



## U.S. DEPARTMENT of STATE

### Bangladesh

#### Country Reports on Human Rights Practices - [2006](#)

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Bangladesh is a parliamentary democracy of 147 million citizens. Khaleda Zia, head of the Bangladesh Nationalist Party (BNP), stepped down as prime minister on October 27 when her five-year term of office expired, and she transferred power to a caretaker government that would prepare for general elections in 2007. The civilian authorities generally maintained effective control of the security forces.

The government's human rights record remained poor, and the government continued to commit numerous serious abuses. Extrajudicial killings, arbitrary arrest and detention, and politically motivated violence were among the most egregious violations. Security forces acted with impunity, and committed acts of physical and psychological torture. In addition violence against journalists continued, as did infringement on religious freedoms. Government corruption remained a significant problem. Violence against women and children also was a major problem, as was trafficking in persons.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

Security forces committed numerous extrajudicial killings. The police, Bangladesh Rifles (BDR), and the Rapid Action Battalion (RAB) used unwarranted lethal force.

Although there was a decrease in the number of killings by security personnel (see section 1.c.), nearly all incidents received only administrative investigation. According to local human rights organizations, no case resulted in criminal punishment, and in the few instances in which charges were levied, punishment of those found guilty was predominantly administrative. The resulting climate of impunity remained a serious obstacle to ending abuse and killings. According to press reports and law enforcement agencies, the RAB, a paramilitary group composed of personnel from different law enforcement agencies, killed 355 persons. The deaths, all under unusual circumstances, occurred to accused persons while in custody or during police operations; however, the government described the deaths of some identified criminals as occurring in exchanges of gunfire between the RAB or police and criminal gangs.

"Crossfire" became a euphemism in the local media for extrajudicial killings, particularly by the RAB. Press reports of crossfire followed a similar pattern: members of the RAB arrested or ambushed suspects, who were then killed in the crossfire as they tried to escape. Law enforcement officials were responsible for 355 deaths, 290 of which were attributed to crossfire. The RAB was responsible for 181 crossfire deaths; members of the police were responsible for 100; other security forces were responsible for nine crossfire deaths. Since 2004 when the Minister for Law, Justice, and Parliamentary Affairs stated that crossfire under RAB or police custody could not be considered custodial death, no member of the RAB has been prosecuted for a killing. According to press reports, citizens filed 145 formal complaints against the RAB this year. At year's end 45 of these had been dismissed and the rest were pending.

Between January and April, security forces killed 17 people and injured over 100 civilians in Kansat, Chapainawabgonj, during demonstrations against electricity shortages. The deputy inspector general of police of Rajshahi Division dismissed Shahabuddin Khalipha, officer-in-charge of the Shibiganj police station, for his role in the deaths.

On March 9, members of the RAB shot and killed Iman Ali as he was leaving his court hearing. The RAB unit claimed that Ali was killed in a crossfire shooting, but witnesses contested this claim. On March 22, Iman's brother Nazrul Islam lodged a petition with the Metropolitan Session Judge's Court, alleging that his brother was killed by the RAB. As of year's end, there had been no investigation of this case.

On September 1, according to the Asia Human Rights Commission (AHRC), members of the RAB shot and killed Abdul Hawladar and Md Shamin in Khulna. The RAB claimed that Hawladar and Shamin were involved in extortion using mobile phones, a charge that local human rights observers contested. RAB officials claimed that once they arrested Hawladar and Shamin and took them to the Baro Khalpar area, terrorists opened fire on the RAB, which responded with gunshots. At year's end the government had taken no action to investigate this case.

In June the Dhaka Chief Metropolitan Magistrate's Court issued a judicial inquiry into the case of Abdul Kalam Azad in response to a petition filed by the family of an Awami League (AL) member killed in 2005. In May 2005 citizens found the body of an individual named Sumon, a member of the opposition AL youth front, in Banosree, a day after his arrest by a RAB team in Khilgaon. While eye-witnesses told

independent human rights investigators that the RAB arrested Sumon at work, RAB members said Sumon was working with a gang of criminals and alleged he died in crossfire.

There were no updates for the February 2005 death in custody of Delawar Hossain; the July 2005 extrajudicial killing by the detective branch (DB) of Dhaka Metropolitan Police (DMP) of Khandker Iqbal Hossain; or the 2004 extrajudicial killings by RAB forces of Sumon Ahmed Majumder and Pichchi Hannan.

Violence often resulting in deaths was a pervasive element in the country's politics (see sections 1.c. and 3). Supporters of different political parties, and often supporters of different factions within one party, frequently clashed with each other and with police during rallies and demonstrations. According to human rights organizations, politically motivated violence accounted for 224 deaths and 13,152 injuries during the year (see sections 1.c., 1.d., and 2.a.).

On July 2 during an opposition-organized transportation blockade, a police officer and an opposition activist were killed in separate incidents (see section 2.b.).

In two incidents in September, clashes between opposition activists and police resulted in hundreds of injuries (see section 2.c.).

On September 23, unknown assailants shot Aftab Ahmad, a Dhaka University professor of political science, in his home in Dhaka. He later died from his wounds. Aftab was well-known for his progovernment political views, and police suspected a political motive for the attack. At year's end no action had been taken on this case.

There were several developments regarding the January 2005 deaths of former finance minister and AL leader Shah A.M.S Kibria and four others in Habinjanj. In April 2005 police charged 10 persons, mostly local BNP leaders, for their alleged involvement in the attack. Eight of the 10 were arrested, and the remaining two remained at large. During the year the case against the eight persons arrested went before the Sylhet Divisional Speedy Trial Tribunal. During the trial the complainant, Abdul Majid Khan, asked the tribunal for reinvestigation of the case, which the judge rejected. The following day the tribunal judge adjourned the trial because the complainant filed a petition asking for a four-week suspension to appeal the rejection for reinvestigation to the Supreme Court. On November 7, the Supreme Court hearing began.

On September 3, police arrested four members of the banned militant Islamist organization Harkatul Jihad al Islami (HuJi) for complicity in the 2004 bombing of a Muslim shrine in Sylhet. One of the four people arrested admitted involvement in the Kibria murder. Press reports alleged that the HuJi planned to kill top AL leaders as part of a plan to kill secular leaders in the country.

There was no investigation of charges filed in the May 2005 killing of Khorshed Alam Bachchu, who was shot by unknown gunmen near his home in Dhaka. Bachchu was the AL's Dhaka legal affairs secretary.

There were several developments related to the August 2005 coordinated bombings in 63 of the country's 64 districts, when two persons were killed and approximately 100 others were wounded. Leaflets found at the sites of the bombings indicated that the Jamiatul Mujahideen Bangladesh (JMB), a recently outlawed Islamic militant group seeking to impose Islamic law (Shari'a), coordinated the attacks. At year's end 698 people had been arrested in connection with these and a subsequent series of bombings attributed to the JMB (see section 1.e.). The courts issued 32 death sentences, 62 life imprisonment sentences, and 59 other sentences of varying durations. Those sentenced to death included Bangla Bhai, a vigilante who in 2004 began his own anticrime campaign, initially with the support of the police, and later with the support of JMB leader Shaikh Abdur Rahman.

There were several developments regarding the 2004 grenade attack at a rally in Dhaka which killed at least 20 persons, including the AL women's affairs secretary, Ivy Rahman, and injured several hundred others. By the end of 2005, authorities had arrested 20 persons in connection with this attack. As of September all but three persons had been released, and no charges had been brought against anyone in the attack.

On September 3, police arrested four suspects allegedly involved in the 2004 explosion at a Muslim shrine that killed several persons and injured dozens of others, including the British high commissioner to the country. The four persons arrested later admitted involvement in the attack. The four were linked to HuJi. One of the four arrested was also linked to the Kibria killing.

Vigilante killings were common. Newspapers reported 66 such incidents in the first eight months of the year. According to newspaper reports, on September 11, robbers broke into a house in Banshkhali. A neighbor called for help by using the local mosque's speakers, and a group of villagers intercepted several of the robbers, killing two and injuring a third. On May 18, three persons attempted to steal a motorcycle in Sylhet. Local villagers placed a barricade in the road to stop the theft, and captured the three muggers. The villagers beat the men, and one of them, Selim Ahmed, died the next day from his injuries, according to press accounts.

Violence along the border with India remained a problem. According to local human rights organizations, the Indian Border Security Force (BSF) killed 147 citizens and injured 144. According to human rights organizations, BSF members and Indian-based gangs believed to be affiliated with the BSF killed approximately 600 persons and injured 675 in border villages from January 2000 through year's end.

## b. Disappearance

Disappearances and kidnappings remained serious problems during the year. According to human rights organizations, 411 people were kidnapped during the year. Of those 48 were kidnapped allegedly for political reasons, and five persons were believed to have been killed. Child kidnapping for profit also continued to be a problem. According to local human rights organizations, during the year 93 children were

kidnapped.

On May 7, Chhatak police in the Sunamganj district allegedly neglected to act on the report of Tera Mian's disappearance. The previous night, according to the AHRC, police refused to file a report regarding the disappearance after they were informed. On May 8, villagers found Mian's body in Haor, and police filed a complaint against the alleged perpetrators. According to local human rights organizations, police failure to act on the initial report of disappearance may have contributed to Mian's death.

On August 22, in the Chittagong Hill Tracts, supporters of the United People's Democratic Front (UPDF) engaged in a gunfight with supporters of the Parbatya Chattagram Jana Sanghati Samiti (PSJSS). During the clash an armed UPDF group abducted six PSJSS supporters. By year's end, all had been released.

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

While the law prohibits torture and cruel, inhuman, or degrading punishment, security forces, the RAB, and police routinely employed severe treatment as well as psychological abuse during arrests and interrogations. Abuse consisted of threats and beatings and the use of electric shock. According to human rights organizations, security forces tortured 45 persons during the year, 14 of whom died. (see sections 1.a., 1.d., and 2.a.). The government rarely charged, convicted, or punished those responsible, and a climate of impunity allowed such police abuses to continue.

On February 15, RAB members arrested Asraf Hossain Khan, a local AL official in Munshigonj, on suspicion of theft. According to human rights organizations, security forces transferred Khan to the Vuggykul RAB-8 office, where they blindfolded and beat him. Security forces brought Khan to a field outside of town and twice used the threat of a staged crossfire death against him. Khan was released after local supporters blocked a road into town and demanded his release. A doctor who treated Khan verified that he appeared to have been mistreated. No charges were filed against the RAB.

On July 20, members of the RAB arrested and severely injured Kishore Kumar Das. The RAB reportedly searched Kishore's house and found several tin tobacco containers, which RAB officials said were handmade bombs. On July 23, the RAB transferred Kishore to police who found Kishore to have severe injuries. The RAB claimed that Kishore was injured while attempting to flee at the time of his arrest. The High Court Division of the Supreme Court asked that authorities explain the grounds on which Kishore was arrested and whether he was held illegally. The president of the Bangladeshi nongovernmental organization (NGO) Human Rights and Peace for Bangladesh (HRPB), Manzil Murshid, filed an affidavit as plaintiff against the government, claiming the RAB failed to follow the Code of Criminal Procedures. The court directed the law enforcers, specifically the RAB, to follow the Code of Criminal Procedures in future arrests.

On June 22, according to the AHRC, police in Kurigram District arrested Tajul Islam. When his brother, Kasim Uddin, went to the police station to request Islam's release, the subinspector allegedly kicked Uddin in the genitals. Subsequently, other police beat Uddin with sticks and boots until he died. Kurigram District officials said they arrested and suspended Si Hakim, the police officer in charge. Uddin's family reportedly was unable to get a copy of Uddin's report of death from Kurigram District Hospital.

Odhikar, a local human rights NGO, recorded two incidents of rape by law enforcement personnel from January to August. Most NGOs believed the actual number of sexual assaults was higher than reported due to strong social taboos.

There were developments in the July 2005 rape case against Nurul Islam. In July 2005, Nurul Islam, a riot police officer, told a woman he found at a bus station in Dhaka that he wanted to hire her as domestic help. Instead of escorting her to his home, the officer took her to a hotel and raped her with the assistance of a male hotel employee. The woman filed a rape case that resulted in the arrests of Islam and the hotel employee. At year's end Islam was in jail pending trial, and the hotel employee had been released on bail.

Law enforcement personnel accused of rape and torture generally were not investigated. In some cases police detained women in safe custody after they reported a rape, but the safe custody often translated as confinement in jail cells where they endured poor conditions and were sometimes abused and raped again (see section 5).

#### Prison and Detention Center Conditions

Prison conditions were abysmal and were a contributing factor to custodial deaths. According to press reports, 52 persons died in prison and 162 died while in the custody of police and other security forces (see section 1.a.). All prisons remained overcrowded and lacked adequate facilities. According to the Bangladeshi Society for the Enforcement of Human Rights (BSEHR), the existing prison population of 72,013 was more than 250 percent of the official prison capacity. Of the entire prison population, 23,659 had been convicted, but the rest were either awaiting trial or detained for investigation. In most cases cells were so crowded that prisoners slept in shifts.

Juveniles were required by law to be detained separately from adults; however, in practice due to a lack of facilities, many juveniles were incarcerated with adults.

Although the law prohibits women in safe custody from being housed with criminals, in practice, no separate facilities existed.

In general the government did not permit prison visits by independent human rights monitors, including the International Committee of the Red Cross (ICRC). Government-appointed committees of prominent private citizens in each prison locality monitored prisons monthly but did not release their findings. District judges occasionally visited prisons but rarely disclosed their findings.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, authorities frequently violated these provisions, even in nonpreventive detention cases. The law specifically allows preventive detention, with specified safeguards, and provides for the detention of individuals on suspicion of criminal activity without an order from a magistrate or a warrant. The government arrested and detained persons arbitrarily and used national security legislation such as the 1974 Special Powers Act to detain citizens without filing formal charges or specific complaints.

#### Role of the Police and Security Apparatus

Police were organized nationally under the Ministry of Home Affairs (MOHA) and had a mandate to maintain internal security and general law and order. Police were generally ineffective, reluctant to investigate persons affiliated with the ruling party, and used frequently for political purposes by the government.

The RAB, a better-equipped paramilitary unit drawing personnel from various police units and security agencies, including the military, developed plans for overall police reform, but few concrete steps were taken to address human rights problems. The RAB committed serious human rights violations.

There was widespread police corruption and a severe lack of training and discipline. The police often acted outside the law. For example, police frequently beat rickshaw drivers with batons for minor infractions or punctured their tires. Victims of police abuse were reluctant to file cases against police, as there was no independent body charged with investigation of criminal allegations against members of the police force. There were no developments during the year regarding the legality of the Joint Drive Indemnity Act, which barred persons from seeking remuneration for human rights violations that occurred during Operation Clean Heart in 2003.

Police abuse of authority was common. For example, on October 2, police entered the National Shooting Federation Complex in Dhaka and severely beat 25 club members, including Commonwealth Games gold medalist Asif Hossain Khan. The incident began when the wife of police Special Branch Deputy Inspector General Sadiqur Rahman had her driver park her official vehicle in front of the complex. A security guard asked the driver to move, and a fight ensued. According to press reports, police, led by Subinspector Jasim and Gulshan Deputy Commissioner (DC) Obaidur Rahman Khan, used batons to beat club members. Asif was detained along with five others and taken to the Gulshan police station. According to Asif the police severely beat those detained with sticks. The five were later admitted to the hospital with arm fractures, head wounds and other injuries. The police filed charges against three club members, including Asif. At year's end there has been no investigation of police conduct.

There were also widespread reports of increased politicization of the police. According to media reports, in August the Home Ministry sent letters to all district superintendents of police asking for analyses of the results of the last three elections, including the deficiencies of losing candidates and positive attributes of the winners. The superintendents reportedly passed the requests to the field for officers to collect the data.

Police often used unwarranted force to suppress demonstrations. For example on March 30, police attacked opposition protestors in Dhaka. The protestors were staging a sit-in around the government secretariat building in defiance of a court order banning the demonstration. Police initially tried to use batons to disperse the crowd and then fired tear gas shells and rubber bullets at demonstrators. Clashes spread from the secretariat to other parts of Dhaka as police pursued the protestors. Over 100 people, including protestors, police, and journalists, were injured in the day-long series of clashes.

On August 26 in Phulbari, police and members of the BDR opened fire on a crowd protesting the establishment of an open-pit coal mine, killing five persons and injuring 100 others. After several days of violence, the government began negotiations with the protestors and eventually announced the cancellation of the mining project. No charges were filed against the police, BDR, or magistrates for the deaths of the protestors.

Plaintiffs rarely accused police in criminal cases due to lengthy trial procedures and from fear of retribution against them or their families. This created a climate of impunity for police.

#### Arrest and Detention

The law does not provide for the use of warrants in all cases. Section 54 of the Criminal Procedure Code and Section 86 of the Dhaka Metropolitan Police (DMP) Ordinance provide for detention of persons on suspicion of criminal activity without an order from a magistrate or a warrant, and the government regularly arrested persons without formal charges or specific complaints. Section 144 limits gatherings of more than four people. Authorities misused ordinances during the year, and mass arrests, often politically motivated, continued to occur. According to official statistics, the RAB made more than 11,000 arrests since April 2004, including five individuals whom the government termed "top terrorists" and 419 "other terrorists."

According to Odhikar, during the year police arrested more than 3,900 persons under Section 54. According to the local human rights organization Ain o Shalish Kendro (ASK), the government used Section 144 to ban assemblies of more than four people 164 times during the year.

Authorities sometimes used Sections 54 and 86 to detain persons on false charges in order to suppress the expression of views critical of or different from those of the government. According to ASK police in Dhaka arrested large numbers of opposition party members prior to opposition rallies throughout the year. The law provides for the right to a prompt judicial determination; however, this was rarely enforced.

According to Odhikar police detained 28,651 people in mass arrests throughout the year. On June 11, according to 14 local human rights organizations, the government began a program of mass arrests in Dhaka ahead of an opposition-organized rally. According to these

groups, law enforcement officials used block raids and checkpoints to arrest over 700 people coming to Dhaka to participate in the rally. Human rights organizations reported that these persons were later released.

In September according to local human rights organizations, in anticipation of opposition protests in Dhaka, the government indiscriminately arrested hundreds of persons, including opposition activists and NGO supporters, on old cases or false charges such as theft. Most detainees were released within a few days. Human rights organizations reported that the arrests were used to intimidate opposition activists from coming to Dhaka to participate in the protests.

In mid-September police throughout the country arrested 172 workers at different offices of the NGO Proshika, according to press reports. The government allegedly launched the crackdown because it believed Proshika intended to participate in an opposition protest at the prime minister's office on September 12. The accused were detained on suspicion of theft, vandalism, and destruction of property. The government closed 200 offices of Proshika because employees feared arrest. All Proshika employees arrested were freed or released on bail pending the filing of charges.

Under the Special Powers Act, the government or a district magistrate may order that a person be detained for 30 days to prevent the commission of an act that could threaten national security; however, detainees were held for longer periods. In these cases the magistrate must inform the detainee of the grounds of his detention, and an advisory board is required to examine the detainee's case after four months. Detainees had the right to appeal.

There was a functioning bail system in the regular courts, although under certain security and criminal law, a non-bailable period of detention existed. Criminal detainees were granted access to attorneys; however, detainees were not entitled to be represented by an attorney before an advisory board. State-funded defense attorneys rarely were provided, and there were few legal aid programs to offer financial assistance. Lawyers usually were allowed only after charges were filed. Legal representatives were granted access to their clients arrested under Section 54, but in practice police rarely allowed lawyers to confer with their clients arrested under these sections of the law. Arbitrary arrests were common. The government also used serial detentions to prevent the release of political activists (see section 4).

The government used Sections 54 and 86 to harass and intimidate members of the political opposition and their families. Police detained opposition activists prior to and during demonstrations without citing any legal authority, holding them until the event was over (see section 2.b.).

It was difficult to estimate the total number of those detained for political reasons. Many activists were charged with crimes, and many criminals claimed to be political activists. Most such detentions appeared to last for several days or weeks, and defendants in most cases received bail; however, acquittal or dismissal of wrongful charges took years.

Arbitrary and lengthy pretrial detention remained a problem. The backlog of criminal cases was approximately 43,000 in Dhaka alone. In addition, the Ministry of Law estimated that approximately 1,200 prisoners had made no court appearance in at least six months, and many had served longer in pretrial detention than they would have had they been convicted and given the maximum sentences for their alleged crimes. According to Odhikhar approximately 75 percent of prison inmates were in pretrial detention.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, in practice a longstanding temporary provision of the constitution places the lower courts under the executive, and the courts were subject to executive influence largely because judges' appointments and their pay were dependent on the executive. The higher levels of the judiciary displayed some independence and often ruled against the government in criminal, civil, and politically controversial cases. Corruption, judicial inefficiency, targeted violence against judges, and a large case backlog were serious problems.

In November 2005 a suicide attack killed two judges in Jhalakati. Also that month, four suicide attackers killed two policemen at the courthouse in Chittagong and several attorneys inside the courthouse in Gazipur. In December 2005 unknown assailants attacked the municipal complex in Gazipur housing the courthouse. On May 29, an additional district and sessions court judge in Barisal gave death sentences to seven people, including Bangla Bhai and Shaikh Sabdur Rahman, for their roles in the Jhalakati incident (see section 1.a.).

The court system has two levels: the lower courts and the Supreme Court. Both hear civil and criminal cases. The lower courts consist of magistrates, who are part of the executive branch, and session and district judges, who belong to the judicial branch. The Supreme Court is divided into two sections: the high court and the appellate court. The high court hears original cases mostly dealing with constitutional issues and reviews cases from the lower courts. The appellate court has jurisdiction to hear appeals of judgments, decrees, orders, or sentences of the high court. Rulings of the appellate court are binding on all other courts.

The government continued to delay action on the Supreme Court order asking that administrative measures be put in place separating the judiciary from the executive. In October 2005 the Supreme Court refused to entertain the government's 21st appeal seeking another extension. However, at year's end the government had failed to pass legislation or provide procedures to comply with this decision to separate the judiciary from the executive. In September 2005 a High Court panel rendered unconstitutional an amendment to the constitution that legitimized martial law in the 1980s. The prime minister's office arranged for a stay of the ruling because of its ramifications for the legacy of former president Ziaur Rahman, the late husband of the prime minister.

#### Trial Procedures

The law provides accused persons with the right to be represented by counsel, to review accusatory material, to call witnesses, and to

appeal verdicts. There is no jury trial, and all cases are tried by judges. Trials are public, and defendants have the right to an attorney; however, state-funded attorneys are rarely provided. Under the provisions of the public safety act, the Law and Order Disruption Crimes Speedy Trial Act (STA), and the Women and Children Repression Prevention Act, special tribunals hear cases and issue verdicts. Cases under these laws must be investigated and tried within specific time limits, although the law was unclear regarding the disposition of the case if it was not finished within the allotted time period. Defendants are presumed innocent, have the right to appeal, and have the right to see the government's evidence against them.

The court system was plagued by corruption and a substantial backlog of cases, and trials were typically marked by extended continuances. These conditions effectively prevented many persons from obtaining a fair trial due to witness tampering, victim intimidation, and missing evidence. A September 2004 Transparency International survey revealed that magistrates, attorneys, and court officials demanded bribes from defendants in more than 67 percent of the cases filed under the STA (see section 1.d.).

In July 2004 parliament codified the use of Alternative Dispute Resolution (ADR) for civil cases and extended its use to Sylhet and Chittagong. ADR allows citizens to have the opportunity to present their cases before filing for mediation. According to government sources, wider use of mediation in civil cases quickened the administration of justice. While the ADR system has popular appeal, no independent entity conducted an assessment of its fairness or impartiality. The Muslim Family Ordinance codifies traditional Islamic law concerning inheritance, marriage, and divorce for registered marriages for members of the Muslim community. There are similar sets of laws in place for the Hindu and Christian communities.

#### Political Prisoners and Detainees

The government stated that it held no political prisoners; however, opposition parties and human rights monitors claimed the government arrested many political activists and convicted them on unfounded criminal charges (see section 1.d.). NGOs did not have access to prisoners.

In April 2005 a Dhaka court granted bail to and released journalist Salah Uddin Shoaib Choudhury, who was detained at the airport for his attempted 2003 travel to Israel. Choudhury claimed to have been tortured during his 15-month imprisonment that began in 2003. His trial on sedition charges was scheduled to begin in September but was postponed (see section 2.a.).

#### Civil Judicial Procedures and Remedies

The government did not interfere with civil judicial procedures.

#### Property Restitution

During the year the government did not take any measures to implement the 2001 Vested Property Return Act providing for property restitution to persons, mostly Hindus, who had their property seized by the government after the 1965 India-Pakistan war under the Vested Property Act. Approximately 2.5 million acres of land were seized from Hindus, and almost all of the 10 million Hindus in the country were affected. In April 2001, parliament passed the Vested Property Return Act, stipulating that land remaining under government control that was seized under the Vested Property Act be returned to its original owners, provided the original owners or their heirs who remained resident citizens. The government was required to prepare a list of vested property holdings by October 2001. In 2002 parliament passed an amendment to the Vested Property Return Act, which allowed the government unlimited time to return the vested properties and gave control of the properties, including the right to lease them, to local government employees. The government did not publish a list of vested property under its control and as a result, the original land owners could not reclaim their entitled property (see section 2.c.).

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

The law allowed intelligence and law enforcement agencies to tap phones with the permission of the chief executive of MOHA. The ordinance also gives the government, in the interest of national security, the authority to prevent telephone operators from delivering messages. In case of national emergency, the government can revoke any permit to provide communications services without providing compensation to the holder of the license. The ordinance went into effect during a recess in parliament but must be approved as soon as parliament returns to become permanent law.

Police, even in cases not affiliated with the Special Powers Act, rarely obtained warrants, and officers violating these procedures were not punished. RSF claimed that police monitored journalists' e-mail. The Special Branch of the police, National Security Intelligence, and the Directorate General of Forces Intelligence employed informers to report on and conduct surveillance on citizens perceived to be political opponents of the government.

The government forcibly resettled people. On March 2, according to press reports, Dhaka City Corporation authorities evicted the dwellers of a slum in the Dhalpur area of Dhaka and demolished their shelters. Two platoons of police and 30 eviction laborers participated in the evictions. The evicted people protested the action.

On June 21, according to press reports, the Capital City Development Authority of Dhaka, a semi-autonomous government development agency, evicted several thousand individuals, including women, children and the elderly, from a slum in the Gulshan area of Dhaka. The shanties were subsequently bulldozed for a development project. Police used batons to quell the eviction victims when they protested.

Police sometimes threatened members of the families of individuals who were wanted by police. During the year there were instances of physical abuse or detention of family members by law enforcement personnel to extract information regarding wanted relatives.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The law provides for freedom of speech and press; however, in practice the government limited these rights.

Individuals were not always able to criticize the government publicly without fear of reprisal, and the government often attempted to impede criticism by prohibiting or dispersing political gatherings.

There were hundreds of daily and weekly independent publications. Many newspapers were at times critical of government policies and activities, including those of the prime minister. In addition to one official government-owned news service, there were two private news services, United News of Bangladesh, which is affiliated with Agence France-Presse, and BD News.

Newspaper ownership and content were not subject to direct government restriction. The government owned or significantly influenced one radio and some television stations; however, unlike in previous years, these stations did not focus the bulk of their coverage on the government.

There were six private satellite television stations in operation, and two private radio stations began broadcasting a few hours a day on a trial basis. There were also two foreign-based and -licensed satellite television stations that broadcast into the country and maintained domestic news operations. Cable operators generally functioned without government interference; however, cable operators were forced to drop several international channels, allegedly for nonpayment of taxes. All private stations were also required to broadcast, without charge, selected government news programs and speeches by the prime minister and the president as a condition of operation.

Attacks on journalists and newspapers and efforts to intimidate them by the government, political party activists, and others occurred frequently. Attacks against journalists by political activists were common during times of political violence, and many journalists were injured by police. According to Odhikar, one journalist was killed, 183 journalists were injured, six were arrested, 53 were assaulted, and 114 were threatened during the year.

In its 2005 ranking of press freedom, Reporters Without Borders (RSF) ranked Bangladesh 151 out of 167 countries reviewed. This ranking reflected the lack of freedom for journalists and news organizations and the absence of efforts undertaken by the state to respect and ensure respect for such freedom.

On January 13, gunmen shot and wounded S. Changma Sattyajit, president of the Panchhair Press Club and correspondent of the Daily Samakal, in front of his house in Nalkata. According to media reports, no charges were filed in the case.

On April 16, police injured 20 journalists at a cricket match against Australia. The clash occurred during a protest of a previous attack by police against Prothom Alo photojournalist Shamsul Haq Tanku. According to press accounts, during a lunch break journalists demanded an apology from the police allegedly responsible for the attack on Shamsul. Police, led by Deputy Commissioner Ali Akbar, attacked the journalists, chasing them into a dressing room. Much of the attack was captured on film and received considerable international coverage, particularly in Australia. No charges were initially filed, but as a result of public pressure, on July 12, Home Minister Babar ordered administrative action against Akbar and the other police involved in the incident. The home minister also distributed financial compensation to the victims.

On May 29, BNP activists injured over 25 journalists in Kushtia during a support rally for local journalists at the public library. The rally had been called to support journalists who were being sued for defamation by Member of Parliament Shahidul Islam of the BNP. Earlier in May police had closed a local paper, Andoloner Bazar, critical of Islam, claiming that the paper did not have proper permits. According to video footage, on May 29, a group of men gathered outside the BNP headquarters across the street from the rally, scaled the walls of the library property, and beat individuals with sticks, chairs, and bricks. Police were present but did not intervene once the attack began. Among the injured was Bangladesh Observer editor and then-president of the Bangladesh Federal Union of Journalists, Iqbal Sobhan Chowdhury. Despite the taped footage of the attack, no charges were filed. On July 12, at a meeting chaired by Home Minister Lutfozzaman Babar, Islam formally apologized to Chowdhury and the other journalists for the attack and agreed to withdraw the defamation cases against the local journalists. However, at year's end the cases had not been dropped.

On May 30, police in Satkhira dispersed a silent procession of journalists protesting the Kushtia attack. Police used batons on the protestors as they tried to enter the deputy commissioner's office to present a letter protesting the Kushtia attack. The journalists then regrouped and formed a human chain to protest the police action.

On October 31, according to press reports, members of the RAB arrested and tortured Focus Bangla journalist Shafiqul Islam, citing section 54 of the criminal code as justification for his detention. While torturing Shafiqul members of the RAB allegedly cited staff reporters from The Daily Star, Sangbad, and Janakantha as their next targets. When he was taken before a judge, Islam said that he was tortured with electric shocks for eight hours by an RAB official. Authorities accused Islam of being in contact with Islamic extremists.

Violence against journalists intensified during the November transition to an interim government. From November 13 to 22, six journalists were targets of attacks and threats. For example, on November 16, local militiamen in Mymensingh attacked and severely beat four journalists: Niamul Kabir Sajal of Dainik Prothom Alo; Babul Hossain of Dainik Janakantha; Mir Golam Mostafa of Dainik Shamokal; and a photographer known as Nuruzzaman. All four journalists were hospitalized and later filed complaints. Authorities arrested six of the assailants, but the leader remained at large. Also, on November 22, six or seven youths armed with bamboo sticks beat Hasibur Rahman Bilu, a reporter for the Daily Star, Radio Today, and Radio Deutsche Welle, as he was leaving a bank in Bogra. Bilu was hospitalized for leg

and back injuries. The youths, who were allegedly affiliated with a BNP rally nearby, accused Bilu of reporting against the BNP.

On January 4, the court ordered a new investigation into the 2004 killing of Daily Janmabhumi editor Humayun Kabir Balu in Khulna. A trial had started in the Khulna Speedy Trial tribunal in October 2005, but the public prosecutor was accused of an improper investigation and insufficient evidence. At year's end two suspects were in custody, four had not been located, and two were killed in October and December 2005 in RAB crossfires.

On March 21, the Chittagong Speedy Trial tribunal sentenced one person to death and 11 others to life imprisonment for killing journalist Kamal Hossain in 2004. Fourteen others were acquitted of the crime.

The sedition case of journalist Salah Uddin Shoaib Choudhury was scheduled to begin in January 2007. In 2005 a Dhaka court granted bail to and released Choudhury, who was detained at the airport in 2003 on charges of sedition and attempting to travel to Israel (see section 1.e.).

There were no developments in the 2004 killing of Khulna Press Club President Manik Chandra Saha or the 2004 killing of Daily Durjoy Bangla editor Dipanker Chakrabarty.

Both the BNP and the AL attempted to control access to the media. Both the prime minister and Awami League President Sheikh Hasina selectively denied specific television stations access to political meetings.

On October 10, the government banned the import, marketing, or reprinting of the October 2 issue of the Indian biweekly magazine Desh.

On July 22, Jatiya Party activists seized and destroyed copies of the daily newspaper Prothom Alo after it ran a story claiming that Jatiya Party leader and former president H.M. Ershad had evaded taxes. According to press reports, Jatiya Party supporters barricaded a main road in Magura and stole over 11,000 copies of the paper from a bus. Sagar Gazi, supervisor of the bus company, filed a case with Magura-Sadar police station, accusing the Jatiya Party's district unit general secretary, Hasan Seraj Suja, and 70 others in the crime. No information was available regarding the status of the case.

Foreign publications and films were subject to review and censorship. A government-run film censor board reviewed local and foreign films and had the authority to censor or ban films on the grounds of state security, law and order, religious sentiment, obscenity, foreign relations, defamation, or plagiarism. Video rental libraries and DVD shops stocked a wide variety of films, and government efforts to enforce censorship on rentals were sporadic and ineffective.

Over the course of the year, the government increased efforts to tighten censorship laws. In September the government passed an act that enabled the government to suspend broadcast of any private satellite channel for the "public interest." The law permits the government to shut stations broadcasting "indecent" movies and programs and prevents the sale of foreign products. The government also amended the Censorship of Films Act, increasing penalties for showing films, posters or advertisements without censor certificates. In March the Information Ministry ordered an intensification of efforts to censor vulgarity in films playing in movie theaters.

The government followed no clear policy on issuing television licenses and rarely granted licenses to persons unaffiliated with the government.

The government exercised censorship most often in cases of immodest or obscene photographs, perceived misrepresentation, defamation of Islam, or objectionable comments regarding national leaders.

Novelist Taslima Nasreen remained abroad in Kolkata after being freed on bond in 2004 for criminal charges that she allegedly insulted Muslim beliefs (see section 2.c.).

The review of a 2004 ban on Ahmadiyah publications remained pending in the high court at year's end.

Government figures frequently used defamation charges to curb freedom of speech. For example, on February 2, BNP Public Works Minister Mirza Abbas filed a defamation case against the editor of Prothom Alo. Abbas filed the case after the editor published a story alleging that Abbas objected to the construction of a police complex in Razarbagh. The publisher had refused to allow Abbas to publish a response to the story.

On April 2, the chief whip of the parliament, Khondaker Delwar Hossain of the BNP, sued the editors of Prothom Alo, Janakatha, Sangbad, Jugantor, and Ajker Kagoj for defamation because the newspapers had accused Hossain of abusing entertainment allowances and parliament resources for personal gain. Authorities released the editors and staff on bail. The Dhaka Metropolitan Magistrate's Court eventually dismissed the charges, but Hossain filed an appeal petition which was pending at year's end.

In June BNP MP Abdul Mannan filed a defamation case against the editor, publisher, and other staff from the Dainik Jugantor. Mannan accused staff members of the paper of defamation because they published a story on May 31 linking him to heroin smuggling.

There were no direct government restrictions on access to the Internet. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. According to RSF police often misused surveillance of journalists' e-mail (see section 1.f.).

#### Academic Freedom and Cultural Events

The government did not limit academic freedom or cultural events; however, authorities discouraged research on sensitive religious and political topics.

#### Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, subject to restrictions in the interest of public order and public health; however, the government frequently limited these rights.

#### Freedom of Assembly

The law allows the government to ban assemblies of more than four persons, and according to Ain O Shalish Kendro, a local human rights NGO, the government banned rallies for security reasons 164 times during the year. The government also used mass arrests to deter demonstrators from participating in protests (see section 1.d.).

There were frequent clashes between police and opposition supporters during the year. The opposition led by the AL organized numerous "agitation programs" protesting against the government, including "sieges" of government institutions and transportation blockades of cities and the Chittagong port, and it enforced work stoppages (hartals) (see section 2.d.). During these protests police and demonstrators often clashed, resulting in deaths and injuries.

On July 2, a police officer and an opposition demonstrator were killed during an AL-organized transportation blockade of roads, rivers, and railways. Demonstrators throwing stones killed police Subinspector Abul Bashar at Murgapara in Narayanganj. Goman Mustafa Milon, an AL activist, died in a separate clash in Dhaka the same day. In addition to the deaths, dozens of cars and a train were damaged or destroyed by demonstrators. Over 100 others were wounded throughout the country.

On September 6, police and demonstrators clashed in Dhaka during an AL-organized "siege" of the Election Commission. According to media accounts, the clash occurred when demonstrators tried to break through barricades and approach the Election Commission offices. Over 100 opposition activists and 15 police were injured in the fighting. Among the opposition supporters injured was Saber Hossain Chowdhury, political secretary to the head of the AL.

On September 12, police and demonstrators clashed in Dhaka during an AL-organized "siege" of the prime minister's office. Demonstrators and police clashed in various locations throughout the city. Over 150 AL supporters, including former home minister Mohammad Nasim and AL MP Asaduzzaman Noor, were injured during the demonstration. Ten policemen were also injured. A day earlier the government had declared a ban on gatherings or protests in the vicinity of the prime minister's office.

There were no developments related to the February 2005 case of police abuse during an AL Jubo League (JL) procession. Police wounded the JL's general secretary along with 30 other activists and two police officers.

There were no reported developments in the March 2005 police attack against buses carrying AL activists in which 50 people were injured.

There were no charges filed related to the June 2005 case in which BNP activists sabotaged a meeting of the Bikalpa Dhara Bangladesh Party (BDB) by damaging the meeting's venue.

There were no charges filed in the November 2005 case in which BNP activists and police disrupted the march of AL supporters on their way to an AL rally. Such obstructions took place in at least three sites within an hour's travel of Dhaka, specifically Dhamrai, Keraniganj, and Manikganj.

By year's end the 2004 case in which police fired on a procession of tribal people protesting an eco-park project and killed Piren Snal, a member of the Garo tribe, in Tangail district, was still pending. Authorities conducted a judicial investigation, and the court dismissed the case due to insufficient information. At year's end Snal's family filed another petition contesting the legitimacy of the report.

#### Freedom of Association

The law provides for the right of every citizen to form associations, subject to "reasonable restrictions" in the interest of morality or public order, and the government generally respected this right. Individuals were free to join private groups.

#### c. Freedom of Religion

The law establishes Islam as the state religion and also stipulates the right, subject to law, public order, and morality, to practice the religion of one's choice. The government generally respected this right in practice. Although the government was secular, religion influenced politics. Discrimination against members of religious minorities existed at both the governmental and societal level, and religious minorities were disadvantaged in practice in such areas as access to government jobs, political office, and access to justice.

Shari'a (Islamic law) was not implemented formally and was not imposed on non-Muslims but played an influential role in civil matters pertaining to the Muslim community. Family laws concerning marriage, divorce, and adoption differed slightly depending on the religion of the persons involved. Each religion had its set of family laws. The Muslim Family Ordinance codifies traditional Islamic law concerning inheritance, marriage, and divorce for registered marriages of members of the Muslim community. Muslim men may marry up to four wives; however, a Muslim man must get his first wife's signed permission before taking a second wife. Under Hindu law, unlimited polygamy is permitted, and while there is no provision for divorce and legal separation, Hindu widows may legally remarry. There were no legal restrictions on marriage between members of different faiths. Marriages in rural areas often were not registered because of ignorance of the law.

Religious organizations were not required to register with the government, but the government required all NGOs, including religious organizations, to register with the Ministry of Social Welfare. Additionally, NGOs must register with the NGO Affairs Bureau if they received or planned to receive foreign funds for social development projects. The government had the legal authority to cancel the registration of an NGO or to take other actions such as dissolving its executive committee, freezing its bank accounts, or canceling projects; however, the government rarely used such powers.

Government protection of Ahmadiyyas improved, although discrimination continued. The government ban on publishing of Ahmadiyya literature continued to be stayed by the high court, effectively allowing Ahmadiyyas to publish their materials (see section 2.a.).

As in previous years, the government failed to prepare a list of property that was expropriated by the government from Hindus following the 1965 India-Pakistan War (see section 1.e.).

Foreign missionaries were allowed to work in the country, but their right to proselytize was not explicitly protected by the law. Some missionaries faced problems in obtaining visas or renewing visas, which must be done annually. Some foreign missionaries reported that internal security forces closely monitored their activities; however, there were no reports of other government harassment during the year. The government allowed various religions to establish places of worship, train clergy, travel for religious purposes, and maintain links with co-religionists abroad. The law permitted citizens to proselytize.

#### Societal Abuses and Discrimination

Discrimination against Ahmadiyyas, Hindus, and Christians occurred during the year.

On June 23, approximately 1,500 members of the anti-Ahmadiyya organization International Khatme Nabuwat Movement Bangladesh (IKNMB) attempted to seize the Ashkona Ahmadiyya mosque in Uttara. The government deployed over 3,000 police to prevent violence and cordon off the Ahmadiyya complex. Eventually, the demonstrators left the Uttara area and attempted to block the main entrance to Dhaka-Zia International Airport. Police dispersed the demonstrators, injuring 20.

In September shortly before the annual Hindu festival of Durga Puja, the media reported that several idols of the Hindu goddess Durga were vandalized in various parts of the country, including Cox's Bazar, Nilphamari, Maulvi Bazar, and Tongail.

On October 6, IKNMB demonstrators attempted to seize the Ahmadiyya mosque in Nakhhalpara in Dhaka. Police prevented the protesters from approaching the mosque, and the demonstrators dispersed without major incident.

Police arrested eight persons throughout the year in connection with the June 2005 arson and bombings at Ahmadiyya mosques in Nator, Brahmanbaria, and Bhadugarh.

No action was taken nor charges filed related to the July 2005 deaths of two employees of the Christian Life Bangladesh NGO who were allegedly killed because they showed an evangelical film. Police initially arrested several suspects for the killing, but they were later released, and no charges had been filed at year's end.

There was no corrective action taken related to the 2004 violence against Hindus. Armed attackers led by a local BNP leader set 20 Hindu houses on fire, injuring 30 persons. Victims alleged that the attack originated over a pending property dispute.

There were no developments related to the 2004 death of Joseph Gomes, a Christian convert, near his home in Jamalpur district. Police arrested a local madrasah teacher, Maulana Abdus Sobhan Munshi, for the killing, held him for two weeks, and released him.

Religious minorities were disadvantaged in seeking government jobs and political office. Selection boards for government services often lacked minority group representation.

While there is no known local Jewish community, anti-Semitic commentary sometimes appeared in the press.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.

The law provides for these rights, and the government generally respected these rights in practice; however, there were instances in which the government restricted these rights.

The opposition frequently used enforced transportation blockades and hartals or enforced strikes as political tactics. These extrajudicial methods of protest, sanctioned by party leaders and often enforced with violence, obstructed freedom of movement.

On July 2, for example, the AL-led 14-Party Alliance declared a country-wide transportation blockade. Supporters barricaded major streets as well as rail lines. Demonstrators also attempted to damage rail lines and attacked trains running throughout the country. On September 20, the opposition declared another transportation blockade that stopped all traffic into major cities from dawn to dusk.

According to Odhikar, 23 people died and 1,522 people were injured in election-related violence from mid-October to December. In late October when the BNP-led government stepped down, the AL launched a series of violent demonstrations in Dhaka to prevent former chief justice K.M. Hassan from taking over as chief advisor of the caretaker government. Sheikh Hasina and other AL leaders called for supporters to come to Dhaka with their "sticks"-a reference to the oars that are a symbol of the party. From October 27 to 29, there were violent clashes, resulting in 16 deaths. On October 29, after Hassan declined to assume the position of chief advisor, President Iajuddin was sworn in to lead the caretaker government. In November the 14-Party Alliance declared a country-wide transportation blockade in protest after the interim government announced the election date.

Throughout December the AL and its partners continued an agitation program that included transportation blockades, enforced strikes, and "sieges" of public buildings such as the president's office. On December 18, the opposition alliance expanded with the addition of two other parties, forming the Grand Alliance. On December 23, the Grand Alliance declared that it would participate in elections in spite of all its demands not being met, and it cancelled further agitation programs through the rest of the year.

As in previous years, numerous opposition work stoppages were declared over the course of the year. During the stoppages the organization or group calling for the action generally permitted only emergency services and nonmotorized vehicles on the streets. Cars and buses on the road were often attacked and burned. Most shops, banks, schools, universities, and other public and private offices were forced to close for safety reasons (see section 2.b.).

The law does not provide for exile, and it was not used. The country's passports were invalid for travel to Israel.

#### Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees. In practice the government provided some protection against refoulement, the return of persons to a country where they feared persecution. Working with the UN High Commissioner for Refugees (UNHCR), the government provided temporary protection to individual asylum seekers whom UNHCR interviewed and recognized as refugees on a case-by-case basis.

During the year the government denied asylum to Rohingyas from Burma. The government categorized these refugees as illegal economic migrants and turned back as many persons as possible at the border. According to UNHCR, some refugees returned by the government were entitled to refugee status. Some unregistered persons in UNHCR camps returned illegally after their official repatriation to Burma, sharing food and lodging with relatives who received rations as registered members of the camps. On a number of occasions, camp officials transferred some of the unregistered persons over to police, who imprisoned them under the Foreigners Act. There were 71 Rohingya refugees in local prisons in the Cox's Bazar area at year's end. Of these persons five had been sentenced and 66 remained detained. In addition, at year's end there were two Rohingya refugees in local prisons in Comilla and two in Chittagong. Another two Burmese not registered with UNHCR were currently serving prison sentences, and another 261 had been detained pending trial.

According to the government, 21,322 Rohingya refugees remained in the two official camps administered by the government in cooperation with UNHCR. However, a preliminary UNHCR estimate placed the number closer to 28,000. According to international aid organizations active in the area, there are approximately 200,000 Rohingyas not officially recognized as refugees living in the surrounding area of Teknaf and Cox's Bazaar. There were no repatriations of Rohingyas to Burma.

Conditions in the refugee camps continued to deteriorate until September. There was some progress at the end of the year regarding the government's attitude towards the Rohingya refugee camps near Cox's Bazar. After government personnel changes, UNHCR and the government were able to reach a consensus on making improvements. For example, a pilot project was launched to build replacements for shelters that were sinking into the ground. A project to build new latrines was launched, and the government agreed to improve education standards and to permit NGOs to work in the camps again. In addition, the government indicated a new willingness to cooperate with UNHCR and other international organizations and NGOs to improve standards in the camps.

According to UNHCR there were many reported cases of refugee abuse including rape, assault, domestic abuse, deprivation of food ration entitlements, and documentation problems.

The government did not take corrective action related to the March 2005 case in which UNHCR received reports that a police inspector and his staff severely beat and attempted to rape six females, including two girls aged eight and 12. UNHCR strongly protested to camp authorities, but the government took no action.

According to Refugees International (RI), the government, and specifically the former local refugee relief and repatriation commissioner in Cox's Bazar, Shoyebur Rahman, placed excessive restrictions on refugees' freedom of movement and ability to work or earn a livelihood. During his tenure which ended in August, Rahman created obstacles for UNHCR to work in the camps and blocked access to the camps by certain NGOs and programs designed to relieve poor conditions. After Rahman's departure the government worked to address several of the most pressing concerns in the refugee camps.

As in previous years, the government continued to ignore UNHCR requests to allow Rohingya refugees who were unable to return to Burma to work locally, benefit from local medical programs, or participate in the education system. The government insisted that all Rohingya refugees remain in camps until their return to Burma. The government claimed Rohingyans were not allowed to possess money and that money in their possession could be confiscated at any time.

The government repeatedly rejected a UNHCR proposal to grant refugees rights for temporary stay and freedom of movement under a self-reliance program.

Approximately 300,000 non-Bengali Bihari Muslims who emigrated to the former East Pakistan during the 1947 partition and who supported Pakistan during the 1971 war continued to live in camps throughout the country. According to RI, these persons lived in unsanitary living conditions with little access to both education and medical resources. Some Biharis declined citizenship in 1972 and were awaiting repatriation to Pakistan, where the government was reluctant to accept them. Many of the stranded Biharis born after 1971 assimilated into the mainstream Bengali-speaking environment.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage, albeit with significant instances of violence.

Members of parliament are elected at least every five years. The parliament has 345 members, 300 of whom are directly elected at-large. The remaining 45 are reserved seats for women nominated by the political parties, based on their proportional representation within the 300-member group of directly elected MPs. Party leaders appoint candidates for elections; some candidates allegedly purchased nomination from party leaders with generous campaign contributions or personal gifts.

#### Elections and Political Participation

Khaleda Zia, leader of the BNP, became prime minister following parliamentary elections in 2001, deemed to be free and fair by international and domestic observers. The 2001 elections, supervised by a nonparty caretaker government, took place in a climate of sporadic violence and isolated irregularities. The BNP formed a four-party coalition government with the Jamaat-e-Islami, Bangladesh Jatiya Party, and the Islami Oikko Jote; however, the BNP and the opposition AL dominated the political scene.

Throughout the year, AL legislators participated in meetings of the parliamentary standing committees in various ministries but continued to boycott by-elections and staged frequent walk-outs of parliamentary sessions. In June 2004 the AL returned to parliament after a year's boycott; however, the AL walked out of parliament again in September 2004, alleging the speaker's biased role in favor of the ruling party. AL members attended a parliamentary session for a few minutes in February to protest the January 27 killing of former finance minister Shah A.M.S. Kibria (see section 1.a.). AL leaders complained of government restrictions and interference in their political activities including their right to organize (see section 2.b.).

There were seven women directly elected to parliament in 2001. In September political parties nominated 45 more women to fill in the newly established reserved seats for women created through the 14th constitutional amendment, ratified in May 2004. The AL, which did not participate in the debate on adding the 45 seats, did not accept its share of reserved seats, saying that the amendment fell short of the promise to make a provision for women to be elected directly by the people. Some women's rights groups also protested the amendment on similar grounds and challenged its validity in the high court. The Supreme Court dismissed the writs.

In the parliament dissolved in October, there were two women with the status of minister—the prime minister and the leader of the main opposition party; the latter enjoyed the status of a cabinet minister. Four of the 76 judges of the Supreme Court were women.

There was no provision for providing parliamentary seats for minorities. Members of minority groups constituted approximately 12 percent of the population but held less than 3 percent of parliamentary seats.

#### Government Corruption and Transparency

Corruption remained a problem throughout the government. Transparency International Bangladesh (TIB) indicated in a July report that systemic corruption continued to pose a serious challenge to good governance. A TIB sample survey identified reports of corruption in 38 sectors and ranked 10 sectors as "most corrupt" or "very corrupt" based on the number of reports. Data on financial loss was available in 20 percent of the reported cases and totaled more than \$79 million. The report identified the Ministry for Local Government and Rural Development as the most corrupt based on financial loss. A survey of primary education in two districts documented that 63 percent of students entitled to a government education stipend had to pay a bribe to receive the stipend. The study also documented the collection by school authorities of \$31,000 in illegal monthly fees. In April TIB released a two-year study of bribery at the country's two major land ports, concluding that exporters and importers paid over \$1.4 million in bribes.

The three-member anticorruption commission, established in 2004, had little effect on combating corruption and focused in the past two years largely on organizational challenges.

There was no law providing for public access to government information. Instead, 1923 the Official Secrets Act protected government officials from public scrutiny in the name of national security, hindering transparency and accountability at all levels.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated independently and without government restriction, investigating and publishing their findings on human rights cases. While human rights groups were often sharply critical of the government, they also practiced self-censorship, particularly on politically sensitive cases and subjects. Unlike in previous years, the government did not pressure individual human rights advocates by filing false allegations against them or by delaying reentry visas for international human rights activists. Some local human rights organizations, however, reported that they believed the government was tapping their telephones and e-mail accounts.

There were many examples of harassment by the intelligence agencies. For example, the government threatened to block foreign funding to the PRIP Trust NGO unless the organization, which championed minority rights during the 2001 general election, agreed to change the membership of its board of directors.

In mid-September police arrested 172 workers of the NGO Proshika because, according to media reports, the government believed Proshika workers intended to participate in an opposition protest (see section 1.d.).

On July 9, the government strongly criticized the local office of TI after TI announced its annual "corruption perceptions" index and named the country the most corrupt to do business in for the fifth year in a row. Several government ministers also accused the local TI representatives of corruption. On several occasions in August and September, the government strongly criticized the Center for Policy Dialogue (CPD), which partnered with the World Economic Forum (WEF), because the WEF published critical comments regarding corruption in foreign investment in the country.

At year's end, Asudullah Al-Aalib was awaiting trial for the February 2005 attack on several offices of leading NGOs, such as the Grameen Bank and the Bangladesh Rural Advancement Committee (BRAC). Authorities in 2005 charged Al-Galib, the leader of Ahle Hadith, a local Islamic group, for bombing the Grameen and BRAC offices and for targeting a series of cultural events and organizations. The government cooperated with international organizations such as the UNHRC and the ICRC; however, the ICRC did not visit the country during the year. In December 2004 the Asia Pacific director of the UNHCR visited the country to investigate the status of the Rohingyas. Despite its election pledge and repeated public announcements, the government did not enact legislation establishing an independent National Human Rights Commission. Previous legislation authorizing the establishment of a human rights ombudsman remained dormant.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination; however, the government did not strongly enforce laws aimed at eliminating discrimination. Women, children, minority groups, and persons with disabilities often confronted social and economic disadvantages.

##### Women

Laws specifically prohibit certain forms of discrimination against women, provide for special procedures for persons accused of violence against women and children, call for harsher penalties, provide compensation to victims, and require action against investigating officers for negligence or willful failure of duty; however, enforcement of these laws was weak. In 2003 parliament passed an amendment to the current law, weakening provisions for dowry crimes and addressing the issue of suicide committed by female victims of acts of dishonor. On October 3, parliament passed a law allowing release on parole of women prisoners of certain categories and their eventual freedom from imprisonment on fulfillment of certain conditions (see section 1.c.).

Domestic violence was widespread. Although violence against women was difficult to quantify, recent research showed that up to 50 percent of all women experienced domestic violence at least once. Some of the reported violence against women continued to be related to disputes over dowries. From January to December, Odhikar reported 243 dowry-related killings.

The law prohibits rape and physical spousal abuse but makes no specific provision for spousal rape. From January to December according to local NGOs, there were 639 reported incidents of rape. The press reported that 126 of the rape victims were killed and that another 13 committed suicide after being raped. Human rights monitors insisted that the actual number of rapes was higher, as many rape victims did not report the incidents in order to avoid social disgrace. Prosecution of rapists was uneven. In January 2005 at a workshop organized by BSEHR, then-attorney general A.F. Hassan Ariff said "judges consider the seriousness of rape to be the same as theft, robbery, and other crimes."

On January 29, a Dhaka court sentenced two persons, Belal Hossain and Shah Alam, to 30 years' rigorous imprisonment for raping a 15-year old garment factory worker in January 2002.

In April according to international observers, traffic police constable Azadul Islam raped a 12-year-old girl. The girl had fled from the house of Tajul Islam, a businessman in Islampur for whom she was working and whose family reportedly beat her. When Islam found the girl, he offered to take her to stay at his rented house in East Bashabo. On April 15, Islam's neighbors found the girl in his house and learned that she had been raped several times during her stay. The neighbors filed a case at the Shabuzbagh police station. Islam was suspended from service, but the case was not submitted to a court until July 22, at which point the accused had fled.

Prostitution was legal and remained a problem during the year. The minimum age of 18 for legal prostitution was commonly ignored by authorities and circumvented by false statements of age. Procurers of minors were rarely prosecuted, and large numbers of underage girls in prostitution worked in brothels. UN Children's Fund (UNICEF) estimated in 2004 that there were 10,000 underage girls used in commercial sexual exploitation in the country, but other estimates placed the figure as high as 29,000 (see section 5, Children). Trafficking of women

internally and internationally remained a problem (see section 5, Trafficking).

According to government sources, the Social Welfare Department ran six homes for vagrants and one training center for destitute persons, with a total capacity of 2,300 individuals. In addition the Ministry of Women and Children Affairs ran six shelters for abused women and children, one each in the six divisional headquarters.

NGOs, such as the Bangladesh National Women Lawyers' Associations (BNWLA), also ran facilities to provide shelter to destitute persons and distressed women and children. According to BSEHR persons in safe custody were no longer housed in prisons. Courts sent most of them to shelter homes. In a few cases, they were sent to the prison as a transit for short periods.

Islamic tradition dictated that only those muftis (religious scholars) who have expertise in Islamic law were authorized to declare a fatwa. However, village religious leaders sometimes made declarations in individual cases and called the declaration a fatwa. Sometimes this resulted in extrajudicial punishments, often against women, for their perceived moral transgressions, particularly in rural areas.

Incidents of vigilantism against women-sometimes led by religious leaders (by means of fatwas)-occurred, particularly in rural areas (see section 1.c.). Acid attacks remained a serious problem. Assailants threw acid in the faces of women and a growing number of men, leaving victims disfigured and often blind. From January to December, according to Odhikar, 161 persons were attacked with acid. Of these 105 of the victims were women, 36 were men, and 20 were children. According to Acid Survivors' Foundation (ASF), authorities prosecuted 36.

The 2002 Acid Crime Control Law provides for speedier prosecutions in special tribunals and generally does not allow bail. The act also seeks to control the availability of acid and reduce acid violence directed towards women, but lack of awareness of the law and poor enforcement limited its effect. While the special tribunals were not entirely effective, according to the Acid Survivors Foundation, tribunals convicted 36 persons for acid attacks since 2002.

Women remained in a subordinate position in society, and the government did not act effectively to protect their basic rights (see section 1.e). Employment opportunities increased at a greater rate for women than for men in the last decade, largely due to the growth of the export garment industry. Women made up approximately 80 percent of garment factory staff. Programs run by the government and NGOs extending microcredit to rural women improved their economic power. Pay was generally comparable for men and women.

#### Children

The government was generally responsive to children's rights and welfare. Many of these efforts were supplemented by local and foreign NGOs, and these joint efforts allowed the country to make significant progress in improving health, nutrition, and education; however, slightly more than half of all children were chronically malnourished.

Under the law children between six and 10 years of age must attend school through the fifth grade. Primary education was free and compulsory, but the implementation of compulsory education fell short in part because parents kept children out of school, preferring that they work for money or help with household chores. Government incentives to families sending children to school contributed significantly to the rise in the enrollments in primary schools in recent years. According to 2001 statistics provided by Campaign for Popular Education, 80 percent of school-age children were enrolled in schools with almost an equal male-female ratio. In a 2002 report, the Campaign for Popular Education stated that 70 percent of the children completed education up to the fifth grade and that the dropout rate was 24.3 percent. According to Education Ministry statistics, 97 percent of school-age children were enrolled in primary schools during the year. The government expanded incentives for female education by making education free for girls up to grade 12 and using a stipend system from grades six to 12. Boys received free education only to grade five.

There were a few government hospitals designated exclusively for children, but boys and girls had equal access to medical care in government hospitals.

While the legal age of marriage is 18 for girls and 21 for boys, underage marriage was a significant problem. Reliable statistics concerning underage marriage were difficult to find because marriage registrations were sporadic and birth registrations to verify a person's age were far from universal. One local human rights NGO, Mass Line Media, conducted a survey in 2004 that estimated 40 percent of all marriages could be considered child marriages. In an effort to prevent child marriage, the government offered stipends for girls' school expenses if parents promised to delay their daughters' marriage until at least age 18.

According to human rights groups, 93 children were abducted, 366 were killed, 139 were injured in violence, 227 were raped, 20 were victims of acid attacks, and 134 others were missing. According to child rights activists, violence against children declined to some extent due to growing awareness regarding child rights.

According to human rights monitors, child abandonment, kidnapping, and trafficking continued to be serious and widespread problems. Despite certain advances, trafficking of children continued to be a problem (see section 5, Trafficking).

Child labor remained a problem; it frequently resulted in the abuse of children, mainly through mistreatment by employers during domestic service and occasionally included servitude and trafficking for commercial sexual exploitation abroad (see sections 6.c. and 6.d.). According to the Bangladesh Institute of Labor Studies, attacks on children constituted over 50 percent of the deaths, injuries, and sexual assaults reported among domestic workers during the year.

According to a 2002 report published by the government news agency Bangladesh Shongbad Shongsta, there were approximately 400,000

homeless children, of whom as many as 150,000 had no knowledge of their parents. Few facilities existed for children whose parents were incarcerated.

### Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking remained a serious problem affecting men, women, and children. Trafficking in children for "immoral or illegal purposes" carries the death penalty or life imprisonment, and the government took measures for the expeditious prosecution of traffickers. During the year 78 trafficking cases were adjudicated by the special courts dealing with incidents of repression against women and children. Courts convicted 42 persons and ordered sentences ranging from death to 10 years in prison. Other than the police, the coast guard, BDR, the RAB, and a number of NGOs rescued and assisted victims of trafficking.

There was extensive trafficking in both women and children, primarily to India, Pakistan, Bahrain, the United Arab Emirates (UAE), Kuwait, and destinations within the country, for commercial sexual exploitation and involuntary servitude. Men were also trafficked for the purpose of involuntary servitude in the garment industry in Jordan and the construction industry in the UAE. Similarly, entire families were victims of bonded labor throughout the country.

According to government sources, law enforcement personnel rescued 256 victims of trafficking from January to December. Since August 2005, a cooperative effort between NGOs, the government, and the UAE resulted in the repatriation of 168 camel jockeys, 167 of whom were reunited with their biological parents. Some of the rescued victims remained in government homes or at NGO-run shelters and received social and vocational skills training while NGOs attempted to locate their families.

BNWLA rescued 43 trafficking victims, including a Nigerian boy, from within the country and repatriated 27 others from the UAE and India during the year. The number of persons arrested for trafficking was difficult to obtain, as charges against traffickers were sometimes for lesser crimes, such as crossing borders without proper documents. According to the Centre for Women and Child Services, most trafficked boys were under 10 years of age, while most trafficked girls were between 11 and 16 years of age.

The exact number of women and children trafficked was unknown. Most trafficked persons were lured by promises of good jobs or marriage, and some were forced into involuntary servitude outside of and within the country. Parents sometimes willingly sent their children away to escape poverty. Unwed mothers, orphans, and others outside of the normal family support system were also susceptible. Traffickers living abroad often arrived in a village to marry a woman, only to dispose of her upon arrival in the destination country, where women were sold into bonded labor, menial jobs, or commercial sexual exploitation. Criminal gangs conducted some of the trafficking. The border with India was loosely controlled, especially around Jessore and Benapole, continuing to make illegal border crossings easy.

Large numbers of children were used in brothels for commercial sexual exploitation, and procurers of minors were rarely prosecuted. UNICEF estimated in 2004 that there were 10,000 children forced into commercial sexual exploitation in the country, but other estimates placed the figure as high as 29,000 (see section 5, Children).

Government corruption greatly facilitated the process of trafficking. Police and local government officials often ignored trafficking in women and children for commercial sexual exploitation and were easily bribed by brothel owners and pimps (see sections 1.c. and 5).

Although a lack of resources hindered investigations, the government expanded antitrafficking police units to every district to encourage victims to testify against their traffickers and to compile data on trafficking. In response to inadequately trained police and prosecutors, the government worked with legal experts to provide specialized training to prosecutors and with the International Organization on Migration to develop a trafficking course for the National Police Academy.

The government continued its efforts to combat trafficking in persons through the trafficking monitoring cell at police headquarters, a monthly interministerial committee headed by the secretary of the Home Ministry. The cell monitored the activities of the police and assisted in prosecuting relevant cases. The government had district monitoring committees headed by an additional deputy commissioner in all 64 districts. Among their other responsibilities, these committees transmitted to Dhaka monthly progress reports on arrests, convictions, acquittals, and repatriation of trafficked victims.

Arrests, prosecutions, and convictions continued steadily. During the year the Home Ministry reported 221 persons arrested on trafficking charges and 42 convictions. Of those four resulted in death sentences, 28 in life sentences, and 10 in sentences of varying durations. Nevertheless, the government's capacity to address this issue remained limited. Government projects included conducting awareness campaigns, research, lobbying, and rescue and rehabilitation programs. Additionally, the secretary of the Home Ministry met monthly with NGOs working on antitrafficking issues to facilitate coordination and cooperation between the government and civil society. The Home Ministry also adopted an awareness and motivation campaign policy to combat trafficking in persons.

The government convened two special interministerial committees, with the cooperation of local and international NGOs, to monitor the repatriation, rehabilitation, and social integration of repatriated camel jockeys. The government also formed community care committees headed by local female government officials to help with their rehabilitation process. While the government provided support for returning trafficking victims, government-run shelters were generally inadequate and poorly run. The government increasingly referred repatriated victims to private shelter homes for care.

Many NGOs, community-based organizations, and local government leaders worked on trafficking through prevention, research, data collection, documentation, advocacy, awareness creation and networking, cross-border collaboration, legal enforcement, rescue, rehabilitation, and legislative reform. Despite constraints such as lack of birth and marriage records at the village level, trafficking cases were prosecuted. There was limited success in increasing shelter capacity and developing rehabilitation programs.

## Persons with Disabilities

The law provides for equal treatment and freedom from discrimination for persons with disabilities; however, in practice persons with disabilities faced social and economic discrimination. The law focuses on prevention of disability, treatment, education, rehabilitation and employment, transport accessibility, and advocacy.

The Ministry of Social Welfare, the Department of Social Services, and the National Foundation for the Development of the Disabled were the government agencies responsible for protecting the rights of persons with disabilities. The Ministry of Social Welfare set up a task force, composed of government officials and members of NGOs, that adopted an action plan in 2004 to improve the overall welfare of the disabled. The plan awaits cabinet approval.

Government facilities for treating persons with mental handicaps were inadequate. Several private initiatives existed in the areas of medical and vocational rehabilitation, as well as employment of persons with disabilities.

## Indigenous People

Tribal people had a marginal ability to influence decisions concerning the use of their lands. Despite the 1997 Chittagong Hill Tracts Peace Accord, which ended 25 years of insurgency in the Chittagong Hill Tracts, law-and-order problems and alleged human rights violations continued, as did dissatisfaction with the implementation of the Peace Accord. The Land Commission dealing with land disputes between tribal individuals and Bengali settlers did not function effectively in addressing critical land disputes. Tribal leaders remained disappointed with the lack of assistance provided to those who left the area during the insurgency.

During the year according to a human rights organization, 29 persons died and 361 were injured in violence in the Chittagong Hill Tracts. Moreover, 22 persons were kidnapped, three women were raped, and 42 persons were arrested.

On April 3, a group of Bengali settlers clashed with tribal people in Saprue Karbaripara and two neighboring villages in Khagrachhari district, leaving 12 persons injured. According to a tribal group, the clash erupted after a group of Bengali women attempted to build a house on land owned by tribal villagers.

On June 12, security forces killed 10 individuals, reported to be members of an insurgent group from India in a raid on a camp inside Rangamati hill district close to the Indian border. The joint team of army and RAB personnel recovered arms and ammunition from the camp after a gunfight.

There was no corrective action relating to the 2004 case of violence against Bengalis in Rangamati.

Tribal people in other areas also reported loss of land to Bengali Muslims. Government initiated ecoparks and national park projects on land traditionally owned by indigenous communities continued to develop in the Moulvibazar and Modhupur forest area despite the resistance efforts of indigenous groups. On August 21, forest guards shot and injured Sisilia Snal, a Garo woman, while she collected firewood in Madhupur forest. According to BSEHR, police refused to file a case against the forest guards.

## Other Societal Abuses and Discrimination

Homosexual acts are illegal; however, in practice the law is rarely invoked. The law states that "whoever voluntarily has carnal intercourse against the order of nature with any man, woman, or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall be liable to fine."

There were a few informal support networks for homosexual men, but organizations to assist lesbians were almost non-existent.

Incidents of attacks on homosexuals were difficult to track because victims' desired confidentiality and local human rights groups did not monitor this area, but they were known to occur. Government safeguards in this area were nonexistent. There were few studies on homosexuality in the county, and information was difficult to collect. According to one report by Human Rights Watch (HRW) in 2002, homosexual men were subject to harassment and rape by police and local criminals without proper methods of recourse, due to societal discrimination. HRW also found that homosexual men often faced threats of extortion. According to HRW considerable official and societal discrimination existed against those who provided HIV prevention services and against high-risk groups likely to spread HIV/AIDS.

## Section 6 Worker Rights

### a. The Right of Association

The law provides for the right to join unions and, with government approval the right to form a union; however, the government did not always respect this right in practice. The total work force was approximately 65 million persons, of whom 1.8 million belonged to unions, most of which were affiliated with political parties. There were no reliable labor statistics for the large informal sector, in which the vast majority (75 to 80 percent) of citizens worked. Special legislation on unionization prohibited unions in the country's export processing zones (EPZs), but effective November 1, legislation permitted unions, called "workers' associations," to have limited collective bargaining rights but with effective limitations to their right to affiliate with international and other local unions. EPZ management restricted individual EPZ factory unions, members, and representatives from affiliating, communicating, or meeting with other EPZ factory unions.

The new labor law enacted during the year consolidated laws from eight separate acts into one law. According to the consolidated law, a workplace must have 30 percent union participation for union registration but is restricted to no more than three trade unions at the same time. Labor activists contended that this reduced the ability of workers to shift registrations from one union to another. Would-be unionists technically are forbidden to engage in many activities such as member advocacy prior to registration and legally are not protected from employer retaliation during this period. Labor activists protested that this requirement severely restricted workers' rights to organize, particularly in small enterprises and the private sector, and the International Labor Organization (ILO) recommended that the government amend the 30 percent provision.

During the year the ILO recommended that the government amend provisions that bar registration of a union composed of workers from different workplaces owned by different employers. An estimated 15 percent of the approximately 5,450 labor unions were affiliated with 25 officially registered National Trade Union (NTU) centers. There were also several unregistered NTUs.

Unions were generally highly politicized and were strongest in state-owned enterprises and in such institutions as the government-run port of Chittagong. Civil service and security force employees were forbidden to join unions because of their highly political character. Teachers in both the public and the private sector were not allowed to form trade unions. The new labor law allowed workers in specialized fields in civil aviation and on ocean going vessels to form trade unions under certain conditions.

The Registrar of Trade Unions has the right to cancel registration of a union with the concurrence of the labor court, but no such actions were known to have taken place during the year. However, the law afforded unionists the right of appeal in the case of denial of registration, were it to occur.

There were provisions in the Industrial Relations Ordinance for the immunity of registered unions or union officers from civil liability. Enforcement of these provisions was uneven. In past illegal work actions, such as transportation blockades, police officers arrested union members under the Special Powers Act or regular criminal codes.

Trade unionists were required to obtain government clearance to travel to ILO meetings.

During the year the International Trade Union Confederation (ITUC) continued to note a number of exclusions of international trade union rights under the Industrial Relations Ordinance. These exclusions include restrictions on membership in unions and election of union officials, restrictions on activities of public servants' associations, and restrictions on the basic labor rights in the EPZs.

#### b. The Right to Organize and Bargain Collectively

The law does not protect unions from conducting their organizing activities free from interference by employers. In practice, private sector employers usually discouraged any union activity, fired workers suspected of organizing or sympathizing with unions, placed informants in work areas, and in some cases, intimidated workers using plain-clothed security forces working in collaboration with local police. The ITUC and trade unionists cited the requirement for 30 percent of the workforce to agree to unionization as an overly restrictive regulation on the right to organize. The right to strike is not recognized specifically by the law, but strikes were a common form of workers' protest and were recognized as a legitimate avenue for addressing unresolved grievances by the Industrial Relations Ordinance of 1969.

The Registrar of Trade Unions rules on union-organizing discrimination complaints. In a number of cases, the labor court ordered the reinstatement of workers fired for union activities. However, the labor court's overall effectiveness was hampered by a serious case backlog. Alternative dispute resolution techniques began to be used to decrease the backlog.

Collective bargaining was legal on the condition that unions legally registered by the Registrar of Trade Unions as collective bargaining agents represent workers. The law simplified and clarified the procedure for selecting a collective bargaining agent (CBA) and specified time limits for specified steps in the process. Collective bargaining occurred occasionally in large private enterprises such as pharmaceuticals, jute, or textiles, but due to concerns over job security, most workers did not practice collective bargaining. Collective bargaining in small private enterprises generally did not occur.

In addition, opposition political parties used general strikes to pressure the government to meet political demands. Some employees organized in professional associations or unregistered unions went on strike during the year.

The Essential Services Ordinance permits the government to bar strikes for three months in any sector it declares essential. During the year the government continued to impose the ordinance on the Power Development Board, the Dhaka Electric Supply Authority, Bangladesh Biman Airline, the Chittagong Port Authority, and the Bangladesh Petroleum Corporation.

The government continued its ban on collective bargaining authority in jute mills during production time. In the past the government had applied this ban to national airline pilots, water supply workers, and shipping employees. The government is empowered to prohibit a strike or lockout at any time before or after the strike or lockout begins and to refer the dispute to the labor court.

Mechanisms for conciliation, arbitration, and labor court dispute resolution are established under the Industrial Relations Ordinance and consolidated in the new labor law. The consolidation was intended to enhance and speed up the process of dispute resolution. Workers have the right to strike in the event of a failure to settle. If the strike lasts 30 days or longer, the government may prohibit it and refer the dispute to the labor court for adjudication, although this had not happened in recent years.

There are EPZs in the country. In July 2004 the government enacted the EPZ Workers' Association and Industrial Relations Act (the "EPZ law") allowing limited freedom of association rights in EPZs. The country's eight EPZs are exempt from the application of the Employment of Labor (Standing Orders) Act, the Industrial Relations Ordinance, and the Factories Act, thereby excluding workers in the zones from protection for their rights to organize and bargain collectively, and from coverage by laws governing wages, hours, and safety and health standards. While substitutes for some of the provisions of these laws are implemented through EPZ regulations, EPZ officials interpreted the EPZ regulations and law narrowly. The EPZ did not permit Worker Representation and Welfare Committee (WRWC) members to meet with WRWC members in other factories, did not permit them to meet with outside labor organizations on their own time after the completion of the work day, and did not consistently afford time for WRWC members to meet together in their factories. Contrary to the law, individual factory owners fired members of the WRWC without prior authorization of the BEPZA Executive Chairman.

Under the EPZ law, effective November 1, workers are permitted to form workers' associations, which would have the legal right to strike, to conduct collective bargaining, or to enjoy unlimited affiliation with other labor organizations. At year's end EPZ officials had not appointed a labor tribunal or a labor tribunal pursuant to the EPZ law. Workers in EPZs do not have any legal recourse for filing worker complaints since they are not allowed to file cases in labor courts.

In May and June, labor unrest occurred in areas surrounding the Dhaka EPZ. In the wake of the unrest, EPZ managers conducted acts of intimidation and abuse, arbitrarily locked-out employees, and fired workers and WRWC members without the prior approval of the executive chairman in violation of the EPZ law.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or bonded labor, including by children; however, the government did not enforce this prohibition effectively. The Factories Act and Shops and Establishments Act created inspection mechanisms to strengthen laws against forced labor, but these laws were not enforced rigorously, partly because resources were scarce. There was no bonded or forced labor in large-scale enterprises; nevertheless, numerous domestic servants, including many children, worked in conditions that resembled servitude and many suffered physical abuse, sometimes resulting in death. There continued to be numerous reports of violence against domestic workers. The government brought criminal charges against employers who abused domestic servants. Many impoverished families settled instead for financial compensation. Trafficking of women and children was a problem (see section 5).

#### d. Prohibition of Child Labor and Minimum Age for Employment

There are numerous laws regulating child employment depending on the type of work and the child's age. Because of widespread poverty, many children began to work at a very young age. The government's 2003 National Child Labor Survey estimated that approximately 3.2 million children between the ages of five and 14 years worked in 200 different types of activities. During the year the ILO released a 2005 Baseline Survey for Determining Hazardous Child Labor Sectors, which estimated that of the 2.2 million workers in 45 targeted hazardous sectors, 532,000 child workers aged five to 17 did hazardous labor. According to the survey, no children worked in ship breaking, manufacture of cigarettes, manufacture of pesticides, or fireworks manufacture during the survey period. According to the study, child labor was prevalent in hazardous establishments such as saw milling, battery recharging, welding, metal works, and carpentry. In addition the report concluded that children often were subjected to verbal and physical abuse.

According to consistent anecdotal reports, several thousand children worked in the fish drying industry for five months of the year under harsh conditions and supervised by abusive adults. There were government efforts to prevent this practice, mitigate the harsh conditions, and punish abusive employers.

Children routinely performed domestic work. The government sometimes brought criminal charges against employers who abused domestic servants. Under the law every child must attend school through grade five or the age of 10 years. However, there was no effective mechanism to enforce this provision. The National Labor Committee alleged that Harvest Rich Enterprises employed child workers in its garment factories, but the company denied the allegations.

There was virtually no enforcement of child labor laws outside the export garment sector. Penalties for child labor violations were nominal fines ranging from an estimated four to 10 dollars (taka 228 to taka 570). Most child workers were employed in agriculture and other informal sectors, where no government oversight occurred.

Before the new labor law consolidated various labor laws, the legal age of employment varied by sector and ranged from 12 to 16 years of age. Under the new law, employment of anyone under 15 years of age in any sector is prohibited.

#### e. Acceptable Conditions of Work

There is no national minimum wage. Instead, the National Wage Board, which convenes sporadically, sets wages and benefits industry by industry, using a range based on skill level. In most cases private sector employers ignored this wage structure. In the garment industry, it was common practice for smaller factories to force workers to work overtime, delay their pay, or receive trainee wages well past the maximum three months. The wages in the EPZs were higher than wages outside the zones. During the year the ITUC reported that wages outside the EPZs were not sufficient to provide a decent standard of living for a worker and family. The National Wage Board announced an increase in the minimum wage, but there was widespread opposition from manufacturers towards its implementation as well as protests from workers who perceived the increase as insufficient.

The September 2005 law that mandated a five-day, 40-hour work-week was unevenly enforced. The law applied to government employees, banks, NGOs, and other office workers. Factory workers continued to labor under the old law, a 48-hour workweek, with a mandated one day

off and up to 12 hours of overtime.

During the year a number of factory fires killed over 100 workers and injured many more. The Factories Act nominally sets occupational health and safety standards. Factory owner association efforts to improve safety were ineffective, according to local NGOs. The law is comprehensive but was largely ignored by employers. Workers may resort to legal action for enforcement of the law's provisions, but few cases were prosecuted. Enforcement by the Labor Ministry's industrial inspectors was weak, due both to the low number of labor inspectors and to endemic corruption and inefficiency among inspectors. Due to a high unemployment rate and inadequate enforcement of the laws, workers demanding correction of dangerous working conditions or refusing to participate in perceived dangerous activities risked losing their jobs.