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country of origin research and information

CORI Country Report Bangladesh, March 2012



Preface

Country of Origin Information (COI) is required within Refugee Status Determination (RSD) to provide objective evidence on conditions in refugee producing countries to support decision making. Quality information about human rights, legal provisions, politics, culture, society, religion and healthcare in countries of origin is essential in establishing whether or not a person's fear of persecution is well founded.

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COI is a specific discipline distinct from academic, journalistic or policy writing, with its own conventions and protocols of professional standards as outlined in international guidance such as The Common EU Guidelines on Processing Country of Origin Information, 2008 and UNHCR, Country of Origin Information: Towards Enhanced International Cooperation, 2004.

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CORI is an independent centre providing specialist research resources to support Refugee Status Determination.

CORI works internationally with all parties to RSD, including governments, legal representatives and NGOs, producing commissioned research reports and providing knowledge management services. CORI works to improve standards of COI production through capacity building and training.

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1. Background Information

A. Overview of major political developments (since end of 2006)

1. ***Lack of Agreement to create caretaker government to hold Parliamentary Elections in January 2007 between Bangladesh National Party (BNP) and 14 party Awami League-led Grand Alliance***

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 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.”¹

In 2010 the *UNDP* reported that violence broke out in October 2006 following disagreements between the Awami League and the Bangladeshi Nationalist Party about a key appointment of advisor to the Care Taker Government and that the army was deployed in December 2006 in response to widespread violence and the breakdown of law and order,

“With the transition to a CTG scheduled to take place on 27 October, the parties were unable to reach agreement on the key point of who should serve as Chief Adviser of the CTG. Participants in the talks asserted that the negotiators had reached agreement on a compromise solution, but that neither side was able to win the approval of its own party leader. Meanwhile, political tensions and street violence were increasing. The AL continued to insist that unless former Chief Justice K. M. Hasan withdrew his name as Chief Adviser-to-be, the opposition would resort to increased pressure on the streets and might disrupt or boycott the elections. There appeared to be an increasing possibility that the entire election process could be derailed.

[]

In the days leading up to the installation of the CTG, street agitation and violence increased. Violence peaked on 27 October, with competing demonstrations by the major parties. The houses of two prominent leaders of the Liberal Democratic Party who had recently broken from the BNP and joined the opposition coalition were set afire. Former members of Parliament were attacked. Two leaders of the BNP political alliance were brutally murdered in a street riot. Large scale violence continued for several days, with some 28 people killed and at least 2,000 reported injured. Within a span of several days, there were 90 or more incidents of political violence around the country, most of them concentrated in Dhaka and Chittagong. The majority of the incidents were violent clashes between supporters of the two major political party alliances, who in many instances wielded sticks, knives, and guns or small bombs. Supporters of other parties were also attacked; a bombing on 31 October 2006 in Rajshahi targeted independent parties including the Gono Forum. According to non-governmental monitors, the

¹ UNDP, Elections in Bangladesh 2006 – 2009, Transforming failure into success, 2010, <http://www.undp.org.bd/info/pub/election%20in%20bangladesh.pdf>, accessed 28 February 2012

AL was responsible for most of the violence, although supporters of the BNP were also participants.

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In response to the general breakdown of law and order in the country, on 10 December 2006 the President and Chief Adviser decided to deploy the Armed Forces across the country to assist the civil administration in maintaining order. This decision further increased the level of volatility. As with other significant decisions, the order was apparently issued without informing or consulting the Council of Advisers. Four Advisers who had been meeting with political party leaders to try to negotiate a resolution of the political crisis resigned in protest the following day, dealing another blow to the credibility of the CTG. One departing Adviser made a public statement regretting that the CTG had failed to create a level playing field for the elections. The four Advisers were replaced the following day.

The deployment of the Armed Forces, moreover, did not quell the violence. In December, 21 people were killed and 1,734 were injured in political violence. This brought the total casualty figures of political violence for 2006 to 244 killed and 13,152 injured.”²

The *Inter Parliamentary Union* reported concerns about the neutrality of the 2006 caretaker government and that the Awami League led 15 party alliance demanded the removal of President Iajuddin Ahmed (a BNP member), head of the caretaker government, calls were also made for a new voters list to be compiled. On 3 January the Awami League announced that it was boycotting elections planned for 27 January 2007,

“On 27 October 2006, Parliament was dissolved with a view to holding general elections on 22 January 2007. On 30 October 2006, the government of Prime Minister Begum Khaleda Zia (BNP) was replaced by a caretaker government, led by President Iajuddin Ahmed (BNP) and tasked with overseeing the elections.

The caretaker system had been introduced in 1991 after military-backed president Hossain Mohammad Ershad was toppled by street protests led jointly by BNP leader Zia and Awami League leader Sheikh Hasina. These two women have dominated the country's politics ever since. The Constitution requires the caretaker government to be neutral and non-partisan in order to organize free and fair elections. In 2006, concerns were raised over whether the caretaker government led by President Ahmed would indeed be neutral.

An AL-led 15-party alliance demanded Mr. Ahmed's removal as head of the caretaker government and the establishment of a new voters' list. Its demands were accompanied by violent demonstrations. On 3 January 2007, the alliance announced that it would boycott the elections along with the Jatiya Party and the Liberal Democratic Party.”³

In 2010 the *UNDP* documented many factors contributing to violence in Bangladesh which prevented planned elections in January 2007 including; disagreements about the appointment of Chief Advisor to the caretaker government, distrust between the Awami League and the Bangladesh Nationalist Party, the raising of the retirement age of Supreme Court Judges which was seen to favour the BNP's preference for Chief Advisor to the proceeding caretaker government, poor quality electoral rolls and a lack of trust in the Bangladesh Electoral Commission, rising political violence and demonstrations, corruption of political processes by illegal funds and funding and the use of intimidation in election campaigning,

² UNDP, *Elections in Bangladesh 2006 – 2009, Transforming failure into success*, 2010, <http://www.undp.org.bd/info/pub/election%20in%20bangladesh.pdf>, accessed 28 February 2012

³ Inter Parliamentary Union, *Bangladesh, Jatiya Sangsad, Last Elections*, undated, http://www.ipu.org/parline-e/reports/2023_E.htm, accessed 6 March 2012

“The ninth parliamentary elections were initially scheduled for 22 January 2007. The first attempt to hold a vote, however, fell victim to a growing political crisis, spawned by an array of systemic problems with roots extending back many years.

The election process was clouded by deep distrust and enmity between the two major political parties, the Awami League (AL) and the Bangladesh Nationalist Party (BNP), which had alternated in power since the restoration of civilian government in 1991. Over the years the parties had often used inflammatory rhetoric, questioned the legitimacy of the other’s hold on power, and opted for confrontation rather than accommodation. On the streets, this frequently led to violent strikes and demonstrations. In the Parliament, there were, and continue to be, frequent and extended boycotts by whichever party was in opposition.

As the January 2007 elections approached, there were a number of warning signals that problems could lie ahead. A particularly significant event was the adoption of the 14th Amendment to the Constitution in 2004, which raised the retirement age of Supreme Court judges by two years. This is important because the most recently retired Chief Justice of Bangladesh assumes the position of Chief Advisor of the CTG. The amendment sparked charges that the ruling party was deliberately manipulating the CTG system to ensure that its preferred candidate would become Chief Advisor. This became one of the major continuing controversies that undermined the election period until January, 2007.

Other major controversies included the closely intertwined issues of lack of confidence in the BEC and the quality of the electoral rolls. In 2005, the BEC began to update the electoral rolls, but the process was caught up in court cases and tarnished by allegations of inaccuracies and political manipulation. In particular, it was widely reported and believed that the rolls included more than ten million “ghost voters,” which could lead to widespread fraud on election day. The BEC’s initial reluctance to address this problem and its inability to correct the rolls despite three nation-wide house to-house surveys sparked allegations that the BEC was either inept or partisan.

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Rising levels of political violence also contributed to a tense electoral process. From 2004 to 2006 there were terrorist bombings and assassinations, among them a grenade attack in which the leader of the opposition was injured and a number of people killed. By mid-2006, the country was in a state of almost constant turmoil as the opposition launched a program of street agitation to press a long list of demands, including the resignation of the BEC and the selection of a Chief Adviser acceptable to it. The protests included massive strikes, demonstrations and blockades, which frequently turned violent. The authorities often responded with excessive use of force and mass arrests. With the elections six months away, the levels of violence were alarming, and the frequent strikes and blockades were seriously undermining public order and disrupting the economy.

The electoral environment was further undermined by the prevalence of “Black money” and “muscle power,” two interlinked problems that were widely considered endemic to Bangladeshi politics. The term “Black money” refers to funds obtained or used illegally or whose origins are not transparent. According to numerous studies, the use of “Black money” was pervasive in election campaigns, corrupting candidates, parties and voters. This issue was compounded by the reportedly widespread problem of “muscle,” which refers to the use of intimidation, force or violence in election campaigns. Much of the political violence emanating from street agitation was reported to be attributable to deliberate use of “muscle” rather than to spontaneous outbreaks. Money and muscle combined to corrupt significant elements of the political process, pushing them into the realm of criminality.

Against this background, the political crisis escalated as the date approached for the CTG to take over the reins of the government. Amid rising violence and the absence of agreement among the major political parties on who should head the CTG, President Iajuddin Ahmed appointed himself as Chief Adviser and took office on 29 October 2006. The opposition parties at first grudgingly accepted this appointment, but soon began to sour as Iajuddin did not act vigorously enough on their demands to reconstitute the BEC or to reshuffle civil servants in election-related positions. The CTG was mired in controversy and the opposition soon began to demand the resignation of the Chief Adviser, who they perceived as partisan in favor of the BNP. As a result, the CTG was not able to control tensions or to establish broad public confidence that the elections would be fair.⁴

2. Declaration of a State of Emergency imposed on 11 January 2007

In 2010 the *UNDP* reported that a state of emergency was declared on 11 January 2007 and elections were postponed,

“The political crisis over the election came to a head late on 11 January 2007, when, at the insistence of the Bangladesh Army, the President stepped down as Chief Adviser, announced that the election would be postponed indefinitely and declared a State of Emergency.”⁵

The *Inter Parliamentary Union* reported that 150 politicians and civil servants were arrested during the caretaker government’s tenure including former prime ministers,

“On 11 January, President Ahmed postponed the elections, declared a state of emergency and stepped down as head of the caretaker government. Mr. Fakhruddin Ahmed, a former head of the central bank, was appointed the following day to lead the government with the backing of the military. President Ahmed’s term, which was due to end in September 2007, was extended in May 2007 by the caretaker government until an elected Parliament could appoint his successor.

Under the caretaker government, more than 150 politicians and civil servants were arrested. They included former prime ministers Sheikh Hasina and Zia, who were arrested on corruption charges in July and September 2007 respectively. The former was detained in a special prison on Parliament’s premises until June 2008, when she was released on medical grounds. In September 2008, Ms. Zia was released from prison on bail for a period of three months. Although the corruption charges against them were maintained until the 2008 elections, both were allowed to run in the elections.”⁶

3. 29 December 2008 Elections

The *Inter Parliamentary Union* reported that elections held in December 2008, won by the Awami League, were considered to be to be credible by the European Union,

⁴ UNDP, Elections in Bangladesh 2006 – 2009, Transforming failure into success, 2010, <http://www.undp.org.bd/info/pub/election%20in%20bangladesh.pdf>, accessed 28 February 2012

⁵ UNDP, Elections in Bangladesh 2006 – 2009, Transforming failure into success, 2010, <http://www.undp.org.bd/info/pub/election%20in%20bangladesh.pdf>, accessed 28 February 2012

⁶ Inter Parliamentary Union, Bangladesh, Jatiya Sangsad, Last Elections, undated, http://www.ipu.org/parline-e/reports/2023_E.htm, accessed 6 March 2012

“On 29 December, a record 87.13 per cent of the 81 million registered voters turned out at the polls. The European Union (EU) monitored the polls and concluded that the elections had been credible and transparent and reflected “the will of the people of Bangladesh”.

The final results gave 263 seats to the AL-led alliance, of which 230 went to the AL. The BNP took 30 seats, and its allies, three (see note 2). The remainder went to independent candidates. Nineteen women were elected.

Ms. Zia conceded defeat while other BNP members insisted that their supporters were kept from voting.

Members of parliament were sworn in on 3 January 2009. On 6 January, Sheikh Hasina (AL) became Prime Minister for the second time and formed a new government on the same day, officially terminating the mandate of the caretaker government.”⁷

In 2010 the *UNDP* reported that the December 2008 elections were generally conducted to international standards,

“International and domestic observers reported that the parliamentary elections, held on 29 December 2008, were conducted generally in accordance with international standards. The electoral rolls with photographs were considered to be particularly successful and a noteworthy achievement. The candidate nomination process was positively assessed. Political parties were able to conduct short but active political campaigns once civil liberties were fully restored a few days before election day. Both the campaign period and election day were calm and peaceful. The public demonstrated its confidence in the electoral process by turning out in record numbers; voter turnout was an impressive 86 per cent. While observers reported some shortcomings, including confusion over the use of NIDs at the polls, the overall impression of the elections was extremely positive. The elections produced a landslide victory for the AL, which won 230 of the 300 contested parliamentary seats with 48 per cent of the overall votes cast.”⁸

In 2010 the *UNDP* stated that during 2008 the Bangladesh Election Commission made reforms including the inclusion of photographs with electoral rolls and requiring mandatory registration of political parties,

“In organizing the December 2008 elections, the Bangladesh Election Commission (BEC) managed, with the support of a broad range of stakeholders, including the government, the Bangladesh Armed Forces, political parties, civil society, the citizens of Bangladesh, and the international community, to address many of the major failings of the election system. In this process, the BEC transformed itself into one of the most trusted institutions in public life in Bangladesh. The elections themselves saw the culmination of a number of highly significant reforms, including the creation of electoral rolls with photographs, the mandatory registration of political parties, the separation of the BEC’s secretariat from the executive branch, and changes to the candidate nomination processes and campaign finance requirements.”⁹

⁷ Inter Parliamentary Union, Bangladesh, Jatiya Sangsad, Last Elections, undated, http://www.ipu.org/parline-e/reports/2023_E.htm, accessed 6 March 2012

⁸ UNDP, Elections in Bangladesh 2006 – 2009, Transforming failure into success, 2010, <http://www.undp.org.bd/info/pub/election%20in%20bangladesh.pdf>, accessed 28 February 2012

⁹ UNDP, Elections in Bangladesh 2006 – 2009, Transforming failure into success, 2010, <http://www.undp.org.bd/info/pub/election%20in%20bangladesh.pdf>, accessed 28 February 2012

4. **Current developments**

In its 2011 world report *Freedom House* reported that the government lacks accountability,

“Endemic corruption and criminality, weak rule of law, limited bureaucratic transparency, and political polarization have long undermined government accountability. Moreover, boycotts by both major parties while in opposition have regularly nullified Parliament’s role as a check on the government. The BNP intermittently boycotted Parliament in 2009 and 2010, leaving the AL, with its massive majority, to dominate legislative proceedings. In a step toward greater transparency, lawmakers in 2009 passed the Right to Information Act, which mandates public access to all information held by public bodies and overrides existing secrecy legislation.”¹⁰

In its 2011 annual report *the International Federation for Human Rights/World Organisation Against Torture (FIDH/OMCT)* reported that Parliament had been operating without opposition MPs since June 2010, following a ‘walk out’ in protest of the arrest of a journalist,

“Since June 2010, the Bangladeshi Parliament has conducted its work without opposition MPs, when the Bangladesh Nationalist Party (BNP)- led opposition MPs walked out of the Parliament in protest over the arrest of a *Amar Desh* journalist. Although similar tactics were used by the opposition parties in the past, it raised concerns about the effectiveness of the legislative process and about opposition’s ability to influence Government policy.”¹¹

In January 2012 the *British Broadcasting Corporation (BBC)* reported that the army prevented an attempted coup against Prime Minister Hasina,

“The Bangladesh army says it has foiled a coup planned against the government of Prime Minister Sheikh Hasina.

Military spokesman Masud Razzaq said in a statement that the attempt had been thwarted by the “whole-hearted efforts of army soldiers”.

He said the officers planning the coup were in active military service and had “extreme religious views”. []

“A band of fanatic officers had been trying to oust the politically established government. Their attempt has been foiled,” Brig Gen Razzaq said.

He said that “specific information has been unearthed” that some officers in military service - who had been identified - were involved in the December conspiracy.

He said that a group of up to 16 hardline Islamist military officers - including at least two retired officers - were involved.

Some had been detained, he said, and would be presented before a military court.

¹⁰ Freedom House, *Freedom in the World Report: Bangladesh, 2011*, <http://www.freedomhouse.org/report/freedom-world/2011/bangladesh>, accessed 6 March 2012

¹¹ International Federation for Human Rights-Observatory for the Protection of Human Rights Defenders, *Steadfast in Protest - Annual Report 2011 - Bangladesh*, 25 October 2011, http://www.omct.org/files/2011/10/21443/obs_2011_uk_complet.pdf, accessed 22 February 2012

Brig Gen Razzaq said that the "heinous conspiracy" was instigated by Bangladeshi conspirators living abroad.

In 2009, Bangladeshi paramilitary forces staged a revolt soon after Sheikh Hasina took office. It began in Dhaka and spread to other cities.

More than 70 people were killed, including 51 army officers, before it was crushed."¹²

B. Overview of present Government structure

1. Government Bodies, including administrative bodies and local governance

The *Commonwealth of Nations* reported in 2011 that Bangladesh is a republic with a unicameral parliament. A non-executive president is the head of state, the prime minister holds executive power and heads a council of ministers,

"Bangladesh is a republic with a non-executive president. Under the Twelfth Constitutional Amendment (1991) there is a parliamentary system. The unicameral parliament (Jatiya Sangsad) comprises 300 directly-elected members from geographical constituencies for five year terms, plus 45 seats reserved for women nominated by political parties – based on their share of the elected seats – and then voted on by sitting lawmakers. The allocation of seats reserved for women was provided by the Fourteenth Constitutional Amendment (2004). One parliamentary candidate can stand in up to three constituencies. If a candidate wins in more than one constituency a by-election or by-elections are called. Parliament may sit no longer than five years. Constitutional amendments require a two-thirds majority of parliament. Executive power is with the prime minister, who heads a council of ministers (the cabinet), and whose advice is necessary for all presidential acts. The head of state is the president who is elected by the national parliament for a five-year term. The presidency is a largely ceremonial role, although the president appoints members of the cabinet and the judiciary and has the power to dissolve parliament. The Thirteenth Constitutional Amendment (1996) requires a nonpartisan caretaker administration to oversee the election process."¹³

US NGO, the *International Foundation for Electoral Systems (IFES)*, reported that the Bangladesh governing assembly is a unicameral National Parliament (*Jatiya Sangsad*) with 300 seats. The Chief of state of Bangladesh is President Zillur Rahman, the Head of Government is Prime Minister Sheikh Hasina Wajed.¹⁴

The official website of the *Bangladesh government* states that the Election Commission for Bangladesh, the Bangladesh Public Service Commission and the Comptroller & Auditor General are constitutional organisations functioning as statutory bodies,

"Article 118 of the Constitution provides for the establishment of an Election Commission for Bangladesh consisting of a Chief Election Commissioner and such number of other Election Commissioners, if any, as the President may from time to time direct. The appointment of the

¹² BBC, Bangladesh army 'foils coup' against Sheikh Hasina, 19 January 2012, <http://www.bbc.co.uk/news/world-asia-16627852>, accessed 21 February 2012

¹³ The Commonwealth of Nations, Commonwealth Yearbook 2011; Bangladesh, 2011, http://www.commonwealth-of-nations.org/xstandard/bangladesh_country_profile.pdf, accessed 10 March 2012

¹⁴ IFES Election Guide, Country Profile: Bangladesh, 15 November 2010, <http://www.electionguide.org/country.php?ID=19>, accessed 28 February 2012

Chief Election Commissioner and other Election Commissioners (if any) is made by the President. When the Election Commission consists of more than one person, the Chief Election Commissioner is to act as its Chairman. Under the Constitution the term of office of any Election Commissioner is five years from the date on which he enters upon office. A person who has held office as Chief Election Commissioner is not eligible for appointment in the service of the Republic. Any other Election Commissioner is, on ceasing to hold such office, eligible for appointment as Chief Election Commissioner, but is not eligible for appointment in the service of the Republic. Powers of Election Commission (Article 118(4) and 126 of the Constitution, read with Article 4 of the Representation of the People Order, 1972): The Election Commission is an independent constitutional body in the exercise of its functions and subject only to the Constitution and any other law. The Commission may authorize its Chairman or any of its members or any of its officers to exercise and perform all or any of its powers and functions under the law. Article 126 of the Constitution and Articles 4 and 5 of the Representation of the People Order, 1972 provide that it shall be the duty of all executive authorities to assist the Election Commission in the discharge of its functions. The Commission has the power to require any person or authority to perform such functions or render such assistance for the purpose of election as it may direct.

Bangladesh Public Service Commission (PSC) is a quasi judicial body established under the Constitution of the People's Republic of Bangladesh. It works under the provisions of the Articles 137 to 140 of the Constitution and certain other rules and regulations made by the Govt. from time to time under the Constitution.

The Constitution of The People's Republic of Bangladesh provides independence to the office of the Comptroller & Auditor General (CAG). Under the authority of the CAG, audit of public accounts of the Republic, government agencies, public bodies and public companies is conducted and reports are submitted to the Parliament. The office of the CAG assists the National Parliament in ensuring accountability and transparency of the Government in the use of public resources.

Attorney-General for Bangladesh is appointed by the President under article 64(1) of the Constitution, who is qualified to be appointed as a judge of the Supreme Court. The Attorney General is empowered to participate in any reference to Supreme Court made by the President under article 106 of the Constitution and can express his own opinion.”¹⁵

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) and city corporations,

“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.

¹⁵ The official website of the Government of Bangladesh, (National web portal of Bangladesh), Statutory Bodies, undated, http://www.bangladesh.gov.bd/index.php?Itemid=138&id=59&option=com_content&task=view, accessed 3 March 2012

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.”¹⁶

The website of the government’s Local Government Division 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.”¹⁷

2. Border between Bangladesh and India; Enclaves

In September 2011 the *BBC* reported that there are more than 150 enclaves on the Bangladesh-Indian border, in which residents are effectively stateless,

“Dosiarchaura is among more than a 100 Indian enclaves inside Bangladesh. The border has never been properly demarcated.

The Indian enclaves are like territorial islands which belong to India but are surrounded completely by Bangladesh.

Similarly, there are more than 50 Bangladeshi enclaves inside India.

Most of these land-locked enclaves are situated close to the border between the two countries and many outsiders do not realise they even exist.

¹⁶ UNDP, Elections in Bangladesh 2006 – 2009, Transforming failure into success, 2010, <http://www.undp.org.bd/info/pub/election%20in%20bangladesh.pdf>, accessed 28 February 2012

¹⁷ Website of the Local Government Division, About Us, http://www.lgd.gov.bd/index.php?option=com_content&view=article&id=2&Itemid=81&lang=en#, accessed 4 March 2012

Yet the fact remains that people living in Indian enclaves inside Bangladesh are officially Indian citizens and those living in Bangladeshi areas inside India are Bangladeshis.

"We have no papers to prove that we are Indians and Bangladesh doesn't consider us as their citizens. We have been in a state of limbo for decades," says Mr Rahman, who is married with two sons.

Nestled between paddy fields, ponds and lush green bamboo, the enclaves appear similar and it's not obvious where the international border is.

Common to all the enclaves is abject poverty, with no signs of any civic amenities. The residents are effectively stateless.¹⁸

In November 2011 UN humanitarian news agency *IRIN* reported that villages within 120sqkm of enclaves are neglected by both Bangladesh and India, and that a visa and passport is required to leave an Indian enclave to enter Bangladesh but that to get a passport access is needed to mainland India, which involves crossing into Bangladeshi territory, as a result many daily interactions and movements of residents are technically illegal,

"Thousands of ethnic Bengalis living near the Bangladesh-India border have for decades found themselves citizens of one nation but bound within the sovereign territory of another. In recent months they have escalated their campaign for a land swap that will align their citizenship with cartography.

After independence from Britain in 1947, the territory was divided along religious lines, with Hindu communities going to India's West Bengal State and Muslim pockets joining what is now Bangladesh.

But the division was not clean, resulting in 162 land parcels that became part of one country while remaining within the borders of the other. Today they form a mostly destitute patchwork of 120 sqkm of villages whose inhabitants are largely neglected by both governments, say locals.

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Known to cartographers as "enclaves", there are another 51 of these border anomalies governed by Bangladesh's government, but located in India's southernmost Cooch Behar District, according to a joint census conducted by the Bangladeshi and Indian governments in July 2011.

Some residents are lobbying for a land swap: transfer Indian enclaves within Bangladesh for Bangladeshi pockets in India. In 1994, a group formed an enclave exchange committee with representatives from each community.

"We are campaigning for Bangladeshi citizenship," said Mohammad Altaf Hossain, from Dashiara Chara, whose 8,000 residents are nominally Indian citizens, but in reality have few links with India.

"Both countries are claiming [their enclaves] as sovereign territory, but accessing the enclaves [for government officials] means getting permission from the other country [where the enclave is located], so there is no real access," said Diptiman Sengupta, the joint secretary of the enclave exchange committee.

¹⁸ BBC, Stateless misery on India-Bangladesh border, 5 September 2011, <http://www.bbc.co.uk/news/world-south-asia-14715825>, accessed 28 February 2012

For permission to leave the enclave and enter Bangladeshi territory, a resident of an Indian enclave needs a visa and passport from mainland India - but that requires crossing Bangladeshi territory.

"We can't go back and forth between here and India. Anyway, all our daily interactions, all our trade, are with Bangladesh," said Hossain, describing how enclave residents live and work in a perpetual state of illegality."¹⁹

In September 2011 *Al Jazeera* reported that India and Bangladesh had concluded a land boundary agreement demarcating 4000km of land and resolving the status of 162 enclaves,

"India and Bangladesh have signed a raft of agreements during a visit to Dhaka by Manmohan Singh, India's prime minister, including one to resolve long-running border disputes.

The South Asian neighbours concluded a land boundary agreement on Tuesday to demarcate their 4,000km shared border and sort out 162 "enclaves" - small pockets of one country's territory surrounded by the other.

"Both of our countries have now demarcated the entire land boundary and have resolved the status of enclaves," Singh said at a ceremony with his Bangladeshi counterpart, Sheikh Hasina, in Dhaka.

More than 50,000 people live in the enclaves, cut off from their respective governments and without access to many basic services.

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However, breakthroughs on key disputes, including the sharing of water from rivers and transit rights, have not been agreed on.

Mamata Banerjee, the chief minister of the Indian state of West Bengal, pulled out of Singh's delegation to Dhaka, saying the proposed new treaty to share water from the Teesta river conceded too much.

"We have decided to continue discussions to reach a mutually acceptable, amicable and fair agreement on the sharing of the... river water," Singh said at the ceremony in Dhaka."²⁰

3. Framework of National Integrity Strategy and Corruption

In 2008 the *Government of the People's Republic of Bangladesh* approved a Framework of National Integrity Strategy designed to tackle corruption and provide accountability of the government and key institutions,

"The Government recognizes that corruption has emerged as a major deterrent against growth and development in the country, and is inhibiting the achievement of the commitment. In Bangladesh, low levels of transparency and accountability characterize the functioning of institutions in both the public and private sectors. The Government believes that the fight against corruption cannot be won by prosecution alone, an inclusive approach based on

¹⁹ IRIN, Bangladesh: "Enclave" residents campaign for citizenship, 23 November 2011, <http://www.irinnews.org/Report/94291/BANGLADESH-Enclave-residents-campaign-for-citizenship>, accessed 28 February 2012

²⁰ Al Jazeera, India and Bangladesh bury border dispute, 6 September 2011, <http://www.aljazeera.com/news/asia/2011/09/20119616562393932.html>, accessed 28 February 2012

values, morals, ethics and integrity is necessary. The NIS captures this approach to help prevent corruption and enhance transparency and accountability.

Institutions in the integrity system: The integrity system comprises both State and non-state institutions. In facilitating application of the NIS, the Government wishes to engage not only the State institutions such as Parliament, the Executive, the Judiciary, Public Services, Local Government, Attorney Services, Public Service Commission, Election Commission, Anti-Corruption Commission, Office of the Comptroller and Auditor General, and Office of the Ombudsman but also the non-State institutions including civil society, political parties, NGOs, private sector, and the media. Furthermore, State and non-State educational and religious institutions will also be key players of NIS.”²¹

In 2011 *Freedom House* reported that the implementation of the Framework of National Integrity Strategy approved by the caretaker government in 2008, has been limited,

“Sheikh Hasina’s administration has taken some measures, mainly nonlegislative, to enhance government accountability primarily through the —Framework of National Integrity Strategy approved by the caretaker government in October 2008. The strategy is designed to ensure that the executive branch is —transparent, responsive, and accountable to people and the Parliament. The framework also underscores the need for an independent judiciary and an efficient and impartial public service. However, not much has been done to translate such lofty promises into concrete action. The parliament is not yet capable of holding the prime minister, cabinet ministers, and other political executives accountable for their actions, partly because to date it has been little more than a rubber-stamp for the executive. Opposition members are either marginalized because of the prevailing —winner takes all culture or focus more on confrontational politics than holding the executive accountable through fair, nonpartisan debate. Although the parliament chooses the president, that position remains largely ceremonial.”²²

In 2010 the *UNDP* reported that institutions established to ensure accountability have exerted limited checks on executive power,

“There are a number of nominally independent institutions of accountability, such as the Anti-Corruption Commission, the Office of the Comptroller and Auditor General, and the Public Services Commission, but in practice these have provided limited checks on executive power.

The Constitution of Bangladesh establishes a Supreme Court, which is divided into an Appellate and High Court Divisions. The Chief Justice of the Supreme Court sits on the Appellate Appellate Division, along with the other seniormost Supreme Court judges in Bangladesh. The President appoints the Chief Justice and other Supreme Court Judges.”²³

In 2011 *Freedom House* reported that corruption is widespread within Bangladesh society and politics and that attempts to clamp down on political corruption through the Anti- Corruption Commission has not been a priority since the Awami League came to power in 2009, further the Awami League has withdrawn a large number of corruption cases filed against the senior leadership of their party,

²¹ Government of the People’s Republic of Bangladesh, Framework of the National Integrity Strategy, October 2008, http://www.cabinet.gov.bd/file_upload/CD_POLICY_en_2_127.pdf, accessed 28 February 2012

²² Freedom House, Countries at the Crossroads; Bangladesh, 2011, http://www.freedomhouse.org/sites/default/files/inline_images/BANGLADESHFINAL.pdf, accessed 28 February 2012

²³ UNDP, Elections in Bangladesh 2006 – 2009, Transforming failure into success, 2010, <http://www.undp.org.bd/info/pub/election%20in%20bangladesh.pdf>, accessed 28 February 2012

“Bangladesh’s struggle to encourage pro-poor economic growth continues as corruption remains pervasive throughout government and society. Public and private sector institutions suffer from corrupt practices that severely undermine the prospect for fostering a culture of good governance. Corruption is so widespread that most people now view it as a fait accompli. This was not the case after the military takeover in January 2007, when the military-backed caretaker government began prosecuting corrupt politicians, high-level government officials, and business magnates. The caretaker government also embarked on a massive reform agenda aimed at making government bureaucracies more efficient, accountable, and transparent. Although critics viewed the caretaker government’s institutional reform program as part of the military’s standard populist narrative of patriotism and nationalism, it took concrete measures to empower the Anti-Corruption Commission (ACC) to pursue corrupt organizations, institutions, and individuals and obtain convictions against them. However, the country’s return to electoral democracy changed the political landscape in such a way that institutional reform in general, and tackling rampant corruption in particular, was no longer a top priority. The AL government’s focus seems to have shifted to regime consolidation rather than strengthening of public institutions. As noted above, the Sheikh Hasina administration moved to withdraw a large number of corruption cases filed by the ACC against the party’s senior leadership, making it evident that curbing high-level corruption is not the government’s immediate concern. The office of the comptroller and auditor general of Bangladesh has not yet emerged as an independent institution capable of holding government leaders and institutions accountable for the inappropriate use of public funds. It does not have a fully developed complaint mechanism to deal with allegations of the misuse of public resources. Although civil servants and elected officials, including the president and prime minister, are required to declare their income and assets, no real effort is made to obtain objective and fact-based information to ensure the empirical validity of the disclosures.

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On April 26, 2010, the cabinet approved a set of proposals for amending the anticorruption law designed to bring the ACC under the political control of the government. The ACC will now report to the president (who acts almost entirely under advisement of the prime minister) and will need government permission before it files a case against any government official. Provisions are also made for the government to appoint the ACC’s secretary. Initiating and filing a corruption case will be much more challenging due to the stipulation that filing a false case may land an official in jail for five years. Political observers and the international donor community, including the EU and the World Bank, believe that such political measures to control the ACC will significantly weaken it.”²⁴

In 2011 *FIDH/OMCT* reported that amendments to the Anti-Corruption Commission Act have been tabled which would require the permission from the government prior to filing a case against a government official,

“On April 26, 2010, the Government approved the amendments to the Anti-Corruption Commission (ACC) Act of 2004, which was tabled in the Parliament on February 28, 2011. The amendments, if adopted in their current form, risk increasing political and administrative corruption, since the Government’s prior permission would be necessary for filing a case against Government officials. Furthermore, the proposed amendments would significantly strengthen the Government’s control over the Commission, since it would become accountable to the President and the Secretary of the ACC would be appointed by the Government.”²⁵

²⁴ Freedom House, *Countries at the Crossroads 2011*; Bangladesh, 2011, http://www.freedomhouse.org/sites/default/files/inline_images/BANGLADESHFINAL.pdf, accessed 10 March 2012

²⁵ International Federation for Human Rights-Observatory for the Protection of Human Rights Defenders, *Steadfast in Protest - Annual Report 2011 - Bangladesh*, 25 October 2011, http://www.omct.org/files/2011/10/21443/obs_2011_uk_complet.pdf, accessed 22 February 2012

In 2011 *Freedom House* reported that partisan allegiance is a key characteristic of career progression for civil servants,

“Impartiality and efficiency in the civil service are also a challenge, as —partisan allegiance is often the chief characteristic for career advancement. Senior bureaucrats appear to spend much of their time supporting the ruling party, which is necessary to ensure timely promotion to lucrative and meaningful positions, yet no concrete measures have yet been taken to liberate the civil service from this partisan influence. Media reports claim that dozens of senior officials have either been promoted or made —officers on special duty (OSD) —on the basis of political considerations in recent years, casting profound doubt on the possibility of a civil service based on responsiveness, honesty, and integrity. The country’s judicial system faces similar challenges in acting as a check on executive power [].”²⁶

C. Overview of main political parties; Awami League, Bangladesh National Party, Jatiya Party and Jamaat-e-Islami

In 2010 the *UNDP* reported that the Awami League and the Bangladesh Nationalist Party are the two most dominant political parties in Bangladesh,

“Two major political parties, the AL, led by Sheikh Hasina, and the BNP, led by Begum Khaleda Zia, dominate politics in Bangladesh. The political environment has been sharply polarized between the two parties, which have alternated in power since the restoration of civilian rule in 1991. Both the AL and the BNP have deep roots in Bangladeshi politics, though their political legacies vary considerably. The AL was formed in 1949 by a group of political leaders including Sheikh Mujibur Rahman who provided the leadership for the independence of Bangladesh from Pakistan. After independence, the AL dominated politics, having won all but seven seats in the country’s first elections. A prolonged period of military rule began after the assassination of Sheikh Mujibur Rahman in 1975. In 1977 Major General Ziaur Rahman, a well-known military commander in the war of liberation, assumed the Presidency, and founded the BNP in 1978. He was assassinated in 1981. The current leaders of the AL and BNP are related to the respective parties’ founders. Sheikh Hasina is the daughter of the late Sheikh Mujibur Rahman and Khaleda Zia is the wife of the late Ziaur Rahman.”²⁷

In 2010 the *UNDP* reported that there were 37 other political parties registered with the Bangladesh Electoral Commission, including two prominent parties; Jamaat-e-Islami and Jatiya Party,

“There are also many smaller parties in Bangladesh, 37 of which were registered with the BEC in 2008. Of these, the two most prominent are the JP, headed by former President Ershad, and Jamaat-e-Islami (JI), an Islamist party. Disaffected members of the BNP founded the Liberal Democratic Party just before the cancelled 2007 elections. Other, more long-standing parties include the Bangladesh Workers Party, the Bangladesh Communist Party, the Bangladesh Jatiya Party (BJP),¹⁷ and Jatiya Samajtantrik Dal. In addition to party-sponsored candidates, Bangladesh has a history of independent candidates winning some seats in Parliament.”²⁸

²⁶ Freedom House, *Countries at the Crossroads; Bangladesh, 2011*, http://www.freedomhouse.org/sites/default/files/inline_images/BANGLADESHFINAL.pdf, accessed 28 February 2012

²⁷ UNDP, *Elections in Bangladesh 2006 – 2009, Transforming failure into success, 2010*, <http://www.undp.org.bd/info/pub/election%20in%20bangladesh.pdf>, accessed 28 February 2012

²⁸ UNDP, *Elections in Bangladesh 2006 – 2009, Transforming failure into success, 2010*, <http://www.undp.org.bd/info/pub/election%20in%20bangladesh.pdf>, accessed 28 February 2012

1. *Awami League*

The *BBC* reports that the Awami League was formed under Sheikh Mujibur Rahman in 1949 to campaign for East Pakistan's autonomy from West Pakistan.²⁹ In 1972 Rahman became Prime Minister of the newly independent Bangladesh, in 1975 he became President, but was assassinated later that year in a military coup.³⁰

The *BBC* reports that the Awami League was the ruling party in Bangladesh during the following periods; 1971-1975, 1996 – 2001, 2008 – current.³¹

The *Awami League* describes its fundamental principles as being based on nationalism, democracy, secularism and socialism,

“The fundamental principles of the Bangladesh Awami Leagues shall be Bengali Nationalism, Democracy, Secularism or in other words ensuring freedom of all religions as well as non-communal politics and Socialism, that is to say-the establishment of an exploitation-free society and social Justice.”³²

Within its constitution the *Awami League* lists its aims and objectives as,

a) To consolidate the independence of the People's Republic of Bangladesh and to uphold its sovereignty as well as territorial integrity;

b) To establish and protect the people's constitutional rights since all powers in the Republic belong to the people;

c) To ensure political, economic, social and cultural freedom and welfare of all citizens;

d) To build a Secular, democratic society and state-system imbued with the spirit of Liberation War.”³³

The Awami League lists the following as associate organisations, stating that the Awami League will determine the policies of and supervise such organisations,

a) The Bangladesh Awami League Executive Committee shall decide the policies of Associate Organization of the Bangladesh Awami League. The concerned departmental Secretary of the Bangladesh Awami League shall supervise and co-ordinate the activities of Associate Organization. The Associate Organization, through the medium of the concerned secretary of the Bangladesh Awami League, shall be liable to the Bangladesh Awami League Executive Committee for its activities.

²⁹ BBC, Bangladesh: Timeline, updated 19 January 2012, <http://www.bbc.co.uk/news/world-south-asia-12651483>, accessed 28 February 2012

³⁰ BBC, Bangladesh: Timeline, updated 19 January 2012, <http://www.bbc.co.uk/news/world-south-asia-12651483>, accessed 28 February 2012

³¹ BBC, Bangladesh: Timeline, updated 19 January 2012, <http://www.bbc.co.uk/news/world-south-asia-12651483>, accessed 28 February 2012

³² Awami League website, The Constitution of the Bangladesh Awami League, http://www.abd.org/english/index.php?option=com_content&view=article&id=106%3Athe-constitution-of-the-bangladesh-awami-league&catid=37&Itemid=101, accessed 28 February 2012

³³ Awami League website, The Constitution of the Bangladesh Awami League, http://www.abd.org/english/index.php?option=com_content&view=article&id=106%3Athe-constitution-of-the-bangladesh-awami-league&catid=37&Itemid=101, accessed 28 February 2012

b) The Bangladesh Mahila Awami League, Bangladesh Krishok League, Jatiyo Sramik League, Bangladesh Awami Jubo League, Awami Swechhashebok League, Bangladesh Chhatra League, Awami Ainjibee Parishad, Bangladesh Tanti League and Swadhinata Chikitshak Parishad shall be regarded as the Associate Organizations of the Bangladesh Awami League.

c) The President and General Secretary of Associate Organization including specified number of members shall be deemed to be the delegates at the concerned strata of the Bangladesh Awami League.

d) The President/General Secretary of Associate Organization or any representative thereof, if invited, shall have the right to join at the meeting of the concerned strata of the Bangladesh Awami League.”³⁴

2. Bangladesh Nationalist Party

The *BBC* reports that in 1977 General Zia Rahman, leader of the Bangladesh Nationalist Party, became President and Islam was adopted in the Constitution. In 1979 the Bangladesh Nationalist Party won elections after the lifting of martial law. Zia Rahman was assassinated in an abortive military coup in 1981.³⁵

The *BBC* reports that the Bangladesh Nationalist Party was the ruling party in Bangladesh during the following periods;1977 – 1982, 1991 – 1995, 2001 - 2006.³⁶

The *Bangladesh Nationalist Party* is also referred to in its Constitution as ‘Bangladesh Jatiyatabadi Dal,’ its stated fundamental principles include,

- “1. Believe in Almighty Allah
2. Nationalism
3. Democracy
4. Socialism (Meaning to economics and social justice)”³⁷

The *Bangladesh Nationalist Party* states its ideology as,

“Ideologically, the party has professed Bangladeshi nationalism, described as the Islamic consciousness of the people of Muslim majority Bangladesh, in order to counter the secular Awami League. BNP promotes a very center-right policy combining elements of conservatism, corporatism, nationalism, militarism, anti-anarchism and anti-communism. It is more popular among the country’s business class, military, and conservatives. The party believes that Islam is an integral part of the socio-cultural life of Bangladesh, and favors Islamic principles as well as cultural views.”³⁸

³⁴ Awami League website, Functions and Powers of the Bangladesh Awami League office bearers, undated,

http://www.abd.org/english/index.php?option=com_content&view=article&id=109:functions-a-powers-of-the-bangladesh-awami-league-office-beare&catid=37:about-al, accessed 10 March 2012

³⁵ BBC, Bangladesh: Timeline, updated 19 January 2012, <http://www.bbc.co.uk/news/world-south-asia-12651483>, accessed 28 February 2012

³⁶ BBC, Bangladesh: Timeline, updated 19 January 2012, <http://www.bbc.co.uk/news/world-south-asia-12651483>, accessed 28 February 2012; UK Foreign and Commonwealth Office, Country Profile: Bangladesh, updated 28 February 2012, <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/asia-oceania/bangladesh/?profile=all>, accessed 10 March 2012

³⁷ Bangladesh National Party website, History, undated, <http://bangladeshnationalistparty-bnp.org/content.aspx?tablename=webitem2&id=9&child=null&parentid=null>, accessed 10 March 2012

³⁸ Bangladesh National Party website, History, undated, <http://bangladeshnationalistparty-bnp.org/content.aspx?tablename=webitem2&id=9&child=null&parentid=null>, accessed 10 March 2012

According to its website, organisations associated with the BNP include, Bangladesh Jatiyatabadi Mohila Dal, Bangladesh Jatiyatabadi Samajik Sangskritik Sangstha, Bangladesh Jatiyatabadi Krishak Dal, Bangladesh Jatiyatabadi Sechchasebak Dal and Bangladesh Jatiyatabadi Olama Dal.³⁹

3. *Jatiya Party*

The *BBC* and the official website of the *President of Bangladesh* report that General Ershad became President in 1982 governing under military rule, marshal law was imposed with Ershad as the Chief Martial Law Administrator.⁴⁰

The official website of the *President of Bangladesh* states that,

“Ershad was promoted to the rank of Lt. General in December 1978 and became the Chief of Staff of Bangladesh Army. He assumed state power in a military coup and became CMLA on 24 March 1982. []”⁴¹

“The Chief Martial Law Administrator (CMLA), Lt. General Hussain Muhammad Ershad assumed the office of the President of the Republic on 11 December 1983.”⁴²

The official website of the *President of Bangladesh* states that in 1986 Ershad formed the Jatiya Party and won elections in 1986, parliament was dissolved in 1987 and Ershad and the Jatiya Party won elections again in 1988,

“Ershad floated a new political party called Jatiya Party (JP) in 1986. Elections to JS were held in May 1986 in which BNP did not participate but a part of the AL- led 15 - party alliance did. In the elections, JP won 153 seats against AL's 76. However, amidst allegations of mass rigging and media coup, Parliament was dissolved in December 1987. Election to the fourth parliament was held anew on 3 March 1988. This election was, however, fully boycotted by all major political parties. JP secured 251 seats out of 300. During his tenure of office, Ershad was able to introduce Upazila System.”⁴³

The official website of the *President of Bangladesh* states that Ershad stepped down from power in 1990 and was imprisoned between 1990 and 1997 and again from 2000 – 2001,

“After stepping down from power in the face of mass agitation by the opposition alliances, Ershad was arrested on 12 December 1990. A number of cases were filed against him, which included that of corruption, abuse of power, keeping of unlicensed arms and murder and he was sentenced to imprisonment. [] After six years of confinement, the Supreme Court released Ershad on bail on 9 January 1997. He was twice elected from five parliamentary seats in the general elections of February 1991 and June 1996. He was, however, convicted in the Janata Tower Case by the HC on 24 August 2000. He surrendered as per the directives of the court on 20 November 2000. His parliamentary seat was declared vacant by the HC on 6 February

³⁹ Bangladesh National Party website, Organization, undated, <http://bangladeshnationalistparty-bnp.org/content.aspx?tablename=webitem3&id=16&parent=null&parentid=null>, accessed 10 March 2012

⁴⁰ BBC, Bangladesh Profile, 4 March 2012, <http://www.bbc.co.uk/news/world-south-asia-12650944>, accessed 10 March 2012; The Bangabhaban, The President House of Bangladesh, Former Presidents, Lt. General Hussain Muhammad Ershad, undated, <http://www.bangabhaban.gov.bd/arshad.html>, accessed 10 March 2012

⁴¹ The Bangabhaban, The President House of Bangladesh, Former Presidents, Lt. General Hussain Muhammad Ershad, undated, <http://www.bangabhaban.gov.bd/arshad.html>, accessed 10 March 2012

⁴² The Bangabhaban, The President House of Bangladesh, Former Presidents, Lt. General Hussain Muhammad Ershad, undated, <http://www.bangabhaban.gov.bd/arshad.html>, accessed 10 March 2012

⁴³ The Bangabhaban, The President House of Bangladesh, Former Presidents, Lt. General Hussain Muhammad Ershad, undated, <http://www.bangabhaban.gov.bd/arshad.html>, accessed 10 March 2012

2000 and he was barred from contesting in the elections in the next five years as per the provisions of the Constitution for moral turpitude. After suffering imprisonment and detention for four months and nineteen days, he was released on 9 April 2001.⁴⁴

The UK *Foreign and Commonwealth Office* reported that the Jatiya Party was formerly known as Jana Dal,

“The Chief of Army Staff, Lt Gen Ershad overthrew President Sattar in a bloodless coup, in 1982. Ershad suspended the constitution and re-imposed martial law. He founded his own political party, the Jana Dal and declared himself President in 1983. The following year he began talks with the two opposition alliances - one led by Sheikh Mujibur’s daughter, Sheikh Hasina, and the other led by Begum Khaleda Zia, Zia ur Rahman’s widow. In 1986 Ershad’s renamed party, the Jatiya Party, won parliamentary and presidential elections and martial law was lifted. The main opposition political parties forced Ershad to step down in December 1990 when he lost army support after massive protest demonstrations.”⁴⁵

In April 2009 Bangladeshi newspaper *The Daily Star* described Jatiya Juba Sanghati as the youth wing of the Jatiya Party.⁴⁶

In March 2012 Bangladeshi online news agency *bdnews24.com* described Jatiya Chhatra Samaj as the student wing of the Jatiya Party.⁴⁷

D. Overview of main student organizations; Bangladesh Chhatra League, Jatiyatabadi Chhatra Dal, and Islami Chhatra Shibir

In February 2010 Bangladeshi daily newspaper, *The Independent*, reported that inter and intra party violence has occurred in several universities with an estimated 74 student murders at Dhaka University since 1971. *The Independent* further reports that since the Awami League came to power in 2009, most violence has involved Bangladesh Chhatra League (student wing of Awami League), Jatiyatabadi Chhatra Dal (student wing of BNP), Bangladesh Chhatra Maitree (student wing of the Worker’s Party) and Islami Chhatra Shibir (student wing of Jamaat-e-Islami),

“Now-a-days, innocent students are bearing the brunt of student politics as they are often the victim of untoward incidents, including death. The regular students often sustain injury resulting from inter-party and intra-party student clash. Often these injuries turn fatal and lead to death. Unrest and atrocities sparked by student politics first hit Jahangirnagar University (JU) in the beginning of this year, while a series of such clashes erupted in other public universities like Shahajalal University of Science and Technology, Bangladesh University of Engineering and Technology, Comilla University, Khulna University of Engineering and Technology, Jagannath University and Chittagong University.

The last political victim till now is Zubair Ahmed, a fourth year English department student in JU, who was brutally murdered on 9th January by some activists of Bangladesh Chhatra

⁴⁴ The Bangabhaban, The President House of Bangladesh, Former Presidents, Lt. General Hussain Muhammad Ershad, undated, <http://www.bangabhaban.gov.bd/arshad.html>, accessed 10 March 2012

⁴⁵ UK Foreign and Commonwealth Office, Country Profile: Bangladesh, updated 28 February 2012, <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/asia-oceania/bangladesh/?profile=all>, accessed 10 March 2012

⁴⁶ The Daily Star, JP won’t object to any legal, transparent action, 11 April 2009, http://www.thedailystar.net/newDesign/print_news.php?nid=83697, accessed 30 March 2012

⁴⁷ Bdnews24.com, Ershad goes it alone in the polls, 28 March 2012, <http://www.bdnews24.com/details.php?id=221150&cid=3>, accessed 30 March 2012

League (BCL) of JU, a student wing of the ruling party. In other universities as well, students are killed and blood shed in the name of student politics.

According to newspaper reports, 74 murders have taken place in Dhaka University since the Liberation War in 1971, about 28 students of different parties in Rajshahi University since the university began its journey in 1953 of which nine were killed by the Chhatra Shibir, a student wing of Jamat-E-Islami Bangladesh.

Since the Awami League-led alliance came to power on January 6, 2009, several hundred students have also been injured in repeated clashes mainly between the activists of the AL backed Bangladesh Chhatra League, BNP backed Jatiyatabadi Chhatra Dal (JCD), the Workers Party's student Front – Bangladesh Chhatra Maitree, and Islami Chhatra Shibir (ICS) of Jamaat.

The period has seen a total of 19 students killed in violent clashes at Dhaka, Rajshahi, and Chittagong universities, Dhaka Medical College, Rajshahi Polytechnic Institute, Khulna Government City College, Sylhet MC College, Comilla Victoria University College, Dewanganj Madrassah in Jamalpur, Mohammadpur in the capital city, Mehendiganj in Barisal, and in Khulna, Rangpur, and Narayanganj as well as Narail and Panchagarh, as have been reported in the newspapers.

BCL factional clashes accounted for 11 of the 19 students killed during this time. Of the rest, four ICS activists, two JCD members, and one Chhatra Maitree worker were killed in clashes over various disputes including tender bids, incidents of extortion and drug peddling.⁴⁸

1. **Bangladesh Chhatra League**

In 2011 the *Bangladesh Independent News Network* reported that the Bangladesh Chhatra League (BCL), the student wing of the Awami League, has engaged in violence across the country,

“During the tenure of AL government, violence in educational institutions has become the order of the day. Bangladesh Chhatra League (BCL), the student wing of AL, in an attempt to establish supremacy in the educational institutions has resorted to violence culminating not only in the closure of many educational institutions but also in the death of many students all over the country.

Earlier this year, five noted educationists of the country, Professors Kabir Chowdhury, Zillur Rahman Siddiqui, Serajul Islam Chowdhury, Jamal Nazrul Islam and Anisuzzaman, urged the Prime Minister who is also the President of AL, to sever all direct and indirect links with Bangladesh Chhatra League for the sake of congenial atmosphere in educational institutions.⁴⁹

In November 2010 Bangladeshi newspaper *The New Age* reported allegations that approximately 50 members of the Bangladesh Chhatra League attacked police officers who had refused a BCL request to release a man arrested for stalking and harassing women garment workers,

⁴⁸ The Independent, Problems of student politics, 24 February 2012, <http://www.theindependentbd.com/weekly-independent/96504-problems-of-student-politics.html>, accessed 10 March 2012

⁴⁹ Bangladesh Independent News Network, Paralyzed democracy – is anybody concerned?, 27 June 2011, <http://www.bdinn.com/articles/paralyzed-democracy-%E2%80%93-is-anybody-concerned/>, accessed 28 February 2012

“A sub-inspector was injured when a police patrol came under attack allegedly from activists of Chhatra League while detaining a youth on charge of stalking in Baizid area of the city on Wednesday night.

The injured police officer, Zahir Hossain, of Baizid police station, was admitted to Chittagong Medical College Hospital.

The police and local sources said a group of stalkers used to harass female garment workers on their way home from work near a graveyard at Kunjachhaya area every night.

Abdus Sabur, officer-in-charge of Baizid police station, said on information a police patrol went to the area at around 10:30pm and found three youths standing there and caught one of them as the rest two fled the spot.

As the police were taking the youth, identified as Babul, to the police station for interrogation, they received a phone call from BCL city unit office secretary Arshadul Haque Bachchu with a request to release him immediately, the OC said.

As I refused to release the youth, 40 to 50 youths intercepted the patrol and started hurling stones at the police, he said adding that a piece of stone struck the head of Zahir during the incident leaving him critically injured.”⁵⁰

In January 2012 Bangladeshi daily newspaper the *Independent* reported that two Universities were temporarily closed due to violence by Bangladesh Chattra League members,

“Turmoil has gripped three major public universities of the country - Bangladesh University of Engineering and Technology (BUET), Khulna University of Engineering and Technology (KUET), and Shahjalal University of Science and Technology (SUST)---for the last few days seriously disrupting the academic life of hundreds of students. In BUET it started with the assault of fellow students by the activists of the Bangladesh Chattra League (BCL), the ruling party’s student outfit. In the wake of the general students’ movement protesting the incident two BCL activists of BUET were expelled permanently on Monday.

On Monday the authorities closed KUET for an indefinite period as a series violent incidents erupted on the campus between BCL activists and other students earlier in the afternoon at Phulbarigate of the city.

In SUST a group of students and teachers observed strike on Monday when they head that the VC was going to resign protesting his humiliation.”⁵¹

2. Jatiyatabadi Chhatra Dal

The *Daily Star* reports that Jatiyatabadi Chhatra Dal (JCD), the student wing of the BNP was founded 33 years ago.⁵² The Bangladesh National Party Constitution states that Jatiyatabadi Chhatra Dal is an associated organization which operates under a separate constitution,

⁵⁰ The Daily Star, BCL men attack police after stalker detained, 5 November 2010, available from <http://humanrightsinbangladesh.com/48.php>, accessed 26 February 2012

⁵¹ Independent, 3 public varsities in turmoil, 3 January 2012, <http://www.theindependentbd.com/paper-edition/frontpage/129-frontpage/87953-3-public-varsities-in-turmoil.html>, accessed 25 February 2012

“People involved in different professions and who believe in the principles, ideology, objectives and programmes of the party can be organized for protecting the interest of respective professional groups and these organizations will be considered as associate organization of party. But Bangladesh Jatiyatabadi Chhatra Dal and Bangladesh Jatiyatabadi Sramik Dal will operate according to its own constitution.”⁵³

In January 2010 the *Daily Star* reported that 24 people were injured during Jatiyatabadi Chhatra Dal intra-party violence at Dhaka University,

“Clashes between Jatiyatabadi Chhatra Dal factions at Dhaka University yesterday left at least 25 people including proctor, JCD chief and four policemen injured.

The fighting resulted from a feud over places in the new central committee of JCD, student wing of the opposition BNP.

Chhatra Dal cadres fired some 50 rounds of bullet and exploded 20 hand-made bombs in a sharp reminder of the violence-plagued days of DU.

Panic gripped thousands of students as the sound of gunfire and explosions echoed through the campus, which hardly saw any shooting in last couple of years.

Yesterday's was the first major incident of violence since the unrest stemming from the beating of students by army men rocked DU in August 2007.

[]

The clashes broke out at around 10:40am when leaders of the new committee were on their way to the vice-chancellor's office from Madhur Canteen.

A group of JCD men, left out of the committee, were lying in wait near Surya Sen Hall. As soon as Tuku, General Secretary Amirul Islam Alim and other office-bearers entered the Mall Chattar area, they opened fire on them.”⁵⁴

In March 2011 the *Daily Star* reported that Billal Hossain Roni, the leader of the Narsingdi Government College campus branch of the Jatiyatabadi Chhatra Dal was shot and killed by other members of the JCD,

“Police yesterday arrested one person in connection with the killing of pro-BNP student leader Billal Hossain Roni Tuesday morning on Narsingdi Government College campus.

The arrestee, Rubel, confessed his involvement in the killing before a magistrate yesterday, said Akkasuddin Bhuiyan, Narsingdi superintendent of police (SP). Rubel also named some others involved in the murder.

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⁵² The Daily Star, JCD founding anniversary, on Jan 01, 28 December 2011, <http://www.thedailystar.net/newDesign/news-details.php?nid=216007>, accessed 26 February 2012; BBC, Clashes shut Bangladesh campus, 14 January 2004, http://news.bbc.co.uk/1/hi/world/south_asia/3396863.stm, accessed 25 March 2012

⁵³ Bangladesh National Party website, Bangladesh National Party Constitution, December 2009, <http://bangladeshnationalistparty-bnp.org/content.aspx?tablename=webitem2&id=8&child=null&parentid=null>, accessed 10 March 2012

⁵⁴ The Daily Star, JCD men fight at DU, 19 January 2010, <http://www.thedailystar.net/newDesign/news-details.php?nid=122450>, accessed 26 February 2012

There have been disputes between BNP and JCD rank and file after the recent declaration of new JCD committee in Narsingdi. Those who did not like the new leadership dubbed the new committee as a handpicked one by Khokon.

On Tuesday, a gang of youths entered the college and opened fire on college unit JCD chief Roni.

Roni, also general secretary of the college students' union, died in the attack inside the students' union office. Another student was bullet injured.

Yesterday morning Roni's elder brother Abul Fazal filed a murder case with Narsingdi Sadar Police Station accusing 16 persons, mostly present and ex-JCD leaders and activists of the district, and seven to eight others unidentified.

Fazal said feuds in the rank and file of JCD were the reasons behind the killing.⁵⁵

In January 2012 the *Daily Star* reported that a new leadership committee was formed and will serve for two years, further most committee members of the student wing are over the age of 40.⁵⁶

3. *Islami Chhatra Shibir*

According to the *South Asian Terrorism Portal*, Islami Chhatra Shibir is the student wing of Jamaat-e-Islami and was formed in 1941,

“Nurul Islam Bulbul is the Central President of the ICS. Mohammed Nazrul Islam is the Secretary General of the outfit. Other important leaders are: Kamal Ahmed Sikder, A S M Faruq, Muhammad Mujibur Rahman Manju, Muhammad Raisul and A S M Ashraf Mahmud Uzzal.

Executive Council is the highest decision-making body of the outfit. The ICS has a central secretariat, comprising eight members. In addition, the ICS has established 6 divisions countrywide: Dhaka Division, Chittagong Division, Sylhet Division, Rajshahi Division, Khulna Division and Barisal Division. Each division has several districts and other units under its jurisdiction.⁵⁷

According to the *South Asian Terrorism Portal* the objectives of Islami Chhatra Shibir are,

“to struggle for changing the existing system of education on the basis of Islamic values, to inspire students to acquire Islamic knowledge and to prepare them to take part in the struggle for establishing Islamic way of life.

⁵⁵ The Daily Star, JCD feud leads to Roni murder, 17 March 2011, <http://www.thedailystar.net/newDesign/news-details.php?nid=178061>, accessed 10 March 2012

⁵⁶ The Daily Star, Over 40 year old 'students' active, 22 January 2012, <http://www.thedailystar.net/newDesign/news-details.php?nid=219374>, accessed 26 March 2012

⁵⁷ South Asian Terrorism Portal, Islami Chhatra Shibir, undated, <http://www.satp.org/satporgtp/countries/bangladesh/terroristoutfits/ics.htm>, accessed 26 March 2012

A significant aim of the outfit is to establish an Afghanistan-Taliban type Islamist regime in Bangladesh. Consequently, the outfit is opposed to forces of modernization, secularism and democracy.”⁵⁸

The *South Asian Terrorism Portal* reported that Islami Chhatra Shibir has a strong presence at several universities,

“The ICS is one of the strongest student fronts in the Universities of Chittagong, Dhaka, Rajshahi and Jahangirnagar. It is also emerging as a dominant group in the Khulna and Sylhet Universities. Within the vast *madrassa* (religious seminary) structure in Bangladesh, the ICS is reported to be a dominant and uncontested organisation.”⁵⁹

E. Front Organisations

In March 2011 *The Daily Star* reported the following as associate organisations of the Awami League,

“Mohila Awami League, Awami Jubo League, Jubo Mohila League, Krishak League, Chhatra League, Sramik League, Sechchhasebak League, Joy Bangla Sangskritik Jote, Bangabandhu Sangskritik Jote and Swadhinata Chikitsak Parishad.”⁶⁰

In December 2011 the *Financial Express* reported the following as front organisations of the Awami League; Dhaka Mohanagar AL, Jubo League, Shechhasebok League, Sramik League and Chhatra League.⁶¹

In March 2012 *New Age* reported the following front organizations of the Awami League; Juba League (Youth), Chhatra League (student), Noujan Sramik League (Worker’s Party).⁶²

In its constitution, the *Bangladesh Nationalist Party* reports the following regarding front organisations,

“The party can patronize one or more front organizations. These front organizations will have its own proclamation, constitution, flag and office and this front organization will fall under the discipline of the main organization. The party chairman can take punitive measures against any official or member of any front organization at any time or can expel from the organization or postpone membership of the organization or order or advise to rebuke him/her on charge of breaching disciplines or anti-organizational activities or misconduct. No organization will be considered as front organization of Jatiyatabadi Dal until getting approval as front organization from the chairman. From the date of approval, seniority of the front organizations will be fixed. In the national executive committee of party, one secretary will be incorporated from each of the front organizations. The core objective of the front organizations will be extending support to implementation of the party programmes and for this purpose, the front organizations will formulate its own programmes for the aim of creating influence in its own arena and extending the party ideology. But the proclamation, constitution and flag will have to be approved earlier by the chairman and if any front organization wants a change in the proclamation, constitution

⁵⁸ South Asian Terrorism Portal, Islami Chhatra Shibir, undated, <http://www.satp.org/satporqtp/countries/bangladesh/terroristoutfits/ics.htm>, accessed 26 March 2012

⁵⁹ South Asian Terrorism Portal, Islami Chhatra Shibir, undated, <http://www.satp.org/satporqtp/countries/bangladesh/terroristoutfits/ics.htm>, accessed 26 March 2012

⁶⁰ The Daily Star, Nation observes Bangabandhu’s birthday today, 17 March 2011, <http://www.thedailystar.net/newDesign/news-details.php?nid=178024>, accessed 10 March 2012

⁶¹ The Financial Express, AL, front organisations hold protest rallies in city, 19 December 2011, http://www.thefinancialexpress-bd.com/more.php?news_id=143150&date=2011-12-19, accessed 10 March 2012

⁶² New Age, AL men guard city points, 13 March 2012, <http://www.newagebd.com/detail.php?date=2012-03-13&nid=3831>, accessed 16 March 2012

or flag, without prior permission of the chairman, such changes in the proclamation, constitution or flag will not be effective.

The party will help to implement such programmes of front organizations. The front organizations that have received approval from the chairman are:

Bangladesh Jatiyatabadi Muktijoddha Dal
Bangladesh Jatiyatabadi Jubo Dal
Bangladesh Jatiyatabadi Mohila Dal
Bangladesh Jatiyatabadi Samajik Sangskritik Sangstha
Bangladesh Jatiyatabadi Krishak Dal
Bangladesh Jatiyatabadi Sechchasebak Dal
Bangladesh Jatiyatabadi Tanti Dal
Bangladesh Jatiyatabadi Olama Dal
Bangladesh Jatiyatabadi Matshayajibi Dal”⁶³

⁶³ Bangladesh National Party website, Bangladesh National Party Constitution, December 2009, <http://bangladeshnationalistparty-bnp.org/content.aspx?tablename=webitem2&id=8&child=null&parentid=null>, accessed 10 March 2012

2. Security Situation/Developments

In its 2010 country report on human rights the *United States Department of State (USDOS)* reported that security forces committed acts of torture, extra-judicial killings, arbitrary arrests and detention, sometimes with impunity. According to *USDOS* there was official corruption and the judiciary was politicized, further the government limited freedom of speech, press, assembly and association. The *USDOS* reports that violence against religious and ethnic minorities occurred. The *USDOS* reports that violence against women and trafficking were serious problems as was discrimination against people with disabilities and on the basis of sexual orientation,

“There were instances in which elements of the security forces acted independently of civilian control.

Security forces committed extrajudicial killings and were responsible for custodial deaths, torture, and arbitrary arrest and detention. The failure to investigate fully extrajudicial killings by security forces, including several deaths in custody of alleged criminals detained by the Rapid Action Battalion (RAB), remained a matter of serious concern. Some members of the security forces acted with impunity. Prison conditions at times were life-threatening, lengthy pretrial detention continued to be a problem, and authorities infringed on citizens' privacy rights. An increasingly politicized judiciary exacerbated problems in an already overwhelmed judicial system and constrained access to justice for members of opposition parties. The government limited freedom of speech and of the press, self-censorship continued, and security forces harassed journalists. The government curbed freedom of assembly, and politically motivated violence remained a problem. Official corruption and related impunity continued. Discrimination against women, and violence against women and children remained serious problems, as did discrimination against persons with disabilities and against persons based on their sexual orientation. Trafficking in persons remained a serious problem. Violence against religious and ethnic minorities still occurred, although many government and civil society leaders stated that these acts often had political or economic motivations and could not be attributed only to religious belief or affiliation. Limits on worker rights and child labor remained problems.”⁶⁴

In its 2011 annual report *FIDH/OMCT* stated that there was widespread impunity for acts of torture and extra-judicial killings and that journalists and human rights defenders were attacked and killed for reporting on abuses,

“In 2010-2011, while torture, ill-treatment and extrajudicial killings continued unabated, impunity for such acts remained widespread. The space for freedom of opinion and expression also further shrank. In such a context, journalists exposing cases of corruption and denouncing human rights violations were victims of judicial harassment, attacks and threats, and human rights defenders and organisations were subjected to various acts of harassment, including killings, in particular when denouncing human rights violations committed by security forces. Freedom of peaceful assembly also continued to be hampered.”⁶⁵

In its 2012 World Report *Human Rights Watch* reported that security forces arbitrarily arrested, tortured and killed people in custody but that such cases were not properly investigated,

“Despite strong evidence that security forces were continuing to arbitrarily arrest people, often torturing and then killing them in custody, the home minister refused to acknowledge

⁶⁴ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

⁶⁵ International Federation for Human Rights-Observatory for the Protection of Human Rights Defenders, Steadfast in Protest - Annual Report 2011 - Bangladesh, 25 October 2011, <http://www.unhcr.org/refworld/docid/4ea7b3eed.html>, accessed 22 February 2012

the need for accountability. Prime Minister Sheikh Hasina said her government had zero tolerance for extrajudicial killings, but failed to properly investigate allegations and prosecute the perpetrators.”⁶⁶

In its 2011 annual report *Amnesty International* reported that law enforcement forces used excessive force against demonstrators and were implicated in extra-judicial killings and torture in custody,

“Rapid Action Battalion (RAB) personnel and other police officers detained more than 1,500 people, many of them arbitrarily, during demonstrations. They used excessive force against demonstrators, injuring hundreds. RAB and the police continued to be implicated in extrajudicial executions. At least six detainees died in police custody, allegedly from torture. Nine men were executed and at least 32 men were sentenced to death. Six people were detained for war crimes.”⁶⁷

In its 2011 annual report *FIDH/OMCT* reported that torture in detention was common and that impunity for extra-judicial killings and acts of torture continued,

“Impunity for acts of torture and ill-treatment, as well as extrajudicial (or “crossfire”) killings continued during 2010-2011. Despite high level assurances to the contrary, successive Governments have shown indifference to these practices, committed mainly by the Rapid Action Battalion (RAB) and members of the police. During the course of 2010, 127 persons were reportedly killed extra-judicially, the majority of them by members of RAB, mostly in “crossfire” incidents. Between January and March 2011, 33 persons were killed extra-judicially. []The Border Security Force (BSF) of India also continued to commit human rights violations, including killings, abductions and torture and other forms of violence along the India-Bangladesh border. The BSF also frequently conducted operations deep in Bangladeshi territories. Yet, these concerns were not raised by Prime Minister Sheikh Hasina during her official visit to India in January 2010.”⁶⁸

A. Security situation on the Bangladesh/India border

In its 2010 country report *USDOS* reported that violence continued along the border with India,

“Violence along the border with India remained a problem, and the number of incidents increased by nearly 33 percent from the previous year. According to human rights organizations, the Indian Border Security Force killed 98 persons during the year. There were also reports that Bangladesh Border Guards, the new name adopted by the BDR, engaged in shootings along the border.

According to ODHAKAR, on January 21, Indian forces detained and tortured a 15-year-old boy whose family lived adjacent to the border. The boy was swimming in the river that demarcates the border before his detention. After his release, the boy died from the injuries he sustained during torture.”⁶⁹

In December 2011 the *UN News Service* reported that killings of civilians at the border continued, despite the Indian government issuing its border security forces a no shooting decree,

⁶⁶ Human Rights Watch, World Report 2012 - Bangladesh, 22 January 2012, <http://www.hrw.org/world-report-2012/world-report-2012-bangladesh>, accessed 20 February 2012

⁶⁷ Amnesty International, Annual Report 2011; Bangladesh, May 2011, <http://www.amnesty.org/en/region/bangladesh/report-2011>, accessed 10 March 2012

⁶⁸ International Federation for Human Rights-Observatory for the Protection of Human Rights Defenders, Steadfast in Protest - Annual Report 2011 - Bangladesh, 25 October 2011, <http://www.unhcr.org/refworld/docid/4ea7b3eed.html>, accessed 22 February 2012

⁶⁹ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrpt/2010/sca/154478.htm>, accessed 22 February 2012

"The death toll at the Bangladesh-India border continues to mount three months after the Indian government instructed its border security forces to stop shooting civilians suspected of being undocumented migrants or a threat to national security, say local residents.

NGOs have denounced the border killings as extrajudicial.

The abuse continues, according to Bangladeshi human rights NGO, Odhikar, which accuses India's border security force (BSF) of circumventing the recent no-shooting decree with beatings, stonings or poisoning.

However, the First Secretary of the Indian embassy in Bangladesh's capital, Dhaka, told IRIN that any killings had been linked to border crime.

"The BSF does not attack civilians. This is not happening any more. Only in a few cases, they have acted in self-defence," said Manoj Kumar Mohapatra.

Some 347 Bangladeshis and 164 Indians have been killed by Indian forces since 2006, when the Indian government built the wall, according to BSF.

Mohammad Baten, the latest man allegedly killed by the BSF - the 24th this year - was reportedly beaten to death, according to Bangladesh's border security."⁷⁰

In its 2011 annual report *FIDH/OMCT* stated that the Indian Border Security Force continues to commit human rights violations along the border,

"The Border Security Force (BSF) of India also continued to commit human rights violations, including killings, abductions and torture and other forms of violence along the India-Bangladesh border. The BSF also frequently conducted operations deep in Bangladeshi territories. Yet, these concerns were not raised by Prime Minister Sheikh Hasina during her official visit to India in January 2010."⁷¹

In December 2010 *Human Rights Watch* reported that the Indian Border Security force used excessive force and operated a de facto shoot to kill policy,

"The BSF justifies the killing of suspected smugglers by claiming that they were evading arrest, or that its personnel had to fire in self-defense. But suspicion of a crime or evasion of arrest cannot alone justify the use of lethal force. In fact, even India's domestic laws which allow "all means necessary" in case a person attempts to use force to resist arrest, specifically forbid causing the death of a person who is not accused of an offense punishable by death or a life term.

In all the cases we investigated, the alleged criminals were either unarmed or armed with only sickles, sticks, and knives, which suggest that in shooting victims, the border guards are likely to have used excessive force. In a number of cases, the victims were shot in the back, suggesting that they were running away. In others, injuries indicate the person was shot at close range, with witnesses often alleging that the person was tortured and killed in BSF custody. Other victims appear to have fallen victim to bullets because they were too close to the border. []

In March 2010, BDR chief Maj. Gen. Mainul Islam, explaining that there was a history of "people and cattle trafficking during darkness," said of the killings: "We should not be

⁷⁰ UN News Service, Bangladesh: Border killings mount despite no-shooting decree, 6 December 2011, <http://www.unhcr.org/refworld/docid/4ee1e0ae2.html>, accessed 22 February 2012

⁷¹ International Federation for Human Rights-Observatory for the Protection of Human Rights Defenders, Steadfast in Protest - Annual Report 2011 - Bangladesh, 25 October 2011, <http://www.unhcr.org/refworld/docid/4ea7b3eed.html>, accessed 22 February 2012

worried about such incidents.... We have discussed the matter and will ensure that no innocent people will be killed." During an official visit to Bangladesh in September 2010, Raman Srivastava, Director General of the BSF, responded to Bangladesh's complaints that the BSF were killing "innocent, unarmed" Bangladeshi civilians by saying: "We fire at criminals who violate the border norms. The deaths have occurred in Indian territory and mostly during night, so how can they be innocent?"

These comments suggest that officials of both governments believe that it is legal to use lethal force against those suspected of being engaged in smuggling or other illegal activities. This amounts to a de facto shoot-to-kill policy for smugglers, and violates both national and international standards on the right to life and the presumption of innocence which are applicable in India and Bangladesh.⁷²

In January 2011 UK daily newspaper *The Guardian* reported that the Indian Border Security Force (BSF) operated a shoot to kill policy, including against unarmed villagers and that no prosecutions have been made in relation to nearly 1000 people killed, mainly Bangladeshis, by BSF,

"Do good fences make good neighbours? Not along the India-Bangladesh border. Here, India has almost finished building a 2,000km fence. Where once people on both sides were part of a greater Bengal, now India has put up a "keep out" sign to stop illegal immigration, smuggling and infiltration by anti-government militants.

This might seem unexceptional in a world increasingly hostile to migration. But to police the border, India's Border Security Force (BSF), has carried out a shoot-to-kill policy – even on unarmed local villagers. The toll has been huge. Over the past 10 years Indian security forces have killed almost 1,000 people, mostly Bangladeshis, turning the border area into a south Asian killing fields. No one has been prosecuted for any of these killings, in spite of evidence in many cases that makes it clear the killings were in cold blood against unarmed and defenceless local residents.

Shockingly, some Indian officials endorse shooting people who attempt to cross the border illegally, even if they are unarmed.⁷³

In December 2010 *Human Rights Watch* reported that the Indian Border Security Force carried out indiscriminate killings,

"Naren Karmokar, a resident of the border village of Bishroshiya in hapainababganj district, said that his 17-year-old son, Shyamol, wanted to visit his aunt who lives in Malda, India. However, since the family could not afford a passport, there was no legal way to enter India.

On January 24, 2010, Shyamol left home without informing his family. The next morning, at around 10:30 a.m., Naren Karmokar received a call from Shyamol, who said that he had crossed illegally into India, but had not yet reached his aunt's house:

Everyone in the family was worried... We were relieved to receive his call. I told him to come back without visiting his aunt. I also told him to return alone, and warned him not to take any help from cattle traders. Shyamol called me on January 26 to say that he would be back the next day and that he had found a Bangladeshi who would help him. At around 3:30 a.m., I heard gun shots near the border and immediately became anxious about

⁷² Human Rights Watch, *Trigger Happy: Excessive use of force by Indian troops at the Bangladesh border*, 9 December 2010, <http://www.hrw.org/sites/default/files/reports/bangladesh1210Web.pdf>, accessed 21 February 2012

⁷³ The Guardian, *India's shoot to kill policy on the Bangladesh border*, 23 January 2011, <http://www.guardian.co.uk/commentisfree/libertycentral/2011/jan/23/india-bangladesh-border-shoot-to-kill-policy>, accessed 21 February 2012

Shyamol. Around 5:30 in the morning, Zahid came to our house and told me that Shyamol had been shot dead by the BSF.

When Naren received Shyamol's body from the BDR on January 29, he saw that his son had been shot three times, in the abdomen, chest, and neck. According to Mohammad Zahid, who was helping Shyamol cross the border, the BSF opened fire without warning."⁷⁴

In December 2010 *Human Rights Watch* reported that torture by the Indian Border Security Force was widespread,

"Torture is also rife. On January 25, 2010, Motiar Rahman, a Bangladeshi national strayed across the border while cutting grass, a common mistake since there are no clear markers. According to Motiar Rahman, he was captured by two BSF soldiers:

They blindfolded me and took me to the BSF camp. I thought that the BSF were going to kill me. After reaching the camp, the BSF personnel removed the blindfold and tied me to a tree. They left me there for over 15 hours, until 11 p.m. at night. Then they gave me some food. But once I had finished my meal, the BSF started torturing me. I was beaten severely with a bamboo stick on my back and feet by the same soldier who brought me the food. I was kicked several times and as a result started bleeding from my penis. Another soldier started beating me on my head with a bamboo stick. This went on for at least 45 minutes... The BSF men jumped on my chest, and kicked me on my head and face with their boots."⁷⁵

In December 2010 *Human Rights Watch* reported that a 12 year old girl had been beaten and verbally abused with sexual insults by members of the Border Security Force,

"Indian villagers residing in the border areas also accuse the BSF of not just indiscriminate shooting, but unprovoked beatings. Indian national Halima Bibi said her 12-year-old daughter was slapped and beaten by three BSF personnel on September 5, 2009 outside their home close to the border with Bangladesh. When Halima Bibi protested, she was verbally abused with sexual insults."⁷⁶

In January 2010 the *BBC* reported on video footage of a Bangladeshi man being tortured by the Indian Border Security Force,

"The Bangladeshi government has lodged an official protest with Delhi over a video showing Indian border guards torturing a suspected Bangladeshi cow smuggler last month.

The mobile phone footage shows soldiers apparently from India's Border Security Force (BSF) stripping and assaulting the Bangladeshi man.

Eight BSF guards have been suspended in connection with the incident.

The BSF is investigating what it called a "despicable" incident.

"The government of Bangladesh has conveyed its utter dismay about the incident to the Indian side.

⁷⁴ Human Rights Watch, Trigger Happy; Excessive use of force by Indian troops at the Bangladesh border, 9 December 2010, <http://www.hrw.org/sites/default/files/reports/bangladesh1210Web.pdf>, accessed 21 February 2012

⁷⁵ Human Rights Watch, Trigger Happy; Excessive use of force by Indian troops at the Bangladesh border, 9 December 2010, <http://www.hrw.org/sites/default/files/reports/bangladesh1210Web.pdf>, accessed 21 February 2012

⁷⁶ Human Rights Watch, Trigger Happy; Excessive use of force by Indian troops at the Bangladesh border, 9 December 2010, <http://www.hrw.org/sites/default/files/reports/bangladesh1210Web.pdf>, accessed 21 February 2012

"It has protested such abusive and violent action by BSF personnel despite repeated assurances from the Indian leadership about exercise of utmost restraint by BSF personnel," a Bangladeshi foreign ministry release said.

It said the ministry had also requested the Indian authorities to conduct "a thorough enquiry" into the incident and "take appropriate action" against the BSF guards.

Meanwhile, the 22-year-old Bangladeshi national, Habibur Rahman, told the BBC that after beating him severely the BSF soldiers dumped him in a mustard field near the border

"I was unconscious for a long time. When I woke up I realised that I had no clothes on my body. It was aching all over. Then I asked for some clothes from people around. I told my family about the incident and they came to take me with them," Mr Rahman said.

"The BSF guards were asking for money and my mobile phone from me as a bribe to allow me to go across the border. Since I did not give it to them, they started beating me," he said.⁷⁷

In response to the video footage *Amnesty International* reported in January 2012 that "[m]any such incidents take place with no action taken against the Indian border guards because the victims do not dare to speak out for fear of repercussions."⁷⁸

In February 2012 the *BBC* reported that an Indian border guard was killed by alleged cattle smugglers and that there have been 52 attacks on BSF guards in the last year,

"An Indian border guard died on Tuesday from injuries sustained in an attack by alleged cattle smugglers, security forces say.

Constable Sartaj Singh and his team were patrolling the India-Bangladesh border in West Bengal state when they were attacked.

Another guard was injured although not seriously and is said to be recovering.

Cattle smuggling is rampant along the long and porous border - especially the stretch in West Bengal.

"More than 100 cattle smugglers, including Bangladeshi smugglers, attacked the BSF men a few days back while they were performing duty on the border," Ravi Ponoth, inspector general of the Indian Border Security Force (BSF) told the BBC.

There have been 52 incidents of assault on BSF personnel in south Bengal in the past year, the BSF says.⁷⁹

In December 2010 *Human Rights Watch* reported that the Indian Border Security Force (BSF) and Bangladesh Rifles (BDR - now Border Guard Bangladesh) accuse each other of corruption,

"Both the Indian and the Bagladeshi border forces accuse each other of corruption. The BDR alleges that drug smugglers receive BSF protection, while the BSF, in turn, says that the BDR provides cover to cattle-rustlers and criminals, leaving it to the BSF to contain

⁷⁷ BBC, Bangladesh lodges protest over India torture video, 20 January 2012, <http://www.bbc.co.uk/news/world-asia-india-16644217>, accessed 21 February 2012

⁷⁸ Amnesty International, Torture video shows need to protect Bangladeshis crossing India/Bangladesh border, 20 January 2012, <http://www.amnesty.org/en/for-media/press-releases/torture-video-shows-need-protect-bangladeshis-crossing-indiabangladesh-bord>, accessed 21 February 2012

⁷⁹ BBC, Indian guard dies after Bangladesh border attack, 7 February 2012, <http://www.bbc.co.uk/news/world-asia-india-16929683>, accessed 21 February 2012

such activities on their own. The reality is that some officials, border guards, and politicians on both sides are almost certainly involved in the smuggling. A senior BSF official admitted as much to Human Rights Watch: "There are a lot of people involved, including our chaps. That is why only these farmers, with one or two cows are caught, not groups that ferry large consignments of cattle or drugs."⁸⁰

B. Security situation in the Chittagong Hill Tracts (CHT)

In February 2011 the *United Nations Permanent Forum on Indigenous Peoples* reported on the history of conflict in the Chittagong Hill Tracts,

"The Chittagong Hill Tracts is situated in southeastern Bangladesh and is home to 11 indigenous groups, numbering approximately 500,000 people, who differ markedly from the Bengali majority in language, culture, physical appearance, religion, dress, eating habits, architecture and farming methods. In 1976, the Shanti Bahinis the armed wing of the indigenous peoples' political party, Parbatya Chattagram Jana Samhati Samiti (PCJSS), initiated a low-intensity guerrilla war against the Government of Bangladesh in response to the erosion of their autonomy, the denial of constitutional recognition and their political, economic and social marginalization. In 1997, the Chittagong Hill Tracts Accord was signed between the Government of Bangladesh and PCJSS. The Accord recognizes the Chittagong Hill Tracts as a tribal inhabited region, acknowledges its traditional governance system and the role of its chiefs and provides building blocks for regional autonomy."⁸¹

In February 2011 the Special Rapporteur of the *United Nations Permanent Forum on Indigenous Peoples* reported the BNP coalition (2001-2006) opposed the Chittagong Hill Tracts Accord and used military means to resolve problems in the region, with human rights violations frequently being reported but that since the 2008 election the alliance led by the Awami League have pledged to implement the Accord,

"After signing the Chittagong Hill Tracts Accord in 1997, the Awami League political party remained in power for four years, during which time some initiatives were taken to implement a few of the provisions. With its opposition to the Accord, the coalition led by the BNP (2001 to 2006) was more inclined to solve the problems in the region by military means. During this time human rights violations against indigenous peoples in the region were frequently reported. This situation continued during the state of emergency (2007-2008), although a few positive steps were taken, including holding a number of meetings of the different committees related to the implementation of the Accord.

21. The current "Grand Alliance" Government, led by the Awami League, swept to power in a landslide election victory in late 2008 based on an election manifesto stating that:

The 1997 Chittagong Hill Tracts Peace Accord will be fully implemented. More efforts will be directed toward the development of underdeveloped tribal areas, and special programmes on priority basis will be taken to secure their rights and to preserve their language, literature, culture and unique lifestyles.

22. This pledge has been repeated in various national and international forums, including during the universal periodic review of Bangladesh conducted by the United Nations Human Rights Council in 2009.⁸²

⁸⁰ Human Rights Watch, Trigger Happy; Excessive use of force by Indian troops at the Bangladesh border, 9 December 2010, <http://www.hrw.org/sites/default/files/reports/bangladesh1210Web.pdf>, accessed 21 February 2012

⁸¹ United Nations Permanent Forum on Indigenous Peoples, Tenth session, New York, 16-27 May 2011 Study on the status of implementation of the Chittagong Hill Tracts Accord of 1997, Submitted by the Special Rapporteur, 18 February 2011, <http://www.chtcommission.org/wp-content/uploads/2011/06/CHT-Accord-Study-Final.pdf>, accessed 22 February 2012

⁸² United Nations Permanent Forum on Indigenous Peoples, Tenth session, New York, 16-27 May 2011 Study on the status of implementation of the Chittagong Hill Tracts Accord of 1997, Submitted by the Special Rapporteur, 18 February 2011, <http://www.chtcommission.org/wp-content/uploads/2011/06/CHT-Accord-Study-Final.pdf>, accessed 22 February 2012

In February 2011 the Special Rapporteur of the *United Nations Permanent Forum on Indigenous Peoples* reported that the Chittagong Hill Tracts remains heavily militarised,

“The region remains heavily militarized and there have been continued and consistent allegations that the army is interfering in civilian affairs in the region. “Operation Uttoron” (upliftment), allegedly a counterinsurgency programme, gives concentrated powers to military officials, although no insurgency has been recorded in the area since the ceasefires of the early 1990s. In the current political, social and economic setting of Bangladesh, the army is one of the most powerful institutions, often beyond public criticism or scrutiny, including by the Supreme Court of Bangladesh. Needless to say, with its pervasive power and influence over Bangladeshi society in general and the Chittagong Hill Tracts in particular, the army continues to oppose any substantive progress on the implementation of the Accord.”⁸³

In February 2011 the *Special Rapporteur* reported that 74 of the 500 military camps have been withdrawn to date,

“The Accord stipulates that all temporary army camps, the Ansars (paramilitary forces) and the Village Defence Party, except the Bangladesh Rifles, and six specified permanent army establishments or cantonments would be withdrawn in phases from the region to permanent cantonments and that a time limit would be fixed for this process. With the majority of human rights violations committed against indigenous peoples in the region being attributed to the extensive presence of security forces, and considering the military’s influence on civil administration and development activities in the area, this provision is seen as crucial for re-establishing normalcy in the Chittagong Hill Tracts.

40. The PCJSS party estimates that the number of military camps withdrawn to date is around 74, out of more than 500 (temporary) military camps; according to the Government, 200 camps have so far been withdrawn in phases since the Accord was signed. It should be noted that the Government has failed to provide a list of the dismantled camps, despite several requests from PCJSS. The most recent dismantling of military camps took place in mid-2009 when 35 camps were closed down. Allegedly, however, some of these camps have been re-established or replaced by other armed forces. It should be noted that no time limit for the withdrawal of military camps has ever been announced.”⁸⁴

In February 2011 the *Special Rapporteur* report that human rights violations are committed against the indigenous population, most with impunity,

“Other types of gross human rights violations, committed primarily against the indigenous population, also continue to be reported and seem to demonstrate a consistent pattern of human rights violations in the region. Violations include arbitrary arrests, torture, extrajudicial killings, harassment of rights activists and sexual harassment. In most cases such violations are carried out with impunity.”⁸⁵

In its 2011 annual report *Amnesty International* reported that the government failed to protect the Jumma from attacks by Bengali settlers,

⁸³ United Nations Permanent Forum on Indigenous Peoples, Tenth session, New York, 16-27 May 2011 Study on the status of implementation of the Chittagong Hill Tracts Accord of 1997, Submitted by the Special Rapporteur, 18 February 2011, <http://www.chtcommission.org/wp-content/uploads/2011/06/CHT-Accord-Study-Final.pdf>, accessed 22 February 2012

⁸⁴ United Nations Permanent Forum on Indigenous Peoples, Tenth session, New York, 16-27 May 2011 Study on the status of implementation of the Chittagong Hill Tracts Accord of 1997, Submitted by the Special Rapporteur, 18 February 2011, <http://www.chtcommission.org/wp-content/uploads/2011/06/CHT-Accord-Study-Final.pdf>, accessed 22 February 2012

⁸⁵ United Nations Permanent Forum on Indigenous Peoples, Tenth session, New York, 16-27 May 2011 Study on the status of implementation of the Chittagong Hill Tracts Accord of 1997, Submitted by the Special Rapporteur, 18 February 2011, <http://www.chtcommission.org/wp-content/uploads/2011/06/CHT-Accord-Study-Final.pdf>, accessed 22 February 2012

“The government’s failure to ensure the security of Jumma inhabitants of the Chittagong Hill Tracts often exposed the Jumma to attacks from Bengali settlers encroaching on their land. At least two Jumma Indigenous people died on 20 February after the army, which maintained a heavy presence in the area, opened fire on hundreds of Jumma Indigenous demonstrators. They were peacefully demanding protection after Bengali settlers had set fire to at least 40 of their houses in the Baghaichhari area of the Rangamati district on the night of 19 February. There were no reports of an investigation or of anyone being prosecuted for the attacks or the killings.”⁸⁶

In its 2012 world report *Human Rights Watch* reported that violence and discrimination against indigenous groups in the Chittagong Hill Tracts intensified,

“Bangladeshi authorities did little to prevent intensifying violence and discrimination against indigenous groups residing in the Chittagong Hill Tracts. There were repeated clashes between ethnic and religious minority groups and “settlers” who belong to the majority Bengali community. These clashes were in part a result of government failure to implement its agreement with the indigenous communities to protect their rights.”⁸⁷

In March 2012 Bangladeshi human rights NGO, *Kapaeeng Foundation* reported that women face insecurity in the Chittagong Hill Tracts,

“Leaders of the indigenous women’s organisations demanded to ensure justice to the indigenous women by taking necessary step to stop all kind of violence against indigenous women. They said that the biggest concern in brutal violence against indigenous women was the lack of access to justice and absolute impunity that perpetrators enjoy. Violence against indigenous women both in Chittagong Hill Tracts (CHT) and plain land were successively increasing due to failing bringing perpetrators to the justice, indigenous women leaders alleged.”⁸⁸

⁸⁶ Amnesty International, Annual Report 2011; Bangladesh, May 2011, <http://www.amnesty.org/en/region/bangladesh/report-2011>, accessed 10 March 2012

⁸⁷ Human Rights Watch, World Report 2012 - Bangladesh, 22 January 2012, <http://www.hrw.org/world-report-2012/world-report-2012-bangladesh>, accessed 20 February 2012

⁸⁸ Kapaeeng Foundation, BANGLADESH: Ensure justice to the indigenous women by taking step to stop all kind of violence against them, demanded indigenous women, March 2012, <http://www.aippnet.org/home/daily-sharing/743-bangladesh-ensure-justice-to-the-indigenous-women-by-taking-step-to-stop-all-kind-of-violence-against-them-demanded-indigenous-women>, accessed 12 March 2012

3. Security Forces/Military Service/Armed Groups

A. Domestic legal framework

In 2008, *Child Soldiers International* reported that there is no conscription to the Bangladesh armed forces, and that the voluntary ages for recruitment are “16 (air force); 17 (army and navy); 18 (paramilitary and auxiliary forces),”

“There was no provision for compulsory recruitment into the armed or paramilitary forces. There was no legislation governing the minimum age for recruitment and deployment, but according to the government the minimum age of recruitment into the army and navy was 17 years, and 16 for the air force. The minimum age for recruitment into Bangladesh’s armed paramilitary and auxiliary forces, including the Bangladesh Rifles and the Ansars, was 18.”⁸⁹

In 2008 *Child Soldiers International* reported UN concerns that it was difficult to ascertain the real ages of recruits and that there were a lack of measures to establish that enrolment was voluntary,

“The UN Committee on the Rights of the Child expressed concern about the reportedly high number of children under 18 who enrolled in the armed forces and the difficulty of determining the real age of recruits. Recruitment information issued by the Army of Bangladesh specified the need for education certificates, a nationality certificate and a certificate of parental consent, but not a birth certificate. The birth registration rate was reported as 10 per cent (having been 7 per cent in 2003). The Committee also expressed concern about the lack of mandatory parental consent except for recruits to the air force, and the lack of measures to ensure that recruitment of under-18s was genuinely voluntary and well informed.”⁹⁰

In 2009 *Amnesty International* reported that the 1952 Army Act prevents the possibility of appealing a court martial through civilian judicial proceedings,

“the 1952 Army Act, which provides for courts martial, removes the possibility of judicial appeal before a civilian court. This curtails the rights of people to seek judicial redress through the High Court against the decision of a court martial, in breach of ICCPR Article 14(5). This article states: ‘Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.’”⁹¹

1. Treatment of draft evaders/military deserters

Article 36 of the *1952 Army Act* states that desertion and attempted desertion can be punished with death or imprisonment, further the harbouring of a deserter by a person subject to the Act may be punished with imprisonment,

“36. (1) Any person subject to this Act who deserts or attempts to desert the service shall, on conviction by court martial, if he commits the offence when on active service or when under orders for active service, be punished with death, or such less punishment as is in this Act mentioned; and if he commits the offence under any other circumstances, be punished for the first offence with rigorous imprisonment for a term which may extend to

⁸⁹ Child Soldiers International, Global Report 2008; Bangladesh, 2008, <http://www.child-soldiers.org/regions/country?id=18>, accessed 21 February 2012

⁹⁰ Child Soldiers International, Global Report 2008; Bangladesh, 2008, <http://www.child-soldiers.org/regions/country?id=18>, accessed 21 February 2012

⁹¹ Amnesty International, Bangladesh; Do not extend army act to Bangladesh rifle suspects, 24 August 2009, http://www.amnesty.org.uk/news_details.asp?NewsID=18393, accessed 21 February 2012

two years or with such less punishment as is in this Act mentioned, and for the second or any subsequent offence with rigorous imprisonment for a term which may extend to ten years, or with such less punishment as is in this Act mentioned.

(2) Any person subject to this Act who knowingly harbours any deserter from any of the military, naval or Air forces of Bangladesh shall, on conviction by court martial, be punished with rigorous imprisonment for a term which may extend to seven years or with such less punishment as is in this Act mentioned.

(3) Any person subject to this Act who, being cognisant of any desertion, or attempt at desertion, of any person belonging to the military, naval or air forces of Bangladesh, does not forthwith give notice to his own or some other superior officer, or does not take any steps in his power to cause such person to be apprehended, shall, on conviction by court martial, be punished with rigorous imprisonment for a term which may extend to three years or with such less punishment as is in this Act mentioned.”⁹²

B. Government Forces

1. Armed Forces

In 2009 *Human Rights Watch* reported that the combined Bangladesh armed forces number 246,000 and state that the army has directly and indirectly influenced politics in Bangladesh,

“The military consists of the Bangladesh Army, Bangladesh Navy, and Bangladesh Air Force, all established in 1971, as the country broke away from Pakistan. These forces, which stand under the supreme command of the president of Bangladesh, inherited their institutional structures from the Pakistan military and are governed by a legal framework established before independence. Their main duty is to defend the integrity and sovereignty of the country, but they also assist the civil administration, as necessary, to uphold law and order. The army has a reported strength of 200,000 personnel, navy 24,000, and air force 22,000. They all have their own intelligence agencies for gathering information in support of military operations. The armed forces, and in particular the army, have traditionally exercised considerable direct and indirect political power and influence. They have for extended periods of time governed the country under martial law or states of emergency. After the declaration of emergency on January 11, 2007, the armed forces were involved in arbitrary arrest, torture of detainees, and several extrajudicial executions”⁹³

In March 2012 *USDOS* reported that the military is composed of voluntary members,

“The Bangladesh Army, Navy, and Air Force are composed of volunteer military members. In addition to traditional defense roles, the military is frequently called on to provide support to civil authorities for disaster relief and internal security. During the period of emergency rule from January 2007 to December 2008, the military played a central role in the formulation and execution of key government strategies, including the anti-corruption campaign and voter registration. The army is modeled and organized along British lines, similar to other armies on the Indian subcontinent. However, the army is attempting to adopt U.S. Army tactical planning procedures, training management techniques, and noncommissioned officer educational systems. The Bangladesh military continues to improve its peacekeeping operations capabilities and receives such training from the U.S. military, UN, and other nations. The United States provided the Bangladesh Air Force four U.S. C-130 B transport aircraft in 2001 under the Excess Defense Article (EDA) program.

⁹² The People’s Republic of Bangladesh, Army Act, 1952, http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=248, accessed 21 February 2012

⁹³ Human Rights Watch, *Ignoring Executions and Torture: Impunity for Bangladesh’s Security Forces*, 2009, <http://www.hrw.org/sites/default/files/reports/bangladesh0509web.pdf>, accessed 21 February 2012

These aircraft have improved the military's disaster response and peacekeeping capabilities. The Bangladesh Navy is mostly limited to coastal patrolling within the Bay of Bengal and participates in international exercises. A Coast Guard exists under the Ministry of Home Affairs (MOHA) to address anti-smuggling, anti-piracy, and protection of offshore resources. The Bangladesh Rifles (BDR), also under the MOHA, addresses anti-smuggling and other missions along the land border. With 10,481 peacekeepers deployed around the world as of November 2009, Bangladesh has been the second-largest troop contributor to international peacekeeping operations."⁹⁴

2. **Police Force**

In 2009 *Human Rights Watch* reported that the Bangladesh Police has approximately 120,000 personnel and state that the police have committed human rights abuses,

"Bangladesh Police operates under the Ministry of Home Affairs. It was established in its current form in 1971 and has a strength of about 120,000 personnel. Its administrative structure, laws, and regulations go back to the British colonial era, particularly the Police Act of 1861. On the international front, it is a member of Interpol and a contributor to UN peacekeeping forces. The police force has a well documented history of frequent human rights abuses, including use of arbitrary arrests and torture to extort money and extract confessions. It is regarded as one of the most corrupt institutions in Bangladesh. Since the trend of "crossfire" killings started in 2004, human rights workers have attributed several hundred killings to the force. According to Odhikar, the police were involved in 135 killings during the state of emergency. Several officers alleged to be responsible for human rights abuses have been sent on United Nations missions."⁹⁵

The website of the *Bangladesh government* states that the Police force includes the Dhaka Metropolitan Police, Bangladesh Police Special Branch and Special Women Police Contingent (SWPC),

"The Bangladesh Police is the main law enforcement agency of Bangladesh to provide service to all citizens and make Bangladesh a better and safer place to live and work. It also uphold the rule of law, ensures safety and security of citizens, prevents and detect crime, brings offenders to justice and maintains peace and public order. It is administered by the central interior ministry of the Government of Bangladesh. Outside the Dhaka capital region and other major cities, police is organised at the district and thana levels. Raised in 1976, the Dhaka Metropolitan Police is charged with maintaining security and order in the national capital and largest city. Twelve female police officials were recruited for the Bangladesh Police Special Branch (SB) in 1974 and inducted in the Dhaka Metropolitan Police in 1978. []The Bangladesh Police Special Branch was established to assist in maintaining national security and also performs the functions of intelligence-gathering and counterintelligence. In 2008, Bangladesh police established the Special Women Police Contingent (SWPC) to fight prostitution, drug smuggling and human trafficking. Composing entirely of female officers, the SWPC would be used to gather intelligence on criminal activities and specifically track down female criminals."⁹⁶

In its 2010 country report on human rights the *USDOS* reported that police were ineffective in investigating people associated with the ruling party,

⁹⁴ United States Department of State, Background Note, Bangladesh, 6 March 2012, <http://www.state.gov/r/pa/ei/bgn/3452.htm>, accessed 12 March 2012

⁹⁵ Human Rights Watch, Ignoring Executions and Torture; Impunity for Bangladesh's Security Forces, 2009, <http://www.hrw.org/sites/default/files/reports/bangladesh0509web.pdf>, accessed 21 February 2012

⁹⁶ National web portal of Bangladesh, Law and Order, undated, http://www.bangladesh.gov.bd/index.php?Itemid=27&id=164&option=com_content&task=category, accessed 21 February 2012

“Police are organized nationally under the Ministry of Home Affairs (MOHA) and have a mandate to maintain internal security and law and order. Under recent governments, police generally were ineffective and reluctant to investigate persons affiliated with the ruling party. The government took steps to improve police professionalism, discipline, training, and responsiveness, and reduce corruption.”⁹⁷

In its 2010 country report on human rights the *USDOS* reported that plaintiffs rarely make complaints against the police for fear of retribution,

“Plaintiffs rarely accused police in criminal cases due to lengthy trial procedures and fears of retribution. Reluctance to bring charges against police perpetuated a climate of impunity.”⁹⁸

3. National Security Intelligence

In 2009 *Human Rights Watch* reported the National Security Intelligence (NSI) is a civilian intelligence agency responsible for monitoring political affairs and that the NSI has been accused of human rights abuses including torture,

“Established in 1972 through an executive order, National Security Intelligence (NSI), is the main civilian intelligence agency in Bangladesh and is primarily responsible for monitoring political affairs. Traditionally, the agency is headed by a major general of the Bangladesh army. NSI stands under the direct authority of the prime minister and its chief is considered to be one of the closest advisors to the prime minister on security and political affairs. Reports of torture in the custody of NSI go back to the 1970s. During the state of emergency, Human Rights Watch found that NSI was, among other things, involved in the harassment and arbitrary arrest of labour activists.”⁹⁹

The National Security Intelligence operates under the Prime Ministers Office.¹⁰⁰

4. Directorate General of Forces Intelligence

The official website of the *Directorate General of Forces Intelligence* states that the organisation was established in 1972 with the name of Directorate of Forces Intelligence and that its headquarters are in Dhaka,

“The Directorate General of Forces Intelligence (DGFI) was established in 1972 with the name of Directorate of Forces Intelligence (DFI). Since then DFI continued its intelligence work under ministry of defence [] Later, on 24 Aug 1976 this organization was upgraded and renamed as "Directorate General of Forces Intelligence (DGFI)". [] On 21 September 2006 this Headquarters shifted to its permanent location at Rajanigandha area inside Dhaka Cantonment.”¹⁰¹

The official website of the *Directorate General of Forces Intelligence* states that its role is to,

⁹⁷ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

⁹⁸ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

⁹⁹ Human Rights Watch, *Ignoring Executions and Torture; Impunity for Bangladesh's Security Forces*, 2009, <http://www.hrw.org/sites/default/files/reports/bangladesh0509web.pdf>, accessed 21 February 2012

¹⁰⁰ Website of the Prime Ministers Office, National Security Intelligence (NSI), undated, http://www.pmo.gov.bd/index.php?option=com_content&task=view&id=358&Itemid=348, accessed 21 February 2012

¹⁰¹ Official website of the Directorate General of Forces Intelligence, About DGFI, <http://www.dgfi.gov.bd/index.php/about/history>, accessed 21 February 2012

“To collect, collate, evaluate and disseminate all services strategical and topographical intelligence about foreign countries armed forces and to ensure counter intelligence and security measures for Bangladesh Armed Forces.”¹⁰²

In 2009 *Human Rights Watch* reported that the Directorate General of Forces Intelligence is a military intelligence agency and states that it has been accused of committing human rights abuses,

“DGFI is Bangladesh’s most important military intelligence agency and operates subdivisions serving all branches of the armed forces. Established in 1977, under the rule of Gen. Ziaur Rahman, it has been modelled after Pakistan’s Inter-Services Intelligence (ISI) agency. It reports directly to the prime minister and maintains offices in all of the country’s districts and sub-districts. According to the webpage bdmilitary.com, DGFI personnel are trained by intelligence agencies in the United States, United Kingdom, and Pakistan. DGFI is widely regarded as a driving force behind the military-backed regime that took power on January 11, 2007, and exercised a central role in its anti-corruption campaign. It intimidated, arrested, and arbitrarily detained dozens of businesspersons, senior party officials, journalists, and academics and placed them in illegal detention facilities inside the military cantonment in Dhaka. Many were physically and mentally tortured, often threatened with “crossfire,” to make forced confessions or implicate others in crimes. Some businesspersons were also forced to pay substantial and arbitrary sums of money to the state coffers or to individual DGFI accounts to escape imprisonment or secure their release.”¹⁰³

5 **Rapid Action Battalion**

The website of the *Bangladesh government* states that,

“In 2004, Rapid Action Battalion (RAB) were raised comprising of personnel of the Military of Bangladesh, Border Guard Bangladesh (BGB) and the Bangladesh Ansar and VDP.”¹⁰⁴

The website of the *Rapid Action Battalion* reports its functions as,

“The capabilities of RAB forces are:

1. Internal security duties
2. Recovery of unauthorized arms, ammunitions, explosives and such other articles
3. Apprehension of armed gangs of criminals
4. Assisting other law enforcing agencies for maintaining law and order
5. Intelligence gathering in respect of crimes and criminal activities
6. Investigation of any offence on the direction of the government
7. Such other duties as the government may, from time to time, assign.”¹⁰⁵

In August 2011 *Amnesty International* reported that the Rapid Action Battalion was created in 2004 to combat criminal gang activity,

“RAB was created in March 2004 as the government’s response to a breakdown in law and order, particularly in western and central Bangladesh. In Rajshahi, Khulna and Dhaka districts, armed criminal groups or powerful mercenary gangs colluded with local politicians to run smuggling rings or extort money from local people.

¹⁰² Official website of the Directorate General of Forces Intelligence, About DGFI, <http://www.dgfi.gov.bd/index.php/about/history>, accessed 21 February 2012

¹⁰³ Human Rights Watch, Ignoring Executions and Torture; Impunity for Bangladesh’s Security Forces, 2009, <http://www.hrw.org/sites/default/files/reports/bangladesh0509web.pdf>, accessed 21 February 2012

¹⁰⁴ National web portal of Bangladesh, Law and Order, undated, http://www.bangladesh.gov.bd/index.php?Itemid=27&id=164&option=com_content&task=category, accessed 21 February 2012

¹⁰⁵ Rapid Action Battalion, About Us, Motto, Mission, Capabilities, undated, http://www.rab.gov.bd/about_us.php?page=3, accessed 21 February 2012

Within months of its creation, RAB's operations were characterized by a pattern of killings portrayed by the authorities as "deaths in crossfire". Many of the deaths had the hallmarks of extrajudicial executions. They usually occurred in deserted locations after a suspect's arrest. In some cases, there were witnesses to the arrests, but RAB authorities maintained that victims had been killed by "crossfire", or in "shoot-outs" or "gunfights".¹⁰⁶

In 2009 *Human Rights Watch* reported that the Rapid Action battalion is an elite paramilitary force,

"The Rapid Action Battalion is a paramilitary elite force that became operational in mid-2004 with a mission to "prevent crime and apprehend criminals." It has a total strength of roughly 9,000 personnel and is made up of staff seconded mainly from the armed forces and the police, but also from other services. While the force is under the jurisdiction of the Ministry of Home Affairs and has civilian law enforcement duties, its legal foundation is partly military in nature and most of its senior officers come from the army. By the end of 2008, more than 550 persons had reportedly been extrajudicially killed by the force since it was established. Of these, 173 had been killed in 2007 and 2008 during the emergency."¹⁰⁷

6. **Border Guard Bangladesh**

The *Commonwealth of Nations* reported that the Bangladesh Rifles were officially renamed the Border Guard Bangladesh on 23 January 2011, following a mutiny by more than a thousand soldiers in February 2009,

"In late February 2009, the new government faced its first crisis when a section of the paramilitary Bangladesh Rifles (BDR) mutinied, ostensibly over pay and conditions. Officials reported 74 deaths – mostly BDR officers – and more than 1,000 soldiers were arrested and interrogated. Six special military courts were established in November 2009 to try BDR personnel accused of mutiny, while others charged with murder, looting and other serious offences were put to trial in civilian courts. On 23 January 2011 the BDR was officially renamed Border Guard of Bangladesh in accordance with the 'Border Guard Bangladesh Bill 2010' passed by the parliament on 8 December 2010."¹⁰⁸

The website of the *Border Guard Bangladesh* states that they were renamed following the passing of the Border Guard Bangladesh Act on 8 December 2010,

"Border Guard Bangladesh (BGB). On 25-26 February 2009, a number of 74 people including 57 meritorious army officers were brutally killed in an atrocious carnage occurred in the force's headquarters at Peelkhana. Following that grievous mishap, reorganization of the force inevitably came onward. After passing the 'Border Guard Bangladesh Act, 2010' in the Parliament on 08 December 2010, it has come into effect from 20 December of the same year. Honorable Prime Minister Sheikh Hasina, formally raised the flag and opened the monogram of the renamed force on 23 January 2010 to launch as 'Border Guard Bangladesh (BGB)'.¹⁰⁹

The website of the *Border Guard Bangladesh* states that,

¹⁰⁶ Amnesty International, Crimes Unseen; Extrajudicial executions in Bangladesh, August 2011, <http://www.amnesty.org/en/library/asset/ASA13/005/2011/en/c18ad74b-75fe-4b15-b043-5982eebdb27d/asa130052011en.pdf>, accessed 21 February 2012

¹⁰⁷ Human Rights Watch, Ignoring Executions and Torture; Impunity for Bangladesh's Security Forces, 2009, <http://www.hrw.org/sites/default/files/reports/bangladesh0509web.pdf>, accessed 21 February 2012

¹⁰⁸ The Commonwealth of Nations, Commonwealth Yearbook 2011; Bangladesh, 2011, http://www.commonwealth-of-nations.org/xstandard/bangladesh_country_profile.pdf, accessed 10 March 2012

¹⁰⁹ Website of the Border Guards Bangladesh, History, undated, http://bgb.gov.bd/index.php/bgb/history_en, accessed 21 February 2012

“BGB is entrusted with the protection of Bangladesh border, anti-smuggling & anti-narcotics operations, prevention of women & children trafficking, prevention of all sorts of trans-border crimes and internal security duties.”¹¹⁰

7 **Bangladesh Ansar**

The website of the *Ansar and VDP* reports that Ansar Bahini, ‘Ansar’ meaning “the helping people,” was created in 1948 as an auxiliary force,

“Thus the journey of ‘Ansar Bahini’ commenced in 1948. Initially the objectives of forming ‘Ansar Bahini’ were:

1. To act as an Auxiliary force to the military force to protect the country.
2. To help the police to maintain law and order.
3. To participate in socio-economic development activities in the eastern portion of new state Pakistan.”¹¹¹

The website of the *Ansar and VDP* reports that a further 20 Battalions of Ansar were created in 1976 and that today Battalion Ansars are mainly deployed in the Chittagong Hill Tracts for Counter Insurgency Operations and in the south west for Counter Terrorism Operations,

“In 1976, 20 Battalions of Ansar were raised in line with the Armed Police Battalions to augment the strength of the security forces. At present, there are 36 Male and 02 Female Ansar Battalions deployed all over the country. Battalion Ansars are mainly deployed in Chittagong Hill Tracts (CHTs) for Counter Insurgency Operations (CIO) and south-western region of the country for Counter Terrorism Operations. In the regular process of evolution, members of Ansar Battalions are gradually being upgraded to the regular force of this organization. Their service is brought under Nation Pay Scale, they are getting family ration and they have got combat uniform since October 15, 2008.”¹¹²

The website of the *Ansar and VDP* reports that the primary function of the Ansar are to assist in the maintenance of public order and social security,

“The primary duties of the Ansar Bahini are: to assist the government or any concerned authority to maintain public order and social security; to take part in any programme for socio-economic development of the country; and to assist other forces by order of the government. The duties of Ansar Battalions are: to participate in disaster management activities, and to assist other forces by the order of the government in addition to the duties entrusted under the relevant acts to the Ansar Bahini.”¹¹³

The website of the *Ansar and VDP* reports that the Ansar and Village Defence Party are regulated by the Ansar Bahini Act (1995)¹¹⁴; Battalion Ansar Act (1995)¹¹⁵ and the Village Defence Party Act (1995),¹¹⁶

“In 1995, necessary statutes were passed in the jatiya sangsad (Parliament) to accord legal coverage to the three major components of the Ansar and VDP. These are: Ansar Bahini Act (1995); Battalion Ansar Act (1995); Village Defence Party Act (1995). Under these acts

¹¹⁰ Website of the Border Guards Bangladesh, History, undated, http://bgb.gov.bd/index.php/bgb/history_en, accessed 21 February 2012

¹¹¹ Ansar and VDP, About Us, <http://www.ansarvdpbd.org/aboutus.php>, accessed 21 February 2012

¹¹² Ansar and VDP, About Us, <http://www.ansarvdpbd.org/aboutus.php>, accessed 21 February 2012

¹¹³ Ansar and VDP, About Us, <http://www.ansarvdpbd.org/aboutus.php>, accessed 21 February 2012

¹¹⁴ Ansar Bahini Act 1995, http://www.ansarvdpbd.org/law_rules/ansarvdp_law.pdf, accessed 21 February 2012

¹¹⁵ Battalion Ansar Act 1995, http://www.ansarvdpbd.org/law_rules/bnansar_law.pdf, accessed 21 February 2012

¹¹⁶ Village Defence Party Act 1995, http://www.ansarvdpbd.org/law_rules/vdp_act_1995.pdf, accessed 21 February 2012

the Ansar Bahini and the Battalion Ansars were declared a 'Disciplined Force' in pursuance of article 152 of the constitution."¹¹⁷

8. *Village Defence Party*

The website of the *Ansar and VDP* reports that the Village Defence Party (VDP) was created as a voluntary force in 1976 to re-establish social order, the VDP operates one male and one female platoon in every Bangladesh village, further there is an urban version called the Town Defence Party,

"In 1976, it was a unique decision of the government to raise a huge voluntary force to reconstruct law and order backbone in the rural areas. That newly raised voluntary force was Village Defence Party (VDP). The significant aspect of this force is the equal participation of women to reconstruct social order and to develop socio-economic condition. The root level organization includes is one male and one female platoon in every village of Bangladesh. At union level command channel, there is one male and one female Union Leader in each Union. Total strength of VDP is about 5.6 million including both male and female members (50:50). The urban version of VDP is called the Town Defence Party or TDP. There are one male and one female TDP platoon in each 'ward' of every Pouroshava/Metropolitan City. The VDP and TDP members are employed in socio-economic development income generating activities and in various awareness programmes."¹¹⁸

The website of the *Ansar and VDP* reports that the primary function of the Village Defence Party is to assist in activities related to welfare, law and order and social security,

"The duties of VDPs are: to assist all sorts of welfare activities in order to develop the socio-economic condition of the country; to participate in all types of activities in order to maintain law and order and social security; and to perform any other duties assigned from time to time by the government."¹¹⁹

C. *Armed groups*

In 2008 *Child Soldiers International* reported that Jagrata Muslim Janata Bangladesh (JMJB), Jamaat-ul-Mujahideen Bangladesh (JMB) and Harkat-ul-Jihad-al-Islami (HuJI) are banned Islamist organisations,

"Following a series of bombings in 63 districts in August 2005, the government cracked down on Islamist groups. Hundreds of arrests were carried out and several Islamist organizations – including the Jagrata Muslim Janata Bangladesh (JMJB), Jamaat-ul-Mujahideen Bangladesh (JMB) and Harkat-ul-Jihad-al-Islami (HuJI) – were banned."¹²⁰

In 2010 the *USDOS* reported that the Bangladesh government passed the 2009 Anti-Terrorism Act and had made arrests of persons allegedly associated with HUJI-B, LeT, Jama'at-ul-Mujahideen Bangladesh, and Hizb-ut Towhid,

"The government passed the Anti-Terrorism Act of 2009 and was in the process of fully implementing the law, including Bangladesh's first counterterrorist finance provisions, during 2010. The government has made numerous well-publicized seizures and arrests of persons alleged to be associated with terrorist organizations including HUJI-B, LeT,

¹¹⁷ Ansar and VDP, About Us, <http://www.ansarvdpbd.org/aboutus.php>, accessed 21 February 2012

¹¹⁸ Ansar and VDP, About Us, <http://www.ansarvdpbd.org/aboutus.php>, accessed 21 February 2012

¹¹⁹ Ansar and VDP, About Us, <http://www.ansarvdpbd.org/aboutus.php>, accessed 21 February 2012

¹²⁰ Child Soldiers International, Global Report 2008; Bangladesh, 2008, <http://www.child-soldiers.org/regions/country?id=18>, accessed 21 February 2012

Jama'at-ul-Mujahideen Bangladesh, and Hizb-ut Towhid. Few convictions appeared to have resulted from those arrests, however, as the judiciary has continued to work slowly on cases involving terrorism due to a lack of prosecutorial capacity and requisite legal provisions.”¹²¹

In 2010 the *USDOS* reported that alleged members of Lashkar-e-Tayyiba (LeT) and Harakat ul-Jihad-i-Islami/ Bangladesh (HUJI-B) had been arrested,

“In October, Bangladesh law enforcement arrested several individuals alleged to have ties to extremist groups including Lashkar-e-Tayyiba (LeT) and Harakat ul-Jihad-i-Islami/ Bangladesh (HUJI-B).”¹²²

In March 2012 the *USDOS* reported that the following organisations were banned in Bangladesh; Shahdat al Hiqma, Jagrata Muslim Janata, Bangladesh (JMJB) Jama'atul Mujahideen Bangladesh (JMB), Harkatul Jihad Al Islami (HUJI) and Hizb-ut-Tahrir,

“Potential terrorist movements and activities in or through Bangladesh pose a potentially serious threat to India, Nepal, Bhutan, and Burma, as well as Bangladesh itself. Consequentially, the Bangladesh Government has banned a number of Islamic extremist groups in recent years. In February 2002, the government banned Shahdat al Hiqma, in February 2005 it banned Jagrata Muslim Janata, Bangladesh (JMJB) and Jama'atul Mujahideen Bangladesh (JMB), and in October 2005 it banned Harkatul Jihad Al Islami (HUJI). Following the August 17, 2005 serial bombings in the country, the government launched a crackdown on extremists. In 2006, seven senior JMB leaders were sentenced to death for their role in the 2005 murder of two judges. Six of the seven were executed in March 2007; another leader was tried and sentenced to death in absentia in the same case. In March 2008, the U.S. Government listed Harkatul Jihadi Islami (HUJI)-Bangladesh as a foreign terrorist organization. In October 2009, the Government of Bangladesh added Hizb-ut-Tahrir to the list of banned terrorist organizations.”¹²³

In 2008 *Child Soldiers International* reported allegations that armed groups recruited children,

“Despite government assertions to the contrary a number of armed groups were known to be operating in the country, and there were allegations that some had recruited children.”¹²⁴

1. United Liberation Front of Assam

GlobalSecurity.org reports that the United Liberation Front of Assam (ULFA) was formed in 1979 to fight for an independent Assam,

“The United Liberation Front of Asom (ULFA), the vanguard of national liberation struggle in Assam, was formed on 7th April 1979 to bear the historic responsibility of spearheading the armed democratic struggle with the ultimate aim of establishing an independent socialist sovereign Assam. ULFA represents, as its name implies, not only the Assamese nation but also the entire independent minded struggling peoples, irrespective of different race-tribe-caste-religion and nationality of Assam.

¹²¹ United States Department of State, Country Reports on Terrorism 2010 - Bangladesh, 18 August 2011, <http://www.state.gov/i/ct/rls/crt/2010/170258.htm>, accessed 22 February 2012

¹²² United States Department of State, Country Reports on Terrorism 2010 - Bangladesh, 18 August 2011, <http://www.state.gov/i/ct/rls/crt/2010/170258.htm>, accessed 22 February 2012

¹²³ United States Department of State, Background Note, Bangladesh, 6 March 2012, <http://www.state.gov/r/pa/ei/bgn/3452.htm>, accessed 12 March 2012

¹²⁴ Child Soldiers International, Global Report 2008; Bangladesh, 2008, <http://www.child-soldiers.org/regions/country?id=18>, accessed 21 February 2012

Indian authorities claim ULFA is under the grip of foreign agencies such as Pakistan's Inter Services Intelligence."¹²⁵

GlobalSecurity.org reports that estimates on the strength of ULFA range from 3000-6000 fighters,

"According to the Indian Army sources, the total strength of ULFA is around 3,000, while various other sources put the figure ranging from 4,000 to 6,000. A military wing of the ULFA, the Sanjukta Mukti Fouj (SMF) was formed on 16 March 1996. SMF has three full-fledged battalions: the 7th, 8th and the 709th. The remaining battalions exist only on paper at best they have strengths of a company or so."¹²⁶

In 2009 the *Jamestown Foundation* reported that the ULFA has been engaged in political violence with the Indian government for three decades,

"The United Liberation Front of Asom (ULFA) has been terrorizing India's northeastern states since a student-led insurgency began thirty years ago on April 7, 1979. The movement's primary goal is to achieve a sovereign homeland for the Assamese people. After three decades of political violence, the ULFA shows few signs of abandoning its struggle for an independent Assam, as demonstrated by a recent pre-election bombing in Guwahati, the state's commercial capital (Hindustan Times, April 1). The blast occurred before India's Minister for External Affairs, Pranab Mukherjee, was due to address a campaign rally on behalf of his ruling Congress Party.

The northeast Indian states known as the "Seven Sisters" are an ethno-linguistic archipelago of seething and unresolved conflicts with the central government in Delhi. Assam is the bridgehead both for the northeast region's economy and the Indian security forces counterintelligence operations. ULFA represents the biggest indigenous strategic threat to the "Chicken's Neck," the vulnerable 20 to 40 km wide corridor sandwiched between southeastern Nepal and northwestern Bangladesh that connects West Bengal to Assam. Decades of ULFA insurgency and terrorism have led to the permanent presence of the Indian military (though nothing on the scale of Delhi's forces in Jammu & Kashmir). Thirty years of political violence has been an obstruction to the development of this vital yet impoverished region."¹²⁷

In 2009 the *Jamestown Foundation* reported accusations by Indian officials that the Bangladesh Directorate General of Forces Intelligence is involved with the ULFA,

"Critics in the Indian security establishment point to inconsistencies in the group's rationale; the ULFA is vehemently against internal economic migration from within India but remains relatively silent on the illegal immigration of Bengali-speaking Muslims from Bangladesh (Rediff January 9, 2007). This contradiction is regarded by Indian officials as de facto evidence of the involvement of Bangladesh's Directorate General of Forces Intelligence (DGFI), which Delhi believes to be supported by Pakistan's Inter-Services Intelligence (ISI) (Rediff.com, January 17, 2007)."¹²⁸

In 2009 the *Jamestown Foundation* reported that ULFA fighters have committed abuses including killing civilians, kidnap and assassination,

¹²⁵ Global Security.org, United Liberation Front of Asom, undated, <http://www.globalsecurity.org/military/world/para/ulfa.htm>, accessed 10 March 2012

¹²⁶ Global Security.org, United Liberation Front of Asom, undated, <http://www.globalsecurity.org/military/world/para/ulfa.htm>, accessed 10 March 2012

¹²⁷ The Jamestown Foundation, Motivations and methods of India's United Liberation Front of Asom, (ULFA), 10 April 2009, [http://www.jamestown.org/programs/gta/single/?tx_ttnews\[tt_news\]=34840&tx_ttnews\[backPid\]=412&no_cache=1](http://www.jamestown.org/programs/gta/single/?tx_ttnews[tt_news]=34840&tx_ttnews[backPid]=412&no_cache=1), accessed 10 March 2012

¹²⁸ The Jamestown Foundation, Motivations and methods of India's United Liberation Front of Asom, (ULFA), 10 April 2009, [http://www.jamestown.org/programs/gta/single/?tx_ttnews\[tt_news\]=34840&tx_ttnews\[backPid\]=412&no_cache=1](http://www.jamestown.org/programs/gta/single/?tx_ttnews[tt_news]=34840&tx_ttnews[backPid]=412&no_cache=1), accessed 10 March 2012

“ULFA guerrillas, who are routinely referred to in the Indian press as “cadres” or “ultras,” officials for kidnapping and assassination (The Telegraph [Kolkata] November 30, 2008). Tea estate workers in Upper Assam interviewed by the author described night visits by ULFA insurgents demanding cash, food and silence on the group’s movements in exchange for remaining unharmed. The workers, primarily Bihari peasants, said that while the Indian Army controls the roads in Tinsukia district during the day, the ULFA operates freely at night. ULFA members occasionally slaughter groups of Biharis to demonstrate the reality of their threats.

In Assam’s urban centers, ULFA members commonly plant explosive devices on motorcycles and bicycles, hurl grenades into unsuspecting marketplaces and place bombs in rubbish bins to make their point (Telegraph, March 26, 2008). The ULFA also instructs whole commercial districts to commence bandhs, or strikes, where guerillas force commerce to come to a halt under threat of violence. Shop owners seen conducting business during a bandh may be killed or have their enterprises destroyed for disobeying an ULFA ultimatum. By issuing bandh diktats, ULFA leaders seek to send a message of immense dissatisfaction to Delhi and punish local leadership in Dispur for its perceived intransigence.

Though the Indian government has had a certain degree of success with getting particular factions of northeastern insurgent groups to demilitarize and surrender, there always seems to be hardcore elements within these fissiparous, personality-driven movements that are irreconcilable to anything less than their stated aims. The “Charlie” and “Alpha” companies of the ULFA’s 28th Battalion, allegedly based in Myanmar, have ceremonially surrendered and agreed to ceasefires while other irreconcilable elements within the movement have yet to come in from the cold (The Hindu, June, 25 2008).¹²⁹

In January 2012 Indian news site *Tehelka* reported that 600 rebels from groups operating in Assam had surrendered their weapons,

“In one of the biggest surrenders by insurgents in northeast, more than 600 rebels from nine outlawed outfits operating in Assam laid down arms in front of Home Minister P Chidambaram, who was accompanied by Chief Minister Tarun Gogoi, here on Tuesday.

The surrender comes as a big relief for the state government and the Centre with 12 major rebel outfits in northeast, led by United Liberation Front of Asom (ULFA) announcing boycott of Republic Day and a 12-hour general strike.”¹³⁰

In January 2012 *Tehelka* reported that the ‘anti-talk’ faction of the United Liberation Front of Assam led by Paresh Barua is not cooperating with peace initiatives,

“The Centre is trying had to push the ongoing peace initiative with ULFA, but the anti-talk faction of the group led by its commander-in-chief Paresh Barua is a huge threat to reckon with. Besides, the peace parleys with the National Socialist Council of Nagaland (NSCN-IM) in the last 14 years seem to be not making headway and talks with NSCN (K) are yet to start. Even negotiations with National Democratic Front of Bodoland (Progressive) have hit a roadblock with the outfit sticking to its core demand of creation of a separate Bodoland—the Ranjan Diamary faction of NDFB is yet to join the dialogue. In such a situation, the surrender of massive number of weapons was symbolic.”¹³¹

¹²⁹ The Jamestown Foundation, Motivations and methods of India’s United Liberation Front of Asom, (ULFA), 10 April 2009, [http://www.jamestown.org/programs/gta/single/?tx_ttnews\[tt_news\]=34840&tx_ttnews\[backPid\]=412&no_cache=1](http://www.jamestown.org/programs/gta/single/?tx_ttnews[tt_news]=34840&tx_ttnews[backPid]=412&no_cache=1), accessed 10 March 2012

¹³⁰ *Tehelka*, farewell to arms: 600 rebels lay down weapons in Assam, 24 January 2012, http://www.tehelka.com/story_main51.asp?filename=WS240112SURRENDER.asp, accessed 10 March 2012

¹³¹ *Tehelka*, farewell to arms: 600 rebels lay down weapons in Assam, 24 January 2012, http://www.tehelka.com/story_main51.asp?filename=WS240112SURRENDER.asp, accessed 10 March 2012

In February 2012 the *Institute for Defence Studies and Analyses*, funded by the Indian Ministry of Defence reported that the 'anti-talk' faction of the United Liberation Front of Assam led by Paresh Barua is attempting to undermine cease-fire talks with the Indian Government,

"The anti-talk faction of the United Liberation Front of Asom (ULFA) is attempting to make a comeback in Assam through coercive tactics. Last week, the faction's Commander-in-Chief, Paresh Barua, Assistant General Secretary, Jibon Moran, and Deputy Commander-in-Chief, Drishti Rajkhowa, all made calls from Myanmar to various locations in Assam demanding money. According to intelligence sources, the trio is also calling up lower-rung cadres of the pro-talk ULFA, led by Arabinda Rajkhowa, in order to wean them to the anti-talk faction and derail the cease-fire process underway with the Government of India. To add credibility to his claims of a comeback, besides sending emails and conducting interviews with local newspapers, Barua aims to use "bomb blasts" as a tool to demonstrate his power capability to the Indian state. This aspect came to light when four of his men were detained in Dibrugarh on February 19 in possession of five Chinese grenades and 150 bullets."¹³²

In February 2012 the *Institute for Defence Studies and Analyses*, reported that the United Liberation Front of Assam procures arms from China,

"The ULFA, led by Arabinda Rajkhowa, despite enjoying support from Assamese society from the 1970s to the 1990s, lost popular appeal after it killed Sanjoy Ghosh, noted civil society activist in 1997. Setting off bombs in civilian places further eroded popular support. Hence, any use of indiscriminate violence by Barua will only discredit him further and alienate his faction from Assamese public perception. Second, the extortion notices issued by Barua are being viewed as the handiwork of an opportunist. It is a well known fact in Assam that Barua owns shares worth crores of rupees in real estate, finance, and the hotel businesses inside Bangladesh. Also, after the arrest of Anthony Shimray, the main arms procurement leader of the National Socialist Council of Nagalim-Isak Muviah (NSCN-IM), by Indian authorities, Barua has emerged as the most lucrative arms dealer in the North-East. He obtains his supplies from China's state owned China North Industries Corporation (NORINCO). This fact came to light after arrested leaders of the National Democratic Front of Bodoland (NDFB) revealed that they recently paid Rs 6 crore to Barua for supplying them with ammunition."¹³³

In March 2012 *WeeklyBlitz* reported that since 2009 the Bangladesh government has worked to combat separatist movements in the North-East of India and that ULFA leaders and activities have been arrested inside Bangladesh, in 2009 ULFA leader Arabinda Rajkhowa was arrested and handed over to Indian authorities,

"Since Bangladesh Awami League formed government in 2009 [January] with a huge mandate of the people [though the result of this election has been greatly questioned by the political opponents of Bangladesh Awami League], there has been visibly sign of current Bangladesh government actively participating in combating any 'separatist movement' within the North-Eastern region in India. It is also documented and undocumented that a large number of suspected leaders and activists of United Liberation Front of Assam [ULFA] as well as many other organizations, seeking independence from New Delhi, were arrested inside Bangladesh and secretly handed over to Indian authorities. Especially following the secret handing over of Arabinda Rajkhowa to Indian authorities by the Bangladeshi government, the matter of Bangladesh Awami League government's hidden cooperation with Indian authorities in combating 'insurgency' within that country got fully exposed in public, though Bangladeshi authorities denied the fact of arrest and handing

¹³² Institute for Defence Studies and Analyses, Anti-Talk ULFA Faction: Why a Comeback is Unlikely, 29 February 2012, http://www.idsa.in/idsacomments/AntiTalkULFAFaction_ngoswami_290212, accessed 10 March 2012

¹³³ Institute for Defence Studies and Analyses, Anti-Talk ULFA Faction: Why a Comeback is Unlikely, 29 February 2012, http://www.idsa.in/idsacomments/AntiTalkULFAFaction_ngoswami_290212, accessed 10 March 2012

over of Arabinda Rajkhowa and some of his comrades to Indian authorities. But later, Indian government as well as Indian media in other words, put the ruling party in Bangladesh into highest discomfort when it disclosed that on late night of 30 November 2009, Bangladesh Police arrested Rajkhowa somewhere near Dhaka. He has been handed over to the Indian authorities. On December 5, 2009, Rajkhowa along with his bodyguard Raja Baruah and the outfit's deputy C-in-C Raju Baruah were produced before Robin Phukan, the chief judicial magistrate, Kamrup, Assam. Later it was rumored that Indian government were negotiating with arrested Arabinda Rajkhowa and his comrades and they were even provided cell phones inside the prison to communicate with people within and outside India for the sake of achieving Indian authority's goal in killing the movement of independence in Assam as well as other parts of North-Eastern province."¹³⁴

2. **Jamaat-e-Islami**

The website of *Bangladesh Jamaat-e-Islami* states that the group aims to promote Islamic values within Bangladesh,

"Bangladesh Jamaate Islami started working with a pledge to safeguard the independence, territorial sovereignty and Islamic values of Bangladesh which emerged as an independent state in 1971 through a great war of liberation. Since its inception the Jamaate Islami has been working to implement the Islamic code of life, prescribed by Allah and shown by Prophet Muhammad (peace be upon him), with a view to turning Bangladesh into an Islamic welfare state, consequently, achieving the pleasure of Allah and salvation in the life hereafter.

The Jamaate Islami has been striving to forge national unity and to invigorate Islamic values with a view to ensuring internal peace and order and thwarting external threats or invasions.

With unflinching faith and trust in Almighty Allah, the Jamaat-e-Islami has been trying to prepare a group of people as responsible citizens, honest and efficient leaders with a view to ensuring a democratic political order, just economic system, protection of human rights and the fulfilment of the basic needs of the people, such as, food, shelter, clothes, education and medicare, irrespective of their faiths, colour and community- identities.

The Jamaate Islami desires to strengthen world muslim brotherhood and establish good relations with all the countries of the world on the basis of mutual respect and justice."¹³⁵

In July 2011 Pakistan newspaper, *The Tribune* reported that leaders of Jamaat-e-Islami were charged with war crimes and that according to Human Rights Watch, rules used by the International Crimes Tribunal did not meet international standards,

"Bangladeshi prosecutors have filed war crime charges against an Islamic leader, accusing him of genocide, murder and rape during the country's 1971 liberation struggle, officials said Tuesday.

Delwar Hossain Sayedee, a senior official of Bangladesh's largest Islamic party, has been also accused of "crimes against humanity, looting, arson and forcible conversion to Islam", said chief prosecutor Ghulam Arif Tipoo.

¹³⁴ Weekly Blitz.com, Will aspiration of liberation of Assam die?, 23 March 2012, <http://www.weeklyblitz.net/2182/will-aspiration-of-liberation-of-assam-die>, accessed 26 March 2012

¹³⁵ Bangladesh Jamaat-e-Islami, About Us, undated, <http://www.jamaat-e-islami.org/en/aboutus.php>, accessed 10 March 2012

"We have submitted the charges against Sayedee to the International Crimes Tribunal. The investigators have completed their job and we have found compelling evidences of war crimes," Tipoo said.

The tribunal, a Bangladeshi special court created last year to try people suspected of atrocities during the independence campaign from Pakistan, will hold a hearing on Thursday to access the charges, he said.

[]

Sayedee is detained along with other war crime suspects from his Jamaat-e-Islami party and from the main opposition Bangladesh Nationalist Party (BNP).

The BNP and Jamaat have dismissed the tribunal as a government "show trial".

The New York-based rights group Human Rights Watch said Tuesday the rules being used by the tribunal to prosecute war crime suspects fall short of international standards.¹³⁶

In September 2011 the *BBC* reported that police clashed with Jamaat-e-Islami protestors, injuring 50,

"Police in Bangladesh have fired rubber bullets and tear gas to disperse supporters of an Islamist party.

Members of the Jamaat-e-Islami party were protesting against the arrest of their leaders on war crimes charges.

The crimes were allegedly committed during the country's liberation war from Pakistan in 1971. All five leaders deny the accusations.

Officials said at least 50 people, including dozens of police officers, were injured in the clashes.

It was the first major clash between protesters and security forces since the Awami League-led coalition came to power in January 2009.

The protest was part of a country-wide agitation by Jamaat-e-Islami - the country's largest Islamist party - against the continued detention of their five senior leaders on war crimes charges.

"The protesters suddenly turned violent. They started throwing stones at our officers. Around 46 police officers were injured and many vehicles were set on fire," police spokesman Habibur Rahman told the BBC.

He said that about 120 Jamaat-e-Islami activists, including three senior leaders, had been arrested in connection with the violence in the capital Dhaka.¹³⁷

In January 2012 the *BBC* reported that Ghulam Azam, a former leader Jammat-e-Islami was arrested, accused of war crimes,

"Prosecutors say that Ghulam Azam, 89, was detained after the International Crimes Tribunal (ICT) rejected his bail application.

¹³⁶ The Tribune, War crime charges against Bangladesh Jamaat-e-Islami leader, 12 July 2011, <http://tribune.com.pk/story/208019/war-crime-charges-against-bangladesh-jamaat-e-islami-leader/>, accessed 28 February 2012

¹³⁷ BBC, Bangladesh police clash with Islamist party supporters, 19 September 2011, <http://www.bbc.co.uk/news/world-south-asia-14979509>, accessed 10 March 2012

They accuse Mr Azam of crimes against humanity - including murder, rape, arson and looting - in 1971.

He denies the charges, arguing that they are politically motivated.

Mr Azam, the former leader of the opposition Jamaat-e-Islami party, is alleged to have created and led pro-Pakistan militias which carried out numerous murders and rapes during the nine-month war."¹³⁸

3. Harkat-ul-Jihad-al Islami Bangladesh

The *USDOS* designated Harkat-ul-Jihad-al Islami a terrorist group in February 2008, reporting that the organization is also known as,

"Islami Dawat-e-Kafela (IDEK), aka Harakat ul-Jihad e Islami Bangladesh, aka Harkatul Jihad al Islam, aka Harkatul Jihad, aka Harakat ul Jihad al Islami, aka Harkat ul Jihad al Islami, aka Harkat-ul-Jehad-al-Islami, aka Harakat ul Jihad Islami Bangladesh."¹³⁹

In 2005 the *BBC* reported that Bangladesh banned Harkat-ul-Jihad-al Islami in October 2005 and that the group aims to create an Islamic regime in Bangladesh,

"Harkat-ul-Jihad al-Islami, which is better known as Huji, is the third Islamic group banned by the authorities in Bangladesh this year.

[]

The banning of the Huji came after police arrested its alleged chief, Mufti Abdul Hannan, who once fought against Soviet troops in Afghanistan.

The group came into the limelight after a plot to kill Bangladesh's former prime minister Sheikh Hasina was foiled about five years ago.

Investigators believed that Huji was also behind the two recent bomb attacks in the country.

The Home Ministry alleges that Harkat-ul-Jihad al-Islami is a self-confessed "terrorist group".

The ministry said the banning is a reflection of the government's strong position against all forms of terrorism.

The banning of the Harkat-ul-Jihad al-Islami followed its proscription in Britain.

The group was among 15 international organisations UK Home Secretary Charles Clarke named in parliament earlier this month. He is seeking to ban them.

The Home Office says the main aim of Huji is the creation of an Islamic regime in Bangladesh modelled on the former Taleban regime in Afghanistan."¹⁴⁰

4. Jagrata Muslim Janata Bangladesh

¹³⁸ BBC, Bangladesh, 'war crimes mastermind' Ghulam Azam arrested, 11 January 2012, <http://www.bbc.co.uk/news/world-asia-16502175>, accessed 4 March 2012

¹³⁹ United States Department of State, Designation of HUJI-B as a foreign terrorist organization, 15 February 2008, <http://www.state.gov/j/ct/rls/other/des/102877.htm>, accessed 10 March 2012

¹⁴⁰ BBC, Dhaka outlaws third Islamic group, 17 October 2005, http://news.bbc.co.uk/1/hi/world/south_asia/4350752.stm, accessed 10 March 2012

In an undated article the US based *National Consortium for the Study of Terrorism and Responses to Terrorism* stated that the Jagrata Muslim Janata Bangladesh was founded in 1998 with the aim of creating an Islamic state based on Sharia law,

“Jagrata Muslim Janata Bangladesh (Awakened Muslim Masses of Bangladesh) or JMJB is a radical Islamic vigilante organization mostly active in the north-western section of Bangladesh around the Rajshahi region.

JMJB was founded in 1998 with aspirations of creating an Islamic state based on Sharia (Islamic Law) by way of an Islamic revolution. It claims it has "no links to any foreign organization," however, its ideals are similar to the radical Islamic organization al-Qaeda and many of its members were former Mujahideen who fought alongside Osama Bin Laden (al-Qaeda leader) in Afghanistan.

Jagrata Muslim Janata Bangladesh (JMJB) is a well structured organization. It has divided Bangladesh into nine organizational divisions with a divisional office in each. The highest decision -- making body is the seven-member Majlish-e-Shura (Islamic law council). The top-ranking officials are Maulana Abdur Rahman and Siddiqui Islam, more recently known by his nom de guerre Bangla Bhai. Maulana Abdur Rahman is the Amir "chief" and spiritual leader. The more notorious Bangla Bhai is the commander of the anti-Sarbahara (leftist outlaws) campaign and member of the Majlish-e-Shura.

Membership is divided in to three categories: Ehsar-fulltime activists who act on the directives of higher echelons, Gayeri Ehsar-comprised of part-time activists, and a third tier which involves people from all sections who indirectly cooperate with JMJB. The group claims to have a total of 300,000 members worldwide including 10,000 Ehsars (fulltime activists) in the region.

This organization came into the public eye on April 1, 2004 with the murder of an alleged member of the Purbo Banglar Communist Party (PBCP). The PBCP is a left-wing extremist group in direct opposition to the JMJB agenda to "Talibanize" Bangladesh. The JMJB opposes democracy and the prevailing political system in Bangladesh, which it considers sacrilegious. It is currently targeting political opponents primarily from the Purbo Banglar Communist Party (PBCP) and the group has stated that they will continue until Bangladesh has been "swept clean" of all left-wing extremists."¹⁴¹

In an undated article the *National Consortium for the Study of Terrorism and Responses to Terrorism* reported that Jagrata Muslim Janata Bangladesh has conducted bombing campaigns and constitutes an active security threat to the region, further some officials believe Jagrata Muslim Janata Bangladesh and Jama'atul Mujahedin Bangladesh to be aliases for each other,

“JMJB activities had originally been confined to smaller vigilante operations. More recently, JMJB has expanded its tactics to include large-scale bombings in tandem with the group Jama'atul Mujahedin Bangladesh (JMB). Most notably, on August 17, 2005, JMJB/JMB terrorists set-off over 400 explosives nation-wide. The primary aim of these bombings was to spread terror and panic as most of the explosives were non-lethal. Although the bombings were eventually claimed by JMB, many officials believe JMB to be a military front for JMJB, while others consider the two groups to simply be aliases for each other. In any case, attacks committed by either JMB or JMJB are often attributed to both organizations.

Poverty and disillusionment is increasing the popularity of the radical extremist groups in Bangladesh. Bangladeshi youth are turning to these terrorist organizations in hope for

¹⁴¹ University of Maryland, National Consortium for the Study of Terrorism and Responses to Terrorism, Jagrata Muslim Janata Bangladesh, undated, http://www.start.umd.edu/start/data_collections/tops/terrorist_organization_profile.asp?id=4587, accessed 26 March 2012

dramatic changes in their government. JMJB continues to acquire new members and support worldwide and will attempt to carry out its final objective. As such, the group can be considered a highly active security threat to the region."¹⁴²

In 2008 *Child Soldiers International* reported allegations that children were used by JMJB as couriers and in setting off bombs,

"It was also alleged that children aged 12–15 were working for the JMJB, not only as couriers but also to carry and set off bombs."¹⁴³

5. **Jama'atul Mujahideen Bangladesh**

In an undated article the *National Consortium for the Study of Terrorism and Responses to Terrorism* reported that Jama'atul Mujahedin Bangladesh was formed in the late 1990's and aims to replace secular government with a Taliban inspired Islamic theocracy,

"Jamatul Mujahedin Bangladesh (JMB) is a terrorist group dedicated to removing the country's secular government and imposing a Taliban inspired Islamic theocracy in its place. In addition to calling for an Islamic state based on Sharia law, JMB has denounced the American led invasion of Iraq, warning President Bush and British Prime Minister Blair to leave all Muslim countries. While JMB's exact origins are unknown, it is thought to have formed in the late 1990s to protest the Bangladeshi government's secular orientation. JMB perpetrated its first small scale attacks in 2002 and 2003. The group's full time membership has swelled to around 10,000, while part time supporters figure up to another 100,000.

JMB's activity has risen concomitant with Islamic extremism as a whole in Bangladesh, as have JMB's connections to other Islamist elements in the country. One such element is Jagrata Muslim Janata Bangladesh (JMJB), a terrorist group that shares JMB's radical philosophy. Though some suspect that JMJB and JMB are merely different aliases for a single operational group, JMB operates more widely than JMJB, which is generally confined to the country's northwestern districts. However, the groups are closely allied, and both derive support from the hard line Islamic political party Jamaat-e-Islami, in addition to sharing some common leadership."¹⁴⁴

In an undated article the *National Consortium for the Study of Terrorism and Responses to Terrorism* reported that Jamatul Mujahedin Bangladesh has conducted bombing campaigns,

"In August 2005, JMB successfully coordinated the detonation of over 400 simultaneous explosions throughout Bangladesh. JMB primarily targeted government buildings, detonating mostly non-fatal devices throughout the regional capitals of the country in addition to Dhaka, Bangladesh's capital. The attacks killed several people and injured over 100. Aimed at spreading mass panic and fear rather than inflicting mass casualties, most devices were filled with sawdust rather than lethal ball bearings or explosives. JMB is also responsible for several other bombings since August 2005, including the assassination of two judges in November 2005. These attacks featured the use of suicide bombers, the first time the group has used this more lethal tactic. JMB attacks are often littered with leaflets espousing their grievances. One such leaflet found at a bombing reads: "...the ruler of our country is an opponent of Allah because the... government is made by a completely non-Islamic system...."[]

¹⁴² University of Maryland, National Consortium for the Study of Terrorism and Responses to Terrorism, Jagrata Muslim Janata Bangladesh, undated, http://www.start.umd.edu/start/data_collections/tops/terrorist_organization_profile.asp?id=4587, accessed 26 March 2012

¹⁴³ Child Soldiers International, Global Report 2008; Bangladesh, 2008, <http://www.child-soldiers.org/regions/country?id=18>, accessed 21 February 2012

¹⁴⁴ University of Maryland, National Consortium for the Study of Terrorism and Responses to Terrorism, Jamatul Mujahedin Bangladesh, undated, http://www.start.umd.edu/start/data_collections/tops/terrorist_organization_profile.asp?id=4497, accessed 26 March 2012

JMB, like other Bangladeshi Islamist terrorist groups, targets secular politicians, intellectuals, and those who support Bangladesh's minority Hindu population. Despite the arrest of over 300 JMB members in the wake of the August 17th bombings, the government has come under heavy criticism for its failure to halt extremist violence, though this trend may be changing. In December 2005, the government proposed a new anti-terrorism measure that would toughen sentences for those convicted of involvement in terrorism, in addition to increasing bounties for the capture of JMB leaders. Many prominent Bangladeshis and members of the secular opposition Awami League party accuse the government of collaboration, or at least tacit tolerance, of Islamic extremists. The government coalition, headed by the centre-right Bangladeshi National Party, relies on three Islamic parties for support. These parties are suspected by many of supporting JMB, JMJB and Harkat-ul-Jihad-al-Islami (HuJI), a similarly minded terrorist outfit. Given JMB's extensive operational capacity, links to other terrorist organizations in Bangladesh, and the government's apparent tepidity to effectively rein in extremism, continued attacks by JMB can be expected."¹⁴⁵

In 2008 *Child Soldiers International* reported allegations that madrasas supplied under-aged activists to the JMB,

"Concrete evidence of child recruitment by Islamist groups was scarce, but non-governmental organizations (NGOs) reported that they considered incidents of child recruitment to be common. In the Khulna and Rajshahi districts, some teachers in the privately owned unregistered madrasas were accused of providing under-age activists to the JMB, which was involved in the serial bombings of August 2005.[] It was reported that most members of the JMB, including district and regional commanders, who had been arrested were barely 18–20 and that two of those arrested in 2005 had been 16. Most of the boys were said to have been recruited from madrasas"¹⁴⁶

6. *Islami Chhatra Shibir*

[See Section 1. Background Information, D. Overview of student organizations]

7. *Purba Banglar Communist Party*

In an undated article the US based *National Consortium for the Study of Terrorism and Responses to Terrorism* describes the Purba Banglar Communist Party as a Maoist organisation which is "dedicated to ridding Bangladesh of class exploitation and establishing a communist government,"¹⁴⁷ and "aims to overthrow the parliamentary system in Bangladesh and replace it with communism."¹⁴⁸

In an undated article the *National Consortium for the Study of Terrorism and Responses to Terrorism* reported that the Purba Banglar Communist Party has been complicit in killings, extortion and intimidation of political leaders, police informers and members of other terrorist groups,

"Its most common tactics are assassination and intimidation. The group targets local political leaders, as well as police informants and members of rival terrorist groups, particularly Islamist movements. They also have relationships with other Maoist

¹⁴⁵ University of Maryland, National Consortium for the Study of Terrorism and Responses to Terrorism, Jamatul Mujahedin Bangladesh, undated, http://www.start.umd.edu/start/data_collections/tops/terrorist_organization_profile.asp?id=4497, accessed 26 March 2012

¹⁴⁶ Child Soldiers International, Global Report 2008; Bangladesh, 2008, <http://www.child-soldiers.org/regions/country?id=18>, accessed 21 February 2012

¹⁴⁷ University of Maryland, National Consortium for the Study of Terrorism and Responses to Terrorism, Purba Banglar Communist Party, undated, http://www.start.umd.edu/start/data_collections/tops/terrorist_organization_profile.asp?id=3655, accessed 26 March 2012

¹⁴⁸ University of Maryland, National Consortium for the Study of Terrorism and Responses to Terrorism, Purba Banglar Communist Party, undated, http://www.start.umd.edu/start/data_collections/tops/terrorist_organization_profile.asp?id=3655, accessed 26 March 2012

organizations in South Asia, and have helped train small numbers of rebels from neighboring countries. PBCP raises money through extortion, ransom, and contract killings. "Purbo Banglar" means East Bengal in Bengali.

PBCP has been blamed for a number of assassinations in northwestern and southwestern Bangladesh in the past few years. In June of 2005, the group detonated a bomb outside the office of the ruling Bangladesh Nationalist Party, injuring the party's district vice president. PBCP has also fought Islamic militants from other terrorist groups. The conflict has severely affected civilians in parts of the country, who are threatened and exploited both by the Islamic extremists and the communist revolutionaries."¹⁴⁹

In an undated article the *National Consortium for the Study of Terrorism and Responses to Terrorism* reported that the Purba Banglar Communist Party has been very active since 2003 and that there terrorist activities have increased, further that there are two branches of the Party, Janajuddho and Red Flag, with identical goals,

"The group has been very active since 2003, especially in the western part of the country. Terrorist activity, mostly targeted assassinations, has been increasing, and the PBCP are able to move freely and extort money and information from the local population. The PBCP has also been involved in a number of shootouts with police units. Several members, including key leadership, have been killed or arrested in the past year by police.

There are reportedly two PBCP groups currently operating. The status of their relationship is unknown. The two groups are referred to as the Janajuddho and Red Flag factions of PBCP. Their goals and tactics are identical. The division seems to represent a leadership dispute between Abdur Rashid Malitha and Moffakar Chowdhury in 2002."¹⁵⁰

In March 2012 the *Daily Star* reported that Mostafizur Rahman, leader of the Purba Banglar Communist Party was killed by the Rapid Action Battalion,

"An alleged outlaw, who was previously a close aide of executed militant kingpin Siddiqui Islam alias Bangla Bhai, was killed in an alleged 'shootout' in Bagmara upazila of Rajshahi early Tuesday.

According to the Rapid Action Battalion which executed the operation, Mostafizur Rahman alias "Killer Mostaq" had been leading banned outfit Purba Banglar Communist Party (Lal Pataka) in Bagmara, our Rajshahi correspondent reports."¹⁵¹

8. *Hizbut Tawhid*

In May 2009 *The Jamestown Foundation* reported that Hizbut Tawhid is an Islamic group dedicated to Jihad,

"An Islamist group blending unorthodox religious practices with a belief that Muslims form a military caste dedicated to jihad is the latest in a series of Islamist militant groups to emerge as a security threat in Bangladesh.[] Although HuT is one of 29 organizations listed by

¹⁴⁹ University of Maryland, National Consortium for the Study of Terrorism and Responses to Terrorism, Purba Banglar Communist Party, undated, http://www.start.umd.edu/start/data_collections/tops/terrorist_organization_profile.asp?id=3655, accessed 26 March 2012

¹⁵⁰ University of Maryland, National Consortium for the Study of Terrorism and Responses to Terrorism, Purba Banglar Communist Party, undated, http://www.start.umd.edu/start/data_collections/tops/terrorist_organization_profile.asp?id=3655, accessed 26 March 2012

¹⁵¹ Daily Star, Bangla Bhai aide killed in 'shoot out', 20 March 2012, http://www.thedailystar.net/newDesign/latest_news.php?nid=36566, accessed 26 March 2012

Bangladesh intelligence agencies for their involvement in militancy, police officials believe that the group is not yet ready to take on the state. []

It promotes jihad to establish the rule of Islam through literature, training and indoctrination. An HuT book entitled "Islamer Prokrito Salah" (Real Prayer of Islam) states: "[if anyone] leaves jihad or armed struggle, they shall not be accepted by Allah." The book also says that Muslims as a whole are a military nation. "The whole nation is a military force, each and every Muslim is a soldier, a mujahid and a warrior."¹⁵²

In 2009 *The Jamestown Foundation* reported that Hizbut Tawhid was formed between 1995-1996 and that the group runs recruitment campaigns at a local level, distributing leaflets and holding meetings,

"The group was set up from 1995-1996 by Bayejid Khan Ponni (a.k.a. Selim Ponni) who left Bangladesh immediately after independence and returned in the 1980s to preach a radical version of Islam. []

HuT has deliberately kept away from the limelight by confining itself to spreading the message of their leader through leaflets and street corner meetings. Working under the guise of the generally non-militant Tabilighi Jamaat missionary organization, HuT has been campaigning in smaller towns and villages in central and south Bangladesh for several years []. These campaigns are aimed at recruiting men and women to the group's cause. The recruits are indoctrinated at several offices run by the group across Bangladesh. Recruitment efforts are part of the phased growth of HuT."¹⁵³

In 2008 *Child Soldiers International* reported that Hizbut Tawhid imbued children with their ideology in attempts to recruit them,

"A report in the local media further claimed that another militant group, Hizbut Tawhid, which believed in a jihad to establish Islamic rule globally, said that groups of 6–11 "skilled mujahids" currently operated in almost every district in the country to persuade children to join in preparation for an armed jihad. Financial incentives were offered in some cases, while others received a mobile phone. The report claimed that most children who joined were acting against their parents' wishes."¹⁵⁴

D. Human rights violations by the security forces and armed groups

[See also Section 9. Further Human Rights Considerations, 4, Prison and Detention Centre Conditions]

[See also Section 5. Freedom of Expression, Association and Assembly, D, Treatment of Political Parties and Opposition Groups]

In its 2010 country report *USDOS* reported that the number of killings by police and combined security forces increased with estimates that 127 people were killed by law enforcement officials during the year, according to *USDOS* in the few instances where charges were brought administrative rather than criminal punishments were given,

"Members of the security forces committed numerous extrajudicial killings. Police, Bangladesh Rifles (BDR) border force, and the RAB at times used unwarranted lethal force.

¹⁵² The Jamestown Foundation, Hizb Ut Towhid adds to the jihadi conundrum in Bangladesh, 18 May 2009, [http://www.jamestown.org/programs/gta/single/?tx_ttnews\[tt_news\]=35002&tx_ttnews\[backPid\]=412&no_cache=1](http://www.jamestown.org/programs/gta/single/?tx_ttnews[tt_news]=35002&tx_ttnews[backPid]=412&no_cache=1), accessed 10 March 2012

¹⁵³ The Jamestown Foundation, Hizb Ut Towhid adds to the jihadi conundrum in Bangladesh, 18 May 2009, [http://www.jamestown.org/programs/gta/single/?tx_ttnews\[tt_news\]=35002&tx_ttnews\[backPid\]=412&no_cache=1](http://www.jamestown.org/programs/gta/single/?tx_ttnews[tt_news]=35002&tx_ttnews[backPid]=412&no_cache=1), accessed 10 March 2012

¹⁵⁴ Child Soldiers International, Global Report 2008; Bangladesh, 2008, <http://www.child-soldiers.org/regions/country?id=18>, accessed 21 February 2012

The government did not release statistics for total killings by all security personnel. The government also did not take comprehensive measures to investigate cases, despite public statements by high-ranking officials that the government would show "zero tolerance" and would fully investigate all extrajudicial killings by security forces. The number of killings by police and combined security forces also increased. According to the media and local human rights organizations, no case resulted in criminal punishment, and in the few instances in which the government brought charges, those found guilty generally received administrative punishment. Some members of the security forces acted with impunity.

According to media reports, local and international human rights organizations, and the government, the RAB killed 68 persons during the year, compared with 41 the previous year. Combined security units consisting of RAB members killed 15 persons during the year. The deaths, some under unusual circumstances, occurred during raids, arrests, and other law enforcement operations, or, in some cases, while the accused were in custody. The government often described these deaths as "crossfire killings," "gunfights," or "encounter killings," terms it used to characterize exchanges of gunfire between the RAB or police and criminal gangs.

According to media reports, local and international human rights organizations, and the government, law enforcement officials were responsible for 127 deaths, 101 of which were attributed to crossfire. The RAB accounted for 65 crossfire killings, members of police were responsible for 21, and combined security units consisting of the RAB and police were responsible for 12.

Since 2004 when the Minister for Law, Justice, and Parliamentary Affairs stated that crossfire deaths under RAB or police custody could not be considered custodial deaths, the government has not disclosed any prosecution of a RAB officer for a killing.¹⁵⁵

In its 2010 country report the *USDOS* reported that disappearances and kidnappings committed by security forces increased and that some were politically motivated,

"Disappearances and kidnappings, allegedly by the security services, increased significantly during the year, but precise figures were unavailable. At least some of the kidnappings were politically motivated, although many were often for money or as a result of localized rivalries. According to Odhikar, there were nine disappearances with alleged ties to security personnel, although some incidents may have involved private citizens impersonating security personnel.

According to the Bengali-language daily, *Prothom Alo*, on February 28, RAB officials picked up Mohammad Selim, a fruit vendor in Gazipur. At year's end, his whereabouts were unknown.

According to Odhikar, on March 19, RAB officials detained Mohammad Akbar Ali Shorder in Thakurgaon. He has not been seen or heard from since, and the RAB denied detaining him. His wife filed a kidnapping case, but there was no progress as of year's end. On June 25, a group of men in a microbus abducted Mohammad Chowdhury Alam, a BNP city councilor in Dhaka. According to Odhikar, police foiled a previous attempt to abduct Alam earlier that month and detained the abductors. Odhikar's report stated that in detention the abductors identified themselves as agents of the RAB and subsequently were released. Several days later, a group of men in plainclothes pulled Alam from his car and placed him in a microbus. Both Odhikar and his family believe that the same group was involved in both incidents. As of year's end, Alam's location was unknown.

¹⁵⁵ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrpt/2010/sca/154478.htm>, accessed 22 February 2012

According to the Bengali-language *Shamakal*, in June a group of nine persons identifying themselves as officers of RAB arrested Jahir Raihan Hiron at his house in Dhaka. The individuals wore uniforms and carried RAB identity cards. The group told Hiron and his family that he was being taken to the Dhanmondi Police Station for questioning. His whereabouts were unknown at year's end.¹⁵⁶

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1. **Extra-judicial killings**

In its 2011 human rights report Bangladeshi human rights NGO, *Odhikar*, stated that 84 people were extra-judicially killed by law enforcement agencies and that the Home Minister supported rather than condemned the killings,

“Extra-judicial killings plague Bangladesh’s social and political landscape. According to information gathered by *Odhikar*, between January and December 2011, 84 people were killed extra-judicially by law enforcement agencies.

[]

Despite the fact that a total of 84 people have reportedly been extra judicially killed by law enforcers from when the present government assumed power on January 6, 2009 to December 2011, the Home Minister, Advocate Sahara Khatun’s statement on January 26, 2011 did not even seek to condemn these incidents. Instead, she said that “the law

¹⁵⁶ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

¹⁵⁷ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

enforcement agencies will continue their work, regardless of whatever is being said about extrajudicial killings. The criminals are supposed to be killed when law enforcers shoot at them in self defence."Odhikar considers this a deeply irresponsible statement from the political superior of the law enforcement agencies. The Minister's words demonstrate that in the highest echelons extrajudicial killings are effectively endorsed, despite the pre-election promise of the Awami League that 'extra-judicial killing will be stopped.'"¹⁵⁸

In its 2011 human rights report *Odhikar* stated that terms such as 'crossfire' are used to disguise the nature of extra-judicial killings by law enforcement agencies,

"The terms 'crossfire', 'encounter' and 'gunfight' have become ubiquitous euphemisms for incidents when various law enforcement agencies are involved in extra-judicial killings. The uses of these euphemisms represent an attempt by such agencies and the government to conceal the reality of the brutality that is experienced by many of those that die in extra-judicial conditions. Indeed the sense of accidental collateral death that such terms relate to contributes to a culture where there is almost no accountability for law enforcement agencies and the deaths of people can be passed off with weak excuses."¹⁵⁹

In its 2011 annual report *Amnesty International* reported that the Rapid Action Battalion committed extra-judicial killings,

"The government failed to fulfil its pledge to end extrajudicial executions. Bangladeshi human rights groups estimated the number of suspected extrajudicial executions by RAB and other police officers at more than 60 for the first 10 months of the year.

On 3 May, witnesses saw police officers arresting Abdul Alim, aged 32, in Kolabaria village, Kushtia District. The next morning, the family discovered he had been killed. A police officer claimed that Abdul Alim was killed while resisting arrest. In July, the family filed a complaint before a Kushtia court accusing several police officers of unlawfully killing Abdul Alim. Kushtia police investigated the incident and submitted a report in August – on a court order. The report reiterated the police's initial account of Abdul Alim's death. The family challenged the validity of the report before the court. A decision on this challenge remained pending."¹⁶⁰

In its 2010 country report the *USDOS* reported that both the army and police were responsible for extra-judicial killings, sometimes with impunity,

"Members of the security forces committed numerous extrajudicial killings. Police, Bangladesh Rifles (BDR) border force, and the RAB at times used unwarranted lethal force.

The government did not release statistics for total killings by all security personnel. The government also did not take comprehensive measures to investigate cases, despite public statements by high-ranking officials that the government would show "zero tolerance" and would fully investigate all extrajudicial killings by security forces. The number of killings by police and combined security forces also increased. According to the media and local human rights organizations, no case resulted in criminal punishment, and in the few instances in which the government brought charges, those found guilty generally received administrative punishment. Some members of the security forces acted with impunity."¹⁶¹

¹⁵⁸ Odhikar, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 6 March 2012

¹⁵⁹ Odhikar, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 6 March 2012

¹⁶⁰ Amnesty International, Annual Report 2011; Bangladesh, May 2011, <http://www.amnesty.org/en/region/bangladesh/report-2011>, accessed 10 March 2012

¹⁶¹ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrpt/2010/sca/154478.htm>, accessed 22 February 2012

In August 2011 *Amnesty International* reported that the Rapid Action Battalion has been implicated in at least 700 unlawful killings since its inception in 2004 and that investigations have not resulted in judicial prosecutions,

“Hardly a week goes by in Bangladesh without people being shot in Rapid Action Battalion (RAB) operations. RAB is a special police force, created, to much public acclaim, to combat criminal gang activity throughout the country. But since its inception in 2004, RAB has been implicated in the unlawful killing of at least 700 people. At least 200 of these killings have occurred during the tenure of the current Awami League government, despite the Prime Minister’s pledge to end extrajudicial executions. Such deaths are typically explained away as accidental or as a result of RAB officers acting in self-defence as victims are said to have been killed in “crossfire”. In many cases, victims were killed following arrest. Nevertheless, investigations carried out either by RAB or a government-appointed judicial body have not resulted in judicial prosecution. While the outcome of judicial investigations has remained secret, RAB has consistently denied responsibility for any unlawful killings. RAB officials say other wrong-doings have been addressed through administrative action against offending RAB personnel. By failing to take judicial action against RAB, Bangladeshi governments past and present have effectively endorsed RAB’s claims and conduct in such cases. Reports that RAB has widely used torture and excessive force have similarly gone nowhere. Despite persistent allegations, Bangladeshi authorities have taken no action to prosecute RAB personnel.”¹⁶²

In its 2012 world report *Human Rights Watch* reported that the Rapid Action Battalion committed extra-judicial killings and that the home minister denied such violations,

“Instead of prosecuting members of the Rapid Action Battalion (RAB), who engage in extrajudicial killings, the home minister chose to deny that such violations occur, even in cases where internal ministry investigations found evidence of wrongdoing. The practice of disguising extrajudicial killings as “crossfire” killings seeped from the RAB into other law enforcement institutions, particularly the police. New allegations of torture, arbitrary arrest, and enforced disappearances by police continue to emerge.”¹⁶³

In its 2012 World Report *Human Rights Watch* reported that the Rapid Action Battalion were responsible for extra-judicial killings, citing an estimate that 1,600 have been killed since 2004,

“In at least two cases, the Home Ministry ignored its own findings that RAB was responsible for wrongful killings. According to Odhikar, a Dhaka-based human rights organization, at least 1,600 people have been victims of extrajudicial killings since 2004. Before the Awami League came to power, its leaders had accused RAB of widespread extrajudicial killings; they now claim that all deaths occur during armed exchanges with criminals.”¹⁶⁴

2. Enforced Disappearances

In its 2011 human rights report *Odhikar* stated that 30 people were disappeared members of law enforcement agencies,

“Persons are usually ‘disappeared’ after being detained by men claiming to be members of law enforcement agencies and after sometime some of their dead bodies are found. The families of the victims claim that it is the members of the law enforcement agencies who are

¹⁶² Amnesty International, Crimes Unseen; Extrajudicial executions in Bangladesh, August 2011, <http://www.amnesty.org/en/library/asset/ASA13/005/2011/en/c18ad74b-75fe-4b15-b043-5982eebdb27d/asa130052011en.pdf>, accessed 21 February 2012

¹⁶³ Human Rights Watch, World Report 2012 - Bangladesh, 22 January 2012, <http://www.hrw.org/world-report-2012/world-report-2012-bangladesh>, accessed 20 February 2012

¹⁶⁴ Human Rights Watch, World Report 2012 - Bangladesh, 22 January 2012, <http://www.hrw.org/world-report-2012/world-report-2012-bangladesh>, accessed 20 February 2012

indeed making the arrests. These incidents are on the use since 2011. When a person is disappeared not only is it a gross violation of their individual human rights and a complete disregard for the due process of law, the family and associates of that person undergo mental trauma as forced disappearances are always denied by the law enforcement agencies leaving no way to move forward and achieve justice.

[]

In 2011, 30 people were reportedly victims of enforced disappearance. Among them 14 were allegedly picked up by RAB, 11 by Detective Branch police, two by police and three by different law enforcement agencies.”¹⁶⁵

In its 2011 human rights report *Odhikar* cited the following instances of enforced disappearances,

“On February 15, 2011, a grocery shopkeeper Rafiqul Islam (50) was picked up by some plain clothed and uniformed RAB members from 620 North Shahjahanpur of Dhaka city and his whereabouts unknown since his arrest. The family members of Rafiqul Islam informed *Odhikar* that they have searched for him at various places, including the RAB headquarters and at the local police station. They did not find him anywhere. The eye-witnesses of this incident told *Odhikar* that 15/20 uniformed and plain clothed RAB members picked up Rafiqul from a shop. They did not know why Rafiqul had been picked up. Many people, including his fellow shopkeepers and passers-by witnessed Rafiqul’s arrest. His home district is Gaibandha.¹

[] On 22 February 2011, Tawfique Ahmed Hasan, a second year student of Stamford University in Dhaka, was arrested in Dhaka, with two others, with posters of the banned organisation Hizb-ut Tahrir. He obtained bail on May 13, 2011 in the case filed by the police. Hasan’s father, Mohammad Khabir Uddin, quoting police and jail sources, claimed that RAB personnel, in plain clothes, picked up his son after he came out on bail. On May 31, 2011 Mohammad Khabir Uddin, father of Tawfique Ahmed Hasan filed a case against four people - Deputy Assistant Director Mohammad Harun, Flight Lieutenant Mohammad Emon of RAB-10 and Dhaka Central Jail Senior Superintendent Tauhidul Islam and the Deputy Jailer Mohammad Imran Hossain for abduction of Tawfique Ahmed Hasan. The Metropolitan Magistrate of Dhaka, M A Salam, on the same day ordered a departmental investigation into the ‘abduction’ of Tawfique Ahmed Hasan.

[] On August 5, 2011, the bodies of Mizanur Hossain (25) and Jewel Sardar (20) with bullet wounds were recovered by police from Nagda bridge located at Narayanpur bypass lane of Pubail in Gazipur district. The body of Rajib was recovered from the Dhaka-Mawa highway at Nimtola under Sirajdikhan Upazila in Munshiganj district the same day. Rajib was the cousin of the deceased Jewel Rana. The families of the three men alleged that they were arrested by Detective Branch (DB) Police on July 31, 2011 from Shorot Gupto Road and beaten in front of local inhabitants and taken away in a microbus. Later their bodies were found in Gazipur and Munshiganj. Monir, elder brother of Mizanur, said that they went to Gandaria Police Station under Dhaka Metropolitan Police (DMP) soon after hearing of Mizanur’s arrest but police could not inform him about his brother’s whereabouts. The next day he went to the same police station to file a General Diary but police did not accept it. He was told by the police that they were arrested by DB Police.

[] On August 3, 2011 Tapon Das, a businessman of old Dhaka, was allegedly picked up by the DB police from KB Road at Gandaria. Gobinda Das, a friend of Tapon Das, informed *Odhikar* that he and Tapon were on a rickshaw returning home to Faridabad at around 8.00 pm. A white microbus stopped them. A man came out from the microbus and asked Tapon his name. The same person asked Gobinda to confirm whether Tapon’s name was correct. Later they were picked up in a microbus and blindfolded and taken in front of the DB Police office. Gobinda was asked to leave. Later the microbus went inside the DB Police office with Tapon. The family of Tapon Das alleged that the whereabouts of Tapon still remain unknown.

¹⁶⁵ *Odhikar*, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 6 March 2012

[] On October 19, 2011, Nur Mohammad Haji (75), President of Ward 41 Awami League, disappeared from his house at Savar. His family alleged that he was picked up at midnight by some men in civilian clothes. His whereabouts still remain unknown.

[] On November 28, Ismail Hossain, Shamim Hasan and Masum Hossain, three leaders of the BNP student wing disappeared from Hatirpul, Dhaka. The family claimed that they were picked by RAB. On December 08, 2011 Ismail's dead body was recovered from the Dholesswari River in Munshigonj."¹⁶⁶

3. Torture

In its 2010 country report the *USDOS* reported that physical and psychological torture is used by security forces during arrests and interrogations within a climate of impunity,

“Although the constitution prohibits torture and cruel, inhuman, or degrading punishment, security forces including the RAB, and police frequently employed torture and severe physical and psychological abuse during arrests and interrogations. Abuse consisted of threats, beatings, and the use of electric shock. According to human rights organizations, security forces tortured at least 22 persons. The government rarely charged, convicted, or punished those responsible, and a climate of impunity allowed such abuses by the RAB and police to continue.”¹⁶⁷

In its 2011 annual report *FIDH/OMCT* reported that the use of torture was pervasive and did not constitute a criminal offence,

“Impunity for acts of torture and ill-treatment, as well as extrajudicial (or “crossfire”) killings continued during 2010-2011. Despite highlevel assurances to the contrary, successive Governments have shown indifference to these practices, committed mainly by the Rapid Action Battalion (RAB) and members of the police. During the course of 2010, 127 persons were reportedly killed extra-judicially, the majority of them by members of RAB, mostly in “crossfire” incidents. Between January and March 2011, 33 persons were killed extra-judicially . Furthermore, although torture is prohibited by Article 35.5 of the Constitution, torture and ill-treatment remained pervasive and was practiced regularly by law enforcement agencies. One of the contributing factors was the fact that despite its Constitutional prohibition, torture is not a criminal offence under Bangladeshi law. Torture also remained routine in remand detention. In addition, despite the widespread and well-known practice, Magistrates continued to admit statements from accused persons held in remand detention.”¹⁶⁸

In its 2011 human rights report *Odhikar* stated that torture is not fully defined in law, is not a criminal offence and has become ‘second nature’ to law enforcement agencies,

“The Constitution of Bangladesh categorically states in Article 35 (5) that “No person shall be subjected to torture or to cruel, inhumane or degrading punishment or treatment.” It is also stated in Article 35 (3) that “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.” Despite this and the continued existence of torture in Bangladesh particularly by law enforcement agencies, torture has not been fully defined in law, nor has it been made a criminal offence. Section 331 of the Penal Code provides some protection against torture in the form of a dictate that states it is a criminal offence if someone causes grievous hurt for the purpose of extorting a confession or any information which may lead to

¹⁶⁶ Odhikar, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 6 March 2012

¹⁶⁷ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

¹⁶⁸ International Federation for Human Rights-Observatory for the Protection of Human Rights Defenders, Steadfast in Protest - Annual Report 2011 - Bangladesh, 25 October 2011, <http://www.unhcr.org/refworld/docid/4ea7b3eed.html>, accessed 22 February 2012

the detection of an offence or cause the restoration of property. However, in the face of the seriousness and ubiquity of torture this small dictate is far too little.

[]

The use of torture has become second nature to the officers of law enforcement agencies and in being so, severely undermines any ethical authority of these agencies. It is clear to Odhikar that in Bangladesh the law enforcement agencies exercise huge power but demonstrate virtually no ethical principles which respect the fundamental human rights of the citizens of Bangladesh.”¹⁶⁹

In its 2011 human rights report *Odhikar* stated that people in remand were threatened with torture to exhort money, further *Odhikar* reported allegations that people were tortured in remand for political reasons,

“In 2010, 4829 persons were granted bail in different periods by the Judicial Magistrate Court in Dhaka Metropolitan City. On average, 13 people were taken in remand everyday in Dhaka Metropolitan city. Money was extracted from accused persons by threatening them with torture in remand and many persons were allegedly tortured in remand due to political reasons.

[] According to section 167 of the Code of Criminal Procedure, police can take the accused in their custody with the permission of Judges or Magistrates for the sake of questioning. This ‘questioning’ turns into police torture of accused persons in custody. Torture inflicted on accused persons in remand is mainly for two reasons – to extract money by threatening to torture in remand; and to hurt the political opponents.”¹⁷⁰

In its 2011 human rights report *Odhikar* stated that 46 people were reportedly tortured,

“In 2011, as per Odhikar’s documentation, 46 persons were reportedly tortured by different law enforcement agencies. Among them 17 persons were allegedly tortured to death.”¹⁷¹

In its 2012 world report *Human Rights Watch* reported that both the military and police use torture against suspects,

“The military and police continue to employ torture and cruel, inhuman, or degrading punishment against suspects, violating both domestic and international law. Many deaths in custody are never investigated. According to Odhikar, at least 12 people died in custody due to police torture in 2011.”¹⁷²

In its 2011 annual report *Amnesty International* reported that at least six people were killed following torture in police custody and that no officers have been brought to trial in relation to the deaths,

“Torture of detainees held by the police or other security forces reportedly led to the death of at least six individuals. Six police officers were reportedly investigated for torturing detainees but no one was brought to trial. A private member’s bill criminalizing torture remained pending before parliament.

¹⁶⁹ Odhikar, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 6 March 2012

¹⁷⁰ Odhikar, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 6 March 2012

¹⁷¹ Odhikar, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 6 March 2012

¹⁷² Human Rights Watch, World Report 2012 - Bangladesh, 22 January 2012, <http://www.hrw.org/world-report-2012/world-report-2012-bangladesh>, accessed 20 February 2012

Mahmoodur Rahman, editor of Amar Desh newspaper, was detained on 2 June for allegedly running the paper without a valid licence. He testified before a magistrate that police officers had beaten him severely while he was in custody.”¹⁷³

In its 2011 human rights report *Odhikar* cited instances of torture, including of children,

“On April 12, 2011, Belal, only nine years old, was allegedly tortured in the room of the Officer-in-Charge in Khulna Sadar Police Station. Belal told *Odhikar* that he had taken a piece of iron rod secretly from a mill factory to buy bread. But people caught him and handed him over to police. He was blindfolded by police and his hands and legs were tied in chains. Then, he was given electric shocks to his hands.

[] Abdul Kadar, a Master’s degree student of the Bio-chemistry and Molecular Biology Department of Dhaka University, was on suspicion was picked up on July 16 while he was returning from his aunt’s house to his dormitory. He was severely tortured by police of Khilgaon Police Station; He was later implicated in three cases. Police filed a robbery case under Sections 399/402 of Penal Code and Section 19A of the Arms Act 1878 accusing Qader and six other persons. On July 29, 2011 the Officer-in- Charge of Khilgaon Police Station, Helaluddin and Sub Inspector Alam Badsha and Assistant Sub Inspector Shahidur Rahman were temporarily suspended as per the the High Court sue moto order on July 28. A Judicial probe report submitted on November 28 to the High Court referring to the witness’ deposition, said the Officerin- Charge of the Police Station was apparently unsound and intoxicated when he injured Kadar’s left thigh with a cleaver. On November 03, a Dhaka court acquitted Kadar of the arms case. The two other cases filed against him were on robbery and carjacking. However a departmental probe later found Kadar innocent. The High Court on December 11, directed the IGP to file a case against Khilgaon Police Station Officer in Charge Helaluddin in connection with torture of Kadar.¹

[] On September 4, 2011, three children, Pakhi Akhter (8) and her brother Barek (10) and cousin Mizarul (7), were allegedly tortured in Lalbagh Police Station on the allegation of stealing jewelry. They were detained for six days in custody, without being taken into remand. They alleged that they were beaten, and had pins pushed in their fingers.

[] Momtaz Uddin Ahmed, a pro-BNP lawyer was picked up from his home sometime between 2.30 am to 3.30 pm on August 11. Witnesses saw him being slapped and kicked by policemen and pushed into the police van. He was in detention for at least three hours on August 11, which caused a massive heart attack that led to his death on August 25. His wife said that MU Ahmed told her that he was taken to a dark room with no fan, after his arrest on August 11 and was tortured by the DB police at DB office. When he was feeling ill and asked for a fan, policemen threatened to tie him up to the chair with a rope and give him electric shocks. Police arrested MU Ahmed in connection with assault police and obstruct them in discharging their duties on the August 2 and 4, 2011.”¹⁷⁴

In August 2011 *Amnesty International* reported that methods of torture used by the Rapid Action Battalion has included beating, kicking, suspension, electric shocks and food and sleep deprivation, further torture was used to extract ‘false’ confessions,

“Former detainees have told Amnesty International that RAB routinely tortures detainees. Torture methods include beating, kicking, suspension from the ceiling, food and sleep deprivation, and electric shocks to the genitals.

Detainees have been tortured until they “confessed” they were criminals. More than a dozen such victims have told Amnesty International that they were threatened with “crossfire” if they did not confess. After “confessing”, victims were handed over to the police, who then filed criminal cases against them based on RAB’s claims. Arrest dates in these cases have been recorded as the day the victim was handed over to the police and

¹⁷³ Amnesty International, Annual Report 2011; Bangladesh, May 2011, <http://www.amnesty.org/en/region/bangladesh/report-2011>, accessed 10 March 2012

¹⁷⁴ *Odhikar*, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 6 March 2012

not the day RAB made the arrest. In this way, the police have helped RAB distort the records and cover up the human rights violations it has committed.”¹⁷⁵

In August 2011 UN humanitarian news agency, *IRIN*, reported that acts of torture and extra judicial killings by the police continue, citing an estimate that 10 people were tortured to death in the first six months of 2011,

“Continuing police torture and extrajudicial killings in Bangladesh need to be stamped out, say rights activists, officials and citizens.

Chairman of the National Human Rights Commission of Bangladesh Mizanur Rahman told IRIN a lack of accountability within the law enforcement system is to blame for persistent evidence of torture seen by the commission.

“Torture in police custody and extrajudicial killings by law enforcers in Bangladesh is one of our top priority concerns and areas of intervention,” Rahman said. “This must be stopped.”

Odhikar, a local human rights organization, said at least 10 people had been tortured to death by law enforcement agencies in the first six months of 2011. It documented 67 torture cases in 2010, which led to 22 people reportedly dying. There were 68 cases of reported torture in custody in 2009.

“There is a growing sense of impunity felt by law enforcement officials with regard to torture, and this must stop now or it’s going to get worse here,” said Adilur Rahman Khan, secretary of Odhikar. “Most of the victims of torture do not report it out of fear; therefore, whatever data we have is just the tip of the iceberg.”¹⁷⁶

In its 2012 world report *Human Rights Watch* reported that the Rapid Action Battalion ill treated a representative of the Asian Human Rights Commission,

“On May 21, 2011, William Gomes, a representative of the Asian Human Rights Commission, was allegedly picked up by plainclothes RAB personnel and taken to a place his abductors described as “headquarters,” where he was stripped naked, had his hands and legs cuffed, was forced into stress position, and was verbally abused and threatened with physical torture. He was interrogated about his work documenting human rights violations.”¹⁷⁷

4. *Impunity*

In August 2011 *Amnesty International* reported that security forces committed acts of torture and extra-judicial killings with impunity,

“Nearly all alleged instances of unlawful killings by RAB have gone unpunished. Successive governments have persistently resisted calls from national and international human rights bodies to end such killings. Widespread public support for RAB makes it easier for the government to evade responsibility on this issue. A web of impunity prevents investigation of RAB abuses through the criminal justice system. More than 20 families of victims have told Amnesty International that police refused to file their complaints against RAB, unless the family applied for a court order. Even then, police have failed to conduct a thorough and impartial, investigation. No such cases have ever led to prosecution. []

¹⁷⁵ Amnesty International, Crimes Unseen; Extrajudicial executions in Bangladesh, August 2011, <http://www.amnesty.org/en/library/asset/ASA13/005/2011/en/c18ad74b-75fe-4b15-b043-5982eebdb27d/asa130052011en.pdf>, accessed 21 February 2012

¹⁷⁶ Integrated Regional Information Networks (IRIN), Bangladesh: Calls for end to torture, extrajudicial killings, 11 August 2011, <http://www.irinnews.org/Report/93477/BANGLADESH-Calls-for-end-to-torture-extrajudicial-killings>, accessed 22 February 2012

¹⁷⁷ Human Rights Watch, World Report 2012 - Bangladesh, 22 January 2012, <http://www.hrw.org/world-report-2012/world-report-2012-bangladesh>, accessed 20 February 2012

Impunity for RAB actions may have contributed to an environment in which other security agencies, such as the police, believe they, too, can avoid accountability for violations they commit. At least 30 people have been killed in police-only operations since early 2010, with the police also portraying them as deaths in “shootouts” or “gunfights”.¹⁷⁸

In August 2011 *Amnesty International* reported that the government had failed to end extra-judicial killings by law enforcement agencies and that the Home Minister had denied that extra-judicial killings occurred in Bangladesh,

“Bangladesh’s two main political parties – the Bangladesh Nationalist Party and the Awami League – have shown no commitment to limiting the powers of RAB. As a candidate running in the latest general elections, the current Prime Minister, Sheikh Hasina, pledged to end extrajudicial executions. In the first couple of months of her coming to office, the Prime Minister spoke of a “zero tolerance” policy towards extrajudicial executions. Other government authorities repeated her pledge. These hopes were dashed in late 2009 when the authorities, including the Home Minister, claimed that there were no extrajudicial executions in the country. This denial has shielded RAB from justice, and released the Prime Minister from her pledge. It amounts to a renewed lease of impunity for RAB.”¹⁷⁹

In August 2011 *Amnesty International* reported that the Rapid Action Battalion carries out investigations into allegations against its officers and that the findings are kept secret,

“Prime responsibility for investigating deaths during RAB actions has so far fallen to RAB itself. This is a clear conflict of interest. When the accused is tasked with investigating an accusation against it, the basic principles of independence and impartiality are compromised. The accused is free to destroy the evidence, distort the records and engineer the outcome. The content of RAB inquiries” remains secret; their results have repeatedly been the same. None of the publicly available RAB investigations have ever blamed RAB personnel for an extrajudicial killing; rather, these investigations, where they have occurred, have blamed the victims, calling them criminals and portraying their deaths as justified.

Home Ministry officials have told Amnesty International that “in all cases of eventual deaths, judicial inquiries as required under the law had been carried out. None of the judicial inquiry reports found opening of fire by RAB as unjustified”. Even when the findings of judicial inquiries into deaths involving security forces have been leaked to the press, and the leaked information has contradicted RAB claims, government officials have endorsed RAB findings.”¹⁸⁰

5. Deaths in custody

In its 2010 country report the *USDOS* reported that 133 deaths occurred in custody, the majority of which were allegedly the result of torture,

“According to the human rights organization Ain O-Shalish Kendra (ASK), 133 deaths occurred in custody during the year, including 74 deaths in prison. Many of the deaths were allegedly the result of torture.

¹⁷⁸ Amnesty International, Crimes Unseen; Extrajudicial executions in Bangladesh, August 2011, <http://www.amnesty.org/en/library/asset/ASA13/005/2011/en/c18ad74b-75fe-4b15-b043-5982eebdb27d/asa130052011en.pdf>, accessed 21 February 2012

¹⁷⁹ Amnesty International, Crimes Unseen; Extrajudicial executions in Bangladesh, August 2011, <http://www.amnesty.org/en/library/asset/ASA13/005/2011/en/c18ad74b-75fe-4b15-b043-5982eebdb27d/asa130052011en.pdf>, accessed 21 February 2012

¹⁸⁰ Amnesty International, Crimes Unseen; Extrajudicial executions in Bangladesh, August 2011, <http://www.amnesty.org/en/library/asset/ASA13/005/2011/en/c18ad74b-75fe-4b15-b043-5982eebdb27d/asa130052011en.pdf>, accessed 21 February 2012

According to Odhikar, a Bangladeshi human rights organization, on May 11, Mohammad Manik was arrested after being named in a theft case. While in custody in the Kotowali police station, Manik allegedly was tortured to death by the subinspector, Yunus Miah. Following the incident, the High Court ordered a full investigation. When the police commissioner failed to comply with the order, the High Court ruled the commissioner and the subinspector to be in contempt of court.

According to Odhikar, on May 24, RAB officials detained Abul Kalam Azad and his son. They were interrogated separately at RAB headquarters, after which Azad died. Azad's son claimed that the RAB tortured his father to death.

According to Odhikar, on June 29, the Dhaka metropolitan police detained Mohammad Mizanur Rahman, along with three other persons. While they were in custody, officials took the four individuals to a bridge in Gulshan where a police subinspector, Anisur Rahman, interrogated and shot Mizanur and one other person. Doctors treated Mizanur at Dhaka Medical College Hospital, but he died as a result of his injuries. The Dhaka metropolitan police formed an inquiry committee to investigate the incident.¹⁸¹

In its 2011 human rights report *Odhikar* stated that 140 people died in custody,

“From January to December 2011, reported show that 140 persons died in custody. Among them, 105 persons died in jail. Among those, 91 persons allegedly died due to ‘sickness’; two reportedly committed suicide, two infants died in jail. One person who was reportedly injured at the time of his arrest also died in jail. Nine persons died in different jails due to reasons unknown.

[] During this time one woman reportedly ‘committed suicide’ while in Potenga Police Station in Chittagong and two persons died while under the custody of police in Chittagong and Dhaka districts.

[] 26 persons were allegedly killed extra judicially while in custody of RAB, police and the jail authority. Six former BDR soldiers also died during this time while in custody.”¹⁸²

In its 2011 human rights report *Odhikar* stated that an Advocate of the Supreme Court died in custody, with allegations that he had been tortured by the Detective Branch police,

“On August 26, 2011, Momtaz Uddin Ahmed, an Advocate of the Supreme Court, died at the Intensive Care Unit (ICU) of Square Hospital, Dhaka while he was in police custody. Earlier, Advocate Momtaz Uddin Ahmed was admitted to the National Heart Institute in a critical condition after being allegedly tortured by Detective Branch (DB) police. An altercation had broken out between lawyers of the ruling (Awami League) and opposition (BNP) parties on August 2, 2011 in the High Court Division Bench comprising of Justice AHM Shamsuddin Chowdhury and Justice Gobinda Chandra Thakur. The altercation was over a remark doubting the patriotism of the Leader of the Opposition Begum Khaleda Zia, during the hearing of a petition filed against Islami Oikkyojote leader Mufti Fazlul Huq Amini. Detective Branch (DB) of Police also filed a case against 13 pro-BNP lawyers for obstruction of duty. On August 11, 2011, at 3.30 am, police arrested Advocate Momtaz Uddin Ahmed from his apartment and took him to the DB Police office. On the same morning, his family was informed that Momtaz Uddin Ahmed had been admitted to the National Heart Institute in a serious condition. Later he was moved to Square Hospital. His wife Shelina Ahmed alleged that her husband was tortured in custody. Shelina Ahmed sued the Home Minister Sahara Khatun; Attorney General Mahbubey Alam; the Home Secretary; Dhaka Metropolitan Police Commissioner; Detective Branch Deputy Commissioner; and Officer-in-Charge of Shahbagh Police Station on the charge of killing Momtaz Uddin

¹⁸¹ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

¹⁸² Odhikar, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 6 March 2012

Ahmed. A First Information Report was submitted to the Ramna Police Station on August 26, 2011 but the police did not record the complaint as a case.”¹⁸³

¹⁸³ Odhikar, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 6 March 2012

4. Nationality, Citizenship and Ethnicity

A. National legal framework and policies on citizenship, nationality and protection of ethnic minorities

Article 6 of the 1972 *Bangladesh Constitution* states that,

“The citizenship of Bangladesh shall be determined and regulated by law.

(2) The people of Bangladesh shall be known as Bangalees as a nation and the citizens of Bangladesh shall be known as Bangladeshies.”¹⁸⁴

Article 23 of the 1972 *Bangladesh Constitution* on the national culture states that,

“The State shall adopt measures to conserve the cultural traditions and heritage of the people, and so to foster and improve the national language, literature and the arts that all sections of the people are afforded the opportunity to contribute towards and to participate in the enrichment of the national culture.”¹⁸⁵

Article 23a of the 1972 *Bangladesh Constitution* on the culture of tribes, minor races, ethnic sects and communities states that,

“The State shall take steps to protect and develop the unique local culture and tradition of the tribes, minor races, ethnic sects and communities.”¹⁸⁶

Article 27 of the *Bangladesh Constitution* states that,

“All citizens are equal before law and are entitled to equal protection of law.”¹⁸⁷

Article 28 of the 1972 *Bangladesh Constitution* on discrimination on the grounds of religion states that,

“(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth.

(2) Women shall have equal rights with men in all spheres of the State and of public life.

(3) No citizen shall, on grounds only of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution.

(4) Nothing in this article shall prevent the State from making special provision in favour of women or children or for the advancement of any backward section of citizens.”¹⁸⁸

Article 5 of the 1951 *Citizenship Act* provides for citizenship by birth,

¹⁸⁴ Constitution of the People’s Republic of Bangladesh, 1972, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367, accessed 6 March 2012

¹⁸⁵ Constitution of the People’s Republic of Bangladesh, 1972, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367, accessed 6 March 2012

¹⁸⁶ Constitution of the People’s Republic of Bangladesh, 1972, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367, accessed 6 March 2012

¹⁸⁷ Constitution of the People’s Republic of Bangladesh, 1972, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367, accessed 6 March 2012

¹⁸⁸ Constitution of the People’s Republic of Bangladesh, 1972, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367, accessed 6 March 2012

"4. Every person born in Bangladesh after the commencement of this Act shall be a citizen of Bangladesh by birth: Provided that a person shall not be such a citizen by virtue of this section if at the time of his birth-

(a) his father possesses such immunity from suit and legal process as is accorded to an envoy of an external sovereign power accredited in Bangladesh and is not a citizen of Bangladesh ; or

(b) his father is an enemy alien and the birth occurs in a place then under occupation by the enemy."¹⁸⁹

Article 5 of the *1951 Citizenship Act*, as amended by the 2009 Citizenship Amendment Act¹⁹⁰ provides for citizenship by descent,

"5. Subject to the provisions of section 3 a person born after the commencement of this Act, shall be a citizen of Bangladesh by descent if his [father or mother] is a citizen of Bangladesh at the time of his birth:

Provided that if the [father or mother] of such person is a citizen of Bangladesh by descent only, that person shall not be a citizen of Bangladesh by virtue of this section unless-

(a) that person's birth having occurred in a country outside Bangladesh the birth is registered at a Bangladesh Consulate or Mission in that country, or where there is no Bangladesh Consulate or Mission in that country at the prescribed Consulate or Mission or at a Bangladesh Consulate or Mission in the country nearest to that country; or

(b) that person's [father or mother] is, at the time of the birth, in the service of any Government in Bangladesh."¹⁹¹

Article 6 of the *1951 Citizenship Act* provides for citizenship by migration,

"6. (1) The Government may, upon his obtaining a certificate of domicile under this Act, register as a citizen of Bangladesh by migration any person who after the commencement of this Act and before the first day of January, 1952, has migrated to the territories now included in Bangladesh from any territory in the Indo-Pakistan sub-continent outside those territories, with the intention of residing permanently in those territories:

Provided that the Government may, by general or special order, exempt any person or class of persons from obtaining a certificate of domicile required under this sub-section.

(2) Registration granted under the preceding sub-section shall include, besides the person himself, his wife, if any, unless his marriage with her has been dissolved, and any minor child of his dependent whether wholly or partially upon him."¹⁹²

In its 2010 country report *USDOS* reported that citizenship is not automatically granted by birth in the country but depends also on the birthplace of fathers or grandfathers,

"The law does not grant citizenship automatically by birth within the country. Individuals become citizens if they, their fathers, or grandfathers were born in the territories that are now part of the country. If a person qualifies for citizenship through ancestry, the father or

¹⁸⁹ The Citizenship Act, 1951, (Act No.II of 1951), http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=242, accessed 16 July 2012

¹⁹⁰ The Citizenship (Amendment) Act, 2009 [Bangladesh], Act 17 of 2009, 5 March 2009, <http://www.unhcr.org/refworld/docid/4a8032182.html>, accessed 16 July 2012

¹⁹¹ The Citizenship Act, 1951, (Act No.II of 1951), http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=242, accessed 16 July 2012

¹⁹² The Citizenship Act, 1951, (Act No.II of 1951), http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=242, accessed 16 July 2012

grandfather must have been a permanent resident of these territories on March 25, 1971. Birth registrations were available only to approximately 10 percent of the population.”¹⁹³

In July 2010 an alternative report submitted to CEDAW by the *Citizens' Initiatives on CEDAW-Bangladesh*, reported that provisions within the Citizenship Amendment Act 2009¹⁹⁴ entitle Bangladeshi women married to non-citizens to pass on their citizenship rights to their children,

“The Citizenship Amendment Act, 2009: Under the provisions of the amended Act, Bangladeshi women married to foreigners, can now pass on citizenship rights to their children. Previously, only Bangladeshi men married to foreigners could confer citizenship on their children.”¹⁹⁵

In February 2011 the *Danish Immigration Board* reported that according to Chris Lewa, Coordinator of Arakan Project, an NGO which works with Rohingya refugees, the 2009 Citizenship Amendment Act is allowing Bangladeshi women in mixed marriages to transfer their nationality to their children,

“According to Ms. Chris Lewa, mixed marriages are quite common. Rohingya men are marrying Bangladeshi women in order to be able to protect their children in Bangladesh. In this connection Ms. Chris Lewa explained that a new law introduced in Bangladesh, the Citizenship (Amendment) Act 2009, entitling a Bangladeshi woman to transmit citizenship to her children, is allowing women to transfer their nationality to their children, even if the father is not a Bangladeshi citizen.”¹⁹⁶

In 2011 *UN CEDAW* reported that a spouse of a Bangladeshi woman must wait longer to apply for citizenship than the spouse of a Bangladeshi man,

“The Committee welcomes the adoption of the Citizenship (Amendment) Act (2009), entitling a Bangladeshi woman to transmit citizenship to her children but it remains concerned that the spouse of a Bangladeshi woman can apply for citizenship after being a resident in the country for five years, whereas the residential requirement for a foreign woman married to a Bangladeshi man is two years only.”¹⁹⁷

UNICEF reported that in 2004 the Bangladesh government introduced the Birth and Deaths Registration Act,

“UNICEF supported the Government to develop and enact the Births and Deaths Registration Act, 2004. The 2004 Act is in line with the CRC and based on best field practice. It makes birth registration compulsory for everyone born in Bangladesh, irrespective of age, race, religion or nationality. It is accompanied by five rules that outline the practical process of registering births. Newborn babies must be registered within 45 days of birth, and there are penalties for parents who fail to register children within two years. The Act stipulates that people must be issued with a physical birth certificate as part of the birth registration process. In order to increase demand for registration, the Act makes it compulsory for people to present the birth certificate in order to access 16 services including school enrolment, passports, voter registration, employment in government or

¹⁹³ USDOS, 2010 Country Report on Human Rights Practices: Bangladesh, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 6 March 2012

¹⁹⁴ The Citizenship (Amendment) Act, 2009 [Bangladesh], Act 17 of 2009, 5 March 2009, <http://www.unhcr.org/refworld/docid/4a8032182.html>, accessed 16 July 2012

¹⁹⁵ Combined sixth and seventh Alternative Report to the UN CEDAW Committee, submitted by Citizen's Initiatives on CEDAW-Bangladesh (CIC-BD), July 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/Citizens_Initiative_Bangladesh_CEDAW48.pdf, accessed 16 July 2012

¹⁹⁶ Danish Immigration Board, Rohingya refugees in Bangladesh and Thailand; Fact finding mission to Bangladesh and Thailand 4 to 17 February 2011, accessed 16 July 2012

¹⁹⁷ UN CEDAW, 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 March 2011, <http://uhri.ohchr.org/document/index/6a11a938-a7f2-4161-a008-818c6bdeda55>, accessed 15 February 2012

non-government organizations and marriage registration. However implementation is still not universal: not all service providers demand to see the certificates as required. The Act also provided free of cost birth registration for the initial two-year period. The Government has also developed a Universal Birth Registration Strategy which aims to register everyone by the end of 2010. Birth registration was declared free of charge until end of December 2008 to motivate people to get their birth certificate. This deadline has now been extended for children under 18 till end of June 2010. After this date, there will be a fee. However the registration of babies under two years of age will remain free of charge.”¹⁹⁸

UNICEF reports that Bangladesh’s birth registration system is ineffective,

“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.¹⁹⁹

In 2011 Bangladeshi human rights NGO *Odhikar* reported that amendments to the constitution have denied the existence of non Bengali ethnic groups,

“Article 28 of the Constitution of Bangladesh states that ‘The state shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth’. However, the rights of the other ethnic minority communities has been denied by adopting ‘Bangalee Nationalism’ privileging one language and nation by replacing Article 9 by the 15th Amendment of the Constitution. The amendment also stated in Article 6(2) that ‘the people of Bangladesh shall be known as Bangalees as a nationexplicitly denies the existence of non Bengali ethnic minority communities.”²⁰⁰

In March 2010 a report commissioned by the *International Fund for Agricultural Development (IFAD)* stated that there are few laws directly relating to the plains indigenous peoples, but that the East Bengal State Acquisition and Tenancy Act (1950) prohibits the sale of indigenous lands to non indigenous groups, further many family related issues are regulated by indigenous peoples’ personal laws,

¹⁹⁸ UNICEF, Birth registration in Bangladesh, undated, http://www.unicef.org/bangladesh/Birth_Registration%281%29.pdf, accessed 12 March 2012

¹⁹⁹ UNICEF, Birth registration in Bangladesh, undated, http://www.unicef.org/bangladesh/Birth_Registration%281%29.pdf, accessed 12 March 2012

²⁰⁰ Odhikar, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 6 March 2012

“Overall, there are not many laws in Bangladesh that directly or indirectly address indigenous peoples. The few laws there are occur in the partially autonomous CHT region, where several special laws and regulations apply. In contrast, there are very few Bangladeshi laws that refer to the plains indigenous peoples, let alone address their rights and socio-economic marginality in a direct manner. A solitary exception is a provision of the major land law for the plains, the East Bengal State Acquisition and Tenancy Act, 1950 (Act XX of 1950, at section 97), which restricts the sale of lands of ‘aboriginal castes and tribes’ to anyone other than aboriginal castes and tribes domiciled in Bangladesh. In addition, the personal laws of the plains indigenous peoples – which are largely based upon oral customary rules – regulate marriage, divorce, maintenance, child custody, inheritance and related matters of the peoples concerned. It is noteworthy that in Bangladesh, like India, Pakistan and Malaysia, personal law for all citizens is regulated either by religious affiliation (e.g. Muslim and Hindu) or by ethnic affiliation (e.g. indigenous groups or ‘tribals’).”²⁰¹

In March 2010 *IFAD* reported that five major Acts regulate indigenous peoples’ rights in the Chittagong Hill Tracts.

“Five major Acts of the CHT address crucial aspects of indigenous peoples’ rights in the CHT. These are: (i) the CHT Regulation, 1900, which provides a unique administrative, legal and judicial system for the CHT that combines the functions of traditional chiefs and headmen, associated with oversight and executive functions of state functionaries, based on statutes and local customs, practices and usages; (ii) the CHT Development Board Ordinance, 1976 (Ordinance XX of 1976), which provides for a statutory development authority for the CHT with local and indigenous participation; (iii) the Hill District Council Acts of 1989 (Acts XIX, XX and XXI of 1989), which provide for partially autonomous administrative, land and developmental functions (a total of 33 subjects) upon indigenous-majority district-level councils, headed by indigenous chairpersons; (iv) the CHT Regional Council Act, 1998 (Act XII of 1998) which provides for a regional council for the entire CHT – also with a two-thirds indigenous majority and an indigenous chairperson – to supervise the functions of the district and lower tier local government councils, among others; and (v) the CHT Land Disputes Resolution Commission Act, 2001 (Act XX of 2001), which establishes a body with the authority of a civil court, including indigenous leaders, to provide expeditious remedies on land-related disputes in the CHT. In addition, there is a large body of customary law, including both family law and resource rights regimes of indigenous peoples, which apply to the region.”²⁰²

B. Treatment/situation of Non-Bengali ethnic minorities, including indigenous persons

[See also Section 6. Freedom of Religion]

In March 2010 *IFAD* reported the following peoples of both the Chittagong Hill Tracts and the plains who claim to be indigenous peoples but are not recognized as such by Bangladeshi law; Assam, Bagdi, Bedyay, Bhumil, Brong, Buna, Gurkha, Horizon, Karmakar, Khando, Khasi, Khatriya Barman, Kole, Mahali, Mahato, Malo, Muriyar, Musohor, Pahan, Paharia, Patro, Rai, Rajbongshi, Rajuar, Rakhaing, Shing and Urua.²⁰³

²⁰¹ International Fund for Agricultural Development, Country Technical Note on Indigenous Peoples’ Issues: Bangladesh, March 2010, <http://www.ifad.org/english/indigenous/pub/documents/tnotes/bangladesh.pdf>, accessed 26 February 2012

²⁰² International Fund for Agricultural Development, Country Technical Note on Indigenous Peoples’ Issues: Bangladesh, March 2010, <http://www.ifad.org/english/indigenous/pub/documents/tnotes/bangladesh.pdf>, accessed 26 February 2012

²⁰³ International Fund for Agricultural Development, Country Technical Note on Indigenous Peoples’ Issues: Bangladesh, March 2010, <http://www.ifad.org/english/indigenous/pub/documents/tnotes/bangladesh.pdf>, accessed 26 February 2012

In an undated article *Minority Rights Group International* reported that Adivasis is a generic term used to refer to more than 27 different indigenous peoples, who inhabit border areas in the north-west and the north-east Chittagong Hill Tracts,

“The term Adivasis (see India for etymology), is not confined to any particular geographical or political boundaries but is generally used in the Indian subcontinent to denote indigenous peoples. Like India, Bangladesh has its Adivasis, though their proportion in the population is much smaller, perhaps 1.5 per cent. The Adivasis of Bangladesh, again like those of India, represent a broad category encapsulating at least twenty-seven different indigenous peoples. Despite their many differences, Bangladeshi Adivasis share major ethnic, cultural, religious and linguistic distinctions from the majority Bengalis.

Adivasis inhabit the border areas of the north-west and north-east Chittagong Hill Tracts (CHT) of Bangladesh. Both prior to the creation of Bangladesh and afterwards, successive governments have been reluctant to take a census of the Adivasi population on the basis of language and religion. Government figures of 1981 put Adivasi numbers at 897,828, and the population is now thought to be about 2 million. In 1981 43.7 per cent of Adivasis were estimated to be Buddhist, 24.1 per cent Hindus, 13.2 per cent Christian and 19 per cent as following other religions. It is widely believed that the Bangladesh government has deliberately undercounted the Adivasi population to emphasize its marginality. Lower numbers mean that their legitimate demands can be more easily dismissed or ignored by governments and thus excluded from relief aid or development programmes. Undercounting also allows Adivasi land claims to be seen as more tenuous and their traditional ways of life as mere fragments of the past rather than as a living culture.

Almost all Bengalis, including many Adivasis, speak Bangla; and indigenous languages have assimilated many Bangla words as their own. Adivasis who have been formally educated through the school system, mostly males, are more likely to speak Bangla than illiterates, especially illiterate females. By religion the CHT inhabitants are mainly Buddhist, while Khasi and Mandi are predominantly Christian. Other indigenous peoples have retained their original animism or have affiliated with Hinduism, especially the Hajong, while Rajbansi either are Hinduized or have become Sunni Muslims.”²⁰⁴

In 2011 the *International Work Group for Indigenous Affairs* reported that indigenous peoples are not recognised in the constitution and face persecution due to their religion, ethnicity, indigenous identity and socio-economic status,

“The majority of Bangladesh’s 143.3 million people are Bengalis, and approximately 2.5 million are indigenous peoples belonging to 45 different ethnic groups. These peoples are concentrated in the north, and in the Chittagong Hill Tracts (CHT) in the south-east of the country. In the CHT, the indigenous peoples are commonly known as *Jummas* for their common practice of swidden cultivation (crop rotation agriculture) locally known as *jum*. There is no constitutional recognition of the indigenous peoples of Bangladesh. They are only referred to as “backward segments of the population”. Indigenous peoples remain among the most persecuted of all minorities, facing discrimination not only on the basis of their religion and ethnicity but also because of their indigenous identity and their socio-economic status. In the CHT, the indigenous peoples took up arms in defence of their rights. In December 1997, the 25-year-long civil war ended with a Peace Accord between the Government of Bangladesh and the Parbattya Chattagram Jana Samhati Samiti (PCJSS, United People’s Party), which led the resistance movement. The Accord recognizes the CHT as a “tribal inhabited” region, recognizes its traditional governance

²⁰⁴ Minority Rights Group International, Bangladesh Overview, updated February 2011, <http://www.minorityrights.org/?lid=5632>, accessed 26 February 2012

system and the role of its chiefs, and provides the building blocks for indigenous autonomy.”²⁰⁵

In an undated article the *International Labour Organisation* reported that indigenous groups are marginalised and excluded,

“Bangladesh ratified the ILO’s Indigenous and Tribal Populations Convention, 1957 (No. 107) in 1972, and is home to around 3 million indigenous people (Adivasis and Jumma), from 45 different ethnic groups, who between them speak over 30 different languages. They are located predominantly in the North and South-eastern parts of the country, with the majority found in the Chittagong Hill Tracts (CHT), where there are 11 distinct groups of indigenous peoples. Indigenous peoples in Bangladesh are among the most marginalized and excluded groups in society. This fact is also reflected in the national Poverty Reduction Strategy Paper (PRSP), which includes a section on Adivasi/Ethnic Minority Groups.

As in other parts of the world, in Bangladesh, indigenous peoples’ vulnerability has tended to stem from loss of land and forest/natural resource rights, displacement for purposes of modernisation and industrialisation, loss of culture and social disintegration, erosion of local self-governance, discrimination and violent suppression of autonomy movements.

Decades of instability and conflict in the CHT continues to hamper sustainable development in the region and has had a disproportionate impact on the indigenous peoples who live there. The Peace Accord signed in 1997 now provides the framework for the development of the region and recognizes CHT as a semi-autonomous tribal region to be governed through an institutional framework based on traditional indigenous institutions of chiefs, headmen, karbaris and hill district and regional councils. There is also a Ministry of Chittagong Hill Tracts Affairs at the central level. In contrast, indigenous peoples in the plains have very little representation in mid-to-high levels of Government and there is no central ministry or regional development authority to deal with the issues and developmental needs of indigenous peoples in the plains. The situation of indigenous women from both CHT and plains areas in terms of representation and participation in national decision-making processes and bodies is particularly acute.”²⁰⁶

In 2011 *Odhikar* reported that ethnic minorities were subject to violent attacks and discrimination,

“In 2011, Odhikar documented numerous violent attacks, and discriminatory practices against ethnic minorities. From January to December 2011, 40 people belonging to ethnic minority groups were killed, 94 injured, 17 abducted, 18 raped and 40 families had their houses destroyed. The incidents took place in Khagrachari, Rangamati, Dinajpur and Rajshahi.”²⁰⁷

1. Ethnic Minorities in the Plains

In March 2010 *IFAD* reported that indigenous groups outside of the Chittagong Hill Tracts in areas known as the ‘plains’, are referred to by Bengali speakers as Adivasi,

“The term Adibashi/Adivasi was and is generally used by Bengali-speakers – the major ethno-linguistic group in Bangladesh – to refer to the indigenous groups of the regions outside the CHT, referred to here as the ‘plains’. Members of these groups are still referred to as Adibashi/Adivasi in Bengali, although this term now also extends to the indigenous

²⁰⁵ International Work Group for Indigenous Affairs, *The Indigenous World, 2011: Bangladesh, 2011*, http://www.iwgia.org/images/stories/sections/regions/asia/documents/IW2011/bangladesh_2011.pdf, accessed 26 March 2012

²⁰⁶ The International Labour Organisation, *Indigenous and Tribal Peoples; Bangladesh*, undated, <http://www.ilo.org/indigenous/Activitiesbyregion/Asia/SouthAsia/Bangladesh/lang--en/index.htm>, accessed 10 March 2012

²⁰⁷ Odhikar, *Human Rights Report 2011*, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 6 March 2012

groups of the CHT (also otherwise known as ‘pahari’ or hillpeople). The East Bengal State Acquisition and Tenancy Act, 1950 (Act XXVIII, 1950) recognizes 21 ‘aboriginal castes and tribes.’ [] Of the 21 groups, only six are accounted for in the 1991 census.”²⁰⁸

In March 2010 *IFAD* reported that the following Indigenous Peoples live in the plains and are recognized in Bangladeshi law; Banai, Bhuiya, Bhumiji, Dalu, Garo, Gond, Hadi, Hajang, Ho, kharia, Kharwar, Koch, Kora, Magh, Mache, Mal Paharia, Munda, Oraon, Santhal, Sauria Paharia and Turi.²⁰⁹

In March 2010 *IFAD* reported that indigenous communities in the plains faced discrimination and extortion from land grabbers,

“Barring a few exceptions, the overall socio-economic profile of the indigenous peoples in Bangladesh is a cause for serious concern. The national Poverty Reduction Strategy (2009-2011) contains the following observation regarding the poverty status and overall situation of the country’s indigenous peoples: “Some of the ‘hardcore’ poor of Bangladesh are found among the indigenous communities. Indigenous communities face discrimination and are subject to extortion by land grabbers. The level of social awareness among them is very low. Many suffer from ethnic prejudice, ill-health, bad nutritional conditions and bad hygiene”. Some highlights of the socio-economic profile of the indigenous groups, based upon different governmental and non-governmental sources, are given separately below for the CHT and the plains. However, the official census and the governmental Bureau of Statistics do not contain adequately disaggregated data on the indigenous peoples. It has been said that the absence of data itself is an act of discrimination. The National Poverty Reduction Strategy of 2008 acknowledges the need for such data.”²¹⁰

In March 2010 *IFAD* further reported that there are,

“common instances of land-grabbing perpetrated against Adivasi communities in north-west Bangladesh, including through the discriminatory use of the Vested Property Act, 1974. The socio-economic situation of indigenous peoples is also worrisome in other parts of the plains (e.g. the north-central greater Mymensingh region, the north-eastern Sylhet administrative division, the southern coastal region of the Patuakhali-Barguna districts inhabited by Rakhaing people and the south-eastern pockets with indigenous peoples in Chittagong and Cox’s Bazar districts)²¹¹

In March 2010 *IFAD* reported that in the area of the Sunderbans many Adivasi are being dispossessed on their lands and physically harassed with very limited redress,

“A study on indigenous peoples’ access to justice in Bangladesh concludes that “[plains] Adivasis face different problems depending on where they live. In the south-west, around the mangrove forests of the Sunderbans where shrimp cultivation is widespread, many Adivasi are now being dispossessed of their lands and only receiving nominal compensation. Many instances of land grabbing are accompanied by false cases against the dispossessed, as well as physical intimidation and harassment, but few affected people are able to obtain redress.” The study further states that forest-dwellers in the plains have suffered from criminalization of their livelihoods and deprivation of their use of forest commons.”²¹²

²⁰⁸ International Fund for Agricultural Development, Country Technical Note on Indigenous Peoples’ Issues: Bangladesh, March 2010, <http://www.ifad.org/english/indigenous/pub/documents/tnotes/bangladesh.pdf>, accessed 26 February 2012

²⁰⁹ International Fund for Agricultural Development, Country Technical Note on Indigenous Peoples’ Issues: Bangladesh, March 2010, <http://www.ifad.org/english/indigenous/pub/documents/tnotes/bangladesh.pdf>, accessed 26 February 2012

²¹⁰ International Fund for Agricultural Development, Country Technical Note on Indigenous Peoples’ Issues: Bangladesh, March 2010, <http://www.ifad.org/english/indigenous/pub/documents/tnotes/bangladesh.pdf>, accessed 26 February 2012

²¹¹ International Fund for Agricultural Development, Country Technical Note on Indigenous Peoples’ Issues: Bangladesh, March 2010, <http://www.ifad.org/english/indigenous/pub/documents/tnotes/bangladesh.pdf>, accessed 26 February 2012

²¹² International Fund for Agricultural Development, Country Technical Note on Indigenous Peoples’ Issues: Bangladesh, March 2010, <http://www.ifad.org/english/indigenous/pub/documents/tnotes/bangladesh.pdf>, accessed 26 February 2012

In March 2010 *IFAD* reported that many indigenous communities in the plains have poor socio-economic conditions,

“The socio-economic status of most indigenous communities in the plains, particularly in the north-western Rajshahi administrative divisions, is known generally to be even worse than that of indigenous communities in the CHT.”²¹³

2. Ethnic Minorities in the Chittagong Hill Tracts

[See also Section 2. Security, B, Security Situation in the Chittagong Hill Tracts]

In March 2010 *IFAD* reported that the following indigenous groups lived in the Chittagong Hill Tracts and are recognized by Bangladesh law; Bawm, Chak, Chakma, Khumi, Khyang, Lushai, Marma, Mro, pangkhua, Tanchangya and Tripura.²¹⁴

In February 2011 the *Special Rapporteur to the UN Permanent Forum on Indigenous Peoples* reported that human rights violations are committed against the indigenous population, in most cases with impunity,

“Other types of gross human rights violations, committed primarily against the indigenous population, also continue to be reported and seem to demonstrate a consistent pattern of human rights violations in the region. Violations include arbitrary arrests, torture, extrajudicial killings, harassment of rights activists and sexual harassment. In most cases such violations are carried out with impunity.”²¹⁵

In 2011 *Odhikar* reported that there were many violent incidents in the Chittagong Hill Tracts relating to land disputes,

“Many incidents of bloodshed, arson and looting took place in the Chittagong Hill Tracts in 2011 due to the State’s discrimination and lack of political will to settle land related disputes between Bengalis and the people belonging to ethnic minority communities.”²¹⁶

In October 2011 the NGO, *Chittagong Hill Tracts Commission*, reported human rights violations against indigenous communities including, attempts by Bengali settlers to occupy indigenous lands, threats from Awami League supporters, torture and harassment by Bangladesh Border Guards and the injuring of Jumma students by security forces during demonstrations for constitutional recognition of indigenous peoples,

“In the face of increasing allegations of human rights violations of indigenous people, the CHT Commission would like to remind the Awami League-led government that it is time for them to abide by their Election Manifesto of 2008 of the promise of full implementation of the 1997 CHT Accord.

The CHT Commission has received reports of alleged attempts of land grabbing of the Khyang community from the area of Gungru Mukh Para under Kusalong Mouza in Bandarban district. We have learnt that local Awami League leaders have threatened the

²¹³ International Fund for Agricultural Development, Country Technical Note on Indigenous Peoples’ Issues: Bangladesh, March 2010, <http://www.ifad.org/english/indigenous/pub/documents/tnotes/bangladesh.pdf>, accessed 26 February 2012

²¹⁴ International Fund for Agricultural Development, Country Technical Note on Indigenous Peoples’ Issues: Bangladesh, March 2010, <http://www.ifad.org/english/indigenous/pub/documents/tnotes/bangladesh.pdf>, accessed 26 February 2012

²¹⁵ United Nations Permanent Forum on Indigenous Peoples, Tenth session, New York, 16-27 May 2011 Study on the status of implementation of the Chittagong Hill Tracts Accord of 1997, Submitted by the Special Rapporteur, 18 February 2011, <http://www.chtcommission.org/wp-content/uploads/2011/06/CHT-Accord-Study-Final.pdf>, accessed 22 February 2012

²¹⁶ *Odhikar*, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 6 March 2012

local Khyang community with eviction from their land and have also threatened to attack them. According to the local Khyang people, they have been living in the area for more than a century. Although many Bangalis took leases of the land they never planted rubber trees according to the rules of the lease and as a result their leases were canceled after the signing of the 1997 CHT Accord.

We have received reports that on 18 September 2011 two Karbaris (local village leaders) from the Marma community of the Baro Modak area of Remacri union under Thanchi upazila in Bandarban hill district were allegedly tortured and three others allegedly harassed by Border Guards Bangladesh (BGB) commanders under the 10 Battalion Boli Para BGB zone.

We have learned of an incident in Khagrachhari in which Bangali settlers allegedly have made several attempts to occupy lands belonging to the Marma community living in Pagla Para of Nabhanga mouza under Patachara union of Ramgarh upazila on 23 and 24 September 2011.

We have also learned of a separate incident in Khagrachhari in which government security forces allegedly injured 22 Jumma students in an attack on a procession by about 900 students from Khagrachhari College who were demonstrating for constitutional recognition of indigenous peoples in Bangladesh on 7 August 2011.

All these allegations indicate that the indigenous peoples of the CHT continue to suffer from marginalization and abuse by state (the border guards) and non-state (Bangali settlers) actors even 14 years after signing of the Accord. The government which vowed to protect the rights of the people and are signatory to various international treaties continues to ignore their obligations towards minority populations.²¹⁷

In December 2011 the Unrepresented Nations and Peoples Organisation posted an English translation of a *Daily Kaler Kanto* article which stated that the government had banned foreigners from talking with indigenous groups without the presence of a government official,

“The government has recently imposed very strict restrictions on foreigners’ travels to the CHT. According to the new rules, apart from having a passport and visa and permission from the Home and Foreign Ministry, foreigners will have to take prior permission from the respective Deputy Commissioners.

Besides, a prohibition has been placed on foreigners and foreign nationals on holding discussions with any indigenous groups or religious groups without the presence of a responsible officer. The Jana Samhati Samiti (JSS) and other NGOs have complained that the movement of donor organizations and representatives of international organizations has been negatively affected as a result of this new decision.

But government sources have said that this decision was taken after proof had been found of unethical and anti-state activities by some foreigners who had come to the CHT in the name of human rights and religion.

On 26 November [2011] the CHT Commission members were forced to end a meeting at Ujanipara Tripura Kalyan Sangsad Auditorium in the face of opposition from the local magistrates where they were supposed to hold a meeting with adivasi groups without informing the police and district administration.

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²¹⁷ Chittagong Hill Tracts Commission, Press Release, 1 October 2011, http://www.iwgia.org/iwgia_files_news_files/0345_Letter_HR_Violation_October2011.pdf, accessed 26 February 2012

Recently, a permit signed by Nejarat Deputy Collector (NDC) Rashedul Islam stated that before taking any trip to Bandarban all details of the activities to be undertaken and the places to be visited during the trip should be clearly stated in the respective police station and police help taken during the visits. One should refrain from taking part in any political or religious activities apart from the purpose of the visit stated to the police. Apart from the pre-planned areas of visit, no other areas can be visited for the purpose of discussing or spreading religion or for giving any religious speeches.

The permit also stated that without informing the deputy commissioner no financial endowments can be given to any students or their guardians or any other individuals, and no communities can be induced to convert their religion.

Also apart from the specific locations of travel, conditions have been given to not travel to areas where small ethnic minority populations live.

The Deputy Commissioner of Bandarban Mizanur Rahman said, "These conditions have been given according to directives given by the Home Ministry for the sake of national security."²¹⁸

In March 2010 *IFAD* reported that indigenous peoples in the Chittagong Hill Tracts faced disadvantages in education and employment,

"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. Eighteen per cent of the total population of the region was dependent upon farming/cultivation for their livelihood.³² About 22 per cent of indigenous households lost their lands. The annual average rural household income was around BD Tk 66,000 (933.5 US\$), while in the rest of Bangladesh it was BD Tk 84,000 (1,188 US\$). A study on the CHT conducted by the ADB in 2001 concludes that the economy of the CHT has some striking differences with the rest of the country in that: (i) the share of trade services, at 26 per cent, is double the national share (at 12 per cent); (ii) forestry accounts for 10 per cent of its GDP, five times the national share (2 per cent); and (iii) industries are only 5 per cent of its GDP, compared with 15 per cent nationally. The study concludes that 70 per cent of all households – twice the national average – earn less than the minimum food requirements set for Bangladesh. Various syndicates in trade and transport from outside the region control most of the interregional trade, and at least 30 per cent of the regional income is known to flow out of the region in this way. Moreover, the study concludes that "indigenous people face huge barriers in entering non-agricultural trades, which are largely controlled by a few family-based cartels (water transport, bamboo/timber trade, trucks). Only in traditional textiles and bamboo crafts there are indigenous entrepreneurs, who are slowly entering construction. But all large contracts (roads) go to outsiders, including the employment generated. Public licensing for trade and transport largely favours outsiders and public servants, not local people."²¹⁹

3. *Biharis*

²¹⁸ Unrepresented Nations and Peoples Organization, Chittagong Hill Tracts: Severe restrictions on foreigners' visit, 16 December 2011, <http://www.unpo.org/article/13626>, accessed 26 February 2012

²¹⁹ International Fund for Agricultural Development, Country Technical Note on Indigenous Peoples' Issues: Bangladesh, March 2010, <http://www.ifad.org/english/indigenous/pub/documents/tnotes/bangladesh.pdf>, accessed 26 February 2012

In December 2009 *UNHCR* reported that Urdu-speakers is a more comprehensive term for describing the community commonly known as 'Biharis',

"The ancestors of Urdu-speakers in Bangladesh came largely, though not exclusively, from the Indian State of Bihar. Historically favoured by the West Pakistani political elite due to the shared Urdu heritage, "Biharis" remained "stranded" in Bangladesh after its separation from Pakistan and the creation of an independent State in 1971. For this reason, they have sometimes been referred to, or self-identified, as "stranded Pakistanis". [] "Urdu speakers" is preferred over "Biharis", as the former is a more comprehensive and correct term for the entire community."²²⁰

In August 2010 *IRIN* reported that there are over 200,000 Urdu-speakers in Bangladesh and that the Urdu-speakers were viewed as collaborators with West Pakistan and denied access to education until 2000 and citizenship until 2008; however many Urdu-speakers struggle to access national entitlements,

"In 1971 Biharis - named after their Indian region of origin - found themselves in a diplomatic dilemma: Linguistically tied to Urdu-speaking Pakistan, they were living in Bengali-speaking Bangladesh when the latter won independence from what today is Pakistan.

Viewed as collaborators of then West Pakistan, the Bangladesh state effectively denied them access to public education until 2000, and citizenship until 2008.

Promises of repatriation stalled, applications were refused and statelessness ensued. Almost 40 years and two court rulings later, and despite the reaffirmation of their Bangladeshi citizenship, more than 100,000 still reside in ghettos created in the 1970's, while a greater number battle for national entitlements, according to RMM."²²¹

In July 2008 *IRIN* reported that access to citizenship was granted to Urdu-speakers by a high court ruling in 2008,

"After nearly four decades of being stateless, about 250,000 Biharis or "stranded Pakistanis" as they call themselves, have been finally accepted as citizens of Bangladesh, after a High Court ruling.

On 26 November 2007, 11 members of the Stranded Pakistanis Youth Rehabilitation Movement (SPYRM), including its president, Sadakat Khan, filed a petition seeking High Court orders to register as voters Urdu-speaking people living in 70 camps across the country."

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in their 23 years in East Pakistan from 1947-1971, the immigrant Biharis and the local Bengalis failed to work out a peaceful coexistence.

In 1971, the Biharis opposed the independence of Bangladesh (then East Pakistan), with many allegedly collaborating with the Pakistan army during the "war of liberation" as it is known in Bangladesh.

After the war, the Biharis were confined to refugee camps with prisoners of war. But while the regular PoWs later left for Pakistan, the Biharis were left behind in the camps.

Following an agreement in 1974, Pakistan took back over 161,000 of them. Then the process stopped."²²²

²²⁰ UNHCR, Note on the nationality status of the Urdu-speaking community in Bangladesh, December 2009, <http://www.unhcr.org/refworld/pdfid/4b2b90c32.pdf>, 16 July 2012

²²¹ IRIN, Bangladesh, Bringing education to the Bihari minority, 28 August 2010, <http://www.irinnews.org/Report/90304/BANGLADESH-Bringing-education-to-the-Bihari-minority>, accessed 22 February 2012

²²² IRIN, Bangladesh, Mixed feelings over citizenship plan, 1 July 2008, <http://www.irinnews.org/Report/79033/BANGLADESH-Mixed-feelings-over-citizenship-plan>, accessed 22 February 2012

C. Intra-ethnic tension

[See also Section 6. Freedom of Religion]

In December 2011 the *Internal Displacement Monitoring Centre* reported that inter-communal violence has been fuelled by religious intolerance,

“Inter-communal violence, often accompanied with land-grabbing, was believed to have been fuelled by growing religious intolerance between 2001 and 2006. The BNP’s Islamist coalition members were allegedly using their influence to sow the seeds of communal dissent (VOA, 13 July 2005) and the Ahmaddiya community, numbering 100,000, was particularly affected in this period. Intimidation campaigns were organised against this community in order to pressure the government to declare it as non-Muslim and ultimately to change Bangladesh to an Islamic republic (AI, 22 June 2006). Although there have been many reports of inter-communal violence, no survey exists that would verify the scope of resulting displacement.”²²³

In February 2011 the *Special Rapporteur of the United Nations Permanent Forum on Indigenous Peoples* reported that violence between indigenous and settler communities has escalated,

“Escalating communal tensions and incidents of violence between the indigenous peoples and settler community in the region give further cause for concern. A recent incident of intercommunal violence in February 2010 in Baghahat and Khagrachari resulted in the burning down of nearly 500 homesteads, most of which belonged to indigenous peoples, and the killing of at least three individuals. Strong allegations of the direct involvement of army personnel in the attacks on indigenous peoples’ homes have been put forward. Despite consistent national and international pressure on the Government to initiate an independent and impartial inquiry, no such process has been instituted to date.”²²⁴

In a May 2011 publication commissioned by the Chittagong Hill Tracts Commission and the International Work Group for Indigenous Affairs, authors *Shapan Adnan and Ranajit Dastidar* reported that Bengali settlers have attacked indigenous people and religious buildings as part of attempts to expropriate land,

“In February 2010, they were able to burn down the temple itself during attacks on the IP. The settlers continued to forcibly occupy parts of the temple lands after these attacks. Even though security forces were present in the immediate vicinity, the attackers and arsonists were able to act with impunity.”²²⁵

In 2011 the *International Work Group for Indigenous Affairs* reported that communal tension and violence between indigenous and settler communities was increasing, in one incident cited 500 indigenous homes were burned down with allegations that army personnel were also complicit,

“The type and level of human rights violations being committed against indigenous peoples in the CHT and reported in previous years’ *The Indigenous World* remained the same in 2010. A major concern is the escalating communal tension and incidents of violence between the indigenous and settler communities in the CHT. A recent incident of inter-communal violence occurred in February in Baghahat and Khagrachhari, resulting in nearly

²²³ Internal Displacement Monitoring Centre, Bangladesh, Progress on internal displacement response needed, 30 December 2011, [http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/DD3CE7ECE43F2C8BC1257976005E52BE/\\$file/Bangladesh+-December+2011.pdf](http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/DD3CE7ECE43F2C8BC1257976005E52BE/$file/Bangladesh+-December+2011.pdf), accessed 22 February 2012

²²⁴ United Nations Permanent Forum on Indigenous Peoples, Tenth session, New York, 16-27 May 2011 Study on the status of implementation of the Chittagong Hill Tracts Accord of 1997, Submitted by the Special Rapporteur, 18 February 2011, <http://www.chtcommission.org/wp-content/uploads/2011/06/CHT-Accord-Study-Final.pdf>, accessed 22 February 2012

²²⁵ Shapan Adnan and Ranajit Dastidar, Alienation of the lands of Indigenous Peoples in the Chittagong Hill Tracts of Bangladesh, May 2011, <http://www.chtcommission.org/wp-content/uploads/2011/08/CHT-Land-Study-Final1.pdf>, accessed 1 March 2012

500 homesteads being burned down, most of which belonged to indigenous peoples, and at least three people being murdered. Strong allegations have been made suggesting that army personnel were directly involved in the attacks on indigenous peoples' homes. National, regional and international human rights organizations have called on the government to carry out a prompt, independent and impartial investigation into this incident but no steps have yet been taken in this regard."²²⁶

In March 2012 the *United States Commission on International Religious Freedom* reported that there was inter communal violence in February 2012 between Muslim and Hindu communities in the Chittagong Hill Tracts area,

"Regarding communal violence, in early February an altercation between Muslims and Hindus in the CHT area escalated into wider violence, destruction and looting. Hindu temples and shrines, and mosques, as well as businesses, were burned and looted. According to the Hindu American Foundation, the Bangladesh High Court Division of the Supreme Court ordered that the Bangladesh government assist in restoring Hindu properties that were damaged or destroyed in the violence, mandated that protection be provided to minorities in the area, and directed the local police to find perpetrators of crimes and hold them responsible. Reportedly, local police have filed two cases, naming approximately 800 individuals for the arson and vandalism of several Hindu temples, shrines, and other property."²²⁷

In March 2012 *Odhikar* also reported on the violence between Muslim and Hindu communities in February 2012,

"On February 9, 2012, a rally organised by the priests of Loknath Mandir was passing the Hazipara mosque during prayers at Nandirhat in Chittagong. Some youths attending the rally attacked two imams of the mosque when they asked them stop playing their drums. A conflict occurred between local Muslims and youths who had participated in the rally, due to this reason. Some people attacked the Loknath Mandir and vandalised deities and looted valuables while a meeting was going on between the leaders of both religions in the presence of local administration at 7.00 pm. The next day, a rumour was spread in the area that the mosque situated at Hazipara had been broken by Hindus. In protest, thousands of people came out on the streets and vandalised seven Hindu temples, set fire to 20 houses and shops and looted valuables belong to Hindus, after Jumma prayer. Two separate cases were filed in this regard and 21 people were arrested by police."²²⁸

D. Land confiscation

In February 2011 the *Special Rapporteur of the United Nations Permanent Forum on Indigenous Peoples* reported that indigenous people are continuing to lose ancestral lands in the Chittagong Hill Tracts,

"Land is widely recognized as the most critical issue in the Chittagong Hill Tracts where indigenous peoples have lost and are continuing to lose their ancestral lands at an alarming rate as a consequence of forceful eviction from and expropriation of their lands through development projects and occupation by the military. To address land-related problems, the Accord provides, inter alia, for the establishment of a Land Commission with a mandate to

²²⁶ International Work Group for Indigenous Affairs, *The Indigenous World, 2011: Bangladesh, 2011*, http://www.iwgia.org/images/stories/sections/regions/asia/documents/IW2011/bangladesh_2011.pdf, accessed 26 March 2012

²²⁷ United States Commission on International Religious Freedom, *Annual Report, March 2012*, <http://www.uscirf.gov/images/Annual%20Report%20of%20USCIRF%202012%282%29.pdf>, accessed 26 March 2012

²²⁸ Odhikar, *Human Rights Monitoring Report, 1 March 2012*, http://www.odhikar.org/documents/2012/English/HR%20report_february2012_Odhikar.pdf, accessed 10 March 2012

settle land disputes, including the authority to cancel leases of lands given to non-tribal and non-local people.”²²⁹

In February 2011 the *Special Rapporteur of the United Nations Permanent Forum on Indigenous Peoples* reported that there are discrepancies between the Chittagong Hill Tracts Land Disputes Resolution Commission Act of 2001 and the Accord which have hindered the functioning of the Land Commission,

“In addition to disposing of land disputes by taking into account customary laws and local traditions and procedures, the Commission has the authority to annul the rights of ownership of lands that were granted illegally. The work of the Commission is guided by the Accord as well as the Chittagong Hill Tracts Land Disputes Resolution Commission Act of 2001. A number of provisions of the Act are contrary to the Accord, however, and not long after the Act was passed the Regional Council submitted a list of proposed amendments to the Government, including to the near-veto powers of the Commission’s Chairperson and to address uncertainties regarding the extent of jurisdiction of the Commission over forest land and seasonally cultivable plough lands known as fringelands. The issue of amendment of the Land Commission Act has been one of the factors hindering the proper functioning of the Commission; indigenous members have agreed not to start work until the discrepancies between the Act and the provisions of the Accord have been removed through legal amendments.”²³⁰

In February 2011 the *Special Rapporteur of the United Nations Permanent Forum on Indigenous Peoples* reported that there had been a lack of substantive progress in implementing the Accord,

“The lack of substantial progress is leading to an increasing sense of frustration and disillusionment among the indigenous peoples in the region. Adding fuel to the dwindling faith in the Government’s sincere intent or political ability to fully implement the Accord are developments and initiatives that violate or go against the spirit of the Accord.”²³¹

In February 2011 *Minority Rights Group International* reported accusations that the government was complicit in land seizures by Muslim vigilantes,

“The Hindu and Christian minorities and the indigenous peoples (particularly those from the Chittagong Hill Tracts) have blamed the government for being complicit in continued seizure of their lands by the so-called Muslim vigilantes and those belonging to extremist religious parties.”²³²

In 2011 *Amnesty International* reported that the government failed to protect Jumma in the Chittagong Hill Tracts from attacks by Bengali settlers who encroached on their land,

“The government’s failure to ensure the security of Jumma inhabitants of the Chittagong Hill Tracts often exposed the Jumma to attacks from Bengali settlers encroaching on their land. At least two Jumma Indigenous people died on 20 February after the army, which maintained a heavy presence in the area, opened fire on hundreds of Jumma Indigenous demonstrators. They were peacefully demanding protection after Bengali settlers had set fire to at least 40 of their houses in the Baghaichhari area of the Rangamati district on the

²²⁹ United Nations Permanent Forum on Indigenous Peoples, Tenth session, New York, 16-27 May 2011 Study on the status of implementation of the Chittagong Hill Tracts Accord of 1997, Submitted by the Special Rapporteur, 18 February 2011, <http://www.chtcommission.org/wp-content/uploads/2011/06/CHT-Accord-Study-Final.pdf>, accessed 22 February 2012

²³⁰ United Nations Permanent Forum on Indigenous Peoples, Tenth session, New York, 16-27 May 2011 Study on the status of implementation of the Chittagong Hill Tracts Accord of 1997, Submitted by the Special Rapporteur, 18 February 2011, <http://www.chtcommission.org/wp-content/uploads/2011/06/CHT-Accord-Study-Final.pdf>, accessed 22 February 2012

²³¹ United Nations Permanent Forum on Indigenous Peoples, Tenth session, New York, 16-27 May 2011 Study on the status of implementation of the Chittagong Hill Tracts Accord of 1997, Submitted by the Special Rapporteur, 18 February 2011, <http://www.chtcommission.org/wp-content/uploads/2011/06/CHT-Accord-Study-Final.pdf>, accessed 22 February 2012

²³² Minority Rights Group International, Bangladesh Overview, February 2011, <http://www.minorityrights.org/5632/bangladesh/bangladesh-overview.html>, accessed 8 March 2012

night of 19 February. There were no reports of an investigation or of anyone being prosecuted for the attacks or the killings.²³³

In a May 2011 publication commissioned by the Chittagong Hill Tracts Commission and the International Work Group for Indigenous Affairs, authors *Shapan Adnan and Ranajit Dastidar* reported that Bengali settlers have used a range of means to expropriate Pahari land, including forging documentation and have been supported by the security services and civil administration in doing so,

“For instance, settlers in Khagrachhari are reported to have taken over cultivated lands and plantations of the IP in 2006. They were allegedly backed by an influential MP who belonged to the Bangladesh National Party (BNP). The MP is alleged to have mobilized public resources, including 50 bundles of C.I. sheets and Vulnerable Group Feeding (VGF) ration cards, to provide support to the settler households involved in occupying the lands. The security forces are also alleged to have threatened the affected Paharis, preventing them from mounting opposition to the grabbing of their lands.

Bengali settlers in Longadu upazilla are reported to have encroached on the common and private lands of the IP during 2009, without any restraining action from the concerned upazilla chairman and police official (OC). The IP have been continuously resisting the forcible takeover of their lands in Longadu with the support of Pahari MPs. However, the security forces and civil administration are alleged to have provided tacit backing to the Bengali settlers, enabling them to continue to expropriate Pahari lands.

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Bengali settlers are alleged to have encroached upon lands of various religious temples, monasteries and orphanages of the IP in the CHT. There appears to have been a widespread perception among Bengali interest groups that Buddhist temples (*Bouddhabihars*) possessed ‘more land than they needed’. This belief has been used as a pretext to ‘justify’ their seizure of the perceived surplus lands.²³⁴

Shapan Adnan and Ranajit Dastidar further report the grabbing of fringe land on the shores of Kaptai Lake, the grabbing of Murung land in Bandarban by settlers with connections to the ruling Awami League, evicting 45 families and unsettling a further 174 families, and the leasing of IP land to private commercial plantations.²³⁵

In 2011 *Shapan Adnan and Ranajit Dastidar* reported the use of violence in the practice of land grabbing and that the security services and civil administration allegedly supported Bengali settlers in inciting conflict,

“Use of violence, entailing human rights violations in many forms, has been repeatedly used to evict the Hill peoples of the CHT from their lands. Incitement and provocation by Bengali settlers, sometimes with the alleged support of the security forces and civil administration, had precipitated communal riots, arson attacks, physical violence, as well as full-blown massacres during the counter-insurgency period.²³⁶

Shapan Adnan and Ranajit Dastidar reported that rape and sexual violence have been used against women to pressure families to leave the area,

²³³ Amnesty International, Annual Report 2011, Bangladesh, <http://www.amnesty.org/en/region/bangladesh/report-2011>, accessed 8 March 2012

²³⁴ Shapan Adnan and Ranajit Dastidar, Alienation of the lands of Indigenous Peoples in the Chittagong Hill Tracts of Bangladesh, May 2011, <http://www.chtcommission.org/wp-content/uploads/2011/08/CHT-Land-Study-Final1.pdf>, accessed 1 March 2012

²³⁵ Shapan Adnan and Ranajit Dastidar, Alienation of the lands of Indigenous Peoples in the Chittagong Hill Tracts of Bangladesh, May 2011, <http://www.chtcommission.org/wp-content/uploads/2011/08/CHT-Land-Study-Final1.pdf>, accessed 1 March 2012

²³⁶ Shapan Adnan and Ranajit Dastidar, Alienation of the lands of Indigenous Peoples in the Chittagong Hill Tracts of Bangladesh, May 2011, <http://www.chtcommission.org/wp-content/uploads/2011/08/CHT-Land-Study-Final1.pdf>, accessed 1 March 2012

"In particular, rape and other forms of sexual violence on Pahari women have also been used as mechanisms of pressurizing their families and communities to leave a particular locality, enabling settlers to grab their lands. During the counter-insurgency, attacks on IP villages involved mass rape and violence on the women which also served this purpose. Incidents of rape and sexual violence on Pahari women have been continuing during the post-Accord period, as reported and catalogued by the CHT Citizens' Committee and other concerned organizations."²³⁷

Shapan Adnan and Ranajit Dastidar report that tactics such as encirclement, harassment, intimidation and false legal claims are used to force Paharis to sell their land,

"A critical factor pressurizing the IP to sell out their lands has been gradual encirclement of their homesteads and cultivable plots by Bengali settlers moving in to the area and securing possession of many of the lands around them. Such processes of encirclement have usually been associated with harassment and pressure from the in-migrating settlers, making it gradually impossible for the remaining Paharis to live in peace. In some instances, the concerned Paharis were not even able to access their own lands because of fear and insecurity. Testimonies by key informants indicate that even middle-class Paharis with professional status and good social connections were forced to undertake distress sale of their lands because of encirclement and harassment.

Distress sale of land by Paharis at rock bottom prices has been particularly high in areas of the CHT where the Bengali settler population has become increasingly concentrated, such as Ramgarh and Matiranga in Khagrachhari district."²³⁸

In August 2011 the *Daily Star* reported that the Land Dispute Commission has been inactive since its inception ten years ago,

"The government is sitting on thousands of complaints about land ownerships in the hills as the Chittagong Hill Tracts Land Dispute Resolution Commission has remained inactive since its inception 10 years ago.

The commission was unable to resolve a single dispute in the region.

Land disputes in CHT have become acute as the government neglected the land rights of indigenous people, and conducted sponsored demographic engineering by settling Bangalees in the hills over the past decades, said observers.

Meanwhile, land disputes resulted in eight clashes between indigenous hill people and Bangalee settlers in different parts of the region claiming 14 lives only in the last two and a half years, according to news reports.

Traditional community land ownership of the indigenous hill people in CHT declined to 28.76 percent from 76.21 between 1978 and 2009, says a study.

Over the same period, possession of land by government agencies increased to 25.77 percent from 5.22 percent, found a study on CHT land conducted by Chairman of Dhaka University Economics Department Dr Abul Barakat.

The forest department announced 2,18,000 acres of land as reserved, all of which used to be regarded as community land of the indigenous people.

²³⁷ Shapan Adnan and Ranajit Dastidar, *Alienation of the lands of Indigenous Peoples in the Chittagong Hill Tracts of Bangladesh*, May 2011, <http://www.chtcommission.org/wp-content/uploads/2011/08/CHT-Land-Study-Final1.pdf>, accessed 1 March 2012

²³⁸ Shapan Adnan and Ranajit Dastidar, *Alienation of the lands of Indigenous Peoples in the Chittagong Hill Tracts of Bangladesh*, May 2011, <http://www.chtcommission.org/wp-content/uploads/2011/08/CHT-Land-Study-Final1.pdf>, accessed 1 March 2012

Only in Bandarban the government allocated 1,605 plots consisting 40,077 acres of land to Bangalees for commercial rubber plantations.

Many of these pieces of land used to be owned by indigenous hill people based on traditional verbal agreements. Now they find themselves ousted from their land that they had owned for generations.”²³⁹

In December 2011 *IRIN* reported that Hindu indigenous people and ethnic minorities are subject to land grabbing and that although repealed, the Vested Property Act in 1974 effectively remains enforced,

“Northern Bangladesh’s mostly Hindu indigenous people are still coming under land-grabbing pressure from the country’s predominantly Bengali Muslim population, say activists.

“There is a process through which the indigenous population is being deprived of their land rights,” Mizanur Rahman, chairman of Bangladesh’s government-appointed National Human Rights Commission (NHRC), told IRIN.

“There is a problem of land-grabbing of Santals [a northern indigenous group] and other people in the name of development, social forestation - to plant trees on their land for the overall benefit of society. It is later sold as ‘khas’ land [public land],” he said.

Mesbah Kamal, secretary-general of the National Coalition for Indigenous People (NCIP), says 75 groups distinct from ethnic Bengalis are still found in Bangladesh. Collectively, they are referred to as Adivasis.

But ethnic Bengalis make up 99 percent of the country’s over 140 million people, making minorities vulnerable to land-grabbing by Bengalis, say activists. []

The Bangladesh Indigenous People’s Forum, commonly known as the Bangladesh Adivasi Forum, alleges that land-grabbing is continuing in the northern plains.

The government has also been accused by activists of using the Enemy Property Act, renamed the Vested Property Act in 1974, to seize Adivasi land. The Act allowed the government to take over private property by declaring an individual an enemy of the state, and the US Department of State, among others, have held it responsible for causing internal displacement not just of indigenous people but of almost 10 million ethnic Bengali Hindus as well.

And while the act was repealed in 2001, activists say property seized has yet to be returned and that the law essentially remains in force.

“As long as the Vested Property Act is not amended, Bangladesh will remain a non-secular state,” said NCIP’s Kamal.”²⁴⁰

In 2011 the *International Work Group for Indigenous Affairs* reported that in some cases the police have failed to arrest perpetrators who have looted and attacked indigenous communities,

“On September 23, around 46 indigenous families were attacked by an armed group claiming the support of the ruling party, Awami League, with the intention of grabbing the

²³⁹ The Daily Star, CHT troubled by land rows, 30 August 2011, <http://www.thedailystar.net/newDesign/news-details.php?nid=200803>, accessed 26 February 2012

²⁴⁰ IRIN, Bangladesh: Indigenous Groups face land grabbing in the north, 29 December 2011, <http://www.irinnews.org/Report/94558/BANGLADESH-Indigenous-groups-face-land-grabbing-in-north>, accessed 26 February 2012

victims' land at Nakhoil Boarambari village in Naogaon district. The perpetrators looted valuable properties. The police were informed but when they arrived they refused to arrest any of the perpetrators. Moreover, according to witness statements, the police helped the attackers to escape. The victims later asked the Assistant Police Superintendent for help, and he came and arrested two of the perpetrators, who are now in custody. The attackers are continuously threatening the indigenous community in order to get them to leave their land."²⁴¹

²⁴¹ International Work Group for Indigenous Affairs, The Indigenous World, 2011: Bangladesh, 2011, http://www.iwgia.org/images/stories/sections/regions/asia/documents/IW2011/bangladesh_2011.pdf, accessed 26 March 2012

5. Freedom of Expression, Association, Assembly

A. Domestic legal framework

Article 37 of the *Bangladesh Constitution*, on freedom of assembly, states that,

“Every citizen shall have the right to assemble and to participate in public meetings and processions peacefully and without arms, subject to any reasonable restrictions imposed by law in the interests of public order or public health.”²⁴²

Article 38 of the *Bangladesh Constitution*, on freedom of association, states that,

[“ 38. Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interests of morality or public order :
Provided that no person shall have the right to form, or be a member of the said association or union, if-
(a) it is formed for the purposes of destroying the religious, social and communal harmony among the citizens ;
(b) it is formed for the purposes of creating discrimination among the citizens, on the ground of religion, race, caste, sex, place of birth or language ;
(c) it is formed for the purposes of organizing terrorist acts or militant activities against the State or the citizens or any other country ;
(d) its formation and objects are inconsistent with the Constitution.”]²⁴³

Article 39 of the *Bangladesh Constitution*, on freedom of thought, conscience and speech, states that,

“(1) Freedom of thought and conscience is guaranteed.
(2) Subject to any reasonable restrictions imposed by law in the interests of the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence—
(a) the right of every citizen to freedom of speech and expression; and
(b) freedom of the press, are guaranteed.”²⁴⁴

In its 2010 country report on human rights the *USDOS* reported that the Bangladesh government frequently did not respect freedom of speech and press and that newspapers practiced self censorship,

“The constitution provides for freedom of speech and press, but the government frequently failed to respect these rights in practice.

Although public criticism of the government was common, newspapers depended on government advertisements for a significant percentage of their revenue. As a result, self-censorship by newspapers practiced was common.”²⁴⁵

²⁴² Constitution of the People’s Republic of Bangladesh, 1972, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367, accessed 6 March 2012

²⁴³ Constitution of the People’s Republic of Bangladesh, 1972, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367, accessed 6 March 2012

²⁴⁴ Constitution of the People’s Republic of Bangladesh, 1972, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367, accessed 6 March 2012

²⁴⁵ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrpt/2010/sca/154478.htm>, accessed 22 February 2012

In 2011 *FIDH/OMCT* reported that harassment of journalists and restrictions on media were widespread,

“In 2010-2011, the space for freedom of opinion and expression continued to shrink as attacks on and harassment of journalists by supporters of political parties, closure of and restrictions placed on newspapers and TV stations remained widespread.”²⁴⁶

In its 2010 country report on human rights the *USDOS* reported that in general the Bangladesh government respected the rights to freedom of assembly and association but occasionally used the criminal procedure code to prevent opposition groups from holding meetings or demonstrating, further it was very difficult to form new trade unions in some sectors such as the garment industry,

“The constitution provides for freedom of assembly and association, and the government generally respected these rights in practice; however, at times the government limited freedom of assembly.

[]

The government generally permitted rallies to take place but on occasion used the criminal procedure code to prevent opposition political groups from holding meetings and demonstrations. The code authorizes the administration to ban assembly of more than four persons; according to ASK, the administration used this provision at least 93 times during the year. At times police or ruling party activists used force to disperse demonstrations.

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The law provides for the right of every citizen to form associations, subject to "reasonable restrictions" in the interest of morality or public order, and the government generally respected this right. Individuals were free to join private groups. Unlike previous years under the state of emergency, trade unions were able to conduct their normal activities; however, the law made it nearly impossible to form new trade unions in many sectors, such as the ready-made garment industry.²⁴⁷

In its 2012 world report *Human Rights Watch* reported that the government used or planned to use the law to restrict trade unions and the media,

“The government in 2011 tightened controls over civil society organizations by prosecuting labor union leaders and delaying foreign grants to NGOs. At this writing a bill proposing restrictions on media, which would prohibit the broadcast of certain religious and political speech, was under consideration.”²⁴⁸

In 2011 *Freedom House* reported that despite constitutional provisions for the right to form associations and unions, the government has taken action against unions representing garment workers, rather than helping to mediate disputes,

“The Bangladesh Constitution guarantees the right to form associations and unions, but repressive measures against garment worker trade unions, who are demanding improvements in working conditions, have revealed a major inconsistency in the government’s labor rights policy. Sheikh Hasina’s administration put itself at odds with trade unions when, instead of mediating disputes between the apparel workers and garment industry owners, the government used law enforcement agencies to harass union leaders, arrest them, and file criminal charges against some. The AL government’s decision to go after trade union leaders who campaigned for decent minimum wage ignited a debate not only about the irrelevance of existing laws that often favor employers, but also about the

²⁴⁶ International Federation for Human Rights-Observatory for the Protection of Human Rights Defenders, *Steadfast in Protest - Annual Report 2011 - Bangladesh*, 25 October 2011, <http://www.unhcr.org/refworld/docid/4ea7b3eed.html>, accessed 22 February 2012

²⁴⁷ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

²⁴⁸ Human Rights Watch, *World Report 2012*, <http://www.hrw.org/world-report-2012/world-report-2012-bangladesh>, accessed 20 March 2012

role of a democratically-elected regime in protecting vulnerable workers from manipulative practices of industries and business conglomerates.”²⁴⁹

In its human rights report covering events of 2011 *Odhikar* reported that despite constitutional provisions for freedom of assembly, the government closed and harassed the offices and staff of political parties and NGOs,

“However, meetings, whether of political parties or non-governmental organisations, have been subject to shutdowns and harassment in 2011. In some cases this has been due to the obtrusive activities of the law enforcement agencies or student wings of political parties. On January 9, 2011, a discussion meeting was organised by the civil society group Lamppost to demand the release of garments workers leader Moshrefa Mishu, at the Dhaka University campus. The meeting was stopped by Dhaka University Proctor KM Saiful Islam Khan and Awami League-backed Chattra League activists. Chattra League activists alleged that Lamppost had been banned from the campus. Ashish Koraya, General Secretary of Lamppost informed *Odhikar* that Lamppost is not a banned organisation and when the Proctor was asked about Lamppost, he could not give an answer. Most of the members of Lamppost are residential students of Dhaka University. Lamppost has been under watch by the security forces since the 5 July 2009 incident regarding a Lamppost procession in front of the Indian High Commission protesting against the Tipaimukh Dam in India and Indian interference in Bangladeshi politics.”²⁵⁰

In 2011 *Freedom House* reported that in practice the government has used excessive force to restrict protests,

“although the right to freedom of assembly now exists under the law, civil rights groups continue to question the government’s use of excessive force to suppress protests.”²⁵¹

B. Government/Political System (including Inter-Service Public Relations Office, Directorate General of Forces Intelligence, Bangladesh Telecommunications Regulatory Commission)

In its 2010 country report *USDOS* reported that the Inter-Service Public Relations office and the Directorate General of Forces Intelligence did not directly restrict newspaper ownership or content, as they had done in previous years, however the Information Minister sought to influence coverage of the government and a Channel with ties to the BNP was closed down,

“Unlike in previous years, the military’s Inter-Service Public Relations office and the DGFI did not directly restrict newspaper ownership or content. However, in May the information minister met with the owners of private television channels and suggested that they refrain from broadcasting content critical of the government. Shortly thereafter, the Bangladesh Telecommunications Regulatory Commission (BTRC) used a technicality in the communications law to shut down a private television station, Channel One, with close ties to the BNP. Channel One remained closed at year’s end.”²⁵²

In January 2005 the *Daily Star* reported that the Inter-Service Public Relations office requested the media to be “responsible” regarding information published about the army including the addresses

²⁴⁹ Freedom House, *Countries at the Crossroads 2011*; Bangladesh, 2011, http://www.freedomhouse.org/sites/default/files/inline_images/BANGLADESHFINAL.pdf, accessed 10 March 2012

²⁵⁰ *Odhikar*, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 6 March 2012

²⁵¹ Freedom House, *Countries at the Crossroads 2011*; Bangladesh, 2011, http://www.freedomhouse.org/sites/default/files/inline_images/BANGLADESHFINAL.pdf, accessed 10 March 2012

²⁵² United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrpt/2010/sca/154478.htm>, accessed 22 February 2012

of facilities and the publication of the names of soldiers who were subject to disciplinary procedures,

“The Inter Services Public Relations yesterday requested the media to play a responsible role like in the past while publishing news about the army.

An ISPR press release said it was not appropriate to run reports mentioning the army members or its headquarters as those might have negative impacts on the force.

On Thursday, a press conference was organised by the headquarters in coordination with the ISPR to disclose an ill attempt to create chaos in the army, said the release.

Nowadays, different news items on this issue were being published mentioning army members, it read. This should not have been done for the sake of a fair and a quick investigation into the failed bid.

In some cases, the army headquarters had been wrongly referred as the source of information, said the press release signed by Muhammad Shahadat Hossain, research officer of the ISPR.

“The army is the symbol of the country's sovereignty and integrity. The pride of the nation is directly linked with it.... For violating discipline, punishment is given according to the army law.”

On Monday, two newspapers published reports about punishment of an army man for breaking discipline along with his photo, the press release said without mentioning the names of the newspapers. Such news could affect the serving army personnel.”²⁵³

In its 2010 country report on human rights the *USDOS* reported that the host of a current affairs talk show received threats from Directorate General of Forces Intelligence officials,

“The popular Bengali-language current affairs talk show, *Point of Order*, was removed from the air during the year. The host previously alleged that she received telephone calls from individuals identifying themselves as DGFI officials who warned her against promoting "antigovernment and antistate propaganda." She also stated that sponsors of her program were encouraged to stop their support of her show. Before the cancellation of the show, she stated, it was practicing significant self-censorship in an attempt to remain on the air.”²⁵⁴

In its 2010 country report on human rights the *USDOS* reported that the Ministry of Information threatened a privately own station with closure if it didn't edit material critical of the government and that two private stations were closed by the government during the year,

“There were 10 private satellite television stations and three private radio stations in operation. There were two foreign-based and licensed satellite television stations that maintained domestic news operations. Cable operators generally functioned without government interference; however, Diganta Television, a private operator, received a letter from the Ministry of Information warning it to edit content critical of the government or face a shutdown. As of year's end, Diganta continued to operate. The government required all private stations to broadcast, without charge, selected government news programs and speeches by the prime minister.

²⁵³ The Daily Star, Army urges media to be watchful, 25 January 2012, <http://www.thedailystar.net/newDesign/news-details.php?nid=219813>, accessed 10 March 2012

²⁵⁴ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrpt/2010/sca/154478.htm>, accessed 22 February 2012

Since coming to power, the AL-led government has shut two television channels, Channel 1 and Jamuna-TV. Both remained off the air as of the end of the year.

The government issued new licenses to operate television channels to political supporters. This conformed to past practice and was not unique to the AL.²⁵⁵

In its 2010 country report on human rights practices the *USDOS* reported that a newspaper was closed down by the deputy commissioner of Dhaka District,

“On June 1, the deputy commissioner of Dhaka District ordered the closure of *Amar Desh*, an opposition newspaper, and the detention of its editor, Mahmudur Rahman, ostensibly for fraudulent editorial practices. Rahman remained in custody as police attempted to charge him with corruption or sedition. *Amar Desh* was closed for more than a month as its attorneys negotiated the convoluted appeals system. The newspaper was publishing under a stay ordered by the Appellate Division of the Supreme Court, pending a final verdict on its status at year's end.”²⁵⁶

The *Bangladesh Telecommunication Regulatory Commission* became operational in January 2002,

“Bangladesh Telecommunication Regulatory Commission (BTRC) is an independent Commission established under the Bangladesh Telecommunication Act, 2001 (Act no. 18 of 2001) published by the Parliament in the Bangladesh Gazette, extraordinary issue of April 16, 2001. BTRC started functioning from January 31, 2002.”²⁵⁷

In March 2012 *Reporters Without Borders* reported that Ekushey Television (ETV) was being ‘persecuted’ by the Bangladesh Telecommunication Regulatory Commission,

“Reporters Without Borders deplores the persecution of *Ekushey Television (ETV)* by the Bangladesh Telecommunication Regulatory Commission and regrets the government body's threats to shut down the commercial satellite station for allegedly broadcasting illegally. The organization condemns also the threats by local leaders of the ruling Awami League in the southern city of Pirojpur against 19 Pirojpur-based journalists on 13 March, and the suspension of broadcasting by three privately-owned TV stations the previous day to prevent live coverage of an opposition BNP rally in the capital.[]

On 11 March, *ETV* was given formal notice to explain the terms under which it was broadcasting, an action the BTRC termed illegal. The regulatory body said the station had no licence and had not been allocated the frequency it was using.

The BTRC gave the station seven days to respond. Under the law, *ETV* could be fined 3 billion taka (about 27 million euros) and its executives could face prison sentences of up to 10 years.

On 22 April 2007, the BTRC demanded a payment of more than 300 million taka (about 2.7 million euros) from the privately owned station for broadcasting illegally, on pain of losing its allocation of airtime. *ETV* asked for a ruling by the High Court which granted a stay of execution, putting the case on hold.

²⁵⁵ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

²⁵⁶ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

²⁵⁷ Bangladesh Telecommunication Regulatory Commission website, About us, History, undated, http://www.btrc.gov.bd/index.php?option=com_content&view=article&id=78&Itemid=189, accessed 10 March 2012

The station's CEO, Abdus Salam, indicated that he had documentation proving that it had paid all fees and costs up to 2012 and told a news conference on 15 March he was surprised to receive such an order, since the station had been broadcasting since 2007.

Launched in April 2004, *ETV* was forced to stop broadcasting in August 2002 by the Supreme Court, which ruled that its licence was invalid. It resumed transmissions in December 2006.²⁵⁸

C. Internet Monitoring

In its 2010 country report on human rights the *USDOS* reported that although allowing free expression of views on the internet, the Bangladesh government monitored internet communications and have blocked pages critical of politicians,

"Although individuals and groups generally could engage in the peaceful expression of views via the Internet, local human rights organizations reported continued government monitoring of Internet communications. The most recent figures from the World Bank indicated that 5.8 percent of the population used the Internet in 2008. On May 28, the BTRC blocked access to the popular social networking site Facebook. The government stated that the action was the result of pages depicting the Prophet Muhammed. Facebook was able to negotiate the reopening of the site which was again accessible as of June 5; however, pages other than those depicting the Prophet Muhammed also were blocked, including ones critical of the prime minister and the opposition leader. Opposition leaders alleged that security forces have attempted to their collect personally identifiable information; however, these allegations were not independently verified."²⁵⁹

In June 2010 *Reporters Without Borders* reported that access to Facebook was blocked between 29 May and 5 June and that the government allowed internet service providers to restore access to Facebook following the removal of a cartoon depicting Mohammed from the site,

"The Bangladesh Telecommunications Regulatory Commission told Internet Service Providers on 5 June to restore access to Facebook following the social-networking website's agreement to withdraw cartoons of Mohammed as well as cartoons of certain Bangladeshi politicians that were considered offensive.

Facebook had been blocked since 29 May, one day after thousands of demonstrators took to the streets of the capital, Dhaka, to demand that the site be banned because of a Mohammed cartoon competition (<http://en.rsf.org/bangladesh-facebook-access-restored-in-31-05-2010,37627.html>).

When announcing that Facebook was being blocked, the authorities had stressed that it was just a temporary measure."²⁶⁰

²⁵⁸ Reporters Without Borders, Authorities turn up the heat on journalists, 19 March 2012, <http://en.rsf.org/bangladesh-authorities-turn-up-the-heat-on-19-03-2012,42149.html>, accessed 26 March 2012

²⁵⁹ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

²⁶⁰ Reporters Without Borders, Access to Facebook restored in Bangladesh, 7 June 2010

D. Treatment of (actual and perceived) members/supporters/participants of:

1. Political parties and Opposition groups

In its 2010 country report *USDOS* reported that intelligence and law enforcement agencies monitored private communications, including phone tapping and carried out surveillance on opposition politicians,

“The law allows intelligence and law enforcement agencies to monitor private communications with the permission of the chief executive of the MOHA.

According to media reports, the government established a national monitoring center consisting of representatives from law enforcement and intelligence agencies to monitor and coordinate telephone taps in 2008. Media and human rights groups complained that the government continued to employ the practice of illegal telephone tapping. Police rarely obtained warrants as required, and officers violating these procedures were not punished. Human rights organizations indicated that the special branch of police, National Security Intelligence, and the Directorate General Forces Intelligence (DGFI) employed informers to conduct surveillance and report on citizens perceived as critical of the government. The government also routinely conducted surveillance on opposition politicians.”²⁶¹

In its 2011 annual report *Amnesty International* reported that law enforcement agencies arbitrarily detained opposition supporters,

“RAB and other police officers detained more than 1,500 opposition supporters, many of them arbitrarily, for between one week and two months during student protests or street rallies, which were at times violent. Dozens of the detainees were charged with violent criminal activity. The rest were released without charge.

In February, police arrested some 300 supporters of Islami Chhatra Shibir, the student wing of the opposition party Jamaat-e-Islami, and detained them for up to two months in Dhaka, Rajshahi, Chittagong and other cities. The arrests followed a wave of student violence at major university campuses. Four students died during clashes between rival groups. Scores of Awami League party student activists were also reported to be involved in the violence. Police detained around a dozen of them.

In June, more than 200 people, including 20 leading members of the opposition Bangladesh Nationalist Party (BNP), were arrested and detained for between one and five weeks, during and immediately after a general strike called by the party.”²⁶²

In its 2011 human rights report *Odhikar* stated that there was widespread political violence, particularly between the main two political parties,

“Like the previous two years of the present regime, widespread political violence continued in 2011. Political violence rose immediately after the present regime came to power in 2009. The tension and violence between the two major political parties and the internal

²⁶¹ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

²⁶² Amnesty International, Annual Report 2011; Bangladesh, May 2011, <http://www.amnesty.org/en/region/bangladesh/report-2011>, accessed 10 March 2012

conflicts within the parties were the primary source of such political violence. The main causes of violence were; exerting power in the different institutions/offices; extortion; tender manipulation; land grabbing; and violence during various elections. During the violence, the activists affiliated engaged in clashes with lethal weapons. In 2011 the Opposition BNP and "Islami Ain Bastabayan Committee" called hartals. On the eve of hartals there were occurrences of vandalisation of cars and busses were torched. During the hartals, the Government supporters and opposition parties were locked in clashes. The Government deployed mobile courts during the hartal which instantly arrested and sentenced people after summary trials, without scope of defense."²⁶³

In its 2010 country report *USDOS* reported that a BNP city councillor in Dhaka was abducted twice, on the first occasion by members of the Rapid Action Battalion and with allegations that the RAB were also involved in the second abduction and that his whereabouts are still unknown,

"On June 25, a group of men in a microbus abducted Mohammad Chowdhury Alam, a BNP city councillor in Dhaka. According to Odhikar, police foiled a previous attempt to abduct Alam earlier that month and detained the abductors. Odhikar's report stated that in detention the abductors identified themselves as agents of the RAB and subsequently were released. Several days later, a group of men in plainclothes pulled Alam from his car and placed him in a microbus. Both Odhikar and his family believe that the same group was involved in both incidents. As of year's end, Alam's location was unknown."²⁶⁴

In its 2011 annual report *Amnesty International* stated that the Rapid Action Battalion used excessive force during a raid on a BNP politician's house,

"On 27 June, RAB personnel used excessive force during a raid on the house of Mirza Abbas, a leading BNP politician and former mayor of Dhaka. They attacked those gathered peacefully inside the house during the general strike called by the opposition. They beat and injured at least 20 people, mostly women."²⁶⁵

In its 2010 country report on human rights the *USDOS* reported that former foreign secretary Shamsher Mobin Chowdhury and Mirza Abbas, a former mayor of Dhaka were arrested, it is reported that Chowdhury was not mistreated during several weeks of interrogation and that he was released on bail charged with arson,

"On June 27, during the BNP's nationwide strike, police arrested former foreign secretary Shamsher Mobin Chowdhury and former mayor of Dhaka, Mirza Abbas, in Gulshan. Chowdhury remained in custody for several weeks while police interrogated him and eventually charged him with arson. Police did not mistreat Chowdhury and he was released on bail by year's end."²⁶⁶

In its 2010 country report on human rights the *USDOS* reported that attempts had been made to identify and withdraw politically motivated cases,

"During the year the government, through an interministerial committee, continued to identify and withdraw allegedly "politically motivated" cases initiated under the caretaker government. Initially, the majority of the cases recommended for withdrawal appeared to be

²⁶³ Odhikar, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 6 March 2012

²⁶⁴ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

²⁶⁵ Amnesty International, Annual Report 2011; Bangladesh, May 2011, <http://www.amnesty.org/en/region/bangladesh/report-2011>, accessed 10 March 2012

²⁶⁶ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

those brought against AL members. However, in 2009 the committee recommended withdrawal of cases against BNP members Moudud Ahmed and Tarique Rahman.²⁶⁷

In December 2010 *Amnesty International* reported that an MP for the BNP was tortured with electric shocks, beatings, being cut with razors and being assaulted with pliers, by security forces,

“Amnesty International is calling on the Bangladeshi government to immediately investigate allegations that a MP for the opposition Bangladesh Nationalist Party has been tortured while in police custody.

Bangladeshi security forces have tortured Salauddin Quader Chowdhury during interrogations, Amnesty International has learned. This has included applying electrodes to his genitals, beating him, slitting his stomach with razors and twisting his toenails and fingernails with pliers. There are fears that he may face further torture or other ill-treatment.

“The Bangladeshi government must ensure that Salauddin Quader Chowdhury is protected and treated properly and that these very serious allegations of torture are investigated,” said Abbas Faiz, Amnesty International’s Bangladesh researcher.

“In particular, the authorities must ensure that he has access to the necessary specialist medical attention, including by independent doctors.”

Chowdhury was arrested on 16 December in connection with a case in which a private car was set alight in Dhaka on 26 June, killing a passenger. On 19 December, the International Crimes Tribunal, a Bangladeshi court, issued an arrest warrant against him for alleged crimes against humanity during the 1971 Liberation War.

According to reports received by Amnesty International, a combined force of Rapid Action Battalion (RAB), Detective Branch (DB) police, and the Directorate-General Foreign Intelligence (DGFI) arrested Chowdhury in the early hours of 16 December at an apartment in the Banani neighbourhood in Dhaka.

Family members who were allowed to see him earlier today, told Amnesty International that Chowdhury reported that security forces came prepared with torture equipment as well as with a physician, and proceeded to torture him for several hours.

He told his family that he lost consciousness three times during the ordeal, and the doctor present revived him. However, when his condition deteriorated under interrogation, he was taken to the Bangabandhu Medical Hospital for treatment.

Video footage from the hospital grounds show Chowdhury weak, in pain, unable to walk on his own and with an apparent blood stain on his shirt.

After an hour in the hospital, Chowdhury was reportedly taken to headquarters of the Detective Branch of the Police (DBHQ), where he was subjected to further torture, including with electric shocks.

Family members who saw Chowdhury earlier today told Amnesty International that his genitals and nose were still bleeding, there were cut marks on his stomach and bruises all over his body. They said that he was very frightened for his life.

The police have said that he was taken to hospital to be treated for an asthma condition. The Inspector General of Police has denied that Salauddin Quader Chowdhury has been tortured.²⁶⁸

²⁶⁷ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrpt/2010/sca/154478.htm>, accessed 22 February 2012

In July 2010 *Amnesty International* reported that the Rapid Action Battalion violently attacked people during a raid of the home of a leading BNP member,

“Bangladeshi security forces used excessive force during a raid on the house of a senior opposition politician on 27 June, Amnesty International said today.

The Bangladesh Rapid Action Battalion (RAB) carried out a violent attack on those gathered peacefully inside the house of Mirza Abbas, a leading Bangladesh National Party (BNP) politician and former mayor of Dhaka, according to testimony given to Amnesty International.

Victims of the raid described sustained and unprovoked beatings of activists and Mirza Abbas’ family members, denial of medical treatment after arrests, and the eliciting of signatures on blank forms as a condition of release, which Amnesty International suspects are for the purpose of falsifying confessions.

Amnesty International has photographed injuries to male and female victims of the beatings.

More than twenty people were injured during the raid, including Mirza Abbas’ wife Afroza Abbas and his 85 year old mother.

BNP supporters had gathered at Mirza Abbas’s house after he been arrested and accused of involvement in violence during a general strike called by the party.”²⁶⁹

In its 2010 country report on human rights the *USDOS* reported that Jamaat-e-Islami was obstructed in gaining permits to hold rallies and that the criminal procedure code was used by local officials prior to planned BNP meetings,

“The Islamist Party, Jamaat-e-Islami, reported that its ability to secure permits for rallies or processions was severely hampered throughout the year.

Local officials used the criminal procedure code prior to planned council meetings of the BNP to prevent clashes either between BNP and the ruling party or among rival factions of the BNP. In December 2009 ruling party activists and police attacked individuals at a reception in honor of Moyeen Khan's selection as a party leader. BNP supporters clashed with police and AL supporters, causing dozens of injuries. No charges were filed before the end of the year.”²⁷⁰

In January 2012 the *Daily Star* reported that police fired on BNP activists and supporters, killing four people and injuring over 450, further the *Daily Star* reports that members of the Awami League Student wing, the Bangladesh Chhatra League, acted alongside police to disperse demonstrators,

“Four persons died in Laxmipur and Chandpur towns yesterday when police fired on demonstrating BNP activists and supporters.

To protest the killings, local BNP units called for half-day hartals in Chandpur and Laxmipur towns for today.

²⁶⁸ Amnesty International, MP tortured by security forces in Bangladesh, 22 December 2010, <http://www.amnesty.org/en/news-and-updates/mp-tortured-security-forces-bangladesh-2010-12-22>, accessed 28 February 2012

²⁶⁹ Amnesty International, Bangladesh: Security forces used excessive force during raid, 1 July 2010, <http://www.amnesty.org/en/for-media/press-releases/bangladesh-security-forces-used-excessive-force-during-raid-2010-07-01>, accessed 28 February 2012

²⁷⁰ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrpt/2010/sca/154478.htm>, accessed 22 February 2012

More than 450 people, including 100 police, were injured yesterday when the law enforcers attempted to foil prescheduled marches of opposition activists in different districts.

Condemning the police atrocities, BNP held the government responsible for the killings.

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Violence in Chandpur erupted around 11:00am when police asked opposition activists, gathering at Hasan Ali Govt High School ground, to disperse. The crowd was preparing to bring out a march.

"Without listening to us, they started hurling brickbats," Alamgir Hossain, officer-in-charge (OC) of Chandpur Model Police Station, told The Daily Star, estimating that there were at least 1,000 people.

Cordoning off the law enforcers, the opposition activists later vandalised a police van.

"The magistrate ordered us to open fire to bring the situation under control," the OC said.

Our Chandpur correspondent, who was caught inside the cordon, reported that police first fired live bullets and then switched to rubber bullets and shotgun pellets.

The opposition activists continued their attacks on police, though the latter stopped firing at noon.

Around 12:45pm, activists of Bangladesh Chhatra League (BCL), ruling Awami League backed student organisation, joined police and dispersed the demonstrators in 15 minutes.

Bullet-hit, Abul Mreedha, a rickshawpuller aged about 50 years, died on the spot. Limon Soiyal, another rickshawpuller aged about 25, and Mahfuzur Rahman, a 22-year-old activist of BNP backed Jatiyatabadi Chhatra Dal, sustained bullet injuries.

Rushed to Chandpur Sadar Hospital, Soiyal died at 12:15pm, hospital sources said.

Mreedha used to live in Baburhat while Soiyal in Goakhola areas of Chandpur town.

Amir Zafar, Chandpur assistant superintendent of police (ASP), said over 100 people, including 30 police, were injured during the clash.

Police said they opened fire in self defence after being ordered by Magistrate Shamimul Haq Pavel.²⁷¹

2. Student organizations

In its 2010 country report *USDOS* reported that student protests were banned in areas of Dhaka,

"On July 28, the Dhaka Metropolitan Police issued an order banning all student protests in certain areas of the city, citing traffic concerns. All major political parties and student groups protested this ban, which remained in effect at year's end.

²⁷¹ The Daily Star, 4 killed as cops fire on BNP men, January 2012, <http://www.thedailystar.net/newDesign/news-details.php?nid=220416>, accessed 28 February 2012

According to the *Daily Star*, a rally on August 22 by the BNP's student wing, the Jubo Dal, met with police resistance. Police claimed that that the Jubo Dal failed to secure proper permission for the rally. At least 30 persons on both sides were injured.²⁷²

In its 2010 country report on human rights the *USDOS* reported that a BNP student leader had been tortured in police custody,

"There were no developments in the June 2009 torture case of BNP student leader Morshed Habib Bhuiyan Jewel by Kahalu police in Bogra. Jewel alleged that several times while in custody at the Netrokona Model police station three to four police officers blindfolded him, suspended him from the ceiling with handcuffs, beat him with sticks from the waist down, and poured hot water into his nose and mouth."²⁷³

In September 2010 the *Daily Star* reported that members of the Bangladesh Chhatra League attacked a student they believed to be a supporter of Islami Chhatra Shibir,

"In yet another incident Chhatra League activists shook Rajshahi University campus with their savagery.

This time, they drove nails through a leg of a student in public branding him as a Shibir man.

Mashiur Rahman, a postgraduate student of Rajshahi University Philosophy department, Monday night fell victim to the violence of some members of the ruling party backed organisation.

A group led by BCL activist Firoz Hossain using hammers and sharp weapons severely beat and stabbed Mashiur Rahman near the university's transport market around 8:30pm, sources said.

The cadres, at one stage, inserted nails in his left leg below the knee.

They also swooped on the market's shopkeepers who came to rescue Mashiur.

Later, on information, some friends of Mashiur came to the spot and rushed him to Rajshahi Medical College Hospital in unconscious condition.

Mashiur told this correspondent he was yet to find any reason behind the incident. "The cadres mounted a sudden attack on me, as I went to the transport market for shopping."

Some of his friends said the BCL cadres branded him as a Shibir activist because he was a roommate of a Shibir man about two years back.

Mashiur is a resident student of the university's Sayeed Amir Ali Hall. He denied the allegation of his involvement with Shibir activities and said he was preparing to file a case with Motihar Police Station in this connection."²⁷⁴

In December 2010 the *Daily Star* reported that members of the Bangladesh Chhatra League 'detained' students at Dhaka University, as they had not attended a reception for the Prime Minister,

²⁷² United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

²⁷³ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

²⁷⁴ The Daily Star, BCL men's barbaric act at RU, 1 September 2010, <http://www.thedailystar.net/newDesign/news-details.php?nid=153161>, accessed 28 February 2012

“Bangladesh Chhatra League president of Shahidullah Hall unit of Dhaka University last night detained around 50 students under the sky, as they did not join the prime minister’s welcoming procession on Airport Road yesterday.

Dormitory sources said around 10:30pm Shahriar Azam Munna, president of BCL Shaidullah Hall unit, asked around 50 first-year resident students to evacuate their rooms in 10 minutes.

The students who were forced to leave the hall did not join the PM’s reception in protest of not allotting them in the main dormitory. These students live in two rooms in an extension building.

Some of the students said they could not go the procession due to exams today.

After evacuating the students BCL activists locked their rooms. The students took refuge in the open on Curzon Hall premises. Meanwhile, Munna assigned some of his associates to look over so that the students could not go anywhere or talk to reporters.

The victims at first declined to talk about the torture and humiliation on them fearing further BCL action.²⁷⁵

In its 2010 country report the *USDOS* reported that Chhatra League activists had attacked a female student group,

“There were also incidents of nonlethal, politically motivated violence by student groups. For example, according to the *New Age*, on January 28, a group of Chhatra League activists attacked a group of left-leaning activists on the campus of the all-female Eden College, leaving five injured. Officials made no arrests.

According to the *Daily Star*, on February 2, activists from the Chhatra League attacked a procession of the BNP’s female student wing on the Dhaka University campus. According to the report, police at the scene were able to disperse the groups, but officials made no arrests.²⁷⁶

In February 2012 *Amnesty International* reported that two student opposition activists were missing and at risk of being tortured,

“Two student opposition activists in Bangladesh, Al Mukaddas and Mohammad Waliullah, have been missing since 4 February. Eyewitnesses saw them being detained by Rapid Action Battalion (RAB) and the Detective Branch (DB) of the Bangladesh Police in Savar, north of the capital, Dhaka. The RAB have denied holding them, with no credible explanation to counter the eyewitness accounts. The men are at risk of torture and extrajudicial execution. On 4 February Al Mukaddas (22) and Mohammad Waliullah (23), both members of the Islamic student organisation Bangladesh Islami Chhatra Shibir, were travelling by bus from Dhaka to their university in Kushtia province, when the bus got stuck in traffic. Eyewitnesses said a small van stopped next to their bus and seven or eight men in uniform got out, identifying themselves as members of the RAB, a specialised law enforcement agency, and the DB. They said after the RAB and DB officers searched the bus, they removed Al Mukaddas and Mohammad Waliullah from the bus and took them into their custody saying there were allegations against them, which they did not specify, adding

²⁷⁵ The Daily Star, DU students face BCL wrath for not joining PMs reception, 30 September 2010, <http://www.thedailystar.net/newDesign/news-details.php?nid=156593>, accessed 28 February 2012

²⁷⁶ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrpt/2010/sca/154478.htm>, accessed 22 February 2012

that the two men would be released after questioning. They have not been heard from since and their whereabouts are unknown.”²⁷⁷

In October 2011 *Amnesty International* reported that the former vice-president of a student organisation was abducted in Dhaka by men suspected of being security officials,

“KM Shamim Akhter, former vice-president of a left wing student organisation , the Bangladesh Chhatra Union, was abducted by men in plain clothes suspected of being security officials on Thursday 29 September near his house in Bangladesh’s capital, Dhaka.

On 29 September at around 8.30 am, a group of around eight men in plain clothes suspected of being security officials took 37-year-old KM Shamim Akhter into their custody near his house in the Purana Paltan Line area of Dhaka. The men put Shamin in a small white van that was parked nearby and took him away. His whereabouts are unknown and he has not been heard from since. According to local witnesses, the abductors acted in a manner consistent with the behaviour of law enforcement officials, and Shamin’s family believe that he may have been abducted by the Rapid Action Battalion (RAB), a special police force. The small van that was used to abduct Shamin is similar to those used by RAB.”²⁷⁸

3. Meetings and demonstrations inside Bangladesh

In December 2010 *Amnesty International* reported that the police used excessive force against garment workers who were demonstrating for the implementation of a wage increase, during which four people died and 200 were injured, further *Amnesty* reports that the president of the Garment Workers Unity Council had been detained,

“Amnesty International is calling on the authorities in Bangladesh to order an immediate inquiry into reports that four people have died during violent clashes between police and garment factory workers in Bangladesh on 12 December.

The inquiry must establish the causes of the deaths and find out if the deaths were due to police using excessive force against the demonstrators.

If police have used excessive force, the government should bring to justice the police officers responsible.

The workers had been demonstrating for the implementation of their wage increase, which the government had promised would come into force from the beginning of November. In clashes between the demonstrators and the police in the cities of Chittagong, Dhaka and Narayangangj, on 12 December, four people died and more than 200 people were injured.

The recent unrest is the latest in waves of garment factory unrest in the country in the last six months. Dozens of people were injured in June and August as police clashed with hundreds of striking textile workers calling for higher wages. At that time, the government agreed to introduce a pay increase, which would come into force from the beginning of November. Garment factory workers have told journalists that their wages have not increased accordingly.

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²⁷⁷ Amnesty International, Student activists at risk of torture, 13 February 2012, <http://www.amnesty.org/en/library/asset/ASA13/001/2012/en/7d810394-3160-4ba4-9cba-42844902e90f/asa130012012en.html>, accessed 28 February 2012

²⁷⁸ Amnesty International, Bangladesh: Man Abducted in Bangladesh, 7 October 2011, <http://www.amnesty.org/en/library/asset/ASA13/009/2011/en/1f1a9f09-cc52-443b-8ff2-7fc5ce1e18fd/asa130092011en.html>, accessed 28 February 2012

Most of those injured have been garment factory workers taking part in the unrest. Police have confirmed that their officers have fired tear gas and live ammunition during the clashes. Newspapers have reported that at least two of the four people who died have had marks of gunshots on their bodies. The identity of the other two has not been established.

Journalists say 10 garment factory workers, some of whom may have gunshot wounds, have been admitted to the intensive care units of hospitals in Chittagong and Dhaka.

Police sources say 56 police officers who were attacked by the demonstrators with brickbat and stones are among the injured, and that six of them have been admitted to hospitals with serious injuries.

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Among the detainees is Moshrefa Mishu, president of the *Garment Sramik Oikkyo Parishad* (Garment Workers Unity Council), which promotes the interest of garment workers. Police arrested her on 14 December in connection with a complaint filed against her last June during an earlier wave of garment factories unrest. She was accused at that time that she had "ransacked" the office of a garment making business.²⁷⁹

In August 2010 the *International Federation for Human Rights* reported that the government took repressive action against trade unions and textile workers and that the police used excessive force to disperse demonstrators,

"According to the information received, since June 2010, there has been a growing social unrest among textile workers, who suffer from harsh living conditions due to extremely poor wages which barely allow them to ensure the survival of their families. On July 27, the governmental Committee on the minimum wage took the decision to raise the wages by 80% up to 3,000 taka (approximately 34 euros), decision which was officially announced on July 29 by the Labour and Employment Ministry. However, textile workers consider this minimum wage insufficient and demand a raise up to 5,000 taka (approximately 56 euros) in order to confront the serious financial problems that they currently face.

On July 30 and 31, 2010, following the Ministry's announcement, the textile workers expressed their extreme discontent by demonstrating in the streets, when the police forces reportedly fired tear gas on the demonstrators and brutally charged at them.

Several protesters and union leaders were arrested and union leaders have been criminalised, as illustrated by the criminal charges filed against Ms. Kalpona Akter, Mr. Babul Akhter, and Mr. Aminul Islam, union leaders, members of the Bangladesh Centre for Worker Solidarity (BCWS). They have all been accused of "inciting workers unrest during the protests". BCWS has already been targeted by the authorities in the past. Indeed, prior to these events, on June 3, 2010, the NGO Affairs Bureau (NAB) cancelled the non-governmental license of the Bangladesh Centre for Worker Solidarity (BCWS) thus depriving it of its legal right to operate in the country. Moreover, the bank account of the institution was closed, following an order issued by the Director General of the NAB."²⁸⁰

In August 2010 *Amnesty International* reported that police had detained at least 21 garment workers and labour activists following protests in Dhaka and that they were at risk of torture,

"In recent weeks, police have detained at least 21 garment factory employees and labour rights activists following violent street protests in and around the Bangladeshi capital, Dhaka. They are at risk of torture or other ill-treatment. Some workers and activists have

²⁷⁹ Amnesty International, Bangladesh: Investigate the killing and violence during garment factory workers unrest, 15 December 2010, <http://www.amnesty.org/en/library/asset/ASA13/011/2010/en/5f925031-1383-48e6-b501-e56e1b847ebc/asa130112010en.html>, accessed 28 February 2012

²⁸⁰ International Federation for Human Rights, Deep concern about the harassment of trade union leaders, 20 August 2010, <http://www.fidh.org/Deep-concern-about-the-harassment>, accessed 10 March 2012

gone into hiding. Several others have said that they or their relatives have received death threats from security forces.

At least six female garment workers detained in early August, including a pregnant woman, have been beaten by police officers during interrogation. One is reportedly badly injured but has not received medical attention.

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Some of the workers and activists are currently in hiding. Several others have told journalists that they or their relatives have received telephone calls from members of the security forces, threatening to kill them.

Police have said they are preparing to charge “several thousand” people for vandalism, arson and looting during the street protests. The total number of those detained following the protests is believed to be much higher than the 21 people the police say they have in custody.”²⁸¹

In July 2010 *Amnesty International* reported that hundreds of people had been arrested following protests by textile workers and supporters of arrested Jamaat e Islami members,

“At least 80 people have been injured over the past two days as police clashed with striking textile workers and protesters contesting the arrest of three top leaders of the opposition Jamaat-e-Islami party.

The main opposition party, the Bangladesh Nationalist Party (BNP), called for a national strike on 27 June. The strike, which was generally orderly, sparked off clashes between the police and demonstrators in some parts of the country, including in Dhaka.

Hundreds of people have been arrested on allegations of involvement in violence []²⁸²

In its 2011 annual report *Amnesty International* reported that garment workers, including a pregnant woman were beaten by police during interrogation following street rallies,

At least six garment workers detained in early August, one of whom was pregnant, were beaten by police officers during interrogation. Their arrest followed a wave of garment workers’ street rallies calling for higher wages.”²⁸³

In 2011 *FIDH/OMCT* reported that freedom of peaceful assembly was restricted and that demonstrations were violently dispersed by police,

“Freedom of peaceful assembly continued to be hampered in 2010-2011. For instance, in July 2010, a peaceful demonstration that was organised in favour of workers’ rights was violently dispersed by the police. Following a growing social unrest in June 2010 among garment factory workers, who suffer from harsh living conditions due to extremely poor wages that barely allow them to ensure the survival of their families, the Governmental Committee on the Minimum Wage decided on July 27, 2010 to raise minimum wages by 80% up to 3,000 taka per month (about 34 euros), a decision that was officially announced on July 29 by the Labour and Employment Ministry. However, workers considered this minimum wage insufficient and demanded a raise up to 5,000 taka (about 56 euros). On July 30 and 31, 2010, following the Labour and Employment Ministry’s announcement, the

²⁸¹ Amnesty International, Bangladesh: Workers and activists at risk in Bangladesh, 23 August 2010, <http://www.amnesty.org/en/library/asset/ASA13/008/2010/en/78deb71a-a61e-47a8-b3fc-a4009bddcd87/asa130082010en.html>, accessed 28 February 2012

²⁸² Amnesty International, Bangladesh: Security forces used excessive force during raid, 1 July 2010, <http://www.amnesty.org/en/for-media/press-releases/bangladesh-security-forces-used-excessive-force-during-raid-2010-07-01>, accessed 28 February 2012

²⁸³ Amnesty International, Annual Report 2011; Bangladesh, May 2011, <http://www.amnesty.org/en/region/bangladesh/report-2011>, accessed 10 March 2012

textile workers expressed their extreme discontent by demonstrating in the streets, when the police forces reportedly fired tear gas on the demonstrators and brutally charged at them. Several protesters and union leaders were arrested, including union leaders Ms. Kalpona Akter, Secretary General of the Bangladesh Centre for Worker Solidarity (BCWS), Mr. Babul Akhter, BCWS Law and Research Secretary, and Mr. Aminul Islam, also a member of the BCWS, who were all accused of “inciting workers unrest during the protests.”²⁸⁴

In its 2011 human rights report *Odhikar* stated that the section 144 of the Code of Criminal Procedure was used to obstruct meetings,

“In 2011 a total of 103 Orders for the imposition of section 144 of the Code of Criminal Procedure were imposed by the Magistrates in order to obstruct meetings and assemblies. Complaints have been received that most of these incidents were initiated by the ruling party Awami League or its allies. In 2011 meetings have been obstructed across the country through the imposition of this section of the Law.”²⁸⁵

E. Treatment of human rights activists and Trade Unionists (including women’s rights activists, human rights lawyers, UN and NGO workers)

In 2011 *FIDH/OMCT* reported that human rights defenders and organisations were harassed and persons killed,

“Human rights defenders and organisations continued to be subjected to various acts of harassment, including killings, in 2010-2011 when denouncing human rights violations committed by security forces. Indeed, on March 15, 2010, Mr. Abdullah Al Farooq, a lawyer and human rights defender with *Odhikar*, who provided legal support to the poor victims and was very much vocal in the Bar Association against injustices and corruption, was killed by unknown persons. Mr. Al Farooq was on his way home from a meeting with a senior lawyer when he was stabbed. As of April 2011, the investigation had not been completed yet. On March 22, 2010, an exhibition organised by Drik Gallery highlighting the crossfire killings committed by RAB was closed down by the police on March 22, 2010, before being later allowed to reopen by a decision of the High Court on March 29, 2010.” Moreover, the human rights NGO *Odhikar* continued to face serious obstacles in carrying out its activities, as Bangladeshi authorities decided to cancel several of its proposed human rights projects. On February 11, 2010, the NGO Affairs Bureau (NGO-AB) under the Prime Minister’s office refused to give permission for the extension until March 31, 2010 of a project entitled “Human Rights Defenders Training and Advocacy Programme in Bangladesh”, based on a previous objection from the Ministry of Home Affairs.”²⁸⁶

In its 2012 world report *Human Rights Watch* reported that human rights NGO *Odhikar* had been under government surveillance and its staff had been harassed,

“The government increased surveillance of *Odhikar* and in particular, Adilur Rahman Khan, *Odhikar*’s secretary advocate; threatening and harassing staff; and delaying approvals of projects.”²⁸⁷

²⁸⁴ International Federation for Human Rights-Observatory for the Protection of Human Rights Defenders, Steadfast in Protest - Annual Report 2011 - Bangladesh, 25 October 2011, http://www.fidh.org/IMG/pdf/obs_2011_uk-asie.pdf, accessed 22 February 2012

²⁸⁵ *Odhikar*, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 6 March 2012

²⁸⁶ International Federation for Human Rights-Observatory for the Protection of Human Rights Defenders, Steadfast in Protest - Annual Report 2011 - Bangladesh, 25 October 2011, http://www.fidh.org/IMG/pdf/obs_2011_uk-asie.pdf, accessed 22 February 2012

²⁸⁷ Human Rights Watch, World Report 2012, <http://www.hrw.org/world-report-2012/world-report-2012-bangladesh>, accessed 20 March 2012

In its 2010 country report *USDOS* reported that labour organisers were intimidated, abused and scrutinised by security and intelligence agencies,

“Throughout the year, labor organizers reported acts of intimidation and abuse, as well as increased scrutiny by security forces and the National Security Intelligence Agency. Sporadic, occasionally intense, labor unrest occurred throughout the country, particularly in the ready-made garment sector. Labor organizers reported frequent acts of intimidation and abuse, arbitrary lock outs, firing of employees, and increased scrutiny by security forces. Authorities sometimes arrested labor organizers for destruction of property and other charges, in what some NGOs considered repression of labor rights activists. In June the NGO Affairs Bureau did not renew the foreign donation approval of the Bangladesh Center for Workers' Solidarity (BCWS) asserting that the BCWS had violated its terms of registration; however, the BCWS was unable to use proper channels to appeal the decision, and its registration status remained in limbo at year's end. In August three BCWS leaders were arrested for alleged involvement in the violent unrest following the ready-made garment minimum wage announcement. They were released on bail, and their trial was pending as of year's end.”²⁸⁸

In its 2012 world report *Human Rights Watch* reported that staff of the Grameen bank who supported its former leader, Mohammad Yunis, were attacked,

“After Nobel Peace Laureate Mohammad Yunus, founder of the Grameen Bank, was removed from his position at the bank because he had exceeded the mandatory retirement age, there were mysterious attacks on his supporters. In May Sagirur Rashid Chowdhury, an accounts officer at the bank, was picked up outside the office by plainclothes men. When he was released his body bore signs of severe beatings. He said his abductors had asked him to issue a public statement withdrawing support for Yunus. In September six women directors and one former director of the board of directors of the Grameen Bank, all beneficiaries of the microcredit system, suffered intimidation by police who came and searched their rooms.”²⁸⁹

In May 2011 *Human Rights Watch* reported that leaders of the Bangladesh Center for Worker Solidarity were tortured in custody and faced a range of criminal charges,

“Bangladesh Center for Worker Solidarity (BCWS) leaders Kalpona Akhter and Babul Akhter and staff member Aminul Islam are facing a wide range of criminal charges including attempted murder, criminal intimidation, violence against civil servants, mischief causing damage, and violation of the Explosive Substances Act of 1908 in ten cases arising from violence related to labor unrest in June and July 2010. Some of the charges could lead to the death penalty.

The prosecution has provided no evidence in public connecting any of the three labor leaders to the violence. Each has offered alibis, including one case in which one of the accused says he was with a governing party member of parliament at the time of the unrest. Human Rights Watch called for prosecutorial authorities to drop the charges or, if they have lawfully obtained evidence justifying a trial, produce that evidence in public, file appropriate charges, and accord each person a fair trial.

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Babul Akhter and Aminul Islam claim that officials tortured them in custody. Babul alleges that he was blindfolded and severely beaten by unknown interrogators while he was in custody at the Ashulia police station on August 30, 2010. Aminul states he was tortured by officials of the National Security Intelligence Agency in custody on June 16, 2010. Both say

²⁸⁸ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

²⁸⁹ Human Rights Watch, World Report 2012, <http://www.hrw.org/world-report-2012/world-report-2012-bangladesh>, accessed 20 March 2012

that they were threatened to be "cross-fired," or executed extrajudicially, if they did not confess to charges. The government has failed to investigate the torture allegations."²⁹⁰

In its 2012 world report *Human Rights Watch* reported that trade union group Bangladesh Center for Worker Solidarity had its registration revoked and legal action was taken against two union leaders,

"The government continued legal action aimed at intimidating the Bangladesh Center for Worker Solidarity (BCWS), a trade union group. After revoking BCWS's registration one agency demanded that two union leaders, Kalpona Akhter and Babul Akhter, both facing criminal charges, resign as a precondition to renewed registration of the organization. BCWS has denied all allegations against it."²⁹¹

In its 2011 human rights report *Odhikar* reported that a representative of the Asian Human Rights Commission was abducted, tortured and interrogated by the Rapid Action Battalion,

"On May 21, a representative of the Asian Human Rights Commission, William Gomez, was allegedly picked up by plain-clothed RAB from Sayedabad bus stand. A report from the Asian Human Rights Commission informed that he was taken to a place, which his abductors referred to as 'Headquarters' and their conduct and dialogue connoted that the place was in fact the RAB Headquarters. There, he was stripped naked, his hands and legs cuffed, and he was made to remain in a difficult crouching position while they verbally abused him and threatened to inflict severe physical torture on him. They interrogated him about his activities."²⁹²

In March 2011 the *International Federation for Human Rights* reported that several members of human rights organisation Odhikar were being harassed by members of the intelligence services,

"The Observatory has been informed by reliable sources about continuing acts of harassment against the members of Odhikar, a human rights organisation composed of lawyers, university professors, journalists, social and development activists committed to human rights.

According to the information received, numerous acts of harassment have been recently taking place against several members of Odhikar, particularly in the aftermath of Odhikar's 3rd "Annual Human Rights Defenders Conference" organised on March 12 and 13, 2011 in Dhaka.

Since March 14, 2011, members of the National Security Intelligence (NSI) reportedly resumed their activities of close monitoring on Odhikar and its members, in particular Mr. Adilur Rahman Khan its Secretary and member of OMCT General Assembly. On March 14, 2011, at about 4.30 p.m., one person came to the main (outside) gate of the Odhikar office in Dhaka and asked questions to one of the employees about Mr. Adilur Rahman Khan's family situation, such as how many children he has."²⁹³

In October 2011 *Amnesty International* and *Odhikar* reported that a female human rights defender was threatened by a group of men after encouraging a woman to report that she had been raped,

²⁹⁰ Human Rights Watch, Bangladesh: End legal harassment of labor leaders, 3 May 2011,

<http://www.hrw.org/news/2011/05/03/bangladesh-end-legal-harassment-labor-leaders>, accessed 28 February 2012

²⁹¹ Human Rights Watch, World Report 2012, <http://www.hrw.org/world-report-2012/world-report-2012-bangladesh>, accessed 20 March 2012

²⁹² Odhikar, Human Rights Report 2011, 7 January 2012,

http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 6 March 2012

²⁹³ International Federation for Human Rights, Continuing acts of harassment against members of Odhikar, 22 March 2011, <http://www.fidh.org/Continuing-acts-of-harassment>, accessed 10 March 2012

“On 23 October, woman human rights defender Shampa Goswami was threatened by a gang of men in Satkhira town, in Bangladesh’s south western Satkhira district, after providing support to a female survivor of gang rape.

In May, Shampa Goswami, a 32-year-old teacher and human rights defender working for Odhikar, a well-known Bangladeshi human rights organisation, learnt of the gang rape of an elderly woman. She visited her in hospital several times to check on her and she also advised the woman to go to the police, but she refused.

Police eventually came to know about the incident and arrested four men accused of gang rape. In September a man who lives in Shampa Goswami’s neighbourhood made a threatening phone call to her, saying that since she works for human rights she should intervene to get the men released. He also approached her in person but she told him that there was nothing she could do and ignored all subsequent phone calls from him.

These threats have since escalated. On 23 October, Shampa Goswami and a close family friend were sitting in a local shop when four unknown men approached and harassed them, making suggestive sexual remarks. Shampa Goswami left the shop and was followed by a group of 10-12 men, including the man who had been calling her. The men surrounded her, demanding she go with them. She tried to call the police but the men snatched her phone and took her to the roof of a nearby building, where the family friend had already been taken. They made the two sit together and began taking pictures of them on a cell phone, whilst verbally intimidating them. The men tried to blackmail Shampa Goswami for money, threatening to send the pictures to the press. Eventually, a stranger who had been passing came up to the roof and managed to convince the men to let them go.

Shampa Goswami informed Odhikar of the incident the next morning and on 25 October, she went to Satkhira Police Station to inform the police. Shampa Goswami is scared that the men might attack her again. The police have so far failed to provide adequate protection to her to ensure her safety.”²⁹⁴

In October 2010 *Amnesty International* reported that a lawyer advising the Garment Workers Trade Union Centre had been detained for over two months following street protests in Dhaka,

“Six female garment workers and Montu Ghose, a lawyer advising the Garment Workers Trade Union Centre, have been released on bail.

Montu Ghose was released on 11 October. He was detained in late July following street protests by garment factory employees and labour rights activists in and around the Bangladeshi capital, Dhaka. Six female garment workers also detained after the demonstrations were released on 13 September.

It has been reported that more people were detained by police following the protests.”²⁹⁵

In August 2010 *Amnesty International* reported that lawyer, Montu Ghose, was mistreated whilst in detention,

²⁹⁴ Amnesty International, Bangladesh: Woman human rights defender at serious risk, Shampa Goswami, 26 October 2011, <http://www.amnesty.org/en/library/asset/ASA13/010/2011/en/4e9f380f-610e-4dec-b1fb-3748cb45c2d6/asa130102011en.html>, accessed 28 February 2012; Odhikar, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 6 March 2012

²⁹⁵ Amnesty International, Bangladesh: Further Information on: Workers and lawyer released on bail, 14 October 2010, <http://www.amnesty.org/en/library/asset/ASA13/010/2010/en/dd5bb543-502a-4706-bb9a-c3a6b6bc75ec/asa130102010en.html>, accessed 28 February 2012

“Sources in Bangladesh say that he has been ill-treated in police custody, including by being deprived of sleep for long periods. He requires specialist medical care after suffering a stroke several months ago, but is reportedly not receiving medical treatment.”²⁹⁶

In August 2010 *Human Rights Watch* reported that trade union leaders, labour rights activists and workers were being subjected to “serious and sustained harassment” by the Bangladesh government,

“The harassment is part of a campaign against labor right activists, union leaders, and workers who have been pressing for the right to organize unions and demanding increases in the minimum wage.

On July 29, 2010, after tripartite negotiations with government, workers, and employers, the government raised the monthly minimum wage for garment workers from 1662 taka (US\$24) to 3000 taka (US\$43). Workers contended the increase was less than needed to meet the rising cost of living for urban workers. As has occurred numerous times in the history of Bangladesh's ready-made garment industry, on July 30 and 31, angry workers took to the streets. They blocked roads and damaged factory and other property. Security personnel responded with force, injuring scores of the protesting workers. []

On July 30, the government accused Kalpona Akhter, Babul Akhter, and Aminul Islam, the leaders of the internationally recognized Bangladesh Centre for Worker Solidarity (BCWS), of inciting worker unrest during the protests. The group has close ties with representatives of foreign apparel companies, nongovernmental organizations, and international trade union and labor rights groups. The leaders have denied the charges against them.

This latest development follows on the heels of other attempts by the government to severely restrict the work of the group and of other trade unionists pressing for an increase in the minimum wage. On June 3, without advance notice, the government's NGO Affairs Bureau (NAB) revoked the BCWS's license to operate as a nongovernmental organization, alleging the group was involved in instigating worker unrest. The BCWS strongly denied the NAB's claims and pointed out it was given no formal opportunity to rebut the allegations.

On June 16, National Security Intelligence Agency officers detained Islam when he appeared for a meeting with the director of labor. Islam states he was physically abused and threatened for two days until June 18, when he escaped from custody while being moved from the facility where he had been detained. He remains in hiding.”²⁹⁷

In its 2011 human rights report *Odhikar* reported that cases were filed against three trade union leaders for supporting hotel workers in their demands that wage increases were implemented,

“On May 1, 2011, three cases were filed against a few trade union leaders including Dr. Faizul Hakim Lala, President of Bangladesh Trade Union Federation and Editor of fortnightly *Jonojug*; Rajekuzzaman Ratan, General Secretary of *Somajtantrik Sramik Front*; and Aslam Khan, Member, Central Committee of Bangladesh Trade Union Centre and the Secretary of the Dhaka city unit. The cases were filed with Tejgaon Police Station under Sections 143/448/427/380/323/506 of the Penal Code, with Paltan Police Station under Sections 143/147/323/380/506 of the Penal Code, and with Motijheel Police Station under Sections 143/448/332/380/427/506 of the Penal Code. It is to be mentioned that hotel workers organised a meeting at the Central Shahid Minar on April 27, 2011 demanding the implementation of the Minimum Wages and Labour Act, 2006 proclaimed by the

²⁹⁶ Amnesty International, Bangladesh, Workers and activists at risk in Bangladesh, 23 August 2010, <http://www.amnesty.org/en/library/asset/ASA13/008/2010/en/78deb71a-a61e-47a8-b3fc-a4009bddcd87/asa130082010en.html>, accessed 28 February 2012

²⁹⁷ Human Rights Watch, Bangladesh: stop harassment and intimidation of apparel worker leaders, 10 August 2010, <http://www.hrw.org/news/2010/08/10/bangladesh-stop-harassment-and-intimidation-apparel-worker-leaders>, accessed 28 February 2012

Government in 2009. The said leaders at the meeting expressed solidarity with the protesting hotel workers. This was the reason that the cases had been filed against them.”²⁹⁸

F. Treatment of journalists

In its 2011-12 Press Freedom Index, *Reporters Without Borders* ranked Bangladesh 129th out of 170 countries.²⁹⁹

In its 2011 Impunity Index (covering the years 2001 to 2010), the *Committee to Protect Journalists* ranked Bangladesh as 11 out of the “13 countries where journalists are murdered on a recurring basis and governments are unable or unwilling to prosecute the killers.”³⁰⁰

In June 2011 the *Committee to Protect Journalists* reported that no journalists had been murdered in the last five years but listed five unsolved murders of journalists,

“Bangladesh’s impunity rating improved slightly, reflecting the fifth consecutive year without a journalist murdered. But authorities have produced no results in solving the five journalist murders that occurred in the first half of the decade. All of the victims were print reporters covering local stories of corruption and crime. Among them was Nahar Ali, a correspondent for the Bengali-language daily *Anirban*, who died in April 2001 from injuries sustained days earlier when masked men kidnapped, stabbed, and beat him. Local journalists said Ali’s murder was linked to his reporting on police corruption and local criminal syndicates. To this day, authorities have made no arrests.”³⁰¹

In its 2010 country report *USDOS* reported that journalists perceived to be critical of the government were harassed by security forces,

“There were hundreds of daily and weekly independent publications. Although there were improvements over the previous year, newspapers critical of the government still experienced government pressure. Journalists perceived to be critical of the government and those aligned with the opposition alleged harassment from unspecified wings of the security forces and members of the ruling party. In addition to one official government-owned news service, there were two private news services.”³⁰²

In its 2010 country report *USDOS* reported that there was an increase in individuals associated with the government or ruling party harassing journalists,

“Attacks on journalists continued to be a problem. There was an increase in individuals affiliated with the government or ruling party harassing, arresting, or assaulting journalists. According to Odhikar and media watchdog groups, at least four journalists were killed, 118 were injured, two were arrested, 43 were assaulted, 49 were threatened, and 12 had cases filed against them during the year. According to some journalists and human rights NGOs, journalists engaged in self-censorship due to fear of retribution from the government.

²⁹⁸ Odhikar, Human Rights Report 2011, 7 January 2012,

http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 6 March 2012

²⁹⁹ Reporters Without Borders, 2011 – 2012 World Press Freedom Index, 25 January 2012,

http://en.rsf.org/IMG/CLASSEMENT_2012/C_GENERAL_ANG.pdf, accessed 6 March 2012

³⁰⁰ The Committee to Protect Journalists, Getting Away with Murder, Impunity Index, 1 June 2011, <http://cpi.org/reports/2011/06/2011-impunity-index-getting-away-murder.php>, accessed 10 March 2012

³⁰¹ Committee to Protect Journalists, Getting away with murder, 1 June 2011, <http://cpi.org/reports/2011/06/2011-impunity-index-getting-away-murder.php>, accessed 28 February 2012

³⁰² United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrpt/2010/sca/154478.htm>, accessed 22 February 2012

On August 17, in Damurhuda upazila, activists from the AL's local student wing, the Chhatra League, attacked a local correspondent from the Bengali language daily, *Amader Shomoy*, allegedly for publishing a report critical of the group's activities in the area.

On September 1, activists from the Rajshahi University branch of the Chhatra League used sticks to attack a reporter from the English language newspaper, the *Daily Star*, over reports critical of the organization's campus activities.

On September 25, an unknown assailant targeted the Rangpur correspondent from the Bengali-language *Daily Jugantor* and stabbed him in the back. The correspondent had published an article on tender manipulation by AL activists in the area during the year. His assailant remained at large at year's end.³⁰³

In its 2010 country report *USDOS* reported that a journalist was detained for attempting to travel to Israel,

"During the year the court granted several continuances in the trial against journalist Salah Uddin Shoab Choudhury, who was detained for his attempted 2003 travel to Israel and who faced capital charges of "sedition, treason, and blasphemy." The government allowed Choudhury to travel abroad while the case was pending."³⁰⁴

In July 2010 *Human Rights Watch* reported that Bangladesh authorities forced the closure of the *Amar Desh* newspaper linked to the political opposition and detained its editor,

"The Bangladesh authorities' forced closing of a daily newspaper linked to the political opposition and the detention of its editor appear to have violated both freedom of expression and due process, Human Rights Watch said today. The government should immediately ensure that an impartial investigation is conducted into allegations by the editor, Mahmudur Rahman, that he was beaten and abused in custody, Human Rights Watch said.

Human Rights Watch called on the government to reinstate the printing license of the newspaper, *Amar Desh*, and to allow it to re-open immediately and operate without hindrance. The government also should ensure that Rahman is either immediately released or immediately given a free and fair trial in accordance with international standards. Rahman told the magistrate that he was severely beaten in police custody and that the Rapid Action Battalion, the anti-crime and anti-terrorism elite force of the Bangladesh police, later blindfolded him and handcuffed him to the window bars in a cell, forcing him to stand there for a long period of time without food or water. []

More than 100 police in riot gear stormed the offices of *Amar Desh* in the middle of the night of June 2, 2010, and arrested Rahman. At least 34 charges have been lodged against him, including 28 involving defamation. The police shut down the printing press, said the paper's license to print had been revoked, and took away all copies of the newspaper that had been printed for that morning's distribution. Police officers attacked and wounded several journalists working the late night shift.

Rahman and his staff had been under pressure from the government for critical reporting about the Bangladesh government. The paper has remained shut ever since, with the government trying to justify its actions by accusing Rahman of fraud.³⁰⁵

³⁰³ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

³⁰⁴ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

³⁰⁵ Human Rights Watch, Bangladesh: Re-open shuttered newspaper; Free editor, 7 July 2010, <http://www.hrw.org/news/2010/07/07/bangladesh-re-open-shuttered-newspaper-free-editor>, accessed 28 February 2012

In 2011 *FIDH/OMCT* reported that journalists reporting on corruption and human rights violations were harassed and subject to torture and ill treatment,

“Journalists exposing cases of corruption and denouncing human rights violations continued to suffer severe consequences, including judicial harassment, torture and ill-treatment. In particular, the daily newspaper *Amar Desh*, which regularly reports on corruption cases and is critical of the Government, and its staff members were targeted by the police and the judiciary. On June 1, 2010, the press office of *Amar Desh* was raided by armed forces, and declared closed. This harassment followed the publication of reports on cases of corruption of high-ranking Government officials as well as of sensitive and undisclosed sections of a Government-appointed investigation committee report on violations committed by the Bangladesh Rifles. On June 2, 2010, agents of the Tejgaon police station entered the *Amar Desh* offices, arrested Mr. Mahmudur Rahman, *Amar Desh* Acting Editor, and charged him under Sections 419, 420 and 500 of the Code of Criminal Procedure for “cheating by impersonation”, “dishonestly inducing delivery of property” and “defamation”. The Tejgaon police station also filed a case against Mr. Rahman as well as against *Amar Desh* Deputy Editor Mr. Syed Abdal Ahmed, Assistant Editor Mr. Sanjeeb Chowdhury, City Editor Mr. Jahed Chowdhury, reporter Alauddin Arif and the office assistant Saiful Islam, as well as 400 unnamed people for, *inter alia*, “obstructing Government officials to perform their duties” during Mr. Rahman’s arrest, under Sections 143, 342, 332, 353, 186, 506, 114 of the Criminal Code.”³⁰⁶

In its 2011 human rights report *Odhikar* reported that journalists were subjected to attacks due to their professional work,

“Like previous years journalists have been victims of attacks and physical assault in 2011. From January to December 2011, according to information gathered by *Odhikar*, due to professional grounds 139 journalists were injured, 53 threatened, 24 journalists attacked, 43 assaulted and case was filed against 23 journalists.”³⁰⁷

In 2011 *FIDH/OMCT* reported that journalists had been physically attacked for reporting on human rights issues,

“Journalists were also victims of physical attacks and threats for reporting on human rights issues. For instance, on February 23, 2010, Mr. Khalilur Rahman Sumon, a human rights defender with *Odhikar* and staff member of the *Daily Probaho*, was stabbed and severely wounded by a group of unknown persons as he was returning home from his office. Two unidentified persons grabbed him close to the Bangobashi school at Khalishpur, while a group of seven or eight persons blindfolded him and stabbed him in the chest. On February 27, 2010, Mr. Khalilur Rahman Sumon lodged a complaint with the local police, which submitted its final report in December 2010. On February 23 and 26, 2010, Mr. Nurul Kabir, Editor of the newspaper *New Age* well-known for covering human rights issues, in particular abuses committed by law enforcing agencies, and who published many articles on the misuse of power, corruption and torture against various intelligence agencies, received threats by phone from an unknown person who identified himself as “Mamun”. He was threatened with dire consequences for himself and his family if he continued “to write and speak against terrorism and violence”. Mr. Kabir filed a general diary at the police station. However, the police only recorded his complaint and no investigation was carried out.”³⁰⁸

³⁰⁶ International Federation for Human Rights-Observatory for the Protection of Human Rights Defenders, Steadfast in Protest - Annual Report 2011 - Bangladesh, 25 October 2011, <http://www.unhcr.org/refworld/docid/4ea7b3eed.html>, accessed 22 February 2012

³⁰⁷ *Odhikar*, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 6 March 2012

³⁰⁸ International Federation for Human Rights-Observatory for the Protection of Human Rights Defenders, Steadfast in Protest - Annual Report 2011 - Bangladesh, 25 October 2011, <http://www.unhcr.org/refworld/docid/4ea7b3eed.html>, accessed 22 February 2012

In its 2011 human rights report *Odhikar* reported that journalists were attacked by supporters of an Awami League candidate when attempting to cover violence between political parties in January 2011,

"On January 7, 2011 supporters of the Awami League-backed Chattra League and Jubo League brought out a procession in favour of Awami League backed Mayor candidate SM Moyeen in Thakurgaon. The supporters of Moyeen attacked the polling camp of BNP supported Mayor Candidate Golam Sarwar, while the procession crossed College Para in the town. Hearing this news, Ali Ahsan Habib, staff reporter of the daily Kaler Kantha; Lutfar Rahman Mithu, district representative of NTV; and Harun-ar-Rashid, district correspondent of Diganta TV rushed to the spot to collect information. The supporters of Awami League-backed Chattra League and Jubo League attacked the journalists and beat them. Ahsan Habib was admitted to a clinic in Rangpur with serious wounds. A case was filed with Thakurgaon Sadar Police Station accusing 20 people, including Md. Sohel and Helal, in connection with this incident."³⁰⁹

In February 2011 the *Committee to Protect Journalists* reported that politicians, criminals and businessmen influence journalists, that journalists fear reprisals and have been jailed for reporting certain topics,

"In the last decade, the growth of print and electronic media and a new generation of journalists have changed the face of the media in Bangladesh. But there is a long way to go until there is true press freedom. Politicians, criminals, and businessman exert undue influence, and the industry itself lacks the professionalism to withstand it.

Pressure from political quarters is much less than it was when the military-backed government was in power only two years ago, Nazrul Islam, chief reporter of the English-language *Daily Sun*, told me in a telephone interview. Still, progress is slow to take hold. In 2009, the ruling Awami League government adopted the Right to Information Act. Journalists who had fought for transparency welcomed it, but the government needs to provide more information, because people still do not know how to take advantage of it. So we remain deprived of information from government offices.

Other limits are still in place. Zahid Newaz Khan, news editor for the private television station Channel I, told me that some topics are off-limits, because of limited access, or fear of official reprisal. "It's very tough to report the inside story of the armed forces and judiciary," he told me by telephone from Dhaka. In August 2010, *Amar Desh* newspaper editor and former politician Mahmudur Rahman was sentenced to six months in prison for publishing an article that accused the Supreme Court of bias towards the state.

There is still pressure from powerful groups, particularly on broadcast and electronic media, journalists say. Increasingly, these groups include businesses as well as political organizations, according to journalists I spoke with. The media in Bangladesh used to be primarily government-owned. Now, it is primarily owned by private enterprises. News is published or broadcast by big businesses that pay good salaries and benefits to journalists—but also have the power to make them report what suits their interests. Ownership of the media is influenced by politics, and both the government and big businesses use advertising as a weapon to control the media.

"Journalists try their best to maintain professionalism amid pressure from these many adversaries," Islam told me. "In a transitional society like in Bangladesh, I believe, lack of democratic practices in almost all spheres of life hinders the growth of purely professional journalism. The state-owned media is highly controlled by the government and lacks

³⁰⁹ *Odhikar*, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 6 March 2012

professional standards. They work as mouthpiece of the government, regardless of which party is in power." That is significant in a country which is increasingly partisan, "pathologically divided," in Islam's words, "between two major political camps," the Awami League, and the opposition Bangladesh National Party.

Anwar Hossain Manju, former deputy chief news editor of national news agency Bangladesh Sangbad Snagstha, agreed. "It's not a matter of which party is in power," he told me. The ruling parties, whether in government or opposition, don't like criticism, and as a result, many journalists are facing not only defamation cases, but also death threats, said Manju, now special correspondent for the New York-based weekly *Ekhon Shomoy*. Both media outlets and journalists are under the close scrutiny of government agencies, he said. "Democracy in Bangladesh has not brought full press freedom," he told me."³¹⁰

On 17 March 2011 *Reporters Without Borders* reported that Mahmudur Rahman, editor of the opposition daily *Amar Desh* was released after being imprisoned for nine months for contempt of court,

"Reporters Without Borders welcomes today's release of Mahmudur Rahman, the editor of the opposition daily *Amar Desh*, on completion of an arbitrary jail sentence for contempt of court. Held for a total of nine months and 17 days, Rahman was greeted as he left prison by family members, opposition leaders and fellow journalists.

The press freedom organization calls on President Zillur Rahman and Prime Minister Sheikh Hasina to end the political harassment that many opposition journalists have had to endure, including Rahman and members of his staff.

Rahman was arrested on 2 June 2010 on charges of fraud, libel, obstructing the police and sedition. A Dacca high court found him guilty of contempt of court on 19 August in connection with an article that accused judges of always granting injunctions requested by the government.

The court sentenced him to six months in prison and a fine of 100,000 Taka (990 euros), with the proviso that he would have to serve an additional month if the fine was not paid. As he was unable to pay it, he had to serve the extra month."³¹¹

On 31 March 2011 *Reporters Without Borders* stated that two weeks after release from prison, Mahmudur Rahman, editor of the opposition daily *Amar Desh* was rearrested, accused of libelling senior Awami League officials,

"A warrant was issued for the arrest of Mahmudur Rahman, the editor of the opposition daily *Amar Desh*, on 29 March, just two weeks after he was released from prison. He is accused of libelling senior Awami League officials in the southern town of Kotalipara. The Awami League has governed Bangladesh since 2008. Rahman is to be tried next month.

Reporters Without Borders urges the government to put an immediate stop to this political persecution of a newspaper editor who has just served a nine-month jail sentence on a similar charge."³¹²

In June 2011 *Reporters Without Borders* reported that nine journalists had been attacked by political party supporters in two incidents in a four day period,

³¹⁰ Committee to Protect Journalists, Press freedom has its limitations in Bangladesh, 8 February 2011, <http://cpi.org/blog/2011/02/press-freedom-has-its-limitations-in-bangladesh.php#more>, accessed 6 March 2012

³¹¹ Reporters Without Borders, Opposition editor released after nine months in prison on contempt charge, 17 March 2011, <http://en.rsf.org/bangladesh-mahmudur-rahman-prison-justice-31-03-2011.38191.html>, accessed 6 March 2012

³¹² Reporters Without Borders, Authorities continue to harass opposition newspaper editor, 31 March 2011, <http://en.rsf.org/bangladesh-mahmudur-rahman-prison-justice-31-03-2011.38191.html>, accessed 6 March 2012

“Reporters Without Borders condemns violence by political party supporters against journalists, especially photographers and TV crews, who are more visible because of their equipment. They are paying the price of an increase in tension between rival parties due to ongoing local government elections.

Five journalists were injured in violence by ruling party supporters on 5 June in the town of Comilla, 100 km southwest of Dhaka, and two of them had to be hospitalized. Two days before that, four journalists were attacked and injured by the employees of a company that is restoring a cultural site in the western district of Kushtia.

[]

According to various sources including Abul Kashem Hridoy, the Comilla correspondent of *Channel-i TV* and the *Bdnews24.com* news agency, the 200 to 250 young thugs responsible for the violence in Comilla were members of the Bangladesh Awami Jubo League, the Awami League’s youth wing.

Pradip Dey, a cameraman with *Bangladesh Television (BTV)* who was hospitalized with serious injuries, told Reporters Without Borders that they rampaged through a polling centre located in a state primary school in the Comilla district of Sanichow, scaring voters and polling officers, and then attacked journalists who had arrived to cover the incident. The police made no arrests.

[]

The four journalists injured in the Kushtia incident on 3 June were *Prothom Alo* correspondent Touhidi Hossain (Towhidi Hasan), *RTV* correspondent Shiekh Hossain Belal, *Ekushey Television* correspondent Zahurul Islam and *Ekushey Television* cameraman Ahmed Sajeeb.

[]

A group of journalists went to the site on the morning of 3 June. As they were recording interviews with site engineers from the archaeology department and the site’s custodian, and shooting video and still photos, they were suddenly attacked by thugs armed with clubs, steel bars and hockey sticks. Touhidi Hossain sought refuge in the custodian’s office but the thugs broke down the door, dragged him out and beat him with their steel bars batons. Officials finally rescued him, drove him to a police station and then to the hospital.

Police went to the site, rescued the three other besieged journalists and took them to the hospital for treatment. Two of the assailants have since been arrested and the police are looking for their suspected leader and his accomplices.³¹³

In July 2011 *Reporters Without Borders* reported that a journalist and his wife were injured by a bomb thrown through the window of their home, the journalist had previously written articles criticising criminal groups and the protection that they receive from politicians,

“Reporters Without Borders is appalled to learn that Mashiyul Haque, the correspondent of the daily *Dainik Samakal* and president of the Kalia Press Club, and his wife, Reena Parvin, were badly injured in a bomb attack on their home at around 3 a.m. on 11 July in the southwestern locality of Kalabaria.

They were taken to a hospital in the capital, Dhaka, where they were reported to be in a critical condition. Their two children, aged 4 and 6, who were also in the house at the time, were not injured.

[] Haque, who has written articles about the impunity that criminals enjoy and the protection they get from politicians and members of the local government, said he saw two or three people running away after an explosive device was thrown through his bedroom window. He said they also fired shots.

³¹³ Reporters Without Borders, Nine journalists attacked in two incidents in past four days, 7 June 2011, <http://en.rsf.org/bangladesh-nine-journalists-attacked-in-two-07-06-2011.40408.html>, accessed 6 March 2012

Sarowar Hossain, the police chief in the nearby town of Naraghati, said an investigation was under way. No arrests have so far been made.³¹⁴

In August 2011 the *Committee to Protect Journalists* reported that a journalist was threatened by a criminal group,

“A telephone caller claiming to represent a wanted criminal overseas threatened to kill a senior crime reporter for writing about the drug trade, local news reports and a human rights advocate said.

Jahangir Alam, who heads the crime department at the United News of Bangladesh news agency and is an executive member of the Crime Reporters Association of Bangladesh (CRAB), received the call in the country's capital, Dhaka, on July 13, according to the reports.

The caller introduced himself as an associate of Subrata Bayeen, a high-profile criminal wanted on charges of terrorism and drug possession, and threatened to shoot the journalist. Bayeen is believed to have fled the country to escape arrest, news reports said.³¹⁵

In September 2011 *Reporters Without Borders* stated that journalists work within a climate of violence, reporting attacks on employees of a privately owned TV station,

“Reporters Without Borders is disturbed by the latest case of violence against journalists by a special police unit known as the Rapid Action Battalion (RAB) and by recent media freedom violations by members of the government.

“A climate of violence persists for journalists in Bangladesh,” Reporters Without Borders said. “The current government initially allowed the media to work without being exposed to threats but recent press freedom violations have cast doubt on the firmness of its undertakings. We urge the authorities to put a stop to illegal acts of violence by the RAB.”

Employees of *Bangla Vision*, a privately-owned TV station based in the Dacca neighbourhood of Kathalagan, were physically attacked on 12 September by members of the RAB, who took advantage of a dispute to abuse their authority and target journalists.

The RAB intervened in response to a request by United Leasing, a privately-owned company located in the same building, during a dispute with *Bangla Vision*. When six RAB members arrived, dressed in plain clothes, they fired shots in the air and attacked the TV station's employees.³¹⁶

In September 2011 *Reporters Without Borders* reported the introduction of a bill on 12 September which banned private broadcasters from airing programmes which threaten national security and sovereignty or reflect negatively on national figures,

“The government meanwhile published a bill on 12 September that would ban privately-owned TV and radio stations from broadcasting programmes that threaten national security and sovereignty or reflect negatively on national figures. It would also oblige them to broadcast certain government-generated content such as speeches by the president or prime minister.

³¹⁴ Reporters Without Borders, Journalist and wife injured by bomb thrown through bedroom window, 14 July 2011, http://en.rsf.org/bangladesh-journalist-and-wife-injured-by-14-07-2011_40638.html, accessed 6 March 2012

³¹⁵ Committee to Protect Journalists, criminal group threatens crime reporter in Bangladesh, 11 August 2011, <http://cpj.org/2011/08/criminal-group-threatens-crime-reporter-in-banglad.php#more>, accessed 6 March 2012

³¹⁶ Reporters Without Borders, Is government really interested in what happens to journalists?, 15 September 2011, http://en.rsf.org/bangladesh-is-government-really-interested-in-15-09-2011_40990.html, accessed 6 March 2012

In another development, shipping minister Shahjahan Khan banned around 60 journalists from covering a news conference that the ministries of the interior, shipping and communication gave on 11 September. Although invited by the communication ministry, the journalists were ordered to leave and had to wait outside. The three ministries have recently been criticized by the media.³¹⁷

In October 2011 *Reporters Without Borders* reported that journalists had been attacked by criminal gangs and harassed by the authorities,

“Reporters Without Borders is worried by a decline in the media’s ability to work freely in Bangladesh and, in particular, by a spate of physical attacks and threats against journalists by criminal gangs in the past few weeks as well as cases of harassment by the authorities.

“There has been no let-up in the climate of violence against journalists and in fact there has been a marked increase in the number of physical attacks,” Reporters Without Borders said. “By allowing harassment and violence to become so widespread, the government is directly contributing to the decline in media freedom in Bangladesh. We again urge the government to react quickly and to take measures to stop this wave of violence.”³¹⁸

In one of the most recent cases of harassment, the Dacca police brought charges of conspiracy, vandalism and planned arson of government property on 26 September against 15 students who work as journalists for local papers and who had been covering protests by fellow students at Jagannath University against the withdrawal of government subsidies.”

In October 2011 *Reporters Without Borders* reported that journalists have been physically attacked by the student wings of the ruling and opposition parties,

“In one of the latest cases of violence, S.M. Zakaria, the *Dainik Bhorer Kagoj* newspaper’s correspondent in the central district of Narsingdi, was attacked and beaten with an iron bar by the local leader of the ruling Awami League’s student wing on 25 September over a report implicating him in several cases of extortion. Zakaria has been repeatedly threatened in the past over similar stories.

Aboul Assad, the editor of *Dainik Sangram*, a daily that supports the Islamic opposition party Jamaat-e-Islami, was arrested at his home in the Dacca neighbourhood of Maghbazar by members of the Rapid Action Battalion, a special crime prevention unit, on 20 September.

His arrest came one day after clashes between police and Jamaat-e-Islami protesters who had been demanding the immediate release of five party leaders who had been arrested for war crimes allegedly committed during Bangladesh’s independence war in 1971. Assad’s lawyer, Mohammad Abdur Razzak, said Assad was freed on bail on 23 September. []

The staff of *Bangla News 24* (<http://www.banglanews24.com/English/>), a bilingual (English and Bengali) news website, were threatened at the time by members of Jamaat-e-Islami’s student wing who had participated in violent clashes with the police. *Bangla News 24* editor Alamgir Hossain said he had received email threats.³¹⁹

³¹⁷ Reporters Without Borders, Is government really interested in what happens to journalists?, 15 September 2011, http://en.rsf.org/bangladesh-is-government-really-interested-in-15-09-2011_40990.html, accessed 6 March 2012

³¹⁸ Reporters Without Borders, Media freedom threatened by wave of violence and harassment, 4 October 2011, http://en.rsf.org/bangladesh-media-freedom-threatened-by-wave-04-10-2011_41102.html, accessed 6 March 2012

³¹⁹ Reporters Without Borders, Media freedom threatened by wave of violence and harassment, 4 October 2011, http://en.rsf.org/bangladesh-media-freedom-threatened-by-wave-04-10-2011_41102.html, accessed 6 March 2012

In November 2011 the *Committee to Protect Journalists* reported that Ekramul Haque the editor of two news outlets was rearrested on the same day that he was released from prison on charges of extortion, and that the news agencies were forced to close. According to the *Committee to Protect Journalists* Haque's news sites had published investigations into corruption by government ministers,

"Police detained Ekramul Haque, editor of *Sheershanews* website and *Sheersha Kagoj* weekly, on extortion charges on July 31. On October 25, the High Court in the country's capital, Dhaka, granted the journalist bail, and he was released on November 1. But he was arrested again at the gate of the jail as he was leaving, news website *bdnews24* reported.

Two weeks before Haque was detained, authorities cancelled his media accreditation and those of his nine staff members. The journalist's imprisonment led to both *Sheershanews* and *Sheersha Kagoj* being shuttered, news reports said. His colleagues believed the extortion accusations were in connection with corruption investigations the news outlets had published on two government ministers, CPJ found.

"The legal process is highly irregular, and Ekramul Haque's right to due process must be respected," said Bob Dietz, CPJ's Asia program coordinator. "The new allegations of extortion against him appear to be timed to keep him behind bars."

Local newspaper *The Daily Star* reported that a tax inspector had filed a new extortion complaint the day Haque was due to go home, although the extortion was said to have occurred nearly five months before, on June 12. On Thursday, *The Star* reported that a court had rejected the journalist's bail application.³²⁰

In its 2011 human rights report *Odhikar* reported that discussants on a TV talk show were held in contempt of court for commenting on the High Court Division Bench,

"On August 10, 2011, a Division Bench of the High Court Division, comprising of Justice AHM Shamsuddin Chowdhury and Justice Gobinda Chandra Thakur, issued a rule for Contempt of Court against two discussants and the anchor of Ekushey Television talk show 'Ekushey Raat'. Advocate Ahmed Azam Khan, Advisor to the BNP Chairperson and Razekuzzaman Ratan, a leader of the Bangladesher Somajtantrik Dol and Anjan Roy, the anchor of the programme were held in contempt for commenting on the High Court Division Bench. On August 18, 2011, Advocate Ahmed Azam Khan, Razekuzzaman Ratan and Anjan Roy appeared before the Court and appealed for time to explain their statements. The Court fixed October 17, 2011 for hearing of this matter. They appeared in Court on that date, and a date was fixed for further hearing in 2012."³²¹

In March 2012 *Odhikar* reported that between 1 – 29 February 2012, eight journalists were injured,

"In February 2012, according to *Odhikar*'s documented statistics, 08 journalists have been injured, 03 have been threatened and 02 have been assaulted. Some examples are as follows:

[] On February 2, 2012, it was learnt through a published report, that the Editor of the daily Prothom Alo, Motiur Rahman, and its senior reporter, Iftekhar Mahmud received threats over the telephone. On January 31, 2012, an unidentified man made a call to Iftekhar Mahmud on his cell phone and said, "You and your editor's have to be present before the Court in Khulna on the 20th. Get ready to die on that day. You have published many false reports against my leader." It is to be mentioned that three investigative reports on the

³²⁰ Committee to Protect Journalists, Bangladeshi editor rearrested on same day he's released, 10 November 2011, <http://cpj.org/2011/11/bangladeshi-editor-rearrested-on-same-day-hes-rele.php#more>, accessed 6 March 2012

³²¹ *Odhikar*, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 6 March 2012

political situation and violence in Khulna were published on 4 and 6 October 2011. After the reports were published, Iftekhar Mahmud had been receiving threats by local influential people and criminals.

[] On February 11, 2012, two journalists of the electronic media, Sagar Sarwar, News Editor of Maasranga TV and his wife Meherun Runi, reporter of ATN Bangla TV, were brutally killed at their rented flat at West Rajabazar in Dhaka, leaving behind a five year old son as the lone survivor. Their death angered the whole media and journalist community who demanded the arrest of the perpetrators. It is to be mentioned here that Sagar Sarwar and Meherun Rumi were covering energy related news. On February 28, a Division Bench of the High Court Division of the Supreme Court, on an application, ordered that the press should not publish speculative news. This court order has been regarded by the leaders of the journalist association as nothing but press censorship.

[] On February 23, 2012 Hasan Ali, Kushtia district correspondence of the private channel Independent TV and human rights defender of Odhikar, was physically assaulted by officials of the Regional Passport Office at Kushtia when he was gathering information. Hasan Ali told Odhikar that he was assigned to the regional passport office at Kushtia by Independent TV, to prepare a report on irregularities and acts of public harassment over issuing passports. The Assistant Director of the Regional Passport Office, Nuri Huda and computer operator, Jamal Uddin physically assaulted him and TV channel cameraman Habib. Furthermore, they threw the video camera on the floor, breaking it. Hasan Ali submitted a written complaint with the Kushtia Model Police Station, but the police did not record it as a regular case, mentioning that the accused persons are government officials. On February 26, 2012 a General Diary was lodged with the police station.³²²

In February 2012 the *Committee to Protect Journalists* reported that two television journalists were killed,

“On February 11, two Bangladeshi television journalists, Meherun Runi and her husband Golam Mustofa Sarowar, were murdered in their Dhaka home. Their 5-year-old son found their bodies. No arrests have yet been made and no motive has been publicly disclosed, although police claim they know why the couple was killed. Journalists have plenty of reason to be skeptical, and they staged a nationwide strike today to call attention to the case.

Monirul Islam, a deputy police commissioner in Dhaka, told *The Daily Star* today that “we are almost certain about the motive behind the murder. But it will not be wise to disclose it at this moment for the sake of investigation.”

In a country where journalists' murders often go unpunished, these assurances can't be taken at face value. Today from noon to 1 p.m., Bangladeshi journalists banded together to protest the murders of their colleagues and to call for swift justice. Newspaper, online, and broadcast journalists joined the strike, ceasing work for an hour. In Dhaka, journalists laid down their cameras and pens in front of the National Press Club, and similar events were held around the country, The Associated Press reported.³²³

In March 2012 *Reporters Without Borders* reported that members of the Awami League threatened 19 journalists based in Pirojpur,

“Fearing for their lives, 19 Pirojpur-based reporters went to the city’s main police station on 14 March to make statements and request police protection from local Awami League

³²² Odhikar, Human Rights Monitoring Report, 1-29 February 2012, 1 March 2012, http://www.odhikar.org/documents/2012/English/HR%20report_february2012_Odhikar.pdf, accessed 16 March 2012

³²³ Committee to Protect Journalists, Bangladesh journalists call for justice in couple's murder, 27 February 2012, <http://cpj.org/blog/2012/02/bangladeshi-journalists-call-for-justice-in-couple.php#more>, accessed 6 March 2012

leaders and supporters who had threatened to kill them at the previous day's rally because of recent critical coverage of two local Awami League parliamentarians, A.K.M.A. Awal (also known as Saidur Rahman) and Anwar Hossain.

The Awami League leaders and members had warned the journalists that if they dared to criticize the two parliamentarians again, they would be expelled from the city or they would be "chopped into pieces and buried."

The threats were prompted by coverage of claims by Awami League representatives in small towns in the Pirojpur area accusing the two parliamentarians of corruption, high-handedness and favouritism. The reports were carried by several Dhaka-based national dailies and privately-owned TV channels.³²⁴

In March 2012 *Reporters Without Borders* stated that the government suspended the broadcasting of three private TV stations to prevent coverage of a BNP rally,

"the government ordered the Cable Operators' Association of Bangladesh (COAB) to block transmission of three privately-owned TV stations – *Ekushey Television (ETV)*, *Bangla Vision* and *Islamic TV* – on 12 March to prevent them from providing live coverage of a major rally by the opposition Bangladesh Nationalist Party (BNP) in Dhaka.

The suspension lasted three and a half hours and was lifted at 6:30 p.m., an hour after BNP leader Khaleda Zia had finished addressing the rally. The Bangladesh Telecommunication Regulatory Commission had urged the TV stations on 10 March not to broadcast the rally live.³²⁵

³²⁴ Reporters Without Borders, Ruling Awami League threatens 19 reporters in southern city, 19 March 2012, <http://en.rsf.org/bangladesh-ruling-awami-league-threatens-19-19-03-2012.42149.html>, accessed 19 March 2012

³²⁵ Reporters Without Borders, Ruling Awami League threatens 19 reporters in southern city, 19 March 2012, <http://en.rsf.org/bangladesh-ruling-awami-league-threatens-19-19-03-2012.42149.html>, accessed 19 March 2012

6. Freedom of Religion

[See also Section 4. Nationality, Citizenship and Ethnicity]

A. Domestic legal framework

Article 28 of the 1972 *Bangladesh Constitution*, on discrimination on the grounds of religion, states that,

“(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth.

(2) Women shall have equal rights with men in all spheres of the State and of public life.

(3) No citizen shall, on grounds only of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution.

(4) Nothing in this article shall prevent the State from making special provision in favour of women or children or for the advancement of any backward section of citizens.”³²⁶

Article 41 of the 1972 *Bangladesh Constitution*, on the freedom of religion, states that,

“Subject to law, public order and morality –

(a) every citizen has the right to profess, practise or propagate any religion;

(b) every religious community or denomination has the right to establish, maintain and manage its religious institutions.

(2) No person attending any educational institution shall be required to receive religious instruction, or to take part in or to attend any religious ceremony or worship, if that instruction, ceremony or worship relates to a religion other than his own.”³²⁷

In November 2011 the *Daily Star* reported that the government had enacted the Vested Properties Return (Amendment) Bill 2011, allowing the return of property seized from Hindus, but that it could not yet be implemented,

“The Vested Properties Return (Amendment) Bill 2011 was moved in the house by Land Minister Mohammad Rezaul Karim Hira.

While moving the bill, the minister said although the Vested Property Return Act 2001 was enacted, this law could not be implemented.

“It has become necessary to amend and implement this law for the sake of ensuring social discipline and justice by returning those lands owned by country's citizens but wrongly enlisted as vested properties,” he told the house.

The proposed bill has provisions to prepare district-wise lists of vested properties and publish those through gazette notifications within 120 days of execution of the Vested Properties Return (Amendment) Act, 2011.

The bill also has provisions for widely circulating this list of vested properties locally and providing such lists to the interested and intended persons.

³²⁶ Constitution of the People's Republic of Bangladesh, 1972, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367, accessed 6 March 2012

³²⁷ Constitution of the People's Republic of Bangladesh, 1972, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367, accessed 6 March 2012

If any property included in the vested property lists is actually not vested property, its owners have to put a claim on the property with the concerned upazila or mohanagar committee within 90 days of publication of the gazette notification.

The rightful owner must apply with proper documents and papers to the concerned authorities for releasing the property from the list.

After proper scrutiny, examinations and, if necessary, on-the-spot visits, the concerned committees will prepare a report within 120 days of receiving the applications and send it to the concerned district committee for taking further actions.

Within 45 days of receiving recommendations from the upazila and mohanagar committees, the district committee will refer it to the deputy commissioners (DC) for giving final decision.

The DC will then give final verdict on the matter within 30 days of receiving the recommendations of district committee. “

B. Treatment/situation of members of minority religious groups

[See also Section 4. Nationality, Citizenship and Ethnicity]

In February 2011 *Minority Rights Group International* stated that religious minorities face discrimination,

“Religious minorities and other groups such as the Ahmaddiyas and the Biharis continue to suffer from discrimination in key areas of public life: employment, higher education and access to justice. Violence and discrimination against religious and ethnic minorities continued through 2007, according to a US Government Report on Religious Freedom. The report released in September said Hindu, Christian and Buddhist minorities experienced discrimination and on occasion violence. It also said that Ahmaddiyas, an Islamic sect, faced harassment and protesters demanded that they be declared non-Muslims. The report restated that attacks on religious and ethnic minorities continued to be a problem in the 2009 reporting period too. According to the 2009 US State Report on Religious Freedom, there were no reported demonstrators or attacks against the Ahmadiyya Muslim Community, although isolated instances of harassment continued. The state is said to have ‘acted in an effective manner to protect Ahmadis and their property’ against sporadic demands that Ahmadis to be declared as non-Muslims.”³²⁸

In March 2012 the *United States Commission on International Religious Freedom* stated that Bangladesh was removed from its Watch List in 2008 and is encouraged by the government’s steps to rectify past religious freedom violations,

“the Commission continued to follow developments in Bangladesh, which was on USCIRF’s Watch List from 2005 to 2008. USCIRF removed Bangladesh from the Watch List after the 2008 general election that brought to power the Awami League party, which is considered to promote secular policies and be favorable toward minority rights, and the announcement by Prime Minister Sheik Hasina that her government would implement religious freedom reforms. USCIRF is encouraged by the government’s recent steps to begin to rectify past religious freedom violations, including the seizure of Hindu-owned land, and to protect vulnerability of religious and ethnic minorities from exploitation or violence, especially in the

³²⁸ Minority Rights Group International, Bangladesh; Profile, Adivasis, undated, <http://www.minorityrights.org/5636/bangladesh/adivasis.html>, accessed 26 February 2012

Chittagong Hill Tracts (CHT). While these initial steps are commendable, USCIRF will continue to monitor how Bangladesh implements these reforms and recommendations.”³²⁹

In its 2011 human rights report *Odhikar* stated that there were numerous incidents of repression against religious minorities,

“The Penal Code criminalises the defilement or destruction of a place of worship or publication of any material disrespectful of any religious group, and the Constitution prohibits discriminate on grounds of religion, but still, in 2011, there were numerous reported incidents of repression on religious minority communities.

[]

From January to December 2011, 107 people belonging to religious minorities were injured, 02 were assaulted, 03 women were raped, there were 25 incidents of attacks on temples, 06 incidents of land grabbing, 02 incidents of eviction and 21 incidents of property damage.”³³⁰

1. *Hindus*

In an undated article *Minority Rights Group International* reported that the Hindu population has suffered persecution in Bangladesh since the partition of India in 1947,

“The Hindu population of Bangladesh suffered considerable as a consequence of political events since 1947. According to the official 1951 census for East Bengal (East Pakistan) Hindus consisted of 22 per cent of the total population of the province, a number that had been depleted to 15 per cent to 1991. Hindus form the largest religious minority group in Bangladesh. Since the beginning of the new millennium, Hindu population has suffered significantly at the hands of Islamic extremists resulting in exodus into West Bengal in India. Despite persistent persecution, Hindus have managed to yield some influence because of their geographical concentration in some regions, forming a majority in at least two parliamentary constituencies. Figures vary as to the population of Hindus in 2006- these figures range from 14 per cent to 16 per cent of the total population of Bangladesh”³³¹

In its 2010 country report *USDOS* reported that the 1974 Vested Property Act had been used to deprive Hindus of land and property,

“The Hindu community in particular lost much of its land under the 1974 Vested Property Act, which authorized government confiscation of property from individuals it deemed “enemies of the state.” According to IDMC, “almost 750,000 Hindu families were dispossessed of agricultural land.” Although the act was appealed in 2001, by year’s end, the government had not taken measures to provide restitution or compensation to those disposed of their property. There is no systematic reporting on the treatment of these widely scattered IDPs.”³³²

In November 2011 the *BBC* reported that the government passed the Vested Properties Return (Amendment) Bill 2011 allowing the return of property seized from Hindus,

“The law, initially known as the Enemy Property Act, allowed the authorities to take over land and buildings of Hindus who migrated to India.

Under its terms, property belonging to millions of Hindus who fled to India was confiscated.

³²⁹ United States Commission on International Religious Freedom, Annual Report, March 2012, <http://www.uscifr.gov/images/Annual%20Report%20of%20USCIRF%202012%282%29.pdf>, accessed 26 March 2012

³³⁰ Odhikar, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 6 March 2012

³³¹ Minority Rights Group International, Bangladesh: Hindus, undated, <http://www.minorityrights.org/5645/bangladesh/hindus.html>, accessed 26 February 2012

³³² United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrpt/2010/sca/154478.htm>, accessed 22 February 2012

The law came into effect in 1965 when Pakistan and India fought a brief war.

The act was renamed as the Vested Properties Act after independence.

The Vested Properties Return (Amendment) Bill 2011 now enables Hindus to reclaim their property taken over by the government and individuals.

"There are some good provisions but it doesn't go far enough to address our demand that all the properties seized or taken over until recently should be returned to their rightful owners," Supreme Court lawyer Subrata Chowdhury told the BBC.

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Human rights groups and civil society activists have long urged successive governments to repeal the act.

The governing Awami League made an electoral promise in 2008 that confiscated properties would be given back to the original owners.

Experts say that while the changes to the law are welcome, it will be impossible to return all the land because some of it was confiscated more than 40 years ago.

Most of it appears to have been taken over by Muslims with links to the main political parties.

The government says that it will soon publish a list of properties that were seized. It that any Hindus wanting to make a claim will have 90 days to do so.

It is estimated by one prominent academic that about 400 to 500 Hindu people are migrating daily from Bangladesh.

Professor Abul Barkat told the BBC that if the current rate continues, Bangladesh will no longer have a Hindu community in 25 years' time."³³³

In March 2012 the *United States Commission on International Religious Freedom* stated that the Vested Property Return Act only applied to Bangladeshi citizens who currently reside in the country,

"In December 2011, the Bangladeshi cabinet passed the Vested Property Return Act, which established an application process for families or individuals to apply for the return of, or compensation for, property seized under the Vested Property Act. However, this process is only available for citizens of Bangladesh who currently reside in the country, leaving out many possible claimants who left the country in previous years."³³⁴

In September 2011 *Weekly Blitz* reported that Hindus had been raped and physically assaulted in attacks on Hindu homes,

"During last five days, there had been at least two major incidents of attacking the Hindu temples, ransack of Hindu residences as well as physical assault and rape of Hindus in Bangladesh. Persecutions of Hindus are continuing in Bangladesh since the independence of the country. None of the political parties have ever spared the Bangladeshi Hindus from such notoriety. The ruling Bangladesh Awami League, which proclaims to be secularist and a political party more sympathetic towards religious minorities, particularly Hindus, in reality is no exception that those Islamist and pro-Islamist political parties in Bangladesh, as far as

³³³ BBC, Bangladesh approves Hindu property restoration act, 28 November 2011, <http://www.bbc.co.uk/news/world-asia-15928541>, accessed 10 March 2012

³³⁴ United States Commission on International Religious Freedom, Annual Report, March 2012, <http://www.uscifr.gov/images/Annual%20Report%20of%20USCIRF%202012%282%29.pdf>, accessed 26 March 2012

repression and persecution of Hindus and religious minorities are concerned. The latest incidents took place at Kishoreganj and Comilla districts respectively.

According to information, a group of thugs led by local Awami League leader Engraj Miah attacked the residences of a local Hindu family of [Sanyashi cast] and demolished their residences while destroyed at least 50 trees within the compound at Kishoreganj district [100 kilometers from the capital] During this attack, minors in the family were also beaten by the members of the attacking gang while at least several female members were raped and molested. The houses of Paresch Sanyashi, Pranesh Sanyashi and Jibon Sanyashi were destroyed during this attack. Valuables and ornaments were looted during this brutality. Elderly female member of the Sanyashi family, Mrs. Bina Sanyashi was severely beaten by the perpetrators. They raped some of the female members at gun point. Awami League leader Engraj Miah personally led the entire incident, which continued for hours. Members of law enforcing agencies did not come forward in salvaging the members of the attacked Hindu community, as the attackers belong to the ruling party. Following the attack, Bina Rani said "This is not the Bangladesh for which we sacrificed blood. This is not the Awami League, which claims to protect our interest. I have not seen such brutality even from the Pakistani occupation forces during the war of independence of this country. We have become captive in the hands of the politicians. Whether they are secularists or Islamists, all are anti-Hindus."

She said "They assaulted me physically and violated a number of the female members of our family. How many more Hindu female will be violated in this independent Bangladesh? Don't we deserve equal right as the citizen of this country?"³³⁵

In January 2012 *Odhikar* reported that on 5 April 2011 Awami League supporters attacked a Hindu temple and homes,

"On April 5, 2011, supporters of local Awami League parliamentarian Zahid Malek Swapon attacked a Hindu temple and ransacked Hindu homes at Ukiara Bazar under Manikganj district. The attackers ransacked the *Durga* temple and allegedly set fire to four houses and a shop belonging to the religious minority community. Hearing this, Manikganj representative of a private TV channel, Bangla Vision and reporter of the daily Shomokal, Biplob Chokroborty; and private channel ATN Bangla representative Abul Kalam Azad rushed to the spot. Awami League activists attacked and wounded them allegedly under the instructions of Manikganj District Awami League Religious Affairs Secretary Israfil Hossain. The attackers also took away their cell phones and cameras."³³⁶

In February 2012 Bangladesh news website *bdnews.com* reported that Hindu temples and shops were attacked in Hathazari,

"Authorities clamped Section 144 banning public gathering at Hathazari on Friday amid mounting tensions after several Hindu temples were vandalised and torched there.

Local people claimed religious bigots of Jamaat-e-Islami and its student wing Chhatra Shibir incited the vandalism and arson of the temples from Thursday evening to Friday noon.

Tensions that boiled over into violence originated Thursday morning following rumours that a mosque had been attacked. Allegations have it that houses of Hindus in the area were

³³⁵ Weekly Blitz, Fresh atrocities on Hindu families in Bangladesh, 4 September 2011, <http://www.weeklyblitz.net/1755/fresh-atrocities-on-hindu-families-in-bangladesh>, accessed 26 February 2012

³³⁶ *Odhikar*, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 6 March 2012

also attacked. The leaders of the Hindu minority there blamed the 'indifference' of the administration for the situation.

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On Friday morning, temples in the area were vandalised and shops owned by Hindus were torched and looted after madrasa students in the area gathered following an announcement through a PA system.

A bdnews24.com correspondent in Chittagong said he saw tell-tale signs of vandalism in three other temples in the area. They are the Sri Sri Jagadeshwari Ma Temple and Jagannath Bigroho Temple at Nandirhat and Kalibari Temple at Sadar upazila.

The Sri Sri Jagadeshwari Ma Temple was burnt, too.

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Many of the people in the area said a quarter is provoking the incident and Zila Parishad administrator M A Salam pointed the finger at Jamaat-e-Islami and its student wing Islami Chhatra Shibir.³³⁷

In February 2012 the Dhaka based human rights NGO *Bangladesh Minority Watch* reported that a female Hindu student was sexually assaulted and killed, allegedly by 12 Muslim men,

"Ms.Pallabi Biswas aged about 18 years was the candidate of Higher Secondary School Examination of Rajman College at Serajgonj. On the date of occurrence while the victim went to fetch water outside her house some perpetrators caught hold of the victim pushing clothes into the mouth of victim and fled away. The victim tried to rescue herself but in vain. On 14th of February, 12 the dead body of Ms.Pallabi was traced 500 yards from Mohanpur Railway station on the rail track with multiple injuries on her body. []It is also alleged that the local Muslim boy – Al Ameen son of Abdul Gafur used to eve tease Ms.Pallabi for forceful marriage while she used to attend her classes all the time, illegal activities of Al-Ameen were reported to the local Muslim members of the area, but all their endeavor ended without any tangible result.

In this connection Mr.Dilip Kumar Biswas – cousin of the victim lodged first information report (FIR) at Ullapara police station at Serajgonj being Case No.19 dated 14.02.2012 under section 364/302/201/34 of Bangladesh penal code against 12 Muslim perpetrators."³³⁸

In February 2012 *Bangladesh Minority Watch* reported that a fourteen year old Hindu girl was kidnapped in Dhaka by Muslim perpetrators, allegedly for forced conversion, ransome or trafficking,

"As per appeal submitted by father and mother of Ms. Sumi Rani, BDMW communicated with Officer in Charge of Ashulia Police Station at Dhaka and Sreebordi Police Station at Sherpur and came to know that the victim girl was kidnapped by some Muslim perpetrators namely : 1) Mohammad Milthun son of Mohammad Abdur Razzak, 2) Mohammad Abdur Razzak, son of late Mohammad Osman, 3) Mohammad Belal Hossain, son of Md. Abdur Razzak 4) Mohammad Mizanur Rahman, son of Md. Abdur Razzak and 5) Mohammad Tofazzal (Happy) son of late Habil Bepari, all of Sreebordi Upazila of Sherpur District.

Sree Ganesh Chandra Mondal -father of the victim filed a general diary entry number 786 dated 12.12.2011 at Ashulia Police station-Dhaka as soon as her daughter was kidnapped by those perpetrators on 10.12.2011. Despite repeated request made by father of the victim before Officer in Charge of Ashulia Police station-Dhaka, no trace nor any initiative was made by police for recovery of the victim girl.

³³⁷ Bdnews.com, Temples, shops of Hindus attacked in Hathazari, 10 February 2012, <http://bdnews24.com/details.php?cid=2&id=218015>, accessed 10 March 2012

³³⁸ Bangladesh Minority Watch, Ms.Pallabi Rani Biswas (18) Hindu Minority College Girl traced brutally tortured after sexual assault on Railway Line-Serajgonj, 23 February 2012, <http://www.bdmw.org/?p=484>, accessed 10 March 2012

Thereafter Sree Rony Chandra Mondal – brother of the victim lodged first information report (FIR) against those perpetrators at Ashulia police station as per our advice explaining the situation how Ms. Sumi Rani was kidnapped by those perpetrators for forceful conversion or for trafficking. (Ashulia P.S. Case No. 47 dated 26.1.2012 under section 7/30 of Nari-O-Shishu Nirjaton Ain,2003) It is also alleged that perpetrators were claiming illegal money from the father and mother of the victim in lieu of getting back their Daughter.”³³⁹

In February 2012 *Bangladesh Minority Watch* reported that a Muslim Union Chairman raped and forcibly converted a married Hindu woman,

“Mr. Harun-ar-Rashid (40) – Local Chairman of Suhilpur Union of Chandina Upazila of Comilla district arrested because he raped a Minority Hindu woman and converted her to Islam alluring her to marry on 24th January, 2012.

It is revealed that a destitute Hindu woman- Ms.Parbati Rani (36) wife of Probir Kumar Ghosh of village-Kolakopa of Doudkandi Upazila of Comilla District was cheated because Harun ar Rashid (father of two children) used to call her religious sister and grew up an illicit connection with the victim and she was brought from her house on 3rd of January, 2012 compelled her to make an affidavit before the Notary Public for conversion.

Without any valid documents of marriage Harun ar Rashid started to live together in a separate rented house at Gouripur misrepresenting that they are husband and wife. But the victim disclosed bad intention of Harun ar Rashid to the local people and local people caught hold of the local chairman handed over to police. Police started case against the said local Chairman and sent the victim women for medical examination.

As per version of the Hindu victim Harun ar Rashid cheated her and he was not only converted her from Hinduism to Islam but her conjugal life with her Hindu husband has been miserably destroyed. She also made complain that Harun ar Rashid converted her school daughter studying in Class VIII was also.”³⁴⁰

In its 2010 country report *USDOS* reported that under Hindu inheritance laws male heirs inherit their father’s property upon the death of their mother,

“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.”³⁴¹

2. Buddhists

In its 2010 country report *USDOS* reported that a Buddhist temple was burned by Bengali settlers,

“On February 19, Bengali settlers in the Baghaihat area of Sajek Union in Rangamati reportedly carried out arson attacks on more than 200 homes of indigenous IDPs. Several shops, a church, a Buddhist temple and a village center also were burned. At least two indigenous people were killed, allegedly by army personnel, and dozens were injured.”³⁴²

³³⁹ Bangladesh Minority Watch, Ms. Sumi Rani(14) Hindu Minority School Girl kidnapped from Dhaka, 23 February 2012, <http://www.bdmw.org/?p=481>, accessed 10 March 2012

³⁴⁰ Bangladesh Minority Watch, Union Chairman of Chandina Upazila raped and converted a Hindu women, 23 February 2012, <http://www.bdmw.org/?p=471>, accessed 10 March 2012

³⁴¹ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

³⁴² United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

In December 2011 catholic news agency *Asia News* reported on the services provided by a hostel in the Bandarban Hill Tract for destitute tribal Buddhist children, its founder stated that in Bangladesh tribal Buddhists are considered culturally inferior,

"I was born in the south (Chittagong Hill Tracts) - Mong Yeo says - and I grew up in an orphanage in the area. Then, I studied in Dhaka and I started working at the factory. In those years, a strong 'need' grew within me. The need to do something for others, but also to find my place in a society that welcomed me. " Being Buddhist and tribal, in a country where the majority of the population is Muslim and Bengali, means living on the margins. Muslims tend not to mix with those who follow another religion, while the Bengalis consider Buddhist tribals culturally inferior.

"This sense of frustration – he continues - is something you carry inside you from when you are small. This is why this hostel is so important. It provides opportunities for these kids to grow up in an environment where they feel welcome and accepted for who they are, where they can explore, discover and develop their talents, to learn respect for and the value of women. Even the tribal children are the future of this country and education plays a fundamental role. Only when the entire population is educated, can there be a real development of the state. Education is the cornerstone of a nation."³⁴³

In March 2012 *Odhikar* reported that a 200 year old Buddhist temple was vandalised and acres of its land occupied by the son of a former Awami League MP and his associates,

"A 200 year old Buddhist temple of the Rakhaine community at Hnila village under Teknaf Upazila in Cox's Bazar, was vandalised and nearly 11 acres of its land was encroached upon by Rashed Mohammad Ali, son of former Member of Parliament, Mohammad Ali, and his associates. Member of the local Rakhaine community alleged that the criminals had vandalised the Dakkhin Hnila Boro Bouddha Bihar temple, established in 1870 on a hill in Kyang Para Mountain of village Dakkhin Hnila under Teknaf upazila. On August 20, 2010, the local leaders said, twenty images of Lord Goutam Buddha and at least 12 of the 50 wooden pillars were taken away and different parts of the temple were destroyed by criminals. The President of the Bangladesh Rakhaine-Marma Sangha Council, Ven U Pandita Mahathero told the journalists that former MP of Awami League, Mohammad Ali might have some false papers with which he claimed the land and occupied it forcefully."³⁴⁴

3. Christians

In February 2010 Catholic news agency *Asia News* reported that soldiers attacked Christians, setting fire to three churches and 41 homes, leading approximately 1,800 people to flee into the forest,

"Christians living in Baghaichhari Upazila (district) in southeastern Bangladesh are shaken by an attack against them carried out by about a hundred soldiers. Around 10 pm on 19 February, soldiers beat up people and set fire to three churches, a Buddhist pagoda and 41 homes. They had moved into the area, ostensibly to stop clashes between indigenous tribal groups and Bangladeshi settlers. At present, more than 500 families for a total of some 1,800 people have fled into the forest fearing more attacks.

Clinton Chakama, a member of the Gongarama Baptist Church, told *AsiaNews* that he was "still scared" just to think about "the sudden attack by the army". At the beginning, "they

³⁴³ Asia News, Bangladesh: A hostel for young tribal Buddhists and Christians, for the development of Bangladesh, 29 December 2011, <http://www.asianews.it/news-en/A-hostel-for-young-tribal-Buddhists-and-Christians,-for-the-development-of-Bangladesh-23557.html>, accessed 24 February 2012

³⁴⁴ Odhikar, Human Rights Monitoring Report, 1 March 2012, http://www.odhikar.org/documents/2012/English/HR%20report_february2012_Odhikar.pdf, accessed 10 March 2012

started beating us, then poured liquid fuel on the church. We tried to stop them but they started shooting at us,” he said.

After the attack, Christians fled into the nearby forest. “Many people were hurt,” Chakama said. “Some tribal leaders (*pictured*) organised demonstrations”.

As a result of the attack, the army torched the Baptist Church in Gongarama, that of Joralchori and the Christ Church in Desimon Chara, in Baghaichhari Upazila, about 400 kilometres from the capital Dhaka.

Soldiers are believed to have attacked a fourth church and a Buddhist pagoda as well. A Protestant clergyman in Mangamati, on condition of anonymity, said that “the situation is very tense; 41 homes have been set on fire [. . .], more than 500 families for about 1,800 people are now living in the deep jungle.”³⁴⁵

In February 2011 *Minority Rights Group International* reported that Christian communities have been subjected to government restrictions which breach Constitutional provisions,

“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’.”³⁴⁶

In June 2011 Catholic news agency *Asia News* reported that a Christian human rights activist was abducted and tortured,

“On 21 May, men in a dark car abducted and tortured William Gomes, a Muslim convert to Christianity. He is a member of the Asian Human Rights Commission (AHRC) and the founder of a humanitarian organisation called Christian Development Alternative (CDA). He was stripped, forced on the ground and interrogated for almost five hours. His abductors, who include a native English speaker, accused him of being in touch with Pakistan’s Inter Service Intelligence (ISI) and getting kickbacks “to harm the Bangladeshi army”. He was also accused of getting money to discredit Prime Minister Sheikh Hasina. The men who held him threatened to kill him and his family. When Gomes promised to quit the AHRC, he was released. He is certain that the people who abducted him were from Bangladeshi intelligence.”³⁴⁷

In September 2011 *Odhikar* reported that the sons of the district Awami League President physically assaulted two Christian leaders in front of police,

“Recently Gopalganj City Awami League Joint General Secretary, Mahbubur Rahman Digol; and Shohel and Shohag, sons of District Awami League President Raja Mia, occupied 2 decimals of land of Saint Mathuranath AG Mission and 6 decimals of land of Babul Biswas, son of Nirmol Biswas of Christianpara. They also occupied and locked up the house of Babul Biswas. On August 2, 2011, both parties appeared at the police station

³⁴⁵ Asia News, Bangladesh: Military against Christians in Baghaichhari, three churches on fire, thousands flee, 25 February 2010, <http://www.asianews.it/news-en/Military-against-Christians-in-Baghaichhari,-three-churches-on-fire,-thousands-flee-17729.html>, accessed 6 March 2012

³⁴⁶ Minority Rights Group International, Bangladesh Overview, February 2011, <http://www.minorityrights.org/5632/bangladesh/bangladesh-overview.html>, accessed 8 March 2012

³⁴⁷ Asia News, Bangladesh: Christian human rights activist abducted and tortured in Bangladesh, 21 June 2011, <http://www.asianews.it/news-en/Christian-human-rights-activist-abducted-and-tortured-in-Bangladesh-21898.html>, accessed 6 March 2012

when Sub Inspector Masudur Rahman asked them to come for settlement. However, Christian Fellowship leaders alleged that Shohel assaulted Miapara AG Church Supervisor Reverend Josef Pandey and beat Christian Fellowship leader Mitul Bala in front of the police.³⁴⁸

4. *Ahmadis*

In October 2010 *The Daily Star* reported that two people were injured in attacks on Ahmadi homes,

"Two Ahmadiyyas were seriously injured and four houses vandalised in a fresh attack on the Ahmadiyya Muslim Jamaat community by religious bigots in Ghatail upazila of Tangail on Monday afternoon.

The injured, Shamsul Haque Akanda, 60, and his wife Hasna Banu, 50, of Chandtara village of the upazila were taken to Tangail General Hospital. Hasna was shifted to Dhaka Medical College Hospital (DMCH) a few hours later as her conditions became more critical.

"About 12 to 15 extremists led by one Sattar stormed into our house at 5:00pm and attacked us with sharp weapons," Shamsul Haque told *The Daily Star* as he lay on his hospital bed.

"They also ransacked three other adjacent houses of our community," he added.

Mominur Rahman, officer-in-charge of Ghatail Police Station, said Hasan Ali, son of the injured couple, has filed a case in this regard accusing 15 people though none have been arrested so far.³⁴⁹

In October 2010 *The Daily Star* further reported previous attacks against Ahmadis in 2010,

"Earlier, in June and August this year, 20 people were injured and 30 houses including a makeshift mosque were damaged in a series of attacks by the bigots centering construction of an Ahmadiyya mosque in Chandtara village.

Following the attack and looting incidents in August, Khalilur Rahman Akanda, a long-suffering Ahmadiyya of the village, filed a case accusing 56 locals of harassing members of his community.

"Since filing the case, the accused had been threatening the local Ahmadiyyas saying that they will attack us again once they got bail," said Rubel Hossain Akanda, nephew of the injured couple.

"Of the accused, 55 surrendered in a Tangail court and got bail," he added.

A section of locals under the banner of "Imam Parishad" have long been campaigning against 40 Ahmadiyya families in the village.³⁵⁰

In November 2011 *The New Age* reported that police prevented the building of an Ahmadi mosque,

³⁴⁸ Odhikar, Human Rights Monitoring Report, 1 September 2011,

http://www.odhikar.org/documents/2011/English/English_HR_%20Report_August_2011_.pdf, accessed 6 March 2012

³⁴⁹ The Daily Star, Fresh attack on Ahmadiyyas, 20 October 2010, <http://www.thedailystar.net/newDesign/news-details.php?nid=159189>, accessed 5 March 2012

³⁵⁰ The Daily Star, Fresh attack on Ahmadiyyas, 20 October 2010, <http://www.thedailystar.net/newDesign/news-details.php?nid=159189>, accessed 5 March 2012

“MEMBERS of the Ahmadiyya community, a minority sect of Islam, are once again exposed to intimidation. This time, they have been barred from building a mosque at a village in Tangail, although, in line with Article 41 of the constitution, ‘every citizen has the right to profess, practice or propagate any religion’ and ‘every religious community or denomination has the right to establish, maintain and manage its religious institutions’. According to a report published in *New Age* on Tuesday, the victims have pointed fingers to the law enforcers, who are supposed to protect their rights, for that violation. A local leader of the Ahmadiyya community alleged that while members of the Ahmadiyya community at Chantara village under Ghatail upazila started fencing their land in a bid to construct a mosque Monday morning, the police came to the spot and stopped their activities apart from pulling down the fencing.”³⁵¹

In February 2011 the *Asian Human Rights Commission* reported that the Ahmadi community faced restrictions on freedom of religion and freedom of assembly,

“The Asian Human Rights Commission (AHRC) has received information that the administrative authorities of Gazipur district cancelled permission for the holding of the 87th Annual Convention of Ahmadiyya Muslim Jama'at, Bangladesh, a religious community having conflicting identity with the majority Muslims, on 6 February 2011 in a sudden decision without any prior notice. The annual convention of the community was scheduled for February 6 to 8. The police evacuated the Ahmadiyya while the Deputy Commissioner of the district imposed a ban on any public gathering at the venue for which the community had paid all the necessary fees following the procedure. The government has failed to protect the right to freedom of religion and assembly of the community.”³⁵²

In 2011 *Minority Rights Group International* reports that Ahmadis face discrimination in accessing employment, education and justice,

“Religious minorities and other groups such as the Ahmadiyyas and the Biharis continue to suffer from discrimination in key areas of public life: employment, higher education and access to justice.”³⁵³

³⁵¹ The New Age, Govt need to act against Ahmadiyya tormentors, 15 November 2011, http://newagebd.com/newspaper1/archive_details.php?arcid=40099, accessed 5 March 2012

³⁵² Asian Human Rights Commission, Bangladesh: Government fails to protect freedom of religion and assembly of Ahmadiyya community, 22 February 2011, <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-042-2011/?searchterm=ahmadiyya>, accessed 5 March 2012

³⁵³ Minority Rights Group International, Bangladesh Overview, February 2011, <http://www.minorityrights.org/5632/bangladesh/bangladesh-overview.html>, accessed 8 March 2012

7. Women/Children/Sexual Orientation

A. Domestic legal framework

In 2011 *UN CEDAW* expressed concern that Bangladesh had not withdrawn reservations to article 2 (policy measures to end discrimination against women) and article 16 paragraph 1 (c) (equal rights and responsibilities during marriage and at its dissolution) of the Convention on the Elimination of All Forms of Discrimination against Women,

“The Committee welcomes the State party’s willingness expressed during the dialogue with the Committee to consider withdrawing its reservations, as well as the progress made in order to align its legislation with the Convention. The Committee is concerned at the State party’s reservations to article 2 and articles 16, paragraph 1(c), as it is of the opinion that these reservations are impermissible since these articles are fundamental to the implementation of all the other provisions of the Convention.”³⁵⁴

In 2011 *UN CEDAW* reported that legislation in Bangladesh discriminated against women in relation to marriage, divorce, nationality, guardianship and custodial rights,

“The Committee notes with appreciation the efforts of the State party to review and revise discriminatory legislation. It remains concerned, however, at the persistence of a significant number of discriminatory laws and provisions, including laws relating to marriage, divorce, nationality, guardianship and custodial rights that deny women equal rights with men.”³⁵⁵

In 2011 *UN CEDAW* expressed concern that domestic legislation did not guarantee equal rights to women in the private sphere,

“Constitution of the State party guarantees equal rights to men and women only in spheres of the State and of public life, but does not apply to the private sphere, which is not in line with the Convention.

[] The Committee calls upon the State party to extend the application of the guarantees of equal rights between women and men to the private sphere in its Constitution in line with articles 1 and 2 of the Convention and in other appropriate legislation.”³⁵⁶

In October 2010 the Bangladesh government passed the Domestic Violence (Prevention and Protection) Act 2010, criminalising domestic violence.³⁵⁷

In October 2010 Bangladeshi online newspaper *bdnews24.com* reported that the Act prohibits both mental and physical abuse,

“As per the law, anyone committing physical, mental, sexual torture on women and children (below 18 years of age) and causing economic damages may be imprisoned for six months

³⁵⁴ UN CEDAW, 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 March 2011, <http://uhri.ohchr.org/document/index/6a11a938-a7f2-4161-a008-818c6bdeda55>, accessed 15 February 2012

³⁵⁵ UN CEDAW, 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 March 2011, <http://uhri.ohchr.org/document/index/6a11a938-a7f2-4161-a008-818c6bdeda55>, accessed 15 February 2012

³⁵⁶ UN CEDAW, 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 March 2011, <http://uhri.ohchr.org/document/index/6a11a938-a7f2-4161-a008-818c6bdeda55>, accessed 15 February 2012

³⁵⁷ *Bdnews24.com*, Law to protect women, children passed, 5 October 2010, <http://www.bdnews24.com/details.php?id=175360&cid=2>, accessed 1 March 2012; Amnesty International, Annual Report 2011, state of the world’s human rights; Bangladesh, <http://www.amnesty.org/en/region/bangladesh/report-2011>, accessed 1 March 2012; USDOS, 2010 Country Report on Human Rights Practices: Bangladesh, 8 April 2011, <http://www.state.gov/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 1 March 2012; Freedom House, Freedom in the World 2011; Bangladesh, 2011, <http://www.freedomhouse.org/template.cfm?page=22&year=2011&country=7993>, accessed 1 March 2012

or fined up to Tk 10,000, or both for the first offence. In latter instances, the guilty may face up to two years' imprisonment or fines up to Tk 100,000, or both."³⁵⁸

According to *bdnews24.com* the Act prohibits 'financial damage' to women, by means of depriving them of rights on wealth and land,

"Financial damages mean actions and attempts to deprive women and children of their legal and traditional rights on wealth and land. No one can deprive wives of using their marriage gifts or wealth, the bill says.

The bill mandates the police to ensure treatment of victims and the right to get legal assistance.

The victims or anyone on their behalf can file complaints with the court for redress and the court will dispose of the same in 60 days since filing of the allegation."³⁵⁹

In an interview with CORI on 9 June 2011, *Richard Miles*, a former UK police officer who is currently Visiting Professor of Criminology at Kathmandu School of Law and Principal Adviser on Gender Rights and Governance for a German Development Corporation (GIZ) project on 'Gender Responsive Community Based Policing' in Bangladesh reported that the Domestic Violence Act was yet to be implemented,

"The recent Act has yet to be implemented. There has been no training for its implementation by any of the relevant agencies. An approved translation into English is still awaited. The law is a hybrid between criminal and civil law based very much on contemporary laws in England and Wales."³⁶⁰

The Acid Control Act 2002³⁶¹ and the Acid Crime Prevention Acts 2002³⁶² regulate the import and sale of acid, the *UN Secretary General's database on violence against women* summarises key provisions of the Acts,

"In 2002 the Bangladeshi Government passed two Acts, the Acid Control Act 2002 and the Acid Crime Prevention Acts 2002 (1st and 2nd Act), restricting import and sale of acid in open markets.

Some important features of the laws are as follows:

- Establishment of a National Acid Control Council Fund;
- Establishment of a Rehabilitation Centre for victims of acid crimes;
- Treatment for victims of acid crimes;
- Provision of Legal Aid for victims of acid crimes;
- Locking up shops to prevent the sale of acid and banning transport engaged in carrying acid;
- Temporary cancellation of acid selling licenses;
- Capital punishment of the acid thrower and penalty of up to Tk 1 lakh (approximately US\$ 1,709);
- Judgment in special tribunals;
- Judgment in the absence of the criminal;
- Power of the Magistrate to take record of witnesses anywhere."³⁶³

³⁵⁸ Bdnews24.com, Law to protect women, children passed, 5 October 2010, <http://www.bdnews24.com/details.php?id=175360&cid=2>, accessed 1 March 2012;

³⁵⁹ Bdnews24.com, Law to protect women, children passed, 5 October 2010, <http://www.bdnews24.com/details.php?id=175360&cid=2>, accessed 1 March 2012;

³⁶⁰ CORI, Domestic violence and conditions for divorced Muslim women with children, without male relatives, in Bangladesh, Ban0611, 9 June 2011, accessed 1 March 2012

³⁶¹ Full text (Bengali) Acid Control Act 2002, available from <http://webapps01.un.org/vawdatabase/uploads/Acid%20Control%20Act%202002.pdf>, accessed 1 March 2012

³⁶² Full text (Bengali) Acid Crime Prevention Acts 2002, available from <http://webapps01.un.org/vawdatabase/uploads/Acid%20Crime%20Prevention%20Act%202002.pdf>, accessed 8 June 2011

The *UN Secretary General's database on violence against women* states that the Prevention of Cruelty against Women and Children Act 2000 (also known as the Prevention of Women and Child Repression Act 2000) was amended in 2003. The *UN Secretary General's database on violence against women* summarises key provisions of the Act,

“This Act was formulated to protect women and children from heinous crimes such as rape, dowry, grievous injury. The Act makes provision for the punishment of sexual abuse and sexual harassment. The law also has put restrictions on the media so that the victims' privacy is protected. The introduction of the concept of the safe custody is one of the most important features of the law. This act introduced capital punishment in cases of rape, and grievous injuries.

The important features of the Act are:

Speedy investigation and trial of cases will be held in tribunals and all crimes under the ambit of the law are non-bailable, with few exceptions;
A summary tribunal titled Women and Children Repression Tribunal would be formed for every district town to dispose of the related cases;
The tribunal will complete the trial process within 180 days;
The investigation should be completed within 60 days of the order by a magistrate or filing of the case;
Under a provision of the law, a rapist will pay for the upkeep of a child born as consequence of rape.³⁶⁴

The Dowry Prohibition Act 1980 prohibits the taking or giving of dowry, it was amended by the Dowry Prohibition (Amendment) Ordinances; Ordinance No. LXIV 1984 and Ordinance No. XXVI of 1986.³⁶⁵

“3. If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment which may extend to [five years and shall not be less than one year, or with fine or with both].

4. If any person, after the commencement of this Act, demands, directly or indirectly from the parents or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment which may extend to [five years and shall not be less than one year, or with fine, or with both]

5. Any agreement for the giving or taking of dowry shall be void.³⁶⁶

The Child Marriage Restraint Act 1929 prohibits the marriage of a child, defined as a male under 21 years and a female under 18 years old. It was revised by the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act. No. VIII of 1973) and the Child Marriage Restraint (Amendment) Ordinance, 1984 (Ordinance No. XXXVIII of 1984).³⁶⁷

³⁶³ UN Secretary General's database on violence against women, Bangladesh, Legal Framework, 2010, <http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=10071&baseHref=country&baseHrefId=192>, accessed 1 March 2012

³⁶⁴ UN Secretary General's database on violence against women, Bangladesh, Legal Framework, 2010, <http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=33276&baseHref=country&baseHrefId=192>, accessed 1 March 2012

³⁶⁵ Full text (English), The Dowry Act 1980, available from <http://webapps01.un.org/vawdatabase/uploads/Dowry%20Prohibition%20Act%201980.pdf>, accessed 1 March 2012

³⁶⁶ Full text (English), The Dowry Act 1980, available from <http://webapps01.un.org/vawdatabase/uploads/Dowry%20Prohibition%20Act%201980.pdf>, accessed 1 March 2012

³⁶⁷ Full text (English) The Child Marriage Restraint Act 1929, available from <http://webapps01.un.org/vawdatabase/uploads/Child%20Marriage%20Restraint%20Act%201929.pdf> and http://bdilaws.minlaw.gov.bd/print_sections_all.php?id=149 accessed 1 March 2012

Article 4 of the Child Marriage Restraint Act 1929 provides a punishment of up to one month or a fine for contracting a child marriage,

“4. Whoever, being a male above twenty –one years of age or being a female above eighteen years of age, contracts a child marriage shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one thousand taka, or with both.”³⁶⁸

In its 2011 world report *Freedom House* reported that Muslim women are subject to discriminatory religious laws,

“Under the legal codes pertaining to Muslims, women have fewer divorce and inheritance rights than men. In rural areas, religious leaders sometimes impose flogging and other punishments on women accused of violating strict moral codes.”³⁶⁹

B. Situation of women and girls

1. Sexual and gender-based violence

In its 2011 human rights report *Odhikar* stated that violence against women is widespread and that women face barriers to seeking justice,

“Violent acts towards women, such as domestic violence, dowry related violence, rape, acid attacks, and sexual harassment are widespread in Bangladesh. Deep rooted patriarchy is the major cause of violence against women. Lack of police action for providing support to the victim and a weak judicial system create barriers for women for seeking justice.”³⁷⁰

In 2011 *Amnesty International* reported that incidents of violence against women was high amongst reported crime,

“According to government figures, violence against women topped all crimes reported to the police in the first six months of the year. Of 7,285 complaints made, 1,586 were rape cases.”³⁷¹

In an undated article *UNICEF* reported that women and girls are subjected to gender based discrimination and violence including; domestic violence, rape, sexual harassment, acid throwing and dowry related crime,

“Girls are fed last, and less than their brothers. They are more vulnerable to trafficking, sexual abuse, rape, acid throwing and other forms of exploitation, including child labour and child prostitution. Many are married by age 15 and their families must pay hefty dowries. Dowry violence, such as murder and induced suicide, still poses real threats to girls.

Girls are less likely to go to university and if they do go, their dowry increases. Many are mothers by the time they are 19. Their youth doubles the risk of fatal complications in pregnancy. About 11,000 women die in child birth every year. Almost half of all mothers are malnourished. Women are likely to die before their husbands.

³⁶⁸ Full text (English) The Child Marriage Restraint Act 1929, available from http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=149, accessed 1 March 2012

³⁶⁹ Freedom House, Freedom in the World Report: Bangladesh, 2011, <http://www.freedomhouse.org/report/freedom-world/2011/bangladesh>, accessed 6 March 2012

³⁷⁰ Odhikar, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 19 February 2012

³⁷¹ Amnesty International, Annual Report 2011; Bangladesh, May 2011, <http://www.amnesty.org/en/region/bangladesh/report-2011>, accessed 10 March 2012

There were 266 acid attacks reported recently over a one year period, affecting 322 people. Of these, 183 were women, 76 were children under 18, and 63 were men. Marital, family and land disputes, dowry, refusing sex and marriage were the main reasons for the attacks. Special, speedier courts have been introduced to deal with acid attacks, which now carry the death penalty.

Dowry and dowry-related violence, such as acid attacks and murder, are still prevalent. A recent report stated that 165 women were killed in one year, 77 had acid thrown on them, one was divorced and 11 committed suicide over dowry demands. Dowry is officially prohibited by law.

Girls aged 14 to 17 are more likely to commit suicide, and attempt suicide than boys. The Bangladesh Health and Injury Survey reported more than 2200 children committed suicide in one year – or about six per day. Of those six, four were female. Suicide is the biggest killer among this age group.

There are substantially more “undetermined” causes for female deaths by injury than for male deaths. Boys are more likely to be victims of non-fatal violence.³⁷²

In 2011 *UN CEDAW* reported that violence against women was prevalent and included domestic violence, rape and sexual harassment, acid throwing, dowry related violence and fatwa-instigated violence and that rulings from religious courts are used to punish women for “anti social and immoral behaviour,”

“While commending the State party for the range of efforts to address violence against women, including the enactment of the Domestic Violence Act, Prevention of Cruelty to Women and Children Act, Acid Crime Control Act, Child Marriage Restraint Act and the Dowry Prohibition Act, the Committee remains concerned that the prevalence of violence against women and girls, including domestic violence, rape, acid throwing, dowry-related violence, fatwa-instigated violence, and sexual harassment in the workplace persist in the country. [] The Committee also notes with concern that despite the High Court’s decision that the extrajudicial punishments fatwas are illegal, there are reports of illegal penalties being enforced through *shalish* rulings to punish “anti-social and immoral behaviour”. The Committee also regrets the absence of data and information on all forms of violence against women as well as the absence of studies and/or surveys on the extent of such violence and its root causes.”³⁷³

In 2011 *UN CEDAW* reported that patriarchal attitudes and stereo-typing of gender roles were deep rooted and expressed concern that such attitudes perpetuate discrimination against women and girls,

“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.”³⁷⁴

³⁷² UNICEF, Women and Girls in Bangladesh, undated, http://www.unicef.org/bangladesh/Women_Girls.pdf, accessed 8 March 2012

³⁷³ UN CEDAW, 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 March 2011, <http://uhri.ohchr.org/document/index/6a11a938-a7f2-4161-a008-818c6bde55>, accessed 15 February 2012

³⁷⁴ UN CEDAW, 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 March 2011, <http://uhri.ohchr.org/document/index/6a11a938-a7f2-4161-a008-818c6bde55>, accessed 15 February 2012

In March 2010 Bangladeshi anti-Jihadi newspaper *Weekly Blitz* reported that 19 women in northern Bangladesh had been arrested for not wearing the veil, despite the wearing of a veil not being required by law.³⁷⁵ According to the *Weekly Blitz* the High Court has initiated investigations into the women's detention, the newspaper reports allegations that there were attempts to change the charges against the women to 'prostitution' and that there is sympathy amongst senior police officers with the arresting officer for his role in upholding Islamic values,

"Golam Minhaz, an inspector with Detective Branch of Bangladesh Police at Rangpur district [northern part of the country] detained 19 women in various areas in the city for 'not wearing veils'.

It may be mentioned here that, according to Bangladeshi law, women are not required to wear veils, which is compulsory in a number of Islamist countries. Iran has imposed law for compulsory wearing of veils by women since 1979.

But, in Bangladesh this is for the first time that any member of law enforcing agencies were showing 'extra vigilance' in forcing women in wearing veils.

[]

The High Court bench has ordered the Bangladesh government and members of law enforcing agencies not to arrest any women or girl for not wearing veils. The court asked several government officials including the home secretary, Inspector General of Police and Inspector Golam Minhaz of Detective Branch to explain why the case should be investigated and legal actions taken against those involved in the detention of the women. The court also asked Inspector Minhaz to be present at the court on April 4, 2010.

Following this court order, it is alleged that, members of Detective Branch in Rangpur district are coming with a new story of arresting those women on charge of prostitution. On condition of anonymity, a source within Detective Branch told *Weekly Blitz* that, most of the senior officers in Bangladesh Police are sympathetic to Inspector Golam Minhaz for his role in 'upholding Islamic culture' within the society. Those senior officials have given secret directives to the Detective Branch in Rangpur to twist the case from allegation of not wearing veils to participating in 'illicit activities' by those held women."³⁷⁶

The *BBC* reports that on 3 April 2011 protests were held against women's rights and a proposed new law which would provide equal property rights for women, one man was shot dead and 30 others were injured in the south western town of Jessore.³⁷⁷

On 4 April 2011 the *BBC* reported that police dispersed angry demonstrators protesting in Dhaka against the new bill providing for equal property rights of women. The *BBC* reports that dozens were arrested and schools and businesses remained closed in a nationwide strike called by Islamic groups who argued that such provisions go against the Quran,

"Dozens were arrested and injured as police used tear gas and batons.

Schools, businesses and offices across the country remained closed in a nationwide strike enforced by a group of Islamic parties.

Bangladesh has a secular legal system, but in matters relating to inheritance it follows Sharia law.

³⁷⁵ *Weekly Blitz*, Women detained for not wearing veil in Bangladesh, 3 March 2010, <http://www.weeklyblitz.net/568/women-detained-for-not-wearing-veil-in-bangladesh>, accessed 7 June 2011

³⁷⁶ *Weekly Blitz*, Women detained for not wearing veil in Bangladesh, 3 March 2010, <http://www.weeklyblitz.net/568/women-detained-for-not-wearing-veil-in-bangladesh>, accessed 7 June 2011

³⁷⁷ *BBC*, Bangladesh protest against women's rights left one dead, 3 April 2011, <http://www.bbc.co.uk/news/world-south-asia-12950866>, accessed 7 June 2011

Under Bangladeshi law a woman normally inherits half as much as her brother. But under the new rules, every child would inherit an equal amount.

Protesters blocked a key road linking the capital, Dhaka, with the main port of Chittagong. Officials say around 100 protesters have been taken into custody.

"The protesters blocked the highway for sometime. The road has been cleared now," Mahbubur Rahman, a senior police officer told the BBC.

But Fazlul Huq Amini, who heads the Islamic Law Implementation Committee, said the strike was successful and "people spontaneously supported the protest".

Protesters, organised by the Islami Oiko Jote (Unity group), argue that the new proposals go against the Koran.

The government says its new policy does not violate Islam and aims to give women greater rights in employment, inheritance and education.

Our correspondent says the proposed law has been welcomed by women's rights groups. They say the policy has the support of the majority of people in the country.

Although the hardline religious parties do not have major political influence, their campaign to portray some of the government's policies as anti-Islamic could have an impact on rural areas of the country in the long term, according to our correspondent.³⁷⁸

a. Domestic Violence, including dowry related violence

In its 2011 human rights report *Odhikar* stated that domestic violence is considered a private family issue, rather than a legal one and that women may not report it due to social stigma,

"Domestic violence prevails in all social class of the society in Bangladesh. Due to social stigma, in most cases women do not want to disclose their husbands mistreatment against them and still this violence is considered a 'private' domestic issue and not a legal one.

[] On June 05, 2011, a teacher of the International Relations Department at Dhaka University, Rumana Manzur had been subjected to abuse from her husband Hassan Syed. The abuse inflicted caused her to permanently lose her eye-sight and left severe injuries on various parts of her body including her nose, mouth, head and limbs. Hasan Syed was arrested and sent to jail. However on December 05, 2011 while undergoing treatment at Sheikh Mujibur Medical University Hospital he was found dead in the toilet of prison ward.

[] On December 04, 2011, Hawa Akter Jui, a second year HSC student of Narsingdi College had her right hand hacked off with a machete by her husband Rafiq, because she continued her study despite her husband's opposition. Rafiq was arrested in this matter.³⁷⁹

In its March 2010 state party report to CEDAW the *Government of the Republic of Bangladesh* stated that domestic violence is largely ignored, socially tolerated and regarded as a private issue,

"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,

³⁷⁸ BBC, Police disperse Bangladesh protest against women's rights, 4 April 2011, <http://www.bbc.co.uk/news/world-south-asia-12956907>, accessed 7 June 2011

³⁷⁹ Odhikar, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 19 February 2012

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. However, the ultimate goal has been the elimination of violence against women and establishment of equality between men and women.

[]

Accurate data about violence against women is a must to guide legislation and policy, design and implement effective interventions and to monitor trends, impact of interventions taken by different agencies and to hold the State accountable for its actions to prevent the violence against women. Obtaining accurate data is challenging as violence against women is often seen as a “private issue” and remains under reported. Official data sources are also not accurate and figures vary between NGO sources, press reporting of cases and records by the police, hospitals and courts.³⁸⁰

In June 2011 *Richard Miles*, Visiting Professor of Criminology at Kathmandu School of Law and Principal Advisor on a gender-responsive community policing project in Bangladesh reported that women who have been subjected to domestic violence are shunned,

“Victims of Domestic Violence are generally shunned. They cannot return to their families as there appears to be ‘shame’ in being a victim of such behaviour. Also many young women are married off to cease to be a financial burden on poor families. Early marriage is a predictor of domestic violence so young girls are particularly vulnerable. Whilst illegal dowry is the norm rather than the exception and women lose their possessions in many marriages, so are unable to support themselves or their children.”³⁸¹

In its 2011 human rights report *Odhikar* stated that despite legislation prohibiting the taking or demanding of a dowry the practice and related violence is common,

“Taking or demanding dowry is an offence, punishable with imprisonment and/or fine according to the Dowry Prohibition Act 1980 and the The Women and Children Repression Prevention Act 2000 (amended in 2003). However absence of proper implementation of laws and failing to create awareness makes this practice and the related violence common.”³⁸²

In its 2011 human rights report *Odhikar* stated that women are seen as a commodity in marriage and that a husband's family may subject a woman to violence if her family fail to meet their demands for a dowry,

“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 in laws unlimited greed make the bride and her family more vulnerable to additional financial demands and violence.

[] From January to December 2011, a total of 516 women and 10 children were subjected to dowry related violence. Of the women, it has been alleged that 305 women were killed because of dowry, 192 were reported ill treated in various other ways for dowry demands and 19 women committed suicide. 06 children were killed because of their parent's dowry related conflict.”³⁸³

³⁸⁰ UN 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, CEDAW/C/BGD/6-7, 24 March 2010, page 90, <http://tb.ohchr.org/default.aspx>, accessed 4 June 2011

³⁸¹ CORI, Domestic violence and conditions for divorced Muslim women with children, without male relatives, in Bangladesh, Ban0611, 9 June 2011, accessed 1 March 2012

³⁸² *Odhikar*, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 19 February 2012

³⁸³ *Odhikar*, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 19 February 2012

In its 2011 human rights report *Odhikar* documented the following instances of dowry related violence,

“Parul Begum, a housewife, was set on fire after being beaten by her husband Al- Amin Fakir and in-laws over dowry demands at Shahjira village of Gouranodi Upazila under Barisal district. She was admitted to the burn unit at Shohrawardi Hospital in Dhaka in critical condition. She succumbed to her injuries on February 7, 2011 in the hospital. Police arrested the victim’s mother-in-law Monwara Begum in connection with this incident.

[] On July 10, 2011 Aleya Khatun (22), a housewife, was beaten and strangled to death over dowry demands by her husband Nazrul Islam in Aaigbari Parkol village under Shahjadpur municipality area in Sirajganj.”³⁸⁴

In 2011 NGO, *Bangladesh Society for the Enforcement of Human Rights*, reported that 249 people were killed in dowry related violence in 2010 and that 122 people were tortured for a dowry, the genders of those targeted is not reported.³⁸⁵

b. Divorce

In 2007 international development NGO *Concern Universal – Bangladesh* reported that marriage is central to women’s identities and social acceptance,

“For a woman living in the cross border area marriage, and her role as mother and wife, is central to her identity, status and acceptance in the community. Women feel that beyond their husband, they have no independent identity;

“If I had no husband I would be teased and insulted. I would be nothing” []

A woman should aspire to be an obedient housewife content with serving her husband and children. As one woman stated;

“A woman’s heaven is underneath her husband’s foot.”

[]

Many women said that the importance placed on marriage is so high, and social pressure is so strong, that a woman would only ever leave her marriage in the most extreme of situations;

“Women have to be patient in their relationships with their husband, even if he is abusive”

*“Even if my husband was killing me, I would stay with him for the sake of my children and because of the social demands placed on me.”*³⁸⁶

In 2007 *Concern Universal – Bangladesh* further reported that divorce is considered shameful and is devastating for women who will face isolation, stigma, discrimination, harassment and will have a vulnerable position in society,

³⁸⁴ Odhikar, Human Rights Report 2011, 7 January 2012,

http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 19 February 2012

³⁸⁵ Bangladesh Society for the Enforcement of Human Rights, Human rights situation in Bangladesh,

<http://www.bsehr.org/documentation.html#d>, accessed 8 March 2012

³⁸⁶ Concern Universal – Bangladesh, Prevention of cross border trafficking in women and children between Bangladesh, West Bengal and India Joint Research report on Community Perspectives on Human Rights and Decision Making, March 2007, <http://www.concernuniversal.org/images/uploads/File/Resrch-Rep.pdf>, accessed 3 March 2012

“Women are expected to take responsibility for the maintenance of their marriage. The women described how they would be reluctant to complain about their husband, or to end the marriage, because divorce is considered shameful and is thought of as a direct reflection of her failure as a wife and a daughter-in-law. There is great disparity between men and women in the consequences, both economic and social, of divorce and there is no denying that for a woman in the implementation area, divorce is devastating. Commonly identified consequences of divorce revolved around the hopelessness of the future prospects for a divorced woman, the problems associated with her inevitable return to her paternal house, and the stigma and discrimination that she will face in her life after her divorce.

Women, or girls, who have been divorced or who have divorced their husbands hold a particularly vulnerable position in society. The ongoing stigma attached to divorce means that these women face undue social discrimination and harassment. One woman commented that she would only get divorced if she had the support of her paternal family. This indicates the total isolation to which many divorced women are subjected. Some families feel that they have discharged their obligations to their daughter by arranging her marriage and paying her dowry. She is therefore not welcome in her father’s home if her marriage fails. Aside from the social stigma attached to divorce, divorced women are seen as a financial burden, particularly if they have not been involved in income generating activities during their marriage and so are unable to contribute the family income when they return home.”³⁸⁷

In 2007 *Concern Universal – Bangladesh* reported the following consequences of divorce for women,

- “Commonly identified consequences of divorce for a woman
- the girl’s life and future is destroyed
- she will suffer mental trauma
- she will not receive any love and support from her family or the community
- she will not be able to get remarried
- she will have to earn her own income through a small business
- she will have a negative influence on other girls”³⁸⁸

In 2007 *Concern Universal – Bangladesh* further stated that divorce makes women vulnerable to trafficking,

“First, unequal divorce practices perpetuate the cycle of dependency for women, who, whilst married, must obey their husband even if this denies them the opportunity to develop the skills and experience necessary for independent income generation. Yet, despite the abuse a woman may sustain during her marriage, there is no obligation on her husband to provide for her wellbeing after the divorce. Women who are divorced are forced to suddenly develop the skills they need to make their own living, or must again return to their family for financial support. This economic insecurity makes women, who are desperate to find a means of survival for themselves and their children, extremely vulnerable to trafficking.

“I think my two half sisters have been trafficked. When my father married my mother, he abandoned his first wife and the two daughters he had by her. Their mother became desperate when they reached 19 years of age and she still had not found them suitable grooms. She was persuaded by a local community woman to send my sisters to Mumbai

³⁸⁷ Concern Universal – Bangladesh, Prevention of cross border trafficking in women and children between Bangladesh and West Bengal, India, Joint Research report on Community Perspectives on Human Rights and Decision Making, March 2007, Page 65, <http://www.concernuniversal.org/images/uploads/File/Resrch-Rep.pdf>, accessed 3 March 2012

³⁸⁸ Concern Universal – Bangladesh, Prevention of cross border trafficking in women and children between Bangladesh and West Bengal, India, Joint Research report on Community Perspectives on Human Rights and Decision Making, March 2007, Page 65, <http://www.concernuniversal.org/images/uploads/File/Resrch-Rep.pdf>, accessed 3 March 2012

where the woman said she had arranged for each of them a dowry-free marriage. The mother has still not heard from her daughters.”³⁸⁹

c. Acid attacks

In 2009 *UNFPA* reported that an acid attack occurs every two days and that 70% of victims are women who are targeted as a result of domestic violence, land and dowry disputes,

“In Bangladesh, an acid attack occurs every two days on average. Although men and children are sometimes attacked, about 70 per cent of acid attacks are committed against women, said Ms. Rahman. Typically they are committed as a result of land disputes, marital (and pre-marital) disagreements, domestic violence and jealousy.

The first documented attack occurred in the area in 1967, and it has become increasingly common for men in South or Southeast Asia to use acid to destroy the beauty of women who have spurned them.

“The patriarchal mindset is the reason for acid violence, especially the beauty aspect,” says Ms. Rahman [Executive Director, Acid Survivors Foundation]. “They think, ‘If I take her beauty away, no one will marry her.

[]

Ten years ago, the survivors often hid in shame, afraid to speak out. At the time there was no specific law on acid violence. The average time for a trial, if there was one, was likely a decade or more.

Today, the foundation runs a 20 bed hospital and treats 600-700 acid attack survivors annually. Many were attacked years ago and never received care. Through the foundation, survivors also are able to access mental health services and employment opportunities. Some survivors are sent out of the country for plastic surgery to repair the worst of the damage.”³⁹⁰

In 2009 *IRIN* reported that acid attacks are common despite the introduction of new laws and that many cases are unreported,

“Acid attacks against women and girls are continuing despite legal campaigns to halt their spread.

[]

Despite the viciousness of these attacks, many go unreported: “Many incidents are never reported. [The] media covers only those cases that go to court,” Rokhsana Akhter, an activist told *IRIN* in Dhaka, adding: “The poor and powerless do not go to court. Their cases remain unreported.

[]

In 2002, parliament enacted two laws against acid violence: Under the Acid Control Act of 2002, the unlicensed production, import, transport, storage, sale, and use of acid can result in a prison term of 3-10 years. Those who possess chemicals and equipment for the unlicensed production of acid can get the same prison term.

One doctor sounded an optimistic note: “Since then, acid violence has been showing a rapid decline,” said Shamanta Lal Sen of the burns and plastic surgery unit at Dhaka Medical College Hospital (DMCH).”³⁹¹

³⁸⁹ Concern Universal – Bangladesh, Prevention of cross border trafficking in women and children between Bangladesh and West Bengal, India, Joint Research report on Community Perspectives on Human Rights and Decision Making, March 2007, Page 66, <http://www.concernuniversal.org/images/uploads/File/Resrch-Rep.pdf>, accessed 6 June 2011

³⁹⁰ UNFPA, Working to end acid attacks in Bangladesh by 2015, 30 September 2009, <http://www.unfpa.org/public/site/global/lang/en/pid/3917>, accessed 8 March 2012

³⁹¹ *IRIN*, Acid attacks continue despite new laws, 5 January 2009, <http://www.irinnews.org/Report/82194/BANGLADESH-Acid-attacks-continue-despite-new-laws>, accessed 15 February 2012

In 2010 Bangladesh NGO, *Acid Survivors Foundation* reported that acid attacks against women had increased,

“In the year 2010, ASF recorded 115 incidents of acid attacks, which left 153 people injured. Of the victims, 71.89% or 110 persons were women and girls while 28.11% or 43 persons were men and boys. As many as 30 children or 19.61% were among the victims with 24 (80%) girls and six (20%) boys. Fifteen girls aged between 13 and 18 came under acid attacks while no boy of this age was attacked with acid during the period. It has been found that a great majority of the female victims was between 13 and 35 years of age. Main reasons behind the attacks on them were refusal of love or marriage proposals and resistance to sexual advances. In 2010, the number of attacks on women and girls witnessed an increase whereas attacks on men and boys decreased.”³⁹²

In its 2011 human rights report *Odhikar* stated that 101 people were subjected to acid attacks and documented an acid attack in which a woman was ‘punished’ for complaining about her husband’s second marriage and another which occurred after a woman reported rape,

“As per *Odhikar*’s statistics, between January and December 2011, it was reported that 101 persons were victimised due to acid violence. Of these affected persons 57 were women, 25 were men, 10 were girls and 09 boys.

[]

On May 15, 2011 a group of criminals threw acid on a woman in Chapainabaganj district. Her face had been burnt seriously. The victim came from Bholahat Upazila to Chapainabaganj to give her witness statement in relation to a rape case which she had filed earlier in the District Sessions Judges Court. It is to be mentioned that she On July 9, 2011 a housewife was burnt with acid by her husband in Rashulpur under Satkhira district. Md. Liton Sardar threw acid on his wife Manzila Khatun for filing a case against him for marrying a second time. Manzila Khatun was admitted to Satkhira Sadar Hospital with severe burns.”³⁹³

d. Rape and sexual violence

In its 2011 human rights report *Odhikar* stated that reports of rape increased,

“Reports of rape increased in 2011. According to *Odhikar*’s statistics in 2010, 559 persons were victims of rape. However, in 2011 the total number was 711.

[] Since January to December 2011, a total of 711 women and girls were reportedly raped. Among them, 246 were women and 450 were girls and 15 victims could not be given an age. Of the adults, 54 were killed after being raped and 119 were victims of gang rape and 04 committed suicide after being raped. Out of 450 child victims, 34 children were killed after being raped, 115 were victims of gang rape and 09 committed suicide.”³⁹⁴

In its 2011 world report covering the events of 2010, *Freedom House* reports that administrative and evidentiary requirements mean that many rape cases do not reach the courts, that police take bribes to quash cases and that laws to protect women are rarely enforced; *Freedom House* also reports that the investigation of acid throwing cases is inadequate,

“Rape, dowry-related assaults, acid throwing, and other forms of violence against women occur regularly. 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 rape cases

³⁹² Acid Survivors Foundation, Annual Report 2010, <http://www.acidsurvivors.org/ASF%20Annual%20Report-Final-output%201%20Aug%2011.pdf>, accessed 8 March 2012

³⁹³ *Odhikar*, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 19 February 2012

³⁹⁴ *Odhikar*, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 19 February 2012

from reaching the courts. Police also accept bribes to quash rape cases and rarely enforce existing laws protecting women. The Acid Survivors Foundation (ASF), a local NGO, recorded 153 acid attacks during 2010; they affected 145 victims, most of them women. While attacks have declined since the passage of the Acid Crime Prevention Act in 2002, investigation of acid-related crimes remains inadequate, with only seven convictions for perpetrators of such attacks in 2010.”³⁹⁵

In its 2010 Country report *USDOS* reported that rape and sexual abuse have been committed by members of the police and armed forces,

“According to human rights organizations, there were at least six recorded incidents of rape and sexual abuse by police, officers, or armed forces personnel.

According to *Odhikar*, on July 7, Manik Rana, a member of the Bangladesh Army, raped a female factory worker in Ashulia. After her brother filed a case in the Ashulia police station, Rana was taken into custody. The case continued at year's end.

According to the Bengali-language newspaper, *Amar Desh*, on April 24, a police subinspector in the Betai village in the Jhineda District raped a homemaker after she refused his request for sexual favors. After the incident, the victim was hospitalized and the perpetrator was arrested. His trial continued at year's end.

According to *Prothom Alo*, on January 21, a police assistant subinspector in the town of Rangamati sexually assaulted and attempted to rape an underage girl. Police in the area only accepted the case after human rights organizations intervened. As of year's end, no charges were filed, and the officer was suspended but not fired.”³⁹⁶

In its 2011 human rights report *Odhikar* documented the following instances of rape,

“On January 23, 2011 a group of criminals kidnapped a SSC examinee of Diarbaghail village in Ishwardi under Pabna district. The criminals killed her by breaking her arms and legs and blinding her after rape. Later her body was hung from a tree with her scarf. The father of the deceased alleged that Anwar, son of Polan Sheikh of the same village, deliberately killed his daughter after violating her because they refused to let him marry her. Police did not arrest anyone in this regard.

[] On July 10, 2011 the body of a woman called Morium Murmu, who belonged to an ethnic minority community, was recovered tied to a tree in Godagari in Rajshahi. It has been learnt that the criminals strangled her to death after raping her and tied her to a tree.

[] On August 7, 2011 a 17-year old girl, Mina Rani Das, was killed after being raped in Gangkolpara under Nasirnagar Upazila in Brahmanbaria District. Her body was found hanging from a tree. The place of occurrence was only 100 yards from the police station.”³⁹⁷

In its 2011 human rights report *Odhikar* stated that sexual harassment and stalking was a problem which sometimes led victims to commit suicide,

“During the month of January 2011, a reported total of 672 girls and women were victims of sexual harassment. Among the 672 females, 29 committed suicide, 06 were killed, 59 were injured, 91 were assaulted, 12 were abducted, 15 were victims of attempted to rape, 460 were stalked due to their protest against the sexual harassment, 201 men were victimised by the stalkers and among them 13 men were killed, 01 father committed suicide and 181

³⁹⁵Freedom House, *Freedom in the World 2011*; Bangladesh, 2011, <http://www.freedomhouse.org/template.cfm?page=22&year=2011&country=7993>, accessed 8 June 2011,

³⁹⁶United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

³⁹⁷*Odhikar*, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 19 February 2012

were injured and 06 were assaulted. Due to their protest against stalking, 42 women had been victimised by the stalkers and among them 39 were injured and 03 were assaulted.

[] The practice of harassing women is embedded in the psyche of cowards and shows an attitude to women that are particularly demeaning.

[] Sexual harassment and stalking is a grave problem in Bangladesh. Many young girls and women have committed suicide due to unbearable pressure from stalkers and killed by them.

[]

On January 26, 2011, a Division Bench of the High Court Division of the Supreme Court, comprising of Justice M. Imman Ali and Justice Sheikh Hasan Arif, ordered every incident of stalking related harassment, sometimes colloquially referred to as eve-teasing, to be considered 'sexual harassment' from now on. At the same time, the High Court Division Bench 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, by bringing some changes in this section. . Additionally the High Court Division Bench declared the inclusion of all Government and private places in the proposed Prevention of Repression on Women and Children Act 2000 (Amendment) as potential areas of sexual harassment along with the educational institutions and work places. Stalking through SMS, E-mail, telephone and mobile phone are also being included in the law as criminal offences.³⁹⁸

e. Forced marriages

In February 2012 Pakistani newspaper *The Dawn* reported that in Bangladesh a 16 year old girl and 17 year old boy committed suicide after the girl was forced to marry another man who was twice her age,

"A 16-year-old girl and her 17-year-old lover committed suicide in southern Bangladesh on Valentine's Day after the girl was forced to marry another man, police said on Tuesday. []

He said Molla's family took her to a town 200kms from her village two months ago and married her off to a man twice her age against her will after the affair with Sheikh became public."³⁹⁹

2. Access to legal remedies and support

a. Legal remedies

In June 2011, *Richard Miles*, Visiting Professor of Criminology at Kathmandu School of Law and Principal Advisor on a gender-responsive community policing project in Bangladesh stated that women face obstacles in accessing justice,

"The informal justice (sic) system still predominates in many parts of Bangladesh. Women's access to justice is severely restricted through custom and practice and is also intensified by the relative poverty of women compared to men."⁴⁰⁰

A 2009 report by research company *Research Evaluation Associates For Development Ltd*, submitted to German development corporation *Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ)* as part of its project on gender responsive community based policing stated that,

³⁹⁸ Odhikar, Human Rights Report 2011, 7 January 2012,

http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 19 February 2012

³⁹⁹ The Dawn, Bangladesh teens commit suicide on Valentines day, 15 February 2012, <http://www.dawn.com/2012/02/15/bangladesh-teens-commit-suicide-on-valentines-day.html>, accessed 20 February 2012

⁴⁰⁰ CORI, Domestic violence and conditions for divorced Muslim women with children, without male relatives, in Bangladesh, Ban0611, 9 June 2011, accessed 1 March 2012

“Access to justice is a formidable problem in Bangladesh, particularly when some one is either threatened or when one becomes victims of crimes. The lack of access poses particular problem for women. At the same time, interventions to prevent crimes remain limited.”⁴⁰¹

In an interview with CORI in June 2011 *Richard Miles*, Visiting Professor of Criminology at Kathmandu School of Law and Principal Advisor on a gender-responsive community policing project in Bangladesh reported that the police consider domestic violence to be a family matter and are unlikely to investigate cases,

“The second in command of the Bangladesh Police, who was the National Project Director of the UNDP/DFID Police Reform Programme told me that police would never investigate cases of domestic violence as it was a ‘family matter’.”⁴⁰²

In June 2011 *Richard Miles*, Visiting Professor of Criminology at Kathmandu School of Law and Principal Advisor on a gender-responsive community policing project in Bangladesh stated that it was too dangerous for women to report to a police station alone, that there is a high level of corruption within the police who lack adequate training,

“Women cannot go to the police alone. It is too dangerous. The recent TIB (Transparency International-Bangladesh) survey shows the police to be the most corrupt organisation in the country. Police have less the 5% women staff. They are badly trained, poorly paid and operate under rules written 150 years ago when women’s rights were not considered.”⁴⁰³

A 2007 working paper by *DFID* and *Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ)* on Gender-Responsive Community-Based Policing in Bangladesh states that the police’s attitude and behaviour towards women and girls is one of the main obstacles to women accessing justice,

“One of the biggest barriers to women accessing justice is entering the police station. The barriers are not just about the location of the police stations - it is often caused by the attitude and behaviour of police towards women and girls, especially when they are poor.”⁴⁰⁴

Between 2007 and 2011 *GTZ* ran a project on Gender Gender-responsive, community-based policing in collaboration with the Bangladesh Ministry of Women and Children Affairs and commissioned by the German Federal Ministry for Economic Cooperation and Development. *GTZ* reported that women in Bangladesh rarely went to the police for assistance and could not rely on them for protection, in some areas only one percent of women experiencing domestic violence approached the police,

“The majority of crime victims in Bangladesh are women. This includes widespread incidents of domestic violence and human trafficking. However, women in Bangladesh rarely approach the police for assistance as they can not rely on them to provide protection. Especially in rural areas, the police are rarely perceived as an institution that upholds the law and protects human rights. According to a 2009 survey in the districts of Mymensingh, Bogra, Madaripur, and Thakurgaon, half of the women stated outright that they did not trust the police; only one per cent of domestic violence victims had approached the police.

⁴⁰¹ Research Evaluation Associates For Development Ltd, submitted to GTZ, Revised Final Report on Gender Responsive Community Based Policing (GRCBP) in Bangladesh, 5 October 2009, accessed 8 June 2011, sent via email by GTZ

⁴⁰² CORI, Domestic violence and conditions for divorced Muslim women with children, without male relatives, in Bangladesh, Ban0611, 9 June 2011, accessed 1 March 2012

⁴⁰³ CORI, Domestic violence and conditions for divorced Muslim women with children, without male relatives, in Bangladesh, Ban0611, 9 June 2011, accessed 1 March 2012

⁴⁰⁴ DFID and GTZ, Building gender responsive community based policing in Bangladesh, 2007 (date confirmed in email correspondence), <http://www.gtz.de/en/dokumente/Working-Paper-Gender-Responsive-Community-Bangladesh.pdf>, accessed 7 June 2011

The Bangladesh Police is now trying to change this situation. One initiative, for example, is the 2008 Bangladesh National Strategy for Community Policing, which foresees the appointment of 3,000 new female police officers. However, building bridges between the police and the community, particularly the women, is a difficult and slow process.

One very promising strategy to build trust is known as gender-responsive, community-based policing. A relatively new concept in Bangladesh, community-based policing involves bringing the community and the police together in order to identify and resolve problems, establish security at the local level and, above all, to prevent crime.⁴⁰⁵

GTZ reported that there is a lack of awareness of legislation regarding women's rights and equality and that there is resistance to implementing such legislation by courts, by law enforcement agencies and within society.⁴⁰⁶ GTZ report that women more commonly use *shalish* and that these councils commonly find in favour of men and the concept of honour influences their decision making,

“Although existing national legislation does ensure far-reaching gender equality and protection against discrimination and violence, there is widespread ignorance of the law and significant resistance to implementation of gender equality in the courts, the law enforcement agencies and in society at large. Implementation of laws and policies guaranteeing equal rights and opportunities for women has faced many barriers. Constitutional rights and commitments under international conventions have not always been transformed into laws and policies protecting women's equal rights. Even when progressive and far-reaching policies have been formulated, such as the National Policy for Women's Advancement, changes in key provisions made in 2004 may have the potential of reinforcing discriminatory laws and practices against women.

Despite the existence of legal provisions, there is a disconnection with the operational framework dealing with human security and the environment that is hostile to the poor, the marginalized and vulnerable. Women and children are the worst victims of this. A study conducted in 2000 by United Nations Population Fund shows that 47 % of Bangladeshi women were physically assaulted by their husbands and partners. The Bangladesh National Women Lawyers Association in a survey carried out in 2002 found that violence against women is on the rise. It is therefore not surprising that the national population census found hundreds and thousands 'missing' females from households. The demographic profile of Bangladesh now shows a lower proportion of female to male ratio at 49:51.

Accessing legal protection is not easy for women in Bangladesh especially for those living in rural areas. District Family Courts responsible for settling marriage, divorce, maintenance, guardianship and custody cases are located far from rural areas. The distance of these courts, lengthy and expensive process means that fewer women go to court for redress. Women instead turn to *Shalish* for resolution of family problems, land disputes, rape and abuse. *Shalish*, composed of village elders and often the elites, usually resolve matters in ways that mainly benefit men and protects the family or village honour. Women's interest is seldom considered and their rights very rarely protected. The Arbitration Councils at the *Union Parishad (UP)* level, activated upon request to decide on family issues, is comprised of Chairman and other members of the *UP*, who are elected from the surrounding villages. They typically have ties to local elites and political parties, are often ill informed about the law, and hold women in low regard. Here too, as in *Shalish*,

⁴⁰⁵ GTZ, Gender-responsive, community-based policing, undated, <http://www.gtz.de/en/weltweit/asien-pazifik/bangladesch/33774.htm>, accessed 7 June 2011

⁴⁰⁶ GTZ, Working Paper, gender-responsive community-based policing in Bangladesh: a pilot initiative (undated, project ran 2007 – 2011), <http://www.gtz.de/en/dokumente/Working-Paper-Gender-Responsive-Community-Bangladesh2.pdf>, accessed 8 June 2011

women's concerns and interests are usually not addressed satisfactorily on either legal or moral grounds.⁴⁰⁷

Research Evaluation Associates For Development report that the reporting of crime is low stating that "[r]eporting on crimes is very poor because of inherent attitude of negligence to the complaints of the victims and because of claims for money as extortions from the victims by the UP Chairmen/Members and Police."⁴⁰⁸ According to *Research Evaluation Associates For Development* domestic violence is most commonly reported to informal sources such as friends, neighbours and relatives, further only 9% of those reporting crime gained an outcome leading to punishments or the prevention of further targeting,

"Generally, reporting on crimes are very low and reporting of crimes are done to four different sources: Informal Sources (Family, neighbors and relatives); Semi Formal Rural Sources (Matbar, UP Charman and Members), Semi Formal Urban Sources (Media and NGOs); and Formal Sources (Court and Police). Only Wife bashing: Severe Beating with injuries and Land grabbing have been reported respectively by 9 and 6% of the respondents. []

Those who report on crimes committed on women, such as Wife bashing: Severe Beating with Injuries, Rape, Sexual Harassment, and Eve teasing, about two thirds report to Informal Sources (62%); and also to Semi Formal Rural Sources (60%). Only 16% report to Formal Institutions and 2% report to Semi Formal Urban Sources. Those who report on Land Grabbing, about a third (38%) report to informal sources; 80% report to Semi Formal Rural Sources; 14% report to Formal Institutions and only 2% report to Semi Formal Urban Sources.

About a quarter of those respondents exposed to crime victimization report to Formal Institutions: Mymensingh (24%), Bogra (28%) and Thakurgaon (25%), while in Madaripur, it is 59%. Females report more to Informal sources compared to males, who report more to Semi Formal Rural Sources. Respondents experienced three kinds of outcome on reporting crimes for retributions:

Overwhelming majority did not achieve any result (69%) out of their efforts to pursue /reporting crimes;

About a fifth (22%) ended up with mutual settlement (arbitration) and in most cases, powerful criminals or perpetrators buy out the negotiating authorities to enforce a favorable arbitration; and

Only a minute proportion (9%) could end up with result leading to punishments and preventing further oppressions.

Reporting on Domestic Violence: Of those who had been experiencing domestic tortures (those reporting), majority in Bogra (67%) informed or complained to a source; and of them two thirds (45%) informed only to families or to an informal source in the neighborhood, while one third (22%) complained to a semi or formal source, which included UP Chairmen/members (8%), police (2%) and Court (4%). But on the contrary, in all other districts majority of those tortured did not report at all: Madaripur (93%), Mymensingh (67%), and Thakurgaon (58%).

But of those who reported, majority in Mymensingh (61%), Madaripur (75%) and in Thakurgaon (67%) did not gain any effective outcome against reporting, while majority in Bogra (55%) claimed to had gained effective reprisals of the tortures by reporting."⁴⁰⁹

⁴⁰⁷ GTZ, Working Paper, gender-responsive community-based policing in Bangladesh: a pilot initiative (undated, project ran 2007 – 2011), <http://www.gtz.de/en/dokumente/Working-Paper-Gender-Responsive-Community-Bangladesh2.pdf>, accessed 8 June 2011

⁴⁰⁸ Research Evaluation Associates For Development Ltd, submitted to GTZ, Revised Final Report on Gender Responsive Community Based Policing (GRCBP) in Bangladesh, 5 October 2009, accessed 8 June 2011, sent by GTZ to CORI via email

⁴⁰⁹ Research Evaluation Associates For Development Ltd, submitted to GTZ, Revised Final Report on Gender Responsive Community Based Policing (GRCBP) in Bangladesh, 5 October 2009, accessed 8 June 2011, sent by GTZ to CORI via email

In an interview with CORI in June 2011 *Richard Miles*, Visiting Professor of Criminology at Kathmandu School of Law and Principal Advisor on a gender-responsive community policing project in Bangladesh stated that police have obstructed work on projects designed to develop protection mechanisms and to help women assert their rights,

“Danida (Danish Government Donor Organisation) have funded a scheme of ‘One Stop Crisis Centres which are located within hospitals and directed at victims after assault. The project I have been running for GIZ has focused on prevention mechanisms through empowering women to gain proper representation and learn skills of crime prevention. The Police have actively interfered with this work and acted to preclude women from their rights.”⁴¹⁰

b. Availability of shelter and welfare support

In 2011 *UN CEDAW* reported that there were a limited amount of shelters and that these were inadequate in providing for the needs of victims of violence against women,

“The Committee notes with concern the limited number of shelters and One Stop crisis-centres as it views these to be inadequate in responding to the needs of the victims of violence against women.”⁴¹¹

In its 2010 country report *USDOS* reported that women victims of violence were held in ‘safe custody,’ and that despite prohibition by law, were sometimes housed in the same facilities as criminals,

“Although the law prohibits women in “safe custody” (usually victims of rape, trafficking, and domestic violence) from being housed with criminals, in practice officials did not always provide separate facilities in these situations.

In general the government did not permit prison visits by independent human rights monitors, including the International Committee of the Red Cross.”⁴¹²

However the *USDOS* report further states that,

“According to the BSEHR, persons in “safe custody” were no longer housed in prisons. Courts sent most of them to shelter homes. In a few cases, they were sent to prison as a transit destination for short periods.”⁴¹³

In its March 2010 state party report to UN CEDAW the *Government of the Republic of Bangladesh* reported that it had taken measures to tackle domestic violence listing a project to protect women taken into custody for suspected criminal behaviour which provides six ‘safe custody homes’ in Bangladesh,

“The Government has made provision for stern measures to combat the heinous crime of violence against women. The Ministry of Women and Children Affairs has been implementing a project entitled “ Safe Custody Home for Women” with a view to protect women (who are not convicted but somehow taken into custody for some suspected criminal behaviour or otherwise) from sexual abuse or harassment. The same kind of six

⁴¹⁰ CORI, Domestic violence and conditions for divorced Muslim women with children, without male relatives, in Bangladesh, Ban0611, 9 June 2011, accessed 1 March 2012

⁴¹¹ UN CEDAW, 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 March 2011, <http://uhri.ohchr.org/document/index/6a11a938-a7f2-4161-a008-818c6bdeda55>, accessed 15 February 2012

⁴¹² USDOS, 2010 Country Report on Human Rights Practices: Bangladesh, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 6 March 2012

⁴¹³ USDOS, 2010 Country Report on Human Rights Practices: Bangladesh, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 6 March 2012

safe custody homes for women have been operated by the Ministry of Social Welfare in six divisions of the country.”⁴¹⁴

According to the *UN Secretary General's database on violence against women* the following services are available for victims of domestic violence in Bangladesh, (quoted text is taken from the UN database and is based on government responses to a UN survey in 2010),

Helplines

“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.”⁴¹⁵

Safe Custody Home for women children and adolescent custodians

“The Department of Social Services established the Safe Custody for Women, Children and Adolescent Custodians at the divisional headquarters. The duration of stay in the Safe Home is controlled by the competent courts. In addition to their free accommodation and food, the victims get psycho-social counselling, lifeskill training and primary education. The women victims/survivors who stay in the Safe Home are also transported to the court safely at the time of the hearings. Initiatives have been taken by the Safe Home to communicate and mediate with the family of the victims/survivors and to resolve the cases with the help of government and non-government organizations.”⁴¹⁶

Women Support Centre in the Department of Women Affairs

“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. A Committee composed of an Assistant Director, a doctor, a social welfare officer, and a lawyer, selects the women victims/survivors who can benefit from the Women Support Center's services. The selected women are accommodated in the center for a maximum period of six months until the completion their case in court. During their stay in the center, they receive training programmes on different trades to enable them to continue their life and to survive after their departure from the center. 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.”⁴¹⁷

Naripokkho (Non Governmental Organisation)

“The NGO Naripokkho has been involved in the monitoring of state interventions to combat VAW through its work with 22 police stations and 2 medical college hospitals, and 2 special courts/tribunals (dealing with violence against women and children, and acid violence) within metropolitan Dhaka city. The NGO staff are placed within these public institutions to

⁴¹⁴ UN 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, CEDAW/C/BGD/6-7, 24 March 2010, page 90, <http://tb.ohchr.org/default.aspx>, accessed 4 June 2011

⁴¹⁵ UN Secretary General's database on violence against women, Bangladesh, 2010, <http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=41243&baseHREF=country&baseHREFId=192>, accessed 6 June 2011

⁴¹⁶ UN Secretary General's database on violence against women, Bangladesh, 2010, <http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=41084&baseHREF=country&baseHREFId=192>, accessed 6 June 2011

⁴¹⁷ UN Secretary General's database on violence against women, Bangladesh, 2010, <http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=41023&baseHREF=country&baseHREFId=192>, accessed 6 June 2011

observe how the violence-affected victims are handled by the on duty Government staff. The positive outcome has been that both the institutions have requested and received training support for creating an enabling environment for women's access to justice and prevention of violence."⁴¹⁸

National Trauma Counselling Centre

"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."⁴¹⁹

In response to the UN survey the *Government of Bangladesh* also provided information listing NGO's offering support services to women who have been subjected to violence,

"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 for education and training programmes:

Bangladesh Mahila Parishad is the women's organization in Bangladesh. It has 59 offices all over the country and provides legal aid services to women. It also maintains a shelter home for victims of violence.

The Bangladesh National Women Lawyers Association (BNWL) provides legal assistance to trafficking victims and initiates legal action against traffickers, works with its counterparts in India to help trafficked girls and women return to Bangladesh and runs a shelter for trafficked women and children that provides health care, counselling and training.

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. Specialized services are offered by organizations like Normal Assort which provides shelter homes for women rescued from prisons and has a programme for their rehabilitation.

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

⁴¹⁸ UN Secretary General's database on violence against women, Bangladesh, 2010, <http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=33329&baseHREF=country&baseHREFId=192>, accessed 6 June 2011

⁴¹⁹ UN Secretary General's database on violence against women, Bangladesh, 2010, <http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=40943&baseHREF=country&baseHREFId=192>, accessed 6 June 2011

Samajkallyan Sangstha (TMSS), the Manusher Jonno Foundation also provide support to women victims/survivors.

The Acid Survivors Foundation (ASF) works with partners and stakeholders towards the elimination of acid and other forms of burn violence, and the protection and promotion of survivors' rights, including access to medical, legal, social and economic services.

ASF assists victims of acid and other form of burn violence by:

- providing medical care;
- providing psychological care;
- providing legal support;
- helping victims reintegrate into mainstream society;
- raising public awareness against acid and other forms of burn violence;
- initiating the "Use water save life" campaign to educate the community to use water as an immediate remedy after an acid or other form of burn violence."⁴²⁰

The *Government of Bangladesh* reported that they ran homes for vagrant women and children but that the number and facilities are not adequate, further these were not treated as shelter accommodation. The Department of Social Service operates six safe homes each with the capacity to accommodate 50 women, a further shelter is run by the Ministry of Women and Children Affairs,

"The Government has had Vagrant Homes for women and children but these were not treated as shelter homes and the numbers and facilities were, and still are inadequate. Recently there have been attempts to improve the situation with regard to shelter. There are six divisional safe homes run by the Department of Social Service (DSS) for adolescent girls, women victims and witnesses. Each has a capacity to accommodate 50 persons. Based on the felt needs, the Government has taken the initiative to create Safe Homes to protect the interests of victims and residents. They are provided with food, accommodation, health and legal aid support with limited resources. MoWCA runs one shelter home as well. DSS also has six training and rehabilitation centres for sex workers. Recently an MoU has been signed between Department of Social Services (DSS) and Manusher Jonno Foundation (a donor assisted Trust) for 'Ensuring effective, quality and sustainable services of existing Safe Homes' to overcome those shortcomings."⁴²¹

In March 2010 the *Government of Bangladesh* reported that women have limited access to financial resources,

"Women have limited access to natural and financial resources. For the most part, women's access to agricultural land and the use of natural resources such as water or trees is dependent on the rights of husbands or male kin. Inheritance laws continue to be religious based. Muslim women are entitled to inherit from their father, half the share of their brothers but many women leave their portion of the land with their brothers as a form of insurance against marital breakdown and to ensure visits to the parental home. Hindu women's formal entitlements are negligible; they inherit 1/8 of their husband's land if there are no living sons or grandsons. Women's access to financial resources is also extremely restricted, as most of the financial institutions require collateral such as property ownership before giving credit. And finally, the lower literacy rate of women makes the formal banking sector less accessible to them. These factors seriously cripple women's capacity to set up small

⁴²⁰ UN Secretary General's database on violence against women, Bangladesh, 2010, <http://webapps01.un.org/vawdatabase/country/ind.action?countryId=192#cat3>, accessed 6 June 2011

⁴²¹ UN 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, CEDAW/C/BGD/6-7, 24 March 2010, page 92, <http://tb.ohchr.org/default.aspx>, accessed 4 June 2011

businesses or purchase land. To address these difficulties GoB has take some important steps/measures both at policy and implementation levels.”⁴²²

3. Access to education, employment opportunities, political participation, health care and social services

In 2011 *UN CEDAW* reported that women were underrepresented in public and professional life,

“While welcoming the adoption of the Fourteenth Amendment to the Constitution allowing an increase in women’s reserved seats from 30 to 45 and the appointment of six women as ministers in 2009, the Committee remains concerned that women continue to be underrepresented in public and professional life and in decision-making in the judiciary, diplomatic service, as well as in civil service and administration and elected positions in Parliament and local bodies.”⁴²³

In 2011 *UN CEDAW* reported that there are high levels of dropout from education among girls, and that many girls suffer sexual abuse and harassment on their way to and during school,

“The Committee acknowledges the progress made in the field of education for women and girls and welcomes the achievement of gender parity in primary and secondary education, and the establishment of institutions for girls and women at the secondary and tertiary level. However, the Committee is concerned at the high level of dropouts among girls, especially in rural areas and the gender gap at technical/vocational and the tertiary education levels. The Committee also expresses its serious concern about the high number of girls who suffer sexual abuse and harassment in schools and while on their way to school. The Committee is further concerned at the persistence of structural and other barriers to quality education, such as the lack of physical infrastructure, lack of facilities for girls in schools, the negative impact of early marriages and lack of access to education of rural women and girls.”⁴²⁴

In 2011 *UN CEDAW* reported that the large number of women employed in the informal sector are not protected by the 2006 Bangladesh Labour Act, further women in the labour market experience lower wages, occupational segregation and girls are subjected to exploitation,

“The Committee welcomes the State party’s enactment of the 2006 Bangladesh Labour Act, which promotes equality of opportunity in employment and provides equal pay for work of equal value. However, the Committee regrets that this law does not in any respect cover workers in the informal sector where a large population of women are employed. The Committee is also concerned about the persistence of discrimination of women in the labour market, in particular, the occupational segregation and a wide gender wage gap and of the exploitation of girls in this sector.”⁴²⁵

In an undated article *UNICEF* reported that women may not have the freedom to determine how their earnings are spent and that female headed households face poverty,

⁴²² UN 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, CEDAW/C/BGD/6-7, 24 March 2010, page 95, <http://tb.ohchr.org/default.aspx>, accessed 4 June 2011

⁴²³ UN CEDAW, 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 March 2011, <http://uhri.ohchr.org/document/index/6a11a938-a7f2-4161-a008-818c6bde55>, accessed 15 February 2012

⁴²⁴ UN CEDAW, 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 March 2011, <http://uhri.ohchr.org/document/index/6a11a938-a7f2-4161-a008-818c6bde55>, accessed 15 February 2012

⁴²⁵ UN CEDAW, 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 March 2011, <http://uhri.ohchr.org/document/index/6a11a938-a7f2-4161-a008-818c6bde55>, accessed 15 February 2012

“For one in eight women who earn a wage, someone else decides how that wage will be spent. More than two in five decide with someone else, such as their husband.

Female-headed households face serious poverty. Nearly one in every two female-headed households falls below the poverty line, compared to less than two in five patriarchal households.”⁴²⁶

In an undated article *UNICEF* reports that many women are not permitted to go to a healthcare facility by themselves,

“About 55 per cent of married women lack the freedom to go alone to a hospital or health centre, or outside their village, town or city. []

Almost one in every two husbands decides their wife’s health care (48 per cent). They often solely determine their children’s health care (32 per cent).”⁴²⁷

In 2011 *UN CEDAW* reported that the provision of women’s reproductive healthcare services were inadequate,

“While acknowledging the State party’s political will to improve the situation in the country and welcoming the establishment of women friendly model district hospitals and Upazilla (sub-district) health complexes, the Committee expresses its concern about the lack of disaggregated data on women’s health situation in the State party’s report, and the inadequate attention to women’s reproductive health-care services. The Committee notes with concern that despite a considerable decline, maternal mortality rate remains very high. Furthermore, the Committee is concerned at women’s limited access to quality health-care services, including reproductive health care, specifically in rural areas.”⁴²⁸

In 2011 *UN CEDAW* reported that women in rural areas are particularly vulnerable to discrimination with regard to access to health, education, social services, inheriting and owning land and property and exclusion from decision making processes,

“The Committee is concerned about the disadvantaged position of women in rural and remote areas who experience difficulties in accessing education, health and social services, and a lack of participation in decision-making processes. The Committee is also concerned that customary and traditional practices, prevalent in rural areas, prevent women from inheriting or acquiring ownership of land and other property.”⁴²⁹

In 2011 *UN CEDAW* reported concerns that women who are from ethnic minorities, are a refugee, older, disabled or live on the street are vulnerable to multiple forms of discrimination,

“The Committee is concerned at the very limited information and statistics provided on disadvantaged groups of women and girls, including minority women such as Dalit women, migrant women, refugee women, older women, women with disabilities and girls living on the streets. The Committee is also concerned that those women and girls often suffer from

⁴²⁶ UNICEF, Women and Girls in Bangladesh, undated, http://www.unicef.org/bangladesh/Women_Girls.pdf, accessed 8 March 2012

⁴²⁷ UNICEF, Women and Girls in Bangladesh, undated, http://www.unicef.org/bangladesh/Women_Girls.pdf, accessed 8 March 2012

⁴²⁸ UN CEDAW, 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 March 2011, <http://uhri.ohchr.org/document/index/6a11a938-a7f2-4161-a008-818c6bdeda55>, accessed 15 February 2012

⁴²⁹ UN CEDAW, 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 March 2011, <http://uhri.ohchr.org/document/index/6a11a938-a7f2-4161-a008-818c6bdeda55>, accessed 15 February 2012

multiple forms of discrimination, especially with regard to access to education, employment and health care, housing, protection from violence and access to justice.”⁴³⁰

In 2009 UNDP reported that there are 30 social safety net programmes in Bangladesh, aimed at “protecting individuals from falling into poverty beyond a certain level through redistribution and correcting market failures.”⁴³¹

According to *UNDP*,

“Bangladesh has more than 30 social safety net programme, the exact number fluctuates, as new programmes are added and old programmes dropped/suspended at regular intervals. Almost all ministries or agencies are pursuing some work directly or indirectly which are contributing to poverty alleviation or adding to the wellbeing and empowerment of the poor – these can be categorised broadly as social safety net initiatives. However, Ministry of Social Welfare (MoSW), Ministry of Women and Children affairs (MoWCA), Ministry of Food and Disaster Management (MoFDM) and Local Government Division (LGD) are the four key agencies that are involved in most of these initiatives. Programmes rely on cash transfer or food aid. Some of them are conditional while most of these programmes are unconditional. The latest PRS document categorized the initiatives into five categories as (a) cash support programme, (b) food aid programme, (c) special programme for poverty reduction, (d) self-employment through micro credit, and (e) some specific programmes for poverty alleviation.”⁴³²

The *UNDP* states that rural women and those who are ‘functionally landless’ are vulnerable to need social safety net protection,

“women, especially those who reside in the rural areas, are functionally landless, have extremely low farm income, are widowed, and have little means of support, work as day labourers, and have few productive assets are at this type of risk”⁴³³

The *UNDP* further states that ‘routine crisis’ in the lives of the poor also put them at risk,

“Dr. Hossain Zillur Rahman, a prominent economist, categorizes the fourth group of risk as ‘routine crisis’ in the everyday life of the poor. Sudden illness, effect of negative social practices such as dowry and various human insecurities that poor, especially urban poor, face that create significant economic burden on them are the main elements of such risk.”⁴³⁴

The *UNDP* reports an allowance programme aimed at ‘selected’ vulnerable women,

“Bangladesh has an interesting array of unconditional cash transfer programmes to support various target groups. Three specially designed allowance programme are in operation targeting vulnerable women. The ‘allowances for the widowed, deserted, and destitute women’ distribute Tk. 250 per person per month among about 900,000 selected women residing in rural areas. Similarly, 75,000 women are targeted under the ‘Fund for

⁴³⁰ UN CEDAW, 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 March 2011, <http://uhri.ohchr.org/document/index/6a11a938-a7f2-4161-a008-818c6bdeda55>, accessed 15 February 2012

⁴³¹ UNDP, Social safety net programmes in Bangladesh, 9 February 2009, <http://www.undp.org.bd/library/reports/2009-02-09%20SSNPs%20in%20Bangladesh%20Upload.pdf>, accessed 8 June 2011

⁴³² UNDP, Social safety net programmes in Bangladesh, 9 February 2009, <http://www.undp.org.bd/library/reports/2009-02-09%20SSNPs%20in%20Bangladesh%20Upload.pdf>, accessed 8 June 2011

⁴³³ UNDP, Social safety net programmes in Bangladesh, 9 February 2009, <http://www.undp.org.bd/library/reports/2009-02-09%20SSNPs%20in%20Bangladesh%20Upload.pdf>, accessed 8 June 2011

⁴³⁴ UNDP, Social safety net programmes in Bangladesh, 9 February 2009, <http://www.undp.org.bd/library/reports/2009-02-09%20SSNPs%20in%20Bangladesh%20Upload.pdf>, accessed 8 June 2011

Rehabilitation of Acid Burnt Women and the Physically Handicapped' to receive medical treatment support, training, and assistance to be rehabilitated economically."⁴³⁵

C. Situation of children

1. Violence against children

In July 2010 *UNICEF* reported that women and girls are vulnerable to sexual harassment.⁴³⁶ *UNICEF* reports that practices known as 'eve teasing,' the public harassment of females by men is,

"an often brutal form of sexual harassment that can result in permanent physical and psychological damage and profoundly alter the course of a girl's life. The harassment manifests itself in different ways, ranging from verbal abuse and sexual innuendo to abduction, acid-throwing and rape.

In response, some parents choose to keep their daughters at home rather than send them to school, or they marry girls off at an early age in an attempt to protect their honour and safety."⁴³⁷

UNICEF further report that girls are often blamed and stigmatised for the harassment, leaving them with little support, consequently 'eve teasing' has led some girls to suicide,

"Bound to domestic servitude and with little mobility, these adolescent girls find themselves deprived of both educational opportunities and social outlets. They are also vulnerable to the health risks associated with early marriage and pregnancy.

Too often, the victims of sexual harassment receive little support from parents and community leaders; instead, they are blamed and stigmatized.

In fact, the effects of harassment have driven some young girls and women in Bangladesh to commit suicide."⁴³⁸

2. Early marriages

In 2011 *UN CEDAW* reported that child marriages were prevalent in Bangladesh,

"The Committee also reiterates its concern that child marriage continues to be practiced widely, particularly in rural areas."⁴³⁹

In an undated article *UNICEF* reported that Bangladesh has one of the highest rates of child marriage in the world,

"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."⁴⁴⁰

⁴³⁵ UNDP, Social safety net programmes in Bangladesh, 9 February 2009, <http://www.undp.org.bd/library/reports/2009-02-09%20SSNs%20in%20Bangladesh%20Upload.pdf>, accessed 8 June 2011

⁴³⁶ UNICEF, Bangladesh; UNICEF supports efforts to end sexual harassment of girls and women in Bangladesh, 21 July 2010, http://www.unicef.org/infobycountry/bangladesh_55216.html, accessed 8 June 2010

⁴³⁷ UNICEF, Bangladesh; UNICEF supports efforts to end sexual harassment of girls and women in Bangladesh, 21 July 2010, http://www.unicef.org/infobycountry/bangladesh_55216.html, accessed 8 June 2010

⁴³⁸ UNICEF, Bangladesh; UNICEF supports efforts to end sexual harassment of girls and women in Bangladesh, 21 July 2010, http://www.unicef.org/infobycountry/bangladesh_55216.html, accessed 8 June 2010

⁴³⁹ UN CEDAW, 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 March 2011, <http://uhri.ohchr.org/document/index/6a11a938-a7f2-4161-a008-818c6bdeada55>, accessed 15 February 2012

In 2009 *IRIN* reported that girls on average are marrying at 16.4 years and that the legal age limit is 18 years (21 for boys), further parents encourage early marriage for economic reasons,

“The BDHS 2007 shows that the median age at marriage for women is 16.4 years, against 16.0 in the previous DHS (2004), but still 18 months below the legal minimum age, indicating that laws or policies alone do not guarantee implementation. The legal age is 21 for boys and 18 for girls.

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 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. Moreover, early marriage extends a woman’s reproductive span, thereby contributing to larger family sizes, especially in the absence of contraception.”⁴⁴¹

In April 2011 *IRIN* reported that despite government and NGO efforts to prevent child marriage, 66% of girls are married before they are 18 and that the 1929 national Child Marriage Restraint Act is often not enforced,

“Despite various government and non-governmental initiatives to stem child marriage in Bangladesh, parents are continuing to marry off their underage daughters, health experts say. []

According to UNICEF’s 2011 State of the World’s Children report, about a third of women in Bangladesh aged 20-24 are married by the age of 15, and 66 percent percent of girls will wed before their 18th birthday - up 2 percent from 2009.

The root causes of child marriage - the prospect of reduced dowry payments, and fears of sexual harassment - are continuing to prompt parents to marry girls off before they reach adulthood, according to Zinnat Afroze, a social development adviser at Plan International, Bangladesh.

In many cases, parents marry off their daughters at an early age to prevent them from being stalked or sexually harassed, she said, adding: “Parents can give less dowry money if they marry off their daughter at an early age.” []

According to the 1929 national Child Marriage Restraint Act, it is illegal for parents to marry off children under 18.

Occasionally the authorities have intervened to stop child marriages: In March police halted the wedding of 10-year-old Sathi Akter, daughter of an agricultural worker in Satura village, Manikganj District, 70km northwest of Dhaka.

But more often the law is not enforced, and parents marry off their daughters secretly, with devastating consequences for their health and well-being.

⁴⁴⁰ UNICEF, Bangladesh, Challenges facing the children of Bangladesh, undated, http://www.unicef.org/bangladesh/overview_4841.htm, accessed 1 March 2012

⁴⁴¹ *IRIN*, Bangladesh: Too young to marry, 31 July 2009, <http://www.irinnews.org/Report/85516/BANGLADESH-Too-young-to-marry>, accessed 18 February 2012

“Early marriage means early pregnancy and there are serious health consequences of early pregnancy. The maternal mortality rate is high among girls who are married off at an early age,” Plan’s Afroze said.”⁴⁴²

In its 2010 country report *USDOS* stated that underage marriage is widespread,

“Although the legal age of marriage is 18 years old for women and 21 years old for men, underage marriage was a widespread problem. Reliable statistics concerning underage marriage were difficult to find because marriage registrations were sporadic and birth registrations rare. A local human rights NGO, Mass Line Media, concluded from a 2004 survey that an estimated 40 percent of all marriages could be considered child marriages. There was no indication that this had changed in the time since the survey was taken. In an effort to reduce child marriages, the government offered stipends for girls’ school expenses if parents promised to delay their daughters’ marriage until at least the age of 18.”⁴⁴³

3. Child labour

In its 2010 country report *USDOS* reported that child labour was a problem and that children working as domestics were vulnerable to attack by employers,

“Child labor remained a problem in certain industries, mostly in the informal sector. It frequently resulted in the abuse of children, mainly through mistreatment by employers during domestic service. According to a 2006 study by the Bangladesh Institute of Labor Studies, attacks on children constituted more than 50 percent of the deaths, injuries, and sexual assaults reported among domestic workers during the year.”⁴⁴⁴

In an undated article *UNICEF* stated that child labourers work in hazardous conditions and are at risk of mistreatment and sexual abuse,

“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.

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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.

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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.”⁴⁴⁵

4. Child soldiers

[See Section 3. Security Forces]

⁴⁴² IRIN, Parents still not heeding child marriage warnings, 6 April 2011, <http://www.irinnews.org/Report/92375/BANGLADESH-Parents-still-not-heeding-child-marriage-warnings>, accessed 16 February 2012

⁴⁴³ USDOS, 2010 Country Report on Human Rights Practices: Bangladesh, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 6 March 2012

⁴⁴⁴ USDOS, 2010 Country Report on Human Rights Practices: Bangladesh, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 6 March 2012

⁴⁴⁵ UNICEF, Child Labour, undated, http://www.unicef.org/bangladesh/children_4863.htm, accessed 3 March 2012

5. Availability of State protection, access to education, health care, and social services

In 2009 *IRIN* reported that over half of Bangladesh's children live in poverty,

"Over half of Bangladesh's children are living in poverty and there is widespread deprivation amongst them in the basic areas of food, sanitation and shelter, with limited ability to escape their circumstances, according to experts.

A new report by the UN Children's Fund (UNICEF) in Bangladesh found that 33 million children under 18 - around 56 percent of the child population - are currently living below the International Poverty Line, defined as disposable income of US\$1 per person per day."⁴⁴⁶

In its 2010 country report *USDOS* reported that although primary education was free, many children were kept out of school to help provide for their families,

"Primary education was free and compulsory, but the implementation of compulsory education fell short, in part because parents kept children out of school to work for money or help with household chores. Government incentives to families that sent children to school contributed significantly to the rise in primary school enrollments in recent years. Despite these efforts and contrary to established policies, public schools imposed fees that were burdensome for poor families and created a disincentive to attend school."⁴⁴⁷

In February 2012 UK daily newspaper *The Guardian* reported that poor nutrition stunts the growth of nearly half of under fives in Bangladesh,

"Despite economic growth of 5% to 6% a year since the early 1990s, the poor nutritional status of Bangladeshi women and children undermines the health and wellbeing of all Bangladeshis, and hinders progress towards achieving the millennium development targets on maternal and child mortality and poverty.

In Bangladesh, one in 15 children die before they reach five; 250,000 babies die every year in their first month. According to Save the Children, 48.6% of children under five in Bangladesh are stunted or short for their age; 13.3% are wasted or underweight for their height; and 37.4% are underweight or low weight for their age. There are twice as many stunted children in the poorest quintile of the population than in the richest quintile."⁴⁴⁸

In an undated article *UNICEF* reported that women and children are affected by a lack of access to medical care,

- Neonatal death and maternal mortality rates remain high, primarily because most deliveries take place at home without access to proper medical care.
- Health facilities lack qualified staff and suffer from shortages of supplies.

- Under-nutrition contributes to child mortality. 22 per cent of infants are born with low birth weight. Up to 46 per cent of children under-five are underweight."⁴⁴⁹

⁴⁴⁶ IRIN, Bangladesh, Over half of all children living in poverty, 3 December 2009, <http://www.irinnews.org/Report/87306/BANGLADESH-Over-half-of-all-children-living-in-poverty>, accessed 3 March 2012

⁴⁴⁷ USDOS, 2010 Country Report on Human Rights Practices: Bangladesh, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 6 March 2012

⁴⁴⁸ The Guardian, Poor nutrition stunts growth of nearly half of under fives in Bangladesh, 15 February 2012, <http://www.guardian.co.uk/global-development/2012/feb/15/bangladesh-child-malnutrition-stunted-growth>, accessed 3 March 2012

⁴⁴⁹ UNICEF, Challenges facing the children of Bangladesh, undated, http://www.unicef.org/bangladesh/overview_4841.htm, 26 March 2012

In an undated article *UNICEF* reported that there is no comprehensive public system to protect children from abuse and a lack of support services are preventing the implementation of government policy,

“There is no comprehensive public system to protect children from violence, abuse or exploitation. A lack of adequate support services for children prevents full implementation of existent government policies. Moreover, many of these policies are not child friendly and are in conflict with the Convention on the Rights of the Child.”⁴⁵⁰

In an undated article *UNICEF* reported low rates of birth registration prevents adequate protection from trafficking, child labour and early marriage,

“Bangladesh has one of the lowest rates of birth registration in the world. This makes it difficult to protect children from trafficking, child labour and child marriage.”⁴⁵¹

D. Trafficking in persons

In 2011 the *USDOS* Trafficking in Persons Report listed Bangladesh as a Tier 2 Watch List country, reporting that men, women and children are victims of trafficking for forced labour, sex exploitation and domestic slavery,

“Bangladesh is a source and transit country for men, women, and children subjected to forced labor and sex trafficking. A significant share of Bangladesh’s trafficking victims consists of men recruited for work overseas with fraudulent employment offers who are subsequently exploited under conditions of forced labor or debt bondage. Bangladeshi children and adults also are trafficked internally for commercial sexual exploitation, domestic servitude, and forced and bonded labor. Some children are sold into bondage by their parents, while others are induced into labor or commercial sexual exploitation through fraud and physical coercion. Internal trafficking often occurs from poorer, more rural regions, to locations with more commercial activity including Dhaka and Chittagong, the country’s two largest cities. Women and children from Bangladesh are trafficked to India and Pakistan for commercial sexual exploitation or forced labor. Many Rohingya refugees from Burma transit through Bangladesh using unofficial methods, leaving them vulnerable to traffickers inside Bangladesh and in destination countries. In 2010, some Rohingya girls were forced into prostitution.”⁴⁵²

In 2011 *UN CEDAW* reported that the trafficking of women and girls was prevalent in Bangladesh and that provisions from ratified international treaties have not been incorporated into domestic legislation,

“The Committee remains concerned about the continuing prevalence of trafficking in women and girls in the country. The Committee is also concerned that despite the ratification by the State party of the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in July 2002, its provisions have not been incorporated into domestic law, that no extradition treaties with neighbouring countries have been signed to address trafficking and sexual exploitation and that only a few traffickers have been arrested and convicted.

⁴⁵⁰ UNICEF, Child Rights, undated, http://www.unicef.org/bangladesh/children_4878.htm, accessed 3 March 2012

⁴⁵¹ UNICEF, Challenges facing the children of Bangladesh, undated, http://www.unicef.org/bangladesh/overview_4841.htm, 26 March 2012

⁴⁵² USDOS, 2010 Country Report on Human Rights Practices: Bangladesh, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 6 March 2012

The Committee further expresses its concern at the limited gender sensitization trainings for border police and law enforcement personnel.”⁴⁵³

In its 2010 country report *USDOS* stated that the trafficking of children was a serious and widespread problem,

“According to human rights monitors, child abandonment, kidnapping, and trafficking continued to be serious and widespread problems. Despite advances, including a monitoring agency in the Ministry of Home Affairs, trafficking of children continued to be a problem.”⁴⁵⁴

In 2011 *USDOS* stated that some government officials were complicit in trafficking and that the government did not prosecute or convict perpetrators who trafficked men,

“Bangladesh does not fully comply with the minimum standards for the elimination of trafficking, and is placed on Tier 2 Watch List for a third consecutive year. Bangladesh was not placed on Tier 3 per Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, however, as the government has shown evidence of a credible, written plan that, if implemented, would constitute making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan. The Government of Bangladesh demonstrated increased attention to the issue of human trafficking. The government continued to address the sex trafficking of women and children, drafted and submitted a comprehensive anti-trafficking law to the cabinet, and created an interagency task force mandated to monitor recruiting agencies and address high recruitment fees. The government did not prosecute or convict those who trafficked men, as well as those responsible for subjecting Bangladeshi workers to forced labor overseas through fraudulent recruitment mechanisms. The government did not report on law enforcement efforts against Bangladeshi officials who were complicit in human trafficking.”⁴⁵⁵

In 2011 *USDOS* stated the Bangladesh government had made progress in convicting perpetrators who trafficked women,

“The Government of Bangladesh showed progress in convicting sex traffickers of females, but not traffickers of men, during the reporting period; however, the government drafted an anti-trafficking law that includes criminal prohibitions for all forms of trafficking, with stringent sentences, and submitted the proposed law into the parliamentary process in December 2010. Bangladesh prohibits the trafficking of women and children for the purpose of commercial sexual exploitation or involuntary servitude under the Repression of Women and Children Act of 2000 (amended in 2003), and prohibits the selling and buying of a child under the age of 18 for prostitution in Articles 372 and 373 of its penal code. Prescribed penalties under these trafficking statutes range from 10 years’ imprisonment to the death sentence. These penalties are very stringent and commensurate with those prescribed for other serious crimes, such as rape. Article 374 of Bangladesh’s penal code prohibits forced labor, but the prescribed penalties of imprisonment for up to one year or a fine are not sufficiently stringent.

During the reporting period, the government obtained the convictions of 42 sex trafficking offenders and sentenced 24 of them to life imprisonment under Sections 5 and 30 of the Repression of Women and Children Act; 18 were sentenced to lesser prison terms. This is

⁴⁵³ UN CEDAW, 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 March 2011, <http://uhri.ohchr.org/document/index/6a11a938-a7f2-4161-a008-818c6bdeda55>, accessed 15 February 2012

⁴⁵⁴ USDOS, 2010 Country Report on Human Rights Practices: Bangladesh, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 6 March 2012

⁴⁵⁵ USDOS, 2010 Country Report on Human Rights Practices: Bangladesh, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 6 March 2012

an increase from the 32 convictions obtained in 2009, with 24 offenders sentenced to life imprisonment. The government prosecuted 80 cases involving suspected trafficking offenders and conducted 101 investigations, compared with 68 prosecutions and 26 investigations during the previous year. Fifty-three prosecutions resulted in acquittals; however, under Bangladeshi law the term “acquittal” also can refer to cases in which the parties settled out of court or witnesses did not appear in court. The government did not report any criminal convictions for labor trafficking offenses, although some unconfirmed reports noted that the government prosecuted some labor trafficking cases. Most sex trafficking cases are prosecuted by 42 special courts for the prosecution of crimes of violence against women and children spread throughout 32 districts of the country; those courts are generally more efficient than regular trial courts. The Ministry of Home Affairs’ Anti-Trafficking Monitoring Cell continued to collect data on trafficking arrests, prosecutions, and rescues.”⁴⁵⁶

In 2011 *USDOS* stated that government officials were complicit in trafficking and that the authorities made no discernable effort to address it,

“The complicity in human trafficking crimes of Bangladeshi government officials remained a serious problem, though the government made no discernible efforts to address it. During the year, there were allegations that a Bangladeshi diplomat facilitated human trafficking of Bangladeshi migrants. Several NGOs reported a nexus among members of parliament and corrupt recruiting agencies and village level brokers and indicated that politicians and regional gangs were involved in human trafficking. NGOs and press reports indicate official recruitment agencies in Dhaka have linkages with employers and brokers in destination countries and help facilitate fraudulent recruitment. In addition, some of these employers put their migrant workers in situations of servitude. The Government of Bangladesh did not provide data on investigations, prosecutions, convictions, and sentencing of public employees complicit in human trafficking. There was no further information about the prosecution of a civil servant last year who was complicit in trafficking, as noted in the 2010 TIP Report. The country’s National Police Academy continued to provide anti-trafficking training to police officers who went through entrance training.”⁴⁵⁷

In 2011 *USDOS* reported that did not run shelters specifically for women who have been trafficked but runs shelters for victims of violence in Dhaka,

“Bangladesh’s courts and police refer some victims of trafficking to NGO shelters; other times, those victims were either self-identified or identified by an NGO. One hundred thirty-seven victims (83 adult women, zero adult men, and 54 children) were self-identified or identified and rescued by law enforcement officials or NGOs in the reporting period, but it is uncertain whether they were referred to shelters. In the previous year, law enforcement officials identified and rescued 68 victims. While the government did not provide shelter or other services specifically dedicated to trafficking victims, it continued to run nine homes for women and children victims of violence, including trafficking, as well as a “one-stop crisis center” for women and children in the Dhaka general hospital. These centers, in cooperation with NGOs, provided legal, medical, and psychiatric services. An NGO noted that adult female victims could leave the shelters at will; children’s decisions to leave were dependent on their families’ permission. No male victims were assisted in these shelters. It is not known how many trafficking victims were served by government and NGO care facilities in Bangladesh. The government continued to run some shelters in Bangladeshi embassies abroad, but closed other shelters. Law enforcement personnel encouraged victims of trafficking, when identified, to participate in investigations and prosecutions of their traffickers by providing transportation to courts. Authorities did not penalize

⁴⁵⁶ USDOS, 2010 Country Report on Human Rights Practices: Bangladesh, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 6 March 2012

⁴⁵⁷ USDOS, 2010 Country Report on Human Rights Practices: Bangladesh, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 6 March 2012

Bangladeshi victims for unlawful acts committed as a direct result of their being trafficked. When no space was available in shelter homes, however, female victims of trafficking were placed in divisional custody facilities at government-run prisons, which include access to medical care and cooking facilities. Unregistered Rohingya refugees who were trafficking victims were detained indefinitely for their undocumented status. At least 36 Bangladeshi sex trafficking victims were repatriated to Bangladesh from India from 2010-2011, although repatriation remained a challenge for other victims. Some of them had been in shelters in India for almost a year and a half, awaiting the verification of their Bangladeshi identities by the Government of Bangladesh. Bangladesh established a trafficking task force with India.”⁴⁵⁸

E. Sexual orientation (rights and treatment of LGBTI persons)

The *International Lesbian, Gay, Bisexual, Trans and Intersex Association* (ILGA) states that male to male relationships are illegal under section 377 of the Penal Code (1860) and that punishment includes imprisonment up to 10 years, further the law also applies to female to female relationships,

“Section 377 “Unnatural Offences”

Whoever voluntarily has carnal intercourse against the order of nature with man, woman, or animal, shall be punished with imprisonment of either description which may extend to life, or up to 10 years, and shall also be liable to fine.

Explanation:

Penetration is sufficient to constitute the offence as described in this section.”⁴⁵⁹

In February 2011 *ILGA* reported that Bangladeshi society views homosexuality as ‘morally depraved,’ those who come out may be forced into heterosexual marriages or be subjected to psychiatric treatment such as electric shocks. *ILGA* further reported that it is common for heterosexual men to display public intimacy such as holding hands,

“Section 377 was recently repealed in India, but it is still very much on the books in neighboring Bangladesh.

Great empires may come and go, but like the tides, they leave behind a tangled assortment of flotsam and jetsam. In the case of the British Empire, that included much that one might admire, but also a British Protestant morality that was codified in laws that persist to this day. Section 377 of the colonial Penal Code is a striking example. It classed consensual oral and anal sex as “carnal intercourse against the order of nature” and made it a crime punishable with imprisonment for life. When the British administrators withdrew, they took their soldiers, but left their law books behind. Section 377 was recently repealed in India, but it is still very much on the books in neighboring Bangladesh.

Prosecutions under Section 377, which effectively makes homosexual sex illegal, are extremely rare. Section 377, hence, does not impair Bangladesh's moderate image in the world and questions about the country's human rights record on the issue of homosexuality are avoided in the international arena. Nonetheless, Section 337 forces the local LGBT community into a shadow existence. Their official illegality silences their voices in the public sphere.

⁴⁵⁸ USDOS, 2010 Country Report on Human Rights Practices: Bangladesh, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 6 March 2012

⁴⁵⁹ International Lesbian, Gay, Bisexual, Trans and Intersex Association, Bangladesh; Law, undated, <http://ilga.org/ilga/en/countries/BANGLADESH/Law>, accessed 26 March 2012

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 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.⁴⁶⁰

In its 2010 annual report the *Bandhu Social Welfare Society* stated that Section 377 of the Penal Code criminalises all forms of non-procreative sex,

"Section 377 of Bangladesh Penal Code (BPC) penalizes certain sexual acts equally. For example oral sex, regardless of whether it is heterosexual or homosexual; even penile-masturbation of one person by another - is considered criminal. Although facially neutral, the law has effectively stigmatized and criminalized a section more than others, namely same-sex desiring people, including those who identify as lesbian, gay, bisexual and transgender (LGBT), *Hijra*, *Kothi* and other Queer people which altogether can be included in the term sexual minorities. The law has been used by the police to intimidate same sex desiring people and has been a source of serious human rights violations. Through its definition, the section applies to all forms of non-procreative sex between any persons. Through its interpretation it is applied to homosexual behavior and is used largely by law enforcement authorities to harass and criminalize men engaging in homosexual behavior. It is also making same sex desiring women invisible through its narrow definition of what constitutes sexual intercourse; yet it is used by social institutions including families to harass them and compel them into heterosexual marriages."⁴⁶¹

In its 2010 country report *USDOS* reported that there was a strong social stigma and discrimination against homosexuality,

"Homosexual acts remained illegal, but in practice the law was rarely enforced. There were a few informal support networks for gay men, but organizations to assist lesbians were rare. Informal organizations reported that they were unable to organize, do outreach, petition for changes to the law, or set up permanent establishments because of the possibility of police raids. One gay rights organization stated that gay men and lesbians also often faced extreme family pressure to marry opposite sex partners.

⁴⁶⁰ International Gay and Lesbian Association, Homophobic tendencies still abound in south Asia, 11 February 2011, <http://ilga.org/ilga/en/article/mQA910J1Qp>, accessed 9 March 2012

⁴⁶¹ Bandhu Social Welfare Society, Annual Report 2010, <http://www.bandhu-bd.org/report/Annual%20Report%202010%20of%20%20BSWS.pdf>, accessed 9 March 2012

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

Although overt discrimination against lesbians, gays, bisexuals, and transgender individuals was fairly rare--partly because few individuals openly identified their orientation--there was significant societal discrimination. Openly gay individuals, particularly those from less affluent backgrounds, found that their families and local communities ostracized them. Some sought refuge in the transgender or "hijra" community."⁴⁶²

The *Bandhu Social Welfare Society* is an NGO supporting sexual minorities,

"Bandhu Social Welfare Society (BSWS) was formed in 1996 to address concerns of human rights abuse and denial of sexual health rights, and provide a rights-based approach to health and social services for the most stigmatized and vulnerable populations in Bangladesh, MSM in particular kothis/hijras and their partners. The organization was born in response to surveillance studies and a needs assessment which identified MSM as a population in need of different services in Bangladesh. BSWS have been officially registered since 1997 started with a staff of two and a small programme in Central Dhaka was supported by the Royal Norwegian Embassy. Over the years it has emerged as a national 'MSM' non-government organization currently providing social and health services to a broad range of 'MSM' in 21 districts hosting over 550 employees.

A core objective of BSWS work with MSM and Hijras/TG is to advocate and provide for an environment where the respect and dignity of all MSM, Hijras/TG, irrespective of their specific gender and/or sexual identity, or the lack thereof, is assured, along with the creation of a supportive social, policy and legal environment to enable MSM to more effectively respond to sexual health rights and basic human rights in our country, along with increasing their health seeking behaviors."⁴⁶³

The *Boys of Bangladesh* describes itself as an informal support organisation for gay men,

"Boys of Bangladesh, popularly known as BoB, is the largest network of self-identified Bangladeshi gay men from home and abroad. It is a non-registered, non-funded and non-formal group run by a pull of dedicated volunteers who strive to make it a safe space for like-minded people to come together, and share their thoughts, feelings and experiences and ultimately find a place where they can truly belong.

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Along with community focused work, we are also strategically expanding our support network by getting in touch with 'powerful people' home and abroad and letting them to know of our work and existence. With their support and our relentless effort, we hope Bangladesh would soon start talking about real LGBT issues and eventually take a bold positive step towards building a better society free of any kind of stigma and discrimination."⁴⁶⁴

In its 2010 annual report the *Bandhu Social Welfare Society* stated that during their reporting period, 128 cases of violence against sexual minorities were recorded,

"In the context of Bangladesh, understanding of gender and masculinity, social attitudes towards sexual minorities, in particular towards feminized males, leaves them as prior

⁴⁶² United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

⁴⁶³ Bandhu Social Welfare Society, Origins, undated, <http://www.bandhu-bd.org/origin.html>, accessed 10 March 2012

⁴⁶⁴ Boys of Bangladesh, About Us, undated, http://boysofbangladesh.org/index.php?option=com_content&view=article&id=4&Itemid=5.

victims of abuse and harassment leading to physical, psychological, social, economical and emotional problems which further increases vulnerability and social exclusion.

BSWS wants to address this rights violation and harassment towards sexual minorities. The organization regularly monitors and reports on the violation of human rights of sexual minority populations. In the reporting period, 128 cases on various level of violence were reported to BSWS among sexual minorities. The reported cases were collected at monthly basis from the working areas of BSWS.⁴⁶⁵

Reporting on a study of violence against sexual minorities in its 2010 annual report the *Bandhu Social Welfare Society* stated that sexual minorities are subject to violence, stigma and discrimination, further there is pressure on sexual minorities to marry,

“The violator often makes the presumption about the sexual activity of the individual based on the gender performance of the individual in public. As exhibited in our findings on sexual assault and rape which is given below, we again find transgender, *hijras*, and *kothis*, along with those bisexual men who access public spaces, reporting a significantly higher quantum of rape and sexual assault as opposed to gay men. While most gay men are often “straight acting” except in very specific gay spaces and can therefore be assimilated into the mainstream of masculinities in Bangladesh and thus be made invisible.

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There is an enormous amount of pressure on individuals of sexual minorities to get married and often they succumb to this pressure. Similarly, social obligations also include gender performance by the individuals in a manner that is socially acceptable. Gender attracts specific kinds of reactions within Bangladeshi society. This study shows that *mastaans* are at the forefront of acts of violence against transgender, *hijra*, and *kothi* Individuals; because of the way they perceive the feminine gender to be weaker. Sexual minorities in Bangladesh are subjected to a high degree of violence, extralegal and extrajudicial violation of rights, and a great amount of stigma and discrimination, but there is a gradual opening up of spaces, improvement of understanding, and development of sexual minority movement which should improve the living conditions of sexual minorities.

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A *kothi* and/or a transgender/*hijra* is usually found at public cruising areas, and/or venues for public sex work. By contrast the bisexual person is usually the sex partner of the *kothi* or the transgender/*hijra* person, and is often the one paying for sex. Gay men often do not access public cruising areas, they seem to instead use other mediums like the Internet and gay specific socializing venues to meet other gay men. A much higher number of *hijras*, *kothis*, and bisexual identified individuals have reported that their economic status has been adversely affected because of either their sexuality or their gender identity.

Lesbians in Bangladesh are tied down by the double burden of being women in a largely conservative society that is patriarchal where women cannot in general enjoy the same liberties as men, and being a sexual minority whose sexuality is socially, legally, and a religiously proscribed. For most conservative societies like Bangladesh, control of the woman's sexuality forms an integral part of the male dominated setup. Like most other sexual minorities in Bangladesh, those lesbians who are capable of organizing themselves and/or accessing lesbian support structures belongs mainly to the metropolitan centers of Bangladesh. Of all the communities explored by the study, it is the gay identified men who are relatively better placed to resist marriage pressures from their families simply because the class structure they come from and their individual economic standing gives them the privilege of acting in an individualistic manner more assertively than a *kothi*, and therefore being better placed to resist the pressures of marriage from family and society. Of the entire cohort, the gay men proportionately were most likely to be open about their sexual identity towards their family. Families and society would make adjustments with individuals

⁴⁶⁵ Bandhu Social Welfare Society, Annual Report 2010, <http://www.bandhu-bd.org/report/Annual%20Report%202010%20of%20%20BSWS.pdf>, accessed 9 March 2012

to allow same-sex sexual activities as long as social obligations like marriage were conformed to.

According to the study, when the male child of a family decides to join the *hijra* community it is a matter of shame for the family. Not getting a *hijra* person married off is something that the family understands, and grudgingly accepts. In effect it was found that marriage as a social institution and norm has not left any of the sexual minority communities unaffected in Bangladesh.”⁴⁶⁶

⁴⁶⁶ Bandhu Social Welfare Society, Annual Report 2010, <http://www.bandhu-bd.org/report/Annual%20Report%202010%20of%20%20BSWS.pdf>, accessed 9 March 2012

8. Freedom of Movement

Article 36 of the *Bangladesh Constitution* states that,

“Subject to any reasonable restrictions imposed by law in the public interest, every citizen shall have the right to move freely throughout Bangladesh, to reside and settle in any place therein and to leave and re-enter Bangladesh.”⁴⁶⁷

In its 2010 country report *USDOS* reported that the law provides for freedom of movement but that some members of the political opposition were not permitted to travel outside the country,

“The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice except in the cases of some opposition political figures. As the government moved to prosecute war crimes from the 1971 War of Independence, it created a list--consisting entirely of opposition party leaders--of those suspected of war crimes who it considered ineligible to travel outside the country. However, it did not move to strip these individuals of their passports. Immigration officials at Hajrat Shah Jalal International Airport in Dhaka prevented numerous politicians belonging to the opposition BNP and Jamaat-e-Islami from leaving the country, citing the no-fly list and instructions from undisclosed higher authorities. Some of the politicians successfully challenged the unannounced restrictions on their travel abroad and managed to depart and return to the country.

On three occasions, immigration officers barred senior BNP leaders from travelling abroad in violation of high court orders. On July 28, officials barred BNP Vice President Shamsheer Mobin Chowdhury from traveling to Singapore. Immigration officers told the *Daily Star* that they received verbal instructions to deny Chowdhury's travel. On August 8, Shahiduddin Chowdhury Annie received similar treatment at the airport. Both individuals were on bail stemming from charges related to the BNP's general strike in June; however, both possessed high court permission to travel abroad. Both eventually were able to secure another court injunction and travel abroad.

On September 14, BNP advisory committee member Reaz Rahman was stopped at the Dhaka airport as he attempted to board a flight to Kolkata and was told that his international travel was restricted by instructions from "higher authorities." Rahman was not accused in any criminal cases and was able to obtain a high court injunction further verifying his right to travel.

The law does not provide for exile, which was not practiced. The country's passports were invalid for travel to Israel.”⁴⁶⁸

⁴⁶⁷ Constitution of the People's Republic of Bangladesh, 1972, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367, accessed 6 March 2012

⁴⁶⁸ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrpt/2010/sca/154478.htm>, accessed 22 February 2012

9. Further Human Rights Considerations

A. Administration of justice

1. National legal framework (*Penal Code and Code of Criminal Procedure*)

The Bangladesh Penal Code (1860) applies to “any citizen of Bangladesh in any place without and beyond Bangladesh”⁴⁶⁹ The Code of Criminal Procedure (1898) regulates procedures for the administration of criminal law⁴⁷⁰

2. Organization/Independence of Judiciary

In 2011 *Odhikar* reported that the judiciary became independent from the Executive in November 2007, but that it has not received the necessary ancillary support to fully implement this decision,

“Four years after the Judiciary became independent of the Executive on November 1, 2007; it appears that the Government has done little to provide the ancillary support needed for people to enjoy the real benefits of the independence of the Judiciary. Citing the constitutional requirement for separation of powers between the Judiciary and the Executive, on December 2, 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. However, the formal separation of the lower Courts, the Judicial Magistracy in particular, from the Executive organ of the Bangladesh Government did not take place until November 1, 2007. Many of the judicial officers currently sitting on those Courts and Tribunals have remained unchanged since that time.

[]

As of October 30, 2011, a staggering two million cases remain pending with the Courts causing enormous sufferings to justice seekers. Despite a number of Supreme Court verdicts in this regard, the Government is yet to fully implement its 12-point directive relating to the separation of Judiciary. There is still no separate secretariat for the Judiciary and transfer and posting is still being carried out by the Law Ministry. The Judiciary is also yet to get a separate salary structure, a set of rules for the appointment of Supreme Court Judges, while limited manpower, infrastructural facilities and logistics continue to plague the justice delivery system. []

It took eight years for subsequent Governments to implement the verdict of separation and the delay, as many people pointed out, was prompted by a deliberate reluctance to face the consequences of losing Executive control over the Judiciary. With work towards creating a separate Secretariat, separate pay structure, and a set of rules for the appointment of Judges moving at a snail’s pace, it is easy to suspect that the same motivations that prompted the government to delay the separation of Judiciary are once again prompting them to slow down the implementation of the 12- point Supreme Court directive in its entirety.”⁴⁷¹

In its 2010 country report the *USDOS* reported that the judiciary is politicised,

“An increasingly politicized judiciary exacerbated problems in an already overwhelmed judicial system and constrained access to justice for members of opposition parties.”⁴⁷²

⁴⁶⁹ The Penal Code 1860, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=11, accessed 5 March 2012

⁴⁷⁰ The Code of Criminal Procedure, 1898, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=75, accessed 5 March 2012

⁴⁷¹ *Odhikar*, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 5 March 2012

⁴⁷² United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrpt/2010/sca/154478.htm>, accessed 5 March 2012

In its 2010 country report the *USDOS* reported allegations that authorities influenced judicial decisions on politically sensitive cases, including those involving members of the opposition,

“The law provides for an independent judiciary, but in practice a longstanding temporary provision of the constitution placed the executive in charge of the lower courts, judicial appointments, and compensation for judicial officials. Legislation from 2007 separating the judiciary from the executive remained in effect throughout the year.

Despite ostensible separation of the judiciary from the executive, the political authority made judicial appointments to the higher courts and allegedly influenced many judicial decisions on politically sensitive cases, including decisions regarding bail and detention for political opponents of the government. On April 11, the AL government appointed 17 additional judges to the High Court Division of the Supreme Court triggering protests from the pro-opposition Supreme Court Bar Association leaders. The opposition argued that two of the appointees had criminal records that included murder charges and ransacking of court premises. Outgoing Chief Justice Fazlul Karim refused to administer oaths to the judges, which drew criticism from government leaders.

On September 26, the government appointed A.B.M. Khairul Haque as the new Chief Justice of the Appellate Division of the Supreme Court, superseding two senior members of the Appellate Division. Opposition party leaders criticized the appointment, stating that Haque was chosen because of his perceived loyalty to the ruling party. According to a set timeline, Haque was scheduled to step down from the Chief Justice position in May 2012 when he would assume responsibility for heading a constitutionally mandated caretaker government that would be responsible for conducting the next round of parliamentary elections.

In 2008 the Appellate Division overturned politically charged decisions by the High Court Division, usually to the benefit of the current government. In several cases, the Appellate Division overturned decisions granting bail to corruption suspects who were high-level leaders of opposition parties. Additionally corruption [], judicial inefficiency, lack of resources, and a large case backlog remained serious problems within the judiciary.”⁴⁷³

In its 2010 country report the *USDOS* reported that corruption was a problem within the judiciary,

“The judiciary was subject to political pressure from the government. In several cases, the appellate division overturned decisions granting bail to high-level corruption suspects who were leaders of opposition parties. Corruption remained a serious problem within the judiciary. Corruption was a factor in lengthy delays of trials, which were subject to witness tampering and intimidation of victims. Human rights observers contended that magistrates, attorneys, and court officials demanded bribes from defendants in many cases filed during the year.”⁴⁷⁴

In its 2011 world report *Freedom House* reported that the government has allegedly made political judicial appointments and that the court system is prone to corruption,

“Politicization of the judiciary remains a concern. The military-backed CG, unlike previous governments, worked to implement a 1999 Supreme Court directive ordering the separation of the judiciary from the executive. In 2007, the power to appoint judges and magistrates was transferred from the executive branch to the Supreme Court.

⁴⁷³ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

⁴⁷⁴ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

However, political authorities have continued to make appointments to the higher judiciary, including the addition of 17 judges to the High Court and a new head of the Appellate Division of the Supreme Court in 2010. Some have argued that the allegedly politically motivated appointments will enable the ruling party to exercise influence over politically sensitive cases, particularly those involving charges against members of the opposition BNP.

The court system is prone to corruption and severely backlogged; pretrial detention is lengthy, and many defendants lack counsel. The indigent have little access to justice through the courts. In 2009, the government launched an initiative to form small courts in 500 rural administrative councils that could settle local disputes and reduce pressure on the legal system."⁴⁷⁵

In 2011 *Odhikar* reported that the government has withdrawn a large number of cases that they considered to be politically motivated,

"The prevailing culture of impunity is crippling the justice system and has always been a deep concern to Odhikar. The withdrawal of cases under political consideration in 2011 and the protection of party affiliated criminals is of serious concern.[]

In 2011 the Government had withdrawn cases of murder, rape, robbery, corruption, extortion and the keeping of illegal arms, by citing them as 'politically motivated cases' and therefore bypassing the Judiciary or any judicial process. Most of these cases, which have been withdrawn under political consideration and kept for 'future consideration', were filed against ruling party leaders and activists. Some cases have also been withdrawn where the plaintiff and accused were not involved in politics.

[] Considered as 'politically motivated' on January 11, 2011 a total of 1479 cases were proposed for withdrawal at the 25th meeting of the 'National Committee on reviewing cases for withdrawal'. Of them, 900 cases have no recommendations from the District Committees. According to Government Rule, no case can be proposed for withdrawal at the National Committee without recommendations from the District Committees. However, these cases have been proposed with the influence of Ministers, Parliamentarians and leaders of the ruling party, without recommendations from the District Committees. 56 out of 1479 cases have been recommended for withdrawal and 837 cases were kept for later consideration. It has been reported that about 6750 cases were withdrawn under political consideration in the last two years since the present Awami League led Grand Alliance government assumed power. Among them, 5303 cases have been fully withdrawn while the names of the accused have been partly withdrawn in 1444 cases. It should be noted that between 2001 and 2006, during the tenure of the Four Party Alliance led by the BNP, 5888 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"⁴⁷⁶

3. *Due process*

The Dhaka Metropolitan Police Ordinance (1976) provides for the constitution and regulation of a separate police force for the Dhaka Metropolitan Area.⁴⁷⁷

⁴⁷⁵ Freedom House, Freedom in the World Report: Bangladesh, 2011, <http://www.freedomhouse.org/report/freedom-world/2011/bangladesh>, accessed 6 March 2012

⁴⁷⁶ Odhikar, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 5 March 2012

⁴⁷⁷ The Dhaka Metropolitan Police Ordinance, 1976, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=511, accessed 5 March 2012

The Special Powers Act (1974) provides special measures for the prevention of some prejudicial activities, expedited trials and regulates the punishment of certain grave offences⁴⁷⁸

In its 2010 country report the *USDOS* reported that the constitution prohibits arbitrary arrest and detention but that in certain cases persons can be arrested and detained without an order from a magistrate or a warrant,

“The law provides for arrest without the use of warrants in certain cases. The criminal procedure code and the Dhaka Metropolitan Police Ordinance authorize detention of persons on suspicion of criminal activity without an order from a magistrate or a warrant, and the government regularly used such provisions. The number of preventive and arbitrary arrests declined from the previous year. Since taking office, the AL government has not carried out any mass arrests. ASK, a domestic human rights organization, and media outlets estimated that authorities made more than 2,000 routine arrests daily. The majority of those arrested were released within one or two days, often on payment of a bribe.

Under the existing Special Powers Act, the government or a district magistrate may order a person detained for 30 days to prevent the commission of an act that could threaten national security; however, authorities held detainees for longer periods. The magistrate must inform the detainee of the grounds of detention, and an advisory board is required to examine the detainee's case after four months.

Detainees had the right to appeal. Many detainees taken into custody during the caretaker government's anticorruption drive were held under this act, and during the period the government sought and received numerous detention extensions from advisory boards, consisting of two judges and a government official. Use of the provisions of the Special Powers Act declined during the year.”⁴⁷⁹

In its 2010 country report the *USDOS* reported that police officers used torture during arrests and interrogation with impunity,

“Although the constitution prohibits torture and cruel, inhuman, or degrading punishment, security forces including the RAB, and police frequently employed torture and severe physical and psychological abuse during arrests and interrogations. Abuse consisted of threats, beatings, and the use of electric shock. According to human rights organizations, security forces tortured at least 22 persons. The government rarely charged, convicted, or punished those responsible, and a climate of impunity allowed such abuses by the RAB and police to continue.”⁴⁸⁰

In its 2010 country report the *USDOS* reported that of those suspects who were tortured most were done so during periods of remand when they were interrogated without the presence of a lawyer,

“The criminal procedure code contained provisions allowing a magistrate to place a suspect in interrogative custody, known as remand, during which the suspect could be questioned without his or her lawyer present. During the year the government made efforts to limit the amount of time allowed for remand; however, these efforts were largely ignored by local magistrates. Most abuses occur during periods of remand.”⁴⁸¹

⁴⁷⁸ The Special Powers Act, 1974, http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=462, accessed 5 March 2012

⁴⁷⁹ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

⁴⁸⁰ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

⁴⁸¹ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

In its 2010 country report on human rights the *USDOS* reported that most criminal detainees were allowed access to legal representation, however there was little funding for legal aid programmes and state-funded attorneys were rarely provided,

“Most criminal detainees charged with crimes were granted access to attorneys. The government rarely provided detainees with state-funded defense attorneys, and there were few legal aid programs for detainees. Government-funded legal aid programs received little funding, and there were no efforts to expand those programs during the year.

The government generally permitted lawyers to meet with their clients only after formal charges were filed in the courts, which in some cases occurred several weeks or months after the initial arrest. Arbitrary arrests were common, and the government held persons in detention without specific charges, often to collect information about other suspects.

Arbitrary and lengthy pretrial detention continued to be a problem. There were an estimated two million pending civil and criminal cases. A 2008 estimate from the International Center for Prison Studies found nearly 70 percent of prison inmates were in pretrial detention.⁴⁸²

In its 2012 world report *Human Rights Watch* reported that mass trials held for soldiers of the Bangladesh Rifles, accused of participating in a 2009 mutiny did not meet fair trial standards,

“Military tribunal hearings against members of the Bangladesh Rifles (BDR) accused of participating in a February 2009 mutiny continued through 2011. Military courts convicted nearly 1,000 soldiers in mass trials that did not meet fair trial standards, among other things because the prosecution failed to produce individualized evidence against each detainee. In a single trial that concluded on June 27, 657 of 666 defendants were found guilty and sentenced to prison terms ranging from four months to seven years.

Several thousand other soldiers remain in custody awaiting trial in military courts, while another 847 have been charged under the Bangladesh Criminal Code. Some of those charged under the criminal code face the death penalty and many do not have lawyers.

The government did not investigate allegations of torture and possibly as many as 70 custodial deaths during investigations after the mutiny. Many suspects were denied access to legal counsel, particularly in the few months directly after the mutiny.⁴⁸³

In its 2011 annual report *Amnesty International* stated that the International Crimes (Tribunal) Act 1973 lacked adequate fair trial safeguards,

“In March, the government set up the International Crimes Tribunal to try “those who committed crimes, assisted criminals and took part in the genocide during the Liberation War”. Between August and November, the Tribunal ordered the arrest of five leaders of the Jamaat-e-Islami for war crimes. They were Motiur Rahman Nizami, Ali Ahsan Muhammad Mojahid, Muhammad Kamaruzzaman, Abdul Quader Molla and Delwar Hossain Sayeedi. Salauddin Quader Chowdhury, a BNP leader detained since mid-December, was later declared a war crimes suspect. They all had been arrested initially on unrelated charges. The International Crimes (Tribunal) Act 1973 and its 2009 amendment, under which the trials were being held, lacked adequate fair trial safeguards. It denied, among other things,

⁴⁸² United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

⁴⁸³ Human Rights Watch, World Report 2012 - Bangladesh, 22 January 2012, <http://www.hrw.org/world-report-2012/world-report-2012-bangladesh>, accessed 20 February 2012

the right to challenge the jurisdiction of the Tribunal, the right to the possibility of bail and the right to challenge the impartiality of the judges.”⁴⁸⁴

4. Prison and Detention Centre Conditions

[See also Section 3. Security Forces, D. Human Rights Violations by Security Forces, 4. Deaths in custody]

In its 2010 country report the *USDOS* reports that prison conditions were life threatening and that 46 people died in prison and 109 died in the custody of police and security forces during the year,

“Prison system conditions remained life threatening at times due to overcrowding, inadequate facilities, and lack of proper sanitation. Human rights observers stated that these conditions contributed to custodial deaths. Unlike in the previous year, there were no accounts of security forces holding detainees in temporary or military detention facilities.

According to *Odhikar*, 46 persons died in prison and 109 persons died in the custody of police and other security forces during the year.

According to the government, the existing prison population at year's end was 69,650, or more than over 200 percent of the official prison capacity of 29,240. Of the entire prison population, approximately one-third of the detainees had been convicted. The rest were either awaiting trial or detained for investigation. Due to the severe backlog of cases, individuals awaiting trial often spent more time in jail than if they had been convicted and served a maximum sentence. In most cases, prisoners slept in shifts because of the overcrowding and did not have adequate bathroom facilities. During the year the government ordered the release of 1,000 prisoners to help ease overcrowding. Some human rights groups expressed concern over the methods used to determine which prisoners qualified for the release. Conditions in prisons varied widely often within the same prison complex as some prisoners were subject to high temperatures, poor ventilation, and overcrowding while others were placed in "divisional" custody, which featured better conditions such as increased family visitation and access to household staff. Political and personal connections often influenced the conditions that a prisoner would be placed in. All prisoners have the right to water access and medical care; however, throughout the year, human rights organizations and the media stated that many prisoners did not enjoy these rights.”⁴⁸⁵

In its 2011 human rights report *Odhikar* stated that prisons are very overcrowded with poor conditions and a lack of medical facilities,

“There are 67 prisons including one female prison in Bangladesh. Prisons are grossly overcrowded and allegations of huge irregularities and corruption persist. The total capacity to keep 29,450 inmates, however actual number of inmates are 69,850. The cells are small and damp. Lack of sanitation and inadequate ventilation makes the situation worse. The prisoners are susceptible to various diseases due to the unhealthy environment and low quality food and lack of medical facilities. Each year prisoners die due to inadequate treatment and the abysmal conditions that they are forced to live in. In 2011 an infant who was kept with her mother, died in the jail. The Dhaka Central Jail's capacity is to keep 2700 inmates, however there are 10,000 prisoners incarcerated there. There is capacity to keep 134 women, however, about 600 women and more than 50 children are there. In this jail there is an 80 bed hospital, however, according to July statistics the hospital houses 200

⁴⁸⁴ Amnesty International, Annual Report 2011; Bangladesh, May 2011, <http://www.amnesty.org/en/region/bangladesh/report-2011>, accessed 10 March 2012

⁴⁸⁵ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrpt/2010/sca/154478.htm>, accessed 22 February 2012

inmates. The Barishal Central Jail is crammed with prisoners. It has capacity to keep 633 inmates; however, 1240 prisoners are presently incarcerated there.[]
As per Jail Code, at least 36 square feet space is required for each non criminal prisoner, 24 square feet space for each convicted and under trial prisoner and 54 square feet solitary cell should be allotted for every prisoner under death sentence.”⁴⁸⁶

In its 2011 human rights report *Odhikar* stated that some jail officials were corrupt,

“Through corrupt jail officials, well-off prisoners occupy the beds, however poor prisoners have to lie on the floor and are susceptible to skin, stomach and other infectious diseases. Massive corruption prevails in the jails. In Dhaka Central Jail, according to one inmate, prison guards ask for taka 1000 per night for a blanket, mosquito coil and a clean cell. To go to the toilet, the inmates have to stand in a long queue. However, if inmates can pay taka 50, prison guards take them to better toilets. Though it is forbidden for inmates to use cell phones, however, the prison guards take inmates to places inside the jail where there is no mobile phone frequency jammer and arrange calls which cost taka 10 per minute.”⁴⁸⁷

In its 2010 country report the *USDOS* reported that despite legal requirements for juveniles to be held separately, in practice juveniles were held with adults,

“The law requires that juveniles be detained separately from adults, but in practice many juveniles were incarcerated with adults. Over 300 children were imprisoned (some with their mothers) despite laws and court decisions prohibiting the imprisonment of minors. In some places, the figure was much higher, mainly because there was no proper means of recording age in the criminal justice system. According to statistics from the 2008 International Centre for Prison Studies report, minors made up 0.4 percent of the prison population.”⁴⁸⁸

In its 2011 human rights report *Odhikar* stated that children were held in jail, in violation of the law,

“21 children were kept in jail as of October 1, 2011 in violation of law and repeated High Court verdicts and Orders, although 157 seats at the juvenile development centres were vacant. The High Court Bench of Justice M Imman Ali and Justice Obaidul Hassan, on October 26, 2010 after hearing a rule issued suo moto, and said that ‘Children held in the prison, whose age is below 16 years, are being held there illegally and without lawful authority and are to be removed from prison forth with.’ It went on to say ‘We iterate that Judges must be aware that children can under no circumstances be kept in prison when a trial is pending. It is the responsibility of the Department of Social Welfare to provide for either a safe home, remand home or any other suitable place. If they are at all to be kept in the custody’.”⁴⁸⁹

In its 2010 country report the *USDOS* reported that women in ‘safe custody’ were not always separated from criminals,

⁴⁸⁶ Odhikar, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 5 March 2012

⁴⁸⁷ Odhikar, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 5 March 2012

⁴⁸⁸ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

⁴⁸⁹ Odhikar, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 5 March 2012

“Although the law prohibits women in “safe custody” (usually victims of rape, trafficking, and domestic violence) from being housed with criminals, in practice officials did not always provide separate facilities in these situations.”⁴⁹⁰

In its 2010 country report on human rights the *USDOS* reported that in general human rights monitors were not permitted prison visits and that findings from government and judicial monitoring was not publicly disclosed,

“In general the government did not permit prison visits by independent human rights monitors, including the International Committee of the Red Cross.

Government-appointed committees composed of prominent private citizens in each prison locality monitored prisons monthly but did not publicly release their findings. District judges occasionally visited prisons but rarely disclosed their findings to the public.”⁴⁹¹

5. **Death penalty**

In its 2011 human rights report *Odhikar* stated that more than a 1000 people were on death row, and that in some cases prisoners have been forced to carry out the execution of fellow inmates,

“While campaigns are gaining momentum across the world against death penalty, Bangladesh continues to enact laws making provisions for capital punishment for grievous offences. The Cabinet on December 26 approved a Bill seeking amendment to the Anti-Terrorism Act, 2009, proposing capital punishment for financing terrorist activities. The existing law stipulates that a person guilty of the offence for terror financing shall be sentenced to not more than 20 years and not less than three years of imprisonment.

[] More than 1,000 persons are currently sitting on death row in prisons around Bangladesh. The authorities hanged five army officers convicted of killing the country's independence leader on January 27, 2010, taking the number of executions since 1971 to 411.

[] According to *Odhikar* documentation, four people were executed by hanging in 2011. It is also reported that 97 persons have been awarded the death sentence by various courts.

[] An extremely broad range of crimes currently attracts the death penalty in Bangladesh. These include non-lethal crimes such as counterfeiting and smuggling. The imposition of mandatory death sentences for certain crimes deprives the judiciary of discretion to take into account possible extenuating circumstances. Executions are carried out in jail by hanging. Other prisoners are forced into carrying out the executions of their peers without any legal basis in domestic legislation. This practice clearly amounts to an inhuman and degrading treatment.”⁴⁹²

In its 2011 annual report *Amnesty International* stated that nine people were executed,

“Five men found guilty of killing the country's founding leader, Sheikh Mujibur Rahman, in 1975 were executed in January. Their hasty execution – less than 24 hours after their final conviction – was unprecedented. Contrary to usual practice, the President dismissed clemency petitions by three of them before the court's final verdict. Four other men were executed in three different jails on 15 September.”⁴⁹³

⁴⁹⁰ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/i/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

⁴⁹¹ United States Department of State, 2010 Human rights report: Bangladesh, 8 April 2011, <http://www.state.gov/i/drl/rls/hrrpt/2010/sca/154478.htm>, accessed 22 February 2012

⁴⁹² *Odhikar*, Human Rights Report 2011, 7 January 2012, http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 5 March 2012

⁴⁹³ Amnesty International, Annual Report 2011; Bangladesh, May 2011, <http://www.amnesty.org/en/region/bangladesh/report-2011>, accessed 10 March 2012

6. *Informal and Traditional Mechanisms of Conflict Resolution*

In August 2011 the *World Bank* reported that traditional conflict resolution methods included shalish and gram adalat (village courts),

“The institutional landscape of local dispute resolution in Bangladesh is rich: it includes the traditional process of shalish, longstanding and impressive civil society efforts to improve on shalish, and a somewhat less-explored provision for gram adalat or village courts.”⁴⁹⁴

According to the *World Bank* shalish may involve voluntary submission to arbitration or in extreme forms become a de facto criminal court,

“Shalish may involve voluntary submission to arbitration (which, in this context, involves the parties agreeing to submit to the judgment of the shalish panel), mediation (in which the panel helps the disputants to try to devise a settlement themselves) or a blend of the two. In a harsh, extreme version of its traditional form, however, shalish instead constitutes a de facto criminal court that inflicts trial and punishment on individuals who have not consented to its jurisdiction.”⁴⁹⁵

The *World Bank* reported that shalish is more likely to discriminate against women,

“Despite its general accessibility, low cost and quick disposal, the literature on shalish has underscored its elitist character and the hazard that it perpetuates existing power structures. That traditional dispute resolution systems are often undemocratic and exclusionary and access by women and the most marginalized such as landless people is poor have been well-documented. Few women are invited to sit on shalish as mediators or —shalishkars, making other women less likely to approach the shalish. This is important because the large majority of the cases that women would like to see resolved are family based - particularly related to domestic and spousal violence. A key aspect of exclusion is that shalish decisions tend to enforce established social norms and in that sense may also deter women from participating.

Young (unmarried) women especially face the greatest exclusion. In a sense this exclusion is also related to the need to uphold norms of chastity and —proper behavior. Since the shalish decide on cases of extra and pre marital relationships between men and women they are seen as corrupting influences on unmarried girls. Even without the discussion of these issues, younger women would likely have lower access to these as they do to other entitlements due to the intersection of age and gender.”⁴⁹⁶

In its 2011 human rights report *Odhikar* stated that the institution of shalish has been increasingly abused,

“Odhikar terms illegal fatwas as those rulings which are not given by Islamic scholars but delivered by Islamic community members or leaders. These illegal fatwas are usually delivered in the villages of Bangladesh and in the context of the *shalish* or informal village arbitration. The institution of *shalish* has been increasingly abused. During such gatherings, male community leaders humiliate women and often prescribe brutal punishments for supposed misdeeds.

⁴⁹⁴ The World Bank, Framing local conflict and justice in Bangladesh, Policy research working paper 5781, August 2011, http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/08/29/000158349_20110829092523/Rendered/PDF/WPS5781.pdf, accessed 20 March 2012

⁴⁹⁵ The World Bank, Framing local conflict and justice in Bangladesh, Policy research working paper 5781, August 2011, http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/08/29/000158349_20110829092523/Rendered/PDF/WPS5781.pdf, accessed 20 March 2012

⁴⁹⁶ The World Bank, Framing local conflict and justice in Bangladesh, Policy research working paper 5781, August 2011, http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/08/29/000158349_20110829092523/Rendered/PDF/WPS5781.pdf, accessed 20 March 2012

[] In 2011 a total number of 05 persons became the victims of the illegal fatwa, out of them 04 were women and 01 was a man. Besides, 36 females and 16 males became victims of illegal arbitration/salish.

[] The High Court Division ruled fatwa illegal in 2001 and again in 2010 banned the punishment of anyone due to fatwa. The decision of the Appellate Division of the Supreme Court in March 2011 declared that fatwa was legal in 'religious matters' but categorically stated that fatwa could not be used to punish anyone and could not affect the rights, reputation or dignity of any person: 'No punishment including physical violence and/or mental torture in any form, can be imposed or inflicted on anybody in pursuance of fatwa.' were the words of the Appellate Division of the Supreme Court. Odhikar welcomes the specificity of the Supreme Court's dictates. Odhikar further demands that the government takes the necessary actions against those who engage in illegal fatwas or arbitrations which impinge on human rights and thus go against the strictures of the Supreme Court ruling."⁴⁹⁷

In August 2011 the *World Bank* reported that under a 2006 Act, village courts have the power to grant awards and injunctions but do not have the power to fine or imprison,

"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)."⁴⁹⁸

B. Internal displacement (situation of IDPs)

In December 2011, the *Internal Displacement Monitoring Centre* reported that armed struggle in the Chittagong Hill Tracts was formally ended in 1997 with the signing of the Chittagong Hill Tracts Peace Accord, but that continuing insecurity is generating new displacements,

"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.

⁴⁹⁷ Odhikar, Human Rights Report 2011, 7 January 2012,

http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf, accessed 5 March 2012

⁴⁹⁸ The World Bank, Framing local conflict and justice in Bangladesh, Policy research working paper 5781, August 2011, http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/08/29/000158349_20110829092523/Rendered/PDF/WPS5781.pdf, accessed 20 March 2012

There is disagreement over who should be recognised as an IDP. Under the CHT Peace Accord, all parties recognise displaced indigenous people as IDPs, but the indigenous groups refuse to accept the Bengali settlers they have displaced from recently occupied land as such. Their position is not in line with the common definition of an IDP, which does not require a person to have lived in a place for a long period before they can be recognised as displaced from it. Given the background to the conflict, it may make sense to offer settlers compensation and safe alternatives to their discontinued occupation of the land in question, but any attempt to do so should be on the basis that they too should be recognized as IDPs and treated as such under the accord.

There is also a general lack of up-to-date information and monitoring of internal displacement, some of whom were displaced as many as 35 years ago, so it is unclear what their settlement intentions might have been and whether they have achieved a durable solution.⁴⁹⁹

In December 2011 the *Internal Displacement Monitoring Centre* reported that little information about IDPs in the Chittagong Hill Tracts is available, but that access to healthcare, food and education is limited.⁵⁰⁰

The *Internal Displacement Monitoring Centre* reported that some IDPs in the Chittagong Hill Tracts are not supplied with food rations,

“In 2003 the rations to 65,000 indigenous people stopped although about 26,000 Bengali settlers continued to receive them (The Daily Star, 2 September 2003). After strong protests from indigenous organisations, rations to the returnees were resumed (AITPN, December 2008, p.17).

No such rations have been provided for the indigenous population remaining displaced within the CHT since the years of the armed conflict.⁵⁰¹

According to the *Internal Displacement Monitoring Centre* there are limited health facilities in remote areas,

“The remote areas in which IDPs often live have poor access to health services, medicine and medical personnel (communication with ALRC, 8 June 2009). An additional obstacle is the lack of civic amenities including shortage of electricity and safe water, which in turn makes health workers reluctant to join services there (UNDP, 3 September 2008). The main health problems in the three Hill districts – Rangamati, Bandarban and Khagrachari - are malaria, diarrhoea, skin diseases, hepatitis and some sexually transmitted diseases (UNDP, 3 September 2008). The prevalence of tuberculosis in the CHT is higher than in other districts of the country (The New Nation, 14 June 2009). A 2007 UNICEF survey revealed that anaemia is a severe public health problem in the CHT, particularly affecting children under five, adolescents and pregnant women (UNICEF website, accessed 13 July 2009; CRC, October 2008, para.47).⁵⁰²

⁴⁹⁹ Internal Displacement Monitoring Centre, Bangladesh, Progress on internal displacement response needed, 30 December 2011, [http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/DD3CE7ECE43F2C8BC1257976005E52BE/\\$file/Bangladesh+-December+2011.pdf](http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/DD3CE7ECE43F2C8BC1257976005E52BE/$file/Bangladesh+-December+2011.pdf), accessed 22 February 2012

⁵⁰⁰ Internal Displacement Monitoring Centre, Bangladesh, Progress on internal displacement response needed, 30 December 2011, [http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/DD3CE7ECE43F2C8BC1257976005E52BE/\\$file/Bangladesh+-December+2011.pdf](http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/DD3CE7ECE43F2C8BC1257976005E52BE/$file/Bangladesh+-December+2011.pdf), accessed 22 February 2012

⁵⁰¹ Internal Displacement Monitoring Centre, Bangladesh, Progress on internal displacement response needed, 30 December 2011, [http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/DD3CE7ECE43F2C8BC1257976005E52BE/\\$file/Bangladesh+-December+2011.pdf](http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/DD3CE7ECE43F2C8BC1257976005E52BE/$file/Bangladesh+-December+2011.pdf), accessed 22 February 2012

⁵⁰² Internal Displacement Monitoring Centre, Bangladesh, Progress on internal displacement response needed, 30 December 2011, [http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/DD3CE7ECE43F2C8BC1257976005E52BE/\\$file/Bangladesh+-December+2011.pdf](http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/DD3CE7ECE43F2C8BC1257976005E52BE/$file/Bangladesh+-December+2011.pdf), accessed 22 February 2012

According to the *Internal Displacement Monitoring Centre* IDPs may experience difficulties in reaching schools due to poor roads and indigenous children face language barriers,

“Since the internally displaced people often live in remote locations with poor roads they are likely to face difficulties in accessing schools. The National Strategy for Accelerated Poverty Reduction emphasises that existing regulations on setting up schools in the CHT do not take into consideration the dispersed and remote nature of the indigenous people’s settlements (government of Bangladesh, October 2005, para.5.406; UN website, accessed on 13 July 2009). As a consequence, the indigenous people enjoy fewer opportunities for education and skills development than the rest of the population; and the illiteracy rate among them is very high (government of Bangladesh, October 2005, para.5.406).

Indigenous displaced children also face a language barrier at school (The Daily Star, 14 May 2009). The language used is Bangla which they often do not understand. As a result, the school drop-out rate in the CHT is high (IDP, 21 February 2007; UN website, accessed on 13 July 2009).⁵⁰³

[http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/DD3CE7ECE43F2C8BC1257976005E52BE/\\$file/Bangladesh+-December+2011.pdf](http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/DD3CE7ECE43F2C8BC1257976005E52BE/$file/Bangladesh+-December+2011.pdf), accessed 22 February 2012

⁵⁰³ Internal Displacement Monitoring Centre, Bangladesh, Progress on internal displacement response needed, 30 December 2011, [http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/DD3CE7ECE43F2C8BC1257976005E52BE/\\$file/Bangladesh+-December+2011.pdf](http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/DD3CE7ECE43F2C8BC1257976005E52BE/$file/Bangladesh+-December+2011.pdf), accessed 22 February 2012