

# Freedom in the World 2019

## POLITICAL RIGHTS: 17 / 40 (-2)

### A. ELECTORAL PROCESS: 5 / 12 (-2)

#### A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4

A largely ceremonial president, who serves for five years, is elected by the legislature. President Abdul Hamid was elected to his second term in 2018.

The leader of the party that wins the most seats in the unicameral National Parliament assumes the position of prime minister and wields effective power. Hasina was expected to be sworn in for her third term as prime minister in early 2019 following the AL's victory in the 2018 elections, which were marked by violence, intimidation of opposition candidates and supporters, and allegations of fraud benefiting the ruling party.

#### A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4 (-1)

The National Parliament is composed of 350 members, 300 of whom are directly elected. Political parties elect a total of 50 female members based on their share of elected seats.

Hasina's AL overwhelmingly won the December 2018 polls, taking 288 of the 300 directly elected seats. Election day and the campaign that preceded it were marked by political violence in which at least 17 people were killed, as well as legal and extralegal harassment of government opponents. The opposition BNP claimed that 6,000 of its supporters and 10 of its candidates had been arrested ahead of the elections, and that its candidates were subject to intimidation and violence. Zia, the BNP's leader, was convicted on corruption charges and jailed ahead of the polls and later banned from participating in them as a candidate, significantly harming the BNP's competitiveness.

In the election's wake, the BNP issued allegations that the AL had benefit from widespread electoral fraud carried out by AL supporters with the complicity of law enforcement agents. The government also faced criticism for long delays in approving the accreditation of the Asian Network for Free Elections (ANFREL), which ultimately cancelled its election monitoring mission. A number of domestic missions, including one run by the highly regarded human rights organization Odhikar, were also unable to observe the elections due to similar delays, or authorities' outright denial of accreditation.

The previous general election in 2014 was boycotted by the main opposition party and was disrupted by significant violence.

*Score Change: The score declined from 2 to 1 because the year's parliamentary elections were marred by violence, intimidation against the opposition, allegations of fraud, and the obstruction of election monitoring missions.*

**A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4 (-1)**

The independence of the Election Commission (EC) and its ability to investigate complaints has long been questioned by opposition parties and outside observers, including by foreign governments and international organizations that have withdrawn financial assistance to the commission over such concerns. The EC's stewardship of the 2018 elections gave further credence to complaints that it favors the ruling party. In the run-up to the 2018 polls, the commission disqualified 141 BNP candidates for various violations, but only 3 from the AL. (Anticipating such disqualifications, the BNP designated multiple nominees for a number of posts to minimize disruptions to its campaign.) Moreover, the EC failed to order additional security measures following outbreaks of political violence that preceded the vote, or to meaningfully address many complaints filed by opposition figures about election-related violence and other electoral irregularities.

*Score Change: The score declined from 3 to 2 because rulings by the Electoral Commission favored the ruling Awami League, and because it failed to address complaints about election-related violence and other electoral irregularities.*

**B. POLITICAL PLURALISM AND PARTICIPATION: 7 / 16**

**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4**

Bangladesh has a two-party system in which power has historically alternated between political coalitions led by the AL and BNP; third parties have traditionally had difficulty achieving traction. Both parties are nondemocratic in terms of internal structure, and are led by families that have competed to lead Bangladesh since independence, along with a small coterie of advisers. A crackdown on the BNP ahead of the 2018 elections significantly disrupted its operations. There were also reports that the party's campaign materials were suppressed.

The constitution bans religiously based political parties, and the Jamaat-i-Islami (JI) party was prohibited from taking part in the 2014 and 2018 elections because of its overtly Islamist charter, though some JI members ran as independents. Bangladesh's International Crimes Tribunal—named as such despite lacking international oversight—was created in 2010 by Hasina to try people suspected of committing war crimes during Bangladesh's 1971 war of independence from Pakistan. Critics of the tribunal claim it was established to persecute Hasina's political opponents, notably those in JI.

**B2. Is there a realistic opportunity for the opposition to increase its**

### **support or gain power through elections? 1 / 4**

The main opposition BNP has been weakened by regular harassment and arrests of key members that have significantly harmed its ability to challenge the AL in elections. The 2018 election campaign was characterized by a crackdown on dissent that saw thousands of people and several political candidates arrested. There were also a number of acts of violence committed against opposition figures.

In the run-up to the polls, former prime minister and BNP leader Khaleda Zia was sentenced to five years' imprisonment for corruption, and the term was doubled in October, and the same month she was also sentenced to seven years in another case. In December, the attorney general announced that, per a recent Supreme Court ruling, she could not contest the elections due to a ban on political candidacy by anyone sentenced more than two years in prison. Zia's imprisonment severely hampered the competitiveness of the BNP.

A JI spokesman said more than 1,850 party members were arrested ahead of the 2018 elections, and some party members claimed they had been subject to torture while in custody.

### **B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 2 / 4**

The rival AL and BNP parties dominate politics and limit political choices for those who question internal party structures or hierarchy, or who would create alternative parties or political groupings.

Animosity between Hasina and Zia, as well as between lower-level cadres, has contributed to continued political violence. The human rights group Odhikar registered 79 deaths and 3,826 people injured as a result of inter- or intraparty clashes from January through November 2018.

### **B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 2 / 4**

In the National Parliament, 50 seats are allotted to women, who are elected by political parties based on their overall share of elected seats, and women lead both main political parties. Nevertheless, societal discrimination against women, as well as against as well against LGBT (lesbian, gay, bisexual, and transgender) communities, limits their participation in politics. Religious minorities remain underrepresented in politics and state agencies, though the AL government has appointed several members of such groups to leadership positions.

## **C. FUNCTIONING OF GOVERNMENT: 5 / 12**

### **C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4**

Policy is set by the ruling AL, and weaknesses in the country's institutions have

reduced checks on its processes and decision-making. Low representation of opposition lawmakers in the National Parliament significantly reduces its ability to provide thorough scrutiny of or debate on government policies, budgets, and proposed legislation.

**C2. Are safeguards against official corruption strong and effective? 1 / 4**

Under the AL government, anticorruption efforts have been weakened by politicized enforcement and subversion of the judicial process. In particular, the Anti-Corruption Commission (ACC) has become ineffective and subject to overt political interference. The government continues to bring or pursue politicized corruption cases against BNP party leaders.

**C3. Does the government operate with openness and transparency? 2 / 4**

Endemic corruption and criminality, weak rule of law, limited bureaucratic transparency, and political polarization have long undermined government accountability. The 2009 Right to Information Act mandates public access to all information held by public bodies and overrides secrecy legislation. Although it has been unevenly implemented, journalists and civil society activists have had some success in using it to obtain information from local governing authorities.

## **CIVIL LIBERTIES: 24 / 60 (-2)**

### **D. FREEDOM OF EXPRESSION AND BELIEF: 6 / 16 (-1)**

**D1. Are there free and independent media? 1 / 4**

Journalists and media outlets face many forms of pressure, including frequent lawsuits, harassment, and serious or deadly physical attacks. The threat of physical reprisals against bloggers and publishers in connection with their work remained high in 2018. In June, secular blogger Shahjahan Bachchu was murdered after receiving death threats from Sunni extremists. A climate of impunity remains the norm, with little progress made on ensuring justice for the series of blogger murders since 2015. Dozens of bloggers remain in hiding or exile.

Separately, in August 2018, photographer Shahidul Alam was arrested under the Information and Communication Technology (ICT) Act for posting a video of student protests on Facebook. The Digital Security Act, which became law in October 2018 and replaced the ICT Act, allows the government to conduct searches or arrest individuals without a warrant and criminalizes various forms of speech, and was vehemently opposed by journalists.

Forms of artistic expression contained in books, films, and other materials are occasionally banned or censored.

**D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4**

Bangladesh is a secular state, but Islam is designated as the official religion. Although religious minorities have the right to worship freely, they occasionally face legal repercussions for proselytizing. Members of minority groups—including Hindus, Christians, Buddhists, and Shiite and Ahmadiyya Muslims—face harassment and violence, including mob violence against their houses of worship. Those with secular or nonconformist views can face societal opprobrium and attacks from hardline Islamist groups.

**D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4 (–1)**

In recent years, Bangladesh’s academic institutions have increasingly faced threats from a variety of actors, resulting in reduced autonomy and rising self-censorship. Faculty hiring and promotion are often linked to support for the AL, and campus debate is stifled by the AL’s student wing. In 2018, several campus demonstrations by students and professors who objected to a quota scheme for government jobs were set upon by assailants and violently dispersed by police, and many participants were arrested. The police dispersal of one protest at Dhaka University involved the use of rubber bullets and tear gas.

Changes made to the Bengali-language textbooks used widely throughout the educational system and distributed in 2017—at the behest of Islamist groups, who demanded the removal of content they claimed was “atheistic”—raised concerns among intellectuals regarding the influence of these groups over government policy and standards. Separately, Islamic extremists have attacked secular professors.

*Score Change: The score declined from 2 to 1 due to an increase in political pressure, intimidation, and self-censorship affecting university students, faculty, and administrators in recent years.*

**D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4**

Open private discussion of sensitive religious and political issues is restrained by fears of harassment. Advocacy group Human Rights Watch (HRW) said the crackdown preceding the 2018 elections created “a climate of fear extending from prominent voices in society to ordinary citizens.” Censorship of digital content and surveillance of telecommunications and social media have become increasingly common.

**E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 5 / 12**

**E1. Is there freedom of assembly? 2 / 4**

The constitution provides for the rights of assembly and association, but the government regularly bans gatherings of more than five people. Many demonstrations took place in 2018, though authorities sometimes try to prevent rallies by arresting party activists, and protesters are frequently injured and occasionally killed during clashes in which police have used excessive force. In 2018, large street protests regarding economic and social issues, comprised mostly of

students, were attacked by allies of the ruling party and prompted violent police responses and arrests.

**E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 2 / 4**

Many nongovernmental organizations (NGOs) operate in Bangladesh and are able to function without onerous restrictions, but the use of foreign funds must be cleared by the NGO Affairs Bureau, which can also approve or reject individual projects. The 2016 Foreign Donations (Voluntary Activities) Regulation Act made it more difficult for NGOs to obtain foreign funds and gave officials broad authority to deregister NGOs. Democracy, governance, and human rights NGOs are regularly denied permission for proposed projects and are subject to harassment and surveillance.

**E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4**

Legal reforms in 2015 eased restrictions on the formation of unions. However, union leaders who attempt to organize or unionize workers continue to face dismissal or physical intimidation, and organizations that advocate for labor rights have faced increased harassment. Worker grievances fuel unrest at factories, particularly in the garment industry, where protests against low wages and unsafe working conditions are common. Protesting workers often face violence, arrest, and dismissal.

**F. RULE OF LAW: 4 / 16 (–1)**

**F1. Is there an independent judiciary? 1 / 4 (–1)**

Politicization of and pressure against the judiciary is persists. In 2017, the Chief Justice of the Supreme Court retired; he left the country and said, in an autobiography published in September 2018 that he had been forced to retire after threats from Bangladeshi military intelligence because of rulings he had made against the government. In 2018, other allegations of political pressure on judges continued to emerge, as did allegations that unqualified AL loyalists were being appointed to court positions.

Separately, the opposition alleged that the slew of corruption cases lodged against Zia, and the sentences handed down in 2018 in connection with her convictions, had been designed to prevent her from running for a seat in the year's elections. The justice system is racked by delays, and Zia noted that her cases were adjudicated far more rapidly than other prominent criminal cases.

*Score Change: The score declined from 2 to 1 due to continued political pressure against members of the judiciary, including the former chief justice's allegation that the government had forced him to resign in 2017.*

**F2. Does due process prevail in civil and criminal matters? 1 / 4**

Individuals' ability to access justice is compromised by endemic corruption within the court system and severe backlogs. Pretrial detention is often lengthy, and many

defendants lack counsel. Suspects are routinely subject to arbitrary arrest and detention, demands for bribes, and physical abuse by police. Criminal cases against ruling party activists are regularly withdrawn on the grounds of “political consideration,” undermining the judicial process and entrenching a culture of impunity.

The 1974 Special Powers Act permits arbitrary detention without charge, and the criminal procedure code allows detention without a warrant. A 2009 counterterrorism law includes a broad definition of terrorism and generally does not meet international standards. Concerns have repeatedly been raised that the International Crimes Tribunal’s procedures and verdicts do not meet international standards on issues such as victim and witness protection, the presumption of innocence, defendant access to counsel, and the right to bail. The tribunal continued to hand down sentences, including death sentences, in 2018.

### **F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4**

Terrorist attacks by Islamist militant groups continued to decline in 2018 following a crackdown on these groups in the latter half of 2016, during which more than 15,000 people were arrested. The South Asia Terrorism Portal documented only three civilian fatalities related to Islamist extremism in 2018, down from 9 in 2017 and 43 in 2016.

However, a range of human rights abuses by law enforcement agencies—including enforced disappearances, custodial deaths, arbitrary arrests, and torture—have continued unabated. A 2017 Human Rights Watch report documented the use of detention and enforced disappearance against members of the political opposition, despite the government’s promise to address the issue. In May 2018, the government initiated a “war on drugs;” by the end of the month, thousands had been arrested and over 100 were killed.

The incidence of custodial deaths has remained high. Odhikar reported a total of 456 extrajudicial killings perpetrated by law enforcement agencies between January and November 2018, in addition to 83 enforced disappearances. Prison conditions are extremely poor; severe overcrowding is common, and juveniles are often incarcerated with adults.

### **F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4**

Members of ethnic and religious minority groups face some discrimination under law as well as harassment and violations of their rights in practice. Indigenous people in the Chittagong Hill Tracts (CHT) remain subject to physical attacks, property destruction, land grabs by Bengali settlers, and occasional abuses by security forces.

Bangladesh has hosted roughly 270,000 ethnic Rohingyas who fled from Myanmar beginning in the 1990s. The vast majority do not have official refugee status; suffer from a complete lack of access to health care, employment, and education; and are subject to substantial harassment. In response to a sharp escalation in violence directed against Rohingyas in Myanmar’s Rakhine State in 2017, some 700,000

refugees poured across the border into Bangladesh, creating a humanitarian crisis. Most live in precarious camps that lack basic services. Authorities reached a repatriation agreement with Myanmar in October, but the UN refugee agency said conditions in Myanmar were not fit for the refugees' return and that safeguards for them were "absent." At year's end the repatriation plan had not been implemented.

A criminal ban on same-sex sexual acts is rarely enforced, but societal discrimination remains the norm, and dozens of attacks on LGBT individuals are reported every year. A number of LGBT individuals remain in exile following the 2016 murder of Xulhaz Mannan, a prominent LGBT activist, by Islamist militants. Despite legal recognition for transgender people as an optional "third gender," they face persecution.

## **G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 9 / 16**

### **G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4**

The ability to move within the country is relatively unrestricted, as is foreign travel, though there are some rules on travel into and around the CHT districts by foreigners as well as into Rohingya refugee camps. There are few legal restrictions regarding choice of education or employment.

### **G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4**

Property rights are unevenly enforced, and the ability to engage freely in private economic activity is somewhat constrained. Corruption and bribery, inadequate infrastructure, and official bureaucratic and regulatory hurdles hinder business activities throughout the country. State involvement and interference in the economy is considerable. The 2011 Vested Properties Return Act allows Hindus to reclaim land that the government or other individuals seized, but it has been unevenly implemented. Tribal minorities have little control over land decisions affecting them, and Bengali-speaking settlers continue to illegally encroach on tribal lands in the CHT. A commission set up in 2009 to allocate land to indigenous tribes has suffered from delays.

### **G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4**

Under personal status laws affecting all religions, women have fewer marriage, divorce, and inheritance rights than men, and face discrimination in social services and employment. Rape, acid throwing, and other forms of violence against women occur regularly despite laws offering some level of protection. A law requiring rape victims to file police reports and obtain medical certificates within 24 hours of the crime in order to press charges prevents most cases from reaching the courts. Giving or receiving dowry is a criminal offense, but coercive requests remain a problem; Odhikar reported 142 cases of dowry-related violence against women in 2018. A high

rate of early marriage persists, with 59 percent of girls married by age 18, according to statistics from the United Nations Children's Fund (UNICEF) for 2017. Despite a stated government commitment in 2014 to abolish the practice by 2041, in 2017 parliament approved a law that would permit girls under the age of 18 to marry under certain circumstances, reversing a previous legal ban on the practice.

#### **G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4**

Socioeconomic inequality is widespread. Working conditions in the garment industry remain extremely unsafe in most factories despite the renewal of a legally binding accord between unions and clothing brands to improve safety practices. Comprehensive reforms of the industry are hampered by the fact that a growing number of factory owners are also legislators or influential businesspeople.

Bangladesh remains both a major supplier of and transit point for trafficking victims, with tens of thousands of people trafficked each year. Women and children are trafficked both overseas and within the country for the purposes of domestic servitude and sexual exploitation, while men are trafficked primarily for labor abroad. A comprehensive 2013 antitrafficking law provides protection to victims and increased penalties for traffickers, but enforcement remains inadequate.