

# **BANGLADESH 2018 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Bangladesh's constitution provides for a parliamentary form of government, but in fact, most power resides in the Office of the Prime Minister. Prime Minister Sheikh Hasina and her Awami League party won a third consecutive five-year term in an improbably lopsided December parliamentary election that was not considered free and fair, and was marred by reported irregularities, including ballot-box stuffing and intimidation of opposition polling agents and voters. During the campaign leading up to the election, there were credible reports of harassment, intimidation, arbitrary arrests, and violence that made it difficult for many opposition candidates and their supporters to meet, hold rallies, and campaign freely. International election monitors were not issued accreditation and visas within the timeframe necessary to conduct a credible international monitoring mission, and only seven of the 22 Election Working Group NGOs were approved to conduct domestic election observation.

Civilian authorities maintained effective control over the security forces.

Human rights issues included unlawful or arbitrary killings; forced disappearance; torture; arbitrary or unlawful detentions by the government or on its behalf; harsh and life-threatening prison conditions; political prisoners; arbitrary or unlawful interference with privacy; censorship, site blocking, and criminal libel; substantial interference with the rights of peaceful assembly and freedom of association, such as overly restrictive nongovernmental organizations (NGO) laws and restrictions on the activities of NGOs; significant restrictions on freedom of movement; restrictions on political participation, where elections have not been found to be genuine, free, or fair; corruption; trafficking in persons; violence against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons and criminalization of same-sex sexual activity; restrictions on independent trade unions, workers' rights, and use of the worst forms of child labor.

There were reports of widespread impunity for security force abuses. The government took few measures to investigate and prosecute cases of abuse and killing by security forces.

The United Nations reported three allegations of sexual exploitation and abuse against peacekeepers from Bangladesh in 2017; the allegations remained pending.

**Section 1. Respect for the Integrity of the Person, Including Freedom from:****a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

The constitution provides for the rights to life and personal liberty. There were numerous reports, however, that the government or its agents committed arbitrary or unlawful killings.

Law enforcement raids occurred throughout the year, primarily to counter terrorist activity. Suspicious deaths occurred during some raids, arrests, and other law enforcement operations. Security forces frequently accounted for such deaths by claiming when they took a suspect in custody to a crime scene to recover weapons or identify coconspirators, the suspect was killed during an exchange of gunfire when accomplices at the location shot at police. The government usually described these deaths as “crossfire killings,” “gunfights,” or “encounter killings,” terms used to characterize exchanges of gunfire between the Rapid Action Battalion (RAB) or other police units and criminal gangs. The media also sometimes used these terms to describe legitimate uses of police force. Human rights organizations and media outlets claimed many of these crossfire incidents actually constituted extrajudicial killings. In some cases human rights organizations claimed law enforcement units detained, interrogated, and tortured suspects, brought them back to the scene of the original arrest, executed them, and ascribed the death to lawful self-defense in response to violent attacks. A domestic human rights organization, Human Rights Support Society (HRSS), reported security forces killed more than 400 individuals in crossfire incidents from January through September. Another domestic human rights organization, Odhikar, reported security forces killed 415 individuals in crossfire incidents from January through October.

The government initiated an antinarcotics drive in May aimed at addressing a perceived narcotics problem in the country. The drive resulted in an increase of reported extrajudicial killings relative to last year. Local media reported approximately 230 alleged drug dealers were killed and 17,000 arrests were made from May through June. Human rights organizations and civil society expressed concern over the alleged extrajudicial killings and arrests, claiming many of the victims were innocent and contended the antinarcotics drive was a government effort to exert increased political control over the populace in advance of the national election.

On May 26, RAB forces shot and killed Teknaf City Municipal Councilor Ekramul Haque in Cox's Bazar District during a gunfight with drug dealers. Haque's family members disputed RAB's assertion Haque was involved in narcotics and claimed plainclothes government agents picked up Haque from his home hours before his death to discuss what the government agents alleged was a recent real estate purchase. Community members also disputed Haque's involvement with illegal narcotics.

Odhikar reported 57 detainees died while under law enforcement custody in the first 10 months of the year.

On March 6, according to press reports, plainclothes law enforcement officers arrested Zakir Hossain Milon, a student leader of the opposition Bangladesh Nationalist Party (BNP) on allegations of obstruction of justice. During his interrogation Milon complained of an "illness" and was transported to Dhaka Medical College Hospital (DMCH), where staff physicians declared him dead on March 12. Family members alleged Milon died from torture by law enforcement while under interrogation, claiming when they retrieved the remains from DMCH, the victim's fingernails were missing, and his lower extremities showed multiple severe bruises.

Competition among factions and members of the ruling party for local offices or dominance in their respective neighborhoods provoked violent intraparty clashes, resulting in killings and injuries between supporters of rival candidates. Human rights organization Ain O Salish Kendra (ASK) reported political violence resulted in approximately 30 deaths and 2,850 injuries from January through October.

Terrorists inspired two attacks this year. On March 3, Foyzur Rahman attacked Professor Muhammad Zafar Iqbal at a university in Sylhet. Rahman attacked Iqbal with a knife deeming him an "enemy of Islam." Iqbal had been a staunch critic of Islamist politics and growing intolerance in local Bangladeshi society. The Counter Terrorism and Transnational Crime Unit (CTTCU) found Rahman had links to Dawah Ilallah, an internet forum run by terrorist organization Ansarullah Bangla Team. Students attempted to restrain Rahman during his attack and turned him over to law enforcement. Iqbal survived the attack with injuries to his head and upper extremity.

## **b. Disappearance**

Human rights groups and media reported disappearances and kidnappings continued, committed mostly by security services. The government made limited efforts to prevent or investigate such acts. Following alleged disappearances, security forces released some individuals without charge, arrested others, found some dead, and never found others. HRSS stated there were 58 enforced disappearances from January through September. Odhikar stated there were 83 enforced disappearances from January through November.

Authorities took into custody in 2016 the sons of three former opposition politicians convicted by Bangladesh's International Criminal Tribunal. The detainees were never formally detained or charged with a crime. Authorities released Humam Quader Chowdhury seven months later, but Mir Ahmed Bin Quasem and Amaan Azmi remained missing at year's end. The government did not respond to a request from the UN Working Group on Enforced Disappearances to visit the country.

High-ranking government officials repeatedly denied incidents of enforced disappearance and claimed victims were hiding of their own accord. A 2017 judicial inquiry concluded enforced disappearances occurred and ordered the Police Bureau of Investigation to take actions regarding disappeared persons. Local law enforcement maintains they continued investigating these disappearances throughout the year.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

Although the constitution and law prohibit torture and other cruel, inhuman, or degrading treatment or punishment, local and international human rights organizations and the media reported security forces, including the intelligence services and police, employed torture and cruel, inhuman, or degrading treatment or punishment. Security forces reportedly used torture to gather information from alleged militants and members of political opposition parties. Security forces reportedly used threats, beatings, kneecappings, and electric shock, and sometimes committed rapes and other sexual abuses. Odhikar reported five deaths from torture during the first 10 months of the year.

The law contains provisions allowing a magistrate to place a suspect in interrogative custody, known as remand, during which questioning of the suspect can take place without a lawyer present. Human rights organizations alleged that many instances of torture occurred during remand.

On May 4, the Detective Branch (DB) of the Bangladesh Police detained Ashraf Ali on suspicion of kidnapping. After 35 hours of detention, Ali was taken to DMCH where he died three hours later. An autopsy conducted at DMCH concluded Ali suffered severe bruising on his lower body and sustained intestinal torsion. According to hospital authorities, DB asked the staff physicians at the hospital to issue a death certificate stating Ali died of natural causes. The physicians refused, reportedly due to Ali's physical condition upon arrival. Ali's family stated Ali was a hernia patient but was in otherwise good health.

On August 5, photojournalist Shahidul Alam was arrested for making "provocative comments" when reporting on student protests for road safety (see section 2. a.). When Alam was brought to court on August 6, he appeared unable to walk unassisted and showed visible injuries. During his testimony in front of the Chief Metropolitan Magistrate, Alam alleged on the first night of detention, he was blindfolded, a weight was placed on his head, and he was hit on the face. Subsequent medical reports released to the court on August 9, a day after a legally required medical examination at a public hospital, stated Alam had been deemed "physically and mentally sound." On August 22, Alam's wife, Rahnuma Ahmed, issued a press release requesting his transfer to a hospital. Ahmed reported during a visit to the jail, her husband claimed he was suffering from breathing difficulties, pain in his gums, and vision problems. Ahmed reported these health issues did not predate his detention. Alam was released on bail on November 20.

According to the United Nations, three allegations of sexual exploitation and abuse against Bangladeshi peacekeepers reported from 2015-17 remained pending. The cases alleged both sexual exploitation (exploitative relationship, transactional sex) and abuse (sexual assault against minors) involving peacekeepers deployed in the UN Stabilization Mission in Haiti and the UN Organization Stabilization Mission in the Democratic Republic of Congo. Two allegations have been substantiated according to UN investigations. The peacekeepers in question were repatriated by the United Nations. The investigations by Bangladesh authorities were pending at the end of the year.

### **Prison and Detention Center Conditions**

Prison conditions remained harsh and at times life threatening due to overcrowding, inadequate facilities, and a lack of proper sanitation. There are currently no private detention facilities. ASK claimed these conditions contributed to custodial deaths, which it claimed totaled 74 from January through December.

Physical Conditions: According to the Department of Prisons, in November more than 95,000 prisoners occupied a system designed to hold approximately 37,000 inmates. Authorities often incarcerated pretrial detainees with convicted prisoners.

According to the Ministry of Home Affairs, as of October, Bangladesh prisons held more than 90,000 prisoners compared to an official capacity of roughly 36,000; prisoners slept in shifts and did not have adequate toilet facilities. In 2016 human rights organizations and the media stated some prisoners did not receive medical care or water, although prison authorities maintained each prisoner had access to water. Water available in prisons was comparable with water available in the rest of the country, which was frequently not potable.

Conditions in prisons, and often within the same prison complex, varied widely. Authorities lodged some prisoners in areas subject to high temperatures, poor ventilation, and overcrowding. The law allows individuals whom prison officials designated as “VIPs” to access “Division A” prison facilities with improved living and food, more frequent family visitation rights, and the provision of another prisoner without VIP status to serve as an aide in the cell.

While the law requires holding juveniles separately from adults, authorities incarcerated many juveniles with adults. Children were sometimes imprisoned (occasionally with their mothers) despite laws and court decisions prohibiting the imprisonment of minors.

Authorities routinely held female prisoners separately from men. Although the law prohibits women in “safe custody” (usually victims of rape, trafficking, and domestic violence) from being housed with criminals, officials did not always provide separate facilities. Authorities must issue permission for these women to leave this “safe custody.”

Although Dhaka’s central jail had facilities for those with mental disabilities, not all detention facilities had such facilities, nor are they required to by law. Judges may reduce punishments for persons with disabilities on humanitarian grounds. Jailors also may make special arrangements, for example, by transferring inmates with disabilities to a prison hospital.

Administration: Prisons had no ombudsmen to whom prisoners could submit complaints. Prison authorities indicated they were constrained by significant staff

shortages. The scope for retraining and rehabilitation programs was extremely limited.

Independent Monitoring: The government permitted visits from governmental inspectors and nongovernmental observers who were aligned with the incumbent party. No reports on these inspections were released.

#### **d. Arbitrary Arrest or Detention**

The constitution prohibits arbitrary arrest and detention, but the Special Powers Act of 1974 permits authorities to arrest and detain an individual without an order from a magistrate or a warrant if authorities perceive the individual may constitute a threat to security and public order. The act was widely cited by law enforcement in justifying their arrests. The constitution provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but the government did not generally observe these requirements. Media, civil society, and human rights organizations accused the government of conducting enforced disappearances not only against suspected militants but also against civil society and opposition party members. Authorities sometimes held detainees without divulging their whereabouts or circumstances to family or legal counsel, or without acknowledging having arrested them.

#### **Role of the Police and Security Apparatus**

The Bangladesh Police, which falls under the jurisdiction of the Ministry of Home Affairs, has a mandate to maintain internal security and law and order. Numerous units of the Bangladesh Police operate under competing mandates. The most significant among such units are the Counter Terrorism and Transnational Crime Unit (CTTCU), the Rapid Action Battalion (RAB)--a mostly counterterrorism-focused Special Mission Unit--and the Detective Branch (DB).

The military, which reports directly to the prime minister (who also holds the title of minister of defense), is responsible for external security. The military may also be “activated” as a backup force with a variety of domestic security responsibilities when required to aid civilian authorities. This includes responding to instances of terrorism.

The Directorate General of Forces Intelligence (DGFI) and National Security Intelligence (NSI) are the two primary intelligence agencies with overlapping responsibilities and capabilities. Both are responsible for domestic as well as

foreign affairs and report directly to the prime minister in her capacity as minister of defense. Media reports asserted that the DGFI and, to a lesser degree, the NSI engaged in politically motivated violations of human rights. This included violations against suspected terrorists, members of opposition parties, civil society, and others.

Civilian authorities maintained effective control over the military and other security forces. While the government has mechanisms to investigate and punish abuse and corruption within the security forces, these mechanisms were not regularly employed. The government continued to take steps to improve police professionalism, discipline, training, and responsiveness--and to reduce corruption. Police basic training continued to incorporate instruction on the appropriate use of force as part of efforts to implement community-based policing.

According to police policy, all significant uses of force by police, including actions that resulted in serious physical injury or death, triggered an automatic internal investigation, usually by a professional standards unit that reports directly to the Inspector General of Police. The government neither released statistics on total killings by security personnel nor took comprehensive measures to investigate cases. Human rights groups expressed skepticism over the independence of the professional standards units conducting these assessments. In the few known instances in which the government brought charges, those found guilty generally received only administrative punishment.

Security forces continued to commit abuses with impunity. Plaintiffs were reluctant to accuse police in criminal cases due to lengthy trial procedures and fear of retribution. Reluctance to bring charges against police also perpetuated a climate of impunity. Officers with political ties to the ruling party occupied many of the key positions in the law enforcement agencies.

The government continued support of the Internal Enquiry Cell that investigates cases of human rights abuses within the RAB, which did not widely publish its findings and did not otherwise announce significant actions against officers accused of human rights abuses.

Security forces failed to prevent societal violence (see section 6).

### **Arrest Procedures and Treatment of Detainees**

The constitution requires arrests and detentions be authorized by a warrant or occur as a result of observation of a crime in progress, but the Special Powers Act of 1974 grants broad exceptions to these protections.

Under the constitution detainees must be brought before a judicial officer to face charges within 24 hours, but this provision was not regularly enforced. The government or a district magistrate may order a person detained for 30 days to prevent the commission of an act that could threaten national security; however, authorities sometimes held detainees for longer periods with impunity.

There is a functioning bail system, but law enforcement routinely rearrested bailed individuals on other charges, despite a 2016 directive from the Supreme Court's Appellate Division prohibiting rearrest of persons when they are released on bail in new cases without producing them in court.

Authorities generally permitted defense lawyers to meet with their clients only after formal charges were filed in the courts, which in some cases occurred weeks or months after the initial arrest. Detainees are legally entitled to counsel even if they cannot afford to pay for it, but the country lacked sufficient funds to provide for this entitlement.

Arbitrary Arrest: Arbitrary arrests occurred, often in conjunction with political demonstrations or as part of security force responses to terrorist activity, and the government held persons in detention without specific charges, sometimes in an attempt to collect information about other suspects. The expansiveness of the 1974 Special Powers Act grants a legal justification to arrests that would often otherwise be considered arbitrary, since it removes the requirement that arrests be based on crimes that have previously occurred. This year experienced a significant increase in arrests of opposition party activists. According to figures provided to the *Dhaka Tribune* by the BNP, 434,975 criminal charges in 4,429 cases were lodged against BNP members from September 1 through November 14. Law enforcement also arrested at least 100 students, most of whom participated peacefully in the quota reform and road safety protest movements.

On September 5, DB officers in Dhaka arrested numerous students from their student residences late at night, allegedly for their roles in the road safety protests in July and August. While authorities later released some of the students, 12 of the students were kept in custody for days before being brought before a judge. Human rights activists criticized the DB for its initial denial of the arrests and failure to produce them before the court within 24 hours of arrest, as mandated by

the law. Some of the students released by DB alleged physical abuse during their informal detention.

In a September 11 article, the *Daily Star* newspaper published a list of allegedly false criminal charges by police against opposition party BNP activists. The list included charges against an 82-year bedridden man in a hospital, a person who was abroad on the day of the alleged incident, and an individual who died approximately two years before the alleged crime. On November 7, the BNP submitted to the Prime Minister's Office what it claimed to be a partial list of 1,046 "fictitious cases" filed against its leaders and activists.

Police routinely detained opposition activists in their homes, in public places, or when commuting to and from their respective parties' events. On September 10, multiple newspapers reported police in Dhaka apprehended dozens of BNP supporters as they were returning home after participating in a peaceful human chain in front of the National Press Club to demand the release of incarcerated party chair Khaleda Zia.

Pretrial Detention: Arbitrary and lengthy pretrial detention continued due to bureaucratic inefficiencies, limited resources, lax enforcement of pretrial rules, and corruption. In some cases the length of pretrial detention equaled or exceeded the sentence for the alleged crime.

In July, Hasnat Karim, a UK citizen detained without charges and denied bail for more than two years as part of the investigation into the 2016 Holey Bakery Attack that killed more than 20 persons, was released. Law enforcement authorities decided not to charge Karim, due to a lack of evidence against him.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Pursuant to the Special Powers Act, a magistrate must inform a detainee of grounds for detention within 15 days. Regulations require an advisory board, appointed by the government, to examine each case of detention that lasts longer than four months. Detainees have the right to appeal.

Judicial vacancies hampered legal challenges to cases of detention. In 2017 *The Daily Star* reported delays in the recruitment of judges were hampering judicial proceedings and leading to a substantial case backlog. The article noted approximately 400 lower court judgeships, including 50 district judgeships, remained vacant. On January 16, the Law, Justice, and Parliamentary Affairs Minister reported to parliament that 3,309,789 cases were pending with the court

system on the last day of 2017.

On May 31, the president appointed 18 additional judges to the High Court division of the Supreme Court, raising the number of High Court Judges to 98. As of September the Appellate Division of the Supreme Court had appointed four judges on an 11-member bench.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, but corruption and political interference compromised its independence. In 2014 parliament passed the 16th amendment, authorizing parliament to remove judges. In 2017 the Supreme Court ruled the amendment unconstitutional. The resulting public dispute with parliament and the prime minister resulted in the resignation and departure from the country of Chief Justice S. K. Sinha. In an interview with *BBC Bangla* broadcast on September 19, Sinha claimed he was placed under house arrest following judgment and forced by the intelligence service to leave the country. In his autobiography, released in August, Sinha claimed the prime minister, the president, and law minister pressured him to rule in favor of the government. A petition filed by the government seeking to review the decision remained pending with the Appellate Division of the Supreme Court. The government continued to pursue corruption charges against Sinha at year's end. Media observers and political commentators alleged the charges were politically motivated.

On January 3, the Appellate Division of the Supreme Court accepted a government draft of disciplinary rules for lower court judges, putting an end to protracted negotiations between the judiciary and government. While the Supreme Court claimed the rules did not undermine its supremacy and it did not lose its oversight over the lower courts, some senior jurists interpreted the rules as making the lower courts subordinate to the executive branch. On February 2, the president appointed Appellate Division judge Syed Mahmud Hossain as the Chief Justice of Bangladesh, superseding Justice Abdul Wahab Miah, who had been officiating as the Chief Justice since October 2017. Miah immediately resigned as a Supreme Court justice, citing "personal reasons."

On September 4, the Law Ministry transferred criminal proceedings against former BNP Chairperson Khaleda Zia from a public courtroom to a closed facility at a prison. The Law Ministry cited security reasons for the transfer. Subsequent proceedings took place in the prison on September 5 without Zia's lawyers present. An appeal was filed September 5 challenging the lack of a public tribunal for the

accused. The appeal was rejected by the High Court.

On June 6, a High Court panel reprimanded a Dhaka Metropolitan Magistrate court for “abusing the process of the court” to prolong disposal of a bail petition filed by Zia.

Human rights observers maintained magistrates, attorneys, and court officials demanded bribes from defendants in many cases, or they ruled based on influence by or loyalty to political patronage networks. Observers claimed judges who made decisions unfavorable to the government risked transfer to other jurisdictions. Officials reportedly discouraged lawyers from representing defendants in certain cases.

Corruption and a substantial backlog of cases hindered the court system, and the granting of extended continuances effectively prevented many defendants from obtaining fair trials.

### **Trial Procedures**

The constitution provides for the right to a fair and public trial, but the judiciary did not always protect this right due to corruption, partisanship, and weak human resources.

Defendants are presumed innocent, have the right to appeal, and have the right to be informed promptly and in detail of the charges against them. The accused are entitled to be present at their public trial. Indigent defendants have the right to a public defender. Trials are conducted in the Bengali language. The government does not provide free interpretation for defendants who cannot understand or speak Bengali. Defendants also have the right to adequate time to prepare a defense.

Accused persons have the right to confront prosecution or plaintiff witnesses and present their own witnesses and evidence. They also have the right not to be compelled to testify or confess guilt although defendants who do not confess their guilt are often kept in custody. The government frequently did not respect these rights.

Mobile courts headed by executive branch magistrates rendered immediate verdicts that often included prison terms to defendants who were not afforded the opportunity for legal representation. Deputy commissioners from various districts requested the government expedite the passage of an amendment to the Mobile

Court Act of 2009 giving executive magistrates increased judicial powers. Parliament had not introduced such legislation by year's end. In 2017 the High Court ruled that empowering executive magistrates with judicial powers was "a frontal attack on the independence of the judiciary and violates the theory of separation of powers." The government appealed the verdict through the Appellate Panel of the Supreme Court, which stayed the verdict, allowing the mobile courts to function pending the Appellate Panel's next decision.

### **Political Prisoners and Detainees**

There were reports of political prisoners or detainees. Political affiliation often appeared to be a factor in claims of arrest and prosecution of members of opposition parties, including through spurious charges under the pretext of responding to national security threats. The opposition BNP maintained thousands of its members were arrested arbitrarily throughout the year.

On February 8, former prime minister of Bangladesh and chairperson of the BNP, Khaleda Zia, was sentenced to five years imprisonment on corruption and embezzlement charges, on charges first filed in 2008 under a nonpartisan caretaker government. International and domestic legal experts commented on the lack of evidence to support the conviction, suggesting a political ploy to remove the leader of the opposition from the electoral process. The courts were generally slow in considering petitions for bail on her behalf. A person convicted under similar circumstances would normally receive an immediate bail hearing. In Zia's case the bail hearing was postponed nearly a month. When the High Court granted bail on March 12, the order was immediately stayed for two months by the Appellate Division of the Bangladesh Supreme Court. Upon confirming the bail order, approximately three months after the conviction, the government obtained arrest warrants in other cases against her.

ASK claimed 1,786 BNP party members were arrested in the eight days preceding Zia's sentencing. A BNP spokesperson told Human Rights Watch thousands had been detained including members of the BNP, Jamaat-e-Islami, and others not linked to any party. It was not possible to verify these numbers independently.

### **Civil Judicial Procedures and Remedies**

Individuals and organizations may seek judicial remedies for human rights violations; however, lack of public faith in the court system deterred many from

filing complaints. While the law has a provision for an ombudsman, one had not been established.

### **Property Restitution**

The government did not implement the 2001 Vested Property (Return) Act to accelerate the process of return of land to primarily Hindu individuals (see section 2.d.). The act allows the government to confiscate property of anyone whom it declares to be an enemy of the state. It was often used to seize property abandoned by minority religious groups when they fled the country, particularly after the 1971 independence war.

Minority communities continued to report land ownership disputes that disproportionately displaced minorities, especially in areas near new roads or industrial development zones where land prices had increased. They also claimed local police, civil authorities, and political leaders were sometimes involved in evictions or shielded politically influential land grabbers from prosecution (see section 6). In 2016 the government amended the Chittagong Hill Tracts (CHT) Land Dispute Resolution Commission Act which may allow for land restitution for indigenous persons living in the CHT. The amendment has not yet provided resolution to any of the disputes (see section 2.d.).

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law does not prohibit arbitrary interference with private correspondence. Intelligence and law enforcement agencies may monitor private communications with the permission of the Ministry of Home Affairs, but police rarely obtained such permission from the courts to monitor private correspondence. Human rights organizations alleged the Bangladesh Police, the NSI, and the DGFI employed informers to conduct surveillance and report on citizens perceived to be critical of the government.

The government became increasingly active in monitoring social media sites and other electronic communications in an effort to intimidate the public. The government formed a monitoring cell to “detect rumors” on social media. State Minister for Posts, Telecommunications, and Information Technology Tarana Halim said content that threatens communal harmony, disrupts state security, or embarrasses the state would be considered rumors and sent to the Bangladesh Telecommunication Regulatory Commission.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The constitution provides for freedom of speech, including for the press, but the government sometimes failed to respect this right. There were significant limitations on freedom of speech. Some journalists self-censored their criticisms of the government due to harassment and fear of reprisal.

Freedom of Expression: The constitution equates criticism of the constitution with sedition. Punishment for sedition ranges from three years' to life imprisonment.

The law limits hate speech but does not define clearly what constitutes hate speech, which permits the government broad powers of interpretation. The government may restrict speech deemed to be against the security of the state; against friendly relations with foreign states; and against public order, decency, or morality; or that constitutes contempt of court, defamation, or incitement to an offense. The Foreign Donation Act criminalizes any criticism of constitutional bodies. The 2006 Information and Communication Technology Act (ICTA) references defamation of individuals and organizations and was used to prosecute opposition figures and civil society.

As of November, Khaleda Zia had secured bail in 34 of 36 cases against her on issues such as corruption, violence, and sedition. She remained in prison because she had not received bail in two other pending cases.

Press and Media Freedom: Both print and online independent media were active and expressed a wide variety of views; however, media outlets that criticized the government experienced negative government pressure.

The government maintained editorial control over the Bangladesh public television station and mandated private channels broadcast government content at no charge. Civil society said political interference influenced the licensing process, since all television channel licenses granted by the government were for stations supporting the ruling party.

Violence and Harassment: Authorities, including intelligence services on some occasions, and student affiliates of the ruling party, subjected journalists to physical attack, harassment, and intimidation, especially during the August student

road safety protests.

On July 22, editor of *Amar Desh*, Mahmudur Rahman, was physically assaulted following court proceedings in a defamation case regarding his comments about the prime minister and her niece. A recording of the incident shows police standing by while Mahmudur was attacked. An investigation had not taken place by the end of the year.

According to *BDnews24.com*, on August 4, a group of approximately 12 journalists, including Associated Press photojournalist AM Ahad, was attacked by unidentified individuals near Dhaka City College while covering student traffic safety protests. AM Ahad suffered severe injuries to his legs, and attackers also broke his camera. The information minister requested an investigation into the attack.

Reporters without Borders (RSF) reported 23 journalists, including Shahidul Alam, were attacked while reporting on student traffic safety protests on August 5. In a Skype interview with *al-Jazeera* on August 4, Alam discussed the student protests and subsequently described attacks on the student protestors on his personal Facebook page. The next day Alam was arrested for making “provocative comments.” When Alam was brought to the court on August 6, he appeared unable to walk unassisted and showed visible signs of injury (see section 1.c.) Alam was charged under the ICTA, which criminalize the publication of material that “tends to deprave and corrupt” its audience, causes a “deterioration in law and order,” or “prejudices the image of the state or a person.” After multiple bail hearing postponements, the High Court granted Alam bail, and he was released on November 20. The government filed an appeal of the bail order. Alam’s trial proceedings recommenced on December 11, but they were subsequently postponed to 2019. Domestic and international NGOs consider the case against Alam to be politically motivated.

A top Dhaka Metropolitan Police official reported the government gathered details on approximately 100 social media accounts, which they claimed incited violence during student traffic safety protests by spreading provocative content. It was difficult to obtain reliable counts on the total number of those arrested, detained, released, or disappeared in conjunction with either the April through May quota protests or the August student traffic safety protests. Reports varied in the media. Families of the detained held press conferences to encourage the government to acknowledge their family members were being held in custody.

Censorship or Content Restrictions: Independent journalists alleged intelligence services influenced media outlets in part by withholding financially important government advertising and pressing private companies to withhold their advertising as well. RSF alleged media self-censorship is growing due to “endemic violence” against journalists and media outlets, and the “almost systematic impunity enjoyed by those responsible.”

Privately owned newspapers, however, usually enjoyed freedom to carry diverse views. Political polarization and self-censorship remained a problem.

In September parliament passed the Digital Security Act (DSA), claiming it was intended to reduce cybercrimes. Human rights groups, journalists, media outlets, and political opposition parties denounced the DSA as intended to suppress freedom and criminalize free speech. The DSA provides for sentences of up to 10 years imprisonment for spreading “propaganda” against the Bangladesh Liberation War, the national anthem, or the national flag. Human rights organizations criticized the DSA as restricting freedom of expression.

The government penalized media that criticized the government or broadcast the opposition’s activities and statements. During the August student traffic protests, the government blocked internet connections to limit the ability of the protesters to organize. Television stations reported that they were “asked” by government officials not to broadcast reports of the students on the streets.

According to some journalists and human rights NGOs, journalists engaged in self-censorship, due to fear of security force retribution and the possibility of being charged with politically motivated cases. Although public criticism of the government was common and vocal, some media figures expressed fear of harassment by the government.

Some international media outlets reported delays and difficulties in obtaining visas. A government-managed film censorship board reviewed local and foreign films and had the authority to censor or ban films on the grounds of state security, law and order, religious sentiment, obscenity, foreign relations, defamation, or plagiarism, but it was less strict than in the past.

Nongovernmental Impact: Atheist, secular, and LGBTI writers and bloggers reported they continued to receive death threats from violent extremist organizations. In May a LGBTI rights activist expressed fear about organizing the LGBTI community in the country, as formal organization would require the

disclosure to the government of LGBTI activists' identities, making them potential targets for government monitoring and harassment.

### **Internet Freedom**

The government restricted and disrupted access to the internet and censored online content in isolated incidents. The government prohibited Virtual Private Networks and Voice Over Internet Protocol telephone but rarely enforced this prohibition.

In several incidents the government interfered in internet communications, filtered or blocked access, restricted content, and censored websites or other communications and internet services. It suspended or closed many websites based on vague criteria, or with explicit reference to their pro-opposition content being in violation of legal requirements.

The Bangladesh Telecommunication Regulatory Commission (BTRC) is charged with the regulation of telecommunications. It carries out law enforcement and government requests to block content by ordering internet service providers to take action. The BTRC filtered internet content the government deemed harmful to national unity and religious beliefs. In 2016 the BTRC carried out a directive to block 35 news websites that had published material critical of the government and political leaders who were perceived to feature overt support for political opposition groups. Many of the sites remained blocked.

The ICTA criminalizes the posting online of inflammatory or derogatory information against the state or individuals. Opponents of the law said it unconstitutionally restricted freedom of speech. The government used the ICTA and threat of sedition charges, which carry a possible death penalty, to limit online activity and curtail freedom of expression online. The Digital Security Act (DSA) was passed on September 19. Telecommunications and Information Technology Minister Mustafa Jabbar said on September 15 that section 57 of the ICTA would be removed by the passage of the bill; however, much of section 57 was incorporated into the final DSA law.

According to nongovernmental organization Article 19, the government arrested at least 87 individuals under section 57 of the ICTA from January to August. According to Odhikar, in August, 22 individuals were charged under the ICTA for allegedly providing "false" information or "spreading rumors" deemed to be against the state through Facebook and social media during the road safety protest movement.

On June 18, the bdnews24 website was blocked for several hours by the BTRC without an official explanation. According to independent journalists, a report written by the media outlet contained a paragraph about the offer of presidential clemency and release from prison of the brother of the recently appointed army chief. The paragraph was removed and the newspaper portal later unblocked.

The BTRC blocked the *Daily Star's* website on June 2, following a June 1 article reporting on extrajudicial killing in Cox's Bazar. On December 9, the BTRC also blocked 58 various news portals' websites affiliated with political opposition parties (see section 1.a.).

The International Telecommunication Union (ITU) reported in 2017 that approximately 18 percent of the population uses the internet. The BTRC reported approximately 90 million internet subscriptions in September, including an estimated 85 million mobile internet subscriptions (one individual may have more than one subscription).

### **Academic Freedom and Cultural Events**

Although the government placed few restrictions on academic freedom or cultural events, authorities discouraged research on sensitive religious and political topics that might fuel possible religious or communal tensions. Academic publications on the 1971 independence war were also subject to scrutiny and government approval.

### **b. Freedoms of Peaceful Assembly and Association**

The government limited or restricted freedoms of peaceful assembly and association.

#### **Freedom of Peaceful Assembly**

The law provided for the right to peaceful assembly, but the government limited this right. The law gives the government broad discretion to ban assemblies of more than four persons. A Dhaka Metropolitan Police (DMP) order requires advance permission for gatherings such as protests and demonstrations in Dhaka.

According to human rights NGOs, authorities continued to use approval provisions to disallow gatherings by opposition groups. Occasionally, police or ruling party activists used force to disperse demonstrations.

Throughout the year the BNP was hindered by the government from hosting assemblies and rallies. The BNP was denied applications “for security reasons” to hold rallies in Dhaka on March 11, 19, and 29 at the Suhrawardy Udyan, one of the few large places designated for political rallies, but it was ultimately permitted to host its rally at a different location.

In a separate instance, the BNP claimed it received verbal permission to conduct a rally on its founding anniversary on September 1 in Dhaka and to conduct a human chain in front of the National Press Club on September 10. Law enforcement officials, however, apprehended hundreds of participants in the two BNP events. The BNP reported law enforcement detained 304 leaders and activists in the first three days of September and approximately 200 leaders and activists during the party’s human chain later in the month. The assistant inspector general of police headquarters denied reports of raids to detain opposition activists.

The incumbent Awami League (AL) and its allies were allowed to hold rallies at Suhrawardy Udyan and other venues of their choice throughout the year.

On September 15, Prime Minister Sheikh Hasina said she would instruct the DMP commissioner to allow political parties to hold rallies at Suhrawardy Udyan. According to *Prothom Alo*, on September 29, the DMP gave permission to the BNP to hold rallies at Suhrawardy Udyan, under 22 conditions, including that they provide their own security and install closed-circuit television (CCTV) cameras at the venue. The DMP also “banned all activities that can hamper public safety; carrying sticks; speech hurting religious sentiments, and arriving at the venue in processions.”

During the year police used force to disperse peaceful demonstrations. According to the *Daily Star*, on March 14, police dispersed a group of approximately 1,000 protesters marching towards the secretariat building in Dhaka, using batons and tear gas and injuring 15 protesters. The protesters were scheduled to arrive at a prescheduled sit-in at the secretariat. After the violent dispersal occurred, a DMP spokesperson defended the government’s actions on the grounds the protesters were obstructing traffic.

Beyond formal government hindrance and police obstruction of peaceful demonstrations, there were reports the government deployed ruling party student activists to areas where peaceful assemblies took place. On August 4, alleged Bangladesh Chhatra League (BCL) activists attacked a group of students in Dhanmondi with batons, rocks, and pistols in an effort to quell road safety protests. The action resulted in a reported 150 injuries. Multiple news outlets reported police did not try to prevent or restrain the attackers. Police detained dozens of students and supporters publicly supporting the road safety protestors.

### **Freedom of Association**

The law provides for the right of citizens to form associations, subject to “reasonable restrictions” in the interest of morality or public order, and the government generally respected this right. The government’s NGO Affairs Bureau sometimes withheld its approval for foreign funding to NGOs working in areas the bureau deemed sensitive, such as human rights, labor rights, indigenous rights, or humanitarian assistance to Rohingya refugees (see sections 2.d., 5., and 7.a.).

The 2016 Foreign Donations (Voluntary Activities) Regulation Act places restrictions on the receipt of foreign funds by NGOs or government officials and provides for punishment of NGOs making any “derogatory” comments regarding the constitution or constitutional institutions (see section 5). The government announced in October 2017 a number of NGOs were no longer allowed to operate in Cox’s Bazar, including Muslim Aid Bangladesh, Islamic Relief, and Allama Fazlullah Foundation. The three organizations remain barred from operating in Cox’s Bazar during the year, according to media reports.

### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights, except in two sensitive areas--the CHT and Cox’s Bazar. The government enforced some restrictions on access to the CHT by foreigners.

More than 700,000 individuals, mostly Rohingya women and children, have fled violence in Burma since August 2017, which the Secretary of State determined in November constituted a deliberate campaign of ethnic cleansing by the Burmese military. The total number of Rohingya refugees hosted in Bangladesh was approximately one million living in refugee camps and host communities in Cox's Bazar near the Burmese border. The government restricts Rohingya refugees to the Ukhia and Teknaf subdistricts in Cox's Bazar, although the government has allowed exceptions for medical treatment in Cox's Bazar city.

Abuse of Migrants, Refugees, and Stateless Persons: Prior to the August 2017 influx of Rohingya, UNHCR reported 66 survivors of sexual and gender-based violence in the camps who received counseling through March. In October the International Organization for Migration (IOM) reported it identified approximately 100 cases of human trafficking among Rohingya refugees since September 2017 with the majority subjected to labor trafficking.

In-country Movement: The government is not a party to the 1951 Refugee Convention and the 1967 Protocol. As a result the government claims it is not bound under legal obligation to uphold the basic rights enshrined in this document.

The government does not recognize the new Rohingya arrivals as refugees, referring to them instead as “forcibly displaced Myanmar nationals.” In practice, however, the government abides by many of the established UN standards for refugees. One notable exception is the Rohingya do not enjoy full freedom of movement throughout Bangladesh. While the refugees are able to move largely unrestricted in the Ukhia and Teknaf subdistricts, the government established checkpoints to prevent their movement outside this area.

Members of the political opposition were sometimes prevented from moving around the country or faced harassment and detention when attempting to do so. Senior BNP leader and former law minister Moudud Ahmed was confined to his house in Noakhali twice during the year. Ahmed claimed police officials barricaded him in his home, preventing him from contact with his supporters and constituents, and from attending party-related events. He alleged police curbed his freedom of movement at the behest of Obaidul Quader, General Secretary of the incumbent Awami League and Minister for Road Transport and Bridges, who is his electoral rival in the area. Police claimed the measures were intended to increase security at Ahmed's home in his capacity as a senior political figure.

Foreign Travel: Some senior opposition officials reported extensive delays renewing their passports; others reported harassment and delays at the airport when departing the country. On September 12, authorities at Shah Jalal International Airport in Dhaka delayed immigration clearance for BNP Secretary General Mirza Fakhrul Islam Alamgir.

The government prevented war crimes suspects from the 1971 independence war from leaving the country.

The country's passports are invalid for travel to Israel, according to government policy.

### **Internally Displaced Persons (IDPs)**

Societal tensions and marginalization of indigenous persons continued in the CHT as a result of a government policy initiated during an internal armed conflict from 1973-97. This policy relocated landless Bengalis to the CHT with the implicit objective of changing the demographic balance to make Bengalis the majority, displacing tens of thousands of indigenous persons.

The IDPs in the CHT had limited physical security. Community leaders maintained indigenous persons faced widespread violation of their rights by settlers, sometimes supported by security forces.

In 2016 the government amended the Chittagong Hill Tracts Land Dispute Resolution Commission Act to curtail the unilateral authority of the commission chair to make decisions on behalf of the commission. The amended act failed to resolve the disputes during the year as tribal leaders insisted on establishing a governing framework for the law before hearing disputes for resolution. In December 2017 the government reappointed Justice Mohammad Anwarul Haque chair of the commission for three years. The Land Ministry formulated rules for implementation of the act, but the rules have yet to be officially promulgated.

The number of IDPs in the CHT remained disputed. In 2000 a government task force estimated it to be 500,000, which included nonindigenous as well as indigenous persons. The CHT Commission estimated slightly more than 90,000 indigenous IDPs resided in the CHT. The prime minister pledged to resolve outstanding land disputes in the CHT to facilitate the return of the IDPs and close remaining military camps, but the task force on IDPs remained unable to function due to a dispute over classifying settlers as IDPs. The commission reported

authorities displaced several indigenous families to create border guard camps and army recreational facilities. No land disputes were resolved during the year.

### **Protection of Refugees**

Prior to the August 2017 Rohingya influx, the government and UNHCR provided temporary protection and basic assistance to approximately 33,000 registered Rohingya refugees from Burma living in two official camps (Kutupalong and Nayapara), while the government and IOM provided assistance to approximately 200,000 undocumented Rohingya living in makeshift settlements in Cox's Bazar. Since the additional influx of refugees in August 2017, approximately one million Rohingya refugees lived in refugee camps, makeshift settlements, and host communities. According to the United Nations, more than half of the population is less than 18 years old. A National Task Force, established by the Ministry of Foreign Affairs, leads the coordination of the overall Rohingya crisis. The Ministry of Disaster Management and Relief coordinates the Rohingya response with support from the Bangladesh Army and Border Guard Bangladesh. At the local level, the Refugee, Relief and Repatriation Commissioner (RRRC) and the deputy commissioner provide coordination.

The government temporarily deployed the military to Cox's Bazar District in the fall of 2017 to streamline relief and rehabilitation activities and to assist in registration of Rohingya in coordination with the civilian administration. In response to growing security concerns, the military has again become more active in the refugee camps, conducting patrols 24 hours a day. The Ministry of Home Affairs instructed law enforcement agencies to provide protection to the Rohingya people and their camps. International organizations alleged some Bangladeshi border guard, military, and police officials were involved in facilitating the trafficking of Rohingya women and children, ranging from "looking the other way" for bribes allowing traffickers to access Rohingya in the camps to direct involvement.

Refoulement: There was no refoulement or forced repatriation. On November 15, in an effort to demonstrate it was not blocking returns as alleged by Burma, Bangladesh sent buses to selected Rohingya camps to pick up anyone ready to return. Bangladesh called off the operation when no refugees volunteered. Several times during the year, senior government officials reaffirmed Bangladesh's commitment to voluntary, safe, and dignified refugee returns, based on informed consent.

Access to Asylum: The law does not provide for granting asylum or refugee status, nor has the government established a formal system for providing protection to refugees. The government provided significant protection and assistance to Rohingya resident in the country. The government cooperated with UNHCR to provide temporary protection and basic assistance to registered refugees resident in two official camps. After the 2017 arrival of Rohingya refugees, the government started to register the new refugees biometrically and provided identity cards with their Burmese address. The government is working jointly with UNHCR to verify Rohingya refugees and issue ID cards that replace prior cards and provide for protection of Rohingya refugees as well as better systems for accessing services and assistance. The card also affirms the government's commitment against forced returns to Burma. Despite this documentation system, the lack of formal refugee status for Rohingya and clear legal reporting mechanisms in the camps impeded their access to the justice system, leading to underreporting of cases of abuse and exploitation and impunity for traffickers.

Freedom of Movement: There continued to be restrictions on Rohingyas' freedom of movement. According to the 1993 memorandum of understanding between Bangladesh and UNHCR, registered Rohingya refugees are not permitted to move outside of the two camps. After the August 2017 influx, police set up checkpoints on the roads to restrict Rohingya travel beyond the Ukhia and Tefnaf subdistricts.

Many camp authorities have introduced curfews and law enforcement patrols, particularly at night, in response to reported concerns about violent attacks, abductions, or kidnappings in the camps.

Employment: The government did not formally authorize Rohingya refugees living in the country to work locally, although it allowed limited cash-for-work schemes for Rohingya to perform construction and maintenance tasks within the camps. Despite their movement restrictions, some refugees worked illegally as manual laborers in the informal economy. Undocumented Rohingya also worked illegally, mostly in day-labor jobs.

Access to Basic Services: The rapid increase in the population has occurred has strained services both inside and outside of the designated camps and makeshift settlements. The UN-led Inter Sector Coordination Group (ISCG) coordinates the multitude of actors and agencies providing basic services to the Rohingya. Nonetheless, according to the ISCG, refugees lived in congested sites that were poorly equipped to handle the monsoon rains and cyclone seasons. While agencies have responded with significant efforts to move those most vulnerable, the

shortage of land remains a central issue that hinders the ability of Rohingya to have access to basic services.

Public education, while mandatory as of 2010 through fifth grade throughout the country, remained a significant challenge for those children residing in the refugee camps and makeshift settlements. According to the ISCG, the education response since 2017 has focused on the provision of preprimary and primary education for refugee girls and boys and by September had reached a total of 139,444 children. There remained a significant gap for preprimary and primary-age children in the camps as well as inadequate coverage of adolescents between 15 to 24 years of age.

Government authorities did not allow registered or unregistered Rohingya formal and regular access to public health care. The health sector maintained information about all of the health facilities within the camps and the surrounding areas. There were 278 functional facilities known to the health sector, with a further 37 planned or under construction. Based on the data available, overall coverage met the minimum requirements.

### **Stateless Persons**

The Rohingya in the country were legally or in fact stateless. They could not acquire citizenship, nor does the government of Burma recognize them as citizens.

### **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: Prime Minister Sheikh Hasina and her Awami League party won a third consecutive five-year term in an improbably lopsided December parliamentary election that was not considered free, fair, and credible and was marred by irregularities, including ballot-box stuffing and intimidation of opposition polling agents and voters. With more than 80 percent of the vote, the AL and its electoral allies won 288 of 300 directly elected seats, while the main opposition Bangladesh Nationalist Party (BNP) and its allies won only seven. During the campaign leading to the election, there were credible reports of

harassment, intimidation, arbitrary arrests, and violence that made it difficult for many opposition candidates and their supporters to meet, hold rallies, and campaign freely. According to data assembled by the NGO Democracy International, there were 1,324 acts of violence against the opposition BNP and its political allies and 211 acts of violence against the ruling AL and its allies during the month prior to the election.

The government did not grant credentials and issue visas within the timeframe necessary to conduct a credible international monitoring mission to the majority of international election monitors from the Asian Network for Free Elections (ANFREL). ANFREL issued a statement on December 23 noting that as of December 21, the government granted accreditation to 13 of 32 applications submitted, and due to significant delays in the accreditation approval by the EC and the ministries of Home Affairs and Foreign Affairs, it was forced to terminate its observation mission on December 22. Only seven of the 22 Election Working Group NGOs were approved by the Home Ministry, NGO Affairs Bureau, and the EC to conduct domestic election observation.

City elections held during the year in Khulna, Gazipur, Barisal, Rajshahi, and Sylhet were similarly characterized by credible reports of harassment, arrests, intimidation, and violence against opposition candidates and their supporters, as well as election-day rigging, fraud, and irregularities. The ruling AL party won four of the five elections and narrowly lost the contest in Sylhet to the BNP.

Political Parties and Political Participation: The government mobilized law enforcement resources to level civil and criminal charges against opposition party leaders. BNP leader Khaleda Zia was convicted and imprisoned on February 8 based on corruption charges filed under a nonpartisan caretaker government in 2008. She was unable to take advantage of bail awarded in this case pending appeal because of more than two dozen other charges filed against her in recent years by the government. Police implicated approximately 435,000 BNP members in criminal charges in the run-up to the national election and detained many of the accused. Human rights observers claimed many of these charges were politically motivated.

The 86 criminal charges filed by the government against BNP Secretary General Mirza Fakhrul Islam Alamgir in the previous years remained unresolved. Alamgir remained free on bail. The charges involved attacks on police, burning buses, and throwing bombs. Other opposition activists faced criminal charges. Jamaat leaders and members could not exercise their constitutional freedoms of speech

and assembly because of harassment by law enforcement. Although Jamaat has been deregistered as a political party by the government, prohibiting candidates from seeking office under the Jamaat name, the fundamental constitutional rights of speech and assembly of its leaders and members continued to be violated. Media outlets deemed critical of the government and the AL were subjected to government intimidation and cuts in advertising revenue, and they practiced some self-censorship to avoid adverse responses from the government. AL-affiliated organizations (such as the BCL student wing) reportedly carried out violence and intimidation around the country with impunity, including against individuals affiliated with opposition groups.

In some instances the government interfered with the right of opposition parties to organize public functions and restricted the broadcasting of opposition political events. While Jamaat's appeal of a 2012 High Court decision canceling the party's registration remained pending with the Appellate Division of the Supreme Court, the EC issued a notification deregistering Jamaat on October 28, disqualifying the organization from participating in the national election.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. In July parliament amended the constitution to extend by 25 more years a provision that reserves 50 seats for women in parliament. These female parliamentarians are nominated by the 300 directly elected parliamentarians. The seats reserved for women are distributed among parties proportionately to their parliamentary representation.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

Corruption: Corruption remained a serious problem. According to a 2018 survey by Transparency International Bangladesh (TIB), law enforcement agencies were the most corrupt of 18 government departments and sectors providing services to the people. The Department of Immigration and Passports and the Bangladesh Road Transport Authority were deemed the second and third most corrupt, TIB said in its survey report published on August 30. These sectors were followed, among others, by the services related to judiciary, land, education, health, agriculture, power, gas, local government institutions, insurance companies, and

taxes and duties. Overall, 66.5 percent of the households surveyed by TIB fell victim to corruption, the report said.

On August 20, the cabinet approved a law prohibiting the arrest of any public servant by the Anti-Corruption Commission (ACC) without permission from the government. Campaigners for good governance and transparency decried the provision saying it aimed to shield corrupt officials and clip the wings of the ACC. The law still needed parliamentary approval and presidential assent to become effective.

According to ACC data, 180 of the 2,476 cases on trial were resolved (brought to completion) from January through October. Of these 110 resulted in conviction and 70 resulted in acquittal. Approximately 2,800 cases remained pending with the ACC through October.

In 2017 the ACC introduced a hotline to receive corruption complaints. The call center received 75,000 calls in the first seven days and approximately 500,000 through May 2018. Most of the complaints implicated government land offices, hospitals, railway and road transportation authorities, schools, and utility services in corruption.

From January 2016 to April, the ACC filed more than 100 cases against 759 government employees. The accused included employees to the level of Joint Secretary. The ACC filed a charge sheet or criminal complaint against 83 government employees from January to April. It filed charge sheets against 288 government employees in 2017 and 399 government employees in 2016, according to a *Daily Ittefaq* report.

According to its strategic plan for the year, the ACC formed 25 teams to monitor and investigate corruption in different government offices. The ACC also formed an intelligence unit so it could launch an effective campaign against corruption.

In some cases the government allegedly used the ACC as a political tool, including having the ACC launch or threaten inquiries into the activities of some businesspeople, newspaper owners, opposition political activists, and civil society members for criticizing the government. In 2017 the Supreme Court rebuked the ACC for maintaining a “pick and choose” policy with regard to pursuing corruption allegations against politically connected individuals.

The government took steps to address widespread police corruption through continued expansion of its community-policing program and through training.

Financial Disclosure: The law requires candidates for parliament to file statements of personal wealth with the EC. The law does not require income and asset disclosure by officials.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A number of domestic and international human rights groups generally operated with some government restrictions, investigating and publishing their findings on human rights cases. Government officials were rarely cooperative and responsive to their views.

Although human rights groups often sharply criticized the government, they also practiced some self-censorship. Observers commented on the diminished strength of civil society, exacerbated by threats from extremists and an increasingly entrenched leading political party. Even civil society members affiliated with the ruling party reported receiving threats of arrest from the security forces for public criticism of government policies.

The government continued to restrict the funding and operations of the human rights organization Odhikar. Although the ACC dropped a case against Odhikar in 2016, Odhikar representatives continued to report harassment by government officials and security forces, including disruption of their planned events. On June 6, Special Branch (SB) officers entered Odhikar offices demanding information on the organization's activities. SB also requested the mobile phone numbers of the organization's officers. On June 25, SB officers entered Odhikar offices again demanding information on the organization's president. Family members and Odhikar staff reported additional harassment and claimed security officers constantly monitored their telephone calls, emails, and movements.

The government required all NGOs, including religious organizations, to register with the Ministry of Social Welfare. Local and international NGOs working on sensitive topics or groups, such as religious issues, human rights, indigenous peoples, LGBTI communities, Rohingya refugees, or worker rights, faced both formal and informal governmental restrictions. Some of these groups claimed intelligence agencies monitored them. The government sometimes restricted international NGOs' ability to operate through delays in project registration, cease-

and-desist letters, and visa refusals. Some civil society members reported repeated audits by the National Board of Revenue in contrast with most citizens, who were almost never audited.

Numerous NGOs entered Bangladesh in response to the August 2017 Rohingya influx. During the year the NGO Affairs Bureau imposed restrictions on 41 NGOs related to the Rohingya relief effort. The 41 NGOs were permitted to finish ongoing projects, but they were denied the ability to commence new projects. The government did not disclose the names of the NGOs, nor did the government state why restrictions were imposed on the NGOs.

The Foreign Donations (Voluntary Activities) Regulation Act restricts foreign funding of NGOs and includes punitive provisions for those NGOs that make “derogatory” comments regarding the constitution of the country, its founding history, or constitutional bodies (that is, government institutions and leaders).

The United Nations or Other International Bodies: The government had not responded to a UN Working Group on Enforced Disappearances request to visit the country.

Government Human Rights Bodies: The National Human Rights Commission (NHRC) has seven members, including five honorary positions. Observers noted the NHRC’s small government support staff was inadequate and underfunded, limiting the commission’s effectiveness and independence. The NHRC’s primary activity was educating the public about human rights and advising the government on key human rights issues.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: The law prohibits rape of a female by a male and physical spousal abuse, but the law excludes marital rape if the female is older than 13. Rape can be punished by life imprisonment or the death penalty.

There were reports of sexual violence with impunity. On August 17, police freed Awami League official Mohammed al-Helal four hours after he was arrested on charges of raping an 18-year-old girl in her home in Sherpur Upazila in 2017. Responding to the victim’s cries for help, locals restrained Helal and handed him over to police. When the victim’s family tried to file a case against Helal, Officer-

in-Charge Khan Mohammed Erfan refused to file the case. Helal attempted to give the victim's mother 18,000 BDT (\$211) to refrain from pursuing a case against him. The victim's family then filed a case against Helal with the Borga Women and Children Repression Prevention Tribunal-2 in 2017. In July the Borga Women and Children Repression Prevention Tribunal-2 issued an arrest warrant for Helal. Helal was taken into custody but was freed later, on technical grounds.

According to human rights monitors, many victims did not report rapes due to lack of access to legal services, social stigma, fear of further harassment, and the legal requirement to furnish witnesses.

In April the High Court released a 16-point guideline on the handling of rape cases by law enforcement personnel and other parties to the matter. The guidelines came in response to a 2015 writ petition following complaints of delays in recording rape cases. According to the guidelines, the Officer-in-Charge (OC) of a police station must record any information relating to rape or sexual assault irrespective of the place of occurrence. Chemical/DNA tests are required to be conducted within 48 hours from when the incident was reported. The High Court guidelines also stipulated every police station must have a female police officer available to victims of rape or sexual assault during the recording of the case by the duty officer. The statements of the victim are required to be recorded in the presence of a lawyer a social worker or protection officer, or any other individual the victim deems appropriate. Victims with disabilities should be provided with government-supported interpretation services, if necessary, and the investigating officer along with a female police officer should escort the victim to a timely medical examination.

Other Harmful Traditional Practices: Some NGOs reported violence against women related to disputes over dowries. From January through September, HRSS documented 35 women killed and an additional 41 women injured as a result of dowry-related violence.

On March 6, Rima Begum died at Ujirpur Health Complex after sustaining injuries from dowry-related violence by her husband. Begum's brother, Arif, said during his sister's one and a half year marriage to her husband, Shipon Howlader, Begum was often subjected to violence by Howlader and his parents for insufficient dowry. Begum's father, Akkel Ali, filed a case with the Ujirpur Police Station against Howlader and his parents for the death of his daughter.

On September 16, parliament, in an apparent bid to stop abuse of the 1980 Dowry

Prohibition Act, adopted the Dowry Prohibition Act of 2018 incorporating new provisions and rearranging some of the provisions in the original law. The new law contains provisions that have imposed a maximum five years' imprisonment or a fine of 50,000 BDT (approximately \$590) or both for the filing of a false charge under the law. Anyone demanding dowry will be imprisoned for one to five years, or fined 50,000 BDT (approximately \$590), or will face both punishments, according to the new law.

A Supreme Court Appellate Division ruling allows the use of "fatwas" (religious edicts) only to settle religious matters; fatwas may not be invoked to justify punishment, nor may they supersede secular law. Islamic tradition dictates only those religious scholars with expertise in Islamic law may declare a fatwa. Despite these restrictions village religious leaders sometimes made such declarations. The declarations resulted in extrajudicial punishments, often against women, for perceived moral transgressions.

Incidents of vigilantism against women occurred, sometimes led by religious leaders enforcing fatwas. The incidents included whipping, beating, and other forms of physical violence.

Assailants threw acid in the faces of victims--usually women--leaving them disfigured and often blind. Acid attacks were often related to a woman's refusal to accept a marriage proposal or were related to land disputes. From January through September, HRSS documented 13 incidents of acid violence against women.

The law seeks to control the availability of acid and reduce acid-related violence directed toward women, but lack of awareness of the law and poor enforcement limited its effect. The Commerce Ministry restricted acid sales to buyers registered with relevant trade organizations.

On February 4, Sujan Chandra Paul and Arjun Chandra Paul, along with two other assailants, threw acid on the newlywed Jharna Rani, while she was riding on a motorcycle in Baliadangi Upazila with her husband, causing severe burns to her. The Paul family had proposed the marriage of their sister to Rani's husband, Dilip Kumar, who refused. Rani's father filed a case with the Baliadangi Police Station against the suspects for the attack on Rani. The charges against the assailants were pending at the end of the year.

Sexual Harassment: Although sexual harassment is prohibited by a 2009 High Court guideline, a 2016 Bangladesh National Woman Lawyers' Association

(BNWLA) document noted harassment remained a problem and monitoring and enforcement of the guidelines were poor, which sometimes prevented girls from attending school or work.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The constitution declares all citizens equal before the law with entitlement to equal protection of the law. It also explicitly recognizes the equal rights of women to those of men “in all spheres of the state and of public life.” According to human rights NGOs, the government did not always enforce the constitution or the laws pertaining to gender equality effectively. Women do not enjoy the same legal status and rights as men in family, property, and inheritance law. Under traditional Islamic inheritance law, daughters inherit only half of what sons do. Under Hindu inheritance law, a widow’s rights to her deceased husband’s property are limited to her lifetime and revert to the male heirs upon her death.

## **Children**

Birth Registration: Individuals are born citizens if their parents were Bangladeshi citizens, if the nationality of the parents is unknown and the child is born in Bangladeshi territory, or if their fathers or grandfathers were born in the territories now part of the country. If a person qualifies for citizenship through ancestry, the father or grandfather must have been a permanent resident of these territories in or after 1971. Birth registration is required to obtain a national identity card or passport.

Education: Education is free and compulsory through fifth grade by law, and the government offered subsidies to parents to keep girls in class through 10th grade. Despite free classes, teacher fees, books, and uniforms remained prohibitively costly for many families, and the government distributed hundreds of millions of free textbooks to increase access to education. Enrollments in primary schools showed gender parity, but completion rates fell in secondary school, with more boys than girls completing that level. Early and forced marriage was a factor in girls’ attrition from secondary school.

Child Abuse: Many forms of child abuse, including sexual abuse, physical and humiliating punishment, child abandonment, kidnapping, and trafficking, continued to be serious and widespread problems. Children were vulnerable to abuse in all settings: home, community, school, residential institutions, and the

workplace. In 2016 the government, with support from UNICEF, launched “Child Helpline--1098,” a free telephone service designed to help children facing violence, abuse, and exploitation.

On August 4, Supreme Court Chief Justice Syed Mahmud Hossain expressed frustration with 75 judges of 69 juvenile courts across the country for keeping more than 21,500 juvenile cases pending, including 614 cases pending for more than five years. The Children Act of 2013 calls for opening child friendly courts across the country.

Despite advances, including establishing a monitoring agency in the Ministry of Home Affairs, trafficking of children and inadequate care and protection for survivors of trafficking continued to be problems. Child labor and abuse at the workplace remained problems in certain industries, mostly in the informal sector, and child domestic workers were vulnerable to all forms of abuse at their informal workplaces.

Early and Forced Marriage: The legal age of marriage is 18 for women and 21 for men. In 2017 parliament passed the Child Marriage Restraint Act, which includes a provision for marriages of women and men at any age in “special circumstances.” The government ignored the recommendations and concerns raised by child rights organizations, human rights organizations, and development partners concerning this act. In 2017 the High Court ruled that the government should explain why the provision allowing the marriage of a minor should not be declared illegal in response to a writ petition filed by BNWLA. BNWLA’s petition argued the Muslim Family Law describes marriage as a “contract,” and a minor could not be a party to a contract.

In June, Abhaynagar subdistrict officials stopped the underage marriage of 15-year-old Bonna Roy. Officials and police officers arrived at the fiance’s family’s home shortly before the ceremony after receiving an anonymous tip. The fiance fled the scene. The fiance’s father was arrested and subsequently released on bail. Roy was returned to her parents.

According to government data, 52 per cent of girls were victims of child marriage in 2011. UNICEF’s 2018 report estimated this figure at 59 per cent. The secretary of the Ministry of Women and Children’s Affairs disagreed with UNICEF’s findings and claimed to the *Prothom Alo* newspaper the rate of child marriages fell significantly in the country during the year. According to the UNICEF report, child marriage prevalence has fallen by 15 percent globally, whereas the rate of

decrease in South Asia was 30 percent.

In an effort to reduce early and forced marriages, the government offered stipends for girls' school expenses beyond the compulsory fifth-grade level. The government and NGOs conducted workshops and public events to teach parents the importance of their daughters waiting until age 18 before marrying.

Sexual Exploitation of Children: The penalty for sexual exploitation of children is 10 years' to life imprisonment. Child pornography and the selling or distributing of such material is prohibited.

Displaced Children: See section 2.d.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

### **Anti-Semitism**

There was no Jewish community in the country, but politicians and imams reportedly used anti-Semitic statements to gain support from their constituencies.

### **Trafficking in Persons**

See the State Department's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law provides for equal treatment and freedom from discrimination for persons with disabilities, but the government did not effectively enforce these provisions.

Although the law requires physical structures be made accessible to those with disabilities, the government did not implement the law effectively. The law calls for the establishment of local committees to expedite implementation of the law, but most committees have not yet been activated. In many cases local authorities are not aware of their responsibilities under this law. A report prepared by several NGOs in 2016 highlighted negligence in areas such as accessibility in physical

structures; access to justice; rights of women with disabilities; freedom from exploitation, violence, and abuse; the right to education, health, and a decent work place; the right to employment; and political rights and representation.

The law requires persons with disabilities to register for identity cards to track their enrollment in educational institutions and access to jobs. This registration allows them to be included in voter lists, to cast votes, and to participate in elections. It states no person, organization, authority, or corporation shall discriminate against persons with disabilities and allows for fines or three years' imprisonment for giving unequal treatment for school, work, or inheritance based on disability, although implementation of the law was uneven. The law also created a 27-member National Coordination Committee charged with coordinating relevant activities among all government organizations and private bodies to fulfill the objectives of the law. Implementation of the law was slow, delaying the formation and functioning of Disability Rights and Protection Committees required by the legislation.

According to the NGO Action against Disability, 90 percent of children with disabilities did not attend public school. The government trained teachers about inclusive education and recruited disability specialists at the district level. The government also allocated stipends for students with disabilities.

The law affords persons with disabilities the same access to information rights as nondisabled persons, but family and community dynamics often influenced whether these rights were exercised.

The law identifies persons with disabilities as a priority group for government-sponsored legal services. The Ministry of Social Welfare, the Department of Social Services, and the National Foundation for the Development of the Disabled are the government agencies responsible for protecting the rights of persons with disabilities.

The government did take official action to investigate those responsible for violence and abuses against persons with disabilities. On February 15, the Bangladesh Police arrested Amzad Ali for the rape of a girl with disabilities. Amzad lured the girl into an open field with promises of agricultural produce. Upon cries for help, the girl's sister rushed to the scene, and Amzad fled. Members of the community telephoned the Bangladesh National Help Desk. The family of the victim filed a case against Amzad under the Women and Children Repression Prevention Act.

On January 21, Bangladesh Police arrested the father, grandparents, and aunt for the murder of one-month old Akita Khatun. Akita was born prematurely and suffered from severe disabilities. According to Assistant Superintendent of Ishwardi Police Mohammad Johurul Haque, Akita's family did not want the burden associated with caring for a child with disabilities. The child's relatives hid her in a cabinet away from her mother. Later, police found Akita dead in the cabinet in her home. Akita's mother, Nishi Khatun, told police she was tortured by her in-laws for not birthing a male child and for Akita's disabilities. The cases against Akita's father, grandparents, and aunt remained pending.

Government facilities for treating persons with mental disabilities were inadequate. The Ministry of Health established child development centers in all public medical colleges to assess neurological disabilities. Several private initiatives existed for medical and vocational rehabilitation as well as for employment of persons with disabilities. National and international NGOs provided services and advocated for persons with disabilities. The government established 103 disability information and service centers in all 64 districts, where local authorities provided free rehabilitation services and assistive devices. The government also promoted autism research and awareness. The government inaugurated an electronic system to disburse social welfare payments, including disability allowances.

Government inaction limited the rights of persons with disabilities to participate in civic life, including accessibility in elections.

### **National/Racial/Ethnic Minorities**

There were no major attacks on religious minorities motivated by transnational violent extremism. There were, however, reports of attacks on Hindu and Buddhist property and temples for economic and political reasons. Police had not filed charges against Muslim villagers accused of vandalizing and burning approximately 30 Hindu houses in Rangpur in November 2017 in response to a rumored Facebook post demeaning Islam.

NGOs reported national origin, racial, and ethnic minorities faced discrimination. For example, some Dalits (lowest-caste Hindus) had restricted access to land, adequate housing, education, and employment.

### **Indigenous People**

The Chittagong Hill Tracts (CHT) indigenous community experienced widespread discrimination and abuse despite nationwide government quotas for participation of indigenous CHT residents in the civil service and higher education. These conditions also persisted despite provisions for local governance in the 1997 CHT Peace Accord, which had not been fully implemented. Indigenous persons from the CHT were unable to participate effectively in decisions affecting their lands due to disagreements regarding land dispute resolution procedures under the Land Commission Act.

Indigenous communities in areas other than the CHT reported the loss of land to Bengali Muslims, and indigenous peoples' advocacy groups reported continued land encroachment by Rohingya settlers from Burma. The government continued construction projects on land traditionally owned by indigenous communities in the Moulvibazar and Modhupur forest areas. According to an August 9 *Daily Star* newspaper report, the last six Marma families of Saingya Marmapara village in Bandarban moved out of the village in January because influential individuals made continued land grab attempts. In this village 42 Marma families used to live; however, most have departed at the behest of "land grabbers." According to the tribal headman, who has taken shelter at his relative's house in a neighboring village, the land and jhum crop left behind are now under the control of Jasim Uddin Mantu, Chairman of Sylvan Wye Resorts and Spa Limited.

The central government retained authority over land use. The land commission, designed to investigate and return all illegally acquired land, did not resolve any disputes during the year.

The Chakma and Marma indigenous communities, organized under different political groups, engaged in intraindigenous community violence causing dozens of deaths. According to press accounts, at least 34 members of the two indigenous groups were killed by intraindigenous community rivals from January to August. On August 18, seven individuals, including three leaders of the United Peoples' Democratic Forum (UPDF), were killed and six were injured in two attacks where firearms were used in Khagrachhari District. On May 28, three UPDF members were shot and killed as they were conducting a meeting at a private home in Baghaichhari Upazila of Rangamati District. On May 3, Shaktiman Chakma, chairman of Naniarchar Upazila Council in Rangamati and leader of Parbatya Chattagram Jana Samhati Samiti (PCJSS) (MN Larma faction), was shot and killed on his way to work. PCJSS blamed the killing on UPDF, which denied the accusation. The factional clashes between and within UPDF and PCJSS resulted mostly from the desire to establish supremacy in particular geographic areas.

Media reports said many leaders of these factions are engaged in extortion of money. Meanwhile, the deaths and violence remain unresolved.

There were reports of sexual assaults on indigenous women and children by Bengali neighbors or security personnel. According to the Kapaeeng Foundation, at least 32 indigenous women and children faced sexual assaults from January to July. Of them 11 were raped and four were killed after their rape. According to media reports, two members of the Bangladesh Border Guard (BGB) in Bandarban offered two minor girls belonging to the Tripura tribe money in exchange for a sexual favor. When the two minor girls refused, they allegedly raped the girls on August 22. The commanding officer of BGB battalion at Naikhangchhari dismissed the incident as a rumor but promised to “look into it.”

Police heavily guarded the hospital where the two girls were admitted and prevented media and NGO personnel from visiting the 12- and 17-year-old girls.

On January 22, security personnel allegedly raped an 18-year-old Marma girl and sexually assaulted her 13-year-old sister during a raid on the village Orachhari in Rangamati. The accused officials publically denied any incidence of rape but administratively confined to the battalion headquarters a personnel member accused of the rape. Police filed a general diary on insistence from civil society but prevented media and NGO personnel from talking to the victims.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

Same-sex sexual activity is illegal under the Bangladesh Penal Code. The government does not actively enforce the law. LGBTI groups reported the government retains the law as a result of societal pressure. LGBTI groups reported police used the law as a pretext to harass LGBTI individuals, as well as those considered effeminate regardless of their sexual orientation, and to limit registration of LGBTI organizations. Some groups also reported harassment under a suspicious behavior provision of the police code. The transgender population has long been a marginalized, but recognized, part of society, but it faced continued high levels of fear, harassment, and law enforcement contact in the wake of violent extremist attacks against vulnerable communities.

Members of LGBTI communities received threatening messages via telephone, text, and social media, and some were harassed by police.

The law does not prohibit discrimination against LGBTI persons in housing, employment, nationality laws, and access to government services such as health care. LGBTI groups reported official discrimination in employment and occupation, housing, and access to government services.

There were no reports of incidents of involuntary, coercive medical, or psychological practices to “treat” or punish LGBTI individuals.

Organizations specifically assisting lesbians continued to be rare. Strong social stigma based on sexual orientation was common and prevented open discussion of the subject.

The case of Xulhaz Mannan, a human rights activist who was killed in 2016, remained unresolved at the year’s end.

### **HIV and AIDS Social Stigma**

Social stigma against HIV and AIDS and against higher-risk populations could be a barrier for accessing health services, especially for the transgender community and men who have sex with men.

### **Other Societal Violence or Discrimination**

Vigilante killings occurred. Local human rights organizations acknowledged the number of reported cases probably represented only a small fraction of the actual incidents. Illegal fatwas and village arbitration, which a prominent local NGO defined as rulings given by community leaders rather than religious scholars, also occurred. According to Odhikar 45 individuals suffered from vigilante killings from January through October, primarily by public lynching.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right to join unions and, with government approval, the right to form a union, although labor rights organizations said that cumbersome requirements for union registration remained. The law requires a minimum of 20 percent of an enterprise’s total workforce to agree to be members before the Ministry of Labor and Employment may grant approval for registration of a union. The ministry may request a court to dissolve the union if membership falls below

20 percent. Generally, the law allows only wall-to-wall (entire factory) bargaining units.

The labor law definition of workers excludes managerial, supervisory, and administrative staff. Fire-fighting staff, security guards, and employers' confidential assistants are not entitled to join a union. Civil service and security force employees are prohibited from forming unions. The Department of Labor may deregister unions for other reasons with the approval of a labor court. The law affords unions the right of appeal in the cases of dissolution or denial of registration. Export processing zones (EPZs), which do not allow trade union participation, are a notable exception to the national labor law.

Prospective unions continued to report rejections based on reasons not listed in the labor law. The Ministry of Labor and Employment reported in 2017 that the country had 7,751 trade unions, covering nearly three million workers, with 596 unions in the garment sector. This figure includes 561 new unions in the garment sector since 2013. The ministry reported the shrimp sector had 16 unions and the leather and tannery sector had 13. According to the Solidarity Center, a significant number of the unions in the ready-made garment sector ceased to be active during the year due to factory closures or alleged unfair labor practices on the part of employers, and it has become increasingly harder to register unions in larger ready-made garment factories. After a sharp increase in trade union applications in 2014, there has been a decline every year since. During the year the number of trade-union applications declined again, but the approval rate by the Department of Labor increased.

The law provides for the right to conduct legal strikes but with many limitations. For example, the government may prohibit a strike deemed to pose a "serious hardship to the community" and may terminate any strike lasting more than 30 days. The law additionally prohibits strikes for the first three years of commercial production or if the factory was built with foreign investment or owned by a foreign investor. Workers and union activists continued to face repercussions from widespread strikes that occurred in 2016 in Ashulia, an industrial suburb of Dhaka, which led to the termination of at least 1,600 workers and left approximately 25 labor leaders and activists in jail. While factories resumed operations by the end of December, labor leaders and workers continued to report police harassment, intimidation, and general antiunion behavior. Ongoing intimidation tactics included frequent police visits to union meetings and offices, police taking pictures and video recordings of union meetings, and police monitoring of NGOs involved in supporting trade unions. While most workers from the Ashulia labor unrest

were reinstated, labor leaders still have cases pending against them despite international pressure to resolve these cases.

In response to unrest in the Dhaka industrial suburb of Ashulia in 2016, the government formed a permanent tripartite consultative council to address labor concerns in the garment industry. The state minister for labor and employment and the ministry's deputy secretary serve as president and secretary of the 20-member council. The council also includes six representatives from the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) and Bangladesh Knitwear Manufacturers and Exporters Association, six additional representatives from the government, and six worker representatives. The council was supposed to meet at least three times a year, but the president may convene meetings as needed. Labor leaders expressed concern that worker representatives were appointed, not elected, and that some of the appointed council members were either not active in the ready-made garment industry, were leaders of very small federations, or were closely aligned with industry. According to the Solidarity Center, in October government officials filed charges stemming from the 2016 Ashulia incident against 15 labor activists and political leaders despite previous government assurances that all cases would be dropped.

Legally registered unions that are recognized as official Collective Bargaining Agents (CBAs) are entitled to submit charters of demands and bargain collectively with employers. This occurred rarely, but instances were increasing. The law provides criminal penalties for unfair labor practices such as retaliation against union members for exercising their legal rights. Labor organizations reported that in some companies, workers did not exercise their collective bargaining rights due to their unions' ability to address grievances with management informally or due to fear of reprisal.

The law includes provisions protecting unions from employer interference in organizing activities; however, employers, particularly in the readymade garment industry, often interfered with this right. Labor organizers reported acts of intimidation and abuse, the termination of employees, and scrutiny by security forces and the intelligence services. Labor rights NGOs alleged that some terminated union members were unable to find work in the sector because employers blacklisted them. The BGMEA reported that some factory owners complained of harassment from organized labor, including physical intimidation, but statistics and specific examples were unavailable.

According to the labor law, every factory with more than 50 employees is required to have a Participation Committee (PC). In 2015 the government passed the Bangladesh Labor Rules calling for an amended labor law. The rules include an outline of the process for the PC's workers representative elections.

A separate legal framework under the authority of the Bangladesh Export Processing Zone Authority (BEPZA) governs labor rights in the EPZs, with approximately 458,000 workers. EPZ law specifies certain limited associational and bargaining rights for Worker Welfare Associations (WWAs) elected by the workers, such as the rights to bargain collectively and represent their members in disputes. The law prohibits unions within EPZs. While an earlier provision of the EPZ law banning all strikes under penalty of imprisonment expired in 2013, the law continues to provide for strict limits on the right to strike, such as the discretion of the BEPZA's chairperson to ban any strike he views as prejudicial to the public interest. The law provides for EPZ labor tribunals, appellate tribunals, and conciliators, but those institutions were not established. Instead eight labor courts and one appellate labor court heard EPZ cases. The BEPZA has its own inspection regime with labor counselors that function as inspectors. WWAs in EPZs are prohibited from establishing any connection to outside political parties, unions, federations, or NGOs. There were no reports of legal strikes in the EPZs.

The government adopted standard operating procedures regarding union registration. With the exception of limitations on the right of association and worker protections in the EPZs, national labor law prohibits antiunion discrimination. A labor court may order the reinstatement of workers fired for union activities, but this right was rarely exercised.

The government did not always enforce applicable law effectively or consistently. For example, labor law establishes mechanisms for conciliation, arbitration, and dispute resolution by a labor court. It also establishes that workers in a collective-bargaining union have the right to strike in the event of a failure to reach a settlement. Few strikes followed the cumbersome legal requirements, however, and strikes or walkouts often occurred spontaneously.

Penalties for violating the law increased in 2013, enabled by the issuance of implementing rules. The maximum fine for a first violation is 25,000 BDT (approximately \$300); the fine doubles for a second offense. The law also allows for imprisonment of up to three years. If a violation results in death, the law allows a fine of up to 100,000 BDT (\$1,250), four years' imprisonment, or both. Administrative and judicial appeals were subjected to lengthy delays.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. Penalties for forced or bonded labor offenses are five to 12 years' imprisonment and a fine of not less than 50,000 BDT (\$625). Inspection mechanisms that enforce laws against forced labor did not function effectively. Resources, inspections, and remediation efforts were inadequate. The law also provides that victims of forced labor have access to shelter and other protective services afforded to trafficking victims.

Some individuals recruited to work overseas with fraudulent employment offers subsequently were exploited abroad under conditions of forced labor or debt bondage. Many migrant workers assumed debt to pay high recruitment fees, imposed legally by recruitment agencies belonging to the Bangladesh Association of International Recruiting Agencies and illegally by unlicensed subagents.

Children and adults were also forced into domestic servitude and bonded labor that involved restricted movement, nonpayment of wages, threats, and physical or sexual abuse (see section 7.c.).

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## **c. Prohibition of Child Labor and Minimum Age for Employment**

The law regulates child employment, and the regulations depend on the type of work and the child's age. The minimum age for work is 14, and the minimum age for hazardous work is 18. The law allows for certain exceptions, permitting children who are ages 12 or 13 to perform restricted forms of light work. Minors may work up to five hours per day and 30 hours per week in factories and mines or up to seven hours per day and 42 per week in other types of workplaces. By law every child must attend school through fifth grade.

The Labor Ministry's enforcement mechanisms were insufficient for the large, urban informal sector, and authorities rarely enforced child labor laws outside the export-garment and shrimp-processing sectors. Agriculture and other informal sectors that had no government oversight employed large numbers of children.

Under the ministry's 2012-16 child labor national plan of action, the National Child Labor Welfare Council is charged with monitoring child labor. The council

met only twice, however, since its inception. The government-mandated child protection networks at district and subdistrict levels to respond to a broad spectrum of violations against children, including child labor; to monitor interventions; and to develop referral mechanisms.

The law specifies penalties for violations involving child labor, including nominal fines of less than 5,000 BDT (\$63). These penalties insufficiently deterred violations. The government occasionally brought criminal charges against employers who abused domestic servants.

Child labor was widespread in the informal sector and in domestic work. According to a 2016 Overseas Development Institute report based on a survey of 2,700 households in Dhaka's slums, 15 percent of six- to 14-year-old children were out of school and engaged in full-time work. These children were working well beyond the 42-hour limit set by national legislation.

According to the International Labor Organization (ILO), agriculture was the primary employment sector for boys, and services was the main sector for girls. According to Young Power in Social Action, an NGO working to protect the rights of shipbreakers in Chittagong, 11 percent of the shipbreaking workforce was under the age of 18. NGOs, such as Shipbreaking Platform, reported laborers worked long hours without training, safety equipment, holidays, adequate health care, and also without contractual agreements.

Children were engaged in the worst forms of child labor, primarily in dangerous activities in agriculture. Children working in agriculture risked using dangerous tools, carrying heavy loads, and applying harmful pesticides. Children frequently worked long hours, were exposed to extreme temperatures, and suffered high rates of injury from sharp tools. Children also worked in such hazardous activities as stone and brick breaking, dyeing operations, blacksmith assistance, and construction. Forced child labor was present in the fish-drying industry, where children were exposed to harmful chemicals, dangerous machines, and long hours of work. In urban areas street children worked pulling rickshaws, garbage picking, recycling, vending, begging, repairing automobiles, and in hotels and restaurants. These children were vulnerable to exploitation, for example, in forced begging, forced smuggling, or selling drugs.

Children frequently worked in the informal sector in areas including the unregistered garment, road transport, manufacturing, and service industries.

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

The labor law prohibits wage discrimination on the basis of sex or disability, but it does not prohibit other discrimination based on sex, disability, social status, caste, sexual orientation, or similar factors. The constitution prohibits adverse discrimination by the state on the basis of religion, race, caste, sex, or place of birth and expressly extends that prohibition to government employment; it allows affirmative action programs for the benefit of disadvantaged populations.

The lower-wage garment sector traditionally offered greater employment opportunities for women. Women represented the majority of garment-sector workers, making up approximately 56 percent of the total ready-made garment workforce, according to official statistics although statistics varied widely due to a lack of data. The ILO estimated that women made up 65 percent of the ready-made garment workforce. Despite representing a majority of total workers, women were generally underrepresented in supervisory and management positions and generally earned less than their male counterparts, even when performing similar functions. A 2017 study by Andreas Menzel (Center for Economic Research and Graduate Education Economics Institute) and Christopher Woodruff (Oxford University) during the year found that women earned lower wages in export-oriented garment factories, even after controlling for worker productivity. According to the study, approximately two-thirds of the wage gap remained even after controlling for skills, which the study attributed to higher mobility for male workers. Women were also subjected to abuse in factories, including sexual harassment.

Some religious, ethnic, and other minorities reported discrimination, particularly in the private sector (see section 6).

#### **e. Acceptable Conditions of Work**

The National Minimum Wage Board established minimum monthly wages on a sector-by-sector basis. The board may convene at any time, but it is supposed to meet at least every five years in a tripartite forum to set wage structures and benefits industry by industry. By law the government may modify or amend wage structures through official public announcement in consultation with employers and workers. In the garment industry, the board increased the minimum monthly

wage from 5,300 BDT (\$66) which was set in 2013, to 8,000 BDT (approximately \$95). Ready-made garment industry workers conducted public protests after the announcement. They had requested a minimum wage of 16,000 BDT (approximately \$190). The increase took effect on December 1. Also dissatisfied were more senior workers, whose pay was not increased at the same rate as the minimal wage. That left some of them earning only marginally more than entry-level workers.

In September a member from the country's intelligence community threatened trade union leaders in Chittagong with bodily harm should workers protest the new minimum wage, according to Solidarity Center. Wages in the apparel sector often were higher than the minimum wage, and wages in the EPZs typically were higher than general wage levels, according to BEPZA. Among the lowest minimum wages were those for tea packaging, set in 2013 at 69 BDT (\$0.86) per day as established by a memorandum of understanding. None of the set minimum wages provided a sufficient standard of living for urban dwellers. The minimum wage was not indexed to inflation (which averaged 6 to 8 percent annually since 2010, according to World Bank data), but the board occasionally made cost-of-living adjustments to wages in some sectors.

By law a standard workday is eight hours. A standard workweek is 48 hours, but it may be extended to 60 hours, subject to the payment of an overtime allowance that is double the basic wage. Overtime cannot be compulsory. Workers must have one hour of rest if they work for more than six hours a day or a half-hour of rest for more than five hours' work a day. Factory workers are supposed to receive one day off every week. Shop workers receive one and one-half days off per week.

The law establishes occupational health and safety standards, and amendments to the law created mandatory worker safety committees. The law says that every worker should be allowed at least 11 festival holidays with full wages in a year. The days and dates for such festivals are supposed to be fixed by the employer in consultation with the CBA, if any, or on the recommendation of the participation committee in absence of the CBA.

Labor law implementing rules outline the process for the formation of occupational safety and health committees in factories, and the government reported that approximately 2,175 safety committees were formed as of July. The committees include both management and workers nominated by the CBA or, in absence of CBA, workers representatives of the factory's Worker Participation Committee (WPC). Where there is no union or WPC, the Department of Inspection for

Factories and Establishments (DIFE) arranges an election among the workers for their representatives.

The government did not effectively enforce minimum wage, hours of work, and occupational safety and health standards in all sectors. Although increased focus on the garment industry improved compliance in some garment factories, resources, inspections, and remediation were generally not adequate across sectors, and penalties for violations were not sufficient to deter violations.

DIFE's resources were inadequate to inspect and remediate problems effectively. In 2017, DIFE employed 317 labor inspectors; however, this number is likely insufficient for a workforce that includes more than 83 million workers, and the DIFE lacked authority to sanction employers directly without filing a court case. The ministry nonetheless took steps to increase DIFE's staff and technical capacity.

The 2013 Rana Plaza building collapse killed 1,138 workers and injured more than 2,500. In the aftermath of the collapse, private companies, foreign governments, and international organizations worked with the government to inspect more than 3,780 garment factories. Many factories began to take action to improve safety conditions, although remediation in many cases proceeded slowly due to a range of factors, including failure to obtain adequate financing. Two private buyers' initiatives, the Alliance and the Accord, conducted initial fire and safety inspections of 2,400 factories, but government oversight and enforcement of garment factories outside of these initiatives remained limited. These initiatives also covered only the formal ready-made garment industry, leaving thousands of informal garment and nongarment factories without proper oversight. Boiler or chemical-related explosions increased the focus on nonfire industrial accidents. The Alliance terminated its operations at the end of the year, following the successful remediation of more than 400 factories under its purview. Several U.S. brands worked with a new local organization to sustain the culture of safety at remediated factories.

The court case against Sohel Rana, the owner of Rana Plaza, and 40 other individuals on charges, including murder began in 2016. Rana received a maximum three-year sentence for failing to declare his personal wealth to an antigraft commission. The murder trial against Rana and others continued.

A trial against those implicated in the 2012 Tazreen Fashions fire started in 2015 after charges were brought against 13 individuals, including chairman Mahmuda

Akhter and managing director Delwar Hossain, in September 2015. Media reported that the trial was stalled at year's end.

Workers' groups stated that safety and health standards established by law were sufficient and that more factories took steps toward compliance. The law provides for a maximum fine of 25,000 BDT (approximately \$300) for noncompliance, but this did not deter violations.

Legal limits on hours of work were violated routinely. In the ready-made garment sector, employers often required workers to labor 12 hours a day or more to meet export deadlines, but they did not always properly compensate workers for their time. According to the Solidarity Center, workers often willingly worked overtime in excess of the legal limit. Employers in many cases delayed workers' pay or denied full leave benefits.

Few reliable labor statistics were available on the large informal sector in which the majority of citizens worked, and it was difficult to enforce labor laws in the sector. The BBS 2010 Labor Force Survey reported the informal sector employed 47.3 million of the 56.7 million workers in the country.