly tortured to death.<sup>123</sup> Of them 17 were allegedly tortured by police and one by RAB.'

See Section 8: [Security forces - Extra-judicial killings](#)

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## Extra-judicial killings

### 8.21 According to the USSD 2012 report:

'The constitution provides for right to life and personal liberty; however, there were reports that the government or its agents committed arbitrary or unlawful killings.

'The government neither released statistics on total killings by all security personnel nor took comprehensive measures to investigate cases, despite statements by high-ranking officials that the government would show "zero tolerance" and fully investigate all extrajudicial killings by security forces. According to the media and local human rights organizations, no case resulted in criminal punishment and, in the few instances in which the government brought charges, those found guilty generally received administrative punishment. Some members of the security forces acted with impunity. In 2011 the government formed an internal inquiries cell within the paramilitary Rapid Action Battalion (RAB) to investigate cases of human rights abuses, but during the year the government did not disclose information on any prosecutions for suspected killings by RAB officers.

'According to media reports, local and international human rights organizations, and the government, 70 persons were killed extrajudicially. These organizations believed RAB was responsible for 40 of the extrajudicial deaths, while combined security units consisting of RAB members killed six additional persons during the year. The deaths occurred during raids, arrests, and other law-enforcement operations. The government often described these deaths as "crossfire killings," "gunfights," or "encounter killings," terms used to characterize exchanges of gunfire between RAB or police units and criminal gangs. According to the NGO Odhikar, non-RAB law enforcement officials were responsible for 24 extrajudicial killings, down from 33 incidents in 2011'<sup>124</sup>

### 8.22 Odhikar, noted in their Human Rights Report 2012, dated 12 January 2013, stated that:

'The notoriety Bangladesh has earned in carrying out extrajudicial killings, despite domestic and international protest is simply astounding. The rights to life and personal liberty are under constant threat in Bangladesh, despite the fact that they are guaranteed by the Constitution of the People's Republic of Bangladesh. ... During the period of January to December 2012, according to information gathered by Odhikar, 70 persons were killed extra-judicially by law enforcement agencies. It is to be noted that, 84 persons were killed extra judicially in 2011, 127 in 2010 and 154 in 2009.

'Different terminologies have been used by the law enforcement agencies to distract away from extrajudicial killings, such as, deaths during "cross-fire", "encounter",

<sup>123</sup> Odhikar, Human Rights Monitoring Report-January 1 – June 30, 2013, dated 1 July 2013 [http://odhikar.org/#/?&\\_suid=137724198102808139372787049997](http://odhikar.org/#/?&_suid=137724198102808139372787049997) Accessed 10 July 2013

<sup>124</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013. (Section 1.a) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204395> Accessed 23 May 2013

“gunfight” etc. Odhikar’s fact finding team were sent to ascertain such claims of the law enforcing agencies. In most cases no trace of encounter shootings’ between the police and criminals, could be found. It is difficult to disprove that a majority of these victims were merely shot dead by law enforcement agencies. People were also being tortured in custody and killed extrajudicially.’ <sup>125</sup>

Extrajudicial killings by year <sup>126</sup>

Law Enforcement Agencies	2012	2011	2010	2009
RAB	40	43	68	41
Police	18	31	43	75
RAB-Police	2	4	9	25
RAB-Coast Guard	4	4	3	0
Jail Police	1	2	0	1
Ansar	3	0	0	2
BGB	2	0	1	5
Army	0	0	0	3
RAB-Police-Coast Guard	0	0	3	0
Forest Guard	0	0	0	1
Coast Guard	0	0	0	1
Total	70	84	127	154

8.23 Human Rights Watch, in its World Report 2013 – Bangladesh, covering events in 2012, dated 31 January 2013 stated that:

‘Although there was a decline in overall numbers of civilians killed by security forces in 2012, the Rapid Action Battalion (RAB)—a force comprised of military and police—continued to carry out extrajudicial killings. The ruling political party, the Awami League, pledged to bring the RAB under control when it assumed office, but abuses persisted.... The authorities failed to investigate and prosecute the RAB or other security forces responsible for extrajudicial killings or torture. While the RAB set up an internal investigative unit with technical assistance from the United States, no RAB member has ever faced criminal prosecution for a human rights violation.’ <sup>127</sup>

8.24 Freedom House, in its Freedom in the World 2013 report – Bangladesh, dated 10 April 2013, stated that:

‘Security forces including the Rapid Action Battalion (RAB), a paramilitary unit composed of military and police personnel, have been criticized for excesses like extrajudicial executions. According to Odhikar, there were 70 extrajudicial killings by law enforcement agencies in 2012, and it is estimated that more than 800 people have been killed by the RAB since its formation in 2004. The Directorate General–Forces Intelligence (DGFI), a military intelligence unit, has been responsible for a number of

<sup>125</sup> Odhikar, Human Rights Report 2012 – Bangladesh, 12 January 2013 (p49) [http://odhikar.org/?p=5075#/?p=5075&\\_suid=137699143430306589730761989163](http://odhikar.org/?p=5075#/?p=5075&_suid=137699143430306589730761989163) Accessed 10 July 2013

<sup>126</sup> Ibid (p49)

<sup>127</sup> Human Rights Watch, World Report 2013 – Bangladesh, covering events in 2012, 31 January 2013 <http://www.hrw.org/world-report/2013/country-chapters/bangladesh?page=1> Accessed 10 July 2013

cases of abuse during interrogations. Although the AL government initially promised a “zero-tolerance” approach on torture and extrajudicial executions, high-level officials routinely excuse or deny the practices, and the rate of custodial deaths has increased since the AL took office. ... Law enforcement abuses are facilitated by legislation such as the 1974 Special Powers Act, which permits arbitrary detention without charge, and Section 54 of the criminal procedure code, which allows detention without a warrant.’<sup>128</sup>

See Section 8: [Torture](#), See also [Accountability and impunity](#) below

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## Corruption in the law enforcement agencies

- 8.25 Global Advice Network, in its Business Anti-Corruption Portal Bangladesh Country Profile, undated, stated that:

‘Police are perceived to be very corrupt in the eyes of Bangladeshi households. This is displayed in Transparency International’s Global Corruption Barometer 2010, in which the surveyed households perceive the police to be the institution most affected by corruption out of twelve different institutions in the country. According to another 2010 national household survey conducted by Transparency International Bangladesh, law enforcement agencies (i.e. Rapid Action Battalion and the police force) represent the second most corrupt service sector, with nearly 4 out of 5 surveyed households reported to having been victims of corruption or harassment when seeking services from these agencies. This is also supported in the Bertelsmann Foundation 2012 report, in which it states that the frequency of bribe-taking put law enforcement agencies at the top of the chart of most corrupt service sectors.’<sup>129</sup>

- 8.26 Transparency International, in its Corruption in the Service Sectors: National Household Survey 2010, dated December 2010, stated that:

‘From the 2010 survey it is seen that 19.5% households received services from the law enforcing agencies either as plaintiff or defendant. Among these households 79.7% were victims of corruption or harassment. Those service recipients who received services in the rural areas, 84.4% among them and 73.1% in the case of urban areas were victims of corruption or harassment. Those households who received services from the law enforcing agencies, 68.1% of them were compelled to pay [a] bribe.’<sup>130</sup>

- 8.27 Bertelsmann Stiftung’s Transformation Index (BTI) 2012, Bangladesh country report stated that: the frequency of bribe-taking puts law enforcement agencies on top of the chart of most corrupt service sectors.’<sup>131</sup>

See also [Avenues of complaint](#) and Section 18: [Corruption](#)

<sup>128</sup> Freedom House, Freedom in the World 2013 - Bangladesh, 10 April 2013 <http://www.freedomhouse.org/report/freedom-world/2013/bangladesh> Accessed 10 July 2013

<sup>129</sup> Global Advice Network, Business Anti-Corruption Portal, undated <http://www.business-anti-corruption.com/country-profiles/south-asia/bangladesh/corruption-levels/police/> Accessed 10 July 2013

<sup>130</sup> Transparency International, Corruption in the Service Sectors: National Household Survey 2010, December 2010, [http://www.ti-bangladesh.org/research/Executive%20Summary\\_23122010%20FINAL.pdf](http://www.ti-bangladesh.org/research/Executive%20Summary_23122010%20FINAL.pdf) Accessed 10 July 2013

<sup>131</sup> Bertelsmann Stiftung, BTI 2012 — Bangladesh Country Report. Gütersloh: Bertelsmann Stiftung, 2012. (p23) <http://www.bti-project.org/fileadmin/Inhalte/reports/2012/pdf/BTI%202012%20Bangladesh.pdf> Accessed 10 July 2013

## Avenues of complaint

- 8.28 An U4 Expert Answer, Overview of corruption in the justice sector in Bangladesh, 12 February 2012, stated that:

‘According to Article 14 of the Citizen Charter of the Bangladesh Police, if a citizen does not receive their entitled services from the thana and/or has complaints against any member of the police department then he/she can lodge a complaint to a higher authority. In that case, the higher authority is obliged to investigate the matter within 15 days and inform the complainer accordingly. As part of reform initiatives, a complaints handling mechanism was recently introduced on the Bangladesh Police website where complaint forms are available for free. However, in real life this mechanism has not been found to be very effective. In fact, it is alleged that often the police do not act on complaints if they do not receive bribes ...

‘Every law enforcement agency can also take departmental or ministerial action against corrupt practices of their officials. For example, under the Home Ministry, there is a Counter Intelligence Unit (CIU) in the police headquarters which is responsible for collecting information against corrupt police officials across the country and taking necessary actions. However, in practice this system is found to be only partially effective due to political interference.’<sup>132</sup>

- 8.29 It was reported in an article in The Daily Star dated 22 June 2012 that:

‘Accountability mechanisms for Bangladesh police are evidently weak. Internal disciplinary mechanisms have long collapsed. Courts have failed to play a proactive role in bringing officers to account. A national human rights commission has been set up recently but it lacks the necessary powers or teeth. External accountability mechanisms solely set up for the police are absent in Bangladesh. Without external oversight, police are essentially left to police themselves. Victims are often reluctant even to report abuse directly to the police for fear of reprisals, or simply because they do not believe a serious investigation will result.’<sup>133</sup>

## Accountability and impunity

- 8.30 The HRW World Report 2011, Bangladesh, released on 24 January 2011, noted:

‘In 2010, members of the security forces regularly escaped accountability for killings, acts of torture, and illegal detentions. Several legal provisions effectively shield members of the security forces and other public officials from prosecution by requiring government approval for criminal actions to be initiated. Military and police regularly employ torture and cruel, inhuman, or degrading punishment against detainees, despite constitutional guarantees against torture and Bangladesh’s ratification of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The government failed to investigate the causes of numerous deaths in

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<sup>132</sup> U4 Expert Answer, Overview of corruption in the justice sector in Bangladesh, 12 February 2012 <http://www.u4.no/publications/overview-of-corruption-within-the-justice-sector-and-law-enforcement-agencies-in-bangladesh/downloadasset/2800> . Accessed 10 July 2013

<sup>133</sup> The Daily Star of Bangladesh, Extra-judicial killing: Strong Police Complaints Commission needed, 22 June 2012 <http://www.thedailystar.net/newDesign/news-details.php?nid=239201> Accessed 13 August 2012



custody, and there was little action to hold accountable those responsible for the deaths of alleged mutineers from the Bangladesh Rifles border force.’<sup>134</sup>

- 8.31 An U4 Expert Answer, Overview of corruption in the justice sector in Bangladesh, 12 February 2012, stated that:

‘On June 22, 2010, the government of Bangladesh formed the National Human Rights Commission (NHRC) under the provision of National Human Rights Commission Act, 2009. The NHRC has been established in accordance with international conventions and the UN Paris Principles to ensure that it is a truly independent, neutral and service-oriented organization (National Human Rights Commission Bangladesh) The Human Rights Commission provides a mechanism to bring complaints against human rights violations and has the potential to become an important avenue to prosecute police abuses.’<sup>135</sup>

- 8.32 The US State Department 2012 Country Report on Human Rights Practices: Bangladesh (USSD 2012), released on 19 April 2013, stated that:

‘Official corruption and related impunity remained problems. Weak regard for the rule of law not only enabled individuals, including government officials, to commit human rights violations with impunity but also prevented citizens from claiming their rights. As in the previous year, the government did not take comprehensive measures to investigate and prosecute cases of security force killings.’<sup>136</sup>

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## 9. Military service

- 9.01 Conscription has never existed in Bangladesh, although the 1952 Bangladesh Army Act does provide for a possible introduction of compulsory military service.<sup>137</sup> A State Party report, dated 14 July 2005, to the United Nations Convention on the Rights of the Child (UN CRC) observed: ‘There is no provision for compulsory recruitment into the armed forces of Bangladesh. ... The UNCRC report of July 2005 clarified that, because recruits into the armed forces initially underwent a period of basic training, there was no scope for any person to be employed for actual service or combat duty before attaining the age of 18.’<sup>138</sup>
- 9.02 Child Soldiers International, in a report, Louder than Words, An agenda for action to end state use of child soldiers, 2012, stated however that:

<sup>134</sup> Human Rights Watch, World Report 2011: Bangladesh (Events of 2010): 24 January 2011 [http://www.hrw.org/sites/default/files/related\\_material/bangladesh\\_2.pdf](http://www.hrw.org/sites/default/files/related_material/bangladesh_2.pdf) Accessed 1 April 2011

<sup>135</sup> U4 Expert Answer, Overview of corruption in the justice sector in Bangladesh, 12 February 2012 <http://www.u4.no/publications/overview-of-corruption-within-the-justice-sector-and-law-enforcement-agencies-in-bangladesh/downloadasset/2800> Accessed 10 July 2013

<sup>136</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013. (Executive summary) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204395> Accessed 23 May 2013

<sup>137</sup> War Resisters’ International, Bangladesh; last updated 27 March 1998 [http://www.wri-irg.org/programmes/world\\_survey/reports/Bangladesh](http://www.wri-irg.org/programmes/world_survey/reports/Bangladesh) Accessed 10 July 2013

<sup>138</sup> United Nations Convention on the Rights of the Child (CRC), [CRC/C/OPAC/BGD/1] Consideration of Reports submitted by States Parties under Article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. 14 July 2005 <http://www.unhcr.org/refworld/pdfid/49ad10090.pdf> Accessed 21 August 2012

'In Bangladesh the government has previously maintained that there is no scope for any person to be employed for actual service or combat duty before attaining the age of 18, because those recruited below that age are required to undergo periods of training. However, the recruitment age for the army is 17 years old and the period of training just nine months. In the case of Airmen, for whom the minimum recruitment age is 16 years, initial training for several categories of recruit is just 18 to 36 weeks long. On completion of training some members of the Bangladesh army and air force could therefore still be under 18 years and on active duty.'<sup>139</sup>

See Section 24: [Children – documentation](#) regarding the difficulties in maintaining a reliable Birth registration system.

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## 10. Abuses by non-government armed forces

10.01 Jane's Sentinel Country Risk Assessment, Bangladesh, Executive Summary, dated 17 October 2012, stated:

'Islam has become an increasingly defining feature of Bangladeshi politics in recent years. One consequence of this has been a deterioration in the security environment. The former BNP-led government (2001-2006), which included the Bangladesh Islamic Conference (Jamaat-i-Islami Bangladesh: JIB) and the Coalition of Islamic Unity (Islami Oikya Jote: IOJ), came under pressure for its tacit support of radical Islamist groups such as the JMB, which was responsible for 459 near-simultaneous improvised explosive devices that detonated on 17 August 2005, killing two people and injuring more than 100 others. The judiciary was also targeted that year with attacks on courthouses in Gazipur and Chittagong, probably because they were symbols of secular authority. The BNP did belatedly begin to crack down on the JMB, leading to the execution of the leading operatives of the terrorist attacks, despite the tensions this created with their political allies, the JIB. In May 2007, near-simultaneous bomb explosions at three railway stations in three cities were claimed by a new organisation called Zadid Al-Qaeda, possibly a regrouping of certain JMB activists. The government stated in April 2009 that there were 122 organisations involved in terrorist activity in the country, the result of increasing factionalism among militants. There have been no major attacks on the same scale as the 2005 blasts, and counter-terrorist operations have been surprisingly successful in arresting key members of the JMB and reducing its capabilities. The current AL government has sought to crack down on the spread of Islamism by strengthening the counter-terrorism apparatus internally and increasing international co-operation. Attempts by the Supreme Court to ban religious-based parties and return the constitution to its avowedly secular roots were, however, overturned by the 15th constitutional amendment in June 2011, which maintained Islam as the state religion. Nonetheless, the removal of the phrase "absolute faith and trust in Allah" from the preamble of the constitution was enough to spark rioting by Islamist organisations. In January 2012, the army claimed to have thwarted a coup by a group of mid-ranking officers with alleged ties to Hizb-ut-Tahrir, a pan-Islamic jihadist organisation.'<sup>140</sup>

<sup>139</sup> Child Soldiers International, 'Louder than Words, An agenda for action to end state use of child soldiers, 2012 [http://www.child-soldiers.org/global\\_report\\_reader.php?id=562](http://www.child-soldiers.org/global_report_reader.php?id=562) Accessed 10 July 2013

<sup>140</sup> Jane's Sentinel Security Assessment - South Asia, Armed Forces-Bangladesh, Updated 27 February 2013, (Subscription)

10.02 The Institute for Conflict Management's South Asia Terrorism Portal (SATP) reported in their Bangladesh Assessment 2013 (covering events of 2012):

'Sheikh Hasina's Awami League (AL)-led Government, which came to power on January 6, 2009, has consolidated its secular commitments through 2012, reining in Islamist extremist groups and targeting the Left Wing Extremist (LWE) movement in the country. Overall political stability has been established, though some untoward incidents have, nonetheless, occurred; these have largely been instigated by the Jamaat-e-Islami (JeI) and its student wing, the Islami Chhatra Shibir (ICS) with the principal objective of disrupting the ongoing War Crimes (WC) Trials.

'According to partial data collected by the South Asia Terrorism Portal (SATP), the country witnessed 18 terrorism/insurgency-related fatalities in total, including 17 militants and one civilian, in 14 incidents of killing through 2012 (data till December 9). Three Islamist terrorism linked fatalities occurred, including one civilian and two terrorists; in 2010, six such fatalities were recorded, including three civilians and three militants. This is a significant contrast with 2005, when Bangladesh experienced 35 Islamist terrorism linked fatalities, including 26 civilians and nine terrorists. 15 LWE-linked fatalities were recorded in 2012. ... Meanwhile, SF personnel in Bangladesh arrested 1,616 extremists belonging to various Islamist groups ...

'Bangladesh has experienced an abrupt political stabilization in 2009, even as subversive activities by Islamist extremist groups have been substantially curbed by the Government. No terrorist attack has so far been recorded in 2009 by the Islamist militants, though radical groups continue to maintain a varying presence across the country. Bangladeshi authorities, however, continue to vigorously target alleged Left Wing Extremists, though there is little corresponding evidence of a proportionately violent Left Wing movement in the country.'<sup>141</sup>

10.03 The Daily Star, in an article, Counter terrorism: A Bangladesh perspective, dated 20 March 2013, stated that:

'The present government has adopted zero-tolerance towards terrorism and has denied the use of its territory for any terrorist groups for perpetrating terrorist activities either inside or outside the country. The government has enacted the Anti-Terrorism Act 2012 and Anti-money Laundering Act 2012 and has, so far, proscribed five terrorist outfits- JMB, Hizb-ut-Tahrir (HT), Harkat-ul-Jihad, Bangladesh (HUJI-B), Jagrata Muslim Janata, Bangladesh (JMJB) and Shahadat-e-al-Hikma. Although, these religious groups have not carried out any terrorist activities since 2007, JMB continues to maintain its organizational activities.

'The situation in Bangladesh is unique and in combating terrorist groups and networks it has dealt with the problem in its own style that is best suited to her dynamics despite the prescription of other countries to do it differently. And this has proved to be effective and successful. In the past, top leaders of JMB was put through speedy trial and executed. Stern actions have led to weakening of JMB to the extent that it no longer poses a credible threat. However, the HT continues to carry out its organisational

<https://janes.ihs.com/CustomPages/Janes/DisplayPage.aspx?DocType=Reference&ItemId=+++1304791#Extremist> Accessed 8 July 2013

<sup>141</sup> Institute For Conflict Management, South Asia Terrorism Portal, Bangladesh Assessment 2013, undated <http://www.satp.org/satporqtp/countries/bangladesh/index.htm> Accessed 10 July 2013

activities-recruitment, networking, training, preaching of ideology and fund raising despite the actions by the LEAs.

‘The trends, pattern and overall threat of terrorism in Bangladesh is new. It is difficult for any single government agency to address the problem alone, for it is a fight that needs the involvement of all. Therefore, a coordinated and collaborative approach is the solution. Its transnational nature demands cooperation with other countries since it is a fight that needs a global effort too. Bangladesh is a country of moderate Muslims and Islam plays a major role in the lives of the people. Therefore, any group propagating an extremist view is going to face opposition since the general people is secular.

‘In Bangladesh, the most encouraging part is the awareness created amongst the general population against terrorism and the wrong ideologies that they preach. Thus, it is encouraging finding the general mass protesting and arresting activists of different groups who preach wrong ideologies in public places. The recent protests throughout the country against the verdict of a convict of war crimes charges, and the activities of a religion based political party, is yet another manifestation of the secular nature of Bangladeshis. Bangladesh is a success story in fighting terrorism and she continues to inspire other nations who are still struggling to fight this menace in their own land.’<sup>142</sup>

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

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## 11. Judiciary

11.01 Article 35(3) of the Constitution states ‘Every person accused of a criminal offence shall have the right to a speedy and public trial by an independent and impartial court or tribunal established by law.’ Article 27 provides: ‘All citizens are equal before the law and are entitled to equal protection of law.’<sup>143</sup>

11.02 According to the US State Department Country Report on Human Rights Practices for 2012, released on 19 April 2013 (USSD 2012 report):

‘The law provides for an independent judiciary, but a longstanding temporary provision of the constitution undermined full judicial independence in practice. According to the provision, the executive branch is in charge of the lower courts, judicial appointments, and compensation for judicial officials.

‘Corruption and a substantial backlog of cases hindered the court system, and extended continuances effectively prevented many defendants from obtaining fair trials due to witness tampering, victim intimidation, and missing evidence.

‘Individuals and organizations may seek administrative and judicial remedies for human rights violations; however, the civil court system was slow and cumbersome, deterring many from filing complaints.’<sup>144</sup>

<sup>142</sup> The Daily Star, Counter terrorism: A Bangladesh perspective, 20 March 2013 <http://www.thedailystar.net/beta2/news/counter-terrorism-a-bangladesh-perspective/> Accessed 10 July 2013

<sup>143</sup> Constitution of the People’s Republic of Bangladesh (website of the Prime Minister’s Office) <http://www.pmo.gov.bd/pmolib/constitution/part1.htm> Accessed 15 March 2010

<sup>144</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013 (Section 1e) <http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> Accessed 23 May 2013

- 11.03 The USSD Report stated further that ‘Several reports by human rights groups and corruption watchdog groups indicated growing public dissatisfaction with the perceived politicization of the judiciary.’<sup>145</sup>
- 11.04 Odhikar, a Dhaka-based NGO, stated in their Human Rights Report 2012, dated 12 January 2013 that the backlog of cases had continued rising due to a shortage of judges and courtrooms. According to statistics available to Odhikar, as of January 2012 there were 701,000 civil cases pending in the lower courts, while 374,000 criminal cases were pending in the Sessions Judge’s Courts and more than 1,000,000 criminal cases were pending in the Judicial Magistracy.<sup>146</sup>

See also Section 24: [Juvenile justice](#)

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## Organisation

- 11.05 M. Samiul Islam noted in a paper for the Institute of Business Administration, Dhaka University, ‘The Structure of Judicial System in Bangladesh’, 18 February 2010:
- ‘The present legal system of Bangladesh owes its origin mainly to 200-year British rule in Indian Sub-Continent. The Civil Courts Act, 1887 and the Criminal Procedure Code, 1898 as amended up to 2007 is the main legal basis of the present court structure particularly the subordinate judiciary in both civil and criminal side. The judiciary system of Bangladesh is composed of two divisions: The Supreme Court and the Subordinate Court ... The highest court in Bangladesh, the Supreme Court ... consists of two divisions, namely the Appellate Divisions and the High Court Division. The functions of the two are distinct and the appointment of judges to each is separate. ...
- ‘The Judges of the High Court Division are [following] at least 10 years of experience as [a] lawyer in High Court Division. The appointment is done by the Chief Justice through consultation with the President. ...
- ‘The appellate division of Bangladesh is comprised of [a] Chief Justice along with other most senior justices....
- ‘There are some other courts available according to various laws and ordinances. These are mainly exercised for special situation[s] and special case[s]. The prominent among them are Labour Court, Labour Appellate Tribunal, Special Power Act, Special Tribunal, Children Act, Administrative Tribunal, Administrative Appellate Tribunal, Village Court, Marine Court, Family Court etc.’<sup>147</sup>
- 11.06 Decisions of the Appellate Court are binding on all other courts, including the High Court. The judges of both divisions of the Supreme Court are appointed by the

<sup>145</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013 (Section 4) <http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> Accessed 23 May 2013

<sup>146</sup> Odhikar, Annual Report 2012 dated 12 January 2013

[http://odhikar.org/?p=5075#/?p=5075&\\_suid=137699143430306589730761989163](http://odhikar.org/?p=5075#/?p=5075&_suid=137699143430306589730761989163) (p95) Accessed 3 June 2013

<sup>147</sup> M. Samiul Islam, Institute of Business Administration, Dhaka University, ‘The Structure of Judicial system’, 18 February 2010 <http://www.slashdocs.com/mrpxwv/the-structure-of-judicial-system-in-bangladesh.html> Accessed 23 August 2012

President, according to the terms of the Constitution. [Bangladesh Constitution, accessed 15 March 2010]<sup>148</sup>

- 11.07 At district level, the Criminal courts are divided into (a) The Court of Session and (b) The Magistracy. These are structured as follows:

### **The Court of Session**

(Hears, on transfer from the Magistracy, criminal cases which carry a term of imprisonment of more than 10 years.)

1. Court of Session Judge
2. Court of Additional Session Judge
3. Court of Assistant Session Judge

### **The Magistracy**

The Magistracy of Bangladesh is divided into two 'classes'

1. The Judicial Magistracy
2. The Executive Magistracy

The Courts of Judicial Magistrates are:

1. Court of Chief Judicial Magistrate
2. Court of 1st Class Judicial Magistrate (Offences for which imprisonment can be more than 5 years)
3. Court of 2nd Class Judicial Magistrate
4. Court of 3rd Class Judicial Magistrate

(Source: Law Guardian 2010<sup>149</sup>)

- 11.08 Regarding civil procedures for human rights violations, the USSD 2012 report noted:

'Individuals and organizations may seek administrative and judicial remedies for human rights violations; however, the civil court system was slow and cumbersome, deterring many from filing complaints. The government did not interfere with civil judicial procedures ... Alternative dispute resolution for civil cases allows citizens to present their cases for mediation. According to government sources, the wider use of mediation in civil cases accelerated the administration of justice, but there was no assessment of its fairness or impartiality.'<sup>150</sup>

<sup>148</sup> Constitution of the People's Republic of Bangladesh (website of the Prime Minister's Office) <http://www.pmo.gov.bd/pmolib/constitution/part1.htm> Accessed 15 March 2010

<sup>149</sup> Law Guardian, 'Judicial System of Bangladesh', 2010 <http://judiciary.webs.com/apps/contactme/sites/show> Accessed 19 July 2013

<sup>150</sup> US State Department, Bangladesh Country Report on Human Rights Practices 2012, published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> Accessed 28 June 2013

11.09 The Law Commission is a statutory body empowered to recommend enactment, amendment or the repeal of laws relating to fundamental rights and values of society. It codifies laws and advises reforms of the judicial system. Before finalising draft laws, the Commission consults, solicits and considers submissions from various stakeholders.<sup>151</sup>

See also section 24: Children: [Juvenile justice](#)

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## Informal systems of justice: village courts and Shalish

11.10 A working paper prepared for The World Bank by Maitreyi Bordia Das and Vivek Maru in August 2011, '[Framing Local Conflict and Justice in Bangladesh](#)', noted that 'Bangladesh has a range of local justice mechanisms with varying degrees of formality. The traditional shalish is most informal at one end of the spectrum and the formal courts are at the other. In terms of usage, while no hard empirical evidence is available, it is generally recognized that informal systems are resorted to much more often than are formal systems.' (p8)<sup>152</sup>

11.11 Shalish (or Grameen Shalish) local mediation councils provide a traditional alternative to dispute resolution and comprise local community leaders who either individually or in groups provide a forum for arbitration and dispute resolution. A study of Shalish in two districts in 1996 indicated that the majority of disputes dealt with related to family law, maintenance, second marriage, dowry, and land ownership. The World Bank report observed that shalish have tended to retain a 'patriarchal character' and are sometimes criticised for harsh and publicly humiliating punishments; however, shalish in Bangladesh have evolved into various different forms and do not all share these characteristics.<sup>153</sup> Shalish cannot lawfully try criminal cases; all criminal proceedings must be regulated by the Code of Criminal Procedure or by specific acts passed by parliament. (UNB, 20 March 2009)<sup>154</sup>

11.12 The World Bank report of August 2011 noted:

'The Village Courts Act of 2006, which replaced and updates the Village Courts Act of 1976, provides for the establishment of a village court in every Union Parishad. The village court is comprised of a panel of five: the UP chairperson; two other UP council members, one of whom is chosen by each party in the dispute; and then two additional citizens, who are also chosen by the parties respectively. The courts have jurisdiction over civil disputes valuing up to 25,000 Taka. They also have jurisdiction over some crimes, including assault and theft, though they do not have the power to fine or imprison; rather they can grant simple injunctions and award compensation up to 25,000 Taka (Village Courts Act 2006).' (p15)<sup>155</sup>

<sup>151</sup> UN Human Rights Council, 'National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21': [Universal Periodic Review] : Bangladesh , 7 February 2013, A/HRC/WG.6/16/BGD/1: <http://www.refworld.org/docid/51e7ccc84.html> Accessed 23 July 2013

<sup>152</sup> Maitreyi Bordia Das and Vivek Maru, 'Framing Local Conflict and Justice in Bangladesh', August 2011 <http://elibrary.worldbank.org/content/workingpaper/10.1596/1813-9450-5781> Accessed 28 June 2013

<sup>153</sup> Ibid

<sup>154</sup> United News of Bangladesh, 'Outlawing the malpractice of 'so-called fatwa': 20 March 2009. Accessed via LexisNexis

<sup>155</sup> Maitreyi Bordia Das and Vivek Maru, 'Framing Local Conflict and Justice in Bangladesh', August 2011 <http://elibrary.worldbank.org/content/workingpaper/10.1596/1813-9450-5781> Accessed 28 June 2013

The World Bank report contained a detailed assessment of the workings of local justice mechanisms, including shalish and village courts.<sup>156</sup>

- 11.13 The Bangladesh Legal Aid and Services Trust (BLAST) noted on their website, accessed in July 2013:

‘On 9.7.2010, the High Court declared the infliction of all kinds of extra-judicial punishment, including extra-judicial punishment by local salish [shalish] in the name of ‘fatwa’, to be illegal and without any lawful authority. The Court held that any person involved, present, participating or assisting in any such conviction or execution would come under purview of the offences under Penal Code and be subject to punishment.’<sup>157</sup>

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## Independence

- 11.14 Article 94(4) of the Constitution states ‘Subject to the provisions of this Constitution the Chief Justice and the other Judges shall be independent in the exercise of their judicial functions.’ Article 96 provides that a judge cannot be removed from office for reasons other than those set out in the Constitution.<sup>158</sup>

- 11.15 The Bertelsmann Foundation noted in its BTI 2012 Bangladesh Country Report:<sup>159</sup>

‘Although the law providing for the separation of judiciary from executive was passed by the parliament in 2009 as a follow up to the 1999 Supreme Court order, the objective has yet to be fully achieved because of non-completion of some critical aspects such as the appointment of a powerful supreme judicial council. A higher degree of transparency, neutrality and accountability in the criminal administration of justice is yet to be a reality. Issues such as the basis of judicial appointments, the security of tenure, and the pattern of political patronage and interference remain unaddressed. Executive control over the appointment process is exercised blatantly and appears to be done with a view to outnumber the judges appointed by the previous government. At the lower levels, the courts are often faced with political interference and corruption charges.’

- 11.16 Odhikar commented in their Human Rights Report 2012, dated 12 January 2013:

‘[I]n 1999, the Supreme Court directed the Government to de-link the lower Judiciary from the direct control of the Government and place it under the supervision and management of the Supreme Court to ensure its independence. The Government, however, framed four sets of rules on the service and salaries and financial benefits of the lower court Judges and amended the Code of Criminal Procedure in 2007 with effect from November 1, 2007 to make the lower Judiciary, the Magistracy in particular, independent of the Executive Government.

‘[T]he Government is yet to set up a separate secretariat for the Judiciary and the transfer, promotion and posting of judges of the lower Judiciary are still practically

<sup>156</sup> Ibid

<sup>157</sup> Bangladesh Legal Aid and Services Trust (BLAST), ‘Right to Fair Trial’, undated <http://www.blast.org.bd/issues/trial> Accessed 14 July 2013

<sup>158</sup> Constitution of the People’s Republic of Bangladesh (website of the Prime Minister’s Office) <http://www.pmo.gov.bd/pmolib/constitution/part1.htm> Accessed 15 March 2010

<sup>159</sup> The Bertelsmann Foundation, Transformation Index BTI 2012: Bangladesh Country Report, March 2012 <http://www.bti-project.org/country-reports/aso/bgd> Accessed 31 May 2013



decided by the Government. Besides, judges are often constrained from performing their functions because of various obstacles, financial and otherwise ... [T]he government has repeatedly failed several deadlines, set by the Supreme Court, to implement the recommendations the Judicial Service Pay Commission made for a separate pay structure of judges.

‘The higher Judiciary, apparently free, has continuously been losing public confidence primarily because of the partisan appointment of Judges, in most of the cases, by successive governments. Despite the longstanding demand from different quarters and the constitutional mandate, successive governments are yet to enact a law on the appointment of the Supreme Court Judges, guiding the procedure and the qualification for judges in order to avoid controversies over their appointment at the Supreme Court level; and to stop the alleged politicisation of the highest Judiciary.’<sup>160</sup>

### ‘Politically-motivated’ cases

11.17 The Odhikar Human Rights Report 2012 noted further:

‘Like previous years, in 2012 the present government continued withdrawing cases on the grounds that they were ‘politically motivated’, despite massive criticism. In the latest instance, the National Committee for Withdrawing Politically Motivated Cases on September 19, 2012 recommended the withdrawal of 10 cases of murder and rape. Reports have it that the district committees for withdrawing such case have not recommended the withdrawal of cases and the public prosecutors concerned have also refused to make such recommendations. The present government has so far recommended the withdrawal of 7,101 cases, branding them ‘politically motivated’. The government action in withdrawing ‘politically motivated cases’ is, indeed, a politically motivated action, as no case against people who are not the men of the ruling alliance (mainly Awami League) has been withdrawn. It should be noted that between 2001 and 2006, during the tenure of the Four Party Alliance led by the BNP, 5,888 cases were withdrawn under ‘political consideration’ and several accused persons had been acquitted from 945 ‘politically motivated’ cases. A total of 73,541 accused persons had been acquitted in this process.’<sup>161</sup>

### Presidential clemency for criminals

11.18 The Odhikar Human Rights Report 2012 quoted the Home Minister as saying on 14 November 2012 that 21 people sentenced to death had received presidential clemency since the current Awami League-led government came to power, while the total number of convicted murderers who received clemency between 1972 and 2008 was only four. The High Court, in a verdict of 25 April 2012 directed that the powers of the President to pardon, suspend or remit sentences of any convict should be exercised fairly and on unbiased relevant principles. Odhikar has cited the commuting of the death sentence of an AHM Biplob and his associate Babor in 2012 as suggesting that Presidential pardons

<sup>160</sup> Odhikar, Human Rights Report 2012, dated 12 January 2013  
[http://odhikar.org/?p=5075#/?p=5075&\\_suid=137699143430306589730761989163](http://odhikar.org/?p=5075#/?p=5075&_suid=137699143430306589730761989163) (p94-95) Accessed 3 June 2013

<sup>161</sup> Ibid

were not always politically impartial; Biplob, the son of a senior Awami League member, had been convicted for the murders of two Bangladesh Nationalist Party activists.<sup>162</sup>

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## Fair trial

11.19 According to the USSD 2012 report 'The law provides for the right to a fair trial, but the judiciary could not always protect this right due to corruption and weak human and institutional capacities.'<sup>163</sup> (See '[Corruption in the Judiciary](#)')

11.20 Regarding criminal trial procedures, the USSD 2012 report stated:

'Defendants are presumed innocent and have the right to appeal and to see the government's evidence. Defendants have the right to be informed promptly and in detail of the charges against them. The law prevented undue delay of proceedings for certain offenses, such as murder, sexual assault, and robbery. Judges rather than juries decide cases, and trials are public. Indigent defendants have the right to a public defender. Defendants also have adequate time to prepare a defense; adjournments are one factor that contributed to the backlog of cases. Accused persons have the right to be represented by counsel, review accusatory material, call or question witnesses, and appeal verdicts, and the government sometimes respected these rights.'<sup>164</sup>

'Criminal detainees charged with crimes were granted access to attorneys ... Authorities generally permitted defense lawyers to meet with their clients after formal charges were filed in the courts, which in some cases occurred several weeks or months after the initial arrest.'<sup>165</sup>

See also Section 24: [Juvenile justice](#) and Section 3: [BDR Mutiny trials](#) and Section 3: [International Crimes Tribunal \(ICT\)](#) and Section 12: [Bail](#)

## Legal Aid

11.21 A report of February 2013 to the UN Human Rights Council, by the Bangladesh Government, noted that the [Government] had set up the country's first comprehensive legal aid institution, the National Legal Aid Services Organization (NLASO), 'in order to facilitate poor citizens access to justice and enforcement of their rights ... The NLASO provides service through District Legal Aid Committees (DLAC) operating in all districts. Each DLAC reserves a legal aid fund financed by the Government.'<sup>166</sup> According to a column in The Daily Star of 29 April 2013, 'Any poor person is entitled to get free legal aid service [from NLASO]. [Further], any individual receiving old age allowance, distressed mother holding a VGD card, women and children victims of trafficking and acid throwing, insolvent widow, abandoned or distressed woman, disabled person, poor

<sup>162</sup> Odhikar, Human Rights Report 2012, dated 12 January 2013

[http://odhikar.org/?p=5075#/?p=5075&\\_suid=137699143430306589730761989163](http://odhikar.org/?p=5075#/?p=5075&_suid=137699143430306589730761989163) (p36-37) Accessed 3 June 2013

<sup>163</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013 (Section 1d) <http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> Accessed 23 May 2013

<sup>164</sup> Ibid

<sup>165</sup> Ibid

<sup>166</sup> UN Human Rights Council, 'National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21': [Universal Periodic Review] : Bangladesh , 7 February 2013, A/HRC/WG.6/16/BGD/1: <http://www.refworld.org/docid/51e7ccc84.html> Accessed 23 July 2013

detainee can avail the free legal services.<sup>167</sup> The UN Special Rapporteur on Violence against Women observed in an end-of-mission statement of 29 May 2013 that the NLASO had been effectively institutionalised.<sup>168</sup>

- 11.22 Certain NGOs provide legal aid services to indigent people, either free of charge or at subsidised rates. For example, it is stated on the website of Ain o Salish Kendra (ASK), a legal aid and human rights NGO:

‘ASK provides legal services to the vulnerable and marginalised, in particular women, children and workers, as well victims of violence by state and non-state agents. It provides legal advice, undertakes mediation and litigation and supplementary support services, such as emergency temporary shelter and psycho-social help. It also responds to incidents of abuse...

‘ASK provides free legal advice to any person who approaches ASK, either in person at its main Purana Paltan [Dhaka] office or in legal clinics located across Dhaka...

‘In cases amenable to mediation, if no settlement is reached and the mediation fails, ASK may provide legal representation to the client to seek a remedy through litigation in the court ... In cases which cannot be mediated, for example complaints of violence, including rape, murder, possession of arms and explosives, and cases involving infringement of fundamental rights, ASK may provide legal advice and representation for remedies to be sought through litigation.

‘ASK provides its clients with emergency temporary shelter, medical, economic, and psychological support to supplement its legal services.<sup>169</sup>

- 11.23 The Bangladesh Legal Aid and Services Trust (BLAST) is another organisation that provides legal aid services to indigent people. According to the United Nations Office on Drugs and Crime, BLAST has represented over 35,000 people, mainly women, in litigation since 2003. BLAST has also resolved, through alternate dispute resolution (ADR), over 15,000 disputes on issues pertaining to family, land, finances, petty crime, and labour.<sup>170</sup>

See also Section 12: [Bail](#)

## Corruption in the Judiciary

- 11.24 The USSD 2012 report stated:

‘Corruption and a substantial backlog of cases hindered the court system, and extended continuances effectively prevented many defendants from obtaining fair trials due to witness tampering, victim intimidation, and missing evidence. Human rights observers

<sup>167</sup> The Daily Star, ‘Overview of government legal aid system’, 29 April 2013

<http://www.thedailystar.net/beta2/news/overview-of-government-legal-aid-system/> Accessed 28 June 2013

<sup>168</sup> UN Office of the High Commissioner for Human Rights: ‘Special Rapporteur on Violence against women, its causes and consequences finalises country mission to Bangladesh’, 29 May 2013

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13374&LangID=E> Accessed 26 July 2013

<sup>169</sup> Ain o Salish Kendra: Legal Aid, undated [http://www.askbd.org/web/?page\\_id=374](http://www.askbd.org/web/?page_id=374) Accessed 28 June 2013

<sup>170</sup> UN Office on Drugs and Crime (UNODC), ‘Bangladesh Legal Aid and Services Trust (BLAST)’, 2013

[https://www.unodc.org/ngo/showSingleDetailed.do?req\\_org\\_uid=21122](https://www.unodc.org/ngo/showSingleDetailed.do?req_org_uid=21122) Accessed 28 June 2013

stated that magistrates, attorneys, and court officials demanded bribes from defendants in many cases filed during the year.

‘The law provides for the right to a fair trial, but the judiciary could not always protect this right due to corruption and weak human and institutional capacities. Prosecutors and judges were underpaid, and their low monthly retainer of 3,000 taka (approximately [US] \$37) plus 200 taka (approximately \$2.50) per hour in court meant some were willing to accept bribes to influence the outcome of a case.

‘The government did not interfere with civil judicial procedures. Corruption and outside influence were [also] problems in the civil judicial system.’<sup>171</sup>

‘Several reports by human rights groups and corruption watchdog groups indicated growing public dissatisfaction with the perceived politicization of the judiciary.’<sup>172</sup>

See also Section 18: [Corruption](#)

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## 12. Arrest and detention – legal rights

See also Section 8: [Arbitrary Arrest and detention](#) and Section 24: [Children – Juvenile justice](#)

### Pre-trial detention

12.01 According to the USSD 2012 report:

‘Arbitrary and lengthy pre-trial detention continued to be a problem due to bureaucratic inefficiencies, limited resources, lax enforcement of pre-trial rules, and corruption. An estimated two million civil and criminal cases were pending. According to a 2008 estimate from the International Center for Prison Studies, nearly 70 percent of prison inmates, or 56,000 prisoners, were in pre-trial detention. In some cases the length of pre-trial detention equaled or exceeded the sentence for the alleged crime.

There is a functioning bail system in the regular courts. Criminal detainees charged with crimes were granted access to attorneys. The government sometimes provided detainees with state-funded defense attorneys. The few [government] legal aid programs for detainees that existed were underfunded. Authorities generally permitted defense lawyers to meet with their clients after formal charges were filed in the courts, which in some cases occurred several weeks or months after the initial arrest.’<sup>173</sup>

See Section 11: [Legal Aid](#)

### ‘Cognizable’ and ‘non-cognizable’ offences

12.02 The International Federation for Human Rights (FIDH) noted in a report of October 2010:

<sup>171</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013 (Section 1d) <http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> Accessed 23 May 2013

<sup>172</sup> Ibid (Section 4)

<sup>173</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013 (Section 1d) <http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> Accessed 23 May 2013

‘There are two kinds of offences in Bangladesh criminal law: non-cognizable and cognizable. Cognizable offences, as enumerated in Section 4(f) of the Code of Criminal Procedure...are those in which a police officer may arrest without a warrant and include crimes such as murder, robbery, theft, rape, rioting and assault. Non-cognizable offences, which include bribery and sedition, require a police officer to first obtain a warrant before making an arrest.’<sup>174</sup>

## Preventive detention and its legislative framework

12.03 Human Rights Watch (HRW) observed in a report of 18 May 2009, ‘Laws giving the authorities the power to deprive a person of his or her liberty in order to prevent potential future criminal acts have been in place on the subcontinent since British colonial rule. As no crime has been committed, these laws are by their very nature in conflict with the right to be presumed innocent until proved guilty, as well as to not be arbitrarily detained.’<sup>175</sup>

## Section 54 of the Code of Criminal Procedure (CrPC)

12.04 Section 54 of Code of Criminal Procedure (CrPC) authorises any police officer to arrest ‘without an order from a magistrate or without a warrant.... any person ....concerned in any cognisable offence or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been so concerned.’<sup>176</sup> The CrPC lays down certain procedures to be observed once an arrest has been made. This includes that the accused must be produced before a magistrate within 24 hours, and that a magistrate must issue a special order if the police are to hold a prisoner for longer.<sup>177</sup>

12.05 The FIDH report of October 2010 stated:

‘Section 54 of the Code of Criminal Procedure, 1898 (Cr.P.C.) enumerates nine grounds in which a police officer may arrest without a warrant.

‘As stated by many human rights activists and lawyers met by the FIDH/Odhikar delegation in Bangladesh, police very often abuse this power of unwarranted arrest under Section 54. Several of the nine circumstances enumerated in Section 54 of the Cr.P.C. are drafted with such nebulous wording that they facilitate this abuse of power. The Supreme Court itself has called for a revision of the code, especially Section 54(a), which allows unwarranted arrest upon “reasonable suspicion,” “reasonable complaint,” or “credible information” against “any person who has been concerned in any cognizable offence.” This section is a virtual carte blanche for the police to abuse their power of arrest without a warrant due to the nebulous phrases “concerned in any cognizable offence” and “reasonable suspicion”.

<sup>174</sup> International Federation for Human Rights (FIDH), ‘Criminal justice through the prism of capital punishment and the fight against terrorism’, October 2010 (p15) [http://www.fidh.org/IMG/pdf/Report\\_eng.pdf](http://www.fidh.org/IMG/pdf/Report_eng.pdf) Accessed 22 July 2013.

<sup>175</sup> Human Rights Watch, ‘Ignoring Executions and Torture – Impunity for Bangladesh’s Security Forces’: 18 May 2009 <http://www.hrw.org/en/reports/2009/05/18/ignoring-executions-and-torture-0> Accessed 12 July 2013

<sup>176</sup> Government of Bangladesh: Code of Criminal Procedure: Chapter V, Section 54(1) [http://bdlaws.minlaw.gov.bd/sections\\_detail.php?id=75&sections\\_id=14518](http://bdlaws.minlaw.gov.bd/sections_detail.php?id=75&sections_id=14518) Accessed 23 July 2013

<sup>177</sup> Government of Bangladesh: Code of Criminal Procedure: Chapter V, Section 61 [http://bdlaws.minlaw.gov.bd/sections\\_detail.php?id=75&sections\\_id=14525](http://bdlaws.minlaw.gov.bd/sections_detail.php?id=75&sections_id=14525) Accessed 23 July 2013

'The [Supreme] Court in [the case of BLAST and others vs. Bangladesh 2003] attempted to narrow the ambiguity of the terms "reasonable suspicion" and "concerned in any cognizable offence" as requirements for arrest. The Court required the officer to record his suspicion and personal knowledge of facts implicating the accused of criminal involvement ... The police officer must also allow the person arrested to consult a lawyer of his choice if he so desires or to meet any of his nearest relations.'<sup>178</sup>

## The Special Powers Act, 1974 (SPA)

12.06 The Special Powers Act (SPA) of 1974 gives the government, with the consent of a District Magistrate, powers to detain any person for an initial period of up to 30 days, without a formal charge or specific complaint, in order to prevent him or her performing a 'prejudicial act'. (Section 3)<sup>179</sup> A 'prejudicial act' is broadly defined as any act likely to prejudice the sovereignty and defence of the country, national security, public order or the economic or financial interests of the state. (Section 2f)<sup>180</sup>

12.07 In its report of October 2010, the FIDH observed:

'The Special Powers Act, 1974 (SPA) was enacted under the emergency provisions of the Second Amendment of the Constitution, which allows Parliament to pass national security legislation.

'The SPA outlaws any activity that is "intended or likely to: prejudice the sovereignty or defence of Bangladesh, prejudice the maintenance of friendly relations with Bangladesh, prejudice the security of Bangladesh or to endanger public safety or the maintenance of public order, create or incite feelings of enmity or hatred between different communities, classes or sections of people, interfere with or encourage or incite interference with the administration of law or the maintenance of law and order, prejudice the maintenance of supplies and services essential to the community, cause fear or alarm to the public or to any section of the public, prejudice the economic or financial interests of the State."

'Because they are overly expansive, these definitions of "prejudicial acts" are not compatible with Article 15 of the ICCPR [International Covenant on Civil and Political Rights]. Moreover, Section 8 of the SPA provides that the arresting and detaining authority may inform the detainee of the reason for his arrest within 15 days of the arrest. This provision is clearly incompatible with Article 9 (2) of the ICCPR which states that: "Anyone who is arrested shall be informed, at the time of the arrest, of the reasons for his arrest and shall be promptly informed of any charges against him". Even worse, Section 10 of the SPA provides that the Government can detain a person without trial for as long as 120 days.'<sup>181</sup>

See Section 8: [Security forces - Arbitrary arrest and detention](#)

<sup>178</sup> International Federation for Human Rights (FIDH), 'Criminal justice through the prism of capital punishment and the fight against terrorism', October 2010 (p15) [http://www.fidh.org/IMG/pdf/Report\\_eng.pdf](http://www.fidh.org/IMG/pdf/Report_eng.pdf) Accessed 22 July 2013.

<sup>179</sup> Special Powers Act, 1974 – Section 3  
[http://bdlaws.minlaw.gov.bd/sections\\_detail.php?id=462&sections\\_id=11067](http://bdlaws.minlaw.gov.bd/sections_detail.php?id=462&sections_id=11067) Accessed 23 July 2013

<sup>180</sup> Special Powers Act, 1974 – Section 2(f)  
[http://bdlaws.minlaw.gov.bd/sections\\_detail.php?id=462&sections\\_id=11065](http://bdlaws.minlaw.gov.bd/sections_detail.php?id=462&sections_id=11065) Accessed 23 July 2013

<sup>181</sup> International Federation for Human Rights (FIDH), 'Criminal justice through the prism of capital punishment and the fight against terrorism', October 2010 (p27) [http://www.fidh.org/IMG/pdf/Report\\_eng.pdf](http://www.fidh.org/IMG/pdf/Report_eng.pdf) Accessed 22 July 2013.

## Bail

12.08 The USSD 2012 report confirmed that ‘There is a functioning bail system in the regular courts.’<sup>182</sup>

12.09 The FIDH report of October 2010 stated:

‘The important procedural safeguard of bail is denied for many offences which could lead to the death penalty. Section 497 of the Code of Criminal Procedure provides that an accused shall not be released on bail if there appears reasonable grounds for believing that he is guilty of an offence punishable with death. The special laws for the protection of women and children provide that all offences under those Acts are non-bailable, which means that bail is per se unavailable unless, at the judge’s discretion, the court decides to grant bail ... [C]riminal trials in Bangladesh regularly last for months or years.’<sup>183</sup>

‘Severe delay and backlog in the court system reportedly drags cases on for years, which is especially pernicious for those held for non-bailable offences or for those who could not afford bail.’<sup>184</sup>

12.10 The Asian Legal Resource Centre, a Hong Kong-based NGO, commented in its publication of February 2010, ‘Politics – Corruption Nexus in Bangladesh, An Empirical Study of the Impacts On Judicial Governance’:

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

‘The question of bail arises as soon as a person is arrested by the police or detained in custody or a warrant of arrest is issued against an accused person by the court. In most cases, the accused or their relatives try to obtain bail at any cost, even when bail is [un]available. This is the area where local touts, political leaders, lawyers and judicial officers take the opportunity to amass huge sums of money.’<sup>185</sup>

<sup>182</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013 (Section 1d)

<http://www.state.gov/drl/rls/hrrpt/2012/sca/204395.htm> Accessed 23 May 2013

<sup>183</sup> International Federation for Human Rights (FIDH), ‘Criminal justice through the prism of capital punishment and the fight against terrorism’, October 2010 (p18) [http://www.fidh.org/IMG/pdf/Report\\_eng.pdf](http://www.fidh.org/IMG/pdf/Report_eng.pdf) Accessed 22 July 2013.

<sup>184</sup> International Federation for Human Rights (FIDH), ‘Criminal justice through the prism of capital punishment and the fight against terrorism’, October 2010 (p37) [http://www.fidh.org/IMG/pdf/Report\\_eng.pdf](http://www.fidh.org/IMG/pdf/Report_eng.pdf) Accessed 22 July 2013

<sup>185</sup> Asian Legal Resource Centre, ‘Politics – Corruption Nexus in Bangladesh An Empirical Study Of The Impacts On Judicial Governance’, February 2010. <http://www.ahrchk.net/pub/pdf/ALRC-PUB-001-2010-BN-Politics-Corruption.pdf> Accessed 11 June 2010

## 13. Prison conditions

13.01 The International Centre for Prison Studies (ICPS) recorded in their Prison Brief (accessed 31 May 2013) that the total prison population stood at 72,104 on 16 April 2013; the country's 68 prison establishments had an official capacity of 33,570 on the same date, yielding an occupancy level of 215 per cent. The total prison population had averaged approximately 69,850 in 2011 and 83,000 in 2008. ICPS noted that pre-trial detainees/remand prisoners comprised 68.3 per cent of the prison population in December 2012; female prisoners made up 3.5 per cent of the prison population and minors (under the age of 18) accounted for 0.4 per cent.<sup>186</sup>

13.02 The NGO Odhikar stated in their Human Rights Report 2012, dated 12 January 2013, that 63 persons had died in prison in 2012; 105 prisoners died in 2011. Odhikar did not provide an analysis of the causes of those deaths or say how the mortality rate compared with that of the Bangladeshi population in general. According to the report:

'The cells [in prisons] are small and cramped, with poor sanitation and inadequate ventilation. Many of the buildings are dilapidated and are, throughout the years, accommodating prisoners beyond cell capacity. The supply of low quality food; lack of adequate medical facilities; crime; the spread of various kinds of disease and torture have all led to deaths of prisoners in Bangladesh. There are provisions for the health of prisoners in chapter VIII of the Prisons Act, 1894 (Act No. IX OF 1894). There it is stated that the medical officers or their subordinates are bound to give treatment or supply of medicines without any delay. There are not enough doctors for the prisoners; moreover female prisoners are mostly deprived of treatment as there is no female doctor in the jails.

'There are allegations of corruption against...prison officials. Throughout the years, accommodating prisoners beyond cell capacity; supply of low quality food; lack of adequate medical facilities; crime inside the prison; the spread of various kinds of disease; harassment of inmates; inadequate/insufficient budget allocation etc. have all added to the slow degradation of the prison system in Bangladesh.'<sup>187</sup>

13.03 The US State Department Country Report on Human Rights Practices for 2012, published on 19 April 2013 (USSD 2012 report), noted:

'Prison system conditions remained harsh and at times life threatening due to overcrowding, inadequate facilities, and lack of proper sanitation. Human rights observers stated that these conditions contributed to custodial deaths.

'Due to overcrowding, prisoners slept in shifts and did not have adequate toilet facilities. All prisoners have the right to medical care and water. Human rights organizations and the media stated that some prisoners did not enjoy these rights. Water available in prisons was comparable with water available in the rest of the country, which was often not potable.

<sup>186</sup> International Centre for Prison Studies (ICPS) based at the University of Essex, World Prison Brief – Bangladesh: updated 16 April 2013 [http://www.prisonstudies.org/info/worldbrief/wpb\\_country.php?country=87](http://www.prisonstudies.org/info/worldbrief/wpb_country.php?country=87) Accessed 31 May 2013

<sup>187</sup> Odhikar, Human Rights Report 2012, dated 12 January 2013 [http://odhikar.org/?p=5075#/?p=5075&\\_suid=137699143430306589730761989163](http://odhikar.org/?p=5075#/?p=5075&_suid=137699143430306589730761989163) (p61) Accessed 3 June 2013



‘Conditions in prisons and often within the same prison complex varied widely because some prisoners were lodged in areas subject to high temperatures, poor ventilation, and overcrowding while others were placed in “divisional” custody, which featured better conditions, including increased family visitation and access to household staff.

‘Prison recordkeeping was adequate. Authorities did not use alternatives to sentencing for nonviolent offenders, and prison ombudsmen were not available to prisoners. Authorities permitted religious observance for prisoners. They allowed prisoners to submit uncensored complaints and occasionally investigated such complaints.’<sup>188</sup>

13.04 It was further stated in the USSD 2012 report:

‘The law requires that juveniles be held separately from adults, but in practice many juveniles were incarcerated with adults. Children were sometimes imprisoned (occasionally with their mothers) despite laws and court decisions prohibiting the imprisonment of minors.

‘Authorities routinely housed female prisoners separately from men. Although the law prohibits women in “safe custody” (usually victims of rape, trafficking, and domestic violence) from being housed with criminals, officials did not always provide separate facilities. According to Odhikar, 2,435 women were incarcerated in prisons, including 1,787 women awaiting trial and 648 who were convicted prisoners.’<sup>189</sup>

13.05 The UN General Assembly Special Session on HIV/AIDS (UNGASS), in a ‘Country Progress Report’ dated 4 April 2012, noted that prisoners in any country are at exceptional risk of infection with HIV. The report stated that an HIV prevention programme had been introduced in six prisons in Bangladesh in collaboration with the UN Office on Drugs and Crime, and the programme was being expanded.<sup>190</sup>

13.06 With regard to prison monitoring, the USSD 2012 report stated:

‘The government generally did not permit prison visits by independent human rights monitors, including Odhikar and the International Committee of the Red Cross, but allowed the Bangladesh Red Crescent Society to visit foreign detainees. Government-appointed committees composed of prominent private citizens in each prison locality monitored prisons monthly but did not publicly release their findings. District judges occasionally visited prisons.’<sup>191</sup>

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## 14. Death penalty

<sup>188</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013. <http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> (Section 1c) Accessed 23 May 2013

<sup>189</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013. <http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> (Section 1c) Accessed 23 May 2013

<sup>190</sup> UN Assembly Special Session on HIV/AIDS, UNGASS Country Progress Report: Bangladesh, submitted 4 April 2012 <http://www.aidsdatahub.org/en/reference-librarycols2/item/24192-ungass-country-progress-report-bangladesh-national-aids-std-programme-bangladesh-2012> Accessed 5 July 2013

<sup>191</sup> UN Assembly Special Session on HIV/AIDS, UNGASS Country Progress Report: Bangladesh, submitted 4 April 2012 <http://www.aidsdatahub.org/en/reference-librarycols2/item/24192-ungass-country-progress-report-bangladesh-national-aids-std-programme-bangladesh-2012> Accessed 5 July 2013

14.01 The Amnesty International (AI) Annual Report 2013 (covering events of 2012) released on 23 May 2013, stated that at least 45 people were sentenced to death by the courts in 2012. One person was executed in 2012.<sup>192</sup> Comparative figures for previous years were recorded by Amnesty International<sup>193</sup> as follows:

	2009	2010	2011	2012
Death sentences: ('at least...')	64	32	49	45
Executions carried out	3	9	5	1

14.02 Hands Off Cain (HOC), an NGO which campaigns for an end to the death penalty worldwide, noted on their 2013 Bangladesh webpage, updated 25 April 2013, that there were reported to be over 1,000 prisoners on death row. HOC stated:

'Bangladesh applies the death penalty for such crimes as murder, sedition, offenses related to possession and drug trafficking, treason, espionage, military crimes ... In March 1998 the Bangladesh Cabinet has approved the death penalty for crimes against women and children including trafficking, rape and murder ... On 19 February 2009, the government approved [the Anti-Terrorism Ordinance of 2008] which provides the death sentence or life imprisonment or maximum 20 years and a minimum of 3 years rigorous imprisonment ... On 26 December 2011, the cabinet approved the final draft of the Anti-terrorism (amendment) Act, 2011 with a provision for the death penalty for getting involved in, supporting or financing militancy and terrorist activities in the country.

'On March 2, 2010, the judges of the High Court...declared unconstitutional legislation in the country that provides for the mandatory death penalty.

'On December 20, 2012, Bangladesh voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.'<sup>194</sup>

14.03 The NGO Death Penalty Worldwide, on their database which was updated on 6 April 2011, noted that:

'The higher courts in Bangladesh are the High Court Division and the Appellate Court Division of the Supreme Court. Death sentences are submitted by the Court of Session to the High Court Division for confirmation. The Appellate Court Division has jurisdiction to hear all appeals from the High Court, and appeal lies as of right when the High Court has sentenced a person to death.

'The Code of Criminal Procedure indicates that executions need not be approved by the executive. The main executive barrier to execution of a death sentence is the

<sup>192</sup> Amnesty International, Annual Report 2013, published 23 May 2013

<http://www.amnesty.org/en/region/bangladesh/report-2013> Accessed 6 June 2013

<sup>193</sup> Amnesty International, Annual Reports for 2012, 2011 and 2010 <http://www.amnesty.org/en/library> Accessed 6 June 2013

<sup>194</sup> Hands Off Cain, Bangladesh (2013), updated 25 April 2013

<http://www.handsoffcain.info/bancadati/schedastato.php?idcontinente=23&nome=bangladesh> Accessed 6 June 2013

prerogative of mercy, granted by the Constitution and defined under the Code of Criminal Procedure and Penal Code. Condemned individuals petition the President for clemency. Additionally, the government (which may mean the legislature or some other executive official) may commute death sentences.<sup>195</sup>

14.04 The NGO Odhikar noted in its 2012 Annual Report, published in January 2013:

‘The Home Minister...on November 14, 2012 told Parliament that 21 people sentenced to [the] death penalty received presidential clemency during the current Awami League-led government [i.e. since January 2009], while the number was four between 1972 and 2008 ... The High Court in a verdict on April 25, 2012 said that the powers of the President to pardon, suspend or remit sentences of any convict should be exercised fairly and on unbiased relevant principles. No initiative has yet been taken for framing any guidelines.’<sup>196</sup>

The Asian Human Rights Commission, a Hong Kong-based NGO, asserted in an article dated 29 February 2012 that ‘Awarding clemency in Bangladesh has no other standard other than political considerations and the incumbent President is no exception. Often it is done to suite the writ of a ruling political regime rather than serving any purpose of justice or humanity...’<sup>197</sup>

14.05 It was reported in April 2013 that the Prime Minister had rejected demands for tougher blasphemy laws in the face of growing pressure from protesters wanting the death sentence for blaspheming bloggers.<sup>198</sup>

See also Section 3: [War Crimes Tribunal](#)

## 15. Political affiliation

See also Section 16: [Freedom of Speech and the Media](#) and Section 6: [Political System](#)

### Freedom of political expression

15.01 As recorded in the US State Department 2012 Country Report on Human Rights Practices, Bangladesh (USSD 2012), released on 19 April 2013: ‘The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.’<sup>199</sup>

15.02 The same report continued:

<sup>195</sup> Death Penalty Worldwide, Death Penalty Database: Bangladesh, updated 6 April 2011

<http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Bangladesh> Accessed 6 June 2013

<sup>196</sup> Odhikar, Human Rights Report 2012, dated 12 January 2013

[http://odhikar.org/?p=5075#./?p=5075&\\_suid=137699143430306589730761989163](http://odhikar.org/?p=5075#./?p=5075&_suid=137699143430306589730761989163) (p61) Accessed 3 June 2013

<sup>197</sup> Asian Human Rights Commission (AHRC), Bangladesh: ‘Clemency must not be a political game.’, 29 February 2012 <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-037-2012> Accessed 6 June 2013

<sup>198</sup> Hands Off Cain, Bangladesh (2013), updated 25 April 2013

<http://www.handsoffcain.info/bancadati/schedastato.php?idcontinente=23&nome=bangladesh> Accessed 6 June 2013

<sup>199</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013. (Section 3) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204395> Accessed 23 May 2013

‘Opposition parties boycotted parliament throughout the year but returned on certain days to fulfil the requirements for them to retain their seats. In general they demanded fair treatment by the speaker and the ruling party legislators as preconditions for their return to the house. Opposition parties participated in all 48 standing parliamentary committees in the first session, despite their absence from parliament.

‘In some instances the government interfered with the right of opposition parties to organize public functions. It also manipulated the media to restrict broadcast of opposition political events.’<sup>200</sup>

- 15.03 The USSD 2012 recorded that: ‘Although public criticism of the government was common and vocal, the media – particularly print media – depended on government advertisements for a significant percentage of their revenue. As a result the media had an incentive for self-censorship.’<sup>201</sup>

See Section 16: [Freedom of Speech and Media](#)

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## Freedom of association and assembly

- 15.04 As noted in the USSD 2012 report:

‘The constitution provides for freedom of assembly and association, and the government generally respected these rights in practice; however, there were instances of governmental action to limit freedom of assembly during periods of political protest and unrest.

‘The government permitted rallies, and they occurred with great regularity. On occasion, citing fear of violence, the government prevented political groups from holding meetings and demonstrations. The law authorizes the government to ban assemblies of more than four persons ... Occasionally police or ruling party activists used force to disperse demonstrations.

‘Jamaat-e-Islami reported that the government severely hampered its ability to secure permits for rallies or processions throughout the year. Government officials also prohibited Jamaat-e-Islami leaders from meeting at the party’s headquarters.’<sup>202</sup>

Regarding freedom of association and trades union activity, the USSD 2012 report stated:

‘The law provides for the right of citizens to form associations, subject to “reasonable restrictions” in the interest of morality or public order, and the government generally respected this right. Individuals were free to join private groups. Trade unions were able to conduct their normal activities such as collective bargaining, but government action

<sup>200</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013. (Section 3) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204395> Accessed 23 May 2013

<sup>201</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013. (Section 2a) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204395> Accessed 23 May 2013

<sup>202</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013 (Section 2b) <http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> Accessed 23 May 2013

made it nearly impossible to form new trade unions in many sectors, for example, in the ready-made garment and shrimp industries.’<sup>203</sup>

See Section 33: [Employment rights](#)

15.05 The NGO Odhikar stated in their Human Rights Report 2012, published on 12 January 2013:

‘[The] Government has abused section 144 of the Code of Criminal Procedure 1898 and systematically repressed most of the meetings, mobilisation and protests of the political parties opposed to the government, provoking violence and anarchy. Wide visibility of the misuse of section 144 existed throughout 2012, as in the previous three years. The Opposition’s meetings were cancelled by police under section 144 on the pretext that at the same time, same day and same place the ruling party had organised a programme and violence could occur.

‘The rights of the people to assemble and express their grievances to the government has also been systematically repressed, often with violence and police brutality. At present, there is an unwritten rule that the law enforcement agencies will put up obstructions and stop meetings and procession by attacking with batons or throwing tear gas shells in the name of “public safety” when citizens bring out a procession or organise meetings against injustices.’<sup>204</sup>

Odhikar reported in a Human Rights Monitoring Report for May 2013:

‘On May 19, 2013 the Home Minister...declared a prohibition on all kinds of political meetings and programmes for one month. Later, in the evening he said in an interview with BBC that “this prohibition will continue for an indefinite period”. The government imposed a prohibition on meetings and gatherings and even on “human chain” programmes. However, police said that prior permission was required before organising meetings and programmes at specified areas. But police are now refusing permission. It was stated, on behalf of the police, that in some places meetings and political programmes will not be granted. The main Opposition party BNP did not get permission to hold meetings in front of its party office on May 12 and 16, even though there was no written prohibition to hold meetings at the Purana Paltan and Naya Paltan areas.’<sup>205</sup>

## Opposition groups and political activists

### Political violence

15.06 Odhikar, in the Human Rights Report, 2012, published 12 January 2013 stated that:

‘According to information gathered by Odhikar, from January to December 2012, 169 persons were killed and 17,161 injured in political violence. 382 incidents of internal violence in the Awami League and 146 in the BNP were also recorded during this

<sup>203</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013 (Section 2b)

<http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> Accessed 23 May 2013

<sup>204</sup> Odhikar, Human Rights Report 2012, dated 12 January 2013

[http://odhikar.org/?p=5075#/?p=5075&\\_suid=137699143430306589730761989163](http://odhikar.org/?p=5075#/?p=5075&_suid=137699143430306589730761989163) Accessed 13 June 2013

<sup>205</sup> Odhikar, Human Rights Monitoring Report for 1-31 May 2013, dated 1 June 2013

[http://odhikar.org/#/?&\\_suid=137724198102808139372787049997](http://odhikar.org/#/?&_suid=137724198102808139372787049997)

Accessed 13 June 2013

period. In addition, 37 persons were killed and 4,330 were injured in internal conflicts of the Awami League while six were killed and 1,619 were injured in BNP's internal conflicts. ... Confrontation between the two major political parties — the ruling Awami League and the Bangladesh Nationalist Party (in Opposition) — and their internal clashes are one of the main reasons for the continuation of partisan violence. ... Apart from the State agents, various organisations backed by the ruling party regularly attack their political opponents due to their privilege of enjoying impunity under the incumbent government. ... The ruling party-backed student organisation, Bangladesh Chhatra League (BCL), do not allow activities of other student organisations at the universities and colleges across the country. BCL activists attack opponents while they try to hold programmes on any campus. ... Political tensions are increasing as the national elections are coming close.' <sup>206</sup>

- 15.07 The Foreign and Commonwealth Office, in its Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report, April 2013, stated that:

'Forty years after independence, Bangladesh's political culture remains confrontational and violent. In 2012, NGOs estimate that 169 people were killed and over 17,000 were injured in political violence. The violence is not sectarian nor, generally, communal. Violence and vandalism have been an accepted means of political expression in a country where democratic institutions appear weak. There are no significant constraints on freedom of assembly, with frequent nationwide enforced strikes (hartals), many of which have resulted in violence and vandalism. The opposition allege law enforcement officials have used force during peaceful demonstrations. The victims are often innocent bystanders: for example, the elderly man burnt alive on a bus during an opposition enforced hartal, and Biswajit Das, a 24-year-old tailor, killed in front of cameras because he was perceived to be an opposition activist. ... The last parliamentary elections of December 2008 were acclaimed as an important step forward for Bangladeshi democracy, returning power to elected representatives. But the cyclical pattern of pre-election violence means that Bangladesh faces the prospect of worsening political violence in the lead-up to the next elections, due by January 2014.' <sup>207</sup>

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## Student political groups and violence

- 15.08 An article by Gazi Mahbubul Alam, Programme Officer, ILO, Dhaka Office and Mirja Mohammad Shahjamal, Research Associate, Research and Evaluation Division, BRAC, Dhaka. 'Student Politics in Bangladesh', dated 11 August 2008, reported that:

'In Bangladesh, there are four major national political parties, namely Bangladesh Awami League (BAL (sic)), Bangladesh Nationalist Party (BNP), Bangladesh Jatio Party (BJP) and Jamayati Islami Bangladeshi (JIB). Each of them has an affiliated political organization for students. For example, Bangladesh Chartro (sic) [L]eague (BCL) is an

<sup>206</sup> Odhikar, Human Rights Report 2012 – Bangladesh, 12 January 2013 (p41)

[http://odhikar.org/?p=5075#/?p=5075&\\_suid=137699143430306589730761989163](http://odhikar.org/?p=5075#/?p=5075&_suid=137699143430306589730761989163) Accessed 10 July 2013

<sup>207</sup> Foreign and Commonwealth Office, Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report, April 2013 (p23) <http://www.hrdreport.fco.gov.uk/wp-content/uploads/2011/01/2012-Human-Rights-and-Democracy.pdf> Accessed 10 July 2013

affiliated or associated student organization of BAL. The above-mentioned three types are not exclusive.’<sup>208</sup>

- 15.09 The Foreign Policy Association in ‘The Pitfalls of Student Politics in Bangladesh’, 10 February 2010, stated that:

‘The student affiliates of the major political parties have always had a major hand in the decades long perverse politicking in Bangladesh. Time and again mutually non-deterrent and devastating clashes have shut down the major cities in Bangladesh. Student leaders of these political groups often find lucrative contracts in the private sector; alternatively they become MP’s and cabinet secretaries. It pays, then, to be in these party affiliated student groups and because it pays to posture in Parliament, student groups bandy about threatening other groups and often street and university posturing falls down in cries and flames.

‘There are three such major student groups. The Bangladesh Chhatra Daal (sic) or the Bangladesh Student League is ingratiating affiliated with the Awami League, the BNP is conjoined with activists from the Jatiyatabadi Chhatra League while the Jamaat-e-Islami is rearing the Islami Chhatra Shibir.’<sup>209</sup>

- 15.10 The Foreign Policy Association article discussed student activity on Rajshahi University (RU) campus and stated that:

‘A quick run down of the contemporary events and recent history shows how brutal these student run groups can be. And, they often are as brutal as they can be. ... To maintain its supremacy on the campus, Shibir keeps pressuring the university people by issuing threats directly and indirectly, sources said. Around 60 incidents of clashes among the student wings of different political parties have taken place on RU campus since 1971, which left 28 people killed and over 2,100 injured sources in the RU administration said. The university remained closed for over 600 days because of the clashes.

‘Shibir has been involved in most of the clashes since 1980s after it started its activities on the campus in 1980. Towards the end of the ’80s, left -leaning student wings including Chhatra Moitree became weak organisationally, which helped Shibir establish its supremacy. In the latest incident on Tuesday [9 February 2010], Shibir men hacked to death Faruk Hossain, an activist of Bangladesh Chhatra League, in Shah Mokhdum Hall. Around 100 people were injured in the overnight clashes between the activists of BCL and Shibir following the death. Sources said Shibir killed Faruk as a revenge for the killing of RU unit Shibir general secretary Sharifuzzaman Nomani on March 13 last year [2009].’<sup>210</sup>

<sup>208</sup> Articles on Education of Bangladesh, Student Politics in Bangladesh: An Impact on Quality Assurance in Education and National Development, 11 August 2008. Gazi Mahbubul Alam, Programme Officer, ILO, Dhaka Office and Mirja Mohammad Shahjamal, Research Associate, Research and Evaluation Division, BRAC, Dhaka. <http://bdeuarticle.com/education-policy/37-uncatagorized/28-student-politics-in-bangladesh-an-impact-on-quality-assurance-in-education-and-national-development> Accessed 15 July 2013

<sup>209</sup> Foreign Policy Association The Pitfalls of Student Politics in Bangladesh, 10 February 2010 <http://foreignpolicyblogs.com/2010/02/10/student-politics-and-its-pitfalls-in-bangladesh/> Accessed 15 July 2013

<sup>210</sup> Foreign Policy Association The Pitfalls of Student Politics in Bangladesh, 10 February 2010 <http://foreignpolicyblogs.com/2010/02/10/student-politics-and-its-pitfalls-in-bangladesh/> Accessed 15 July 2013

15.11 The Arab Times, in an article, Bangladesh ‘clamps down’ on deadly campus violence, dated 13 February 2013, stated that:

‘Campus politics has always been a serious business in Bangladesh, but now the death of five students at universities in less than two weeks has forced the government to step in. The wave of killings began February 2 at Dhaka University when a third-year student, Abu Bakar Siddique, died during a campus battle between rival factions of the Chhatra League — the student wing of the ruling Awami League.

‘Student politics “is becoming increasingly violent to a level that we cannot tolerate anymore,” Home Minister Shamsul Huq Tuku told AFP.

‘Late on Friday, police said an Awami League student activist was gunned down in the capital, bringing to five the number of deaths in the unrest that has swept Bangladesh’s top education institutes. The violence spread last week with police in Rajshahi, 190 kilometres (118 miles) west of the capital Dhaka, finding the mutilated corpse of a Rajshahi University student, said to be a supporter of the Chhatra League. On Thursday, police found another Rajshahi University student’s bullet-ridden body hidden in a house near the campus. And police in the country’s second largest city of Chittagong recovered the badly disfigured body of a Chittagong University student that had been stuffed down a manhole.

‘The government and the Chhatra League blame the Islami Chhatra Shibir — the student wing of the country’s largest islamic party, Jamaat-e-Islami — for the recent attacks. Jamaat and Shibir claim the Chhatra League is responsible. Bangladesh has a culture of violent student politics, especially on public university campuses. All three of the country’s main political parties have strong student wings, which they fund and sometimes arm. Police have arrested at least 200 people in connection with the violence, police spokesman Nawsher Ali told AFP. He added that nine police officers had been suspended after the Rajshahi University incident for dereliction of duty. “They did not do enough to prevent the violence,” Ali said. The head of Jamaat-e-Islami in Rajshahi city, Aatur Rahman, has also been arrested on suspicion of involvement in the attacks.’<sup>211</sup>

See the South Asia Analysis Group paper [Islami Chhatra Shibir of Bangladesh - A Threat to Democracy](#) dated 27 June 2007<sup>212</sup> for a brief overview of student political involvement.

See The National Bureau of Asian Research (NBR) project report, [Religion, Politics, and the Modern University in Pakistan and Bangladesh, April 2009](#)<sup>213</sup> for information on the relationship between religion and politics in Pakistani and Bangladeshi universities.

See also Section 12: [Arrest and Detention – Legal Rights](#)

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<sup>211</sup> Arab Times Kuwait English Daily, Bangladesh ‘clamps down’ on deadly campus violence, 13 February 2013 <http://www.arabtimesonline.com/NewsDetails/tabid/96/smld/414/ArticleID/149556/reftab/69/Default.aspx> Accessed 15 July 2013

<sup>212</sup> South Asia Analysis Group, [Islami Chhatra Shibir of Bangladesh - A Threat to Democracy](#), Paper no. 2275 27 June 2007 (via <http://intellibriefs.blogspot.co.uk/2007/06/islami-chhatra-shibir-of-bangladesh.html>) Accessed 15 July 2013

<sup>213</sup> The National Bureau of Asian Research (NBR) project report, [Religion, Politics, and the Modern University in Pakistan and Bangladesh, April 2009](#) <http://www.southasiaanalysis.org/%5cpapers23%5cpaper2275.html> Accessed 15 July 2013



## 16. Freedom of speech and media

16.01 Freedom House, in their 'World Press Freedom Index 2013' published in January 2013 and relating to events of 2012, ranked Bangladesh 112<sup>th</sup> out of 197 countries. (The 197<sup>th</sup> ranked country was the least free.)<sup>214</sup> It was noted in the Freedom of the Press 2012 report for Bangladesh, relating to 2011:

'Bangladesh's media environment, which had improved considerably in 2009 following the resumption of civilian rule, remained relatively open in 2011 despite some worrying signs of intolerance by the government. Although the constitution provides for freedom of expression subject to "reasonable restrictions," the press can be constrained by national security legislation as well as sedition and criminal libel laws. The punishment for sedition ranges from three years to life in prison. The 15th amendment to the constitution, which was passed by Parliament in July [2011], includes language that equates criticism of the constitution with sedition. Journalists can also be arrested under the 1974 Special Powers Act – which allows detentions of up to 90 days without trial – for stories that are critical of government officials or policies, or can be charged with contempt of court.'<sup>215</sup>

16.02 The NGO Reporters Without Borders (Reporters sans frontières - RSF) ranked Bangladesh 144<sup>th</sup> out of 179 countries in their 2013 World Press Freedom Index.<sup>216</sup> Bangladesh had been placed 129<sup>th</sup> in RSF's 2011-2012 Press Freedom Index.<sup>217</sup> RSF noted in an article dated 30 May 2012, 'Since the start of the year [2012], working conditions for journalists have worsened significantly in Bangladesh...'<sup>218</sup> According to the same source, which noted that police had assaulted three journalists at the Dhaka Chief Metropolitan Magistrate's Court the previous day: 'When not directly responsible for attacks on journalists, the police appear powerless, even passive, in the face of the violence that is seriously undermining freedom of information in the country...'<sup>219</sup>

16.03 According to the US State Department Country Report on Human Rights Practices for 2012, released on 19 April 2013 (USSD 2012 report), 'the courts did not sentence anyone' in 2012 under the laws referred to in paragraph 16.01. The USSD 2012 report stated further:

'The constitution provided for the rights [to freedom of speech and the press], but the government sometimes failed to respect freedom of speech and press. There were some limitations on freedom of speech and perceived misrepresentation or defamation of Islam. Some journalists self-censored their criticisms of the government due to harassment.

'The law limits hate speech but does not define clearly what constitutes hate speech, leaving the government with broad powers of interpretation. The government can

<sup>214</sup> Freedom House, 'World Press Freedom Index 2013', published January 2013 <http://en.rsf.org/press-freedom-index-2013,1054.html> Accessed 13 June 2013

<sup>215</sup> Freedom House, 'Freedom of the Press 2012', 12 July 2012: Bangladesh Country Report <http://www.freedomhouse.org/report/freedom-press/2012/bangladesh> Accessed 13 June 2013

<sup>216</sup> Reporters Without Borders, 2013 World Press Freedom Index <http://en.rsf.org/press-freedom-index-2013,1054.html> Accessed 13 June 2013

<sup>217</sup> Reporters Without Borders, 2011-2012 Press Freedom Index <http://en.rsf.org/press-freedom-index-2011-2012,1043.html> Accessed 13 June 2013

<sup>218</sup> Reporters Without Borders, 'Journalists repeatedly attacked in police reprisals against Media', 30 May 2012 <http://www.refworld.org/country,COI,RSF,,BGD,,4fc89ffd2,0.html> Accessed 13 June 2013

<sup>219</sup> Ibid

restrict speech deemed to be against the security of the state; against friendly relations with foreign states; against public order, decency, or morality; or that constitutes contempt of court, defamation, or incitement to an offense.

'The independent media were active and expressed a wide variety of views; however, media critical of the government sometimes experienced negative government pressure.'<sup>220</sup>

#### 16.04 The USSD 2012 report continued:

'The government indirectly censored the media through threats and harassment. According to journalists, on multiple occasions government officials asked privately owned television channels not to broadcast the opposition's activities and statements.

'According to some journalists and human rights NGOs, journalists engaged in self-censorship due to fear of government retribution. Although public criticism of the government was common and vocal, the media – particularly print media – depended on government advertisements for a significant percentage of their revenue. As a result the media had an incentive for self-censorship.

'This government, like its predecessors, issued new broadcast licenses to political supporters and denied them to political opponents.

'The government did not subject foreign publications and films to stringent review and censorship. A government-managed film censor board reviewed local and foreign films and had the authority to censor or ban films on the grounds of state security, law and order, religious sentiment, obscenity, foreign relations, defamation, or plagiarism, but was less strict than in the past ... The government at times censored immodest or obscene photographs or objectionable comments regarding national leaders.

'The government blocked some Facebook pages, including pages depicting the Prophet Muhammad and pages critical of both the prime minister and opposition leader. On September 17 [2012], the Telecommunication and Radio Commission blocked YouTube. The BTRC previously asked YouTube's parent company, Google, to remove the video 'The Innocence of Muslims' from YouTube and blocked access when Google did not comply.'<sup>221</sup>

#### 16.05 The NGO Odhikar reported in their Human Rights Monitoring Report for May 2013:

'The internet frequency in Bangladesh has been obstructed after an instruction given by the Bangladesh Telecommunication Regulatory Commission (BTRC). The BTRC has instructed to provide a 75% bandwidth for reducing the speed to upload anything on the internet. This was instructed on May 15, 2013, through an email to the International Internet Gateway companies by BTRC's Senior Assistant Director...'<sup>222</sup>

#### 16.06 The BBC News profile for Bangladesh noted in the 'Media' section, updated 10 July 2012:

<sup>220</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> (Section 2a) Accessed 23 May 2013

<sup>221</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> (Section 2a) Accessed 23 May 2013

<sup>222</sup> Odhikar, Human Rights Monitoring Report 1-31 May 2013, dated 1 June 2013 [http://odhikar.org/#/?&\\_suid=137724198102808139372787049997](http://odhikar.org/#/?&_suid=137724198102808139372787049997) Accessed 13 June 2013

'The main broadcasters - Radio Bangladesh and Bangladesh Television (BTV) - are state-owned and government-friendly.

'TV is the most popular medium, especially in cities. BTV is the sole terrestrial network. Popular satellite and cable channels and foreign - especially Indian - TV stations have large audiences ... State-run radio covers almost the entire country.

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

'There were 5.5 million internet users by December 2011.'<sup>223</sup>

- 16.07 It was reported on 5 June 2012 that a Bangladesh court had issued an arrest warrant for Salam Azad, author of the 2003 novel 'Bhanga Math' ('Broken Temple') that had been banned for blasphemy in 2004. According to the petition that led court issuing the warrant, the book in question contained 'slandorous remarks' against the Prophet Mohammed and Islam.<sup>224</sup>
- 16.08 The exiled Bangladeshi writer Taslima Nasrin (Nasreen) has had several of her books banned in Bangladesh. After religious fundamentalists issued a fatwa against her, she sought asylum in Sweden and is now prohibited by the Bangladesh government from returning to her home country. (Taslimanasrin.com)<sup>225</sup>

See also Section 15: [Political affiliation - Freedom of political expression](#)

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## Journalists

- 16.09 Odhikar recorded in their Human Rights Report 2012, dated 12 January 2013:

'The year 2012 was a bad year for journalists. In 2012 five journalists were killed. In 2011 none were killed, in 2010 four journalists were killed and in 2009 three journalists were killed. The journalists and the media continue to be victims of attacks, physical assault, threats and intimidation from different powerful quarters, specially the government and the ruling party leaders and activists. From January to December 2012, according to Odhikar's documented statistics, apart from the five journalists killed, 161 journalists have been injured, 63 have been threatened, 10 have been attacked and 50 have been assaulted and two journalists were tortured by RAB and the Detective Branch (DB) of police.'<sup>226</sup>

<sup>223</sup> BBC News, Bangladesh profile: Media, section updated 10 July 2012 <http://www.bbc.co.uk/news/world-south-asia-12650946> Accessed 13 June 2013

<sup>224</sup> AFP (via The Express Tribune), 'Bangladesh arrest warrant over "blasphemous" book', 5 June 2012 <http://tribune.com.pk/story/389113/bangladesh-arrest-warrant-over-blasphemous-book/> Accessed 14 June 2013

<sup>225</sup> Taslimanasrin.com, 'Taslima's banned books', undated [http://taslimanasrin.com/tn\\_bannedbooks.html](http://taslimanasrin.com/tn_bannedbooks.html) Accessed 14 June 2013

<sup>226</sup> Odhikar, Human Rights Report 2012, dated 12 January 2013 [http://odhikar.org/?p=5075#/?p=5075&\\_suid=137699143430306589730761989163](http://odhikar.org/?p=5075#/?p=5075&_suid=137699143430306589730761989163) (p61) Accessed 3 June 2013

- 16.10 The Freedom House 'Freedom of the Press 2012' report, published in July 2012, stated that 'Journalists are threatened and attacked with impunity by organized crime groups, party activists, and Islamist groups.'<sup>227</sup>
- 16.11 The International Federation of Journalists (IFJ) reported in an article of 22 March 2012 that journalists had been subjected to threats and harassment by political party activists. For example, supporters of the Awami League in the district of Pirojpur had threatened journalists with violence in March 2012, in connection with reports that two local politicians had been involved in corruption and nepotism.<sup>228</sup>
- 16.12 According to a blog by Jolyon Rubinstein in the Huffington Post of 12 November 2012:
- 'The past year has witnessed a systematic attack on press freedom by the current prime minister, Sheikh Hasina and her Awami League government.
- 'In the past year, there have been over 100 documented attacks on journalists in Bangladesh. In the majority of these cases, it has been a criticism or exposure of the ruling Awami League party that has drawn the fire of the government. In one startling case, Awami League members ordered nineteen journalists to leave the city or they would be "chopped to pieces and buried"
- 'The World Development Indicators between 1992 and 2011 ranked Bangladesh as 11th in the Impunity Index Rating with regard to unsolved murders of journalists. 75% of journalists who have been killed so far in Bangladesh were targeted for reporting corruption, political scandals, and violations of human rights.'<sup>229</sup>
- 16.13 The Committee to Protect Journalists (CPJ), a New York based NGO, stated in an article dated 4 April 2013 that four internet bloggers had been arrested in Dhaka in the past week for allegedly offending religious sensibilities. According to CPJ, the bloggers 'could face up to 10 years in jail if convicted under the country's cyber laws, which outlaw "defaming" a religion...' It was noted in the article:
- 'The arrests took place amid a wider government crackdown on the Internet following mass demonstrations, called the "Shahbagh movement," in which protesters called for the death penalty for leaders of the Jamaat-e-Islami party on trial for war crimes during the 1971 war of independence. Many bloggers have encouraged and publicized the protests, which have been attended by hundreds of thousands of people.
- The Shahbagh protests have also led to Islamist groups staging their own demonstrations and demanding that the government give the death penalty to bloggers perceived as atheist...
- 'The government has also blocked about a dozen websites and blogs since last week, reports said. Authorities set up a panel, which included intelligence chiefs, to identify potential blasphemy on social media sites. Last week, the country's telecommunications

<sup>227</sup> Freedom House, 'Freedom of the Press 2012', 12 July 2012: Bangladesh Country Report <http://www.freedomhouse.org/report/freedom-press/2012/bangladesh> Accessed 13 June 2013

<sup>228</sup> International Federation of Journalists, 'IFJ Concerned by Intimidation and Harassment of Media in Bangladesh', 22 March 2012 <http://asiapacific.ifj.org/en/articles/ifj-concerned-by-intimidation-and-harassment-of-media-in-bangladesh> Date accessed 14 June 2013

<sup>229</sup> The Huffington Post: Huff Post Politics, UK: The Blog, 'Bangladesh Journalists Denied Press Freedoms That We Take for Granted', by Jolyon Rubinstein, 12 November 2012 [http://www.huffingtonpost.co.uk/jolyon-rubinstein/bangladesh-journalism-protest-media-press\\_b\\_2091918.html](http://www.huffingtonpost.co.uk/jolyon-rubinstein/bangladesh-journalism-protest-media-press_b_2091918.html) Accessed 14 June 2013

regulator ordered two sites to remove hundreds of posts by seven bloggers whose writings it said offended Muslims...

'In recent years, bloggers have increasingly criticized what they see as heightened religious fundamentalism, leading to tension between the online journalists and Islamist fundamentalists.'<sup>230</sup>

- 16.14 According to a report presented by the Bangladesh government to the UN Human Rights Council in February 2013:

'The provisions of Special Powers Act, 1974 relating to the control of media have been withdrawn to make the media free from any form of control. The provision of CrPC [Code of Criminal Procedure] regarding issuance of warrant of arrest for defamation cases has been withdrawn to the effect that journalists would not be arrested or harassed without being notified well ahead about the allegations brought against them.'<sup>231</sup>

- 16.15 The Committee to Protect Journalists reported on 8 April 2013:

'This past weekend, hundreds of thousands of Islamists took to the streets in Bangladesh's capital, Dhaka, demanding death for bloggers whose work they see as blasphemous. The demonstrations highlight the deteriorating climate for journalists, both those whose work is the target of the protests and those who have tried to cover the events. Several journalists were assaulted while covering the day-long demonstrations ... These most recent demonstrations led by the Islamist political party, Hefajat-e-Islam, are in response to online writers and activists who have been instrumental in amplifying support for the Shahbagh movement...[which] calls for the death penalty against all those standing trial for war crimes ... Threats to online journalists who have written about growing fundamentalism surfaced in January [2013] when the popular blogger Asif Mohiuddin, who describes himself as an atheist, was stabbed by religious extremists ... [O]n February 15...Ahmed Rajib Haider, another well-known blogger, was hacked to death outside his home ... A well-known journalist couple – Nayeemul Islam Khan and Nasima Khan Monti – had a series of bombs hurled at their car ... The day after the attack on the journalists' car, unidentified assailants threw three homemade explosives at the Chittagong Press Club'<sup>232</sup>

The CPJ article observed that 'Many bloggers have stopped writing, and some have gone into hiding fearing for their life ... With violence continuing and the government saying that more arrests are to come, the situation is bleak for Bangladeshi bloggers.'<sup>233</sup>

- 16.16 Reporters Without Borders noted in a news release dated 7 May 2013:

'Around ten journalists covering Islamist rioting in the central Dhaka district of Paltan on 5 May were injured in attacks by protesters and two were hospitalized in a critical

<sup>230</sup> Committee to Protect Journalists (CPJ), 'Four bloggers arrested amid crackdown in Bangladesh', 4 April 2013 <http://www.cpj.org/2013/04/four-bloggers-arrested-amid-crackdown-in-banglades.php> Accessed 13 June 2013

<sup>231</sup> UN Human Rights Council, 'National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21': [Universal Periodic Review] : Bangladesh , 7 February 2013, A/HRC/WG.6/16/BGD/1: <http://www.refworld.org/docid/51e7ccc84.html> Accessed 23 July 2013

<sup>232</sup> Committee to Protect Journalists (CPJ), 'In Bangladesh, climate worsens for journalists', 8 April 2013 <http://www.cpj.org/blog/2013/04/in-bangladesh-climate-worsens-for-journalists.php> Accessed 13 June 2013

<sup>233</sup> Ibid

condition. The rioting was followed early yesterday morning by the closure of two Islamist TV stations.'

'The journalists were attacked on 5 May by supporters of Hefajat-e-Islam – a newly-emerged Islamist movement – after police charged their demonstration.

'The 5 May demonstrations were called to protest against Prime Minister Sheikh Hasina's rejection of a proposed law intended to penalize attacking religious sentiments, the Koran and the Prophet Mohammed. The Islamist protesters were also demanding the death penalty for bloggers convicted of "atheism."<sup>234</sup>

- 16.17 Further detailed reports relating to the treatment of journalists in Bangladesh can be found at:

Committee to Protect Journalists: <http://www.cpj.org/asia/bangladesh/>

Reporters Without Borders: <http://en.rsf.org/bangladesh.html>

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## 17. Human rights institutions, organisations and activists

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

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

'The growth of civil society and in particular nongovernmental organizations (NGOs) has been one of the great success stories in Bangladesh. Though the country has a long tradition of social activism throughout its history – the language movement being one example – the emergence of the NGO sector has been a relatively new phenomenon that began in the late 1970s. Today, NGOs are a significant provider of social services, in particular health and education, to the rural poor. Specialized microfinance institutions (MFIs) such as the Grameen Bank, pioneered the micro-credit model that has been replicated all around the world and MFIs have had considerable success in helping to provide alternative income-generating opportunities for poor women in Bangladesh. The emergence of NGOs has also played a significant role in the improvement of human development indicators and compensated, in part, for weak market and state institutions. Within the context of a rights-based approach, it should be noted that local NGOs have also played a significant role in terms of helping poor and marginalized groups to make claims for the fulfilment of their rights to education and health and secure and sustainable livelihoods.'<sup>235</sup>

- 17.02 A 2006 study for The World Bank observed that 'There are an estimated 2,000 development NGOs in Bangladesh, and a small group of them are among the largest such organizations in the world. These big NGOs—BRAC, ASA, and Proshika—have nationwide programs, with tens of thousands of employees and multimillion-dollar

<sup>234</sup> Reporters Without Borders, 'Reporters attacked by rioting Islamists during clashes with police', 7 May 2013 <http://en.rsf.org/bangladesh-reporters-attacked-by-rioting-07-05-2013,44579.html> Accessed 13 June 2013

<sup>235</sup> Bangladesh Common Country Assessment 2004, published January 2005 (p69) [http://www.un-bd.org/docs/CCA\\_Jan\\_2005.pdf](http://www.un-bd.org/docs/CCA_Jan_2005.pdf)

budgets. Most NGOs in Bangladesh are small, however, and have limited managerial and staff capacity.<sup>236</sup>

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## National Human Rights Commission (NHRC)

- 17.03 As stated in Section 7, The National Human Rights Commission (NHRC) of Bangladesh was reconstituted by Act of Parliament in 2009 as a ‘national advocacy institution for human rights promotion and protection.’ In 2012 the NHRC received a total of 635 complaints from individuals and organisations, concerning primarily ‘incidents of abuse of power [by public officials, including law enforcement officers], domestic violence, maltreatment of citizens by state agencies and various impediments to access to justice.’ The NHRC resolved or otherwise disposed of 392 complaints in 2012. The Commission has also initiated human rights education and awareness programmes throughout the country.<sup>237</sup>
- 17.04 A report published in December 2012 by Ain o Salish Kendra (ASK) stated:
- ‘Plenty of concerns remain with regard to the function of NHRC as an effective human rights watchdog, noting the executive predominance in the composition of the selection committee and even the daily work through secondment; the Commission’s limited jurisdiction to investigate cases already pending before a Court, Ombudsman or Administrative Tribunal, against the disciplined forces and its limited powers to ensure state compliance with its recommendations and directives.’<sup>238</sup>
- 17.05 According to the US State Department Country Report on Human Rights Practices for 2012, released on 19 April 2013 (USSD 2012 report):
- ‘The National Human Rights Commission (NHRC) is a seven-member body, but five members are honorary. The NHRC has a small government support staff, and observers noted it was understaffed and underfunded. The NHRC’s primary activity was educating the public about human rights, and the NHRC chairman made numerous media appearances. The NHRC received a “B” status from the International Council of Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), which found that the NHRC did not fully comply with international standards for such bodies. The ICC focused on the lack of transparency in selecting NHRC commissioners and NHRC’s lack of hiring authority over its support staff.’<sup>239</sup>
- 17.06 A copy of the National Human Rights Commission’s 2012 Annual Report can be found at <http://www.nhrc.org.bd/PDF/Annual%20Report%20English%202012.pdf>

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<sup>236</sup> The World Bank, ‘Economics and Governance of Nongovernmental Organizations in Bangladesh’, 16 April 2006 [http://siteresources.worldbank.org/BANGLADESH/EXTN/Resources/NGOreport\\_Dev\\_Series.pdf](http://siteresources.worldbank.org/BANGLADESH/EXTN/Resources/NGOreport_Dev_Series.pdf) Accessed 6 July 2013

<sup>237</sup> National Human Rights Commission (NHRC), Annual Report 2012 <http://www.nhrc.org.bd/PDF/Annual%20Report%20English%202012.pdf> Accessed 1 June 2013

<sup>238</sup> Child Rights Governance Assembly (CRGA) via Ain o Salish Kendra (ASK), ‘UPR Report: Situation of Child Rights in Bangladesh’ 2012 <http://www.askbd.org/web/wp-content/uploads/2013/01/Child%20Rights%20Universal%20Periodic%20Review%202013.pdf> (page 7) Accessed 24 June 2013

<sup>239</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013 (Section 5) <http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> Accessed 23 May 2013

## Treatment of human rights NGOS

17.07 The US State Department Country Report on Human Rights Practices for 2012, released on 19 April 2013 (USSD 2012 report), stated:

'A wide variety of domestic and international human rights groups generally operated independently and without government restriction, investigating and publishing their findings on human rights cases. Although human rights groups often were sharply critical of the government, they also practiced some self-censorship. Government officials were generally not cooperative and responsive to their views.

'The government required all NGOs, including religious organizations, to register with the Ministry of Social Welfare. Local and international NGOs working on selected, sensitive topics such as human rights, indigenous people, Rohingya refugees, or workers' rights faced both formal and informal governmental restrictions. HRW, Odhikar, MSF, ACF, Handicap International, and the Bangladesh Center for Workers' Solidarity (BCWS) reported numerous credible instances in which the government impeded their work, either by canceling projects or subjecting them to restrictive operating requirements that often resulted in a temporary or permanent cessation of their work. These groups also claimed that intelligence agencies monitored them. The government sometimes restricted international NGOs' ability to operate through delays in project registration and visa refusals.

'The government countered NGO criticism through the media, sometimes with intimidating or threatening remarks.<sup>240</sup>

17.08 The Human Rights Watch (HRW) World Report 2013, published in January 2013 and relating to events of 2012, reported:

'The government was increasingly hostile in 2012 to civil society groups. Following the July 2012 publication of a Human Rights Watch report on the 2009 Bangladesh Rifles mutiny, Bangladeshi officials threatened action against domestic rights groups who had helped conduct the research.

'Of particular concern is a draft law aimed at regulating foreign donations to Bangladeshi NGOs. Many NGOs, such as BCWS or Odhikar, had already been facing years of delays in getting critical foreign funds released for their projects. The bill appeared aimed at severing funds for organizations engaged in publicly criticizing the government. In August 2012, the government announced plans to establish a new commission charged solely with regulating NGO activities, in addition to the NGO Affairs Bureau that already exists in the prime minister's office.

'Workers in Bangladesh faced poor working conditions, low wages, and excessive hours. Government repression and collusion with factory owners prevented them from organizing effectively.

'The government continued legal action against the Bangladesh Center for Worker Solidarity (BCWS), an NGO that works closely with trade unions. Over a dozen labor rights leaders, including BCWS leaders, faced criminal charges on a variety of spurious grounds, including under the Explosive Substances Ordinance Act, which carries the

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<sup>240</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013 (Section 5) <http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> Accessed 23 May 2013



death penalty as a sentence. Labor rights groups faced registration problems that affected their funding and operations.

‘Aminul Islam, a prominent labor rights activist, was found tortured and killed in April 2012. In response to an intense outcry, the Home Ministry set up a high-level commission to investigate his killing, but there had been no progress in the investigation at this writing. While there was no suggestion of political responsibility, Prime Minister Hasina made public statements downplaying the significance of the killing.’<sup>241</sup>

17.09 Odhikar, one of the principal human rights NGOs based in Bangladesh, reported in their Human Rights Report 2012, published in January 2013:

‘Law enforcing agencies have detained and harassed human rights defenders, including journalist, working for Odhikar ... On November 22, 2012...[two] human rights defenders of Odhikar and a correspondent of the Bangla daily newspaper Jugantor...and [a] correspondent of ‘The Daily Inqilab’ and private satellite TV channel ‘Bangla Vision’, were picked up by police...and detained at Kurigram Police Station. The allegations of being involved in anti state activities were brought against them ... families were also harassed ... It had been alleged...that both the journalists had posted caricatures mocking the Prime Minister and other ministers on Facebook ... They were released on November 22, 2012...after there was no proof of the allegations.

‘Woman human rights defender, Shampa Goswami has been suspended from her job as a teacher in Mozahar Memorial Secondary School at Kaliganj in the district of Satkhira on September 10, 2012 for defending human rights ... On October 23, 2012, the Deputy Commissioner Office of Satkhira issued a letter stating that after forming a three member investigation team they found that the allegation against Shampa was false and instructed the School Committee to reinstate Shampa to her job and inform the DC Office about the action. However, the said School Committee has ignored this instruction.

‘Responsible members and staff of Odhikar have faced surveillance by the government. Their cell phones were tapped throughout the year.

‘On July 30, 2012 an order was issued by the Cox’s Bazaar district administration to stop activities of three international NGOs working with Rohingyas in Cox’s Bazaar, in the South East region of Bangladesh. The organisations were: Doctors without Borders (MSF), Action against Hunger (ACF) of France and Muslim Aid of the United Kingdom. It was mentioned in the letter that these three organisations were supporting the citizens of Myanmar, who were living illegally in Cox’s Bazaar, without any approval from the NGO Affairs Bureau. The letter also alleged that the said organisations have been providing negative information to the international media and tarnishing the image of Bangladesh.’<sup>242</sup>

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## 18. Corruption

<sup>241</sup> Human Rights Watch, World Report 2013, published 31 January 2013 <http://www.hrw.org/world-report/2013/country-chapters/bangladesh> Accessed 1 June 2013

<sup>242</sup> Odhikar, Human Rights Report 2012, published 12 January 2013 [http://odhikar.org/?p=5075#/?p=5075&\\_suid=137699143430306589730761989163](http://odhikar.org/?p=5075#/?p=5075&_suid=137699143430306589730761989163) (p10-14) Accessed 3 June 2013

18.01 U4 Anti-Corruption Resource Centre, in an Expert Answer 353, Overview of corruption and anti-corruption in Bangladesh, November 2012 stated that:

‘Bangladesh has taken significant steps forward in the fight against corruption, through institutional reforms, accession to the United Nations Convention Against Corruption (UNCAC) and the adoption of new legislation. Despite the high levels of corruption in the country, Bangladeshi citizens see their government as effective or even very effective in the fight against corruption, according to Transparency International’s Global Corruption Barometer, 2011. There are nevertheless several gaps and weaknesses in Bangladesh’s anti-corruption institutional framework. One very important gap in Bangladesh’s integrity system is the absence of an Ombudsman. The Bangladeshi Constitution contains a provision encouraging the establishment of an Office of the Ombudsman the successive governments have failed to implement it. Moreover, political considerations systematically influence the anti-corruption agenda. The existing legislation and entities are often used to harass political opponents ...’<sup>243</sup>

18.02 In its 2012 Corruption Perceptions Index (CPI), released on 1 December 2012, Transparency International (TI) ranked Bangladesh 144th in the world corruption ranking, out of 176 countries, giving it a CPI score of 26. (CPI score relates to perceptions of the degree of corruption as seen to exist among public officials and politicians by business people and country analysts.<sup>244</sup>

## Anti-corruption commission (ACC)

18.03 The Anti-corruption Commission (ACC), on its’ website, accessed 27 July 2012, stated that:

‘The Anti Corruption Commission (ACC) Bangladesh was created through an act promulgated on 23 February 2004 that into force on 09 May 2004. The first set of office bearers were appointed on 21 November 2004. The following day, it commenced its journey with a mission, a vow to make a difference to the Nation’s anti corruption initiatives and a fresh mandate. While its predecessor the Bureau of Anti Corruption was abolished on the same day. Although initially, it could not make the desired impact, but immediately following its reconstitution in February 2007, the ACC began working with renewed vigor and impetus duly acceding to the United Nation’s convention against corruption that was adopted by the General Assembly way back on 31 October 2003.<sup>245</sup>

18.04 The ACC website continued:

‘The commission is mandated as independent, self-governed and neutral entity. It consists of three Commissioners; of them one as the chairman and all appointed by the President on the recommendation of the Selection Committee for a period of four years

<sup>243</sup> U4 Anti-Corruption Resource Centre, Expert Answer 353, Overview of corruption and anti-corruption in Bangladesh, November 2012 (p7) <http://www.u4.no/publications/overview-of-corruption-and-anti-corruption-in-bangladesh/> Accessed 16 July 2013

<sup>244</sup> Transparency International, Corruption Perceptions Index 2012, December 2012

[http://www.transparency.org/whatwedo/pub/corruption\\_perceptions\\_index\\_2012](http://www.transparency.org/whatwedo/pub/corruption_perceptions_index_2012) Accessed 15 July 2013

<sup>245</sup> The Anti-Corruption Commission, Bangladesh, About us, undated. <http://www.acc.org.bd//> Accessed 27 July 2012

from the date of their appointment. While the commissioners function on full time basis loses eligibility for reappointment on expiry of the term in their office.’<sup>246</sup>

18.05 The US State Department Country Report on Human Rights 2012 (USSD 2012), released on 19 April 2013, stated that:

‘The ACC is the government agency charged with fighting corruption. A 2010 World Bank report stated the government undermined the ACC’s work and hampered the prosecution of corruption. The report stated that the government filed far fewer corruption cases than had the previous caretaker government and that a government commission recommended that the ACC drop thousands of corruption cases. Some in civil society stated that the government was not serious about fighting corruption and that the ACC was used for politically motivated prosecutions. Transparency International Bangladesh asserted that political interference in the ACC’s operations had rendered it a “toothless tiger.”’<sup>247</sup>

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## High-profile arrests on corruption and other charges

18.06 The USSD 2011 stated that:

‘At a news conference on September 13, ACC Director General Farrukh Ahmed announced that the ACC had launched action against all 448 persons who were exempted by the caretaker government’s Truth and Accountability Commission (TAC) for confessing their involvement in corruption and surrendering their ill-gotten wealth. The ACC decision to launch action against those who received TAC amnesty followed a high court order declaring the TAC illegal and its decisions void.’<sup>248</sup>

See Section 11: [The Truth commission](#)

18.07 The US State Department Country Report on Human Rights 2012 (USSD 2012), released on 19 April 2013, noted:

‘The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. Human rights groups, the media, the Anticorruption Commission (ACC), and other institutions reported government corruption during the year. Officials frequently engaged in corrupt practices with impunity. The laws do not require elected or appointed officials to disclose their income and assets. The AL promised in its election manifesto that ministers and members of parliament would disclose their assets, but they did not.’<sup>249</sup>

18.08 The USSD 2012 continued:

<sup>246</sup> The Anti-Corruption Commission, Bangladesh, About us, undated. <http://www.acc.org.bd/> Accessed 27 July 2012

<sup>247</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013. (Section 4) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204395> Accessed 23 May 2013

<sup>248</sup> US State Department, 2011 Country Report on Human Rights Practices: Bangladesh, 24 May 2012 (Section 4) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186459>

Accessed 28 May 2012

<sup>249</sup> Ibid

'On June 29, the World Bank canceled its \$1.2 billion Padma Bridge loan citing the government's failure to take specific measures that the bank required following the emergence in late 2011 of corruption allegations involving senior government officials. ... The ACC determined there was sufficient evidence to investigate the role of seven senior officials; it subsequently filed formal charges against six and arrested two but at year's end had not opened an investigation of the former communications minister.

'In another case, then railway minister Suranjit Sengupta was allegedly involved in bribe taking. Sengupta's assistant private secretary, Omar Faruq Talukder, and two other ministry officials were caught with 7.4 million taka (approximately \$91,000) cash in their car. Sengupta's driver, Ali Azam, claimed the officials were taking the money to Sengupta's home as part of his share of a bribery deal involving appointments to the ministry. ... Sengupta maintained his innocence but submitted his resignation on April 16. The prime minister retained him as a minister without a portfolio. An inquiry by the Railway Ministry found Sengupta innocent, and the ACC refused to take action against him, stating that the driver later claimed ownership of the money. Azam continued to claim in private interviews that the money was intended for Sengupta. ACC chair Golam Rahman refused to take Azam's statement. A review committee headed by the state minister for law, justice, and parliamentary affairs recommended the withdrawal of politically motivated cases that the government and ACC filed prior to 2009. The committee recommended the withdrawal of approximately 1,817 cases, filed mostly against AL leaders, including all the cases filed against Sheikh Hasina. Other cases recommended for withdrawal included one case against BNP leader Khaleda Zia's son, Tarique Rahman; one against BNP leader and former law minister Moudud Ahmed; and one against Jatiya Party secretary general Ruhul Amin Howlader. Ahmed refused the government's offer to withdraw all cases against him and demanded the withdrawal of all politically motivated cases against BNP leaders, including Khaleda Zia and her sons.'

<sup>250</sup>

- 18.09 The USSD 2012 continued, 'The government took steps to address widespread police corruption. The inspector general of police continued to implement a new strategy, partially funded by international donors, for training police, addressing corruption, and creating a more responsive police force. No assessment of its impact on corruption within the police force was available.

'The judiciary was subject to political pressure from the government, and cases involving opposition leaders often proceeded in an irregular fashion. In several cases the appellate division overturned decisions granting bail to high-level corruption suspects who were leaders of opposition parties.'

<sup>251</sup>

- 18.10 The USSD 2012 reported that:

'The law provides for public access to government information, but in practice it was not fully effective. The Information Commission is responsible for implementing the law. The law lists a few exceptions (due to national security) and establishes nominal processing fees. The commission has the authority to issue summons if the relevant individuals do not comply with a request for information and to compel such individuals to give oral or written evidence under oath. Observers noted that the government filed few cases

<sup>250</sup> US State Department, 2011 Country Report on Human Rights Practices: Bangladesh, 24 May 2012 (Section 4) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186459>

Accessed 28 May 2012

<sup>251</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013. (Section 4) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204395> Accessed 23 May 2013

during the year due to limited understanding of the law and limited capacity to file and pursue requests for information. The commission conducted public outreach and training of public officials to encourage effective use of the law.’<sup>252</sup>

See Section 8: Security Forces: [Accountability and impunity](#) Section 11: [Corruption in the Judiciary](#) and Section 32: [Forged and fraudulently obtained documents](#)

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## 19. Freedom of religion

### Religious demography

19.01 The US State Department’s International Religious Freedom Report for 2012 (USSD IRF 2012 report) published 20 May 2013, covering the period from January 2012 to 31 December 2012, stated that:

‘According to the 2011 census, Sunni Muslims constitute 90 percent of the population and Hindus make up 9.5 percent of a total population of 152.5 million. The remainder of the population is predominantly Christian (mostly Roman Catholic) and Theravada-Hinayana Buddhist. Ethnic and religious minority groups often overlap and are concentrated in the Chittagong Hill Tracts and northern districts. Buddhists are predominantly found among the indigenous (non-Bengali) populations of the Chittagong Hill Tracts. Bengali and ethnic minority Christians live in communities across the country, concentrating in Barisal City, Gournadi in Barisal District, Baniarchar in Gopalganj, Monipuripara in Dhaka, Christianpara in Mohakhal, Nagori in Gazipur, and Khulna City. There also are small populations of Shia Muslims, Bahais, animists, and Ahmadiyya Muslims. Estimates of their numbers varied from a few thousand to 100,000 adherents per group. Most noncitizen residents are of Bangladeshi descent and practice Islam. Separately, there are approximately 30,000 registered Rohingya refugees and between 250,000 and 450,000 unregistered Rohingya practicing Islam in the southeast around Cox’s Bazar.’<sup>253</sup>

19.02 The actual statistics available can be variable.

#### Proportion of Muslims in Bangladesh

Source	Date	Proportion of Muslims
CIA Worldbook <sup>254</sup>	2013	89.5%
USSD (Based on 2011 Census) <sup>255</sup>	2011	90%

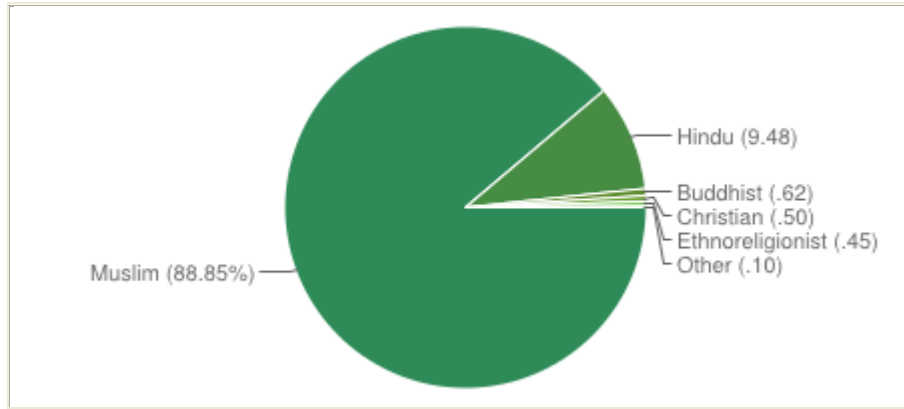
<sup>252</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013. (Section 4) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204395> Accessed 23 May 2013

<sup>253</sup> US State Department: 2012 International Religious Freedom Report: Bangladesh, 20 May 2013. (Section 1) <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dliid=208424#wrapper> Accessed 23 May 2013

<sup>254</sup> CIA World Factbook, updated 10 July 2013 <https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html> Accessed 16 July 2013

Bangladesh Bureau of Statistics <sup>256</sup>	2008	89.4%
UNAIDS <sup>257</sup>	2006	83%

Largest Religious Groups (Bangladesh, 2010)<sup>258</sup>



19.03 The USSD IRF 2012 report stated:

‘The constitution and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom. The trend in the government’s respect for religious freedom did not change significantly during the year. ... The constitution states that Islam is the state religion, but reaffirms the nation is a secular state that “shall ensure equal status and equal right in the practice of the Hindu, Buddhist, Christian, and other religions.” The constitution provides for the right to profess, practice, or propagate all religions, subject to law, public order, and morality. Although government officials, including police, were sometimes slow to assist members of minority religious groups who were victims of harassment and violence, there were examples of timely and effective police intervention. There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice. There were scattered attacks on members of minority religious and ethnic groups, most notably against Buddhists in Ramu in September and October. ... Members of Hindu, Christian, Buddhist, and Ahmadiyya Muslim minority groups experienced harassment and sometimes violence from the Sunni Muslim majority population. The government and many civil society leaders stated that violence against members of minority

<sup>255</sup> US State Department: 2012 International Religious Freedom Report: Bangladesh, 20 May 2013. (Section 1) <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dclid=208424#wrapper> Accessed 23 May 2013

<sup>256</sup> Bangladesh Bureau of Statistics, Sample Vital Registration System, Religious composition of population by locality, 2008 [http://www.bbs.gov.bd/PageSVRS\\_Rpt\\_4\\_8.aspx?page=%2fPageReportLists.aspx%3fPARENTKEY%3d102](http://www.bbs.gov.bd/PageSVRS_Rpt_4_8.aspx?page=%2fPageReportLists.aspx%3fPARENTKEY%3d102) Accessed 16 July 2013

<sup>257</sup> Joint United Nations Programme on HIV/AIDS (UNAIDS) <http://www.unaids.org> (Bangladesh and epidemiology sections) HIV and Men who have Sex with Men in Asia and the Pacific’: September 2006 (pages 29-35) [http://data.unaids.org/Publications/IRC-pub07/jc901-msm-asiapacific\\_en.pdf](http://data.unaids.org/Publications/IRC-pub07/jc901-msm-asiapacific_en.pdf) Accessed 16 July 2013

<sup>258</sup> The Association of Religion Data Archives. Bangladesh, undated [http://www.thearda.com/internationalData/countries/country\\_19\\_1.asp](http://www.thearda.com/internationalData/countries/country_19_1.asp) Accessed 16 July 2013

religious groups normally had political or economic dimensions, and could not be attributed solely to religious belief or affiliation.’<sup>259</sup>

19.04 The USSD IRF 2012 report noted that:

‘Under the penal code, statements or acts made with a “deliberate and malicious” intent to insult religious sentiments are subject to fines or up to two years in prison. In addition, the Code of Criminal Procedure states, “The government may confiscate all copies of a newspaper if it publishes anything that creates enmity and hatred among the citizens or denigrates religious beliefs.” ... There were no reports of abuses of religious freedom. Government institutions and the courts generally protected religious freedom. However, some government practices restricted members of minority religious groups.’<sup>260</sup>

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## Family law

19.05 As noted in the USSD IRF 2012 report:

‘Islamic law plays some role in civil matters pertaining to the Muslim community; however, there is no formal implementation of Islamic law, and it is not imposed on non-Muslims. Alternative dispute resolution is available to individuals for settling family arguments and other civil matters not related to land ownership. With the consent of both parties, arbitrators rely on principles found in Islamic law for settling disputes.’<sup>261</sup>

19.06 The USSD IRF 2012 report stated:

‘Family laws concerning marriage, divorce, and adoption differ slightly depending on the religious beliefs of the persons involved. Muslim and Hindu family laws are codified in the legal system. Each religious group has its own family laws that are codified in the legal system. For example, a Muslim man may marry as many as four wives, although he must get his first wife’s signed permission before marrying an additional woman. Society strongly discourages polygamy, and Muslims rarely practice it. A Christian man may marry only one woman. Under Hindu law in the country there are limited provisions for divorce, such as impotency, torture or madness. Hindu widows can legally remarry and marriage registration is optional. The family law of the religion of the two parties concerned governs their marriage rituals and proceedings; however, marriages also are registered with the state. There are no legal restrictions on marriage between members of different religious groups.’<sup>262</sup>

19.07 Human Rights Watch, in a report, “Will I Get My Dues... Before I Die?”, dated September 2012, stated that:

<sup>259</sup> US State Department: 2012 International Religious Freedom Report: Bangladesh, 20 May 2013. (Executive summary) <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dliid=208424#wrapper> Accessed 23 May 2013

<sup>260</sup> US State Department: 2012 International Religious Freedom Report: Bangladesh, 20 May 2013. (Section 2) <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dliid=208424#wrapper> Accessed 23 May 2013

<sup>261</sup> US State Department: 2012 International Religious Freedom Report: Bangladesh, 20 May 2013. (Section 2) <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dliid=208424#wrapper> Accessed 23 May 2013

<sup>262</sup> US State Department: 2012 International Religious Freedom Report: Bangladesh, 20 May 2013. (Section 2) <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dliid=208424#wrapper> Accessed 23 May 2013

‘Since its independence in 1971, the bulk of Bangladesh’s laws are applicable to all citizens without discrimination based on sex or religious belief, with one major anomaly: its personal laws. Some reforms, especially laws against domestic violence and acid attacks, have addressed family issues and apply across the religious spectrum. But personal laws on marriage, separation, and divorce, some dating to the 19th century, have remained largely frozen in time. ... Muslims, Hindus, and Christians have separate laws on marriage, separation, and divorce. They are a mix of codified and uncodified (but officially recognized) laws, and are supplemented by authoritative decisions issued by the Supreme Court of Bangladesh and the High Court Division of the Supreme Court of Bangladesh. Buddhists are governed by Hindu personal laws.’

The report continued:

‘Bangladesh also has four civil laws broadly related to family matters that apply to members of all religions; the Special Marriage Act, the Child Marriage Restraint Act, the Guardian and Wards Act, and the Family Courts Ordinance. The Special Marriage Act applies only to those who renounce their religion and so is rarely used. The “civil” divorce law applies only to Christians and the few couples that marry under the civil marriage statute. All three sets of personal laws discriminate against women with respect to marriage, divorce, separation, and maintenance, as explained below. They also fail to recognize marital property and its division on an equal basis after divorce or upon separation. This almost always benefits men and disadvantages women, unless the title to property happens to be in both the husband’s and wife’s names. This is rarely the case: a 2006 World Bank survey found that less than 10 percent of women surveyed had their names on any marital property documentation (rented or owned).’ <sup>263</sup>

19.08 The following chart from the Human Rights Watch report, “Will I Get My Dues... Before I Die?” outlines Key Elements of Muslim, Hindu, and Christian Personal Laws on Marriage and its Dissolution. <sup>264</sup>

	Muslim	Hindus and Buddhists	Christian
Key codified laws governing marriage and divorce	Muslim Family Laws Ordinance, 1961; Dissolution of Muslim Marriages Act, 1939; Muslim Marriages and Divorces (Registration) Act, 1974	Hindu Married Women’s Right to Separate Residence and Maintenance Act, 1946	Christian Marriage Act, 1872; Divorce Act, 1869
Marriage / registration	Marriage contract and registration required.	No provision for registration of marriages.	Marriage registration required.
Mahr or dower	Marriage contract specifies mahr / dower. Mahr / dower	No equivalent of dower for Hindus.	No equivalent of dower for Christians.

<sup>263</sup> Human Rights Watch, “Will I Get My Dues... Before I Die?” September 2012, (p4) <http://www.hrw.org/sites/default/files/reports/bangladesh0912ForUpload.pdf> Accessed 16 July 2013

<sup>264</sup> Ibid



	may be paid wholly or partially at the time of marriage.		
Dowry	Illegal and not sanctioned by religion.	Illegal. Dowry demands are historically traced to religion, though scholars argue that in practice it has little to do with religion.	Illegal and not sanctioned by religion.
Polygamy	A man may have up to four wives with consent of the previous wife, and all wives should be treated equally. Official authorization needed.	A man can have any number of wives. No provision for consent of previous wives / equal treatment. No procedural protections.	Not allowed.
Divorce	<p>Husband: no-fault divorce through renunciation available and procedurally regulated.</p> <p>Wife: no-fault divorce available only if agreed by husband in marriage contract.</p> <p>Otherwise divorce available through mutual consent (mubara't and khula forms).</p> <p>If no divorce out of court, then women can seek divorce through court intervention on certain grounds.</p>	No provision for divorce. Wife can seek court decree for separate residence and maintenance.	Husband and wife can seek divorce on limited grounds. Grounds are more restrictive for women.
Maintenance	Husband should maintain his wife.	Husband should maintain his wife.	Husband should maintain his wife.

during marriage	Maintenance is tied to chastity and wife being dutiful.	Maintenance is tied to chastity and wife being dutiful.	Maintenance is tied to chastity and wife being dutiful.
Post-divorce or post-separation maintenance	Divorced women cannot get maintenance except during a 90-day waiting period from notice of divorce or during pregnancy, if pregnant at the time of divorce.	There is no divorce. Wives can seek a court decree for separate residence and maintenance on limited grounds. The rules on chastity and being dutiful apply.	Wives can claim maintenance post-divorce.
Marital property	Separate property only. Marital property not recognized, regardless of contributions.	Separate property only. Marital property not recognized, regardless of contributions.	Separate property only. Marital property not recognized, regardless of contributions.
Institutions involved	Local arbitration councils, family courts, and appeals courts.	Family courts and appeals courts.	Family courts and appeals courts.  In case of divorce, the High Court Division of the Bangladesh Supreme Court has original jurisdiction.

See Section 19: [Freedom of religion - Fatwa](#)

See Section 24 on [Children: Education](#)

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## The state and religion

19.09 The USSD IRF 2012 report related:

‘The government operated training academies for imams and proclaimed Islamic festival days but generally did not dictate sermon content or select or pay clergy. However, the

government had the authority to appoint or remove imams and exercised some indirect influence over sermon content in government mosques, including the national mosque, Baitul Mukarram. The government monitored the content of religious education in madrassahs.<sup>265</sup>

The report continued:

‘Religious studies are part of the curriculum in government schools. Students attend classes in which their own religious beliefs are taught. Schools with few students from minority religious groups often make arrangements with local churches or temples to hold religious studies classes outside school hours. There are an estimated 46,000 madrassahs. Approximately 2 percent of primary school students in rural areas attend “Qaumi” madrassahs, independent private madrassahs not regulated by the government, according to a 2009 World Bank study. The same study estimates another 8 percent of primary school students and 19 percent of secondary school students attend “Aliyah” madrassahs, state-regulated private madrassahs teaching a government-approved curriculum. Other primary school students attend “Forkania” madrassahs attached to mosques, and some students in urban areas attend “Cadet” madrassahs, which blend religious and non-religious studies. The rest either attend secular government schools or NGO-run schools, or did not attend school. There are no known government-run Christian, Hindu, or Buddhist schools, although there are private religious schools throughout the country.<sup>266</sup>

- 19.10 The USSD IRF 2012 report commented: ‘The Government routinely posted law enforcement personnel at religious festivals and events considered at risk of being targets for extremists. ... all [religions] received government support of this kind.’<sup>267</sup>

The report continued:

‘There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice, and prominent societal leaders took positive steps to promote religious freedom. Violence directed against members of minority religious groups continued to result in the loss of lives and property, but it was difficult to determine whether the true motives were religious animosity, criminal intent, personal conflict, property disputes, or some combination thereof. Members of minority religious groups were often at the bottom of the social hierarchy and had the least political recourse.<sup>268</sup>

- 19.11 As stated in the USSD IRF 2012 report:

‘The Ministry of Religious Affairs administered four funds for religious and cultural activities: the Islamic Foundation, the Hindu Welfare Trust, the Christian Religious Welfare Trust, and the Buddhist Welfare Trust. These religious trusts used their funding

<sup>265</sup> US State Department: 2012 International Religious Freedom Report: Bangladesh, 20 May 2013. (Section 2) <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dliid=208424#wrapper> Accessed 23 May 2013

<sup>266</sup> US State Department: 2012 International Religious Freedom Report: Bangladesh, 20 May 2013. (Section 2) <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dliid=208424#wrapper> Accessed 23 May 2013

<sup>267</sup> Ibid (Section 2)

<sup>268</sup> US State Department: 2012 International Religious Freedom Report: Bangladesh, 20 May 2013. (Section 2) <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dliid=208424#wrapper> Accessed 23 May 2013

for literacy and religious programs, observing festivals, repairing religious buildings, and for helping destitute families.<sup>269</sup>

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## Fatwa

19.12 As was stated in the USSD IRF 2012 report,

‘On May 12 [2012], the Supreme Court’s appellate division overturned a 2001 high court ruling banning fatwas; however, the court declared that fatwas could be used only to settle religious matters and could not be invoked to justify meting out punishment, nor could they supersede existing secular law Islamic tradition. Islamic tradition dictated that only muftis with expertise in Islamic law could declare a fatwa. Despite these restrictions, village religious leaders sometimes made declarations they described as fatwas. Such declarations resulted in extrajudicial punishments, often against women, for perceived moral transgressions.’<sup>270</sup>

19.13 The Hindu American Foundation, in its report, *Hindus in South Asia and the Diaspora: A Survey of Human Rights 2013*, dated 5 June 2013, stated that:

‘Beyond the Constitution, the legal system and courts apply Islamic law to Muslims in cases involving family and personal law. In addition, the civil court system’s reach is limited in many parts of the country, especially rural areas, where Islamic fatwas (Islamic rulings by religious leaders) are enforced in a wide range of matters through traditional dispute resolution methods. The types of punishments imposed have included whipping; lashing; publicly humiliating women and girls by forcibly cutting their hair or blackening their faces; ostracizing women, girls, and families; and imposing fines. Although a July 2010 High Court order banned the enforcement of fatwas and Sharia based extrajudicial punishments, the government has failed to take any credible steps to stop them. The promotion of Islam and Islamic law through these official and unofficial means undermines secularism in Bangladesh and threatens religious freedom in the country.’<sup>271</sup>

See Section 19: [Freedom of religion - Family law](#) and Section 23: [Women - Vigilantism](#)

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## Hindus

19.14 The Hindu American Foundation, in its report, *Hindus in South Asia and the Diaspora: A Survey of Human Rights 2013*, dated 5 June 2013, noted that ‘In 1947, Hindus constituted nearly 30% of Bangladesh’s population. By 1991, an estimated 20 million Hindus were “missing” from Bangladesh. Today, Hindus comprise less than 10% of the population.’<sup>272</sup>

<sup>269</sup> Ibid (Section 2)

<sup>270</sup> I US State Department: 2012 International Religious Freedom Report: Bangladesh, 20 May 2013. (Section 2) <http://www.state.gov//drl/rls/irf/religiousfreedom/index.htm?year=2012&dliid=208424#wrapper> Accessed 23 May 2013

<sup>271</sup> Hindu American Foundation (HAF), *Hindus in South Asia and the Diaspora: A Survey of Human Rights*, 5 June 2013 (p21) [http://www.hafsite.org/sites/default/files/HHR\\_2012\\_Final.pdf](http://www.hafsite.org/sites/default/files/HHR_2012_Final.pdf) Accessed 18 July 2013

<sup>272</sup> Hindu American Foundation (HAF), *Hindus in South Asia and the Diaspora: A Survey of Human Rights*, 5 June 2013 (Executive summary) [http://www.hafsite.org/sites/default/files/HHR\\_2012\\_Final.pdf](http://www.hafsite.org/sites/default/files/HHR_2012_Final.pdf) Accessed 18 July 2013

The HAF report continued:

‘Bangladesh passed the Vested Properties Return (Amendment) Bill in 2011 and the Vested Property Return (Second Amendment) Act in 2012, which enable Hindus to reclaim land and property confiscated by the government or looted and occupied by Muslims after the passage of the 1965 Vested Enemy Property Act (by Pakistan) and subsequently, the 1974 Vested Property Act. The measures identified in the new legislation have not yet been fully implemented and properties have not been returned to their rightful Hindu owners. Nearly 1.2 million, or 44% of the 2.7 million Hindu households in the country, were affected by the Enemy Property Act 1965 and its post-independence version, the Vested Property Act 1974. Hindu owned land continues to be illegally confiscated with the tacit or active support of government actors.’<sup>273</sup>

- 19.15 The US State Department’s International Religious Freedom Report for 2012 (USSD IRF 2012 report) published 20 May 2013, covering the period from January 2012 to 31 December 2012, stated that:

‘Societal groups at times incited violence against or harassment of members of minority religious groups. The most common type of abuse was arson and looting of religious sites and homes. For example, on April 3, Muslim students from Fatehpur, Satkhira looted and burned eight Hindu families’ homes, including the home of the local school superintendent. The Fatehpur incident occurred after high school students performed a play which allegedly insulted the Prophet Mohammed. On August 4 in Chirirbandar, Dinajpur, a local Muslim official told journalists that Hindus opposed building a mosque on donated land. Fearing violence, the police banned public gatherings, but were overwhelmed by a crowd of 1,500 largely Muslim community members who burned at least 20 homes, affecting 35 Hindu families. Police arrested eight people in connection with the arson, and suspended construction of the mosque.’<sup>274</sup>

- 19.16 The Hindu American Foundation, in its report, *Hindus in South Asia and the Diaspora: A Survey of Human Rights 2013*, stated that:

‘Hindus of Bangladesh continue to be victims of ethnic cleansing waged by Islamic fundamentalists that include daily acts of murder, rape, kidnapping, forced conversions, temple destruction, and physical intimidation. There were several largescale incidents of violence in 2012, including at Nandirhat-Hathazari, Satkhira, and Dinajpur. The International Crimes Tribunals established in 2010 to prosecute those accused in the rape, murder, and genocide of ethnic Bengalis (mostly Hindus) during Bangladesh’s struggle for independence in 1971 indicted several leaders of Jamaate-Islami (Jel) and the main opposition Bangladesh Nationalist Party (BNP) in 2012. In the early months of 2013, the Tribunals convicted three Jel leaders, leading to violent riots by Jamaat and their student affiliate, Islami Chhatra Shibir, and the destruction of more than 50 Hindu temples and 1,500 Hindu homes.’<sup>275</sup> ... ‘As Amnesty International noted, “The Hindu community in Bangladesh is at extreme risk...It is shocking that they appear to be targeted simply for their religion. The authorities must ensure that they receive the protection they need.” Odhikar also expressed concern for the safety of the Hindu

<sup>273</sup> Ibid

<sup>274</sup> US State Department: 2012 International Religious Freedom Report: Bangladesh, 20 May 2013. (Section 3) <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dliid=208424#wrapper> Accessed 23 May 2013

<sup>275</sup> Hindu American Foundation (HAF), *Hindus in South Asia and the Diaspora: A Survey of Human Rights*, 5 June 2013 (Executive summary) [http://www.hafsite.org/sites/default/files/HHR\\_2012\\_Final.pdf](http://www.hafsite.org/sites/default/files/HHR_2012_Final.pdf) Accessed 18 July 2013

community and demanded that “the government and all political parties ensure the life and security of the Hindu community immediately.”<sup>276</sup>

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## Buddhists

- 19.17 According to an estimate quoted by BuddhaNet, the Australian-based website of the Buddha Dharma Education Association, there were about one million Buddhists in Bangladesh by 2004, living mainly in the area of the city of Chittagong, the Chittagong Hill Tracts (CHT), Comilla, Noakhali, Cox's Bazar and in Barisal. The Buddhists of Bangladesh belong to four groups of nations who have been gradually mixed together; the groups are the Austic, the Tibeto-Burman, the Dravilians and the Aryans. According to historians the Tibeto-Burman consists of three tribes – the Pyu, the Kanyan and the Thet (Chakma). The Chakma tribes primarily reside in the Chittagong Hill Tracts. The Kanyan tribe is known as the Rakhine (Arakanese) group who still live in the South-Eastern part of Chittagong district. The plain Buddhists of Bangladesh, known as the Burua-Buddhist, are the ancient peoples of Bangladesh who have lived there for five thousand years, according to Arakanese chronology.<sup>277</sup>
- 19.18 As stated in a report of the Canadian Immigration and Refugee Board (IRB) dated 16 August 2005, the majority of the Jumma people of the Chittagong Hill Tracts practise Buddhism.<sup>278</sup>
- 19.19 The US State Department's International Religious Freedom Report for 2012 (USSD IRF 2012 report) published 20 May 2013, stated that:
- ‘Buddhists in Ramu, Cox’s Bazar, and neighboring cities experienced communal violence on September 29 and 30. After rumors spread that a local Buddhist youth posted anti-Islamic photos on Facebook, thousands of protesters burned and vandalized Buddhist homes and temples. Local police called in supplemental security forces to quell the violence, but attackers had already set fire to at least 15 Buddhist temples and 100 homes. The Home Ministry increased law enforcement presence around neighboring Buddhist sites. Violence spread in the following days to Patiya, Chittagong, where two Buddhist monasteries and one Hindu temple were burned, and to Ukhia and Teknaf, Cox’s Bazar, where two monasteries and five homes were burned. The prime minister, home minister, and foreign minister all immediately issued strong statements condemning the violence and reaffirming the tolerant, secular, multi-religious nature of the country. The prime minister travelled to Ramu to convey the extent of her concern.’<sup>279</sup>
- 19.20 The United States Commission on International Religious Freedom, USCIRF Annual Report 2013, Bangladesh, dated 30 April 2013 stated that:

<sup>276</sup> Ibid (p16)

<sup>277</sup> BuddhaNet (Buddha Dharma Education Association) Buddhism in Bangladesh, undated <http://www.buddhanet.net/e-learning/buddhistworld/bangladesh-txt.htm> Accessed 17 July 2013

<sup>278</sup> Immigration and Refugee Board of Canada, Bangladesh: Situation of Buddhists, particularly in the areas of Chittagong and Dhaka; treatment by Muslim majority, Islamist groups, authorities and political parties; protection available (2003-2005), 16 August 2005, BGD100462.E, <http://www.refworld.org/docid/45f147e634.html> Accessed 19 July 2013

<sup>279</sup> US State Department: 2012 International Religious Freedom Report: Bangladesh, 20 May 2013. (Section 3) <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dliid=208424#wrapper> Accessed 23 May 2013

'Regarding communal violence, in September 2012 in Ramu, Cox's Bazaar, ... Prime Minister Sheika Hasina condemned the attack, and provided 24.8 million taka (approximately \$315,000 U.S. dollars) in cash aid and building materials. Over 450 individuals were arrested in 19 criminal cases, and a four-member Inquiry Committee was formed to investigate the incident.'<sup>280</sup>

19.21 The USCIRF Annual Report 2013, Bangladesh, further stated that:

'According to the government's official inquiry into the Ramu incidents, the then-superintendent of police of Cox's Bazar and the then-officer-in-charge of Ramu police station failed to take appropriate measures to stop the violence. The report charged the two officials with negligence of official duties and withdrew them from their duty stations.'<sup>281</sup>

For further information on the treatment of Buddhists See Section 20: [The Indigenous Jumma Peoples of the Chittagong Hill Tracts.](#)

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## The Ahmadiyya community (alternatively Ahmadis or Kadiyanis or Qadianis)

19.22 The Freedom House report, Freedom in the World 2013, covering events in 2012, published 31 January 2013, stated that:

'Members of the Ahmadiyya sect are considered heretical by some Muslims, and despite increased state protection since 2009, they have encountered physical attacks, boycotts, and demands that the state declare them non-Muslims. They are also occasionally denied permission to hold religious events.'<sup>282</sup>

19.23 The US State Department's International Religious Freedom Report for July-December, 2010, published 13 September 2011, stated that:

'Harassment of Ahmadis continued.<sup>283</sup> ... There were approximately 100,000 Ahmadis concentrated in Dhaka and several other locales. Throughout the year, attacks directed at the Ahmadi community in Tangail resulted in personal injuries and significant property damage. The attacks happened in three waves in June, August, and October. The attacks consisted of small groups entering Ahmadi neighborhoods with weapons, beating Ahmadis they encountered and vandalizing several houses before leaving. The authorities made no arrests, but a few local figures issued statements about the need to

<sup>280</sup> United States Commission on International Religious Freedom, USCIRF Annual Report 2013 - Other Countries and Regions Monitored: Bangladesh, 30 April 2013, <http://www.refworld.org/docid/51826ee7f.html> Accessed 19 July 2013

<sup>281</sup> United States Commission on International Religious Freedom, USCIRF Annual Report 2013 - Other Countries and Regions Monitored: Bangladesh, 30 April 2013, <http://www.refworld.org/docid/51826ee7f.html> Accessed 19 July 2013 (Section 3)

<sup>282</sup> Freedom in the World – Bangladesh (2013) (events of 2012), 31 January 2013 <http://www.freedomhouse.org/report/freedom-world/2013/bangladesh> Accessed 17 July 2013

<sup>283</sup> Bangladesh: International Religious Freedom Report, July-December, 2010, 13 September 2011 (Executive summary) [http://www.state.gov/g/drl/rls/irf/2010\\_5/168243.htm](http://www.state.gov/g/drl/rls/irf/2010_5/168243.htm) Accessed 10 July 2013

live in harmony. Although mainstream Muslims rejected some Ahmadiyya teachings, most of them supported the Ahmadis' right to practice without fear of persecution.'<sup>284</sup>

- 19.24 The US State Department's International Religious Freedom Report for 2012, published 20 May 2013, stated that:

'The Ahmadiyya Muslim community also suffered harassment. In addition to destruction of Ahmadi homes and mosques, the community faced obstacles in conducting burials and building mosques. For example, when an Ahmadi family tried to bury a family member at an ancestral site in Tejgaon, Dhaka on July 20, members of the anti-Ahmadi Khatme Nabuwat Movement obstructed his burial. When the family buried him at a different site, members of the same movement tried to exhume his body, although local officials and police stopped the exhumation attempt. On November 7, inhabitants of Taraganj, Rangpur attacked an Ahmadi community, setting fire to two homes and a mosque and injuring 15. The attackers, who numbered over 1,000, were allegedly incited by loudspeaker announcements concerning the building of a new Ahmadi mosque in the area. Police quelled the violence and arrested eleven people in connection with the attack.'<sup>285</sup>

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## Christians

- 19.25 Minority Rights Group International, in its Bangladesh Overview, last updated February 2011, stated that:

'Some 580,000 Christians adhere to at least 32 different denominations. ... the current government has introduced several substantial restrictions on Christian communities. The most significant restriction is that all Christian organisation (including churches and Bangladesh Bible Society) have to be registered as an NGO whose charter and board remains open to governmental scrutiny and approval. The board can be dismissed at any given time and be replaced by a new board appointed by the government. This regulation is in breach of the Constitution, Article 41 (b) of which provides that 'Every religious community or denomination has the right to establish, maintain or manage its own religious institutions'.<sup>286</sup>

- 19.26 The USSD IRF 2011 report stated that, 'According to Odhikar, a local human rights organization, a gang related to a local Awami League official occupied land belonging to Saint Mathuranath AG Mission in early August. Local Christian leaders alleged that members of the gang assaulted local clergy in their effort to wrest control of the land from the Mission. Local police intervened and initiated efforts to peacefully resolve the situation.'<sup>287</sup>

- 19.27 International Christian Concern, in a report dated 2 July 2013, stated that:

<sup>284</sup> Ibid

<sup>285</sup> US State Department: 2012 International Religious Freedom Report: Bangladesh, 20 May 2013. (Section 3) <http://www.state.gov/drl/rls/irf/religiousfreedom/index.htm?year=2012&dldid=208424#wrapper> Accessed 23 May 2013

<sup>286</sup> Minority Rights Group International, Bangladesh Overview. Last updated February 2011, <http://www.minorityrights.org/?lid=5632#current> Accessed 18 July 2013

<sup>287</sup> Bangladesh: International Religious Freedom Report, 2011, 30 July 2012 (Section 3) [http://www.state.gov/g/drl/rls/irf/2010\\_5/168243.htm](http://www.state.gov/g/drl/rls/irf/2010_5/168243.htm) Accessed 10 July 2013



‘Against the setting of rising social turmoil and a weakened political framework, attacks against Christians in Bangladesh are increasing, even as the nation cries out for the government to quickly discover its political will. On June 5, Muslim extremists entered the Tumilia mission, a Catholic compound, and physically attacked a priest, Father Abel, as he came out of his room. International Christian Concern (ICC) sources confirmed that it was targeted persecution on the Christians by a group of Islamists. On June 6, the same group of Islamists attacked an entire village in Dinajpur, in northern Bangladesh. As Christians fled and sought shelter in a Catholic Church’s mission compound, a mob of more than 100 Muslims, armed with local weapons, stormed in and beat up the priest and seminary students. ... No arrests were made in either incident’

The report continued:

‘Christians are at the bottom of Bangladesh’s social hierarchy. The majority of discrimination against Bangladeshi Christians comes from sections of Muslims who beat them, extort money from them, deny them access to public water wells or destroy their rickshaws to eliminate their only source of income, according to the Voice of the Martyrs. ... Not only religious motives are involved here, but also political ones.’<sup>288</sup>

See section 25: [Trafficking - overview](#)

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## 20. Ethnic groups

- 20.01 Bangladesh is ethnically ‘... highly homogeneous, with more than 98 per cent of the population being Bengali. Members of ethnic minority communities, mostly tribal peoples in the north and in the east, are often non-Muslim.’ (USCIRF Report 2010)<sup>289</sup> An article in the Bangladesh News dated 27 March 2008 stated that: ‘For centuries, Bangladesh has been the dwelling place of different ethnic groups. In fact, 35 smaller groups of indigenous people covering about two per cent of the total population have been living in different pockets of the hilly zones and some areas of the plain lands of the country. Their historical background, economic activities, social structure, religious beliefs and festivals make them distinctive.’<sup>290</sup>

## The indigenous Jumma (Pahari) peoples of the Chittagong Hill Tracts

<sup>288</sup> International Christian Concern (ICC), Christian Persecution Increases amid Protests in Bangladesh, 2 July 2013 <http://www.persecution.org/2013/07/02/christian-persecution-increases-amid-protests-in-bangladesh/> Accessed 18 July 2013

<sup>289</sup> US Committee on International Religious Freedom (USCIRF), Annual Report 2010 (p326) [http://www.uscifr.gov/images/annualper cent20reportper cent202010.pdf](http://www.uscifr.gov/images/annualper%20reportper%202010.pdf) Accessed 28 July 2012

<sup>290</sup> Bangladesh News, ‘Ethnic groups’, 27 March 2008 <http://www.independent-bangladesh.com/ethnic-groups/> Accessed 28 July 2012

20.02 The Chittagong Hill Tracts (CHT) covers about 10 per cent of the total land area of Bangladesh; it includes the districts of Khagrachhari, Rangamati and Bandarban within the Division of Chittagong.<sup>291</sup> An Amnesty International report of March 2004 related:

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

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

‘Armed rebellion in the Chittagong Hill Tracts began in mid-1970s. A peace accord signed in 1997 ended the armed conflict, but human rights violations against the tribal people which began during the armed conflict have continued on a smaller scale.’<sup>292</sup>

20.03 An Amnesty International report dated 12 June 2013, ‘Pushed to the Edge: Indigenous Rights Denied in Bangladesh's Chittagong Hill Tracts’, stated as follows:

‘More than 15 years after an agreement guaranteeing the rights of Pahari-Indigenous Peoples to their traditional lands in Bangladesh’s Chittagong Hill Tracts, Pahari continue to wait for their lands to be restored to them. Clashes between the Pahari and Bengali settlers who have gradually and repeatedly occupied their land are frequent ... The government of Bangladesh has remained ineffectual throughout, failing to protect the Pahari’s right to security, their rights to traditional lands, livelihood and culture, and to effective participation in decisions that affect them.

‘Tens of thousands of Pahari crossed over to India to avoid the violence. Today it is estimated that 90,000 Pahari families remain internally displaced.

‘The [1997 Peace Accord] promises a series of reforms to restore a measure of autonomy and promote the cultural, economic, social, civil and political rights of Pahari. Pahari refugees returning from India and internally displaced Pahari who fled to other parts of Bangladesh or to deep forest areas in the Chittagong Hill Tracts were to be rehabilitated through provision of land, housing and rations. A Land Commission was to investigate and resolve disputes over claims to lands.<sup>10</sup> The Accord promises to remove all temporary army camps from the Chittagong Hill Tracts, and to transfer administrative responsibility over a range of subjects – including management of land – from the central government to three Hill District Councils in the Chittagong Hill Tracts ... However, as this report demonstrates, [the Awami League Government] has only partially met the commitments it made in the Accord.

‘The ...government has formally established the Land Commission, appointed members, and provided the Land Commission with offices and some infrastructure. However, it remains an empty shell. To date, the Land Commission has not made a single determination on a land dispute.

<sup>291</sup> The Mappa Ltd: Bangladesh Guide Map 2003 (hard copy)

<sup>292</sup> Amnesty International, ‘Chittagong Hill Tracts: A Call for Justice at Mahalchari’. AI Index: ASA 13/003/2004: 1 March 2004 <http://www.amnesty.org/en/library/asset/ASA13/003/2004/en/3e8226e7-d5fa-11dd-bb24-1fb85fe8fa05/asa130032004en.pdf> Accessed 7 June 2012

'Bengali settlers have – especially since the Accord was signed – flowed into the Chittagong Hill Tracts and the pressure on land has continued ... [T]here are now regular clashes between Pahari villagers and Bengali settlers. Most of the disputes are over rights to land. The Pahari want their [communal] lands reinstated.

'The army maintains a heavy presence in the Chittagong Hill Tracts and is viewed by Pahari as providing support for Bengali settlers and their continued encroachment on Pahari traditional lands. There are frequent reports of human rights violations, including harassment of members of Pahari political parties and human rights defenders by the army, and violent attacks by Bengali settlers against Pahari men and women. Some of the clashes are between rival Pahari political parties.'<sup>293</sup>

20.04 A report by the International Fund for Agricultural Development (IFAD), updated in November 2012, stated:

'The findings of a recent socio-economic baseline survey conducted by a nongovernmental research organization in the CHT showed the acutely disadvantaged situation of the population of the CHT, and particularly that of the indigenous peoples, as compared with the rest of the country. The report showed, among others, that only 7.8 per cent completed primary education and only 2.4 per cent completed secondary education ... About 22 per cent of indigenous households lost their lands ... The study concludes that 70 per cent of all households – twice the national average – earn less than the minimum food requirements set for Bangladesh.'<sup>294</sup>

See the UN Economic and Social Council report, [Study on the status of implementation of the Chittagong Hill Tracts Accord of 1997](#), dated 18 February 2011, submitted by the Special Rapporteur.<sup>295</sup>

See also Section 28: [Internally Displaced Persons](#)

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## Urdu-Speakers (Biharis)

### Background

20.05 The UN High Commissioner for Refugees (UNHCR) advised in a report of December 2009:

'In 1972, following the creation of the independent People's Republic of Bangladesh, an estimated 1,000,000 Urdu speakers were living in settlements throughout Bangladesh awaiting "repatriation" to Pakistan. Agreements between Pakistan, Bangladesh and India in 1973 and 1974 resulted in some 178,069 members of this community being "repatriated" from Bangladesh to Pakistan between 1973 and 1993 out of some 534,792

<sup>293</sup> Amnesty International, 'Pushed to the Edge: Indigenous Rights Denied in Bangladesh's Chittagong Hill Tracts', 12 June 2013 (p5-7)<http://www.refworld.org/docid/51bad3874.html> Accessed 4 July 2013

<sup>294</sup> International Fund for Agricultural Development (IFAD) Raja Devasish Roy, 'Country Technical Note on Indigenous Peoples' Issues: Bangladesh', November 2012 <http://www.ifad.org/english/indigenous/pub/documents/tnotes/bangladesh.pdf> Accessed 4 July 2013

<sup>295</sup> UN Economic and Social Council, Permanent Forum on Indigenous Issues, Study on the status of implementation of the Chittagong Hill Tracts Accord of 1997, E/C.19/2011/6, 18 February 2011 <http://www.chtcommission.org/wp-content/uploads/2011/06/CHT-Accord-Study-Final.pdf> Accessed 20 November 2011

who had registered with the International Committee for the Red Cross for repatriation. An estimated 80,000-100,000 Urdu speakers also spontaneously moved to Pakistan. Many of those who have not been “repatriated” continue to live in Government-established camps and settlements in Bangladesh, while a growing number have integrated into Bengali communities throughout the country.

‘According to recent estimates, the Urdu-speaking community in Bangladesh numbers some 250,000 persons, with over 151,000 residing in 116 open camps and settlements. Exact figures are not available given that no census of the Urdu-speaking population in the country, especially those persons living outside the camps and settlements, has been carried out.’<sup>296</sup>

20.06 A paper from Interdisciplinary.net, *Conceiving Collectivity: The Urdu-speaking ‘Bihari’ Minority and the Absence of ‘Home’*, 2009, reported that:

‘The “Urdu-speaking community” in Bangladesh could be considered a “linguistic diaspora”. The descendants of over one million Urdu-speaking Muslims who migrated from India to East Bengal (then East Pakistan) following the country’s creation in 1947 ... they are distinguished from the Bengali speaking majority largely through language. Many had fled violence in North Indian states such as Bihar (as well as Uttar Pradesh, Orissa and others), and the label “Bihari” has been used in reference to the descendants of these migrants in the region ever since. Controversially sharing certain linguistic and cultural similarities with the ruling (West Pakistani) Punjabi elite these migrants gained increasing influence in the new state .... They “came to be known as conduits of the West Pakistani “colonialists”, who were not to be trusted” .... Cultural, linguistic and political tensions culminated in the Liberation War of 1971. Following the country’s Liberation, the entire Urdu-speaking community were branded enemy collaborators and socially ostracised. Thousands were arrested or executed, while others, having been dispossessed by the state and fearful for their lives, were forced to flee .... A once strong sense of Diasporic unity’ was now constructed in different terms. “The community” had been displaced for a second time, but now “within” the land that had become their “home”. They were once again “othered” but not as a result of their own actions (emigration) as much as the events that took place around them.’<sup>297</sup>

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## Biharis recognised as citizens

20.07 An article in [bdnews24.com](http://bdnews24.com), dated 13 June 2012, reported that:

‘A group of ten residents of Geneva Camp filed a writ petition in the High Court .... Subsequently, a two-member bench of High Court gave rule on May 5th, 2003 that the ...petitioners were citizens of Bangladesh and as such they should be registered as voters ... It was interpreted and argued that the rule of the High Court was applicable for only ten petitioners. ... [A]nother writ petition was filed...seeking voting rights for all the Urdu-speaking people. A two-member bench of High Court in its verdict observed on 8th May 2008 that “Question of citizenship of Urdu-speaking has got another aspect, which is very important from the constitutional perspective. ... they are constantly

<sup>296</sup> UN High Commissioner for Refugees, ‘Note on the Nationality Status of the Urdu-speaking Community in Bangladesh’, 17 December 2009 (p1-2) <http://www.refworld.org/docid/4b2b90c32.html> Accessed 2 July 2013

<sup>297</sup> Inter-Disciplinary.Net, ‘Conceiving Collectivity: The Urdu-speaking ‘Bihari’ Minority and the Absence of “Home”.’ 2009 [http://www.inter-disciplinary.net/wp-content/uploads/2009/06/redclift\\_diasporas\\_presentation\\_paper.pdf](http://www.inter-disciplinary.net/wp-content/uploads/2009/06/redclift_diasporas_presentation_paper.pdf) Accessed 27 July 2011

denied the constitutional rights to job[s], education, accommodation, health and a decent life like other citizens of the country. By keeping the question of citizenship unresolved on wrong assumption over the decades, this nation has not gained anything rather was deprived of the contribution they could have made in the nation building. The sooner the Urdu-speaking people are brought to the mainstream of the nation is the better”.

‘The Bench in its ruling said, “The Election Commission is directed to enroll the petitioners and other Urdu-speaking people who want to be enrolled in the electoral rolls and accordingly, give them National Identity Card without any further delay”.

‘It was understood that the end of their statelessness would provide them the much needed access to the various opportunities and facilities of social, cultural and economic benefits and facilitate their mainstreaming in the society. But even after receiving the “National Identity Card” and casting their votes in the last general elections, they are still treated as “stranded Pakistanis”, stateless and refugees”.’<sup>298</sup>

20.08 According to the UNHCR report of December 2009:

‘It is estimated that around 80 percent of eligible Urdu-speaking voters obtained National Identity Cards. A number of eligible Urdu-speakers have allegedly chosen not to register as voters, fearing that it would undermine their long-standing call to be “repatriated” to Pakistan and/or that they would, consequently, lose other benefits in Bangladesh.

‘In addition to enabling voting, the National Identity Card provides citizens with rights and access to a range of services, including:

- issuance and renewal of passport, driving license, trade license, and tax and business identification number;
- opening bank accounts;
- beneficiary owner’s account with stock exchanges;
- utilities (e.g. gas, water, electricity, telephone, mobile, internet, and cable television);
- registration for examinations;
- any public services;
- marriage registration;
- loans;
- Government-subsidized accommodations;
- allowance and relief;
- owning land and motor vehicles;
- admission to State schools; and
- undertaking procedures before courts.’<sup>299</sup>

<sup>298</sup> Bdnews24.com, ‘Biharis: Citizens without benefits’, June 13, 2012

<http://opinion.bdnews24.com/2012/06/13/biharis-citizens-without-benefits/> Accessed 30 August 2012

<sup>299</sup> UN High Commissioner for Refugees, ‘Note on the Nationality Status of the Urdu-speaking Community in Bangladesh’, 17 December 2009 (p4) <http://www.refworld.org/docid/4b2b90c32.html> Accessed 2 July 2013

20.09 The UNHCR report observed that ‘The Supreme Court decision of May 2008 applies to all members of the Urdu-speaking community without discrimination ... In light of the May 2008 Supreme Court decision and subsequent implementing measures taken by the Government of Bangladesh, the Urdu-speaking community can no longer be viewed as stateless, as they are considered to be nationals of Bangladesh.’<sup>300</sup>

## Living conditions

20.10 The UNHCR reported further:

‘[M]any members of Urdu-speaking communities, including those in the open camps, are living alongside the Bengali community and speak Bengali. Urdu speakers living in extreme poverty are sometimes unable to access basic services, either because of the unavailability of such services in their area, or because they are unable to meet the necessary legal or administrative requirements applicable to all Bangladeshi nationals (for example, they may lack a valid address, which is required to acquire a passport); this is not, however, a problem unique to Urdu speakers in Bangladesh.’<sup>301</sup>

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## 21. Sexual orientation and gender identity

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

### Legal rights

21.01 The International Lesbian Gay Bisexual Trans and Intersex Association (ILGA) Report on State-Sponsored Homophobia, 2013, dated 13 May 2013, stated that both same sex male and female sexual relationships are illegal in Bangladesh. It sets out the law thus:

‘Penal Code, 1860 (Act XLV of 1860)

Section 377 “Unnatural Offences”

“Whoever voluntary has carnal intercourse against the order of nature with man, woman, or animal, shall be punished with imprisonment for life, or imprisonment of either description for a term which may extend to 10 years, and shall also be liable to [a] fine.

Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.”<sup>302</sup>

21.02 An alternative report submitted by the Citizens' Initiatives to CEDAW-Bangladesh (CiC-BD) dated December 2010 stated that:

<sup>300</sup> UN High Commissioner for Refugees, ‘Note on the Nationality Status of the Urdu-speaking Community in Bangladesh’, 17 December 2009 (p5) <http://www.refworld.org/docid/4b2b90c32.html> Accessed 2 July 2013

<sup>301</sup> UN High Commissioner for Refugees, ‘Note on the Nationality Status of the Urdu-speaking Community in Bangladesh’, 17 December 2009 (p5) <http://www.refworld.org/docid/4b2b90c32.html> Accessed 2 July 2013

<sup>302</sup> International Lesbian Gay Bisexual Trans and Intersex Association (ILGA), State-Sponsored Homophobia, A world survey of laws: Criminalisation, protection and recognition of same-sex love, 13 May 2013 (p67) [http://old.ilga.org/Statehomophobia/ILGA\\_State\\_Sponsored\\_Homophobia\\_2013.pdf](http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2013.pdf) Accessed 17 July 2013

'As a signatory to CEDAW, the Bangladeshi state has an international obligation to protect the rights of sexual and gender minorities; more specifically to eliminate all forms of discrimination based on sex (which can be, and is widely, interpreted to include sexual orientation and gender diversity). .... The Constitution of Bangladesh also guarantees the right to be free from discrimination based on sex, as well as caste, religion and race.'<sup>303</sup>

Note: The Citizens' Initiatives on UNCEDAW, Bangladesh (CiC-BD) is a citizens' platform comprised of 38 women's and human rights organizations. The platform came together in October 2007.<sup>304</sup>

#### 21.03 The same report continued:

'Same sex sexualities and non-normative gender identities are not recognized under the current legal framework of the country. International and constitutional guarantees of freedom from discrimination on the grounds of sex are directly contravened by Section 377 of the Bangladesh Penal Code which provides for the punishment through imprisonment and fines of any sexual activity deemed "against the order of nature" by the courts. Introduced by colonial authorities in British India, this provision of the Penal Code of 1860 effectively criminalizes all acts other than procreative sex within heterosexual marriage.

'In practice, Section 377 can be used by post colonial states such as Bangladesh to criminalize consensual same sex activity. The law does not distinguish between consensual and forced sex. In some instances, it is also used to prosecute cases of child sexual abuse since existing rape laws do not recognize male to male rape. That is, rape is understood to be a heterosexual phenomenon, both culturally and legally.

'At the Fourth Round of the Universal Periodic Review in February 2009, the Sexual Rights Initiatives (SRI) presented a report on the socio-political rights of sexual and gender minorities, including gays, lesbians, hijra, kothis and inter-sex persons in Bangladesh. The report was historic in nature since this was the first time that the subject of sexual and gender minorities in Bangladesh had been presented at such a high level international forum. During the discussion, the Bangladesh Foreign Minister denied the existence of homosexuality in the country. The GOB [Government of Bangladesh] also rejected recommendations in the SRI report to decriminalize consensual same sex activity by repealing Section 377.'<sup>305</sup>

#### 21.04 The alternative CEDAW report of December 2010 stated that:

<sup>303</sup> International Women's Rights Action Watch Asia Pacific (IWRAP Asia Pacific), Citizens' Initiatives on UNCEDAW, Bangladesh (CiC-BD), Combined Sixth and Seventh Alternative Report to the UN CEDAW Committee, December 2010 (p56) [http://www.iwraw-ap.org/resources/pdf/48\\_shadow\\_reports/G2L/Bangladesh/Report\\_CiC\\_BD.pdf](http://www.iwraw-ap.org/resources/pdf/48_shadow_reports/G2L/Bangladesh/Report_CiC_BD.pdf) Accessed 15 July 2013

<sup>304</sup> International Women's Rights Action Watch Asia Pacific (IWRAP Asia Pacific), Citizens' Initiatives on UNCEDAW, Bangladesh (CiC-BD), Combined Sixth and Seventh Alternative Report to the UN CEDAW Committee, December 2010 (Introduction) [http://www.iwraw-ap.org/resources/pdf/48\\_shadow\\_reports/G2L/Bangladesh/Report\\_CiC\\_BD.pdf](http://www.iwraw-ap.org/resources/pdf/48_shadow_reports/G2L/Bangladesh/Report_CiC_BD.pdf) Accessed 15 July 2013

<sup>305</sup> International Women's Rights Action Watch Asia Pacific (IWRAP Asia Pacific), Citizens' Initiatives on UNCEDAW, Bangladesh (CiC-BD), Combined Sixth and Seventh Alternative Report to the UN CEDAW Committee, December 2010 (p56) [http://www.iwraw-ap.org/resources/pdf/48\\_shadow\\_reports/G2L/Bangladesh/Report\\_CiC\\_BD.pdf](http://www.iwraw-ap.org/resources/pdf/48_shadow_reports/G2L/Bangladesh/Report_CiC_BD.pdf) Accessed 15 July 2013

'The social and cultural invisibility of same sex practices in Bangladesh is accompanied by the dearth of scholarship on the topic. New research shows that sexually marginalized populations, especially those belonging to the hijra or transgender/transsexual community, are systematically persecuted by state agents through another provision, that of Section 54 which allows for arrest without warrant in case of "suspicious" behavior. The police are notorious for gross infringements of the rights of sexual minorities, especially hijras, kothis or "effeminate" males and MSM (males who have sex with males) through invoking Section 54. Harassment, physical and sexual abuse and extortion, as well as arbitrary arrest and detention, are standard forms of violence these groups face for not conforming to heterosexual norms. Moreover, many HIV/AIDS awareness programs have been threatened or closed down because of intimidation and violence by law enforcing authorities. Sexual and gender minorities have minimal access to medical services and treatment of any kind, because of social stigma and the discrimination by medical service providers. Loss of traditional forms of livelihood and overt discrimination in employment opportunities has pushed hijras primarily into sex work for survival. Hijra and MSM sex-workers are routinely subjected to rape as well as intimidation in exchange for police "protection." Notably, only one case has actually been filed under Section 377 in independent Bangladesh although there is some anecdotal evidence that the law is used to intimidate sexual and gender minorities. According to the UPR report, most Hijra and Kothi identified persons cited bullying as one of the preeminent reasons for dropout from state sponsored primary schools. Many are reported to have turned suicidal and experienced acute psychological trauma. There is now an emerging self-identified gay and lesbian culture in Bangladesh, although little is documented on the kinds of rights violations to which such groups are subjected. Research indicates that "effeminate" boys face serious bullying and intimidation in educational and other social settings. Self-identified gay teenagers are often forced into psychiatric and medical regimes in order to be "cured".'

<sup>306</sup>

21.05 The US State Department 2011 Country Report on Human Rights Practices: Bangladesh, (USSD 2011), released on 24 May 2012, observed that:

'Although overt acts of discrimination against LGBT individuals were fairly rare – partly because few individuals openly identified their sexual orientation – there was significant societal discrimination. Openly gay individuals, particularly those from less affluent backgrounds, found that their families and local communities ostracized them. Some sought refuge in the traditional transgender or "hijra" community.'

21.06 The US State Department 2011 Country Report on Human Rights Practices: Bangladesh, (USSD 2011), released on 24 May 2012, observed that:

<sup>306</sup> International Women's Rights Action Watch Asia Pacific (IWRAP Asia Pacific), Citizens' Initiatives on UNCEDAW, Bangladesh (CiC-BD), Combined Sixth and Seventh Alternative Report to the UN CEDAW Committee, December 2010 (p57) [http://www.iwraw-ap.org/resources/pdf/48\\_shadow\\_reports/G2L/Bangladesh/Report\\_CiC\\_BD.pdf](http://www.iwraw-ap.org/resources/pdf/48_shadow_reports/G2L/Bangladesh/Report_CiC_BD.pdf) Accessed 15 July 2013

<sup>307</sup> US State Department, 2011 Country Reports on Human Rights Practices: Bangladesh, 24 May 2012. (Section 6) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204395> Accessed 23 May 2013



'On May 24, The New Age newspaper announced that the Passport Office would allow those who identify as neither male nor female to identify as "other" on their passports.'

<sup>308</sup>

See Section 31: [Exit and return](#)

21.07 The US State Department 2012 Country Report on Human Rights Practices: Bangladesh, (USSD 2012), released on 19 April 2013, observed that:

'Consensual same-sex sexual activity is illegal, but the law was not enforced. Lesbian, gay, bisexual, and transgender (LGBT) groups reported that police used the law as a pretext to bully LGBT individuals, particularly those seen as effeminate men. There were several informal support networks for gays, but organizations to assist lesbians were rare. Gays and lesbians often faced strong family pressure to marry opposite-sex partners.

'Attacks on LGBT persons occurred on occasion, but those offenses were difficult to document because victims desired confidentiality. The Bandhu Social Welfare Society, a local NGO, reported 137 cases of assault against LGBT persons during the year, as compared with 109 in 2011. Strong social stigma based on sexual orientation was common and prevented open discussion of the subject.'

<sup>309</sup>

21.08 Aidsdatahub's (a website that co-ordinates data on HIV/AIDS in the region to assist Governments in their response to the problem) country review of Bangladesh, September 2011 stated that:

'The estimated number of Men who have Sex with Men (MSM) ranges widely – from 40,000 by the National AIDS Program to more than 1 million. ... Many MSM had female sex partners and/or were married due to societal pressure to marry and become fathers. ... Male to male sexual activity is an offense under section 377 of the Bangladesh penal code and there is an absence of non-discrimination laws and regulations which specify protection for MSM. Due to legal issues and societal norms and pressure, MSM rarely disclose their status.'

<sup>310</sup>

21.09 An article in The Guardian, Gay, straight or MSM? dated 6 August 2009, reported that in Bangladesh, how you define your sexuality can depend on class, education and family circumstances.

<sup>311</sup>

21.10 The Constitution, under Article 28, protects citizens against discrimination by the State on the grounds of religion, race, caste, sex or place of birth - but is silent on sexual orientation. Article 31, however, states that the protection of the law is the inalienable

<sup>308</sup> US State Department, 2011 Country Reports on Human Rights Practices: Bangladesh, 24 May 2012. (Section 6) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204395> Accessed 23 May 2013

<sup>309</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013. (Section 3) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204395> Accessed 23 May 2013

<sup>310</sup> Aidsdatahub, Bangladesh, Country Review September 2011 [http://www.aidsdatahub.org/dmdocuments/Bangladesh\\_Country\\_Review\\_2011\\_HIV\\_and\\_AIDS\\_Data\\_Hub\\_for\\_Asia-Pacific\\_\(2011\).pdf](http://www.aidsdatahub.org/dmdocuments/Bangladesh_Country_Review_2011_HIV_and_AIDS_Data_Hub_for_Asia-Pacific_(2011).pdf) Accessed 17 July 2013

<sup>311</sup> The Guardian (UK) Gay, straight or MSM?: 6 December 2009, <http://www.guardian.co.uk/commentisfree/2009/aug/06/bangladesh-gay-sexuality> Accessed 17 July 2013

right of every citizen.<sup>312</sup> The ILGA Survey 2013 in its LGBTI rights global overview section did not identify Bangladesh as prohibiting discrimination in employment based on sexual orientation or gender identity. Nor did the state make illegal hate crimes based on sexual orientation or gender identity and there was no provision in the Constitution to prohibit discrimination based on sexual orientation.<sup>313</sup>

- 21.11 There is no military conscription in Bangladesh. COI Service does not have information on whether LGBT persons are generally barred from voluntary service or careers in the military or in the various security services.

See Section 9: [Military Service](#)

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## Treatment by and attitudes of the state

### Ill-treatment by police officers and by ‘mastans’

- 21.12 In their August 2003 report entitled *Ravishing the Vulnerable*, Human Rights Watch (HRW) stated that many men who have sex with men (msm) interviewed by HRW reported being raped, gang raped and beaten frequently by police and by mastans (defined broadly as criminal thugs, sometimes with local political connections).<sup>314</sup>

- 21.13 According to the report:

‘Like women sex workers, men who have sex with men are abducted, raped, physically assaulted, and subject to extortion by police and mastans. Men who have sex with men are sometimes arrested and abused without being charged with any crime. They have no effective means of lodging official complaints about the abuses they experience. The police also sometimes harass, beat, and arrest men engaging in HIV/AIDS outreach work. Moreover, men who have sex with men are discriminated against by the wider society: turned away from jobs and harassed at school. An old colonial law against “carnal intercourse” is interpreted to criminalize men who have sex with men. These violations stem from and result in a subjugated, subhuman status for this group of people while simultaneously undermining Bangladesh’s capacity to fight an emerging AIDS epidemic.’<sup>315</sup>

‘HRW stated that gay men interviewed by them also reported that they were regularly subjected to extortion by both police and mastans; those men who engaged in prostitution said that their clients were also subject to extortion. Some of those interviewed reported that they had been arrested under Section 54 of the Criminal Procedure Code; this had not led to criminal charges or prosecution, but rather to

<sup>312</sup> Legislative and Parliamentary Affairs Division, Ministry of Law, Justice and Parliamentary Affairs, The Constitution of The People’s Republic of Bangladesh

[http://bdlaws.minlaw.gov.bd/print\\_sections\\_all.php?id=367](http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=367) Accessed 28 May 2013

<sup>313</sup> International Lesbian Gay Bisexual Trans and Intersex Association (ILGA), *State-Sponsored Homophobia, A world survey of laws: Criminalisation, protection and recognition of same-sex love*, 13 May 2013 (Global overview) [http://old.ilga.org/Statehomophobia/ILGA\\_State\\_Sponsored\\_Homophobia\\_2013.pdf](http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2013.pdf) Accessed 17 July 2013

<sup>314</sup> Human Rights Watch, *Ravishing the Vulnerable: Abuses against Persons at High Risk of HIV Infection in Bangladesh: August 2003* (Vol. 15, No.6c.) (p39) <http://www.hrw.org/reports/2003/bangladesh0803/index.htm> Accessed 18 July 2013

<sup>315</sup> Human Rights Watch, *Ravishing the Vulnerable: Abuses against Persons at High Risk of HIV Infection in Bangladesh: August 2003* (Vol. 15, No.6c.) (p37-38) <http://www.hrw.org/reports/2003/bangladesh0803/index.htm> Accessed 18 July 2013

abuses such as extortion and physical assault. They did not see any merit in bringing an official complaint about police or mastan abuse, as they believed the police would not act on such a complaint.<sup>316</sup> Human Rights Watch has recorded that only 17 individuals were interviewed in depth for this report; the respondents were identified through organisations of sex workers, organisations for gay men, needle exchange programs and/or drug rehabilitation programs.<sup>317</sup> ... Most of those interviewed described themselves as kothis (men or boys who take on a feminine demeanour and identify themselves as female in sexual relationships with men). The HRW report noted that, according to some experts, a significant proportion of kothis engage in sex work.’<sup>318</sup>

21.14 As is referred to in Section VIII of the 2003 Human Rights Watch report,<sup>319</sup> the Government has been implementing a Police Reform Programme since this report, and the 2002 report cited by UNAIDS, were produced.

21.15 The NGO Ain o Salish Kendra (ASK), in its Human Rights in Bangladesh 2008 annual report, undated, stated that:

‘Although there has been only one reported case involving Section 377 in the four decades since the independence of Bangladesh, the existence of this offence is reportedly used by law enforcing agencies and others to threaten and harass individuals, and thus inhibit their free exercise of expression and behaviour. In fact, none of the cases reported by or to Bandhu (see below) involved Section 377 directly, although the threat of arrest under this law may have been invoked. More significant is the abuse of Section 54 of Criminal Procedure Code and Section 86 of the Dhaka Metropolitan Police Ordinance (and related provisions in the police ordinances applicable to other Metropolitan cities) which are commonly used to harass persons using public spaces. Indeed, this situation is not very different from that of sex workers and other socially marginalized groups detained under Section 54 without being shown any cause. And yet, while lawyers and human rights groups are vocal about the perils of Sections 54 and 86, they have tended to be silent about the specific effects of these provisions on this community.’<sup>320</sup>

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## Societal treatment and attitudes

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

‘For a number of reasons, including cultural invisibility, a general reluctance to discuss sexuality in the public sphere, and the stigma attached to non-normative sexualities, information on sexual minorities in Bangladesh is quite limited. For that matter, most

<sup>316</sup> Human Rights Watch, *Ravishing the Vulnerable: Abuses against Persons at High Risk of HIV Infection in Bangladesh: August 2003* (Vol. 15, No.6c.) (p39-41) <http://www.hrw.org/reports/2003/bangladesh0803/index.htm> Accessed 18 July 2013

<sup>317</sup> Ibid (p10 ‘Methods’)

<sup>318</sup> Ibid (p10,37-38)

<sup>319</sup> Ibid (p48)

<sup>320</sup> Ain o Salish Kendra (ASK), *Human Rights in Bangladesh 2008: Chapter 22, Rights of Sexual Minorities* (Chap. 22) [http://www.askbd.org/hr\\_report2008/22\\_Sexual.pdf](http://www.askbd.org/hr_report2008/22_Sexual.pdf) Accessed 14 July 2013

human rights organizations, until very recently, have not considered the subject of sexual rights to be an obvious part of their mandate.’<sup>321</sup>

- 21.17 Commenting on the situation of Lesbians in Bangladesh, an article in Himal Magazine, originally dated July 1996, but still relevant, stated that:

‘Male prostitutes are available in most towns. And in rural areas, homosexuality is generally considered something that young people do for fun and some elders may do in secret. Male homosexuality is tolerated despite religious sanction. Yet divorce citing gay behaviour by any partner is not known.

‘It is a different story for lesbians, however. Although it is no secret that dormitories record incidences of lesbianism, and studies have corroborated the fact, it is kept a secret fearing loss of marriage prospects. And marriage, after all, is society’s idea of a woman’s ultimate nirvana. Literature has recorded a high incidence of shakhi culture, where proximate friendship develops between two women in which emotions are at least romantic and may lapse into "touching", though both parties may deny any sexual overtones in such relationships. Psychologists say many shakhis may be substitutes for boyfriends.

‘Society frowns upon single women, and the social pressure to marry--doesn’t matter who to—is intense. Most succumb to it, despite their sexual preferences, and end up miserably knotted. ... There are some instances of lesbians entering permanent relationships, but most lesbians are married and whatever sexual liaisons they may enter into are purely by chance. ... The tolerance level for lesbians is very low in Bengali society . It is low for women in general. ...’<sup>322</sup>

- 21.18 In an article which appeared in The Rice Thresher, the official student newspaper at Rice University since 1916, dated 20 March 2011, discussed some of the societal pressures faced by individuals in Bangladesh:

‘Sam is a self-described bisexual living in Dhaka, the capital, where we spoke with him in December 2010. He is a Muslim-born Hindu of 25 years and works as a university teacher. Six years ago, he discovered that his sexual orientation deviates from the cultural norm in Bangladesh. He has had sexual encounters with women before and currently is in a romantic relationship with a man. Sam and his boyfriend go on trips together, hold hands on the streets of Dhaka and share a bed when staying at each other’s places. Since male-male friendships are traditionally very intimate in Bangladesh, these practices cast no doubt upon their presumed heterosexual identities. Family and friends consider Sam and his boyfriend to be close friends. “As long as you don’t come out open to your family, you are safe,” Sam explained. Sam is not his real name. Afraid of the possible social and legal consequences, he agreed to speak only under the condition of anonymity.

‘Like Sam and his boyfriend, many homosexuals in Bangladesh hide their sexual orientation from their friends and families. Coming out can have a wide range of consequences. Some gay men who inform their families about their sexual orientation are forced into heterosexual marriages. Other parents consider homosexuality a mental illness. Sam told us of cases in Bangladesh where electric shocks were applied to

<sup>321</sup> Ain o Salish Kendra (ASK), Human Rights in Bangladesh 2008: Chapter 22, Rights of Sexual Minorities (Chap. 22) [http://www.askbd.org/hr\\_report2008/22\\_Sexual.pdf](http://www.askbd.org/hr_report2008/22_Sexual.pdf) Accessed 14 July 2013

<sup>322</sup> Himal Magazine, The Shadow Citizens, July 1996 <http://www.himalmag.com/component/content/article/2864-The-Shadow-Citizens.html> Accessed 24 July 2013

homosexual men in an effort to “cure” them from their supposed psychiatric condition. He is convinced that, “unless the government, parents and friends understand that a man or woman can be a gay or a lesbian and yet be a very good and devout Muslim, Hindu or Christian, the chances for LGBT rights in Bangladesh are low.” Society in Bangladesh is far from that. Homosexuality among men is seen as a morally depraved Western phenomenon that needs to be fended off. However, mainly due to new media, times are changing.’<sup>323</sup>

- 21.19 The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) Bangladesh, in a statement at the [Human Rights Council's Universal Periodic Review (UPR)] UPR Side Event on the status of minorities in Bangladesh, 02 May 2013, responded to a statement from a government minister and stated that:

‘As you have seen during the session, the foreign minister in reply to USA’s concern on LGBT population said “On LGBT rights ... we recognize the need for protecting all vulnerable groups of our population, given their constitutional equal rights and freedoms. Moreover, we do not condone any discrimination or violence against any human being on any pretext.” I, on behalf of the LGBT community of Bangladesh, would like to thank honorable foreign minister for her reply and indeed, it is a great assurance to know that the government does not endorse discrimination and violence against any human being, whether they are lesbian, gay, bisexual or transgender. The government rejected the recommendations in 2009, so we would see this reply as a development.

‘However, there are a number of issues that we think need to be addressed. As you have seen in the stakeholders' reports submitted for the UPR, the sexual and gender minority of the country continues to face discrimination and violence. Because of the strong stigma and taboo surrounding homosexuality, the LGBT population faces bullying, harassment and violence in schools, in work places, and more importantly from family. Thus they are being devoid of fundamental and basic human rights. Such denial of human rights pushes them into a shadow existence, reinforcing stigma and public contempt, making them vulnerable to discrimination and violence.

‘Despite receiving and disbursing funds for MSM and Hijra through National AIDS STD Programme, the government denies the existence of sexual and gender minority. As such the vulnerable population gets no support from the law enforcers, who are sometimes perpetrators of even more violence and discrimination.’<sup>324</sup>

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## 22. Disability

- 22.01 The US State Department Country Report on Human Rights Practices for 2012, released on 19 April 2013 (USSD 2012 report), noted:

‘The NGO Action against Disability estimated that there were 16 million persons with disabilities, or 10 percent of the population. The government estimated a lower figure of 1.5 to 2 percent of the population.

<sup>323</sup> The Rice Thresher, Homophobic tendencies still abound in South Asia, By Rainer Ebert, Updated: 20 March 2011 <http://www.ricethresher.org/opinion/homophobic-tendencies-still-abound-in-south-asia-1.2114007> Accessed 20 July 2013

<sup>324</sup> International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) Bangladesh, 16 Session of UPR, April - May 2013. Statement at the UPR Side Event on the status of minorities in Bangladesh, 02 May 2013 <http://ilga.org/ilga/en/article/o4H0xz81Rk> Accessed 24 July 2013 Accessed 20 July 2013

'The law provides for equal treatment and freedom from discrimination for persons with disabilities; however, persons with disabilities faced social and economic discrimination.

'The law focuses on...treatment, education, rehabilitation, employment, transport accessibility, and advocacy ... The law's effect was limited due to vague obligations, a weak implementation mechanism, and a sweeping indemnity clause. Most provisions create positive obligations, which were difficult to enforce ... The law provides inadequate safeguards against involuntary institutionalization and minimal oversight of guardians and caregivers.

'The law contains extensive accessibility requirements for new buildings. In practice, however, authorities approved construction plans for new buildings without close compliance with these requirements.

'The law excludes children with "mental deficiency" from compulsory public education. According to Action against Disability, 90 percent of children with disabilities are barred from attending public school ... The government trained teachers on inclusive education and recruited disability specialists at the district level. The government also allocated stipends for 19,000 students with disabilities. Additionally, the government began a vocational skills training program for persons with disabilities.

'Due to inaccessibility and discrimination, persons with disabilities were sometimes excluded from mainstream government health, education, and social protective services. The government reduced taxes on several hundred items designed to assist persons with disabilities.

'Government facilities for treating persons with mental disabilities were inadequate. The Ministry of Health established child development centers in all public medical colleges to assess neurological disabilities. Several private initiatives existed for medical and vocational rehabilitation as well as for employment of persons with disabilities. National and international NGOs provided services and advocated for persons with disabilities. The government also promoted autism research and awareness.<sup>325</sup>

22.02 The Centre for the Rehabilitation of the Paralysed (CRP) provides a broad range of services to physically disabled people in Bangladesh.<sup>326</sup> In a 2010 report, 'Perceptions of disability in Bangladesh', CRP noted that:

'In Bangladesh, physical limitations are often not the most difficult obstacles a disabled person needs to overcome. Attitudes to and perceptions of disability are often even more challenging.

'As with many Southern countries, there is little awareness in Bangladesh of disability, its causes and consequences. Many "traditional" views on the subject still prevail, especially in rural settings. Disability is often seen as a curse from God, inflicted as retribution for the sins of the disabled person's parents. Many believe that disability is infectious and that having a disabled person in the house will bring on an "evil wind" after which others will be infected with this condition.

<sup>325</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013 (Section 6) <http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> Accessed 23 May 2013

<sup>326</sup> Centre for the Rehabilitation of the Paralysed (CRP), website accessed 3 July 2013 <http://www.crp-bangladesh.org/index.php>

'Treatment for spinal injuries and other disabling conditions is often based on superstitious methods and performed by untrained village doctors in settings which are neither hygienic nor appropriate. This maltreatment often causes further injury or aggravates the condition of the patient. Avoidable complications are a common consequence of treatment by unqualified practitioners.

'Too little work is done in raising awareness about disability or educating people about how disability occurs and how to prevent it. Children rarely mix with disabled friends. The segregation of disabled children prevents stigmas being removed at an early age.'<sup>327</sup>

- 22.03 The Danish Bilharziasis Society, in a report prepared for the World Bank in 2004, noted that the National Forum of Organisations Working with the Disabled (NFOWD) was established in 1991 as an umbrella organisation for NGOs working with and for people with disabilities in Bangladesh; by 2010 it comprised 151 organisations. Some of these NGOs focussed their work around the promotion of the rights of people with disabilities, while the majority provided specialised services such as rehabilitation therapy, health services, special education, assistive devices, skills training and employment schemes. International donor agencies also supported these activities. The Bilharziasis Society reported that some transport providers had started offering discounted travel to people with disabilities and that there were internationally-supported pilot schemes for the provision of disability friendly toilet and bathing facilities and improved accessibility to water supplies.<sup>328</sup>

See also Section 24: [Children: Child care and protection](#) and Section 26: [Medical issues: Mental health](#)

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## 23. Women

For information about girls the following information throughout this section should be considered together with material found under [Children](#).

### Overview

- 23.01 Bangladesh acceded to the Convention on the Elimination of All Forms of Discrimination against Women on 6 November 1984 and ratified the Optional Protocol on the Convention on 6 September 2000.<sup>329</sup>
- 23.02 The most recent State party report to the United Nations Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), dated 24 March 2010, observed that:

<sup>327</sup> Centre for the Rehabilitation of the Paralysed, 'Perceptions of disability in Bangladesh', 2010 [http://www.crp-bangladesh.org/index.php?option=com\\_content&view=article&id=88&Itemid=103](http://www.crp-bangladesh.org/index.php?option=com_content&view=article&id=88&Itemid=103) Accessed 3 July 2013

<sup>328</sup> The Danish Bilharziasis Society Laboratory for the World Bank, 'Disability in Bangladesh – A Situation Analysis', May 2004 <http://siteresources.worldbank.org/DISABILITY/Resources/Regions/South%20Asia/DisabilityinBangladesh.pdf> Accessed 3 July 2013

<sup>329</sup> Office of the UN High Commissioner for Human Rights (website): Ratifications and Reservations. <http://www2.ohchr.org/english/bodies/ratification/index.htm> Accessed 22 June 2013

‘Over the last two decades the initiative to ensure equal rights of women and non-discrimination has gained momentum in Bangladesh and has been successful in mobilizing and coordinating women to stand up for their rights. However, relentless endeavour is underway on the part of the Government by way of adoption of policies, legislation, strategies, national action plans and programs for realization of empowerment of women. The pro-women policies, strategies and measures of the Government undertaken in the last decades have positively influenced the reduction of poverty of women. A number of Programs were undertaken by Government that includes safety net, development activities, etc. ... Positive indicators of women’s advancement in the country are reflected in continuing gender parity in school enrolment, gradually lowered infant mortality and decrease in maternal mortality rates. There has been significant progress in health and education areas.’<sup>330</sup>

23.03 An alternative report submitted by the Citizens' Initiatives to CEDAW-Bangladesh, dated December 2010, stated that:

‘... our concern with the prevailing patriarchal values and traditional norms which regulate social relations and profoundly shape institutional culture. Women have turned to the State to transform these relationships through legal reforms and policy changes, but even when such reforms are introduced, their implementation is not effective in challenging deeply embedded patriarchal values and structures. Governments and political parties appear to capitulate to the demands of constituencies that are antithetical to the interests of women. This tendency occasionally contributes to strengthening political agendas that directly violate the premises of gender equality. Policies and programs for elimination of discrimination face the challenge of bridging the social divide created by class and gender, along with ethnicity, religion, rural/urban location and other social disadvantages. As in other stratified societies, in Bangladesh an individual’s access to opportunities for education, health or employment and control over resources depends upon his or her structural position. Of these divides gender is arguably the most pervasive, permeating all social institutions from the family to the state. However gendered divisions are always mediated by other kinds of inequalities.’<sup>331</sup>

23.04 CEDAW, in its ‘Concluding Comments’, dated 22 March 2011, stated:

‘The Committee recognizes the State party’s efforts to promote a change in the stereotypical roles of women, notably through the media and educational programmes but remains concerned at the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men. It is concerned that such attitudes perpetuate discrimination against women and girls and are reflected in their disadvantageous and unequal status in many areas, including in employment, decision-making, marriage and family relations, and the persistence of violence against women.’<sup>332</sup>

<sup>330</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties - Bangladesh, 24 March 2010, CEDAW/C/BGD/6-7, available at: <http://www.refworld.org/docid/4ef353b82.html> Accessed 29 July 2013

<sup>331</sup> International Women’s Rights Action Watch Asia Pacific (IWRAP Asia Pacific) Combined Sixth and Seventh Alternative Report to the UN CEDAW Committee, December 2010 (p9) [http://www.iwraw-ap.org/resources/pdf/48\\_shadow\\_reports/G2L/Bangladesh/Report\\_CIC\\_BD.pdf](http://www.iwraw-ap.org/resources/pdf/48_shadow_reports/G2L/Bangladesh/Report_CIC_BD.pdf) Accessed 14 July 2013

<sup>332</sup> Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Committee on the Elimination of Discrimination against Women, Forty-eighth session 17 January – 4 February 2011, Concluding observations of the Committee on the Elimination of Discrimination against Women, CEDAW/C/BGD/CO/7, 22



See also: [Social and economic rights](#) and Section 24: Children: [Education](#)  
 See also Section 24: [Children](#), which includes some material which is gender specific.

- 23.05 The Asian Development Bank (ADB) in the report, 'The Country Gender Assessment: Bangladesh', 2010, dated November 2010, stated that:

'Women's opportunities and public participation in Bangladesh have changed significantly in recent decades. For example, major progress has been made in closing the gender gap in school enrollments at both primary and secondary levels; girls currently outnumber boys in enrollments. The rapid growth of the garment industry has provided a large number of formal sector jobs for women, who comprise more than 90% of its labor force. Many women are now members of the local government councils that have important responsibilities for rural and urban development. Changes in norms, practices, and opportunities that are reflected in these developments are the result of a range of forces, including leadership through government policy, advocacy, innovation by civil society organizations, and actions of individuals and households. Government policy and leadership on gender equality. The National Policy for Women's Advancement, formulated in 1997, provides an important general statement of commitments of the Government of Bangladesh to equality of women and men. Such commitments are also reflected in the national poverty reduction strategy (National Strategy for Accelerated Poverty Reduction, or NSAPR-II), which emphasizes the importance of women's rights and opportunities for progress in the battle against poverty. Sectoral policies, such as those related to agriculture, food, labor force, and industry, increasingly refer to women's involvement and rights. The commitment to increased participation by women in public decision making is reflected in legislative provisions that ensure a minimum number of women in both national and local governments.'

- 23.06 The Organisation for Economic Co-operation and Development's Social Institutions and Gender Index (OECD SIGI), profile of Bangladesh, undated, accessed 11 June 2013, stated that:

'Bangladesh has made significant gains in the area of gender equality in recent years. On the legislative front, the government has introduced significant reforms including legislation on violence against women, equal pay and maternity leave entitlements and parliamentary quotas. Further in 2011, the government adopted the long awaited National Women Development Policy which, when enacted through legislative reform, aims to secure women's rights in a range of areas. Bangladesh has been impressive gains with respect to gender equality in education: from 2004 to 2007 the female literacy rate increased from 46% to 54%. Despite recent progress however, gender gaps remain in employment.'

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## Legal rights

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March 2011 <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-BGD-CO-7.pdf> Accessed 26 July 2013

<sup>333</sup> Asian Development Bank, Country Gender Assessment: Bangladesh, 2010, November 2010 <http://www.adb.org/sites/default/files/pub/2010/cga-women-bangladesh.pdf> Accessed 14 July 2013

<sup>334</sup> Organisation for Economic Co-operation and Development's Social Institutions and Gender Index (OECD SIGI) Bangladesh Country profile (undated) <http://genderindex.org/country/bangladesh> Accessed 11 June 2013

23.07 Dr Nusrat Ameen, in her book ‘Wife Abuse in Bangladesh: An Unrecognised Offence’, published in 2005, noted that a ‘patriarchal interpretation of the law’ by society is common. ‘Despite Constitutional guarantees that women shall have equal rights with men in all spheres of the State and of public life...Jahan points out that many aspects of the legal system reflect the continuing dominance of patriarchal attitudes in society.’ Dr Ameen argued that both substantive and procedural law is not gender-neutral and she noted that the laws governing women’s private lives were discriminatory; for example, there was differential treatment of women in divorce proceedings. There was also discrimination between women from different religious groups, since there are different sets of family laws in place for the Muslim, Hindu and Christian communities. Dr Ameen stated that the legal solutions made available to women were often constrained by practical factors, such as the weak economic situation of women, the reluctance of the police to become involved in marital disputes, the difficulty of enforcing and sometimes obtaining injunctions, the emphasis on mediation, arbitration and shalish by legal aid workers and professionals, as well as illiteracy and family pressures.<sup>335</sup>

Note: Nusrat Ameen PhD was, in 2005, an associate professor of law at the University of Dhaka, Bangladesh.

23.08 The US State Department 2012 Country Report on Human Rights Practices: Bangladesh (USSD 2012), released on 19 April 2013, stated that:

‘Women do not enjoy the same legal status and rights as men in family, property, and inheritance law. Under traditional Islamic inheritance laws, daughters inherit only half that of sons, and in the absence of sons they may inherit only what remains after settling all debts and other obligations. Under Hindu inheritance laws, a widow’s rights to her deceased husband’s property are limited to her lifetime and revert to the male heirs upon her death. The parliament passed the Hindu Marriage Registration Bill 2012, which allows for the optional registration of Hindu marriages. HRW reported that discriminatory personal laws affected Muslim, Hindu, and Christian women. It found women whose marriages ended often fell into poverty due to these legal provisions that make it difficult to obtain legal redress.’<sup>336</sup>

## Marriage

23.09 Human Rights Watch, in a report “Will I Get My Dues ... Before I Die?” Harm to Women from Bangladesh’s Discriminatory Laws on Marriage, Separation, and Divorce, dated September 2012, stated that:

‘Most women in Bangladesh marry quite young; the minimum age of marriage for girls in Bangladesh is 18. The government estimates that more than 55 percent of women and girls over 10 years old in Bangladesh are married. More than 2 million girls between ages 15 and 19, and another 250,000 girls between ages 10 and 14, are married.’<sup>337</sup>

<sup>335</sup> Dr Nusrat Ameen: *Wife Abuse in Bangladesh: An Unrecognised Offence*, (p7-14) Book published in 2005 for the Bangladesh National Women Lawyers’ Association. ISBN 984 05 1742 2 (Hard copy only)

<sup>336</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013. (Section 6) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204395> Accessed 23 May 2013

<sup>337</sup> Human Rights Watch, “Will I Get My Dues ... Before I Die?” Harm to Women from Bangladesh’s Discriminatory Laws on Marriage, Separation, and Divorce, (p20) dated September 2012 <http://www.hrw.org/sites/default/files/reports/bangladesh0912ForUpload.pdf> Accessed 26 July 2013

23.10 Human Rights Watch's, World Report 2013, Bangladesh, issued on 31 January 2013, covering events in 2012, observed that:

'Bangladesh reported the highest prevalence of child marriages in the world. Archaic and discriminatory family laws for Muslims, Hindus, and Christians, continued to impoverish many women when they separate from, or divorce spouses, and trap them in abusive marriages for fear of destitution. The Law Commission of Bangladesh researched and recommended reforms to these laws in 2012.'<sup>338</sup>

23.11 The Bangladesh Law Commission, in a report dated 18 July 2005; 'Opinion on the Study Report for Marriage, Inheritance and Family Laws in Bangladesh towards a Common Family Code' concluded that:

'The personal laws of marriage, divorce, guardianship, maintenance, inheritance etc. of all the communities including the tribal communities of Bangladesh are different from each other in nature and in their manners of application. All these religious or personal laws are based on religious injunctions, faith and beliefs. More so, the personal laws of all communities are sensitive, complex and of diverse origin. It is impossible to bring uniformity in these differing laws by way of modification or reforms for purposes of incorporation in a Common Family Code. Any such attempt is likely to cause injury to the religious sentiment, faith and beliefs of the people of the country. In view of the discussions above, our opinion is that there cannot be any Common Family Code for all the communities in our country as proposed by a few persons only which does not reflect the wish or opinion of all the people of the country.'<sup>339</sup>

23.12 Human Rights Watch, in a report "Will I Get My Dues ... Before I Die?" Harm to Women from Bangladesh's Discriminatory Laws on Marriage, Separation, and Divorce, dated September 2012, stated however that:

'There is currently more momentum for reforming personal laws to remove the discriminatory elements of these laws. In 2012, the Law Commission of Bangladesh completed research on marriage and divorce issues under Muslim, Hindu, and Christian laws and recommended reform. On Christian personal law, among other things, the commission's report reiterated its earlier recommendations from its 2006 report and called on the government to remove the discrimination in grounds for divorce between men and women and the inclusion of mutual consent as a ground for divorce. Similarly, underscoring the need for Hindu personal law reform, the commission recommended that the government prohibit polygamy, make marriage registration compulsory, and allow Hindu couples to divorce. The Ministry of Law, Justice and Parliamentary Affairs is supporting the commission's research, with funding from the United Nations Development Program.'<sup>340</sup>

<sup>338</sup> Human Rights Watch, World Report 2013 - Bangladesh, 31 January 2013 <http://www.hrw.org/world-report/2013/country-chapters/bangladesh?page=1> Accessed 26 July 2013

<sup>339</sup> Office of the Law Commission, Opinion on the Study Report for Marriage, Inheritance and Family Laws in Bangladesh Towards a Common Family Code, 18 July 2005 <http://www.commonlii.org/bd/other/BDLC/report/R69/69.pdf> Accessed 21 April 2009

<sup>340</sup> Human Rights Watch, "Will I Get My Dues ... Before I Die?" Harm to Women from Bangladesh's Discriminatory Laws on Marriage, Separation, and Divorce, (p48) dated September 2012 <http://www.hrw.org/sites/default/files/reports/bangladesh0912ForUpload.pdf> Accessed 26 July 2013

See also [Law for Muslim Women in Bangladesh](#) <sup>341</sup>

23.13 The OECD SIGI Bangladesh profile, undated, accessed 26 July 2013, reported that:

'Bangladesh has outlawed early marriage and has raised the minimum age for legal marriage to 18 years for women and 21 for men. In addition, acts passed in 2004 and 2005 now make it a legal requirement to register marriages and births, with two years imprisonment the ultimate penalty for failure a marriage. United Nations data estimates that 48 per cent of all girls between 15 and 19 years of age were married, divorced or widowed. Elsewhere, UNICEF found that 33 percent of women between 15 and 49 were married before their 15th birthday, while the 2007 Demographic and Health Survey (DHS) found that 78 percent of women between 20 and 49 years of age were married before age 18. A 2007 Pew Global Attitudes Survey found that popular attitudes limit women's autonomy in regard to marriage: the survey revealed that only 12 percent of respondents believed that it was better for a woman to choose her own husband. Three times as many believed that it should be up to her family, while a majority believed that the woman and her family should decide together. Dowry payment is illegal, but occurs frequently.' <sup>342</sup>

See Section 23: [Woman-Dowry](#)

23.14 The same OECD SIGI Bangladesh profile stated:

'Polygamy is legal in Bangladesh, but many consider the practice to be out-dated and the practice is highly discouraged. A 2002 World Values Survey found that nearly 83 percent of respondents either disagreed or disagreed strongly with the statement, "It is acceptable for a man to have more than one wife." <sup>343</sup>

23.15 Freedom House, in its Freedom in the World 2013 – Bangladesh report, dated 10 April 2013, stated that:

'Under the personal status laws affecting all religious communities, women have fewer marriage, divorce, and inheritance rights than men, which increases their socioeconomic insecurity, according to a September 2012 report by Human Rights Watch. However, Parliament that month passed the Hindu Marriage Bill, which aims to grant legal and social protection to members of the Hindu community, particularly women. In rural areas, religious leaders sometimes impose flogging and other extrajudicial punishments on women accused of violating strict moral codes, despite Supreme Court orders calling on the government to stop such practices. Women also face some discrimination in health care, education, and employment. In 2012, Islamic clergy and women's groups remained at loggerheads over implementation of the National Women Development Policy, which holds that women and men should have equal political, social, and economic rights.' <sup>344</sup>

23.16 The US State Department Country Report on Human Rights Practices 2011 (USSD 2011 report), released on 24 May 2012, report noted:

<sup>341</sup> Women Living Under Muslim Laws (WLUML) Law for Muslim Women in Bangladesh, undated <http://www.wluml.org/node/248> Accessed 14 July 2013

<sup>342</sup> The Organisation for Economic Co-operation and Development (OECD), The Social Institutions and Gender Index (SIGI), undated <http://genderindex.org/country/bangladesh> Accessed 26 July 2013

<sup>343</sup> The Organisation for Economic Co-operation and Development (OECD), The Social Institutions and Gender Index (SIGI), undated <http://genderindex.org/country/bangladesh> Accessed 26 July 2013

<sup>344</sup> Freedom House, Freedom in the World 2013: Bangladesh, 10 April 2013.

<http://www.freedomhouse.org/report/freedom-world/2013/bangladesh> Accessed 26 July 2013

'Laws specifically prohibit certain forms of discrimination against women, provide special procedures for persons accused of violence against women and children, call for harsher penalties, provide compensation to victims, and require action against investigating officers for negligence or wilful failure of duty; however enforcement of these laws was weak. Women, children, minority groups, and persons with disabilities were often confronted with social and economic disadvantages.'<sup>345</sup>

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## Political rights

23.17 The Constitution provides for equal opportunities for women in politics and public life.<sup>346</sup> The US State Department 2012 Country Report on Human Rights Practices: Bangladesh (USSD 2012), released on 19 April 2013, stated that:

'There are no laws preventing women or minorities from voting or participating in political life. Women were eligible to contest any of the 300 seats in parliament, and an additional 50 seats were reserved for women. During the year there were 69 women in parliament, 19 of whom were directly elected and 50 who were chosen by political parties based on their proportional representation in parliament. Five women were full cabinet ministers. Three women served at the state ministerial level.'<sup>347</sup>

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## Social and economic rights

23.18 The US State Department 2012 Country Report on Human Rights Practices: Bangladesh (USSD 2012), released on 19 April 2013, stated that:

'Employment opportunities increased for women, who constituted approximately 80 percent of garment factory workers. However, women were sometimes subjected to abuse in factories, including sexual harassment. There were some gender-based wage disparities in the overall economy, but wages of women and men were comparable in the garment sector. Women still faced difficulty in seeking access to credit and other economic opportunities, but the government's National Women's Development Policy included commitments to provide opportunities for women in employment and business.'<sup>348</sup>

23.19 The Combined sixth and seventh periodic report of States parties Bangladesh, CEDAW/C/BGD/6-7, 24 March 2010, reported that:

'Women's participation in economic activity depends on education, training, health and the socio-economic enabling environment. Significant positive changes have been observed over the years in relation to socio-economic condition of women along with

<sup>345</sup> US State Department, 2011 Country Reports on Human Rights Practices: Bangladesh, 24 May 2012. (Section 6) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204395> Accessed 23 May 2013

<sup>346</sup> Constitution of the People's Republic of Bangladesh (website of the Prime Minister's Office) <http://www.pmo.gov.bd/pmolib/constitution/part1.htm> Accessed 15 March 2013

<sup>347</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013. (Section 3) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204395> Accessed 23 May 2013

<sup>348</sup> Ibid (Section 6)

men in Bangladesh. Gender parity has been achieved in the primary and secondary education level. Special education facilities for girl students, increasing involvement of women workers in the readymade garment sector, and more women in the political leadership at various levels reflect the positive socio-cultural change in women's life in Bangladesh. More women were in poverty situation compared to men in the period preceeding 2005. According to HIES 2005, about 35.4 percent of female-headed households were in poverty compared with 34.2 percent of male-headed households in 2000. The proportion of female-headed households has been reduced to 21.9 percent in 2005. Women's poverty has other dimensions. They become poor when they lose the male earning member of the family because of abandonment, divorce, or death. The HIES 2005 reveals that about 29.6 per cent of divorced/widowed women were in poverty against the national average of 25.1 percent women in poverty. While poverty affects the household as a whole, women bear a disproportionately greater burden in managing household production and consumption under conditions of severe scarcity. There are incidences of discrimination of women within the household in terms of ownership of resources such as physical, financial and information.'<sup>349</sup>

23.20 Regarding pay and conditions in the Garment industry, War on Want reported that gender parity was less than equal. In 'Ignoring the Law: Labour rights violations in the garment industry in Bangladesh', 2009 they reported that:

'The 2006 Labour Law contains a provision guaranteeing equal rate of pay for men and women. However, according to the research conducted ... women earn far less than their male colleagues. Over 70% of the women spoken to over the course of the study received less than Tk3,000 per month; by comparison, less than half of the men interviewed earn below that mark.

'The wage disparity is the result of two interrelated factors. Male garment workers are far more likely than women to hold jobs that traditionally pay more, such as quality control and floor supervisor, and men also earn more than women who perform the same work.'<sup>350</sup>

23.21 The USSD 2011 report noted that

'Women remained in a subordinate position in society, and the government did not act effectively to protect their basic rights. On March 7, the cabinet approved the National Women's Development Policy, which contains language encouraging the promotion of women's education and participation in governance issues. The new policy, which does not have the full force of law, also contains language stating that women could have an equal share in property, businesses, and inheritance. Under traditional Islamic inheritance laws, daughters inherit only half that of sons, and in the absence of sons, they may inherit only what remains after settling all debts and other obligations. Under Hindu inheritance laws, a widow's rights to her deceased husband's property are limited to her lifetime and revert to the male heirs upon her death. The provision detailing the right to equal inheritance triggered a series of protests and a nationwide strike led by conservative Islamic groups. Several government leaders stated that the policy would

<sup>349</sup> Combined sixth and seventh periodic report of States parties Bangladesh, CEDAW/C/BGD/6-7, 24 March 2010 <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/288/51/PDF/N1028851.pdf?OpenElement> Accessed 26 July 2013

<sup>350</sup> Ignoring the Law: Labour rights violations in the garment industry in Bangladesh, July 2009 <http://www.waronwant.org/attachments/Ignoring%20the%20Law%20-%20Labour%20Rights%20Violations%20and%20the%20Bangladeshi%20Garment%20Industry.pdf> Accessed 26 July 2013

not supersede existing religion-based inheritance laws, and as of year's end there was no change to the law.

'Employment opportunities greatly increased for women in the last decade, largely due to the growth of the export garment industry. Women constituted approximately 80 percent of garment factory workers. There were some disparities in pay in the overall economy between men and women, but in the garment sector wages were generally comparable.'<sup>351</sup>

See Section 33: [Employment rights](#)

- 23.22 A further report from War on Want, 'Stitched Up: Women workers in the Bangladeshi garment sector', 10 August 2011 stated that:

'As a result of sustained campaigning by women workers and other trade unionists in Bangladesh, the minimum wage for garment workers was raised in 2010 for the first time in four years. Receipt of wages in the garment industry depends on meeting an assigned production target. If production targets are met, a sewing operator's salary now starts at 3,861 taka (approximately £32) a month and a helper's wage at 3,000 taka (£25) a month. Even with the new increases, however, these wages fall far short of the level which is considered to be a living wage....'<sup>352</sup>

- 23.23 The Asian Development Bank report, 'The Country Gender Assessment: Bangladesh', 2010, stated that:

'... the rapid growth of the garment industry in Bangladesh, in response to international trade agreements, drew large numbers of women into the labor force. The income brought into households contributed to changing family dynamics. The greater visibility of women on the daily journey to work in Dhaka and other urban areas has also influenced public perceptions of what is possible and appropriate for women. Migration flows provide another example of how decisions by individuals contribute to larger patterns of social change; men have traditionally dominated migration flows, but the proportion of women is increasing and women now predominate among migrants of ages 15–25. The progress that has been made demonstrates the potential for change despite entrenched views about appropriate roles for women in the private and public sectors. But the broad challenges that remain are evident in gender equality indices of the UNDP Human Development Report. For Bangladesh the gender-related development Index (GDI) is lower than the human development index (HDI), indicating that an aggregated index masks gender inequalities. Of the 155 countries for which both indices could be calculated, 100 countries showed less disparity than Bangladesh. On the gender empowerment measure (GEM), which considers whether women are active in public and economic life, Bangladesh ranks 108th of 109 countries?'<sup>353</sup>

See Section 23: [Women – overview](#) regarding the rise in female employment. See also [The ready-made garments industry in Bangladesh: A means to reducing gender-based](#)

<sup>351</sup> US State Department, 2011 Country Reports on Human Rights Practices: Bangladesh, 24 May 2012. (Section 6) <http://www.state.gov/j/drl/rls/hrrpt/2011humanrightsreport/index.htm#wrapper> Accessed 23 May 2013

<sup>352</sup> War on Want, *Stitched Up: Women workers in the Bangladeshi garment sector*, 10 August 2011 <http://www.waronwant.org/attachments/Stitched%20Up.pdf> Accessed 23 May 2013

<sup>353</sup> Asian Development Bank, *Country Gender Assessment: Bangladesh, 2010* (pviii) <http://www.adb.org/sites/default/files/pub/2010/cga-women-bangladesh.pdf> Accessed 14 July 2013

social exclusion of women?<sup>354</sup> See also Section 27: Freedom of movement and Section 4: Recent developments: January to July 2013

23.24 The ADB report further stated:

'Bangladesh benefits from an active women's movement with a large number of organizations that deliver services, conduct research on problems and policies, raise awareness of issues and rights among women and the broader public, and advocate for progress. The women's movement in Bangladesh has also made strategic use of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to advocate for changes in laws and policies. Bangladesh development organizations are widely admired for their success in using micro-credit to benefit women and have also made major contributions to increasing access by women and girls to schooling and health services.'<sup>355</sup>

23.25 The OECD SIGI Bangladesh profile, undated, accessed 26 July 2013, reported that:

'Islamic law regards women as "custodians" but not legal guardians of their children. In the event of divorce, women can retain custody of sons until age seven and daughters until puberty. If a father dies, his children may be taken away by his family. Hindu law also views fathers as the natural, legal guardians of children. Women's rights to divorce are limited under Islamic law. Perhaps for this reason, more than 87 percent of Bangladeshi women believe that divorce is never justifiable. According to the 2010 CEDAW report, divorced and widowed women are more likely to be living below the poverty line than married or never-married women.

'According to Islamic law, daughters inherit half as much as sons. In the absence of a son, daughters can inherit only after the settling of all debts and other obligations. In principle, wives are entitled to half of the assets of a deceased husband. Under Hindu law, a widow (or all widows in the case of a polygamous marriage) inherits the same share as a son. For Christians, the Succession Act of 1925 provides for equal inheritance between sons and daughters. Note that at the time of drafting the government had introduced a National Women Development Policy (2011), which is set to provide equal inheritance rights for women, but it is unclear how this policy will be implemented without contradicting existing laws.'<sup>356</sup>

See Section 23: Women- marriage

23.26 With regard to ownership rights the same OECD SIGI Bangladesh profile noted that:

'It is unclear what women's legal rights are to own and manage land and property other than land in Bangladesh. Despite their growing role in agriculture, social practices effectively exclude women from direct access to land. It is customary for a woman not to claim her share of the family property unless it is given willingly. Women often surrender their right to property in exchange for the right to visit their parental home and seek their brothers' assistance in cases of marital conflict. Households headed by women, which

<sup>354</sup> Bridgewater State University, The ready-made garments industry in Bangladesh: A means to reducing gender-based social exclusion of women?, 1 November 2009 <http://www.bridgew.edu/soas/jiws/Nov09/Nidhi.pdf> Accessed 26 July 2013

<sup>355</sup> Asian Development Bank, Country Gender Assessment: Bangladesh, 2010 (pviii) <http://www.adb.org/sites/default/files/pub/2010/cga-women-bangladesh.pdf> Accessed 14 July 2013

<sup>356</sup> The Organisation for Economic Co-operation and Development (OECD), The Social Institutions and Gender Index (SIGI), undated <http://genderindex.org/country/bangladesh> Accessed 26 July 2013



make up almost 30 percent of the total in the country's eastern provinces, are more likely to suffer extreme forms of poverty and landlessness.

'In Bangladesh, women's access to bank loans and other forms of credit is limited. Most women lack the collateral to receive loans from banks. Low literacy rates also hamper women's access to the formal financial sector. In addition, just 30.5 percent of currently married women who earned a living interviewed for the 2007 DHS reported having sole decision-making power over how that money was used. Nearly 12 percent reported that their husband had sole power. In recent years micro-credit programs operated by the government, NGOs, and the Grameen Bank have substantially increased the number of women employed outside the household in self-employed entrepreneurs, and also in manual labour and manufacturing. However, 43 percent of women are still employed in agriculture, the vast majority as unpaid family labour.'<sup>357</sup>

For further socio-economic information see the [Gender, Institutions and Development Database 2009](#) and also [State of the World's Children](#)

See also Section 2: [Economy](#) and Section 33: [Employment rights](#)

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## Violence against women

See also Section 8: [Security Forces: Avenues of complaint](#), Section 24: [Children: Violence against children](#) and Section 25: [Trafficking](#)

23.19 Following a visit to Bangladesh in May 2013, the United Nations Special Rapporteur on Violence against Women stated in her end-of-mission statement of 29 May 2013:

'According to interlocutors, the most pervasive form of violence against women in Bangladesh is domestic violence, with an estimated 60% of married women reported to having experienced violence at the hands of a spouse and/or in-laws. Other manifestations of violence include: different forms of sexual violence including rape and eve-teasing [harassment in public places]; dowry-related violence; sexual harassment; forced and/or early marriages; acid attacks;...among others.

'Despite efforts made towards the empowerment of women, I have noted with concern the strong persistence of patriarchal attitudes towards women as well as stereotypical views regarding what their roles and responsibilities should be. Such attitudes and behaviours have the effect of perpetuating discrimination against women and girls, and contribute to the continuation of violence against them.

'I commend the steps taken by the Government of Bangladesh towards legislative, policy and programmatic measures to address the development needs of women generally, and violence against women specifically. Over the past two decades, numerous laws, including amendments to existing laws, have been enacted to address various manifestations of violence against women.

<sup>357</sup> The Organisation for Economic Co-operation and Development (OECD), The Social Institutions and Gender Index (SIGI), undated <http://genderindex.org/country/bangladesh> Accessed 26 July 2013

'I welcome the Government's efforts to eliminate violence against women through various initiatives ... which include the One Stop Crisis Centres, the creation of a national helpline, the establishment of a national trauma centre, and the prevention cells ... I also welcome the Government's efforts to ensure an efficient and effective police service by encouraging the participation of women in the Bangladeshi Police at all ranks, increasing gender awareness, and improving victim support services through the Police Reform Programme.

'Despite the developments I have noted, discrimination and violence against women continues ...'<sup>358</sup>

23.20 Human Rights Watch observed in their World Report 2013, published 31 January 2013:

'While Bangladesh has a strong set of laws and judicial guidelines to tackle violence against women, implementation remains poor. Violence against women including rape, dowry-related assaults, and other forms of domestic violence, acid attacks, and illegal punishments in the name of fatwas or religious decrees and sexual harassment continue.'<sup>359</sup>

23.21 In its most recent state party report to the UN Committee on the Elimination of Discrimination against Women (CEDAW) in 2010, the Bangladesh Government noted:

'While violence against women is widespread, in Bangladesh data is scant and it goes for the most part unreported, ignored, and socially tolerated in silence. Although violence against women is regarded as "private issue" or "cultural matter", in Bangladesh, there have been efforts during the last decades to bring the issue to light. The women's movement, human rights organisations, and Government and NGOs have increasingly recognized this as a human rights violation and unacceptable. Violence against women is a multifaceted problem. Manifestations and causes are varied and accordingly strategies to address these have been varied ... The Government has made provision for stern measures to combat...violence against women.'<sup>360</sup>

23.22 The UN Secretary-General's Database on Violence against Women, accessed in July 2013, quoted Bangladesh government sources as follows:

'The Police Reform Project, which began in late 2005 has been extended for another five years up to 2014, and has been undertaken with an aim to improve the efficiency and effectiveness of the Bangladesh Police. One of the most important objectives of this program is for the police services to become more responsive and sensitive to women survivors of violence ... The Police Reform Project has established a Victim Support Centre [in] Dhaka city to provide professional support to survivors, and 21 additional centers at district levels ... The Police Reform Project has...key strategic areas, [including] to increase the number of female police officers and gender sensitization.

<sup>358</sup> UN Office of the High Commissioner for Human Rights: 'Special Rapporteur on Violence against women, its causes and consequences finalises country mission to Bangladesh', 29 May 2013 <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13374&LangID=E> Accessed 26 July 2013

<sup>359</sup> Human Rights Watch, World Report 2013, published 31 January 2013 <http://www.hrw.org/world-report/2013/country-chapters/bangladesh> Accessed 1 June 2013

<sup>360</sup> UN Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties, 24 March 2010 [CEDAW/C/BGD/6-7] (p87-88) <http://www.refworld.org/docid/4ef353b82.html> Accessed 29 July 2013

‘[T]he Directorate General of Health Services under the Women Friendly Hospital Initiative, has organized training for 444 doctors and 394 nurses on management of violence against women and children in hospital[s].’<sup>361</sup>

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## Domestic violence

23.23 Dr Nusrat Ameen, in her book entitled ‘Wife Abuse in Bangladesh: An Unrecognised Offence’,<sup>362</sup> published by the Bangladesh National Women Lawyers’ Association (BNWLA) in 2005, observed that ‘Wife abuse is endemic and is overtly or covertly sanctioned (p20) ... Research shows that violence in the family occurs at all levels of society (p22) ... However, the practice of wife abuse is one about which there is least social awareness or outcry in Bangladesh.’ (p27) Dr Ameen observed that the patriarchal nature of society and of the household, especially in rural areas, permitted socially acceptable violence against women in the form of physical chastisement by a husband. A misinterpretation of religious teaching reinforced this social sanction. (p27-36) Women often faced domestic violence not only from their husbands, but also from their in-laws. (p49) Dowry abuse also continued to lead to cases of serious physical abuse or murder and to the suicides of young married women, though the Dowry Prohibition Act came into force in 1980. (p39-45) A UNFPA report in 1997 quoted a study by the NGO Ain-O-Shalish Kendra (ASK) in saying that up to 50 per cent of all murders in Bangladesh had been attributed to marital violence. Evidence suggested that only a minor proportion of such cases reached the courts and resulted in convictions. (p49-51)

Note: Although the above source was published in 2005, it is an authoritative study; the nature of domestic violence in Bangladesh is unlikely to have changed significantly since 2005.

23.24 Mst. Taslima Khatun and Khandaker Farzana Rahman stated in a paper of November 2012, published in the Bangladesh e-Journal of Sociology:

‘Although domestic violence includes child abuse, parent abuse and in-law abuse committed by male aggressors on female victims, available information from research indicated that the “most common type of violence in Bangladesh against women is domestic violence perpetrated by intimate partners or ex partners”

‘Most of the women in Bangladesh experience [domestic violence] in their lives which takes different forms of abuses, i.e. physical (slapping, beating, ...), psychological (threats of abandonment or abuse, to take away custody of the children, verbal aggression and humiliation, threats of killings), sexual abuse (coerced sex through threats, intimidation, ...), economic (denial of funds, ..., controlling access to health care and employment) etc.

‘Women in Bangladesh face violence for very trivial matters ... In a study, it is revealed that the most frequently mentioned reasons for violence included questioning the husband in day-to-day matters, failure of the wife to perform household work

<sup>361</sup> UN Secretary-General’s Database on Violence against Women: Bangladesh  
<http://sgdatabse.unwomen.org/country/ind.action?countryId=192> Accessed 30 July 2013

<sup>362</sup> Ameen N: ‘Wife Abuse in Bangladesh: An Unrecognised Offence’, book published in 2005 by the Bangladesh National Women Lawyers’ Association. ISBN 984 05 1742 2 (Hard copy)

satisfactorily, economic hardship of the family, failure of the wife to take proper care of the children, not conforming to veil or other expected behavior, inability to bring money from parental home, not taking good care of in-laws and relatives, and husband's frustrations in relation to his various activities even dark complexion of children ... Another most common reason in Bangladesh that initiates violence against women and many women are giving their lives from either homicides or suicides is the increasing prevalence of dowry...which is strictly prohibited [by law].

'Women experiencing [domestic violence] or living with its consequences are under-reported because in most cases violence is considered as personal or family matter ... [F]ears of increasing sufferings or vulnerability by the victim reduce the number of violence to be reported and even expressed to others. A significant [proportion of domestic violence] in Bangladesh is under-reported due to social stigma; women are accused of provoking the violence by their disobedience, failure as a wife, or infidelity ... [W]omen report about [domestic violence] only when it becomes a serious problem or threat to life.

'According to recent research by International Center for Diarrhoeal Disease Research-Bangladesh (2006), "60 per cent of women in Bangladesh experience some form of domestic violence during their lives. One Stop Crisis Centre, a Bangladesh based NGO that supports women victims of violence, reveals that almost 70 per cent of sexual abuse suffered by women occurs within their own homes."

"[Y]ounger women are more at risk of domestic violence than the older women ... Men from low socioeconomic levels have a greater probability of perpetrating violence against [wives].

'[Domestic violence against women] is now [taken seriously] by national and international bodies due to its direct adverse consequences to women's physical, mental, sexual and reproductive health as well as socioeconomic consequences.'<sup>363</sup>

## Dowry-related domestic violence

23.25 Odhikar observed in their 2011 Human Rights Report, published in January 2012:

'Dowry is one of the major causes of domestic violence. Women are seen as a commodity where monetary transactions are involved with their marriage. Due to non payment of dowry many women are subjected to violence by their husband or in-laws and are even killed. Dowry is often not a one-time payment. The husbands or inlaws unlimited greed make the bride and her family more vulnerable to additional financial demands and violence.'<sup>364</sup>

23.26 Odhikar's 2012 Human Rights Report, dated 12 January 2013, added:

'Taking or giving dowry is illegal, punishable with imprisonment and /or fine according to the Dowry Prohibition Act, 1980. Sections...of the Prevention of Repression on Women and Children Act, 2000 (amended 2003) provides various punishment[s] against

<sup>363</sup> Mst. Taslima Khatun and Khandaker Farzana Rahman, 'Domestic Violence against Women in Bangladesh: Analysis from a Socio-legal Perspective', Bangladesh e-Journal of Sociology. Volume 9, Number 2. 2012 (p21-24) [http://www.bangladeshsociology.org/Domestic%20Violence%20against%20Women%20in%20BangladeshBEJS%2009.2%20Final%20\\_new\\_.pdf](http://www.bangladeshsociology.org/Domestic%20Violence%20against%20Women%20in%20BangladeshBEJS%2009.2%20Final%20_new_.pdf) Accessed 26 July 2013

<sup>364</sup> Odhikar, Human Rights Report 2011: published 7 January 2012 [http://odhikar.org/?p=1702#/?p=1702&\\_suid=137724384873804053409150643101](http://odhikar.org/?p=1702#/?p=1702&_suid=137724384873804053409150643101) Accessed 29 July 2013

perpetrators for committing dowry related crimes ... In spite of the existing law, dowry related violence has increased sharply in 2012 compared to other years.

'Though a deep rooted patriarchal mindset and lack of awareness is behind the vicious dowry system; non implementation of laws are instigating such violence as well. The inaction of law enforcement agencies to investigate or arrest the accused and a lengthy, problematic judicial procedure inspires the accused and other potential abusers to commit such violence.

'Between January and December 2012, 822 females were subjected to dowry related violence. Among them, four were under-aged brides. Of these women, it has been alleged that 273 were killed because of dowry, 535 were ill-treated in various other ways and 14 committed suicide over dowry demands.'<sup>365</sup>

### Legal remedies for domestic violence

- 23.27 Mst. Taslima Khatun and Khandaker Farzana Rahman<sup>366</sup> noted that the Domestic Violence (Protection and Prevention) Bill was approved by Parliament in October 2010 and came into force in December 2010. The Act defines "domestic violence" as "abuse in physical, psychological, economical and sexual nature against one person by any other person with whom that person is, or has been, in family relationship, irrespective of the physical location where that act takes place". (p26) The Act provides that a complaint can be made, not only against a spouse; but also against 'any adult person who has been in a family relationship with the victim' or 'relatives of the husband or intimate male partner including his male and female relatives.' (p27) The Act provides for the protection of a victim or potential victim by way of a Protection Order passed by a court, breach of which is punishable by a prison sentence of up to 24 months and a fine. The Act states that 'the Order Enforcement Officer shall arrange shelter for the victim' and, if necessary, for the children, although the authors noted in 2012 that 'the traditional shelter homes provided by NGOs and Government do not have the proper empowerment programs for the victim' The Domestic Violence Act also provides for victims to claim compensation for injury or damages.<sup>367</sup>
- 23.28 Dr Nusrat Ameen noted in her book, 'Wife Abuse in Bangladesh: An Unrecognised Offence', that the criminal laws under which perpetrators of (domestic) violence were prosecuted included the Penal Code and the Women and Children Repression Prevention Act (2000), as amended in 2003.<sup>368</sup> The USSD 2012 report recorded that 'The law prohibits rape and physical spousal abuse but makes no specific provision for spousal rape.'<sup>369</sup>
- 23.29 Dr Ameen related that there were several agencies working to assist women in abused situations. Typically, an agency would serve a notice to the husband to appear at the

<sup>365</sup> Odhikar, Human Rights Report 2012, dated 12 January 2013 (p88)

[http://odhikar.org/?p=5075#/?p=5075&\\_suid=137699143430306589730761989163](http://odhikar.org/?p=5075#/?p=5075&_suid=137699143430306589730761989163) Accessed 3 June 2013

<sup>366</sup> Ibid

<sup>367</sup> Mst. Taslima Khatun and Khandaker Farzana Rahman, 'Domestic Violence against Women in Bangladesh: Analysis from a Socio-legal Perspective', Bangladesh e-Journal of Sociology. Volume 9, Number 2. 2012 (p27-28) [http://www.bangladeshsociology.org/Domestic%20Violence%20against%20Women%20in%20BangladeshBEJS%2009.2%20Final%20\\_new\\_.pdf](http://www.bangladeshsociology.org/Domestic%20Violence%20against%20Women%20in%20BangladeshBEJS%2009.2%20Final%20_new_.pdf) Accessed 26 July 2013

<sup>368</sup> Ameen N: 'Wife Abuse in Bangladesh: An Unrecognised Offence', book published in 2005 by the Bangladesh National Women Lawyers' Association. (p7 and 62) ISBN 984 05 1742 2 (Hard copy)

<sup>369</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013 (Section 6) <http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> Accessed 23 May 2013

agency for mediation, following a written complaint made by the wife. If the husband did not attend, the agency had a right to issue a warrant and to seek help from the police. If mediation failed to work, the case could be taken up in court by family lawyers provided by the agency, who would normally handle the case free of charge. (p83-84) Research suggested that most abuse victims are reluctant to report their cases directly to the police and, of those who did, most were not given adequate assistance. There was a widely-held belief that police officers ‘did not like to become involved in family matters’ and were likely to ask the parties to reconcile matters between themselves. (p84 & 100) There was also often a reluctance by victims to inform doctors of the injuries they had sustained. (p84-85) Dr Ameen noted that women in villages commonly sought arbitration through Shalish (local mediation councils) – even though the arbiters are usually the ‘local male elite’ and a Shalish decision was not binding. (p85-86)<sup>370</sup>

See Section 11: [Legal aid](#)

23.30 The UN Special Rapporteur on Violence against Women also noted in her end-of-mission statement of 29 May 2013:

‘Despite measures such as the establishment of the Special Tribunal on Violence against Women and Children, I have received several testimonies demonstrating how women are reluctant to use the justice system and often opt for alternate dispute resolution (ADR). The reasons articulated include delays in court procedures, fear of retaliation, lack of female friendly police officers, and social stigma ... There is also a tendency for women to “compromise” on their cases in view of the prolonged delays experienced through the judicial process.’<sup>371</sup>

See: [Shelter and welfare support to woman victims of violence](#)

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## Rape

23.31 Odhikar, in their Human Rights Report 2012 dated 12 January 2013, noted that a total of 805 females were reportedly raped during the period January to December 2012. This comprised:

	Women	Children	Age Unknown
Total	299	473	33
Gang Raped	101	84	0
Killed after Rape	31	39	0
Suicide after Rape	0	10	0

<sup>370</sup> Ameen N: ‘Wife Abuse in Bangladesh: An Unrecognised Offence’, book published in 2005 by the Bangladesh National Women Lawyers’ Association. ISBN 984 05 1742 2 (Hard copy)

<sup>371</sup> UN Office of the High Commissioner for Human Rights: ‘Special Rapporteur on Violence against women, its causes and consequences finalises country mission to Bangladesh’, 29 May 2013 <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13374&LangID=E> Accessed 26 July 2013

Odhikar noted that ‘Incidents of rape increased in 2012. It is also alarming to note that the rape of girl children and rape committed by the law enforcement agencies have increased in 2012.’<sup>372</sup>

- 23.32 Odhikar reported that ten people were raped in 2012 by members of the police; a further three were raped by Ansar or army members.<sup>373</sup>
- 23.33 The Suppression of Violence against Women and Children Act 2000 carries the death penalty or life imprisonment for rape if death or injury results or is intended. Attempted rape is subject to a penalty of five to ten years’ imprisonment.<sup>374</sup>
- 23.34 According to Odhikar, ‘Victims of rape face severe social stigma where, in a majority of the cases, they are treated [as if] guilty. As a result, victims/their families do not seek justice and try to hide incidents of such violence. However, those who try to seek justice are often harassed by police. A poor and lengthy criminal justice system, insensitivity, corruption and sometimes wrong postmortem reports hinder the judicial procedure.’<sup>375</sup>
- 23.35 Freedom House stated in their report ‘Freedom in the World 2013’, published in January 2013, that ‘A law requiring rape victims to file police reports and obtain medical certificates within 24 hours of the crime in order to press charges prevents most cases from reaching the courts.’<sup>376</sup>

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## Sexual harassment, including stalking

- 23.36 The USSD 2012 report noted:

‘Sexual harassment in public and private, including in educational institutions and workplaces, is a criminal offense; however, harassment remained a problem. In January 2011 the Supreme Court ordered police stations to report on sexual harassment monthly and to set up separate cells for men and women to prevent sexual harassment. Police did not fully comply with the court order. Odhikar reported 346 cases of harassment against women, although many incidents went unreported.’<sup>377</sup>

- 23.37 According to Odhikar’s Human Rights Report 2012:

‘[A] total of 479 girls and women were [reported as] victims of sexual harassment from January to December 2012. Among them, 18 committed suicide, three were stabbed to death, 24 were injured, 15 were assaulted, 69 were victims of attempted rape and 350 were sexually harassed in various ways. During this period, seven men were killed, 74 men were injured and 46 men were assaulted by stalkers when they protested against such acts of harassment. Among the 20 female protestors, a mother of a girl committed

<sup>372</sup> Odhikar, Human Rights Report 2012, dated 12 January 2013 (p85)  
[http://odhikar.org/?p=5075#./?p=5075&\\_suid=137699143430306589730761989163](http://odhikar.org/?p=5075#./?p=5075&_suid=137699143430306589730761989163) Accessed 3 June 2013

<sup>373</sup> Ibid (p87)

<sup>374</sup> UN Convention on the Rights of the Child (CRC) [CRC/C/65/Add.22] Consideration of reports submitted by States parties under Article 44 of the Convention: Bangladesh. 14 March 2003 (p31)  
<http://www.unhcr.org/refworld/pdfid/3f2593b77.pdf> Date accessed 21 August 2012

<sup>375</sup> Ibid (p87-88)

<sup>376</sup> Freedom House, Freedom in the World 2013 – Bangladesh, January 2013  
<http://www.freedomhouse.org/report/freedom-world/freedom-world-2013> Accessed 25 July 2013

<sup>377</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013  
<http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> Accessed 23 May 2013 Accessed 23 May 2013

suicide and 14 other women were injured and five women were assaulted. [Due to unreported cases, the actual incidences are likely to be much higher – COIS.]

‘As stalking related violence escalated ... on January 26, 2011, the High Court ordered every incident of stalking related harassment to be considered ‘sexual harassment’ ... [and] declared the inclusion of stalking of girls and women in section 10 (ka) of the Prevention of Repression on Women and Children Act of 2000 ...[and] ordered that the Government amend the Act in order to incorporate [the] new definition of ‘sexual harassment’ and to take immediate action that would protect the victims and witnesses of such crime.’<sup>378</sup>

**Acid attacks**

23.38 The website of the Acid Survivors’ Foundation (ASF) of Bangladesh, accessed on 29 July 2013, noted:

‘Acid violence is a particularly vicious and damaging form of violence in Bangladesh where acid is thrown in people’s faces. The...majority of the victims are women, and many of them are below 18 years of age. The victims are attacked for many reasons. In some cases it is because a young girl or women has spurned the sexual advances of a male or either she or her parents have rejected a proposal of marriage. Recently, however, there have been acid attacks on children, older women and also men. These attacks are often the result of family and land disputes, dowry demands or a desire for revenge.’<sup>379</sup>

23.39 Reported incidents of acid violence have been declining since reaching a peak in 2002.

The following statistics are from the ASF website:

Year	Incidents	Total victims
2002	494	496
2010	121	159
2011	91	119
2012	71	98

Of the 98 victims in 2012, 68 were women and 30 were men; 23 of the 68 women were below the age of 18.<sup>380</sup>

23.40 The ASF has reported that, from 2002 to March 2013, 1,812 acid attack cases were filed, of which 172 cases resulted in a conviction. A total of 298 perpetrators were convicted in those 172 cases, of whom 13 received the death sentence, 114 were

<sup>378</sup> Odhikar, Human Rights Report 2012, dated 12 January 2013 [http://odhikar.org/?p=5075#/?p=5075&\\_suid=137699143430306589730761989163](http://odhikar.org/?p=5075#/?p=5075&_suid=137699143430306589730761989163) (p94-95) Accessed 3 June 2013

<sup>379</sup> Acid Survivors’ Foundation (ASF), Dhaka, ‘What is Acid violence?’, undated <http://www.acidsurvivors.org/Acid-Violence> Accessed 29 July 2013

<sup>380</sup> Acid Survivors’ Foundation (ASF), Dhaka, ‘Statistics’ <http://www.acidsurvivors.org/Statistics> Accessed 29 July 2013



sentenced to life imprisonment and 171 received other sentences.<sup>381</sup> The USSD 2012 report observed, 'The law provides for speedier prosecutions of acid-throwing cases in special tribunals and generally does not allow bail. According to the Acid Survivors Foundation, the special tribunals were not entirely effective, and prosecutors obtained a conviction in an estimated 8 to 10 percent of cases.'<sup>382</sup>

23.41 The Acid Crime Control Act of 2002 provides for sentences ranging from three years to life imprisonment or the death penalty. Sentences depend largely on the parts of the victim's body affected. For example punishment for killing of a person by acid or injuring a person resulting in loss of vision, loss of hearing, or damage or disfigurement of the face, breasts or sexual organs can result in capital punishment or imprisonment for life and a fine of up to 100,000 taka. The Acid Control Act of 2002 was introduced to control 'the import, production, transportation, hoarding, sale and use of acid, and to provide treatment to victims of acid violence, rehabilitate them, and provide legal assistance.'<sup>383</sup> The USSD 2012 report noted, however, that the acid control restrictions were not universally enforced.<sup>384</sup>

23.42 The ASF 2010 Annual report stated:

'Bangladesh...has only one government hospital in Dhaka with the facilities to treat burn injuries. This burn unit of the hospital has 100 beds but it often operates at a capacity of 150-300%. To supplement the government initiatives in the area of burn care services, ASF runs a 20-bed hospital for the people with burns caused by acid. The ASF Hospital is fully equipped for international standard burn care services including plastic and reconstructive surgery, though in a very low-resourced set up. It provides... psychological care, legal assistance and financial support for economic rehabilitation and empowerment ... The ASF Hospital service is completely free, which benefits around 700 acid victims annually including survivors from previous years.'<sup>385</sup>

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## Vigilantism and illegal fatwa

23.43 The USSD 2012 report noted that 'Incidents of vigilantism against women, sometimes led by religious leaders enforcing fatwas, occurred. According to ASK, 48 incidents of vigilante violence against women occurred during the year [2012] and only 16 incidents resulted in police action. The incidents included whipping, beating, and other forms of physical violence.'<sup>386</sup>

23.44 The same report stated:

<sup>381</sup> Acid Survivors' Foundation (ASF), Dhaka, 'Statistics' <http://www.acidsurvivors.org/Statistics> Accessed 29 July 2013

<sup>382</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013 (Section 6) <http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> Accessed 23 May 2013

<sup>383</sup> Acid Survivors' Foundation (ASF), 'Legal', undated <http://www.acidsurvivors.org/Legal> Accessed 29 July 2013

<sup>384</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013 (Section 6) <http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> Accessed 23 May 2013

<sup>385</sup> Acid Survivors' Foundation (ASF), Dhaka, Annual Report 2010, 8 May 2011 <http://www.acidsurvivors.org/ASF%20Annual%20Report-Final-output%201%20Aug%2011.pdf> Accessed 11 June 2011

<sup>386</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013 (Section 6) <http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> Accessed 23 May 2013

'On May 12 [2012], the Supreme Court's appellate division overruled a 2001 high court ruling prohibiting fatwas (religious edicts). However, in its ruling the court declared that fatwas could be used only to settle religious matters and could not be invoked to justify meting out punishment, nor could they supersede existing secular law. Islamic tradition dictates that only those religious scholars with expertise in Islamic law could declare a fatwa. Despite these restrictions village religious leaders sometimes made such declarations. The declarations resulted in extrajudicial punishments, often against women, for perceived moral transgressions.'<sup>387</sup>

See Section 19: [Fatwa](#)

## Shelter and welfare support to woman victims of violence

23.45 According to the USSD 2012 report, 'NGOs such as the BNWLA [Bangladesh National Women Lawyers' Association] operated shelters for destitute persons and distressed women and children. Courts sent most victims of domestic violence to shelter homes such as those run by BNWLA. In a few cases victims were sent to prison as a transitory destination for short periods. There were some support groups for victims of domestic violence.'<sup>388</sup> The Bangladesh National Women Lawyers' Association has established a shelter home providing medical and psychosocial care, education and skills training for the rehabilitation and reintegration of victims, in addition to legal advice and assistance.<sup>389</sup>

23.46 The UN Secretary General's Database on Violence against Women (Bangladesh), accessed in July 2013, quoted the following information from a 2010 response received from the Bangladesh Government:

'Within the Women Support Programme of the Department of Women Affairs, a Women Support Center was established. Women victims/survivors of violence are provided shelter and other services free of charge, i.e. food, medicine, clothes. They are also assisted in the process of rehabilitation ... [W]omen are accommodated in the center for a maximum period of six months until the completion their case in court .. Throughout their stay, women also receive health care education, primary education, they have free access to medical facilities, to doctors, to a career development officer, a social welfare officer, and trade instructors.

'The Ministry of Women's and Children's Affairs and its two agencies (Department of Women's Affairs and Jatiyo Mohila Sangstha) have been implementing a programme which has set up six one stop service centers operating at six medical college hospitals in Dhaka and Rajshahi...and in Sylhet, Chitaagong, Khulna and Barisa ... These six one stop service centers provide assistance to women victims of violence where they receive medical treatment, police assistance, legal support, psychological counselling, rehabilitation service and shelter. The program has also set up a DNA Profiling Laboratory in Dhaka Medical College and a National Trauma Counselling Centre in Dhaka ... Since the beginning of the project in 2001 until September 2009, a total of 8,767 women victims of violence received services from the one stop service centers.

<sup>387</sup> I US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013 (Section 6) <http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> Accessed 23 May 2013

<sup>388</sup> Ibid

<sup>389</sup> GlobalGiving UK, 'Bangladesh National Women Lawyers' Association', undated <http://www.globalgiving.co.uk/donate/24/bangladesh-national-women-lawyers-association/info/> Accessed 26 July 2013

'The National Trauma Counselling Center (NTCC) was established in August 2009 and it is located within the Department of Women Affairs. This center provides psycho-social counselling services to women and children victims of violence. The center is also conducting research for enhancing the process of counselling in the country and developing a roster of counsellors.

'Women's organizations and non-governmental organizations in Bangladesh have played a very significant role in providing shelter to victims of violence, psychological counselling, legal aid support, rehabilitation services, housing assistance including public housing and rental assistance, and financial assistance including readily accessible loans for victims/survivors:

'Bangladesh Mahila Parishad...has 59 offices all over the country and provides legal aid services to women. It also maintains a shelter home for victims of violence.

'Bangladesh Jatiyo Mahila Ainjibi Samiti is an organization that works to rehabilitate child prostitutes and provide shelter facilities and legal aid services.

'Utsho Bangladesh and Protibha Bikash Kendra are organizations that have shelter facilities for women victims of violence.

'Centre for Training and Rehabilitation of Destitute Women and the Mother Teresa Home are homes that offer shelter for pregnant women most of whom are victims of rape and thus socially ostracized.

'Mahila Parishad, Ain-O-Shalish Kendra, Bangladesh Legal Aid Services Trust (BLAST), Madaripur Legal Aid Association are organizations that provide legal aid support to women victims/survivors.

'The Bangladesh Rural Advance Committee (BRAC), the Rangpur Dinajpur Rural Service (RDRS), the Bangladesh Development Partnership Center (BDPC), the Thengamara Mohila Samajkallyan Sangstha (TMSS), the Manusher Jonno Foundation also provide support to women victims/survivors.

'The Ministry of Women and Children Affairs has free emergency hotlines available 24 hours to provide advice to women victims/survivors of violence. Women victims/survivors are involved in the development of the hotlines through telephone or advertising on the electronic and print media. The services are offered in Bangla and English.'<sup>390</sup>

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## Health issues

23.47 Save the Children in its 2010 report 'State of the World's Mothers', issued in May 2010, stated that 'Large numbers of women in Bangladesh have no say in their own health care needs – 48 per cent say their husbands alone make the decisions regarding their health care.'<sup>391</sup>

<sup>390</sup> The UN Secretary General's Database on Violence against Women (Bangladesh), 'Services for victims/survivors' <http://sgdatabse.unwomen.org/countryInd.action?countryId=192#cat3> Accessed 30 July 2013

<sup>391</sup> Save the Children, State of the World's Mothers 2010, May 2010. (p18)

23.48 The US State Department 2012 Country Report on Human Rights Practices: Bangladesh (USSD 2012), released on 19 April 2013, stated that:

‘According to the 2010 Bangladesh Maternal Mortality and Health Care Survey, the maternal mortality ratio declined by 40 percent over the preceding nine years, from 322 to 194 deaths per 100,000 live births. Approximately half of the maternal deaths were due to postpartum hemorrhage and eclampsia, with 7 percent attributed to obstructed or prolonged labor. According to the 2011 Bangladesh Demographic and Health Survey, 31.7 percent of births were delivered by a skilled birth attendant. Only 29 percent of the deliveries occurred at a health facility. Although 54.6 percent of women received at least one antenatal checkup from a medically trained provider, only 25.5 percent of women received the recommended four checkups following live births. Only 27 percent of the mothers received a postnatal check up from a trained provider within two days of delivery.’<sup>392</sup>

23.49 Data provided by the United Nations Children's Fund (UNICEF), noted that most rural women give birth at home, without medical assistance.<sup>393</sup> During the period 2007-2012, 55 per cent of women attended an antenatal care facility at least once during pregnancy; 32 per cent of all births were attended by a doctor, nurse or midwife and 29 per cent of deliveries took place in a hospital or local health centre. The maternal mortality ratio for this period (i.e. the reported annual number of deaths of women from pregnancy-related causes) was 220 per 100,000 live births. During 2007-2012, approximately 61 per cent of women aged 15-49 were using contraception.<sup>394</sup>

See the [Health Bulletin 2012 \(Chapter 4\)](#), published by the Bangladesh Directorate General of Health Services, for a detailed analysis of state obstetric care services in Bangladesh.<sup>395</sup>

23.50 Save the Children, in its 2013 report, State of the World' Mothers, issued May 2013, stated that:

‘Child marriage and early childbearing are most prevalent in Bangladesh, where 66 percent of young women were married and 40 percent had given birth by the time they were 18. ... 68 percent of women deliver their babies without skilled attendance.’<sup>396</sup> Bangladesh has reduced newborn mortality by 49 percent since 1990 – more than any other low-income country. Increased family incomes, lower fertility rates and higher levels of female education likely account for a significant share of this success.<sup>397</sup>

23.51 The Social Institutions and Gender Index (SIGI) Bangladesh profile, undated, accessed 26 July 2013, reported that:

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<http://resourcecentre.savethechildren.se/sites/default/files/documents/1920.pdf> Accessed 26 July 2013

<sup>392</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013. (Section6)

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204395> Accessed 23 July 2013

<sup>393</sup> United Nations Children's Fund (UNICEF), Bangladesh: 'Background

[http://www.unicef.org/infobycountry/bangladesh\\_bangladesh\\_background.html](http://www.unicef.org/infobycountry/bangladesh_bangladesh_background.html) Accessed 26 July 2013

<sup>394</sup> United Nations Children's Fund (UNICEF), Bangladesh: "Statistics"

[http://www.unicef.org/infobycountry/bangladesh\\_bangladesh\\_background.html](http://www.unicef.org/infobycountry/bangladesh_bangladesh_background.html) Accessed 26 July 2013

<sup>395</sup> Directorate General of Health Services, Health Bulletin 2012 (Chapter 4),

[http://dghs.gov.bd/bn/licts\\_file/images/Health\\_Bulletin/HB2012\\_CH/HB2012\\_CH4\\_PHC.pdf](http://dghs.gov.bd/bn/licts_file/images/Health_Bulletin/HB2012_CH/HB2012_CH4_PHC.pdf)

Accessed 4 July 2013

<sup>396</sup> Save the Children, State of the World' Mothers 2013, issued May 2013 (p30)

[http://www.savethechildren.org.uk/sites/default/files/images/State\\_of\\_World\\_Mothers\\_2013.pdf](http://www.savethechildren.org.uk/sites/default/files/images/State_of_World_Mothers_2013.pdf) Accessed 26 July 2013

<sup>397</sup> Ibid (p46)

'Abortion is only legal to save the pregnant woman's life. According to the US Department of State, information about contraception is freely available, but cost and illiteracy often limits access. Knowledge of contraceptives in Bangladesh is widespread. According to the 2007 DHS, contraceptive knowledge among ever-married and currently married women is nearly universal. Contraceptive usage is also high, with 80 percent of women interviewed for the DHS reporting that they had used a modern method at some point as a form of family planning. These numbers represent a five-fold increase in the use of modern methods of contraception over the past three decades. These high prevalence rates are related to the government's social marketing program, which distributes many forms of contraceptives through a network of retail outlets, including a government-supplied brand that is distributed for free or for a nominal charge. More than half of women surveyed in the 2007 DHS received their contraceptives from a public-sector source, although the private sector is gaining ground. Bangladesh has integrated contraceptive distribution into its Rural Services Delivery Program, including IUD insertion.<sup>398</sup>

23.52 The Bangladesh, Rio + 20: National Report on Sustainable Development, May 2012, stated that:

'More than one-quarter of all under-5 deaths are due to diarrhoeal diseases and acute respiratory infections. However, it has been found that the mother's level of education is inversely related to infant mortality rate. Mothers having secondary or higher level of education have less number of infant mortality compared to uneducated or less educated mothers. Their knowledge of health, hygiene and nutrition plays an important role in reducing child mortality. Educated mothers also tend to have less number of children. Therefore, the future focus will remain on education of females.'<sup>399</sup>

23.53 Human Rights Watch, in a report "Will I Get My Dues ... Before I Die?" Harm to Women from Bangladesh's Discriminatory Laws on Marriage, Separation, and Divorce, dated September 2012, stated that:

'Bangladesh's discriminatory personal laws also put divorced and separated women, as well as their dependents, at risk of ill health. The difficulty in securing maintenance and the lack of legal provision for division of marital property often result in poverty, which contributes to poor health and is a barrier to accessing health care.

'Research has shown dramatic differences in terms of health and access to health care for children of female-headed (divorced) households. A 2001 study, for instance, found that infant mortality was more than double for infants with divorced mothers than married mothers in the location studied. A 2000 survey found that 65 percent of sick children in "male-headed households" had access to health care compared with only 44 percent of sick children in female-headed households. Several divorced or separated women told Human Rights Watch that they had little or no money to spend on health care, which in some cases exacerbated health problems. ...'<sup>400</sup>

<sup>398</sup> The Organisation for Economic Co-operation and Development (OECD), The Social Institutions and Gender Index (SIGI), undated <http://genderindex.org/country/bangladesh> Accessed 26 July 2013

<sup>399</sup> Bangladesh, Rio + 20: National Report on Sustainable Development, May 2012 (p29) <http://sustainabledevelopment.un.org/content/documents/981bangladesh.pdf> Accessed 26 July 2013

<sup>400</sup> Human Rights Watch, "Will I Get My Dues ... Before I Die?" Harm to Women from Bangladesh's Discriminatory Laws on Marriage, Separation, and Divorce, dated September 2012 <http://www.hrw.org/sites/default/files/reports/bangladesh0912ForUpload.pdf> Accessed 26 July 2013

See [Bangladesh Demographic and Health Survey 2011](#). National Institute of Population Research and Training (NIPORT), published January 2013 for further relevant information.<sup>401</sup>

See also Section 24: [Children](#) and Section 26: [Medical issues](#)

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## 24. Children

### Overview

This section should be read in conjunction with Section 23: [Women](#), which includes further information on issues affecting children.

24.01 The US State Department Country Report on Human Rights Practices for 2012, released on 19 April 2013 (USSD 2012 report), stated:

‘Despite strong legislation for children’s rights, there is a general lack of enforcement due to limited resources and capacity to implement and monitor these laws. Governance remained weak with the responsibility for children held by one of the least-resourced ministries, the Ministry of Women and Children’s Affairs. The government, with the assistance of local and foreign NGOs, worked to improve children’s rights and welfare, enabling the country to make significant progress in improving children’s health, nutrition, and education. Despite some progress, the 2011 Bangladesh Health Survey found that 41.3 percent of children remained chronically malnourished, as defined by moderate or severe levels of stunting (height for age). This was a decrease from 48.6 percent malnutrition in 2009.’<sup>402</sup>

24.02 UNICEF, in its Bangladesh profile accessed on 9 July 2013, identified the following as major issues facing children in Bangladesh:

- Maternal mortality remains high. Most rural women give birth at home, without medical assistance;
- Millions of children are malnourished. Roughly half of all children under age five are underweight (see [Health and welfare](#), below);
- Primary school enrolment is relatively high, but many children – especially those in urban slums – are still denied their right to a basic education (see [Education](#), below);
- Seven per cent of Bangladeshi children under age fourteen are in the labour force (see [Child labour](#), below);
- Birth registration has been very low, hindering enforcement of child protection measures (see [Documentation](#), below).<sup>403</sup>

24.03 The UNICEF website provides comprehensive [Statistics](#) on children in Bangladesh, updated to 2012.<sup>404</sup>

<sup>401</sup> Bangladesh Demographic and Health Survey 2011, National Institute of Population Research and Training (NIPORT), published January 2013 [http://213.175.223.95/dmdocuments/Bangladesh\\_DHS\\_2011.pdf](http://213.175.223.95/dmdocuments/Bangladesh_DHS_2011.pdf) Accessed 26 July 2013

<sup>402</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013 (Section 6) <http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> Accessed 23 May 2013

<sup>403</sup> UNICEF, Bangladesh – Background, undated [http://www.unicef.org/infobycountry/bangladesh\\_bangladesh\\_background.html](http://www.unicef.org/infobycountry/bangladesh_bangladesh_background.html) Accessed 9 July 2013

See [Health and nutrition](#) below

24.04 Bangladesh ratified the UN Convention on the Rights of the Child (CRC) on 3 August 1990 (with a reservation to article 14, paragraph 1); it entered into force on 2 September 1990. Bangladesh ratified both the CRC Optional Protocol on the Involvement of Children in Armed Conflict and the CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography on 6 September 2000; both entered into force in 2002. (Bayefsky.com, accessed 9 July 2013)<sup>405</sup>

24.05 A report published in December 2012 by Ain o Salish Kendra on behalf of the 17 member organisations of the Child Rights Governance Assembly (ASK CRGA 2012 report) recorded:

‘Several recommendations were made by [the UN Committee on the Rights of the Child] and subsequently accepted by the GoB [Government of Bangladesh] for the institutional development with regards to child rights which include raising the minimum age of criminal responsibility, review domestic legislation and practice to bring them both in compliance with international obligations in particular regarding (i) protection against kidnapping and trafficking, and (ii) the juvenile justice system through providing adequate facilities of corresponding capacity for juveniles in detention or prison and adopting specific measures for the protection of their human rights...

‘In line with above commitments, several steps have been undertaken by the GoB. Constituting the National Council for Women and Children Development (NCWCD) to coordinate the efforts of the government and to recommend amendment to present laws, rules for protection of women and children was a welcoming step.

‘Presently a number of ministries are involved in developing and implementing projects for betterment of the children ... National Children Policy 2011 [which] has been adopted on 14 February 2011 reflects the principles of the CRC more decisively and replacing the policy of 1994.’<sup>406</sup>

24.06 UNICEF announced in a press release of 17 June 2013:

‘UNICEF and Save the Children welcome the passing of the Children’s Bill 2013 by the National Parliament of Bangladesh (Bangladesh Jatiya Sangsad). The new law is based on the Convention of the Rights of the Child (CRC) and has referred to the CRC in the preamble.

‘To realise the full potential of the new law, both UNICEF and Save the Children look forward to the law being put into force by the different government agencies; dissemination of the new law to all concerned professional groups and support for the

<sup>404</sup> UNICEF, Bangladesh: Statistics [http://www.unicef.org/infobycountry/bangladesh\\_bangladesh\\_statistics.html](http://www.unicef.org/infobycountry/bangladesh_bangladesh_statistics.html) Accessed 9 July 2013

<sup>405</sup> Bayefsky.com: United Nations Human Rights Treaties: Bangladesh <http://www.bayefsky.com/bycategory.php/state/14> Accessed 9 July 2013

<sup>406</sup> Child Rights Governance Assembly (CRGA), ‘UPR Report: Situation of Child Rights in Bangladesh’ 2012 <http://www.askbd.org/web/wp-content/uploads/2013/01/Child%20Rights%20Universal%20Periodic%20Review%202013.pdf> (page 7) Accessed 24 June 2013

establishment and functioning of the Child Friendly Police Help Desk, Children's Court, and Child Welfare Board.<sup>407</sup>

See also UNICEF [State of the World's Children report](#) for statistical information.

## Definition of the Child

- 24.07 The Children's Bill 2013, which was approved by Parliament on 16 June 2013, defines a child as any person below the age of 18. This is in conformity with the UN Convention on the Rights of the Child.<sup>408</sup> Previously the definition of a child, as set out in the Children's Act of 1974, was any person below the age of 16 years.<sup>409</sup>
- 24.08 A State Party report to the UN Committee on the Rights of the Child, dated 23 October 2008, observed that the laws relating to children in Bangladesh did not provide 'a consistent definition of a child ... Each law has specific objective and it is difficult to synchronize ages in different laws.'<sup>410</sup> However, the ASK CRGA 2012 report noted that various recently enacted laws, such as the Domestic Violence (Prevention and Protection) Act 2010 and Anti Trafficking Act 2011, defined children as being below the age of 18<sup>411</sup>, as does the Children's Bill 2013.

## Legal rights

Note: COIS does not yet have an English translation of the Children's Act 2013; the Children's Bill was approved by Parliament on 16 June 2013. Certain of the information below may have been superseded by the new Act.

- 24.09 'The Independent', a Dhaka daily newspaper, noted in an editorial of 17 April 2013:

'Article 28(4) of the Constitution of Bangladesh guarantees judicially enforceable fundamental rights to all citizens, including children, and ensures affirmative action for children. In addition, the constitution provides for the fundamental principles of State Policy which act as guiding principles for formulating national policies and laws relating to human rights of citizens.'<sup>412</sup>

<sup>407</sup> UNICEF Bangladesh, 'UNICEF and Save the Children congratulate the National Parliament of Bangladesh on passing the Children's Bill 2013', 17 June 2013 [http://www.unicef.org/bangladesh/media\\_8256.htm](http://www.unicef.org/bangladesh/media_8256.htm) Accessed 15 July 2013

<sup>408</sup> UNICEF Bangladesh, 'UNICEF and Save the Children congratulate the National Parliament of Bangladesh on passing the Children's Bill 2013', 17 June 2013 [http://www.unicef.org/bangladesh/media\\_8256.htm](http://www.unicef.org/bangladesh/media_8256.htm) Accessed 15 July 2013

<sup>409</sup> Child Rights Governance Assembly (CRGA), 'UPR Report: Situation of Child Rights in Bangladesh' 2012 (p10-11) <http://www.askbd.org/web/wp-content/uploads/2013/01/Child%20Rights%20Universal%20Periodic%20Review%202013.pdf> Accessed 24 June 2013

<sup>410</sup> [CRC/C/BGD/4] Consideration of reports submitted by States parties under Article 44 of the Convention: Bangladesh. 23 October 2008 (paragraphs 71-73) [http://www.bayefsky.com/reports/bangladesh\\_crc\\_c\\_bgd\\_4\\_2007.doc](http://www.bayefsky.com/reports/bangladesh_crc_c_bgd_4_2007.doc) Accessed 10 July 2013

<sup>411</sup> Child Rights Governance Assembly (CRGA), 'UPR Report: Situation of Child Rights in Bangladesh' 2012 (p10-11) <http://www.askbd.org/web/wp-content/uploads/2013/01/Child%20Rights%20Universal%20Periodic%20Review%202013.pdf> Accessed 24 June 2013

<sup>412</sup> The Independent, 'Child rights and juvenile justice system of Bangladesh', 17 April 2013 [http://www.theindependentbd.com/index.php?option=com\\_content&view=article&id=164942:child-rights-and-juvenile-justice-system-of-bangladesh&catid=169:op-ed&Itemid=201](http://www.theindependentbd.com/index.php?option=com_content&view=article&id=164942:child-rights-and-juvenile-justice-system-of-bangladesh&catid=169:op-ed&Itemid=201) Accessed 24 June 2013



- 24.10 The Child Rights International Network (CRIN) noted in their 'National Laws' section updated in January 2012 <sup>413</sup>:
- 'Bangladesh does not have a comprehensive or consolidated act implementing the Convention on the Rights of the Child; rather, laws relating to children's rights are found throughout a variety of sources. Relevant legislation includes, but is by no means limited to:
- The Children's Act 1974
- The Suppression of Violence against Women and Children Act 2000 (amended 2003)
- The Bangladesh Labour Law 2006
- The Acid Crimes Prevention Act 2002
- The Disability Welfare Act 2001
- The Law and Order Disruption Crimes (Speedy Trial) Act 2002
- The Citizenship (Amendment) Ordinance 2008.'
- 24.11 In a blog dated 2 March 2013, a senior lecturer in law at the BGC Trust University Chittagong noted that, apart from raising the age of majority from 16 to 18 years, some of the provisions in the Children's Bill 2013 included:
- '[U]nder the new law, a Child Court will be set up [in] every district ... Children Welfare Funds will be constituted at the national, district and upazila levels ... [A] desk on child affairs will be formed at each police station, headed by a police officer ... [C]ruelty towards children will be punished by five years in jail and a fine of Tk 100,000; the acts of hitting, neglecting or leaving a child in an insecure condition will be deemed as 'torture' ... [I]f someone forces or encourages a child to beg or leads him to do something illegal, the person will [be liable to] a five-year jail term and...a fine of Tk 100,000 ... [T]he Act [provides for the] care of children, including institutional care for deprived [children].'<sup>414</sup>
- 24.12 Persons aged eighteen and over are entitled to vote. (CIA World Factbook: Bangladesh, updated July 2013) <sup>415</sup> There is no military conscription in Bangladesh. The minimum age for voluntary recruitment in the army and the navy is 17 years, and 16 years for the air force. Because recruits initially undergo a period of basic training, there is no scope for any person to be employed for actual service or combat duty before attaining the age of 18. (Third & Fourth Periodic Report of the Government of Bangladesh under the CRC: August 2007 <sup>416</sup> (p78)
- 24.13 Bangladeshi nationality can be acquired by birth, descent, migration or naturalization. A child's nationality is based on the nationality of his or her father. (United Nations Convention on the Rights of the Child (CRC) (Third & Fourth Periodic Report of the

<sup>413</sup> Child Rights International Network (CRIN): Bangladesh: National laws, updated 23 January 2012 <http://www.crin.org/resources/infoDetail.asp?ID=27215> Accessed 10 July 2013

<sup>414</sup> Shamim S., 'Welcoming Children Act 2013', 2 March 2013 <http://tasnovajarin.blogspot.co.uk/#!/2013/03/child-rights-welcoming-children-act.html> Accessed 10 July 2013

<sup>415</sup> CIA World Factbook: Bangladesh, updated July 2013, <https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html> Accessed 8 July 2013

<sup>416</sup> UN Convention on the Rights of the Child [CRC/C/BGD/4 (2007)] Third & Fourth Periodic Report of the Government of Bangladesh under the CRC: August 2007

[http://www.bayefsky.com/reports/bangladesh\\_crc\\_c\\_bgd\\_4\\_2007\\_adv.pdf](http://www.bayefsky.com/reports/bangladesh_crc_c_bgd_4_2007_adv.pdf)

Date accessed 21 August 2012

Government of Bangladesh under the CRC: August 2007,<sup>417</sup> (p23) Consideration of reports submitted by States parties under Article 44 of the Convention: Bangladesh. 23 October 2008<sup>418</sup> (paragraph 120)

See also Section 24: [Education](#) and Section 24: [Child marriage](#)

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## Juvenile justice

24.14 'The Independent' (Bangladesh) stated in its editorial of 17 April 2013:

'Despite [the Government] regularly reiterating its commitment to the promotion and protection of child rights, children coming into conflict with the law are an issue of serious concern in Bangladesh.

'The government appointed a high-level Juvenile Justice Task Force, and identified priority areas for action. A new national social policy on Models of Care and Protection for Children in Contact with the Law has been adopted to address both children in conflict with the law and children in need of their protection.

'In 2004, Bangladesh raised the minimum age of criminal responsibility from 7 to 9 years. Criminal liability of children between the ages of 9 and 12 is subject to judicial assessment of their capacity to understand the nature and consequences of their action ... The Committee on the Rights of the Child has repeatedly noted that "the minimum age of criminal responsibility is too low in Bangladesh, that children between 16 and 18 are considered as adults under section 2 of the Children Act, and that children under 18 are...not separated from adult[s] while in detention and kept in very poor conditions and without access to basic services ... The Committee also concluded that the minimum age of criminal responsibility at below 12 years is not internationally acceptable.

'At present though there are three specialized juvenile courts in the country... most of the children are dealt with through the regular criminal courts, where they are often tried jointly with adults having no legal representation.

'The existing juvenile courts have limited jurisdiction and cannot hear cases of children who have committed serious offences. Though the justice system lacks the infrastructure to administer juvenile justice properly, there have been significant efforts by the courts to hold proceeding[s] in chamber and to encourage the separation of children from adults as they are brought to court.

'There are three specialized institutions for the detention of child offenders which have been renamed as the Child Development Centers.

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<sup>417</sup> UN Convention on the Rights of the Child [CRC/C/BGD/4 (2007)] Third & Fourth Periodic Report of the Government of Bangladesh under the CRC: August 2007

[http://www.bayefsky.com/reports/bangladesh\\_crc\\_c\\_bgd\\_4\\_2007\\_adv.pdf](http://www.bayefsky.com/reports/bangladesh_crc_c_bgd_4_2007_adv.pdf)

Date accessed 21 August 2012

<sup>418</sup> UN Convention on the Rights of the Child [CRC/C/BGD/4] Consideration of reports submitted by States parties under Article 44 of the Convention: Bangladesh. 23 October 2008

[http://www.bayefsky.com/reports/bangladesh\\_crc\\_c\\_bgd\\_4\\_2007.doc](http://www.bayefsky.com/reports/bangladesh_crc_c_bgd_4_2007.doc)

Date accessed 21 August 2012

'Section 15 of the Children Act provides the procedure for sentencing and there is direction through which the court may direct the probation officer to prepare a social inquiry report, but in reality there is rare application of these provisions.

'The Children Act, 1974 the principal legal instrument governing the juvenile justice administration in Bangladesh, includes some important procedural protections, but does not provide [a] particularly comprehensive juvenile justice system.'<sup>419</sup>

24.15 The High Court ruled on 9 July 2006 that all children must be tried in juvenile courts. The Court stated that 'When the accused is a child under the Children Act 1974, irrespective of the offence alleged, that child must be tried by a juvenile court and not by any other court.'<sup>420</sup>

24.16 The Asian Human Rights Commission (AHRC) in an article, 'Bangladesh: Rights of the Child come into contact with Law and state of Juvenile Justice system', 5 June 2012, stated that:

'At present though there are three specialized juvenile courts established in the country and the creation of another four of these is being considered, most of the children are dealt with through the regular criminal courts, where they are often tried jointly with adults and have no legal representation. Existing legislation do not explicitly recognize the Children's Right to express their views in the proceeding, legal provision permit the court to dispense with children's attendance violate the right of participation and due process. To note that the existing juvenile courts have limited jurisdiction and cannot hear cases of children who have committed serious offences. Though the justice system lacks the infrastructure to administer juvenile justice properly, meanwhile there have been significant efforts by the courts to hold proceeding in chamber and to encourage the separation of children from adults as they are brought to court.'<sup>421</sup>

24.17 World Vision stated in a report published on 12 April 2013:

'[T]o activate the Juvenile Justice system in Bangladesh a number of child friendly guidelines have been passed by the...High Court Division of Bangladesh focusing on the provision of a safe home with comprehensive child friendly services, taking into account the child's age, and the need for protection and meeting the child's basic need, the provision of a minimum standard of care, the child's right to consent and give his or her opinion, as well as the prohibition of death penalty.

'According to section 11 of the Children Act 1974, if at any stage the Court is satisfied that the attendance of a child is not essential for the purpose of the hearing, the Court may dispense with his attendance and proceed with the hearing of the case without his presence. If (Section 12 states) at any stage during the hearing of a case a child is summoned as a witness, the Court may hold a hearing of the case or may direct such

<sup>419</sup> The Independent, 'Child rights and juvenile justice system of Bangladesh', 17 April 2013 [http://www.theindependentbd.com/index.php?option=com\\_content&view=article&id=164942:child-rights-and-juvenile-justice-system-of-bangladesh&catid=169:op-ed&Itemid=201](http://www.theindependentbd.com/index.php?option=com_content&view=article&id=164942:child-rights-and-juvenile-justice-system-of-bangladesh&catid=169:op-ed&Itemid=201) Accessed 24 June 2013

<sup>420</sup> Child Rights Information Network (CRIN), 'Bangladesh High Court Verdict on Children in Conflict with the Law' 11 July 2006. (Source: Save the Children) <http://www.crin.org/violence/search/closeup.asp?infoID=9159> Date accessed 23 June 2009

<sup>421</sup> Asian Human Rights Commission, 'Rights of the Child come into contact with Law and state of Juvenile Justice system- Bangladesh perspective', 5 June 2012 <http://www.humanrights.asia/news/ahrc-news/AHRC-ART-046-2012/?searchterm> Accessed 22 August 2012

persons as it thinks fit. Even the court may not consider the child as a party to the case or proceeding. In this act 'child' means a person under the age of sixteen years.

'However, in practice the judiciary is not child friendly, the children are harassed in the investigation process, and there is no victim and witness protection to enable a child and her/his family to seek justice against organized criminal networks or influential offenders.'<sup>422</sup>

See Section 11: [Judiciary - Organisation](#), Section 12: [Arrest and detention – legal rights – Bail](#), Section 13: [Prison conditions](#) and Section 24: [Children – basic legal information](#)

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## Violence against children

24.18 UNICEF Bangladesh, in a newsletter, 'In Focus: Protection of Children at Risk, Issue 11', March 2009, stated that:

'Children in Bangladesh are vulnerable to violence within the family, at schools, at work places, within institutions and on the streets. Violence against children takes different forms: physical abuse, molestation, acid throwing, trafficking and sexual abuse including rape and various kinds of sexual exploitation for commercial purposes.

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

'A recent UNICEF study on the commercial sexual exploitation of children in Bangladesh found that a half of the children surveyed were initially involved in child labour. Involvement in child labour leads to a situation in which a child can easily be pushed out of informal safety-nets and exposed to abuse and exploitation. The survey found the average age at which surveyed children first became involved in commercial sexual exploitation was 13 years. Commercial sexual exploitation of children is often linked to trafficking. Many girls are trafficked into sexual exploitation or bonded servitude and many boys have been trafficked to the Middle East to become camel racing jockeys. Many children are taken with their parents' consent, having been duped by stories of well-paid jobs or marriages.'<sup>423</sup>

24.19 According to the ASK CRGA 2012 report:

'In Bangladesh several laws exist in relation to child welfare and protection. However, implementation of these laws is very weak. Not much has been done in ensuring abusers accountable ... Current laws related to sexual crimes against children focus on punishing the offender rather than protecting children's rights. There is no law or procedure to address recovery and rehabilitation of child survivors of commercial sexual exploitation, and judicial decisions to date have only commented upon repatriation. Law

<sup>422</sup> World Vision, 'Stakeholder Report on Bangladesh - Submission by World Vision Bangladesh for Universal Periodic Review (UPR), 2nd Cycle, 2012: Child Protection and Child & Maternal Health [http://www.upr-info.org/IMG/pdf/wv\\_upr\\_bgd\\_s16\\_2013\\_worldvisionbangladesh\\_e.pdf](http://www.upr-info.org/IMG/pdf/wv_upr_bgd_s16_2013_worldvisionbangladesh_e.pdf) Accessed 27 June 2013

<sup>423</sup> UNICEF, 'In Focus: Protection of Children at Risk', UNICEF Bangladesh Newsletter, Issue 11, March 2009 (p3) [http://www.unicef.org/bangladesh/Donor\\_Newsletter-11\\_March\\_09.pdf](http://www.unicef.org/bangladesh/Donor_Newsletter-11_March_09.pdf) Accessed 9 July 2013

enforcing agencies do not usually assist child victims or children at risk of commercial sexual exploitation, even though they are empowered to do so by statutory power.

‘The government and the judiciary has taken some commendable steps like the directives given by the High Court banning sexual harassment, the circular issued by the Government to all educational institutions to ban corporal punishment, creating mass awareness on these issues etc. However the government is yet to enact specific legislation to stop sexual harassment including cyber crime.

‘The social stigma, non-disclosure of sexual abuse by the children, lack of witness protection, un-child friendly (especially for the girls and children with disability) legal and medical examination procedures, improper collection and maintenance of evidence and lengthy legal process lead to either non filing of court cases or acquittal of the accused. Generally camera trial is not in use, although the provision is there. In case of prosecution of the perpetrators there are many constraints including of faulty investigations ... Often the traffickers and the organizers of child sexual exploitation put pressure on the plaintiff to withdraw the case or to “compromise”.

‘Girl children are not always safe under temporary police protection or in government approved certified homes.’<sup>424</sup>

## Rape and child sexual abuse and exploitation

24.20 Odhikar reported in their 2012 Annual Report<sup>425</sup>:

‘During the period January to December 2012, a total number of 805 females were reportedly raped [in Bangladesh]. Among them 299 were women, 473 were girls below the age of 17 and the age of 33 victims could not be ascertained ... Out of the 473 child victims, 39 children were killed after being raped, 84 were victims of gang rape and 10 children committed suicide as a result of the mental stress after the crime. The number of reported rapes of girls had been increasing since 2009:

	Total: Girl children under 17	Gang rapes
2009	243	79
2010	311	95
2011	450	115
2012	473	84

24.21 The ASK CRGA 2012 report noted that, ‘In addition to other forms of violence, stalking of girls and cyber crime against them were particular issue of concern during the

<sup>424</sup> Child Rights Governance Assembly (CRGA), ‘UPR Report: Situation of Child Rights in Bangladesh’ 2012 (p12-13) <http://www.askbd.org/web/wp-content/uploads/2013/01/Child%20Rights%20Universal%20Periodic%20Review%202013.pdf> Accessed 24 June 2013

<sup>425</sup> Odhikar: Odhikar, Human Rights Report 2012, dated 12 January 2013 [http://odhikar.org/?p=5075#/?p=5075&\\_suid=137699143430306589730761989163](http://odhikar.org/?p=5075#/?p=5075&_suid=137699143430306589730761989163) (p61) Accessed 3 June 2013

reporting period. In many cases those girls ended their lives failing to bear the humiliation.<sup>426</sup>

24.22 According to the same report:

'The [Government] has enacted Pornography control Act 2012 but subsequent rules are necessary for the implementation of the Act.

'Children in Bangladesh are highly vulnerable to child prostitution. Most of the relevant laws fail to define child prostitution and do not address all the manifestations of commercial sexual exploitation; boys are not afforded protection; and certain provisions could potentially lead to the prosecution of children forced into prostitution.'<sup>427</sup>

24.23 An article in The Guardian (London) of 5 April 2010 quoted the charity ActionAid as stating that child prostitutes in Bangladeshi brothels were using the drug Oradexon, an extremely dangerous and highly addictive steroid, to make them appear older. Oradexon can damage the kidneys, increase blood pressure, cause oedema and interfere with normal hormone production.<sup>428</sup>

24.24 The USSD 2012 report noted:

'The penalty for sexual exploitation of children is 10 years to life imprisonment. As defined by the Women and Children's Repression Prevention Act, the minimum age of consent to sex is 16; however, the penal code sets the age at 14. The discrepancy has not been challenged in court. Child pornography, the selling or distributing of obscene material, is prohibited, and the Pornography Control Act passed in March sets the maximum penalty at 10 years in prison coupled with a fine of 500,000 taka (approximately \$6,200). The previous penalty was three months' imprisonment. In 2009 the International Labor Organization (ILO) and the Bangladesh Bureau of Statistics completed a baseline survey on commercial sexual exploitation of children. According to the survey, of 18,902 child victims of sexual exploitation, 83 percent were girls, 9 percent were transgender children, and 8 percent were boys. The survey reported that 40 percent of the girls and 53 percent of the boys were under the age of 16.'<sup>429</sup>

See also Section 23: Women: [Violence against Women](#) and Section 23: Women: [Rape and Child care and protection](#), below

## Trafficking

24.25 The ASK CRGA 2012 report stated:

'Trafficking is an issue of grave concern in Bangladesh and of course, most of the trafficked victims are children. In recent time, some positive steps have taken to combat trafficking. For example, Human Trafficking Deterrence and Suppression Act 2012 has been enacted which identifies all individuals below the age of 18 as children. This act

<sup>426</sup> Child Rights Governance Assembly (CRGA), 'UPR Report: Situation of Child Rights in Bangladesh' 2012 (p12-13) <http://www.askbd.org/web/wp-content/uploads/2013/01/Child%20Rights%20Universal%20Periodic%20Review%202013.pdf> Accessed 24 June 2013

<sup>427</sup> Ibid (p11)

<sup>428</sup> The Guardian, 'A new danger for sex workers in Bangladesh', 5 April 2010 <http://www.guardian.co.uk/society/2010/apr/05/sex-workers-bangladesh-steroid> Accessed 26 June 2013

<sup>429</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013 (Section 6) <http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> Accessed 23 May 2013

has also addressed legislative gaps such as the absence of a prohibition on the trafficking of men. The National Plan of Action for Combating Human Trafficking has also been adopted to ensure adequate awareness, capacity and accountability in implementing the newly enacted law on human trafficking and to coordinate actions against the crime.<sup>430</sup>

See also Section 25: [Trafficking](#)

## Acid attacks

24.26 Also according to Odhikar's 2012 Annual Report, 30 children (20 girls and 10 boys) were victims of acid attacks in 2012. This represented an increase on the previous three years.<sup>431</sup>

See Section 23: Women: [Acid attacks](#)

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## Child labour

24.27 UNICEF Bangladesh stated on its website, accessed 10 July 2013:

'Poverty causes families to send children to work, often in hazardous and low-wage jobs, such as brick-chipping, construction and waste-picking. Children are paid less than adults, with many working up to twelve hours a day. Full-time work frequently prevents children from attending school, contributing to drop-out rates.

'According to the Labour Law of Bangladesh 2006, the minimum legal age for employment is 14. However, as 93 per cent of child labourers work in the informal sector – in small factories and workshops, on the street, in home-based businesses and domestic employment – the enforcement of labour laws is virtually impossible.

'Long hours, low or no wages, poor food, isolation and hazards in the working environment can severely affect children's physical and mental health. Child labourers are also vulnerable to other abuses such as racial discrimination, mistreatment and sexual abuse. Some work, such as domestic labour, is commonly regarded as an acceptable employment option for children, even though it too poses considerable risks.<sup>432</sup>

24.28 The USSD 2012 report observed:

'By law every child must attend school through the age of 10, but there was no effective legal mechanism to enforce this provision, and child labor was widespread. The law regulates child employment, depending on the type of work and the child's age. The minimum age for work is 14, and the minimum age for hazardous work is 18. The law allows for certain exceptions, permitting children who are 12 or 13 to perform restricted

<sup>430</sup> Child Rights Governance Assembly (CRGA), 'UPR Report: Situation of Child Rights in Bangladesh' 2012 (14-15) <http://www.askbd.org/web/wp-content/uploads/2013/01/Child%20Rights%20Universal%20Periodic%20Review%202013.pdf> Accessed 24 June 2013

<sup>431</sup> Ibid

<sup>432</sup> UNICEF Bangladesh, 'Child labour', undated [http://www.unicef.org/bangladesh/children\\_4863.htm](http://www.unicef.org/bangladesh/children_4863.htm) Accessed 9 July 2013

forms of light work. The law specifies penalties for child labor violations, typically nominal fines of less than 5,000 taka (US \$62).

'The ILO estimated that 3.7 million children worked and that 1.3 million worked in hazardous sectors.

'The Ministry of Labor's enforcement mechanisms were insufficient for the large, urban informal sector, and there was little enforcement of child labor laws outside the export garment and shrimp-processing sectors. Agriculture and other informal sectors that had no government oversight employed large numbers of children.

'The Child Labor Unit in the Ministry of Labor and Employment monitored, coordinated, and supervised child labor programs. In 2011 the Child Labor Unit developed a Child Labor Monitoring Information System to manage child labor-related data collected by different ministries. The government also developed a national program to eliminate the worst forms of child labor by 2015. The program includes monitoring workplaces and education for children and their families.<sup>433</sup>

24.29 The US Department of Labor, '2011 Findings on the Worst Forms of Child Labor – Bangladesh', published in September 2012, stated:

'Children in Bangladesh are engaged in the worst forms of child labor, primarily in dangerous activities in agriculture and domestic service ... Children working in agriculture perform a variety of tasks and may be exposed to risks such as dangerous machinery and tools, harmful pesticides and heavy loads ... Children, mostly girls, work as domestic servants in private households in Bangladesh. Some child domestics work in exploitative conditions and are vulnerable to abuse, including sexual abuse ... Children engage in dangerous work that includes welding, carpentry, rickshaw pulling and automobile repair ... Children work in poultry farming and in drying fish, which exposes them to harmful chemicals, dangerous machines that can cut off their fingers, and long hours of work in the hot sun ... Children are also involved in the production of salt, soap, matches, bricks, cigarettes, footwear, steel furniture, glass, jute, leather and textiles ... While producing these goods, often in small workshops or homes, they face dangers that may include working with hazardous chemicals and sharp objects in cramped conditions with low lighting for long hours. Children collect and process shrimp, which has led to back injuries, repetitive strain, muscle inflammation, diarrhoea and infections ... Children also work dismantling large ships into smaller pieces. Children lack the physical strength necessary for ship breaking and risk exposure to hazardous chemicals.

'Children are also found working on the streets, garbage picking, vending, begging and portering ... They may face multiple dangers including severe weather, vehicle accidents and criminal elements. Children working in hotels and restaurants face long working hours and potential abuse ... Boys and girls, often those living on the streets, are exploited in illicit activities, including smuggling and trading arms and drugs.'<sup>434</sup>

24.30 The '2011 Findings on the Worst Forms of Child Labor – Bangladesh' report noted:

<sup>433</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013 (Section 7) <http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> Accessed 23 May 2013

<sup>434</sup> United States Department of Labor, 2011 Findings on the Worst Forms of Child Labor - Bangladesh, 26 September 2012 <http://www.refworld.org/docid/5065940913.html> Accessed 11 July 2013



'The Labor Code prohibits parents or guardians from pledging their children's work in exchange for a payment or benefit and the Penal Code prohibits forced labor...Those who violate the law are subject to penalties, which include imprisonment.

'In February 2012, the [Bangladesh] Parliament approved a new national anti-trafficking law, the Human Trafficking Deterrence and Suppression Act 2012, which expands the definition of trafficking to include labor trafficking, covers men and boys and makes trafficking a capital offense with a maximum sentence of the death penalty.

'UNICEF continued to collaborate closely with the Government in implementing the second phase of a project that establishes education centers to provide non-formal education and livelihood skills to more than 350,000 working children and adolescents.'

<sup>435</sup>

24.31 The US Department of Labor report of September 2009 quoted an ILO survey as estimating that there were over 421,000 children, mostly girls, working as domestic servants in private households.<sup>436</sup> In 2011, the Supreme Court ordered the Welfare Council to monitor the conditions of child domestic workers and to ensure that no child under age 12 is employed as a domestic worker.<sup>437</sup>

24.32 According to the ASK CRGA 2012 report:

'[T]he Ministry of Labour and Employment has adopted the National Child Labour Elimination Policy, 2010 that provides a framework to eliminate all forms of child labour by 2015 ... It aims withdrawing children from hazardous jobs; improving income generating opportunities for parents so they are not so reliant on their children's income; offering incentives for working children to attend school; enacting laws and improving law enforcement to eliminate child labour ... The government has taken up some projects to withdraw 55,000 child labourers from the hazardous working condition, and bring them back to normal life.

'However, concern is that informal child labour sectors are totally outside the ambit of existing laws.'<sup>438</sup>

See Section 24: Children – documentation regarding the difficulties in maintaining a reliable Birth registration system.

## Corporal punishment

24.33 World Vision noted in a report published in April 2013:

<sup>435</sup> United States Department of Labor, 2011 Findings on the Worst Forms of Child Labor - Bangladesh, 26 September 2012 <http://www.refworld.org/docid/5065940913.html> Accessed 11 July 2013

<sup>436</sup> US Department of Labor, 2008 Findings on the Worst Forms of Child Labor - Bangladesh, 10 September 2009 <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=publisher&docid=4aba3ef058&skip=0&publisher=USDOL&querysi=bangladesh&searchin=title&display=50&sort=date> Accessed 11 July 2013

<sup>437</sup> US Department of Labor, 2011 Findings on the Worst Forms of Child Labor - Bangladesh, 26 September 2012 <http://www.refworld.org/docid/5065940913.html> Accessed 11 July 2013

<sup>438</sup> Child Rights Governance Assembly (CRGA), 'UPR Report: Situation of Child Rights in Bangladesh' 2012 (p16-17) <http://www.askbd.org/web/wp-content/uploads/2013/01/Child%20Rights%20Universal%20Periodic%20Review%202013.pdf> Accessed 24 June 2013

'The legal instruments in Bangladesh are not adequate in protecting children from corporal punishment – often these instruments assign legality to such violence against children under the pretext of “parenting” and “disciplining”. Some of these are presented below:

'Home: Article 89 of Penal Code (1860) provides legality to corporal punishment against children by parents and guardians.

'School: Corporal punishment has been banned by High Court in schools, but no comprehensive legal provision against corporal punishment has been enacted.

'Alternative care: Penal Code; section-89 and other such provisions grant legality to corporal punishment against children by care givers.

Penal system: [Various] legal and policy provisions allow corporal punishment of children with the pretext of “disciplining”.<sup>439</sup>

See also [Education](#), below.

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## Child marriage

- 24.34 Under the Child Marriage Restraint Act 1929, girls are legally entitled to marry at the age of 18 years, boys at 21 years.<sup>440</sup> Religious personal laws permit marriage at an earlier age.
- 24.35 UNICEF Bangladesh has stated that 'Bangladesh has one of the highest rates of child-marriage in the world. 66 per cent of women (aged 20 to 24) were married before they turned 18.'<sup>441</sup>
- 24.36 The 2011 Bangladesh Demographic and Health Survey (BDHS 2011 survey) conducted under the authority of the National Institute of Population Research and Training (NIPORT) of the Ministry of Health and Family Welfare, showed that, among women aged 15-19 in 2011, 17 per cent were married by the time they had reached the age of 15. By comparison among women aged 45-49 in 2011, 52 per cent were married by the age of 15. Thus, over the past 30 years, there has been a substantial reduction in the proportion of women getting married below the age of 15. (p47-48) In 2011, 44.7 per cent of women and 2.1 per cent of men in the 15-19 age group were married. (p48)<sup>442</sup>
- 24.37 According to an IRIN News article of July 2009:
- 'Parents encourage early marriage out of fear that the dowry price will increase as their daughter ages. Young girls are often regarded as an economic burden to their families; marrying them off at a very early age is seen as reducing that burden ... It is also a way

<sup>439</sup> Word Vision, 'Stakeholder Report on Bangladesh - Submission by World Vision Bangladesh for Universal Periodic Review (UPR), 2nd Cycle, 2012: Child Protection and Child & Maternal Health [http://www.upr-info.org/IMG/pdf/wv\\_upr\\_bgd\\_s16\\_2013\\_worldvisionbangladesh\\_e.pdf](http://www.upr-info.org/IMG/pdf/wv_upr_bgd_s16_2013_worldvisionbangladesh_e.pdf) Accessed 27 June 2013

<sup>440</sup> Child Marriage Restraint Act 1929 [http://bdlaws.minlaw.gov.bd/print\\_sections\\_all.php?id=149](http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=149) Accessed 8 July 2013

<sup>441</sup> UNICEF Bangladesh, 'Challenges facing the children of Bangladesh', undated [http://www.unicef.org/bangladesh/overview\\_4841.htm](http://www.unicef.org/bangladesh/overview_4841.htm) Accessed 8 July 2013

<sup>442</sup> Bangladesh Demographic and Health Survey 2011. National Institute of Population Research and Training (NIPORT), published January 2013 [http://www.aidsdatahub.org/dmdocuments/Bangladesh\\_DHS\\_2011.pdf](http://www.aidsdatahub.org/dmdocuments/Bangladesh_DHS_2011.pdf) Accessed 9 July 2013

to ensure that their daughters are “protected” from sexual abuse or illicit sexual contact, and making them financially more secure.

‘But with early marriage, many girls drop out of school. Studies show that girls who marry as adolescents attain lower schooling levels, have lower social status in their husband’s families, report less reproductive control, and suffer higher rates of maternal mortality and domestic violence.

‘[W]ith early marriage comes early pregnancy...with adolescent mothers more likely to suffer birth complications than adult women ... Teenage mothers are twice as likely as older mothers to die from pregnancy- and childbirth-related complications ... research shows that the risk of maternal mortality could be five times higher for mothers aged 10 to 14 than for those aged 20 to 24, while babies born to mothers younger than 14 were 50 percent more likely to die than babies born to mothers older than 20.’<sup>443</sup>

## Child care and protection

24.38 Estimates of the number of street children in Bangladesh have varied widely. A 2011 paper published by the International Centre for Diarrhoeal Disease Research, Bangladesh (ICDDR,B) quoted one study as saying that there were about 445,000 street children in the country, of which 75% lived in Dhaka city; 53 per cent were boys and 47 per cent were girls. In another study cited by the ICDDR,B it was estimated that there were 2,000,000 street children in Dhaka city alone. The ICDDR,B paper stated:

‘In the cities, children are mostly found near railway stations, launch/boat terminals, bus stations, busy markets, commercial areas, parks/pavements, big mosques, and mazars (a spiritual place). The problems experienced by street-children include: homelessness, exploitation, labour, abuse, health difficulties, coercion and control by adult gangs, conflict with the law, lack of education, and lack of identification papers. As in other countries, street-children in Bangladesh are often victims of physical, verbal and mental abuses.’<sup>444</sup>

24.39 The State Party (Bangladesh Government) report of October 2008 to the UN Committee on the Rights of the Child (CRC) informed, ‘There [are] no reliable statistics on orphans and orphanages. The registered orphanages provide services to about 50,000 orphans and abandoned children. This is indeed a very small proportion compared to the estimated number of orphans. Devoid of parental support and care orphans are vulnerable to hazardous child labour, HIV, trafficking, physical and sexual exploitation. In case of orphaned girls, the risks of early marriage, abortion, sexual exploitation and other forms of violence are high.’<sup>445</sup> The State Party report of August 2007 noted that the Ministry of Social Welfare ran 85 orphanages (capacity 10,300 children); six ‘Baby Homes’, one each in Division (capacity 550 children) for abandoned children aged 1 to 5 years; six Destitute and Vagrant Centres, six Safe Homes with capacity for 400

<sup>443</sup> IRIN News Asia, ‘Bangladesh: Too young to marry, 31 July 2009

<http://www.irinnews.org/report/85516/bangladesh-too-young-to-marry> Accessed 9 July 2013

<sup>444</sup> International Centre for Diarrhoeal Disease Research, Bangladesh (ICDDR,B), Working paper no.75 (2011), ‘Vulnerability of Bangladeshi Street-children to HIV/AIDS: A Situation Analysis’, December 2011

[http://www.icddr.org/what-we-do/publications/cat\\_view/52-publications/10043-icddr-documents/10058-icddr-reports-and-working-papers/10377-working-papers/14011-working-paper-no-175-2011](http://www.icddr.org/what-we-do/publications/cat_view/52-publications/10043-icddr-documents/10058-icddr-reports-and-working-papers/10377-working-papers/14011-working-paper-no-175-2011) Accessed 12 July 2013

<sup>445</sup> UN Convention on the Rights of the Child (CRC) [CRC/C/BGD/4] Consideration of reports submitted by States parties under Article 44 of the Convention: Bangladesh. 23 October 2008

[http://www.bayefsky.com/reports/bangladesh\\_crc\\_c\\_bgd\\_4\\_2007.doc](http://www.bayefsky.com/reports/bangladesh_crc_c_bgd_4_2007.doc) (paragraph 189) Date accessed 21 August 2012

children, and a number of other facilities.<sup>446</sup> According to the State Party report of 14 March 2003, there were another 950 orphanages run by NGOs, some with Government funding. These included institutions linked to various religions: over 300 Muslim orphanages attached to madrassa schools, nine Hindu, five Buddhist and four Christian orphanages.<sup>447</sup>

- 24.40 The UN Committee on the Rights of the Child stated in their 'Concluding observations' of 26 June 2009:

'The Committee notes that the [Bangladesh Government] has enhanced the provisions and capacity of shelters, orphanages, baby homes and similar institutions to accommodate more children deprived of their family environment. However, the Committee is concerned that family-type care arrangements are almost non-existent. The Committee also notes with concern the inadequate facilities in institutions and lack of continuous training and skill development for staff of care institutions. Moreover, the Committee expresses concern at the lack of clear policies or measures on the return of children to their families whenever possible. Finally, the Committee is concerned that there is insufficient information on children in care institutions and periodic review of placement by the authorities.'<sup>448</sup>

- 24.41 The State Party report to the UN Committee on the CRC, dated 23 December 2005, noted that it is an offence under the Children Act for a person who has custody, care or charge of a child to assault, ill-treat, neglect, abandon or expose the child or to cause such things to happen to him or her in a way likely to cause the child unnecessary suffering or injury to their health.<sup>449</sup>

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## Education

- 24.42 The Campaign for Popular Education (CAMPE), Bangladesh, in its 'Education Watch 2008: State of Primary Education in Bangladesh Progress Made, Challenges Remained', November 2009 stated that:

'There are 10 different types of primary educational institutions in the country which follow three different curricula. The government schools, non-government schools (registered and unregistered), community schools, experimental schools, non-formal schools, and primary-attached to high schools follow the curriculum of the National Curriculum and Textbook Board (NCTB). The ebtedayee madrasas and the ebtedayee-

<sup>446</sup> UN Convention on the Rights of the Child (CRC) [CRC/C/BGD/4 (2007)] Third & Fourth Periodic Report of the Government of Bangladesh under the CRC: August 2007 (p33)

[http://www.bayefsky.com/reports/bangladesh\\_crc\\_c\\_bgd\\_4\\_2007\\_adv.pdf](http://www.bayefsky.com/reports/bangladesh_crc_c_bgd_4_2007_adv.pdf)

Date accessed 21 August 2012

<sup>447</sup> UN Convention on the Rights of the Child (CRC), [CRC/C/65/Add.22] Consideration of reports submitted by States parties under Article 44 of the Convention: Bangladesh. 14 March 2003

<http://www.unhcr.org/refworld/pdfid/3f2593b77.pdf> Date accessed 21 August 2012

<sup>448</sup> UN Committee on the Rights of the Child (CRC), Consideration of reports submitted by States parties under article 44 of the Convention : Convention on the Rights of the Child : concluding observations : Bangladesh, 26 June 2009, CRC/C/BGD/CO/4, available at: <http://www.refworld.org/docid/4a8e977d0.html> Accessed 27 July 2013

<sup>449</sup> UN Convention on the Rights of the Child (CRC), [CRC/C/OPSC/BGD/1] Consideration of Reports Submitted by States Parties under Article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. 23 December 2005 (p14-15)

[http://www.bayefsky.com/reports/bangladesh\\_crc\\_c\\_opsc\\_bgd\\_1\\_2005.pdf](http://www.bayefsky.com/reports/bangladesh_crc_c_opsc_bgd_1_2005.pdf)

Date accessed 21 August 2012

attached to high madrasas follow the curriculum of the Bangladesh Madrasa Education Board (BMEB). The English medium schools follow the British curriculum (London and Cambridge).<sup>450</sup>

24.43 Europa World online, accessed on 29 June 2013, recorded:

'The Government provides free schooling for children of both sexes for eight years. Primary education, which is compulsory, begins at six years of age and lasts for five years. Secondary education, beginning at the age of 11, lasts for up to seven years, comprising a first cycle of three years, a second cycle of two years and a third cycle of two further years. A Second Primary Education Development Program was initiated in 2004, with substantial funding from international agencies. The initiative, which concluded in mid-2011, aimed to improve the quality of infrastructure, materials and teacher-training in the primary sector, as well as lowering the pupil-teacher ratio ... In 2009/10 there were 78,685 primary schools; there were an estimated 21,006 secondary schools in 2010/11. Secondary schools and colleges in the private sector vastly outnumber government institutions ... In 2007/08 there were 31 state universities, including one for agriculture and one for engineering and technology, and an Islamic university. In the same year there were 3,116 technical colleges, vocational institutes and colleges offering general education. The Government launched an Open University Project in 1992.'<sup>451</sup>

24.44 A.Hossain and B.Zeitlyn observed in a paper of December 2010, 'Poverty, Equity and Access to Education in Bangladesh':

'Evidence from many studies shows that educational access is strongly determined by household income ... Although primary education is free and compulsory in Bangladesh, research indicates that there are substantial additional private costs and opportunity costs of education that parents must meet for their children's schooling (Ahmad, et al., 2007, Ahmed et al, 2005). These costs include examination fees, private tuition...and paying for notebooks in the upper grades of primary school.

'[There is a] starkly unequal participation of children in education from different income groups. Households which have less than Tk. 2,000 income per month (\$29) are sending almost 25% fewer of their children to school than those who are in the Tk. 8,000 (\$115) and above income group.'<sup>452</sup>

24.45 A UNICEF document of 2009 noted that, according to government data, the net enrolment rate in primary school in 2008 was 90.8 percent; 94.0 percent for girls and 87.9 percent for boys in the relevant age group. 57 per cent of girls and 53 percent of boys completed a five year primary school cycle. There were a total of 4.8 million stipend recipients (see description of stipend programmes below). UNICEF stated that 'The teacher-student ratio has slightly improved during the past years. In 2008 it was estimated that 88% of schools were meeting the minimum requirement of 46 students

<sup>450</sup> Campaign for Popular Education (CAMPE), Bangladesh, 'Education Watch 2008 : State of Primary Education in Bangladesh, November 2009 <http://www.campebd.org/download/EW2008FullReportEnglish.pdf> Accessed 29 June 2013

<sup>451</sup> Europa World online - Routledge (by subscription), Bangladesh: Education. Accessed 29 June 2013

<sup>452</sup> Hossain, Altaf and Zeitlyn, Benjamin, 'Poverty, Equity and Access to Education in Bangladesh, December 2010 [http://www.create-rpc.org/pdf\\_documents/PTA51.pdf](http://www.create-rpc.org/pdf_documents/PTA51.pdf) Accessed 29 June 2013

per teacher. However, it is important to note that the number of students per grade can vary significantly.<sup>453</sup>

- 24.46 The International Development Association of the World Bank stated on its website that 'Girls enrolment in secondary schools in Bangladesh jumped to 3.9 million in 2005, from 1.1 million in 1991, including an increasing number of girls from disadvantaged or remote areas.'<sup>454</sup> However, J.Raynor and K.Wesson observed in a paper of July 2006 that 'Despite official figures indicating that girls are in the majority in terms of secondary school enrolments, they were only 45.4% of those who were entered for the [final examination], and less than 44% of those who passed.' The paper noted, 'Reports from various studies of FSP [Female Stipend Program] projects express reservations about the (declining) quality of education, and there seems to be evidence that the FSP is contributing to this decline, especially for students from poor families.'<sup>455</sup>
- 24.47 The ASK CRGA 2012 report related that Bangladesh has made 'significant progress' towards Millennium Development Goal 2 and 'Education for All' in terms of gender parity and enrolment in primary education. However the Constitution does not hold education as a fundamental right, and the right to education for all is not yet reflected in legislation. The ASK CRGA 2012 report stated:

'[P]roblems such as mistreatment of children by teachers, fellow students and the frequent cases of bullying and sexual harassment, particularly of girls at school and on the way to school; the lack of separate sanitation facilities for girls and boys; the extremely low rate of primary school completion, and the very low enrolment in secondary school; the inadequate facilities for vocational education and training, including for children who drops out of school before completion; the lack of coordination and equivalencies between the formal and non-formal educational programmes and low budgetary allocation for education are remaining concerns.'<sup>456</sup>

## The Primary Education Stipend Project (PESP)

- 24.48 The Bangladesh Directorate of Primary Education noted in a draft report of May 2012:

'The Primary Education Stipend Project (PESP) was launched in [financial year] 1999-2000 (earlier it was [called] the "Food for Education Project") and targets 40% of the poorest children in each recipient school in rural areas to ensure that all children are able to attend and complete school. In 2010, the criteria were changed from 40% eligible students to above 90% on the basis of a poverty map...where the rate of poverty is more than 60%. In the same way more students than the poverty rate are getting a stipend in each of the Upazilas of Bangladesh. Each month, an eligible student receives Tk. 100 provided an attendance rate of at least 85% is maintained and a score of at least 40% is achieved in the end-of-year examination. Approximately 7.8 million

<sup>453</sup> UNICEF, 'Quality Primary Education in Bangladesh', 2009  
[http://www.unicef.org/bangladesh/Quality\\_Primary\\_Education\(1\).pdf](http://www.unicef.org/bangladesh/Quality_Primary_Education(1).pdf) Accessed 24 June 2013

<sup>454</sup> International Development Association, 'Stipend Triples Girls Access to School', October 2009  
<http://web.worldbank.org/WBSITE/EXTERNAL/EXTABOUTUS/IDA/0,,contentMDK:21227882~menuPK:3266877~pagePK:51236175~piPK:437394~theSitePK:73154,00.html> Accessed 20 July 2013

<sup>455</sup> Raynor J. And Wesson K., 'The Girls' Stipend Proram in Bangladesh', July 2006: Journal of Education for International Development 2.2 (p7) <http://www.equip123.net/JEID/articles/3/Girls'StipendPrograminBangladesh.pdf> Accessed 20 July 2013

<sup>456</sup> Child Rights Governance Assembly (CRGA), 'UPR Report: Situation of Child Rights in Bangladesh' 2012 (p19-20) <http://www.askbd.org/web/wp-content/uploads/2013/01/Child%20Rights%20Universal%20Periodic%20Review%202013.pdf> Accessed 24 June 2013

students are regular stipend recipients and the cost per beneficiary has been about Tk. 960, of which almost Tk. 850 is received by the beneficiaries themselves ...<sup>457</sup>

The same report referred to school feeding programmes in deprived areas.<sup>458</sup>

## The Female Stipend Program (FSP)

24.49 The Journal of Education for International Development in 'The Girls' Stipend Program in Bangladesh', 2006 reported that the Female Stipend Program (FSP) was created in 1982 to help increase the enrolment and retention of girls in secondary schools. Under the program, all girls in rural areas who enter secondary school – about 50 per cent of possible enrolments – are eligible for a monthly sum, conditional upon attendance. Girls receive additional payments in Class 9 for new books and in Class 10 for exam fees.<sup>459</sup> (See also paragraph 24.46 above.)

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## Madrassas

24.50 According to a research report prepared for The World Bank in 2009 by M.N.Asadullah, N. Chaudhury and S.R. Al-Zayed Josh:

'A unique feature of the Bangladeshi secondary education sector is the large presence of Islamic institutions of religious learning, commonly known as madrasas. However, unlike other countries in the region with large Muslim populations, the religious education sector comprises of both state regulated private madrasas as well as independent, private madrasas. The former are popularly known as Aliyah madrasas where alongside Islamic education, modern general education is also provided. Given that majority of these private registered madrasas operate with state funding, they are regulated in terms of curriculum content and teacher recruitment policy under a unified state recognized Madrasa Education Board. On the other hand, an unknown number of private, traditional madrasas exists outside the state sector. These seminaries specialize in religious education and are popularly known as "Quomi" madrasas.

'Most madrasa secondary schools in Bangladesh are now registered, follow a modern curriculum alongside traditional religious subjects, and have become coeducational...

'[F]or at least three reasons, there is a serious policy concern regarding the provision of education through the institution of madrasas. First, these schools may promote skills that are incompatible with a modern economy. The academic standard attained is popularly perceived to be much lower than in general education ... Second, they may not promote civic values that are essential for a functioning democracy ... Third, an unknown fraction of religious schools [Quomi madrasas] still remains completely outside the state system, making it a daunting task to regulate curriculum content and pedagogic practices ... For [these] reasons, many hold non-state provision of education

<sup>457</sup> Directorate of Primary Education, Bangladesh: Annual Sector Performance Report: draft dated 8 May 2012 (p86) <http://www.affordable-learning.com/content/dam/plc/prkc/uk/palf/Bangladesh%20National%20Assessment.pdf> Accessed 24 June 2013

<sup>458</sup> Ibid

<sup>459</sup> Journal of Education for International Development, 'The Girls' Stipend Program in Bangladesh, 2006' <http://www.equip123.net/JEID/articles/3/Bangladesh.pdf> Accessed 24 June 2013

by Islamist groups and the expansion of madrasas as a contributing factor to radicalization.<sup>460</sup>

- 24.51 The same report noted that, although Aliyah madrasas made up about one third of the 27,714 registered secondary educational institutions in Bangladesh (2005 survey), the number and share of Quomi madrasas in both the primary and secondary sector was much lower than portrayed in the popular press. In the secondary education segment, Quomis were estimated to account for only 2.2 percent of total student enrolment. Madrasa enrolment had grown rapidly, particularly for girls. Madrasas were more likely to be found in poorer rural areas, although household income was not the only factor determining parental choice for religious education. Mathematics and English tests undertaken by 9,000 students in all types of schools showed that there was 'a clear, statistically significant learning disadvantage associated with madrasa education'. Most maths and English teachers in Quomi madrasas had received no formal training.<sup>461</sup>

### Children with disabilities (in education)

- 24.52 UNICEF observed in a report of May 2013 'State of the World's Children 2013: Children with Disabilities':

'The mandate for implementing Education For All lies with the Ministry of Education and the Ministry of Primary and Mass Education, but the education of children with disabilities is managed by the Ministry of Social Welfare and is seen as a matter of charity, not a human rights issue. Since 2002, children with disabilities and those with special educational needs have been included in primary education through the Primary Education Development Programme under the Ministry of Education. But managing integrated educational provision for children with visual impairments and running primary schools for children with hearing, visual or intellectual impairments remains the responsibility the Ministry of Social Welfare.

'In Bangladesh, the National Forum of Organizations Working with the Disabled promotes networking between the government and NGOs, and has been instrumental in encouraging greater educational inclusion as well as a gradual shift of ministerial responsibility from social welfare to education. As a consequence, the Campaign for Popular Education, a national network, has committed to ensuring that all children with disabilities have access to basic and quality education, and the non-governmental Bangladesh Rural Advancement Committee, which is committed to achieving Education For All and poverty reduction, now includes learners with disabilities in its schools.'

The UNICEF report noted that Bangladesh has ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol.<sup>462</sup>

See also Section 22: [Disability](#)

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<sup>460</sup> Asadullah, M. N., Chaudhury, N., Al-Zayed Josh, S. R., 'Secondary School Madrasas in Bangladesh: Incidence, Quality, and Implications for Reform', Human Development Sector, South Asia Region, World Bank. 15 March 2009 <http://siteresources.worldbank.org/EXTDEVIALOGUE/Resources/BangladeshMadrasaReportFinal.pdf> Accessed 6 July 2013

<sup>461</sup> Ibid

<sup>462</sup> UNICEF, 'State of the World's Children 2013: Children with Disabilities', May 2013 <http://www.unicef.org/sowc2013/report.html> Accessed 10 July 2013



## Health and nutrition

24.53 The 2011 Bangladesh Demographic and Health Survey (BDHS 2011 survey) conducted under the authority of the National Institute of Population Research and Training (NIPORT) of the Ministry of Health and Family Welfare, recorded:

'Infant and under-5 mortality rates for the past five years are 43 and 53 deaths per 1,000 live births, respectively. At these mortality levels, one in every 23 Bangladeshi children dies before reaching his or her first birthday, and one in every 19 children does not survive to his or her fifth birthday.

'Infant mortality has declined by 51 percent over the last 18 years, while child mortality and under-5 mortality have declined by 78 percent and 60 percent, respectively, over the same period.' (p111)

'Thirty-two percent of births in the past three years have been assisted by a skilled provider ... Newborn care practices have improved considerably since 2007 in Bangladesh.' (p121)

'[A]ccording to their mother's estimate, 5 percent of children were very small at birth, 12 percent were smaller than average, and 82 percent were average or larger in size.' (p146)

'According to information from both vaccination cards and mothers' reports, 86 percent of Bangladeshi children aged 12-23 months are fully vaccinated. The level of coverage for BCG, three doses of pentavalent vaccine (tuberculosis, diphtheria, pertussis, tetanus, hepatitis B, and hemophilus influenza type B), and three doses of polio vaccine is 93 percent or higher. Coverage for measles vaccine is slightly lower (88 percent).' (p147)<sup>463</sup>

24.54 According to the BDHS 2011 survey:

'Five percent of children under age 5 had diarrhoea in the two weeks preceding the survey. Of these children, 25 percent received treatment from a health facility or health provider, an increase from 20 percent in 2007, and 81 percent received oral rehydration therapy ... Six percent of children under age 5 had symptoms of acute respiratory infection (ARI) in the two weeks preceding the survey. Thirty-five percent of these children received treatment from a health facility or health provider, a decrease from 37 percent in 2007 ... Nearly four in ten children under age 5 had a fever in the two weeks preceding the survey. Of these children, 27 percent received treatment from a health facility or health provider.'(p145)

'For all children under age 5, pneumonia is the most important cause of deaths (22 percent), followed by possible serious infections or sepsis (15 percent), birth asphyxia (12 percent), drowning (9 percent), and pre-term birth (7 percent). (p227)<sup>464</sup>

<sup>463</sup> Bangladesh Demographic and Health Survey 2011. National Institute of Population Research and Training (NIPORT), published January 2013

[http://www.aidsdatahub.org/dmdocuments/Bangladesh\\_DHS\\_2011.pdf](http://www.aidsdatahub.org/dmdocuments/Bangladesh_DHS_2011.pdf) Accessed 9 July 2013

<sup>464</sup> Bangladesh Demographic and Health Survey 2011. National Institute of Population Research and Training (NIPORT), published January 2013

[http://www.aidsdatahub.org/dmdocuments/Bangladesh\\_DHS\\_2011.pdf](http://www.aidsdatahub.org/dmdocuments/Bangladesh_DHS_2011.pdf) Accessed 9 July 2013

24.55 The BDHS 2011 survey stated that ‘Forty-one percent of children under age 5 are stunted [height-for-age measurement], 16 percent are wasted [weight-for-height], and 36 percent are underweight ... Fifty-one percent of children age 6-59 months are anaemic, 29 percent are mildly anaemic, 21 percent are moderately anaemic, and less than 1 percent are severely anaemic.

‘Poor nutritional status is a key health problem in Bangladesh. Young children and women of reproductive age are especially vulnerable to nutritional deficits and micronutrient deficiencies.’ (p161)<sup>465</sup>

24.56 UNICEF, in a report dated 16 April 2013, observed:

Bangladesh has one of the highest malnutrition rates in the world. Forty-one per cent of children under the age of 5 suffer from moderate to severe stunting, an indicator of chronic malnutrition. Many of their parents are farmers and fishers. The farmers grow rice almost exclusively, and the fisherfolk sell off everything they catch to buy the rice. Rice is the traditional staple food here. The nutrition it provides is not enough for growing children.<sup>466</sup>

24.57 In the above article, UNICEF quoted a community health worker in Bangladesh as saying that “Many families here do have access to vegetables and fish...But the main thing we’ve found is that they don’t know about the benefits of eating vegetables, fish and these sorts of things. They don’t know how the diversity of foods and nutrients will improve a child’s health ... There are these false beliefs out there, these traditions, that certain foods are not good for children.” There were cultural restrictions and taboos governing what can and cannot be eaten. UNICEF and the European Union have undertaken a joint initiative in Bangladesh and certain other countries to educate mothers and pregnant women about the importance of nutrition and a varied diet.<sup>467</sup>

24.58 The World Bank pointed out in a report of April 2013 that ‘Undernutrition is not just a problem of poverty... children are undernourished in over one-quarter of even the richest households [in Bangladesh].<sup>468</sup>

Further statistical data regarding children can be found on the [UNICEF Website](#). See also Section 23: [Women](#) and Section 26: [Medical issues](#)

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## Documentation

24.59 UNICEF, in a fact sheet, ‘Birth Registration in Bangladesh’, updated April 2010, accessed 10 July 2013, stated that:

<sup>465</sup> Bangladesh Demographic and Health Survey 2011. National Institute of Population Research and Training (NIPORT), published January 2013

[http://www.aidsdatahub.org/dmdocuments/Bangladesh\\_DHS\\_2011.pdf](http://www.aidsdatahub.org/dmdocuments/Bangladesh_DHS_2011.pdf) Accessed 9 July 2013

<sup>466</sup> UNICEF, ‘Fighting malnutrition in Bangladesh with education’, by Guy Hubbard, 16 April 2013

[http://www.unicef.org/infobycountry/bangladesh\\_68757.html](http://www.unicef.org/infobycountry/bangladesh_68757.html) Accessed 10 July 2013

<sup>467</sup> UNICEF, ‘Fighting malnutrition in Bangladesh with education’, by Guy Hubbard, 16 April 2013

[http://www.unicef.org/infobycountry/bangladesh\\_68757.html](http://www.unicef.org/infobycountry/bangladesh_68757.html) Accessed 10 July 2013

<sup>468</sup> The World Bank, ‘Bangladesh - Nutrition at a glance’, 1 April 2013

<http://documents.worldbank.org/curated/en/2013/04/17695190/bangladesh-nutrition-glance> Accessed 11 July 2013

'Historically, the biggest obstacle to birth registration in Bangladesh has been the lack of awareness of its importance, which led to the low demand for certificates. Parents often do not have the right information and do not understand the possible consequences of not registering their child.

'A lack of coordination between the health and education sectors and the birth registration system is also a hindering factor. Babies who are born in health facilities should ideally have their births registered at the time of birth, but this does not always happen. Additionally, only 24 per cent of births are attended by skilled health personnel, so many newborns remain undetected. While birth registrars are normally local government officials such as union council chairmen, they rely on health and education workers to report births. Therefore interagency cooperation is essential to develop a sustainable birth registration system.

'Until 2006, Bangladesh's birth registration system was governed by legislation developed in 1873. Under this old legislation, birth registration was not required to access services, so there was little incentive for people to register their births or those of their children. The birth registration system was manual, ad hoc and prone to abuse. However, the Government of Bangladesh adopted the Births and Deaths Registration Act in 2004. This Act came into force in 2006 and stipulates that birth certificates will be used as proof of age for a number of administrative procedures: issuance of an ID card, enrolment in educational institutions, marriage registration, issuance of driving licence, etc.

'The lack of an electronic birth registration system makes it difficult for birth registrars to confirm duplication within the list. This is problematic because some people choose to revise their own ages by applying for a new birth certificate, for a variety of reasons. For example, some parents artificially increase their daughters' ages so they are above the legal marriage age of 18, while other people reduce their ages so they can apply for a government job before the cut-off age of 30.'<sup>469</sup>

See section 31: [Exit and return - children](#)

24.60 An IRIN report dated 15 July 2008 stated that, 'Recent reports indicate that 40 percent of the population had received a birth certificate by the end of March 2008, while more than 30 percent had been registered and would receive their certificates soon. A vigorous campaign is now under way to register the remaining 30 percent of the population who are hard to reach, mobile, invisible or live on the fringes of mainstream society.'<sup>470</sup> A UNICEF article of 23 June 2010, which cited a 2009 BBS-UNICEF 'Multiple Indicator Cluster Survey', stated that 'A major improvement is found in birth registration with 53.6 per cent of children under five being registered, against 9.8 per cent in 2006.'<sup>471</sup>

24.61 A sample of the National Identity Card appears on the website of the [Bangladesh Election Commission](#).

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<sup>469</sup> UNICEF, Birth Registration in Bangladesh, Updated April 2010

[http://www.unicef.org/bangladesh/Birth\\_Registration\(1\).pdf](http://www.unicef.org/bangladesh/Birth_Registration(1).pdf) Accessed 10 July 2013

<sup>470</sup> IRIN News (UNOCHA), 'Bangladesh: Moving towards universal birth registration, 15 July 2008

<http://www.unhcr.org/refworld/country,,,BGD,,4993ea3b14,0.html> Accessed 1 June 2009

<sup>471</sup> UNICEF, Children and women in urban slums worse off than rest of the country, reveals BBS-UNICEF survey', 23 June 2010 [http://www.unicef.org/infobycountry/media\\_54056.html](http://www.unicef.org/infobycountry/media_54056.html) Accessed 10 July 2013

## 25. Trafficking

### Overview

25.01 The New Nation, in an article, Trafficking of women and children from Bangladesh, undated, stated that:

'Lack of awareness and respect for human rights of women and children make them vulnerable to exploitation. The unequal balance of power between men and women paves the way for trafficking leaving women and girls powerless. As a result, women and girls get less education and less access to resources. Consequently the overwhelming majority of the victims of trafficking are women and girls. It is also found that existing social structure, economic system, cultural condition and geographical setting of Bangladesh affect trafficking of women and children.'<sup>472</sup>

25.02 The New Nation article continued:

'Bangla equivalent of the word 'trafficking' is 'pachar'. In Bangla the phrase nari o shishu pachar means illegal transfer of women and children from one place to another. 20 main points in 16 western districts of Bangladesh near the Indian border are used by the traffickers. The main trafficking route is Dhaka-Mumbai-Karachi-Dubai. Bangladesh is a source and transit country for men, women, and children. Both internal and cross-border trafficking exists in Bangladesh. In the case of internal trafficking, women and children are often taken away from their homes on false promises of a better life with good employment and traffickers sell them to brothels. Women and children from Bangladesh are also trafficked for commercial sexual exploitation. Estimates on the number of trafficked women and children are difficult to make. However, various studies reveal that over 1 million women and children have been trafficked out of the country in the last 30 years. Human trafficking is an international problem. In Bangladesh, a UNICEF report says, approximately 400 women and children fall victim to trafficking each month. Most of them are between the ages of 12 and 16 and are forced to work in the commercial sex industry.'<sup>473</sup>

25.03 The US State Department's Trafficking in Persons Report of June 2013 (USSD Trafficking in Persons Report 2013), released on 19 June 2013, stated:

'Some of the Bangladeshi men and women who migrate willingly to the Gulf, Maldives, Iraq, Iran, Lebanon, Malaysia, Singapore, Brunei, Europe, and elsewhere for work subsequently face conditions indicative of forced labor, such as restrictions on movement, withholding of passports, threats of force, physical or sexual abuse, and threats of detention or deportation for immigration violations. Before their departure, many migrant workers assume debt to pay high recruitment fees, imposed legally by recruitment agencies belonging to the Bangladesh Association of International Recruiting Agencies (BAIRA) and illegally by unlicensed sub-agents; this places some migrant workers in debt bondage. Some recruitment agencies and agents also commit recruitment fraud, including contract switching, in which they promise one type of job

<sup>472</sup> The New Nation, Trafficking of women and children from Bangladesh, <http://thenewnationbd.com/newsdetails.aspx?newsid=32484> Accessed 22 July 2013

<sup>473</sup> The New Nation, Trafficking of women and children from Bangladesh, <http://thenewnationbd.com/newsdetails.aspx?newsid=32484> Accessed 22 July 2013

and conditions but then change the job, employer, conditions, or salary after arrival. There are reports of an increased number of Bangladeshis transiting through Nepal to obtain Nepalese visas and work permits for employment in the Gulf; some are trafficking victims.’<sup>474</sup>

See Section 33: [Employment rights](#)

25.04 International Christian Concern, in a report dated 2 July 2013, stated that:

‘One of Bangladesh’s serious social problems is human trafficking, with nearly 13 women and children trafficked from Bangladesh every day. Low-income Christian families are commonly targeted by traffickers because of their faith and economic vulnerability.

‘In a recent incident, Islamists are bizarrely seeking to retrieve Christian children who were rescued from traffickers and forcibly converted to Islam. Despite the children being forcefully converted from Christianity to Islam, they are viewed by their Islamic captors as Muslims for life, according to Charisma News.

‘More disturbingly, since discovering the role of Christians in the rescue of the children, radical Islamists have gone on the offensive and accused Christians of forcibly converting people with financial incentives. “Most Christian missionaries are converting people by offering money among the poor people to give them a leg up,” says Nizampuri, a leader in the radical Islamic political group Hefazat-e-Islam, as reported by World Watch Monitor. “Once the poor people take money, the missionaries put pressure on them to be converted.”

‘As if that were not absurd enough, Islamists have even issued threats against the Christian rescuers, in a determined effort to reclaim the rescued children. “The madrassa leaders came to know about the involvement of Christians in the rescue. They know about our involvement. I am scared and trying to be careful,” says an ICC contact.’<sup>475</sup>

See section 19: [Christians](#)

25.05 The USSD Trafficking in Persons Report 2013 further noted that:

‘Bangladesh does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government drafted rules to implement the 2012 Human Trafficking Deterrence and Suppression Act (HTDSA) and began prosecuting cases under the law. However, the lack of adequate law enforcement efforts and institutional weaknesses continued to contribute to the trafficking of Bangladeshi migrant workers abroad. The government took limited steps to regulate fraudulent recruitment agents and their unlicensed subagents. Inadequate trafficking victim protection remained a serious problem.’<sup>476</sup>

<sup>474</sup> United States Department of State, 2013 Trafficking in Persons Report - Bangladesh, 19 June 2013, available at: <http://www.refworld.org/docid/51c2f3d818.html> Accessed 25 July 2013

<sup>475</sup> International Christian Concern (ICC), Christian Persecution Increases amid Protests in Bangladesh, 2 July 2013 <http://www.persecution.org/2013/07/02/christian-persecution-increases-amid-protests-in-bangladesh/> Accessed 18 July 2013

<sup>476</sup> United States Department of State, 2013 Trafficking in Persons Report - Bangladesh, 19 June 2013, available at: <http://www.refworld.org/docid/51c2f3d818.html> Accessed 25 July 2013

See Women and Children Trafficking in Bangladesh and Societal Perception towards Victim's Family by N. M. Sajjadul Hoque, 2013<sup>477</sup> for further background.

## Internal trafficking

25.06 The USSD Trafficking in Persons Report 2013 also noted that:

'Within the country, some Bangladeshi children and adults are subjected to sex trafficking, domestic servitude, and forced and bonded labor, in which traffickers or recruiters exploit an initial debt assumed by a worker as part of the terms of employment. Some street children are coerced into criminality or forced to beg; begging ringmasters sometimes maim children as a means to earn more money. In some instances, children are sold into bondage by their parents, while others are induced into labor or commercial sexual exploitation through fraud and physical coercion. ... In some instances, girls and boys as young as eight years old are subjected to forced prostitution within the country, living in slave-like conditions in secluded environments. Trafficking within the country often occurs from poorer, more rural regions, to cities. Many brothel owners and pimps coerce Bangladeshi girls to take steroids to make them more attractive to clients, with devastating side effects.'<sup>478</sup>

## Prosecution

25.07 The USSD Trafficking in Persons Report 2013 stated that:

'The Government of Bangladesh maintained anti-trafficking law enforcement efforts during the reporting period. The 2012 HTDSA generally prohibits and punishes all forms of human trafficking, though it does not prohibit the fraudulent recruitment of labor migrants in the absence of proof of the recruiter's knowledge of forced labor. Prescribed penalties for labor trafficking offenses are five to 12 years' imprisonment and a fine of not less than approximately the equivalent of \$600, and prescribed penalties for sex trafficking offenses range from five years' imprisonment to the death sentence. These penalties are sufficiently stringent, and commensurate with those prescribed for other serious crimes, such as rape. In the reporting period, the government drafted but did not yet adopt implementing rules for the HTDSA. The new law repeals the sections of the Repression of Women and Children Act (WCA) that prohibited the trafficking of women and children for the purpose of commercial sexual exploitation or involuntary servitude; however, cases filed under these sections before the passage of the HTDSA would still be valid and would come under the jurisdiction of the HTDSA.

'In 2012, the government reported investigating 67 and prosecuting 129 alleged trafficking cases, compared with 143 cases investigated and 80 cases prosecuted in 2011. During the reporting period, the government convicted eight trafficking offenders, and sentenced at least five of them to life imprisonment under Sections 5 (prohibiting "women trafficking") and Section 6(1) (prohibiting "girl trafficking") of the WCA. This is a

<sup>477</sup> 17th World Congress of the International Union of Anthropological and Ethnological Sciences, Women and Children Trafficking in Bangladesh and Societal Perception towards Victim's Family, 2013 [http://www.mecon.nomadit.co.uk/pub/conference\\_epaper\\_download.php5?PaperID=8107&MIMEType=application/pdf](http://www.mecon.nomadit.co.uk/pub/conference_epaper_download.php5?PaperID=8107&MIMEType=application/pdf). Accessed 22 July 2013

<sup>478</sup> United States Department of State, 2013 Trafficking in Persons Report - Bangladesh, 19 June 2013, available at: <http://www.refworld.org/docid/51c2f3d818.html> Accessed 25 July 2013

decrease from the 14 convictions obtained in 2011, with eight offenders sentenced to life imprisonment.’<sup>479</sup>

## Corruption

25.08 The same report stated that:

‘The alleged human trafficking complicity of some Bangladeshi government officials remained a problem. Several NGOs reported links between members of parliament, corrupt recruiting agencies, and village level brokers. Corrupt politicians, police, and border security forces on both sides of the India-Bangladesh border reportedly recognized a token used by human traffickers to evade arrest if caught at the border. NGOs and the media reported that some registered recruitment agencies in Dhaka had links with employers who subjected migrant workers to trafficking and with brokers in destination countries who facilitated fraudulent recruitment. The Government of Bangladesh reported that it continued prosecuting cases of three government officials suspected of trafficking-related complicity under Section 5 of the WCA, although there were no further developments in those cases. The government provided some anti-trafficking training at the police training academy and more thorough training modules at detective training schools. Government agencies provided facilities in support of some NGO-led law enforcement trainings, and the public prosecutor and superintendent of police led some training sessions on the HTDSA in other trainings organized by civil society groups.’<sup>480</sup>

See Section 18: [Corruption](#)

## Assistance to victims of trafficking

25.09 The USSD Trafficking in Persons Report 2013 noted that:

‘The Government of Bangladesh made limited efforts to protect victims of trafficking over the last year. While the government trained police on standard operating procedures for trafficking investigations, including provisions for identifying trafficking victims, government officials did not systematically identify trafficking victims among vulnerable populations or refer victims of trafficking to protective services; victim referrals occurred on an ad-hoc basis. ... The government did not provide or fund shelters or other services specifically dedicated to trafficking victims, but trafficking victims were technically able to access support services for vulnerable people through shelter homes, drop-in centers, and safe homes administered by the Ministry of Social Welfare. ... The government did not provide protective services specifically to male victims of trafficking.’<sup>481</sup>

## Prevention

25.10 The USSD Trafficking in Persons Report 2013 stated that:

<sup>479</sup> United States Department of State, 2013 Trafficking in Persons Report - Bangladesh, 19 June 2013, available at: <http://www.refworld.org/docid/51c2f3d818.html> Accessed 25 July 2013

<sup>480</sup> United States Department of State, 2013 Trafficking in Persons Report - Bangladesh, 19 June 2013, available at: <http://www.refworld.org/docid/51c2f3d818.html> Accessed 25 July 2013

<sup>481</sup> Ibid

'The Bangladeshi government made few efforts to prevent trafficking during the reporting period. The government also sustained policies that permitted the forced labor of Bangladeshi migrant workers abroad to continue. ... Many government ministries, in partnership with civil society organizations, continued to raise awareness of human trafficking to government officials and vulnerable populations. ... The Home Secretary continued to chair the inter-ministerial anti-trafficking committee meetings, which met regularly, and the Ministry of Home Affairs (MHA) continued to work with civil society groups through a bimonthly counter-trafficking coordination committee. ... Bangladesh is not a party to the 2000 UN TIP Protocol.'<sup>482</sup>

See Section 23: [Women: Violence against women](#) and Section 24: [Children: Violence against children](#)

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## 26. Medical issues

### Basic indicators

26.01 According to the World Health Organisation (WHO) 'country statistics' section for Bangladesh, updated in May 2013:

- Life expectancy at birth, as of 2011, was 70 years for both males and females – this had increased from 55 years in 1990 and 63 years in 2006;
- The maternal mortality ratio (per 100,000) live births was 240 in 2011, higher than a regional average of 200;
- Only 31 per cent of births were attended by skilled health personnel and 26 per cent of mothers had received antenatal care (4+visits);
- The prevalence (per 100.000 population) of tuberculosis was 411 (regional average 271), HIV 5.1 (regional ave.189) and malaria 397 (regional ave.1773).
- There are an average of 3.6 physicians per 10,000 population (regional ave. 5.5);
- Per capita health expenditure in Bangladesh was approximately US \$25 in 2011, somewhat lower than a regional average of over \$60.<sup>483</sup>

Note: The World Bank database has different estimates for certain of the above indicators: <http://data.worldbank.org/indicator>

26.02 The 2011 Bangladesh Demographic and Health Survey (BDHS 2011 survey) conducted under the authority of the National Institute of Population Research and Training (NIPORT) of the Ministry of Health and Family Welfare, showed that:

<sup>482</sup> United States Department of State, 2013 Trafficking in Persons Report - Bangladesh, 19 June 2013, available at: <http://www.refworld.org/docid/51c2f3d818.html> Accessed 25 July 2013

<sup>483</sup> World Health Organisation, Bangladesh Health Profile, updated May 2013 <http://www.who.int/entity/gho/countries/bgd.pdf> Accessed 9 July 2013



- Access to an improved source of drinking water, i.e. a source that is protected from outside contamination, is almost universal (99 per cent) in Bangladesh . (p11) (See 'Arsenic poisoning' below)
- The proportion of households with no toilet facilities declined from 8 per cent in 2007 to 5 per cent in 2011. One third of households have an improved toilet facility that is not shared with other households. (p11)
- 'Overall, 65 percent of ever-married women age 15-49 live in a food secure environment. However, only 35 percent of women in the lowest wealth quintile are food secure compared with 90 percent of women in the highest wealth quintile ... Twenty-four percent of ever-married women age 15-49 are undernourished' (p161)
- 'Forty-one percent of children under age 5 are stunted, 16 percent are wasted, and 36 percent are underweight ... Fifty-one percent of children age 6-59 months are anaemic, 29 percent are mildly anaemic, 21 percent are moderately anaemic, and less than 1 percent are severely anaemic.' (p161).<sup>484</sup>

See also Section 24: [Children: Health and welfare](#) and Section 23: [Women: Health issues](#)

## Overview of health care and availability of treatment and medicines

26.03 The World Health Organisation (WHO) Regional Office for South East Asia observed on its webpage 'Health System in Bangladesh', undated, accessed in July 2013:

'The country has made important gains in providing primary health care and most of the health indicators show steady gains and the health status of the population has improved. Health services are provided both through public and private sectors. The public sector is largely used for out-patient, in-patient and preventive care, while the private sector is used largely for outpatient and in-patient curative care.

'The present government has taken steps to revitalize [primary health care] services by making the community clinics operational ... A quick assessment of the community clinics, supported by WHO in 2009, showed that with the expansion of the health-care facilities to the peripheral level the distribution of health-care inputs and their utilization became more equitable and the utilization rate of these facilities was almost universal.

'In the public sector, Upazila health complexes, and district hospitals, are providing curative care at primary and secondary levels respectively. Tertiary- level curative care is mostly provided at national and divisional levels through large hospitals affiliated with medical teaching institutions. While curative, preventive, promotive and rehabilitative services are rendered by public sector facilities and institutions, the private sector facilities, now gradually taking a big share of services at all levels, are mostly providing for-profit curative services.

'In spite of availability of all those services at different levels, utilization of the services by the population is comparatively low. Improvement of the access of the population to quality services and increase responsiveness of the service delivery system to the

<sup>484</sup> Bangladesh Demographic and Health Survey 2011. National Institute of Population Research and Training (NIPORT), published January 2013  
[http://www.aidsdatahub.org/dmdocuments/Bangladesh\\_DHS\\_2011.pdf](http://www.aidsdatahub.org/dmdocuments/Bangladesh_DHS_2011.pdf) Accessed 9 July 2013

needs and demands of the population is a difficult challenge to be addressed by the government.<sup>485</sup>

See also Section 26: [Mental health](#)

26.04 The WHO further noted in its 'Health System in Bangladesh' assessment:

'There are 59 medical colleges (41 of them are private), 13 nursing colleges (7 of them are private), 69 nursing institutes (22 of them are private), 17 medical assistant training schools (10 of them are private), and 16 institute[s] of health technology (13 of them are private). In spite of this growth to health workforce production, the country is still having health workforce shortage and geographical imbalances. The World Health Report 2006 identified Bangladesh among 57 countries with a serious shortage of doctors, paramedics, nurses and midwives.

'The nurse–doctor and medical technologist–doctor ratios are among the poorest in the world. While the majority of people live in rural areas, the majority of health professionals work in urban areas.

'Enhancing access of the common people to essential quality medicines has been one of the priorities of the government. With support from the government a big pharmaceutical industry is there to manufacture drugs for the local consumption as well for exporting in other countries of the world. Currently, the local production meets about 97% of the overall local demand for drugs and 100% of that for the essential drugs.'<sup>486</sup>

26.05 The Bangladesh Government stated in a submission to the UN Human Rights Council in February 2013:

'The Government has so far launched 13,000 community clinics, each with a catchments area of 6,000 people ... Bangladesh has developed a...health and family planning infrastructure network at the grass root level with 3,500 Union Health and Family Welfare Centre and 407 Maternal Child Health-Family Planning units operating in the upazilla Health Complexes. During 2009–12, the [Government] upgraded 2,722 upazilla Health Complexes, and appointed 5,700 physicians, enhancing the doctor-patient ratio.'<sup>487</sup>

26.06 The [Health Bulletin 2012 \(Chapter 5\)](#), published on the website of the Bangladesh Directorate General of Health Services, provided a detailed listing of secondary and tertiary medical facilities in Bangladesh.<sup>488</sup> At the following link is an overview of

<sup>485</sup> World Health Organisation (WHO) Regional Office for South East Asia, 'Health System in Bangladesh', undated accessed in July 2013 <http://www.ban.searo.who.int/EN/Section25.htm> Accessed 9 July 2013

<sup>486</sup> | World Health Organisation (WHO) Regional Office for South East Asia, 'Health System in Bangladesh', undated accessed in July 2013 <http://www.ban.searo.who.int/EN/Section25.htm> Accessed 9 July 2013

<sup>487</sup> UN Human Rights Council, 'National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21': [Universal Periodic Review] : Bangladesh , 7 February 2013, A/HRC/WG.6/16/BGD/1: <http://www.refworld.org/docid/51e7ccc84.html> Accessed 23 July 2013

<sup>488</sup> Directorate General of Health Services, Health Bulletin 2012 (Chapter 5), [http://dghs.gov.bd/bn/licts\\_file/images/Health\\_Bulletin/HB2012\\_CH/HB2012\\_CH5\\_Senondary-tertiary-HCare.pdf](http://dghs.gov.bd/bn/licts_file/images/Health_Bulletin/HB2012_CH/HB2012_CH5_Senondary-tertiary-HCare.pdf) Accessed 4 July 2013

treatment facilities at the Apollo Hospitals in Dhaka, a privately run hospital complex: [http://www.apollodhaka.com/all\\_centres\\_departments.php](http://www.apollodhaka.com/all_centres_departments.php).<sup>489</sup>

See also Section 23: [Women: Health issues](#) and Section 24: [Children: Health and nutrition](#)

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## Cholera

26.07 Banglapedia, in the entry on cholera, accessed 1 August 2012, stated:

‘In the Gangetic delta of which Bangladesh is a part, cholera has been known to wreck havoc, and to wipe out villages after villages killing men, women and children by the thousands ... It is a self-limiting disease lasting for three to six days and other than rehydration no drug therapy is usually necessary, although use of antibiotics such as tetracycline may shorten the duration of cholera.

‘Bangladesh has to its credit several pioneering contributions towards scientific understanding of the disease, including development of oral rehydration therapy (ORT) to correct fluid loss by the administration of oral rehydration solution (ORS) instead of intra-venous fluid injection, and development of anti-cholera vaccines and diagnostic tools.’<sup>490</sup>

26.08 Tetracycline and doxycycline, both of which may reduce the duration of cholera-related symptoms, are available in the country. (Bddrugs.com, July 2013)<sup>491</sup>

## Diabetes

26.09 The Diabetic Association of Bangladesh (BADAS) ‘provides secondary and tertiary care to a large number of diabetic patients in the form of general and specialized physician services, diagnostic intervention and from basic to highly advanced surgical interventions.’ In 2011-2012, 8,853,587 laboratory tests and 343,518 radiology & imaging interventions were carried out by BADAS institutions and projects.<sup>492</sup>

26.10 BIRDEM (the Bangladesh Institute of Research and Rehabilitation in Diabetes, Endocrine and Metabolic Disorders), which is affiliated to the Diabetic Association of Bangladesh, is said to have ‘the largest diabetic out-patient turnover in the world under a single roof.’ It also has a 700 bed in-patient hospital which treats diabetes-related illnesses as well as a wide range of other medical conditions.<sup>493</sup>

<sup>489</sup> Apollo Hospitals: All Centres and Departments, undated [http://www.apollodhaka.com/all\\_centres\\_departments.php](http://www.apollodhaka.com/all_centres_departments.php) Accessed 4 July 2013

<sup>490</sup> Banglapedia: National Encyclopedia of Bangladesh, ‘Cholera’, undated [http://www.banglapedia.org/HT/C\\_0223.HTM](http://www.banglapedia.org/HT/C_0223.HTM) Accessed 1 August 2012

<sup>491</sup> BDDrugs.com <http://www.bddrugs.com/product1.php> Accessed 4 July 2013

<sup>492</sup> Diabetic Association of Bangladesh, Secondary & Tertiary Health Care, undated [http://www.dab-bd.org/secondary\\_health\\_care.php](http://www.dab-bd.org/secondary_health_care.php) Accessed 4 July 2013

<sup>493</sup> Diabetic Association of Bangladesh: BIRDEM, undated <http://www.dab-bd.org/birdem.php> Accessed 4 July 2013

- 26.11 BDdrugs.com, an online medicines index, shows that a broad range of insulins and oral hypoglycemic drugs are available in Bangladesh.<sup>494</sup>

## HIV/AIDS

### Prevalence and national response

- 26.12 The United Nations General Assembly Special Session on HIV/AIDS, in the 'UNGASS Country Progress Report' for Bangladesh dated 4 April 2012 (UNGASS 2012 report), stated:

'The prevalence of HIV in Bangladesh is less than 0.1% in the general population and has remained less than 1% over the years, whether the total population is considered or when segregated for the most at risk and bridge populations ... According to the latest Serological Surveillance (Round 9, 2011) of Bangladesh, the [aggregated] HIV prevalence among PWUD [people who use drugs], Female Sex Workers, MSW [male sex workers], MSM [men who have sex with men] and Hijras was 0.7%.' (p6)

'On December 1, 2011, on the occasion of World AIDS Day, the National AIDS/STD Program (NASP) had confirmed a total of 2,533 HIV cases reported in Bangladesh, of which 445 cases identified were new. In 2011, 251 persons had developed AIDS and a total of 84 deaths were reported. Cumulatively 1,101 people had developed AIDS in the country [to date] and 325 had died.' (p24)

'Historically Bangladesh has been active in combating HIV and AIDS as evidenced from formation of administrative and technical bodies, even before the identification of the first AIDS case. Bangladesh was the first country in the region to adopt a comprehensive national policy on HIV-AIDS and STDs (in 1997), Government in collaboration with NGOs and Self-help Groups has been instrumental in supporting various prevention, care, treatment and support activities. The national HIV program has been progressively scaled up in its quality and coverage in recent years and gender, equity, non-discrimination, human rights and fundamental freedom were addressed as cross-cutting issues in all programs to comply with UNGASS DoC and the Political Declaration on HIV/AIDS.' (p31)<sup>495</sup>

### Access to treatment and welfare services

- 26.13 The UNGASS 2012 report noted that, in 2010-2011, an estimated 37.7 percent of MSW and 9.3 per cent of all MSM had received an HIV test 'in the past 12 months' and knew the results.' (p41)<sup>496</sup>

- 26.14 It was noted in the UNGASS Country Progress Report published in March 2010:

'The first voluntary counselling and testing (VCT) centre in Bangladesh was set up in 2002 and by 2009 numbers have gone up to about 105. The quality and range of services vary – only a few centres have professionally trained counsellors, physicians to offer medical examinations when other STIs [sexually transmitted infections] are suspected, gold-standard HIV test and laboratory procedures, quality assurance and

<sup>494</sup> BDdrugs.com, 'Pharma product', undated <http://www.bddrugs.com/product1.php> Accessed 4 July 2013

<sup>495</sup> UN Assembly Special Session on HIV/AIDS, UNGASS Country Progress Report: Bangladesh, submitted 4 April 2012 [http://www.aidsdatahub.org/dmdocuments/UNGASS\\_2012\\_Bangladesh\\_Narrative\\_Report.pdf](http://www.aidsdatahub.org/dmdocuments/UNGASS_2012_Bangladesh_Narrative_Report.pdf) Accessed 5 July 2013

<sup>496</sup> Ibid

validation of HIV test results etc. Outside Dhaka, to obtain test results can take up to a week in some centres. Post test counselling for people who test positive also includes referral to People Living with HIV (PLHIV) support groups. In recent years, PLHIV peer support groups have expanded to well over 500 members. They provide counselling, home visits, referrals and free treatment for opportunistic infections, advice and information on positive living and advocacy and communication with the general public to reduce stigma and discrimination. On experience of stigma and discrimination, there are numerous reports of denial of treatment to high risk individuals by the health care providers. Only a few facilities in Bangladesh (mostly in Dhaka) are able to treat HIV-related infections or provide ART [anti-retroviral therapy].<sup>497</sup>

- 26.15 The Bandhu Social Welfare Society (BSWS) was established in 1997 with international funding, to provide sexual health services to the gay community and to campaign for greater openness and legitimacy for this community. The society, which is run according to a model developed by the international Naz Foundation, has more than 220 staff members based in six cities. Field services include an outreach programme, education on safe sex, condom distribution and referrals to clinics for sexually transmitted diseases. The society set up a clinic in Dhaka in April 1998. By June 2003, 21,593 people had accessed the clinic's services, either to obtain treatment for sexually transmitted diseases, or for psychological services, or for general health services.<sup>498</sup> According to the organisation's website, accessed in July 2013, BSWS provides social and health services in 21 districts of Bangladesh and has a telephone counselling line.<sup>499</sup>

## Anti-retroviral therapy

- 26.16 The UNGASS 2012 report stated:

'Currently 681 HIV positive persons are receiving ART [anti-retroviral therapy] from 5 ART centers in Bangladesh – all of which are run by civil society organizations. Three ART centers are situated in the capital city, one is in the port city and one is in the city recorded to have high external migration. Most of the ART centers provide holistic services including VCT, nutrition support, treatment for TB co-infection, etc. Of the 681 persons 415 are male and 266 are female.

'On the indicator – percentage of eligible adults and children currently receiving antiretroviral therapy, the current ART coverage has been maintained at 45% ... About 84.2% of adults and children with HIV are known to be on treatment 12 months after initiation of antiretroviral therapy. Of them 82.6% are male and 87.3% are female. This is a slight decrease from 90.1% in the 2010 UNGASS report. Out of 424 persons

<sup>497</sup> UN Assembly Special Session on HIV/AIDS, UNGASS Country Progress Report: Bangladesh, submitted 30 March 2010 [http://data.unaids.org/pub/Report/2010/bangladesh\\_2010\\_country\\_progress\\_report\\_en.pdf](http://data.unaids.org/pub/Report/2010/bangladesh_2010_country_progress_report_en.pdf) Accessed 31 August 2012

<sup>498</sup> UNAIDS, 'HIV and Men who have Sex with Men in Asia and the Pacific', September 2006 (pages 29-35) <http://www.aidsdatahub.org/en/reference-librarycols2/item/24192-ungass-country-progress-report-bangladesh-national-aids-std-programme-bangladesh-2012>

Accessed 5 July 2013

<sup>499</sup> Bandhu Social Welfare Society, 'About – Origins', undated <http://www.bandhu-bd.org/origin.html> Accessed 5 July 2013

initiating, 357 had continued for 12 months. Of the 67 who had discontinued – 46 had died, 9 had stopped therapy and 12 were lost to follow-up or transferred.’ (p45)<sup>500</sup>

See Section 21: [Lesbian, gay, bisexual and transgender persons](#) and Section 13: [Prison conditions](#)

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## Kidney dialysis

26.17 The National Kidney Foundation of Bangladesh operates a hospital in Dhaka with 32 dialysis machines. It claims to offer both acetate and bicarbonate dialysis at a lower cost than private dialysis centres.<sup>501</sup> The same hospital carries out kidney transplantations; from September 2006 to October 2012 it performed 230 renal transplantations.<sup>502</sup> The hospital has laboratory diagnostic facilities.<sup>503</sup>

26.18 There is also a haemodialysis centre at the Noorjahan Hospital in Sylhet.<sup>504</sup>

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## Malaria

26.19 The Millennium Development Goals (MDG) Progress Report for 2011, published by the Bangladesh Ministry of Planning in 2012, noted that ‘malaria is now a localised disease...in 13 districts of eastern and northern parts of the country ... The three Chittagong Hill Tracts districts of Bandarban, Khagrachari and Rangamati] account for 80 per cent of the total burden of malaria in Bangladesh.’ The MDG Progress Report stated that ‘The country has been implementing malaria control and has achieved remarkable success in terms of reduction in number of cases and deaths. Early diagnosis and prompt treatment through doorstep facilities...has proved to be effective. Use of insecticide treated bed nets has supplemented the effort.’<sup>505</sup> According to an article in the Dhaka Tribune of 23 April 2013, in Bangladesh ‘The number of deaths due to malaria came down to 11 in 2012 compared to 154 in 2008, data shows.’<sup>506</sup>

<sup>500</sup> UN Assembly Special Session on HIV/AIDS, UNGASS Country Progress Report: Bangladesh, submitted 4 April 2012 [http://www.aidsdatahub.org/dmdocuments/UNGASS\\_2012\\_Bangladesh\\_Narrative\\_Report.pdf](http://www.aidsdatahub.org/dmdocuments/UNGASS_2012_Bangladesh_Narrative_Report.pdf) Accessed 5 July 2013

<sup>501</sup> National Kidney Foundation of Bangladesh: ‘Dialysis Facilities at Kidney Foundation Hospital’, undated [http://www.kidneyfoundationbd.com/?page\\_id=270](http://www.kidneyfoundationbd.com/?page_id=270) Accessed 4 July 2013

<sup>502</sup> National Kidney Foundation of Bangladesh: ‘Transplantation Facility at Kidney Foundation Hospital’, undated [http://www.kidneyfoundationbd.com/?page\\_id=272](http://www.kidneyfoundationbd.com/?page_id=272) Accessed 4 July 2013

<sup>503</sup> National Kidney Foundation of Bangladesh: ‘Laboratory facilities of Kidney Foundation Hospital’ [http://www.kidneyfoundationbd.com/?page\\_id=275](http://www.kidneyfoundationbd.com/?page_id=275) Accessed 4 July 2013

<sup>504</sup> Noorjahan Hospital, ‘About us’, undated [http://www.noorjahanhospital.com/index.php?option=com\\_content&view=article&id=64&Itemid=80](http://www.noorjahanhospital.com/index.php?option=com_content&view=article&id=64&Itemid=80) Accessed 4 July 2013

<sup>505</sup> Bangladesh Ministry of Planning, Millennium Development Goals Progress Report for 2011, February 2012 <http://www.un-bd.org/pub/MDG%20Progress%20Report%202011.pdf> (page 68) Accessed 29 May 2013

<sup>506</sup> Dhaka Tribune, ‘Malaria treatment in community clinics by June’, 23 April 2013 <http://www.dhakatribune.com/bangladesh/2013/apr/23/malaria-treatment-community-clinics-june> Accessed 5 July 2013

- 26.20 Further information on the treatment of malaria in Bangladesh appears on the WHO website at [www.who.int/malaria/publications/country-profiles/profile\\_bgd\\_en.pdf](http://www.who.int/malaria/publications/country-profiles/profile_bgd_en.pdf)<sup>507</sup>

## Pneumonia and other acute respiratory infections

- 26.21 The International Centre for Diarrhoeal Disease Research, Bangladesh (icddr,b) noted on their website, accessed in July 2013, that 'Acute lower respiratory infection (ALRI), primarily pneumonia, is a leading cause of morbidity and mortality among children, aged less than 5 years, in Bangladesh. About 25% of all deaths of children aged less than 5 years and about 40% of deaths of infants in Bangladesh are associated with pneumonia.'<sup>508</sup>

See also Section 24: [Children: Health and nutrition](#)

- 26.22 According to an article on the ICDDR,B website, accessed in July 2013, 'The ICDDR,B Dhaka Hospital provides free treatment for...pneumonia... to the most vulnerable segments of society.'<sup>509</sup> The website [BDdrugs.com](http://BDdrugs.com) shows the availability of medicines in Bangladesh for the treatment of various types of respiratory infection<sup>510</sup>:

## Mental health

- 26.23 The World Health Organisation [Mental Health Atlas for 2011](#) provides an overview of mental health care facilities in Bangladesh.<sup>511</sup>

- 26.24 The WHO Assessment Instrument for Mental health Systems (WHO-AIMS) stated in a 2007 report on Bangladesh:

'There is no specific mental health authority in the country. There are 50 outpatient mental health facilities and no facility provides follow-up care in the community ... There are 31 community-based psychiatric inpatient units for a total of 0.58 beds per 100,000 population and on average patients spend 29 days in the facility per discharge. There are 11 community residential facilities in the country and 55% of the beds in these facilities are for children and adolescents and 81% of admitted patients are female and 73% of them are children. There is one 500 bedded mental hospital in the country and on average patients spend 137 days in the hospital. There are 15 beds for mentally disordered people in forensic inpatient units and 3900 beds in other residential facilities such as homes for persons with mental retardation, detoxification inpatient facilities, homes for the destitute, etc. The density of psychiatric beds in or around Dhaka, the largest city, is 5 times greater than the density of beds in the entire country.

'A list of essential medicines is present in the country including antipsychotics, anxiolytics, antidepressants, mood stabilizers and antiepileptic drugs.'<sup>512</sup>

<sup>507</sup> World Health Organisation, World Malaria Report 2012: Bangladesh [www.who.int/malaria/publications/country-profiles/profile\\_bgd\\_en.pdf](http://www.who.int/malaria/publications/country-profiles/profile_bgd_en.pdf) Accessed 9 July 2013

<sup>508</sup> International Centre for Diarrhoeal Disease Research, Bangladesh (ICDDR,B), 'Acute Respiratory Infections', undated <http://www.icddr.org/how-we-do-it/laboratory-sciences/acute-respiratory-infections> Accessed 5 July 2013

<sup>509</sup> International Centre for Diarrhoeal Disease Research, Bangladesh (ICDDR,B), 'The Dhaka Hospital copes with over 500 patients a day', undated <http://www.icddr.org/media-centre/news/3921-the-dhaka-hospital-cope-with-over-500-patients-a-day> Accessed 5 July 2013

<sup>510</sup> BD drugs.com, Respiratory system drugs <http://www.bddrugs.com/product2.php?idn=3> Accessed 5 July 2013

<sup>511</sup> World Health Organization: Department of Mental Health and Substance Abuse, Mental Health Atlas 2011 [http://www.who.int/mental\\_health/evidence/atlas/profiles/bgd\\_mh\\_profile.pdf](http://www.who.int/mental_health/evidence/atlas/profiles/bgd_mh_profile.pdf) Accessed 7 July 2013

26.25 An article published by IRIN News on 1 August 2011 stated:

‘Facilities and resources needed to treat the nearly 14.5 million adults with mental disorders in Bangladesh, as well as nearly 20 percent of children aged 12-17, are inadequate, health workers say.

‘“If you look at the total amount of expenditure for the mental health system, you understand that successive governments showed their negligence towards mental health,” Golam Rabbani, chief researcher on a recent survey by the National Institute of Mental Health, published in June 2011, and one of just 134 psychiatrists in the country, told IRIN ... The survey focused on the growing issue of mental health in children and found mental illness is more common among children in rural areas than in cities. As many as 17.5 percent of rural children have a mental illness, compared to 14.3 of city children, it said.

‘The predominant affliction is depression and the main obstacle is stigma, explained Omar Rahman, a psychiatrist in Bangladesh and also an associate professor of epidemiology and demography at Harvard University ... “People do not consider mental health as a disease like other diseases. Moreover, people with mental disorders do not go to hospitals as they think it will hamper their social dignity,” Rahman said.

‘“The number of human resources is completely insufficient for the huge population in Bangladesh. The human resources have to be increased to reduce the treatment gap,” Rahman said. Currently there is less than one psychiatrist for every one million Bangladeshis.’<sup>513</sup>

26.26 The USSD 2012 report recorded:

‘Government facilities for treating persons with mental disabilities were inadequate. The Ministry of Health established child development centers in all public medical colleges to assess neurological disabilities ... The government also promoted autism research and awareness.

‘The law excludes children with “mental deficiency” from compulsory public education.

‘The law provides inadequate safeguards against involuntary institutionalization and minimal oversight of guardians and caregivers.

‘In March [2012] the high court ruled that persons with disabilities could take the Bangladesh Civil Service examinations. Persons with disabilities had previously been barred from applying for civil or judicial service positions.’<sup>514</sup>

## Arsenic poisoning

<sup>512</sup> WHO, Ministry of Health and Family Welfare, 2007, WHO-AIMS Report on Mental Health System in Bangladesh’, 2007 [http://www.who.int/entity/mental\\_health/bangladesh\\_who\\_aims\\_report.pdf](http://www.who.int/entity/mental_health/bangladesh_who_aims_report.pdf) Accessed 4 July 2013

<sup>513</sup> IRIN News Asia, ‘Bangladesh: Treatment gap for mental health problems’. 1 August 2011 <http://www.irinnews.org/report/93357/bangladesh-treatment-gap-for-mental-health-problems> Accessed 4 July 2013

<sup>514</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> Accessed 23 May 2013



26.27 A BBC report of June 2010, 'Bangladesh: 77m poisoned by arsenic in drinking water, noted:

'Up to 77 million people in Bangladesh have been exposed to toxic levels of arsenic from drinking water in recent decades, according to a Lancet study. The research assessed nearly 12,000 people in a district of the capital Dhaka for over a period of 10 years. More than 20% of deaths among those assessed were caused by the naturally occurring poisonous element, it found ... Scientists say even small amounts of arsenic over a long period can cause cancer of the bladder, kidney, lung or skin. Bangladesh was chosen for the study because nearly 90% of the population uses groundwater as its primary source of fresh water.'<sup>515</sup>

26.28 According to the 2012 Health Bulletin from the Directorate General of Health Services, 56,758 people had, by 2010, been diagnosed with arsenicosis (arsenic poisoning). By 2011 the government had distributed 550 water testing kits and antioxidants and ferrous sulphate tablets to 'arsenic-prone upazilas'.<sup>516</sup> A map on the website of the British Geological Survey ('[Arsenic contamination of groundwater in Bangladesh](#)') showed the areas of greatest contamination.<sup>517</sup>

See also Key statistics at [UNICEF: Arsenic Mitigation in Bangladesh](#)

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## 27. Freedom of movement

27.01 The US State Department Country Report on Human Rights Practices for 2012, released on 19 April 2013, stated that 'The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice, except in two sensitive areas, the CHT and Cox's Bazar.' The report added that 'Passport holders do not require exit permits or visas to leave the country. There were no special controls on women or minorities.'<sup>518</sup>

See Section 31: [Exit and return](#).

27.02 The US Committee for Refugees and Immigrants (USCRI) 'World Refugee Survey 2009', published 17 June 2009, recorded 'The 1972 Constitution reserves its protection of freedom of movement to citizens, while the 1946 Foreigner's Act, without exceptions for refugees, permits the Government to require foreigners to reside in particular places and to impose "any restrictions" on their movements. Bangladesh has no law,

<sup>515</sup> BBC News, 'Bangladesh: 77m poisoned by arsenic in drinking water', 19 June 2010 <http://www.bbc.co.uk/news/10358063> Accessed 21 September 2011

<sup>516</sup> Directorate General of Health Services, Health Bulletin 2012 (Chapter 11), [http://dghs.gov.bd/bn/licts\\_file/images/Health\\_Bulletin/HB2012\\_CH/HB2012\\_CH11\\_Non-Communicable-Diseases.pdf](http://dghs.gov.bd/bn/licts_file/images/Health_Bulletin/HB2012_CH/HB2012_CH11_Non-Communicable-Diseases.pdf)

Accessed 24 July 2013

<sup>517</sup> British Geological Survey, 'Arsenic contamination of groundwater in Bangladesh': Map - 'Distribution of Arsenic (BGS and DHPE, 2001)' <http://www.bgs.ac.uk/arsenic/bangladesh/> Accessed 17 July 2013

<sup>518</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013 (Section 2d)

<http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> Accessed 23 May 2013

regulation, or formal policy regulating the confinement of refugees and asylum seekers; authorities simply do it arbitrarily.<sup>519</sup>

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## Border killings

27.03 The Human Rights Watch (HRW) report “Trigger Happy” Excessive Use of Force by Indian Troops at the Bangladesh Border, 9 December 2010, reported that:

‘Over the past decade, hundreds of Bangladeshi and Indian nationals have been killed by India’s Border Security Force (BSF), but despite numerous complaints no member of the BSF has been arrested, much less held to account in civilian courts. The porous 2,000 kilometer border between the Indian state of West Bengal and Bangladesh is densely populated by farmers and landless peasants. Poor irrigation and continuous river erosion has destroyed farms and livelihoods and entrenched poverty. As a result, smuggling of cattle, narcotics, and human trafficking is on the rise. Both Bangladesh and India have deployed border guards to prevent these activities. Abuses by the BSF and the Bangladeshi border force, the Bangladesh Rifles, are common. However, the BSF is more regularly responsible for serious violations of international law, including torture and the indiscriminate use of lethal force.’<sup>520</sup>

27.04 The HRW World Report 2011, published on 24 January 2011, stated that:

‘According to Odhikar, a Bangladesh human rights monitoring group, at least 930 Bangladeshi nationals were killed by India’s Border Security Force between the year 2000 and September of 2010. A number of Indian nationals have also been killed by Indian forces deployed at the border.

‘Acute poverty and unemployment prompts millions of Bangladeshi nationals to cross the border into India in search of jobs and commerce. While some of those killed are engaged in smuggling goods and contraband, Indian border forces systematically use lethal force without justification. Bangladeshi authorities have repeatedly complained about killings of Bangladeshis, as have human rights groups in both countries. Bangladeshi Home Minister Sahara Khatun in May 2010 said that she would again ask officials in New Delhi, India’s capital, to stop these incidents. Indian authorities declared that their forces have been instructed to exercise restraint, but there was little sign of progress in ending violations during 2010.’<sup>521</sup>

27.05 Human Rights Watch, in a report, India: Abuses by Border Force Increasing: Broken Pledges by India to End Killings, Torture at Bangladeshi Border, dated 11 June 2012, reported that:

‘Despite assurances to the Bangladesh government and public orders to exercise restraint and end unlawful killings and attacks on suspected smugglers, evidence

<sup>519</sup> US Committee for Refugees and Immigrants (USCRI), ‘ World Refugee Survey 2009: Published 17 June 2009 <http://www.unhcr.org/cgi-bin/txis/vtx/refworld/rwmain?page=printdoc&docid=4a40d29f7f> Accessed 17 June 2009

<sup>520</sup> Human Rights Watch, “Trigger Happy” Excessive Use of Force by Indian Troops at the Bangladesh Border, December 2010 (Back cover) <http://www.hrw.org/sites/default/files/reports/bangladesh1210Web.pdf> Accessed 24 July 2013

<sup>521</sup> World Report 2011: Bangladesh (Events of 2010): 24 January 2011 [http://www.hrw.org/sites/default/files/related\\_material/bangladesh\\_2.pdf](http://www.hrw.org/sites/default/files/related_material/bangladesh_2.pdf) Accessed 22 July 2013

documented and published by Indian and Bangladeshi nongovernmental organizations suggest that the BSF is once again committing abuses including extrajudicial killings, torture, and ill-treatment of both Indian and Bangladeshi border residents. ... Large numbers of killings and other abuses have been reported in 2012. Odhikar, a Dhaka-based nongovernmental organization, has documented as many as 13 killings by the BSF since January 2012. Kolkata-based nongovernmental organization Banglar Manabadhikar Suraksha Mancha (MASUM), has documented five other killings during the same time period, based on statements from witnesses and families of victims.’<sup>522</sup>

- 27.06 Progress Bangladesh, in an article, ‘BSF Killings, the culture of impunity continues’, dated 3 June 2013, stated that:

‘In the year 2012, from January to November, 36 people were killed at the Indo-Bangladesh border, 34 of them by BSF, while 98 people were subject to injuries stemming from torture or bullet wounds, 90 of the cases being perpetrated by the BSF. A total of 64 abductions took place in the same period. From the year 2000 to 2012, the grand total summed up by Odhikar amounted to a total of 1047 people killed at the India-Bangladesh border, of which 967 was attributed to the BSF.

‘According to information documented by Odhikar from May 1-31, several incidents of human rights violations of Bangladeshi citizens were committed by the Indian Border Security Force (BSF) in May 2013. During this period, three Bangladeshis were killed and 10 were injured by the BSF along the border. Among the 10 injured persons, two were tortured and eight were shot. Furthermore, 10 Bangladeshi citizens were also abducted by the BSF.’<sup>523</sup>

- 27.07 In an article from bdnews24.com, BSF pays up for border killing, dated 14 July 2013, it was reported that:

‘In an unprecedented move, the Indian border force has paid Tk 500,000 in compensation to the family of a Bangladeshi citizen killed by the BSF in 2010. The cheque was handed over to Shah Alam’s wife Beauty Khatun on Sunday. Alam, a cattle trader, was shot dead along the Mirganj and Singparha border in Rajshahi on Nov 9, 2010. Border Guard Bangladesh (BGB) protested against the killing and held several flag meetings. Bangladesh also stepped up diplomatic efforts. As a result of the two-pronged engagement, the Border Security Force (BSF) finally agreed to pay up, BGB Rajshahi Sector Commander Col Sarkar Muhammad Shamsuddin said ... “It is a milestone in the BGB-BSF relations”.’<sup>524</sup>

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<sup>522</sup> Human Rights Watch, India: Abuses by Border Force Increasing: Broken Pledges by India to End Killings, Torture at Bangladeshi Border, 11 June 2012 <http://www.hrw.org/news/2012/06/11/india-abuses-border-force-increasing> Accessed 22 July 2013

<sup>523</sup> Progress Bangladesh, BSF Killings, the culture of impunity continues, 13 June 2013, <http://progressbangladesh.com/bsf-killings-the-culture-of-impunity-continues/#more-> Accessed 24 July 2013

<sup>524</sup> bdnews24.com, BSF pays up for border killing, 14 July 2013 <http://bdnews24.com/bangladesh/2013/07/14/bsf-pays-up-for-border-killing> Accessed 24 July 2013

## 28. Internally displaced persons (IDPs)

28.01 The Internal Displacement Monitoring Centre (IDMC) of the Norwegian Refugee Council, in a report, Bangladesh: Progress on internal displacement response needed, dated 30 December 2011, stated:

'After the emergence of sovereign Bangladesh in 1971, the country's leaders promoted homogenous Bengali nationalism. Groups which challenged that vision were marginalised by legal, political and military means.

'Legal measures, notably the Vested Property Act, served to expel Hindi landowners from their land. The act was a continuation of a Pakistani law passed to take over land owned by Hindus after separation from India in 1947, and was broadly used after the Pakistan-India war in 1965. One study estimated that the government had appropriated the property of 10.5 million Hindu households by 1997; 5.3 million Hindu landowners fled, mainly to the Indian state of West Bengal between 1964 and 1991.

'Political and later military measures were used to assimilate indigenous groups in the Chittagong Hill Tracts (CHT).

'In 1950, 98 percent of CHT's population belonged to 13 ethnic groups'<sup>525</sup>

28.02 The IDMC, in an Overview dated 30 December 2010, of the IDPs situation, stated that:

'Clashes in the Chittagong Hill Tracts (CHT) displaced thousands of people during 2010, despite government pledges to resolve the long-running conflict there. The government's relocation of Bengali settlers to CHT led to conflict between indigenous Jumma militias and army-backed settlers from 1977 to 1997, and wide-spread forced evictions and other human rights violations. At least 90,000 Jumma families and 38,000 settler families were displaced as of 2000. The settlers fled to areas around army camps for safety and assistance, while indigenous people were displaced to more remote areas or into the forests, where they had little access to food and basic services such as health care and schools.

'The conflict formally ended with a 1997 agreement which acknowledged CHT as a "tribal inhabited" region, and envisaged the army's withdrawal and an end to settlement. Indigenous refugees and IDPs were to be registered and entitled to assistance while land disputes were resolved. But the settlement of Bengalis continued, and some 10,000 repatriated Jumma refugees were forced into secondary displacement.

'In 2009 the new government committed to implement the peace accord and provide assistance and reparation to IDPs. It withdrew the army from 35 of the 300 bases in CHT and announced measures to resolve land disputes. However, new clashes triggered more displacement in 2010, and several indigenous villages were reportedly burned down in February and March. ICRC provided emergency assistance to 3,500 people who were forced to flee when their homes were destroyed.'<sup>526</sup>

<sup>525</sup> Internal Displacement Monitoring Centre (IDMC) of the Norwegian Refugee Council, Bangladesh: Progress on internal displacement response needed, 30 December 2011(p3) [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/F39CAF301D47706FC1257976005D4742/\\$file/bangladesh-overview-Dec2011.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/F39CAF301D47706FC1257976005D4742/$file/bangladesh-overview-Dec2011.pdf) Accessed 19 July 2013

<sup>526</sup> Bangladesh : overview, 31 December 2010  
<http://www.internal-displacement.org/publications/global-overview-2010-asia-bangladesh.pdf>  
Date accessed 29 June 2011

28.03 The Internal Displacement Monitoring Centre (iDMC) of the Norwegian Refugee Council, in a report, Bangladesh: Progress on internal displacement response needed, dated 30 December 2011, stated that:

'Twenty years of armed struggle in the Chittagong Hill Tracts (CHT), pitting the armed forces and Bengali settlers against indigenous groups seeking greater autonomy, formally ended in 1997 with the signing of the CHT Peace Accord. The accord granted cultural recognition and a degree of self-government to indigenous groups and foresaw the rehabilitation of internally displaced people (IDPs), but the situation of displaced indigenous people and Bengalis has not been resolved.

'Insecurity continues to generate new displacements. These go largely undocumented because of restrictions on independent reporting, but some sources suggest that tens of thousands of people have been affected. Insecurity is also preventing IDPs from achieving a durable solution to their displacement. Most who are unable to return to their places of origin cite a combination of insecurity and a lack of guarantees for political activity as their main obstacles.'<sup>527</sup>

28.04 The Internal Displacement Monitoring Centre (iDMC) of the Norwegian Refugee Council, Global Overview 2012, Asia-Pacific Overview, 31 December 2012 stated that:

'No recent information was available on the number of people internally displaced as a result of armed conflict and violence in Bangladesh. IDPs are widely dispersed, and the fact that internally displaced Bengalis are not always counted also makes estimating figures difficult. In September 2012, dozens of people were injured and more than 100 houses and shops burned down during communal violence between Bengalis and non-Bengalis in the south-eastern Chittagong Hill Tracts (CHT) region. Around 1,000 non-Bengali families, or 5,000 people, were reported to have been internally displaced.'<sup>528</sup>

See also Section 19: [Hindus](#) and Section 20: [The indigenous Jumma peoples of the Chittagong Hill Tracts](#)

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## 29. Foreign refugees

29.01 The US State Department Country Report on Human Rights Practices for 2012, released on 19 April 2013 (USSD 2012 report), observed:

'The government did not fully cooperate with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

<sup>527</sup> Internal Displacement Monitoring Centre (iDMC) of the Norwegian Refugee Council, Bangladesh: Progress on internal displacement response needed, 30 December 2011(p3) [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/F39CAF301D47706FC1257976005D4742/\\$file/bangladesh-overview-Dect2011.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/F39CAF301D47706FC1257976005D4742/$file/bangladesh-overview-Dect2011.pdf) Accessed 19 July 2013

Ibid (p1)

<sup>528</sup> Internal Displacement Monitoring Centre (iDMC) of the Norwegian Refugee Council (formerly Global IDP Project), Global Overview 2012, Asia-Pacific Overview, 31 December 2012 (p66) <http://www.internal-displacement.org/publications/global-overview-2012-south-southeast-asia.pdf> Accessed 19 July 2013 Accessed 19 July 2013

'The country's laws do not provide for granting asylum or refugee status, and the government has not established a formal system for providing protection to refugees. The government did not issue a review of its refugee policy, which the Ministry of Foreign Affairs stated it would do after suspending all resettlement programs in 2010. The government provided some protection to Rohingya refugees from Burma already resident in the country, but it continued to deny asylum to Rohingya whom it categorized as illegal economic migrants ... During sectarian violence in Burma's northern Rakhine State in June and again in October [2012], the government closed its borders and pushed asylum seekers fleeing attacks back into Burma.

'The Ministry of Foreign Affairs and the Border Guard Bangladesh forcibly returned an estimated 6,163 Rohingya to Burma, where their lives or freedoms may have been threatened. According to the UNHCR, many individuals who were turned back likely were entitled to refugee status and protection. Despite these pushbacks, the border remained porous. The UNHCR, which maintained a field presence in both countries and monitored these trends, acknowledged considerable daily cross-border movement for trade, smuggling, and, after June, illegal migration.

'The UNHCR reported cases of refugee abuse, including rape, assault, domestic abuse, deprivation of food, arbitrary detention, and documentation problems.

'Registered refugees did not have the right to legal recourse through the country's formal legal system, although they were able to take legal complaints to a local camp official, who could mediate disputes. The members of the unregistered population had no legal protection and were sometimes arrested because the government viewed them as illegal economic migrants.<sup>529</sup>

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## Rohingya refugees

29.02 The Danish Immigration Service conducted a fact finding mission to Bangladesh and Thailand in February 2011 and published a report, 'Rohingya refugees in Bangladesh and Thailand', in May 2011. The report stated:

'The Muslim population from the Northern Rakhine State in Burma is known as Rohingya ... In Burma, there are approximately 750,000 stateless Rohingya in Northern Rakhine State.

'At present, some 29,000 [Rohingya] refugees from Northern Rakhine State in Burma... reside in two camps in the south-eastern district of Cox's Bazar in Bangladesh [Nayapara and Kutupalong camps]. They represent the residual population of the 250,000 refugees who arrived in 1991, most of whom subsequently repatriated. In addition, the Government of Bangladesh has estimated that another 200,000 unregistered persons from Burma live in Bangladesh without any legal status, mostly in the villages outside the camps. Their quality of life remains very poor.

'During 2010 there was a wave of intensifying violence and discrimination against Rohingya refugees in Bangladesh, and the refugees were driven out of communities

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<sup>529</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013 (Section 2d)  
<http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204395.htm> Accessed 19 July 2013

and into makeshift camps. According to Human Rights Watch, Bangladeshi authorities did little to prevent this situation.

‘[Rohingya] look like Bangladeshi people from [the Cox’s Bazar area], they speak the same dialect and understand the language although there are some differences. Furthermore they have the same culture and the same religion ... The language is the only salient feature as it differs somehow from Bengali, but the Myanmarese who have stayed for some time in Bangladesh pick up the local language [the Chittagonian dialect of Bangla] ... A well informed diplomatic source said that there is no difference in ethnicity and language between Rohingya and the local Bangladeshi population in the border area. In the North of Bangladesh a Rohingya would “stand out”, but not in the border area.

‘UNHCR (Bangladesh) underlined that around 60% of the [Nayapara and Kutupalong camp] population were born in the camps... There are 21 schools in the camps (11 in Kutupalong and 10 in Nayapara), which provide primary education.

‘[A researcher] explained that the Rohingya normally migrate with their whole family to Bangladesh which is the reason why they are settling in the border area/Cox’s Bazar area. “Had they been individuals, they would probably try to move on.”<sup>530</sup>

#### 29.03 The Danish Immigration Service fact finding report further noted:

‘UNHCR informed that officially the registered Rohingya do not have freedom of movement and the right to work outside the camps but it is known that some of them do go out for work. There are various activities inside the registered camps to maintain livelihood ... IOM, Dhaka similarly informed that officially, it is illegal for the refugees – registered or unregistered – to take up employment outside the camps.

‘[There has] been a growing pressure on the Rohingya from [Bangladesh Government] since late 2009, including questioning their livelihood activities, their competition for jobs at the local labour market and the media has reported regularly of deportations of the undocumented Rohingya (commonly referred to as “push backs” by the local media).<sup>531</sup>

#### 29.04 The USSD 2012 report added:

‘The UNHCR estimated that...220,000 undocumented Rohingya lived in the Cox’s Bazar, Bandarban, and Chittagong districts, while the government estimated that 200,000 to 500,000 undocumented Rohingya resided during the year [2012] in various villages and towns outside the two official refugee camps. Most of these undocumented Rohingya lived among the local population in Teknaf and Ukhyia in Cox’s Bazar district, including approximately 20,000 at an unofficial site adjacent to the official Kutupalong refugee camp and approximately 9,000 at the Leda site.

‘The government and the UNHCR provided temporary protection and basic assistance to 30,000 Rohingya refugees from Burma living in two official camps (Kutupalong and Nayapara) ... Working with the UNHCR, the government continued to improve some aspects of the official refugee camps following findings in recent years that sanitation, nutrition, and shelter conditions had fallen below minimum international standards. Some basic standards remained unmet, and conditions in the camps continued to be

<sup>530</sup> Danish Immigration Service, ‘Fact finding mission to Bangladesh and Thailand, 4 to 17 February 2011’, report dated May 2011 <http://www.refworld.org/docid/4dd0d6f72.html> Accessed 16 July 2013

<sup>531</sup> Ibid

overcrowded, with densities on par with the country's urban slums. On October 2, the UNHCR and the World Food Program released a nutrition survey report that stated the prevalence of malnourished (stunted) and underweight children in refugee camps remained higher than in the rest of the country and was near the emergency threshold levels set by the World Health Organization.

'Neither registered nor unregistered refugees were allowed access to public health care. However, the provision of basic health services by the UNHCR and NGOs meant that registered refugees often received better medical care than citizens in surrounding villages.

'The Rohingya in the country are legally stateless. This group of Rohingya cannot derive citizenship from birth in the country or from marriage with local citizens. The laws do not afford Rohingya any opportunity to gain nationality.'<sup>532</sup>

- 29.05 Humans Right Watch (HRW), in a report, 'Bangladesh: Assist, Protect Rohingya Refugees Humanitarian Aid Desperately Needed; Crisis Situation in Burma Continues', dated 22 August 2012, stated that:

'Since mid-June [2012], Bangladesh authorities have admitted to forcing back at least 1,300 Rohingya trying to flee to Bangladesh, though the actual number is likely substantially higher ... In late July 2012, the Bangladesh government ordered three prominent international aid organizations – Medecins Sans Frontieres (Doctors Without Borders), Action Contre la Faim (Action Against Hunger), and Muslim Aid – to cease providing assistance to Rohingya living in Cox's Bazaar and surrounding areas ... The Bangladesh government contends that the presence of aid groups in Cox's Bazaar encourages Burmese Rohingya to come to Bangladesh, and that it cannot afford to host them.'<sup>533</sup>

- 29.06 The HRW report continued:

'Approximately 30,000 Rohingya who are officially recognized refugees are living in two camps; 40,000 who are unregistered live in a makeshift refugee camp, and the remaining 130,000 live in surrounding areas. All of the settlements are squalid and overcrowded. The conditions for the Rohingya include overcrowding, shortages of food leading to widespread malnourishment among the children, a lack of clean water and sanitation resulting in disease, and restrictions on movement coupled with extortion and human rights abuses. These conditions have created an ongoing humanitarian emergency in the official and unofficial camps, and surrounding areas. Seasoned aid workers have told Human Rights Watch that the conditions in the makeshift camps for Rohingya are among the worst they have seen anywhere in the world.'<sup>534</sup>

- 29.07 According to the Human Rights Watch (HRW) World Report 2013, published in January 2013 and relating to events of 2012:

<sup>532</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013 (Section 2d)

<http://www.state.gov/drl/rls/hrrpt/2012/sca/204395.htm> Accessed 19 July 2013

<sup>533</sup> Human Rights Watch, 'Bangladesh: Assist, Protect Rohingya Refugees Humanitarian Aid Desperately Needed; Crisis Situation in Burma Continues, 22 August 2012 <http://www.hrw.org/news/2012/08/22/bangladesh-assist-protect-rohingya-refugees> Accessed 23 August 2012

<sup>534</sup> Human Rights Watch, 'Bangladesh: Assist, Protect Rohingya Refugees Humanitarian Aid Desperately Needed; Crisis Situation in Burma Continues, 22 August 2012 <http://www.hrw.org/news/2012/08/22/bangladesh-assist-protect-rohingya-refugees> Accessed 23 August 2012



'The government's response to the influx of Rohingya refugees fleeing sectarian violence in Arakan state, Burma, exposed its failure to respect the United Nations Refugee Convention. Bangladesh pushed Rohingyas back at the border, regardless of the risk they faced when they return to Burma, and blocked critical humanitarian assistance.

'The government suspended any third-country resettlement of the Rohingya refugees, arguing it would encourage other Rohingya in Burma to seek refuge in Bangladesh. Government officials labelled Rohingya "intruders" and "criminals," and blamed them for destroying Buddhist temples in mass riots in October, without offering evidence to prove they were responsible.'<sup>535</sup>

- 29.08 The [Danish Immigration Service fact finding report](#) of May 2011 contained further information on the situation of the Rohingya population residing inside and outside of the camps, and the documentation commonly carried by registered and unregistered Rohingya in Bangladesh.

For further background information, see the HRW report: [Rohingya Refugees in Bangladesh: The Search for a Lasting Solution](#) and UNHCR: '[Two camps of thought on helping Rohingya in Bangladesh](#)' and UNHCR: '[The young and the hopeless in Bangladesh's camps](#)'

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## 30. Citizenship and nationality

- 30.01 The Bangladesh [Citizenship \(Temporary Provisions\) Order 1972](#) introduced the citizenship laws after the country's independence. Article 2 of the Order stipulates that anyone who was born in the territories now comprised in Bangladesh (or whose father or grandfather was born in these territories) and who was a permanent resident in these territories on 25 March 1971 and continues to be so resident, will be deemed to be a Bangladeshi citizen. Article 2A provides that a person to whom the above article would have applied, but who is resident in the United Kingdom, shall be deemed to have continued to have been permanently resident in Bangladesh. The Government may notify, in the official Gazette, any person or categories of persons to whom this Article shall not apply. In case of doubt as to whether a person is qualified to be deemed a citizen of Bangladesh under Article 2 of the Order, a decision of the Government will be final.<sup>536</sup>

### Dual nationality

- 30.02 An article in [Bdnews24.com](#), [Of honours from foreign states](#), 2 February 2013, discussed the subject of dual nationality and stated that:

<sup>535</sup> Human Rights Watch, World Report 2013, published 31 January 2013 <http://www.hrw.org/world-report/2013/country-chapters/bangladesh> Accessed 1 June 2013

<sup>536</sup> Legislative and Parliamentary Affairs Division, Ministry of Law, Justice and Parliamentary 'The Bangladesh Citizenship (Temporary Provisions) Order, 1972', Notification published by the Government of the People's Republic of Bangladesh, Ministry of Law and Parliamentary Affairs (Law Division) [http://bdlaws.minlaw.gov.bd/pdf\\_part.php?act\\_name=&vol=&id=423](http://bdlaws.minlaw.gov.bd/pdf_part.php?act_name=&vol=&id=423) Accessed 20 July 2013

'The code of citizenship for Bangladesh is to be found in the Bangladesh Citizenship (Temporary Provisions) Order 1972 (PO 149 of 1972), which came into force on 15 December 1972. This code, being the later law, overrode the earlier Citizenship Act 1951 inherited from Pakistan, although the 1951 law has never expressly been repealed in Bangladesh. Despite the description as "Temporary Provisions", the BCTPO 1972 subsists to this day. ... On 11 February 1978 the BCTPO 1972 was amended, by the insertion of a new Article 2B, to allow any person lawfully to have Bangladeshi citizenship at the same time as citizenship of any country in North America or Europe or of any other country which the Government might gazette for this purpose.'<sup>537</sup>

- 30.03 The 1978 Bangladesh Citizenship (Temporary Provisions) Rules allow for the Government to consider an application for citizenship from an applicant who is a foreign woman and married to a Bangladeshi citizen and has resided in Bangladesh for two years, or from any other applicant who has resided in Bangladesh for a period of five years.<sup>538</sup> Children of Bangladeshi men and, since 2009, Bangladeshi women married to foreigners can claim Bangladeshi citizenship.<sup>539</sup>

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## 31. Exit and return

- 31.01 The US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013, accessed 23 May 2013, stated that:

'The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice, except in two sensitive areas, the CHT and Cox's Bazar. ... Passport holders do not require exit permits or visas to leave the country. There were no special controls on women or minorities. Some senior opposition officials reported extensive delays in getting their passports renewed. The international travel ban continued on war crimes suspects from the 1971 liberation war. The country's passports are invalid for travel to Israel.'<sup>540</sup>

- 31.02 The National Web Portal of Bangladesh, [www.bangladesh.gov.bd](http://www.bangladesh.gov.bd), stated that:

'[The] Government of Bangladesh issues passport to its citizen for traveling abroad. The Department of Immigration and Passports issues passport on demand. Ministry of Home Affairs administers the passport issuing. In general, the duration of validity of passport is 10 years. However the validity of the passport for the minor citizen (less than 5 years) is 5 years. Passport issue and related activities are governed by the Bangladesh Passport Order, 1973, and the Bangladesh Passport Rules, 1974.

'There are three types of passports in Bangladesh issued by the authority. These are – a) International Passport for traveling to any foreign country, b) Special Passport for travel to India only, and c) Diplomatic Passport. One person can apply for the passport

<sup>537</sup> Bdnews24.com, Of honours from foreign states, 2 February 2013, <http://opinion.bdnews24.com/2013/02/02/of-honours-from-foreign-states/> Accessed 26 July 2013

<sup>538</sup> Bangladesh Citizenship (Temporary Provisions) Rules, 1978, Notification published in the Bangladesh Gazette Extraordinary dated (27/7/1978) [http://www.mha.gov.bd/pdf/citizenship\\_rules'78.pdf](http://www.mha.gov.bd/pdf/citizenship_rules'78.pdf) Accessed 21 September 2011

<sup>539</sup> The Daily Star (of Bangladesh) Cabinet okays three laws, 12 February 2009 <http://www.thedailystar.net/story.php?nid=75535> Accessed 17 June 2013

<sup>540</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013. (Section 2d) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204395> Accessed 23 July 2013

with a properly filled up passport application form, and 2 copies of passport sized and one stamp sized photo with usual fee . People have to fill up application form properly and it requires to be attested by an authorized person. The issuing period depends on the applicant's urgency. The applicant may apply for very urgent (requires 72 hours), urgent (requires 11 to 21 days), general (requires 21 to 30 days) or special passport depending on his/her need.

'The passport form is available in free of cost in all regional passport offices and some of the deputy commissioners' offices in Bangladesh and foreign missions abroad. It can also be downloaded from the website of the Ministry of Home Affairs and the Department of Immigration and Passports. The passport offices have one-stop desks to handle with passport modifications or corrections. One can update any information in the passport within a day also. In the mean time GOB has introduced Machine Readable Passport (MRP) as per guideline of the International Civil Aviation Organization (ICAO).'<sup>541</sup>

See Section 27: [Freedom of movement](#)

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## Children

31.03 The Canadian IRB was advised by the Bangladesh High Commission in November 2003 that a woman did not need her husband's consent in order to obtain a passport. A child under the age of 12 would usually be included on their mother's passport but, should there be cause for concern regarding the application, the authorities might request the other parent's consent. There was no official requirement for parental consent for children over the age of 12 who apply for a passport, although children were 'typically accompanied by a parent when filing their application'. Passport applicants were required to provide their birth certificates and, since 2002, the names of both parents had appeared in passports.<sup>542</sup>

See Section 27: [Freedom of movement](#)

31.04 A Canadian IRB paper of 26 August 2010 quoted an official at the Canadian High Commission in Bangladesh who stated that:

“[t]he only document required for a Bangladeshi parent who wishes to travel abroad with their minor child is a passport issued by the Department of Immigration & Passports (DIP), Dhaka”

'The Official provided the following information about the procedures followed by a parent wishing to travel abroad with a minor child since the introduction of machine-readable passports in May 2010:

'In the case of the new machine-readable passport (MRP) issued from May 2010, the minor child needs to have his/her own passport separate from the parent's passport. A

<sup>541</sup> The National Web Portal of Bangladesh, Passports, undated  
[http://www.bangladesh.gov.bd/index.php?Itemid=27&id=141&option=com\\_content&task=category#imp\\_links](http://www.bangladesh.gov.bd/index.php?Itemid=27&id=141&option=com_content&task=category#imp_links)  
Accessed 26 July 2013

<sup>542</sup> Immigration and Refugee Board of Canada, Bangladesh: Whether a man is required to give his consent when a passport is requested by his wife or child, 11 November 2003, BGD42162.E, available at:  
<http://www.refworld.org/docid/403dd1e314.html> Accessed 31 July 2013

minor child under 15 is eligible to apply for a passport that can be used to travel overseas, but it will be only issued if the application form is endorsed by the guardian of the child (usually one of the parents). A signature from the guardian implies permission for the minor child to travel. Two copies of the application form with attested photographs of the child, father and mother (the passport will only have the photograph of the applicant, but the father and mother's photographs were included for office records) and relevant fees (Taka 5,000 or C\$73 for very urgent, Taka, 3000 or C\$45 for urgent and Taka 2,000 or C\$29.5 for normal delivery) have to be submitted to the DIP Dhaka or other regional offices.

'Each application subsequently undergoes a police verification process- local police verify all details in the form, including birth certificates or other documents to ascertain the legal guardianship of the child. In the case of adoptions or children of separated/divorced parents, the local police officer will verify relevant legal/custody documents before confirming the legal guardian of the child mentioned in the passport. The passport is issued by the DIP only after the police verification process is completed. The passport does not have the father's or mother's name printed on it, but they are recorded on the immigration database. The entire process takes 72 hours to 30 days.'

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#### 31.05 The report continued:

'The Official also provided the following details for the procedures that were followed before the introduction of MRPs in May 2010:

'In the case of manual passports issued before May 2010, there was an option to include children under the age of 12. The father or mother were allowed to include up to two minor children in their passport, if two copies of the application form were submitted with birth certificates and photographs of the minor children. The form required to be countersigned by the legal guardian or other parent, implying permission for both parents and/or the legal guardian to travel. Alternatively, a minor child under 15 was eligible to apply for an independent passport if two copies of the application form with attested photographs of the child, father and mother [were submitted] (the passport would have only the photograph of the applicants, but the father's and mother's photographs were kept in official records). The application form was required to be endorsed by the guardian of the child, indicating permission for the minor child to travel. The passport for the minor child included the father's and mother's name on Page 1.

'Both options (i.e. independent passport or to be included in the parent's passport) were open for minor children under 12, but minor children between the age of 13 and 15 were required to apply for their independent passports. The application subsequently went through a similar police verification process like the MRP.

'The Official added the following information about situations where only one parent is travelling with a child or if the non-travelling parent has not given his or her consent:

'If the minor child holds a valid independent passport (either MRP or manual), DIP assumes that there is consent from the legal guardian to travel. Similarly, if the father or mother has their minor children included in their passport (in the case of the manual

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<sup>543</sup> Immigration and Refugee Board of Canada, Bangladesh: Documentation required and procedures to be followed by a parent wishing to travel abroad with a minor child in the absence, or without the consent, of the second parent, 26 August 2010, BGD103528.E, available at: <http://www.refworld.org/docid/4dd113782.html> Accessed 19 July 2013

passports), it is assumed there is consent from the legal guardian to travel. Hence, there are no additional requirements or documents for the minor child to travel with either the father or mother when the other parent is not traveling. As mentioned above, the passport is issued only after police verification that there is consent from the legal guardian (usually the father and/or the mother).<sup>544</sup>

See Section 24: [Children - documentation](#)

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## 32. Forged and fraudulently obtained official documents

32.01 The Immigration and Refugee Board of Canada, Bangladesh in a report, Reports of fraudulent documents, 20 September 2010, stated that:

'In 7 September 2010 correspondence with the Research Directorate, an official at the High Commission of Canada to Bangladesh stated that "There is a significant prevalence of fraudulent documents [in Bangladesh] including passports, birth certificates, bank statements, taxation documents, business documents, school documents, marriage certificates. If we ask for it, it can be produced." The Canadian Official added that "[t]here is no difficulty at all for anyone to obtain these documents. Quality varies with prices paid."

The IRB report continued:

'In Bangladesh, those seeking to have false identity documents commonly avail [themselves] of the services of middle persons, or dalal. According to a dalal who was interviewed, an efficient system has developed where applicants pay an additional fee to avoid the hassle of going through the official procedures, particularly for procuring passports. The dalal pays the relevant issuing officer, who in turn pays the special branch of the police for the required verification. Such verification is generally issued regardless of whether the information provided is correct or not.'<sup>545</sup>

32.02 There is much activity in the forged and fraudulently obtained documents trade as evidenced in an article from the Daily Star, dated 30 August 2012. It stated that:

'Law enforcers yesterday arrested 16 Rohingya refugees from Shahjalal International Airport in Dhaka while they were trying to go abroad with fake Bangladeshi passports. With this, the law enforcers have arrested 38 Rohingyas this month alone. They were all trying to go abroad with machine readable as well as forged Bangladeshi passports. Yesterday, the law enforcers also arrested seven Bangladesh nationals who were trying to depart Shahjalal airport with fake travel documents.'<sup>546</sup>

<sup>544</sup> Immigration and Refugee Board of Canada, Bangladesh: Documentation required and procedures to be followed by a parent wishing to travel abroad with a minor child in the absence, or without the consent, of the second parent, 26 August 2010, BGD103528.E, available at: <http://www.refworld.org/docid/4dd113782.html> Accessed 19 July 2013

<sup>545</sup> Immigration and Refugee Board of Canada, Bangladesh: Reports of fraudulent documents, 20 September 2010, BGD103532.E, available at: <http://www.refworld.org/docid/4dd113f92.html> Accessed 15 July 2013 Accessed 10 July 2013

<sup>546</sup> Asia News Network (The Daily Star), 16 Rohingyas with fake passports held at Bangladesh airport , 30 August 2012 <http://www.thejakartapost.com/news/2012/08/30/16-rohingyas-with-fake-passports-held-bangladesh-airport.html> Accessed 10 July 2013

- 32.03 A sample of the new National Identity Card, issued to all registered voters in 2008, appears on the website of the Bangladesh Election Commission.<sup>547</sup>

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### 33. Employment rights

- 33.01 The US State Department Country Report on Human Rights Practices 2012, (USSD 2012 report), released on 19 April 2013, stated:

‘The law provides for the protection of the right to join unions and, with government approval, the right to form a union, although numerous restrictions on union registration remained. For example, the law requires more than 30 per cent of an enterprise's total workforce to be members before approval can be granted, and the union can be dissolved if membership falls below 30 per cent. In addition, no more than three trade unions can be registered in any establishment, and managerial staff, firefighting staff, security guards, and other employees designated by employers as “confidential” may not join a union. Civil service and security force employees are legally prohibited from forming unions.’<sup>548</sup>

- 33.02 The USSD 2012 report added:

‘The law recognizes the right to strike but with many limitations. For example, 75 percent of union members must consent to a strike before it can proceed. The government can terminate any strike lasting more than 30 days and refer the matter to labor courts for adjudication. The law additionally prohibits strikes for the first three years of commercial production or if the factory was built with foreign investment or owned by a foreign investor. ... The law establishes mechanisms for conciliation, arbitration, and dispute resolution by a labor court. Workers in a collective-bargaining union have the right to strike in the event of a failure to reach a settlement. Civil servants and security forces do not have recourse to mechanisms for conciliation, arbitration, and labor court resolution; however, they may avail themselves of the government service regulation and file cases in a specified court, such as an administrative tribunal. In practice few strikes followed the cumbersome legal requirements, and strikes or walkouts often occurred spontaneously.’<sup>549</sup>

- 33.03 The International Trade Union Confederation (ITUC), in its *Countries at risk: Violations of trade union rights – 2013*, 12 June 2013, stated that:

‘On 30 January 2012, at least 40 workers were attacked and injured by company security guards from Rashida Knitting and Ware Limited and Megha Textile Ltd in the Ishwardi Export Processing Zone when they protested against dismissals without prior notice and non-payment of annual leave. On 12 February 2012, the President and the General Secretary of the Coats Bangladesh Ltd. Employees Union (CBLEU) attempted to enter negotiations regarding an industrial dispute at the Tejgaon Industrial Area in

<sup>547</sup> Bangladesh Election Commission (website), Electoral roll with photograph [http://www.ecs.gov.bd/English/MenuTemplate1.php?Parameter\\_MenuID=48&ByDate=0&Year](http://www.ecs.gov.bd/English/MenuTemplate1.php?Parameter_MenuID=48&ByDate=0&Year) Accessed 22 June 2013

<sup>548</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013. (Section 7a) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dldid=204395> Accessed 23 May 2013

<sup>549</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013. (Section 7a) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dldid=204395> Accessed 23 May 2013

Dhaka. Management confiscated their mobile phones and forcibly detained them over night.’<sup>550</sup>

33.04 The ITUC report continued:

‘Aminul Islam, an organiser at the Bangladesh Center for Worker Solidarity, was found dead in April 2012. In 2010, he had been arrested and tortured by police and intelligence services. Violence and interference in demonstrations: On 13 May 2012, workers employed at the Ha-Meem Group protested about management violence against workers. Police intervened in the demonstrations which led to the injury of at least 100 workers. At least 100 garment, knitting and packaging factories in Ashulia were shut for a day on 11 June 2012 after hundreds of workers of Artistic Design, a packaging factory in the Ha-Meem Group located in Narasinghapur, staged a demonstration demanding a pay rise. Thousands of workers from garment factories along the highway stretching from Narasinghapur to Banglabazar joined the demonstration. The police attacked the workers with batons to free the road leaving 10 people injured. In July 2012, three workers who had participated in demonstrations demanding pay rises were shot by the security forces. On 16 September 2012, police fired rubber bullets and tear gas at tens of thousands of garment workers who were demonstrating in a key industrial area outside Dhaka, demanding a reduction in working hours. Two policemen and about 50 workers were injured during the clashes.’<sup>551</sup>

33.05 The USSD 2012 report stated that:

‘The law prohibits all forms of forced or bonded labor; however, the prescribed penalty of imprisonment for up to one year or a fine was not sufficiently stringent to deter violations, and the government did not enforce the law effectively. Inspection mechanisms that enforced laws against forced labor did not function effectively.

‘Although relatively uncommon in urban areas, there were instances of bonded labor in rural areas and in domestic service. Children and adults were forced into domestic servitude and bonded labor that involved restricted movement, non-payment of wages, threats, and physical or sexual abuse. On February 20, the government passed a comprehensive anti-trafficking law, which codified forced labor as trafficking and expanded the definition of trafficking to include labor trafficking of men and boys.’<sup>552</sup>

See Section 25: [Trafficking](#)

33.06 The ITUC, in an article, New Bangladesh Law Fails Again to Protect Workers’ Rights, dated 20 July 2013, stated that:

‘Long-awaited amendments to Bangladesh’s Labour Act passed by the parliament earlier this week fail to protect workers’ rights to freedom of association, falling well short of international labour standards. These obstacles to organising a union and bargaining collectively with employers will continue to make it exceedingly difficult for workers to negotiate for fair wages and safe and decent conditions. The absence of unions in the vast majority of workplaces has up to now kept wages at poverty levels

<sup>550</sup> The International Trade Union Confederation (ITUC), Countries at risk: Violations of trade union rights – 2013, 12 June 2013 (p53-54) [http://www.ituc-csi.org/IMG/pdf/survey\\_ra\\_2013\\_eng\\_final.pdf](http://www.ituc-csi.org/IMG/pdf/survey_ra_2013_eng_final.pdf) Accessed 20 July 2013

<sup>551</sup> Ibid

<sup>552</sup> US State Department, 2012 Country Reports on Human Rights Practices: Bangladesh, 19 April 2013. (Section 7b) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204395> Accessed 23 May 2013

and has allowed employers to force workers to work in dangerous, even fatal conditions. The Rana Plaza and Tazreen Fashions disasters have shown how vulnerable workers can be without the protection of strong unions. ... [The] ITUC General Secretary, said, “Bangladesh’s workers and the international community had high expectations that the government would finally legislate to protect the rights of workers. It appears that once again factory owners triumphed over their employees through backroom lobbying and their own political power as members of parliament. While the new law does reflect some positive changes, including on occupational safety and health, the government largely failed to make good on its obligations to improve fundamental workers’ rights.”<sup>553</sup>

33.07 The ITUC article continued:

‘The government will no longer give employers a list of union activists applying for registration, which was used in the past to target unionists for dismissal. Earlier this year, the government also lifted what was a de facto ban on registering unions in the garment sector and in the last several months has registered roughly 30 unions. ... Leaders of some of these new unions have already faced anti-union discrimination, including physical assaults, threats and firings for their lawful activity. For years, the government has utterly failed to enforce the labour law. ...’<sup>554</sup>

See Section 4: [Recent developments: January to July 2013](#)

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<sup>553</sup> The International Trade Union Confederation (ITUC), New Bangladesh Law Fails Again to Protect Workers’ Rights, 20 July 2013 <http://www.ituc-csi.org/new-bangladesh-law-fails-again-to> Accessed 20 July 2013

<sup>554</sup> Ibid



# Annex A

## Chronology of major events

- Source:** The following Information is from the British Broadcasting Corporation (BBC) Timeline: Bangladesh, updated 10 July 2012.<sup>555</sup>
- 1947** British colonial rule over India ends. A largely Muslim state comprising East and West Pakistan is established, either side of India. The two provinces are separated from each other by more than 1,500 km of Indian Territory.
- 1949** The Awami League is established to campaign for East Pakistan's autonomy from West Pakistan.
- 1970** The Awami League, under Sheikh Mujibur Rahman, wins an overwhelming election victory in East Pakistan. The government in West Pakistan refuses to recognise the results, leading to rioting. Cyclone hits East Pakistan - up to 500,000 people are killed.

### Independence

- 1971** Sheikh Mujib arrested and taken to West Pakistan. In exile, Awami League leaders proclaim the independence of the province of East Pakistan on 26th March. The new country is called Bangladesh. Just under 10 million Bangladeshis flee to India as troops from West Pakistan are defeated with Indian assistance.
- 1972** Sheikh Mujib returns, becomes prime minister. He begins a programme of nationalising key industries in an attempt to improve living standards, but with little success.
- 1974** Severe floods devastate much of the grain crop, leading to an estimated 28,000 deaths. A national state of emergency is declared as political unrest grows.
- 1975** Sheikh Mujib becomes president of Bangladesh. The political situation worsens. He is assassinated in a military coup in August. Martial law is imposed.
- 1976** The military ban trade unions.
- 1977** General Zia Rahman assumes the presidency. Islam is adopted in the constitution.
- 1979** Martial law is lifted following elections, which Zia's Bangladesh National Party (BNP) wins.
- 1981** Zia is assassinated during abortive military coup. He is succeeded by Abdus Sattar.

<sup>555</sup> BBC Online, Timeline: Bangladesh, updated 16 July 2013  
[http://news.bbc.co.uk/1/hi/world/south\\_asia/country\\_profiles/1160896.stm](http://news.bbc.co.uk/1/hi/world/south_asia/country_profiles/1160896.stm)  
 Accessed 16 July 2013

**The Ershad era**

- 1982** General Ershad assumes power in army coup. He suspends the constitution and political parties.
- 1983** Limited political activity is permitted. Ershad becomes president.
- 1986** Parliamentary and presidential elections. Ershad elected to a five-year term. He lifts martial law and reinstates the constitution.
- 1987** State of emergency declared after opposition demonstrations and strikes.
- 1988** Islam becomes state religion. Floods cover up to three-quarters of the country. Tens of millions are made homeless.
- 1990** Ershad steps down following mass protests.
- 1991** Ershad convicted and jailed for corruption and illegal possession of weapons. Begum Khaleda Zia, widow of President Zia Rahman, becomes prime minister. Constitution is changed to render the position of president ceremonial. The prime minister now has primary executive power. Cyclonic tidal wave kills up to 138,000.

**Awami League returns**

- 1996** Two sets of elections eventually see the Awami League win power, with Sheikh Hasina Wajed, the daughter of Sheikh Mujibur Rahman, becoming prime minister.
- 1997** Ershad is released from prison. The opposition BNP begins campaign of strikes against the government.
- 1998** Two-thirds of the country devastated by the worst floods ever. Fifteen former army officers sentenced to death for involvement in assassination of President Mujib in 1975.
- 2000**
- September Sheikh Hasina criticises military regimes in a UN speech, prompting Pakistani leader General Musharraf to cancel talks with her. Relations strained further by row over leaked Pakistani report on 1971 war of independence.
- December Bangladesh expels Pakistani diplomat for comments on the 1971 war. The diplomat had put the number of dead at 26,000, whereas Bangladesh says nearly three million were killed.
- 2001**
- April Seven killed in bomb blast at a Bengali New Year concert in Dhaka. Sixteen Indian and three Bangladeshi soldiers killed in their worst border clashes.
- April High Court confirms death sentences on 12 ex-army officers for killing Mujib. Only four are in custody.
- June Bomb kills 10 at Sunday mass at a Roman Catholic church in Baniarchar town. Bomb at Awami league office near Dhaka kills 22. Parliament approves bill

providing protection for Hasina and her sister Sheikh Rehana, who feared that the killers of their father Mujib were out to get them too.

July Hasina steps down, hands power to caretaker authority, becoming the first prime minister in the country's history to complete a five-year term.

### Coalition government

September At least eight people are killed and hundreds injured as two bombs explode at an election rally in south-western Bangladesh.

October Hasina loses at polls to Khaleda Zia's Nationalist Party and its three coalition partners.

November Law repealed which guaranteed lifelong security to former prime minister Sheikh Hasina and sister Sheikh Rehana.

### 2002

March Government introduces law making acid attacks punishable by death amid public anger over escalating violence against women.

May Government orders tightening of safety standards after up to 500 people die when a river ferry goes down in a storm.

June President Chowdhury resigns after ruling Bangladesh Nationalist Party (BNP) accuses him of taking an anti-party line.

July Pakistani President Musharraf visits; expresses regret over excesses carried out by Pakistan during 1971 war of independence.

September Iajuddin Ahmed sworn in as president.

December Simultaneous bomb blasts in cinemas in a town north of Dhaka kill 17 and injure hundreds.

2004 Opposition calls 21 general strikes over the course of the year as part of a campaign to oust the government.

May Parliament amends constitution to reserve 45 seats for female MPs.

Bomb attack on Muslim shrine in north-eastern town of Sylhet kills two and injures UK high commissioner and 50 others.

July Worst flooding in six years leaves nearly 800 people dead, millions homeless or stranded, and an estimated 20m in need of food aid. September's floods in Dhaka are said to be the worst in decades.

August Grenade attack on opposition Awami League rally in Dhaka kills 22 people. Awami League leader Sheikh Hasina survives the attack.

### 2005

January Prominent Awami League politician Shah AMS Kibria is killed in a grenade attack at a political rally. The party calls a general strike in protest.

### Bomb attacks

August Around 350 small bombs go off in towns and cities nationwide. Two people are killed and more than 100 are injured. A banned Islamic group claims responsibility.

November Spate of bombings, blamed on Islamic militants, hits Chittagong and Gazipur.

### 2006

February Opposition Awami League ends year-long parliamentary boycott.

**Political crisis**

- October Violent protests over government's choice of a caretaker administration to take over when Premier Zia completes her term at the end of the month. President Ahmed steps in and assumes caretaker role for period leading to elections due in January 2007.
- November A 14-party opposition alliance led by the Awami League campaigns for controversial election officials to be removed. Chief election commissioner MA Aziz steps aside.
- December Election date set at 22 January. Awami alliance says it will boycott the polls. Awami leader Sheikh Hasina accuses President Ahmed of favouring her rival. Blockade aimed at derailing parliamentary elections paralyses much of the country.

**2007**

- January A state of emergency is declared amid violence in the election run-up. President Ahmed postpones the poll. Fakhruddin Ahmed heads a caretaker administration.
- March Six Islamist militants convicted of countrywide bomb attacks in 2005 are hanged. They include the leaders of Jagrata Muslim Janata Bangladesh and Jamaat-ul-Mujahideen.
- April Sheikh Hasina is charged with murder. Begum Khaleda Zia is under virtual house arrest. Several other politicians are held in an anti-corruption drive.
- August Government imposes a curfew on Dhaka and five other cities amid violent clashes between police and students demanding an end to emergency rule.
- November Cyclone Sidr kills thousands.

**2008**

- June Sheikh Hasina is temporarily freed to get medical treatment in the US.
- August Local elections take place, seen as a big step towards restoring democracy. Candidates backed by the Awami League party perform strongly.
- November The authorities say general elections will be held on 18 December. Sheikh Hasina returns to lead her party in the poll.

**Awami League win**

- December General elections: Awami League captures more than 250 of 300 seats in parliament. Sheikh Hasina is sworn in as prime minister in January.

**2009**

- February Around 74 people, mainly army officers, are killed in a mutiny in Dhaka by border guards unhappy with pay and conditions. Police arrest some 700 guards. A further 1,000 guards are detained in May.
- June In a ruling on the decades-old dispute between two main political parties, the High Court decides that it was the father of PM Sheikh Hasina, and not late husband of her arch-rival Khaleda Zia, who proclaimed independence from Pakistan in 1971.
- October The government bans the local branch of the global Islamist organisation Hizb-ut Tahrir, saying it poses a threat to peace.

**2010**

January	Five former army officers are executed for the 1975 murder of founding PM Sheikh Mujibur Rahman.
<b>2011</b>	
June	Constitutional change scraps provision for a neutral caretaker government to oversee elections.
<b>2012</b>	
January	Army says it has foiled a coup planned by ‘fanatic officers’.
May-June	Key figures from the main Islamist party Jamaat-e-Islami, including leader Motiur Rahman Nizami, are charged with war crimes by a government tribunal investigating alleged collaboration with Pakistan during the 1971 independence struggle.
October	Muslim rioters attack Buddhist villages and shrines in south-east Bangladesh after an image said to show a burnt Koran was posted on Facebook. The government denounces the attacks as “premeditated and deliberate acts of communal violence against a minority”.
<b>2013</b>	
January	War crimes tribunal sentences prominent Muslim cleric Abul Kalam Azad to death for crimes against humanity during the 1971 independence war. He was tried in absentia, as he had fled abroad.
February	War crimes tribunal finds the assistant secretary general of the main Islamist party guilty of crimes against humanity during the war for independence in 1971. Abdul Kader Mullah of Jamaat-e-Islami is sentenced to life in prison. Eleven other people, including other Jamaat-e-Islami leaders and a former Bangladesh Nationalist Party minister, are also standing trial.
April	Prime Minister Sheikh Hasina vetoes Islamist bill to outlaw criticism of Islam. Parliament elects Abdul Hamid as Bangladesh’s new president, following the death in March of Zillur Rahman.
May	European retailers promise to sign an accord to improve safety conditions in factories after a garment factory building collapsed in April, killing more than 1,100 people. Worker protests close hundreds of factories and extract a government pledge to raise the minimum wage and make it easier to form unions.
July	At least two people are killed as police clash with thousands of protesters after the conviction of Ghulam Azam, leader of the Jamaat-e-Islami party, for war crimes committed during the 1971 war of independence.

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# Annex B

## Political organisations

Jane's Sentinel Security Assessment <sup>556</sup>, updated 17 October 2012, gave the following:

### Main political parties

#### 'Awami League (AL)

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

'An AL-led Grand Alliance swept the general election in December 2008, which marked the country's return to democratic rule, winning 262 seats in the 300-seat parliament (including 230 seats for AL). Hasina began her second term as prime minister in January 2009. Hasina began her second term as prime minister in January 2009. As part of the party's Vision 2021 manifesto she pledged to lower the price of essential commodities, attract foreign investment, alleviate poverty and pursue war criminals from the country's war of independence, many of whom are members of the opposition JIB. ... Despite its landslide victory in the elections, the AL is riven by opposing factions at the local level, which has often translated into violence, particularly in universities.'

#### 'Bangladesh Nationalist Party (BNP) (Bangladesh Jatiyatabadi Dal)

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

'The BNP, led by Khaleda and supported by the Bangladesh Islamic Conference (Jamaat-i-Islami Bangladesh: JIB), returned to power in 1991, following the collapse of General Ershad's

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<sup>556</sup> IHS Jane's, Jane's Sentinel Security Assessment: Internal Affairs: 17 October 2012, (by subscription) <https://janes.ihs.com/CustomPages/Janes/DisplayPage.aspx?DocType=Reference&ItemId=+++1304796#> Accessed 28 April 2013

military dictatorship. The BNP was defeated in the subsequent election, but was returned to power with the support of its allies in October 2001. ... Its five-year term ended in October 2006.

'The party fared extremely poorly in the December 2008 elections, winning only 30 of 300 seats. Despite this, Khaleda refused to accept the party's reduced significance, claiming electoral fraud and demanding that the party receive at least four front-bench seats in parliament. Disputes over this issue led the BNP and its coalition partners to boycott parliament between June 2009 and February 2010. ... . Political general strikes (hartals) were held in increasing frequency since 27 June 2010 as part of the party's ongoing attempts to destabilise the government and force a new election.'

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### **'Islami Oikya Jote (IOJ) (alternatively Islami Oikkyo Jote)**

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

### **'Bangladesh Islamic Conference (Jamaat-i-Islami Bangladesh: JIB)**

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

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

'The party faces further pressure as the new AL-led government has created a war crimes tribunal to try those accused of siding with the Pakistani military during the country's war of independence in 1971. ... The government has sought to crack down on the JIB's student wing, the Islami Chhatra Shibir, which has been involved in increasing violence in 2009 and 2010. In February 2010, over 100 Shibir members were arrested in Dhaka and Chittagong as part of a nationwide sweep against religious militants and student agitators.'

### **'Jatiya Party (Ershad)**

The National (Jatiya) Party was created in 1986 by General Ershad to win popular support for his regime following a bloodless coup in 1982. In the 1986 elections, which were widely regarded as rigged; the Jatiya Party won 153 seats, giving the government an overall majority and a facade of democratic legitimacy. The 1991 elections, which followed Ershad's resignation,

gave the party 36 seats. The party broke up in the face of government repression and the imprisonment of senior party members, including Ershad. The Jatiya Party experienced something of a revival during the political crisis of 1996 when it supported the AL in demanding Khaleda Zia's resignation. The party managed to retain 32 seats in the 1996 election and joined the AL-led government. Ershad was subsequently freed by Hasina.

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'The Jatiya Party has three factions which effectively operate as separate political parties, only one of which is significant. The faction led by Ershad, the largest faction with 14 seats, has repositioned itself as a party of the centre-left and allied itself with the AL. The party won 27 seats during the parliamentary election in December 2008 where it reportedly agreed to support the AL-led Grand Alliance in exchange for Ershad being promised the position of president, although this did not take place. The three sections of the party decided in November 2011 to part with the ruling Awami League-led Grand Alliance government and to contest the next general election independently, although there has been no mention of when the decision will be implemented'

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## Proscribed and/or extremist organisations

See also Section 10: [Abuses by non government armed forces](#)

The Institute for Conflict Management, New Delhi: South Asia Terrorism Portal<sup>557</sup> lists the most important and well known groupings:

### Terrorist groups:

**Harkat-ul-Jihad-al Islami Bangladesh (HuJI-B)**  
**Jagrata Muslim Janata Bangladesh (JMJB)**  
**Jama'atul Mujahideen Bangladesh (JMB)**  
**Purba Bangla Communist Party (PBCP)**

### Extremist groups

#### Islami Chhatra Shibir (ICS)

#### Jadid (new) al-Qaeda Bangladesh

The existence of this group first became apparent on 1 May 2007, when bomb explosions took place simultaneously at railway stations in the cities of Dhaka, Sylhet and Chittagong. Messages etched into metal plates left at two of the sites said the attacks had been carried out by Jadid al-Qaeda Bangladesh. Police said at the time that they were investigating whether this was a new group, or a new name for a terrorist group that already existed.<sup>558</sup> In May and June 2007 the police, on three occasions, recovered bombs planted near the main gate of the Rajshahi University of Engineering and Technology (RUET). One of the powerful home-made bombs was wrapped in an aluminium sheet which bore the name 'Jadid al Qaeda'.<sup>559</sup>

<sup>557</sup> Institute For Conflict Management, South Asia Terrorism Portal, Bangladesh Assessment 2013, Updated till July 2013, <http://www.satp.org/satporgtp/countries/bangladesh/index.htm> Accessed 10 July 2013

<sup>558</sup> BBC News OnLine, Blasts rock Bangladesh stations, 1 May 2007

[http://news.bbc.co.uk/1/hi/world/south\\_asia/6610667.stm](http://news.bbc.co.uk/1/hi/world/south_asia/6610667.stm) Accessed 16 July 2013

<sup>559</sup> The Daily Star (of Bangladesh), Two bombs with Jadid al Qaeda message found: 25 May 2007 <http://archive.thedailystar.net/2007/05/25/d70525013023.htm> Accessed 16 July 2013



See also [Understanding 12 extremist groups of Bangladesh](#)<sup>560</sup> by Joyeeta Bhattacharjee, 7 June 2009, for further background on proscribed groups.

## Other groups

### **Rohingya Solidarity Organisation (RSO): Militant Islamist (Sunni)**

'The actual threat posed by the RSO to the security of Bangladesh has been greatly exaggerated, and the majority of operations attributed to RSO by the government are more likely to have been conducted by Harakat-ul-Jihad-ul-Islami (HUJI) and its affiliates. As such, the principal security threat posed by the RSO revolves around the cross-border gun-running activities undertaken by some of its members. However, the refugee camps established in Bangladesh by Rohingya fleeing persecution in Myanmar - and the possible links these have to regional terrorist organisations - mean there is some risk these camps may become potential recruiting areas for militants in Bangladesh. It has been active since being founded in 1982.

'The RSO was formed to prevent the repression of ethnic Rohingyas in both Myanmar and in Bangladesh, and aimed ultimately to establish an autonomous Islamic state in Myanmar's western Rakhine State (formerly known as Arakan State). Despite this objective, the RSO no longer has any significant presence in Myanmar, and it operates instead out of bases on the Bangladesh side of the border. It is lead by Dr. (Med) Mohammad Yunus (not to be confused with the Bangladeshi economist and Nobel Laureate of the same name).'<sup>561</sup>

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<sup>560</sup> Observer Research Foundation, Understanding 12 extremist groups of Bangladesh by Joyeeta Bhattacharjee, 7 June 2009 [http://www.observerindia.com/cms/export/orfonline/modules/analysis/attachments/Bangladesh-Militant-Groups\\_1246945884723.pdf](http://www.observerindia.com/cms/export/orfonline/modules/analysis/attachments/Bangladesh-Militant-Groups_1246945884723.pdf) Accessed 16 July 2013

<sup>561</sup> IHS Jane's, Jane's Sentinel Security Assessment, Non-state Armed Groups: 17 October 2012, (by subscription) <https://janes.ihs.com/CustomPages/Janes/DisplayPage.aspx?DocType=Reference&ItemId=+++1304904> Accessed 28 April 2013

# Annex C

## List of abbreviations

<b>ACC</b>	Anti-Corruption Commission
<b>ACHR</b>	Asian Centre for Human Rights
<b>ADB</b>	The Asian Development Bank
<b>AHRC</b>	Asian Human Rights Commission
<b>AI</b>	Amnesty International
<b>AL</b>	Awami League
<b>ART</b>	Anti-retroviral therapy
<b>ASF</b>	Acid Survivors Foundation
<b>ASK</b>	Ain O Shalish Kendra
<b>BCL</b>	Bangladesh Chhatra League
<b>BDR</b>	Bangladesh Rifles
<b>BJP</b>	Bangladesh Jatiya Party
<b>BNP</b>	Bangladesh Nationalist Party
<b>BNWLA</b>	Bangladesh National Women Lawyers' Association
<b>BRAC</b>	Bangladesh Rural Advancement Committee
<b>BSEHR</b>	Bangladeshi Society for the Enforcement of Human Rights
<b>CAMPE</b>	Campaign for Popular Education
<b>CEDAW</b>	Committee on the Elimination of All Forms of Discrimination Against Women
<b>CHT</b>	Chittagong Hill Tracts
<b>CPI</b>	Corruption Perceptions Index
<b>CPJ</b>	Committee to Protect Journalists
<b>CRIN</b>	Child Rights Information Network
<b>CRP</b>	Centre for the Rehabilitation of the Paralysed
<b>EU</b>	European Union
<b>FCO</b>	Foreign and Commonwealth Office (UK)
<b>FH</b>	Freedom House
<b>FIDH</b>	International Federation for Human Rights/Fédération Internationale des ligues des Droits de l'Homme
<b>GDP</b>	Gross Domestic Product
<b>HIV/AIDS</b>	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
<b>HRW</b>	Human Rights Watch
<b>HUJI/HuJI</b>	Harkat-ul-Jihad-al-Islami
<b>ICDDR,B</b>	International Centre for Diarrhoeal Disease Research, Bangladesh
<b>ICS</b>	Islami Chhatra Shibir
<b>ICG</b>	International Crisis Group
<b>IDMC</b>	Internal Displacement Monitoring Centre
<b>IDP</b>	Internally Displaced Person
<b>IDSA</b>	Institute for Defence Studies and Analyses
<b>ILGA</b>	International Lesbian and Gay Association
<b>IISS</b>	International Institute for Strategic Studies
<b>ILO</b>	International Labour Organisation
<b>IMF</b>	International Monetary Fund
<b>IOJ</b>	Islami Oikya Jote
<b>IOM</b>	International Organisation for Migration
<b>IPCS</b>	Institute of Peace and Conflict Studies

<b>JCD</b>	Jatiyatabadi Chhatra Dal
<b>JMB or JM</b>	Jamatul Mujahedin Bangladesh
<b>JMJB</b>	Jagrata Muslim Janata of Bangladesh
<b>MARP</b>	Most-at-risk population
<b>MOHA</b>	Ministry of Home Affairs
<b>MSF</b>	Médecins sans Frontières
<b>NBCP</b>	New Biplobi Communist Party
<b>NHRC</b>	National human rights commission
<b>NGO</b>	Non Governmental Organisation
<b>OCHA</b>	Office for the Coordination of Humanitarian Affairs
<b>OECD</b>	Organisation of Economic Cooperation and Development
<b>PBC</b>	Purba Bangla(r) Communist Party
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>OSCE</b>	Organisation for Security and Cooperation in Europe
<b>RAB</b>	Rapid Action Battalion
<b>RI</b>	Refugees International
<b>RSF</b>	Reporters sans Frontières
<b>SAARC</b>	South Asian Association for Regional Cooperation
<b>SARID</b>	The South Asia Research Institute for Policy and Development
<b>STD</b>	Sexually transmitted disease
<b>STI</b>	Sexually transmitted infection
<b>TI</b>	Transparency International
<b>UN</b>	United Nations
<b>UNAIDS</b>	Joint United Nations Programme on HIV/AIDS
<b>UNDP</b>	United Nations Development Programme
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organization
<b>UNGASS</b>	United Nations General Assembly Special Session on HIV/AIDS
<b>UNHCHR</b>	United Nations High Commissioner for Human Rights
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund
<b>USAID</b>	United States Agency for International Development
<b>USCIRF</b>	US Committee on International Religious Freedom
<b>USCRI</b>	US Committee for Refugees and Immigrants
<b>USSD</b>	United States State Department
<b>WB</b>	World Bank
<b>WFP</b>	World Food Programme
<b>WHO</b>	World Health Organisation

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