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## Bangladesh

### Country Reports on Human Rights Practices - [2005](#)

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Bangladesh is a parliamentary democracy of 145 million citizens. Prime Minister Khaleda Zia, head of the Bangladesh Nationalist Party (BNP), assumed power in 2001 following multiparty parliamentary elections deemed to be free and fair by international and domestic observers. 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. The following human rights problems were reported:

- extrajudicial killings
- arbitrary arrest
- politically motivated violence and killings
- impunity for security forces
- physical and psychological torture
- lengthy pretrial detention
- restrictions on privacy
- violence against and restrictions on journalists
- infringement on religious freedom
- extensive government corruption
- violence against women and children
- trafficking in women and children
- limitation on workers rights

#### 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.

There was an increased number of killings by security personnel (see section 1.c.). Nearly all abuses went uninvestigated and unpunished. The resulting climate of impunity remained a serious obstacle to ending abuse and killings. In the few instances where charges were levied, punishment of those found guilty was predominantly administrative. According to press reports, law enforcement agencies, including the RAB, a paramilitary group composed of personnel from different law enforcement agencies, including the military, killed 396 persons this year. The deaths, all under unusual circumstances, occurred while an accused was in custody or during police operations; however, the government described the deaths of some identified criminals as occurring in crossfire between the RAB or police and criminal gangs. Of these 396 cases, 340 deaths were attributed to crossfire, of which the RAB was responsible for 107, the police 212, and other security forces 21. There were also a number of cases of deaths due to beatings or excessive force while in custody.

On February 21, one day after Delowar Hossain, a shopkeeper in the Naraynganj district was arrested by the RAB, Hossain was in a coma at Dhaka Medical College Hospital, where hospital staff noted severe abuse and torture marks on his body. Although Hossain later died, according to human rights investigators, no case or official report surrounding his death was filed at year's end. The RAB filed a case against Hossain after his death, alleging that he extorted money from vehicles passing over a bridge on the Dhaka-Chittagong road.

On May 31, citizens found the dead body of Abdul Kalam Azad Suman, a member of the Awami League's youth front, in Banosree, one day after his arrest by a RAB team in Khilgaon. While eye-witnesses told independent human rights investigators that the RAB arrested Suman from work, RAB members said Suman was working with a gang of criminals at Banosree, where the RAB team alleged Suman died in crossfire between RAB and the gang. The RAB filed two criminal cases against Suman; however, some press reports suggested Suman's killing could have been a case of mistaken identity.

On July 8, the detective branch (DB) of Dhaka Metropolitan Police (DMP) shot and killed Khandker Iqbal Hossain a student at Jagannath college in Dhaka. Police said Hossain died after being shot in a crossfire, and filed two cases against Hossain after his death for possessing illegal weapons and for robbery. Independent human rights investigators found no evidence that Hossain was involved in any criminal activity. On August 18, Hossain's father filed a murder case with the court against nine DB officers and a union council chairman after police refused to register the case against the police officers. The court ordered the commissioner of the DMP to open an investigation, but at year's end no action was taken. There were no updates on the July 2004 extrajudicial killing by RAB forces of Awami League activist Sumon Ahmed Majumder, or the August 2004 extrajudicial killing by RAB forces of 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, 310 persons were killed and 8,997 injured in politically motivated violence during the year (see sections 1.c., 1.d., and 2.a.).

On January 27, former finance minister and Awami League leader Shah A.M.S. Kibria and four others died when a grenade exploded at an Awami League rally in the northeastern city of Habiganj. On March 20, police filed charges against 10 persons, mostly local BNP leaders for their alleged involvement in the attack. At year's end eight of the accused were in custody awaiting trial, while the two others remained at large.

On May 17, unknown gunmen shot and killed Khorshed Alam Bachchu, the Awami League's Dhaka legal affairs secretary, near his home in Dhaka. At year's end an investigation had not occurred and no charges were filed.

On August 17, coordinated bombings in 63 of the country's 64 districts killed 2 persons and injured approximately 100 others. Leaflets found at the sites of the bombings indicated that the Jamiatul Mujahideen Bangladesh (JMB), a recently outlawed Islamic militant group seeking to impose Shari'a (Islamic law), coordinated the attacks. By year's end the police and RAB arrested numerous suspected militants. On October 10, the criminal investigation department filed charges against the brother of JMB chief Sheikh Abdur Rahman and six others for their involvement in the blasts. On September 11, the government announced rewards for information leading to the arrest of Bangla Bhai, a vigilante who in 2004 began his own anticrime campaign, initially with the support of the police, and JMB leader Shaikh Abdur Rahman for the party's alleged involvement in the August 17 blasts. Bangla Bhai and Shaikh Abdur Rahman remained at large at years end.

In August 2004 a grenade attack at a rally in Dhaka, where Awami League (AL) president Sheikh Hasina was speaking, killed at least 20 persons, including the AL women's affairs secretary Ivy Rahman, and injured several hundred others. By years end authorities arrested 20 persons in connection with this attack.

In May 2004 an explosion at a Muslim shrine in Sylhet killed several persons and injured dozens of others, including the British High Commissioner to the country, Anwar Chowdhury. The government did not conduct a serious investigation and no charges were filed.

Vigilante killings were common. Newspapers reported 206 such incidents in the first 8 months of the year. On March 26, mobs beat five alleged robbers to death in Narsingdi district. On April 21, mobs at Matuail in Dhaka burned and killed two alleged extortionists. On June 19, mobs lynched two alleged extortionists in Khulna and one in Bagerhat.

Violence along the border with India remained a problem. Local human rights nongovernmental organizations (NGOs) reported that 104 citizens were killed and 66 were injured by security guards. According to press accounts, Border Security Force (BSF) members and other Indians killed 461 citizens in the border villages from January 2000 through the end of the year. On May 27, Bangladesh security forces killed six alleged Indian insurgents in the Moullvi bazaar area.

#### b. Disappearance

Disappearances and kidnappings were problems during the year. According to press accounts, 335 people were kidnapped between January and August, 93 for political reasons. Kidnapping for profit continued to be a problem. For example on March 26, 14 people were abducted from a village in Rangamati. The captors demanded \$15,150 (one million taka) as ransom for release of the villagers. According to local journalists, the villagers were released after a few days, denying that any ransom was paid so they would not be targeted for kidnapping again.

On August 12, a RAB team arrested Shahid Chairman for his role in the 2003 kidnapping of BNP leader and businessman Jamaluddin Ahmed Choudhury.

#### 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 physical and psychological torture as well as cruel, inhuman, and degrading treatment during arrests and interrogations. Torture consisted of threats and beatings and the use of electric shock. According to the Bangladesh Rehabilitation Center for Trauma Victims, there were 2,297 victims of torture and 15 deaths due to torture by security forces during the year (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 July 15, three off-duty RAB members assaulted Abu Bakar Sultan after Sultan asked the RAB members to stop attacking a driver in Uttora, near Dhaka. The RAB members blindfolded and handcuffed Sultan, took him to their office in Uttora, tied him to a tree, and repeatedly kicked, punched, and beat him with iron rods and hammers. After a senior RAB official acquainted with Sultan's family intervened, the RAB released Sultan and admitted him to a hospital with multiple fractures and swellings. On July 24, newspapers reported that RAB

authorities withdrew three officers and sent them back to their home police departments. Police excused 10 others from duty in relation to the case.

Bangladesh Society for the Enforcement of Human Rights (BSEHR) recorded six incidents of rape by law enforcement personnel during the year. Due to strong social taboos, most NGO's believed the actual number of sexual assault was much higher.

On July 28, 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, and an investigation was underway at year's end.

According to BSEHR, after police paid the family of Dolly Khatun, the woman who was raped by 14 police officers in December 2004, \$3 thousand (200 thousand Taka) in compensation, Ms. Khatun changed her official testimony, Khatun dropped her case. Police claimed that NGOs coerced Ms. Khatun to provide false testimony against police.

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, which often translated as confinement into jail cells where they endured poor conditions and were sometimes abused and raped again (see section 5).

Human rights groups and press reports indicated that vigilantism against women for perceived moral transgressions occurred in rural areas, often under a *fatwa* (see section 2.c.), and included punishments such as whipping. A local human rights organization recorded 35 incidents of *fatwas* calling for physical violence and social ostracization.

Rejected suitors, angry husbands, or those seeking revenge sometimes threw acid on a woman's face as an act of retribution (see section 5).

#### Prison and Detention Center Conditions

Prison conditions were abysmal and were a contributing factor to custodial deaths. According to press reports, 76 persons died in prison and 210 died while in the custody of police and other security forces (see section 1.a.). All prisons were overcrowded and lacked adequate facilities. Government figures indicated that the existing prison population of 76,328 was nearly 300 percent of the official prison capacity of 27,545. Of the entire prison population, 51,801 were awaiting trial and 24,317 had been convicted, according to figures received by a human rights organization. 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. On July 9, the Dhaka Metropolitan Magistrate Court released a nine year-old boy from a criminal case after investigators from a local human rights organization noticed him during a regular prison visit. Pretrial detainees were not held separately from convicted prisoners.

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 non-preventive 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 Special Powers Act (SPA) of 1974 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 were used frequently for political purposes by the government.

The RAB, a better-equipped police 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 resources, training, and discipline. Victims of police abuse were reluctant to file charges, 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.

Plaintiffs rarely accused police in criminal cases due to lengthy trial procedures, and out of fear of retribution against them or their families. This often 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 DMP Ordinance provide for the detention of persons on the 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. Authorities misused ordinances during the year, and mass arrests, often politically motivated, continued to occur. According to Odhikar, a local human rights NGO, police arrested a total of 3,912 persons from January through August of the year under Section 54 and in the Dhaka metropolitan area another 25,374 under Sections 86 and 100 of the DMP Ordinance.

Authorities used Sections 54 and 86 to detain persons on false charges as punishment for the expression of views critical of or different from the government. In September 2004 in Dhaka, police arrested large numbers of opposition party members prior to the opposition's planned public rallies in October 2004. The high court, following the filing of a petition from human rights NGOs, barred police from arresting any citizen under Section 86 until October 2004; however, police continued to arrest persons under section 54. The law provides for the right to a prompt judicial determination; however, this was rarely enforced.

Under the SPA, the government or a district magistrate may order a person detained for 30 days to prevent the commission of an act that could threaten national security; however, detainees were held for longer periods. In SPA cases, the magistrate must, by the 15th day, inform the detainee of the grounds of his detention, and an advisory board is supposed to examine the cases of SPA detainees after four months. Detainees have the right to appeal.

There is a functioning bail system in the regular courts, although, under certain security and crime law, a non-bailable period of detention exists. In August 2004 a high court panel ordered the release of over 7,400 detainees on bail who had been in prison without undergoing trial for more than 360 days. At year's end none of those ordered released were set free. Criminal detainees were granted access to attorneys; however, detainees were not entitled to be represented by a lawyer 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 are 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 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.). On June 4, police arrested Bidisha Ershad, wife of Jatiya Party chairman and former president Hossain Muhammad Ershad on politically motivated charges of money laundering, theft, and threatening to kill her husband. Following her release on bail 23 days after being taken into custody, a new warrant was issued against her for writing checks with insufficient funds. The charge was made by a member of President Ershad's staff, claiming a check she wrote to him for over \$300 thousand (20 million taka) was not honored by her bank. She was granted bail on this charge and at years end, all cases were still pending.

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

According to a local human rights organization, 310 persons died and 8,997 were wounded in incidents of political violence. Police arrested 1,216 persons for political reasons during the year, most of whom were held for a short time prior to their release (see sections 1.a., 1.c., and 2.a.).

Arbitrary and lengthy pretrial detention remained a problem. The backlog of criminal cases stood at approximately 40 thousand. In addition, a recent survey by the Ministry of Law stated that 1,013 prisoners have made no court appearance in at least 6 months and many have served longer in pretrial detention than they would have had they been convicted and given the maximum sentences for their alleged crimes. According to Odikhar, 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 backlog were serious problems.

For example on November 15, a bungled suicide attack killed two judges. Two weeks later four suicide attackers killed two policemen at the courthouse in Chittagong, and several attorneys inside the courthouse in Gazipur. On December 1, unknown assailants attacked the municipal complex in Gazipur that housed the courthouse. While no group claimed responsibility for these attacks, JMB leaflets were found at many of the crime scenes. In December judges went on strike seeking improved security.

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 April the Supreme Court gave the government its 20th extension to comply with the order, setting a deadline for October. On October 20, the Supreme Court refused to entertain the government's 21st appeal seeking another extension; however, at year's end the judiciary was not separated from the executive.

In September a high court panel rendered unconstitutional a 1980s amendment to the constitution which legitimized martial law. The Prime Minister's Office quickly 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. Judges decided cases without the use of juries. Trials were public, and defendants had the right to an attorney; however, state-funded attorneys were rarely provided. Under the provisions of the public safety act, 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 were presumed innocent, had the right to appeal, and had the right to access government-held evidence.

The court system was plagued by corruption and a substantial backlog of cases, and trials were typically marked by extended continuances while the accused remained in prison. These conditions effectively prevented many persons from obtaining a fair trial. 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) 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. Marriages in rural areas sometimes were not registered because of ignorance of the law.

#### Political Prisoners

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.

On April 30, a Dhaka court granted bail to and released Salah Uddin Shoab Chaudhury, who was detained at the airport for his attempted 2003 travel to Israel.

#### Property Restitution

During this year the government did not take any measures to implement the 2001 Vested Property (Return) Act providing for property restitution to the mostly Hindus who had their property seized by the government after the 1965 India-Pakistan war under the Vested Property Act. The government did not publish a list of vested property under its control and as a result, the original land owners cannot 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 the authority to prevent phone operators from delivering messages, in the interest of national security. In cases 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 SPA, rarely obtained warrants, and officers violating these procedures were not punished.

Reporters Without Borders (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 on occasion forcibly resettled persons. In May and June the government evicted approximately 35 families from land they had traditionally occupied for generations in the Dinajpur area in order to implement a development project. When funding was pulled, the families were allowed to return to the area, but the government made no effort to compensate them for the loss of their homes. Affected residents were living in makeshift dwellings until they can afford to rebuild. In November 2004 the government evicted a slum in the Agargaon area of Dhaka. While a local NGO filed a writ petition challenging the eviction, the government stated that the slum area was a security threat for the upcoming South Asian Association for Regional Cooperation summit. The government indicated that it would replace the ad hoc residences with shops and other business establishments.

Police sometimes threatened family members 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 criticized government policies and activities, including those of the prime minister. In addition to one official government-owned news service, there was one private news service, United News of Bangladesh, which was affiliated with Agence France-Presse.

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.

While four private television stations were in operation, the government shut down one private radio station in May, ostensibly for failing to pay bills on time. The government issued four new private television and three new radio station licenses, giving the licenses allegedly to persons with close political connections. Cable operators generally functioned without government interference; however, all private stations were required to broadcast, without charge, some government news programs and speeches by the prime minister and the president as a condition of operation.

Attacks on journalists and newspapers, and government efforts to intimidate them, political party activists, and others, occurred frequently. Attacks against journalists by political activists were common during times of political violence, and some journalists were injured in police actions. According to a local human rights organization, 142 journalists were injured, 2 killed, 11 arrested, 4 kidnapped, 53 assaulted, and 249 threatened during the year.

Additionally unknown assailants attacked the news offices of the Bangladesh Songbad Songshtha, the national news agency and The *Daily Mathavhanga* in Chuadanga during the year. Editors and senior journalists allegedly received anonymous phone calls regarding published articles unfavorable to the government; however, threats of explicit violence were rare in such calls. In 2004 RSF criticized the treatment and security of journalists in the country.

On December 1, according to RSF, a bomb detonated by the JMB outside a public building in Gazipur, north of Dhaka, and wounded three journalists. On November 21, police beat Channel I television reporter Mahub Matin while he was covering an AL demonstration. Police also wounded Matin's cameraman in the attack.

On May 2, authorities released journalist Salah Uddin Shoaib Chaudhury on bail for his attempted travel to Israel.

There were no developments in the January 2004 killing of Manik Chandra Saha, president of the Khulna press club, the June 2004 killing of the *Daily Janmabhum* editor, or the October 2004 killing of Dipanker Chakrabarty, editor of the *Daily Durjoy Bangla*.

The government applied indirect pressure to coerce journalists into self-censorship. For example, in July 2004 an official of the prime minister's press wing threatened to limit a private television reporter's access to ruling party functions if he did not stop covering an opposition candidate's campaign. The reporter was withdrawn from election coverage by his supervisors for failing to comply.

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.

The government exercised censorship most often in cases of immodest or obscene photographs, perceived misrepresentation or defamation of Islam, and for objectionable comments regarding national leaders. The censor board requested the deletion of a line in the movie "My Architect" that misidentified the country as the poorest in the world during an August screening of the film. In April 2004 the government confiscated the April 2 issue of the Indian magazine, *Desh*, for using indecent words about Adam and Eve. In April 2004 the government forbade *Time* magazine from being placed in government establishments, including on the national airline, because of its negative portrayal of the country.

Novelist Taslima Nasreen remained abroad after being freed on bond in 2004 for criminal charges against her for allegedly insulting Muslim beliefs (see section 2.c.). There were no developments in this case during the year. The government did not directly restrict citizens' access to the Internet. RSF claimed police continued surveillance of journalists' e-mail (see section 1.f.).

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

#### b. 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. 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 imposed 73 such bans from January to mid-August. The government sometimes used bans to prohibit rallies for security reasons.

On February 26, police in Dhaka used batons and teargas to disperse an AL Jubo (youth) League procession protesting militant groups and the price hike of food and petroleum products. Police wounded the Jubo League's general secretary along with 30 other activists and 2 police officers.

On March 2, police and BNP activists attacked buses carrying AL activists on their way to a rally in Paltan Maidan in Dhaka. According to press accounts, police injured over 50 AL activists in the attack.

On June 1, BNP activists sabotaged a meeting of the Bikalpa Dhara Bangladesh (BDB) party by damaging the meeting's venue. Former president Badruddoza Chowdhury headed the BDP party.

On November 22, both BNP activists and police disrupted the free movement of AL supporters on their way to the AL Grand Rally. Such obstructions took place in at least three sites within an hour's travel of Dhaka: Dhamrai, Keraniganj and Manikganj.

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

#### 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, and the government generally respected this right in practice. Although the government is secular, religion exerted a powerful influence on 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.

Religious organizations are not required to register with the government, but the government requires all NGOs, including religious organizations, to register with the NGO Affairs Bureau if they receive foreign funds for social development projects. The government has the legal ability to cancel the registration of an NGO or to take other actions such as dissolving the executive committee of the NGO, freezing its bank accounts, or canceling projects; however, the government rarely used such powers and did not affect NGOs with religious affiliations.

Discrimination against Ahmadiyas continued during the year. The government ban on the publishing of Ahmadiya literature continued to be stayed by the high court, and the government did not appeal the stay to the appellate court, effectively allowing Ahmadiyas, for the time being, to publish their materials. At times police allowed, and even assisted, demonstrators in removing signs referring to Ahmadiya mosques as mosques. For example on April 17, approximately 15 thousand activists belonging to the International Khatme Nabuat Movement (INKMB) marched on an Ahmadiya mosque in Sathkira in the southwestern part of the country, and attempted to remove signs referring to the Ahmadiya place of worship as a mosque. Members of the Ahmadiya community tried to stop the group, but marchers began throwing stones. Police attempted to intervene, but instead of dissuading the activists, they assisted members of the INKMB in taking down and replacing the Ahmadiya sign.

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.

Foreign missionaries were allowed to work in the country, but their right to proselytize is not explicitly protected by the law. Some missionaries faced problems in obtaining visas or renewing visas, which must be renewed annually. Some foreign missionaries reported that internal security forces closely monitored their activities; however, no missionaries reported 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 permits citizens to proselytize; however, strong social resistance to conversion from Islam meant that many missionary efforts by Christian groups were aimed at serving communities that had been Christian for several generations.

#### Societal Abuses and Discrimination

Discrimination against Ahmadiyas, Hindus, and Christians occurred during the year. On June 22, unknown actors set ablaze an Ahmadiya mosque in Nator, and two days later, unknown actors detonated several bombs at an Ahmadiya mosque in Brahmanbaria, and four bombs at an Ahmadiya mosque in Bhadugarh in the Branmanbaria area. At year's end eight persons were arrested in connection with the attacks.

On July 28, unknown assailants in Faridpur district killed two employees of the NGO Christian Life Bangladesh, allegedly because they showed an evangelical film. Police arrested several suspects for the killing, but at year's end police released all suspects and no charges were filed.

On December 22, after the government declined to meet the demands of the INKMB to label Ahmadiyas as non-Mulsims, the IKNMB and a splinter organization marched to the Ahmadiya complex in Dhaka and attempted to hang a sign that stated that the Ahmadiya mosque was not an actual mosque. The police stopped the IKNMB activists and their affiliates from proceeding and in the clashes that ensued between the 2 groups, 50 demonstrators and 7 police were wounded.

In January 2004 according to press reports, armed attackers led by a local BNP leader set on fire 20 houses belonging to Hindus, injuring 30 persons. Victims alleged that the attack originated over a pending property dispute.

In September 2004 unidentified assailants killed Dr. 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. At year's end no one else was charged for the crime.

Religious minorities were disadvantaged in access to 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 [2005 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.

For example on June 22, government officials evicted and destroyed the homes of 35 families in Dinajpur district in the northwestern part of the country, in order to establish a government project at the site of their homes.

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 the UNHCR interviewed and recognized as refugees on a case-by-case basis.

During the year the government denied asylum to Rohingya from Burma by categorizing them as illegal economic migrants and turned back as many persons as possible at the border. According to the UNHCR, some refugees returned by the government were fleeing persecution and 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 handed some of the unregistered persons over to police, who sent them to prison under the Foreigners' Act. There were 114 Rohingya refugees in local prisons in the Cox's Bazaar area at year's end. UNHCR officials visited the detained refugees once a month.

There was a pattern of continued neglect of refugees, specifically towards the Rohingya and Bihari refugees. During the year 20,939 Rohingya refugees remained in 2 camps administered by the government in cooperation with the UNHCR, while another approximately 200 thousand Rohingyas not officially recognized as refugees lived outside the camps in the surrounding area of Teknaf and Cox's Bazaar. The government and UNHCR collaborated in the repatriation of 92 refugees. While UNHCR managed to substantially decrease the number of forced repatriation cases, they have received numerous allegations that government camp authorities placed pressure on refugees to repatriate, intimidating them with arbitrary arrest, physical abuse, and harassment.

UNHCR field workers reported several cases of refugee abuse including rape, assault, domestic abuse, deprivation of food ration entitlements, and documentation problems. In March UNHCR received reports that a police inspector and his staff severely beat and attempted to rape 6 females, including 2 girls aged 8 and 12. UNHCR strongly protested to camp authorities but the government took no action. In December 2004 local villagers raped two minor female refugees; government camp authorities reportedly justified beating as a better alternative to detention or imprisonment for punishment. Government camp authorities, tasked with arbitration in the camps, continuously practiced confiscation of ration books as a mode of punishment and usually extorted bribes from refugees for return of their ration books. UNHCR received several hundred complaints of ration book confiscation incidents during the year.

The government placed excessive restrictions on refugees' freedom of movement and ability to work or earn a livelihood. The government continued to ignore UNHCR requests to allow those Rohingya refugees, unable to return to Burma, to work, benefit from local medical programs, or participate in the education system, insisting that all Rohingya refugees remained 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.

In June 2004 to protest the government's forced repatriation and mistreatment by security forces, some refugees in Kutupaalong camp staged demonstrations, refused their rations, and boycotted the government-run medical clinic. According to UNHCR, in June 2004 police fired approximately 15 rounds into a group of several hundred protestors throwing stones during a regular night patrol. No injuries were reported. In November 2004 police killed at least three Rohingya refugees on suspicion of arms smuggling and since then, several refugees remain unaccounted for. Police promised UNHCR it would investigate the incident, but at year end they failed to do so. The government has repeatedly rejected a UNHCR proposal to grant the refugees rights for temporary stay and freedom of movement under a self-reliance program.

Approximately 300 thousand 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 NGO Refugees International, they lived in camps with little access to education, medical attention, and in unsanitary conditions. 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 have assimilated into the mainstream Bengali-speaking environment and likely would accept citizenship if it was offered.

### 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, and another 45 of whom are female members nominated by political parties and indirectly elected by the other members of parliament. 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.

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.). Throughout the year, AL legislators participated in the meetings of the parliamentary standing committees on various ministries but continued to boycott by-elections and attendance on the floor of the parliament. 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 by the people in the parliament. 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 seats were distributed among political parties proportionate to their numerical strength in parliament. 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 discharged the writs.

There were three women holding ministerial positions, including the position of prime minister. The leader of the opposition in parliament, who enjoyed the status of a cabinet minister, and 4 of the 79 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 report published in September, that systemic corruption posed a serious challenge to efforts to promote good governance. A TIB sample survey showed that most incidents of corruption involved the police, while the monetary value of corruption was the biggest in the Ministry of Communication. A similar survey released in September 2004 revealed that 90 percent of the population paid bribes to officials during land transfer registration and that magistrates, court officials, and lawyers solicited bribes in more than 67 percent of the cases filed under the STA. At the Chittagong port, officials belonging to the port authority and customs extracted an estimated annual \$133 million (7.83 billion taka) in bribes from importers and exporters. The Official Secrets Act of 1923 protected corrupt government officials from public scrutiny, hindering transparency and accountability at all levels.

In November 2004 the government announced the formation of a three-member anticorruption commission and during the year, the anticorruption commission focused largely on organizational challenges, failing to have an impact on combating corruption.

There is no law providing for public access to government information. Instead, the Official Secrets Act protects government officials from scrutiny, in the name of national security.

#### 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. Missionaries who advocated on behalf of human rights faced problems regarding visas. A few human rights activists reported harassment by the intelligence agencies. For example the government blocked foreign funding to the PRIP Trust NGO because the organization's executive director, Aroma Dutta, championed minority rights during the 2001 general election. The government released part of the foreign funding to the PRIP Trust during the year.

In February several offices of leading NGOs, such as the Grameen Bank and Bangladesh Rural Advancement Committee (BRAC), came under attack in northern areas of the country. Authorities charged Dr. Asudullah Al-Gailb, the leader of Ahle Hadith, a local Islamic group for the bombings of the Grameen and BRAC offices and for targeting a series of cultural events and organizations for attack. On March 1, an office of CARITAS in Dinajpur caught fire which, according to some press accounts, was caused by the explosion of two bombs.

On April 19, Rafiq Ali, president of the country's chapter of Non-Violence International, was acquitted for his alleged involvement in an arms act case. Authorities arrested Mr. Ali on suspicion of arms smuggling because he, in collaboration with Forum Asia, was providing community education seminars on small arms smuggling.

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's Office continued to remain 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

Domestic violence was widespread. Although violence against women was difficult to quantify, recent research showed that up to 50 percent of all women were victims of domestic violence. Much of the reported violence against women was related to disputes over dowries. During the year Odhikar found 227 reported dowry-related killings

The law prohibits rape and physical spousal abuse but makes no specific provision for spousal rape as a crime. During the year local NGOs found 907 reported incidents of rape and 91 of attempted rape. The press reported that 126 of the rape victims were killed and that another 14 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. On January 19 at a workshop organized by BSEHR, then attorney general A.F. Hassan Ariff said "judges consider rape like theft, robbery and other crimes."

On February 2, a Dhaka court sentenced Kala Guddu to 30-year's imprisonment for raping a 5-year-old girl in the Mohammadpur area of

Dhaka in 2003.

Prostitution is 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 child prostitutes worked in brothels. The UN Children's Fund estimated in 2004 that there were 10 thousand child prostitutes working in the country, but other estimates placed the figure as high as 29 thousand. Trafficking of women internally and internationally remained a problem (see section 5, Trafficking).

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 weakening provisions for dowry crimes and addressing the issue of suicide committed by female victims of acts of dishonor.

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, one each in the six divisional headquarters, for abused women and children. NGOs, such as the [Bangladesh National Women Lawyers' Associations](#) (BNWLA), also ran facilities to provide shelter to destitute persons and distressed women and children; however, this was insufficient to meet victims' shelter needs. As a result, the government often held women who filed rape complaints in safe custody, usually in prison. Safe custody frequently resulted in further abuses against victims, discouraged the filing of complaints by other women, and often continued for extended periods during which women were unable to gain release (see section 1.c.). In September 2004 there were 184 women in safe custody with 320 children accompanying them.

Incidents of vigilantism against women--sometimes led by religious leaders (by means of *fatwas*)--at times occurred, particularly in rural areas (see section 1.c.). Acid attacks remained a serious problem. Assaults threw acid in the faces of women and a growing number of men, leaving victims disfigured and often blind. According to Odhikar, 196 persons fell victim to acid attacks during the year. NGOs reported that 104 of the attacks were against women, 55 against men, and 37 against children. Few perpetrators of the acid attacks were prosecuted. In 2002, the government enacted legislation 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 impact. The 2002 Acid Crime Control Law provides for speedier prosecutions in special tribunals and generally does not allow bail. While the special tribunals were not entirely effective, according to the Acid Survivors Foundation, tribunals convicted 36 persons for acid attacks.

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 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 one-half of all children were chronically malnourished.

Under the law, children between ages 6 and 10 must attend school through the fifth grade. Primary education is free and compulsory, but the implementation of compulsory education fell short in part because parents kept children out of school, preferring instead to have them working for money or helping with household chores. Government incentives to families sending children to schools 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 6 to 12. Boys received free education only to grade 5.

There were a few government hospitals designated exclusively for children, and 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 about underage marriage were difficult to find because marriage registrations were sporadic and birth registrations to verify child's actual age were not universal. Mass Line Media, a local human rights NGO, conducted a survey in 2004 which estimated that 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, 205 children were abducted, nearly 314 suffered unnatural deaths, and more than 486 children fell victim to serious abuses such as rape, sexual harassment, torture, and acid attack during the year. According to child rights activists, violence against children declined due to growing awareness regarding child rights.

Reports from human rights monitors indicated that 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 and frequently resulted in the abuse of children, mainly through mistreatment by employers during domestic service and occasionally included servitude and prostitution (see sections 6.c. and 6.d.). Children were seriously injured or killed in workplaces.

According to a 2002 report published by the government news agency Bangladesh Shongbad Shongsta, there were approximately 400 thousand homeless children, of whom as many as 150 thousand 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. 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 65 cases were disposed of by the special courts dealing with incidents of repression against women and children. Courts convicted 28 persons and ordered sentences ranging from death to 10 years in prison. Besides police, the coast guard, BDR, the RAB, and a number of NGOs recovered 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, mainly for prostitution and in some instances for labor servitude. Some boys were trafficked to the Middle East to be used as camel jockeys.

According to government sources, law enforcement personnel recovered 139 victims of trafficking during the year. A cooperative effort between NGOs, the government, and the UAE, resulted in the repatriation of 164 camel jockeys, 159 of whom were reunited with their biological parents. The other five remained in NGO shelters at year's end, receiving social and vocation skills training while the NGO attempted to locate their families.

BNWLA rescued 314 trafficking victims from within the country and repatriated 32 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 Center 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 prostitution. Criminal gangs conducted some of the trafficking. The border with India was loosely controlled, especially around Jessore and Benapole, making illegal border crossings easy.

Police and local government officials often ignored trafficking in women and children for prostitution and were easily bribed (see sections 1.c. and 5).

The government continued its efforts to combat trafficking in persons through the trafficking monitoring cell at police headquarters, a monthly inter-ministerial committee headed by the secretary of the Home Ministry. The cell monitored the activities of the police and assisted in prosecuting relevant cases. The monitoring units formed in each of the 64 district headquarters sent updated statistics to the police headquarters. Arrests and prosecutions continued steadily. 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 anti-trafficking issues to facilitate coordination and cooperation between the government and civil society.

The government convened two special inter-ministerial committees, with the cooperation of local and international NGOs, to monitor the repatriation, rehabilitation, and social integration of repatriated camel jockeys. 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, some trafficking cases were prosecuted. There was also some 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 are 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, who 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 have had a marginal ability to influence decisions concerning the use of their lands. Despite the 1997 Chittagong Hill Tracts (CHT) Peace Accord, which ended 25 years of insurgency in the CHT, 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.

According to a human rights organization, 25 persons died and 71 were injured in violence in the CHT during the year. During the same period, 81 persons were kidnapped, 2 women were raped, and 35 persons were arrested. *Parbatya Chattagram Jana Samhati Samiti* and the anti-accord tribal group, United People's Democratic Forum (UPDF), blamed each other for most of the abductions in Khagrachhari and Rangamati in 2004. In February 2004 armed tribal youths abducted seven UPDF members from a wedding party at Shabekong in Naniarchar. There were also reports of violence involving Bengalis and tribal people 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 progress in the Moulvibazar and Modhupur forest area despite the resistance efforts of indigenous groups.

#### Other Societal Abuses and Discrimination

The law provides for punishment for intercourse "against the order of nature with any man, woman or animal." In practice the law was rarely invoked; however, according to Human Rights Watch (HRW), gay men were harassed and raped by police and local criminals without proper methods of recourse, due to societal discrimination against gays. HRW also found that gay 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 these rights 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 prohibits the formation of unions in the country's Export Processing Zones (EPZs). According to the law a workplace must have 30 percent union participation for union registration. 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 during the year, and the International Labor Organization (ILO) recommended that the government amend the 30 percent provision. The ILO also recommended that the government amend provisions that bar registration of a union composed of workers from different workplaces owned by different employers this year. 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 unions were strongest in state-owned enterprises and in such institutions as the government-run port in 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 Registrar of Trade Unions may 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. 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 SPA or regular criminal codes.

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

The International Confederation of Free Trade Unions (ICFTU) continued to note a number of exclusions of international trade union rights under the Industrial Relations Ordinance during the year. These were restrictions regarding membership in unions and election of union officials, restrictions on activities of public servants' associations, restrictions on the right to organize and bargain collectively in EPZs, and restrictions on the right to strike.

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

The law does not ban discrimination by employers against union members and organizers, and in practice, private sector employers usually discouraged any union activity, sometimes working in collaboration with local police. The Registrar of Trade Unions rules on 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, other than in EPZs, is legal on the condition that unions are legally registered by the Registrar of Trade Unions as collective bargaining agents represent workers. 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.

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. 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, originally applied in 2002, to the Power Development Board, the Dhaka Electric Supply Authority, Bangladesh Biman Airline, the Chittagong Port Authority, and the Bangladesh Petroleum Corporation.

In 2003 the government announced it would not allow 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 ban may be renewed for three-month periods. 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. 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 has not happened in recent years.

There are EPZs in the country. In July 2004 parliament passed a bill allowing limited freedom of association rights in EPZs. The country's five 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 unions for the EPZ officials 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. The WRWCs do not have collective bargaining rights but could negotiate with the employer on working conditions, remuneration or payment for productivity enhancements and worker education programs.

During the year at the Ring Shine Factory located in the Savar EPZ, workers were submitted to arrest, and contrary to the EPZ law, were locked out of the factory. At year's end EPZ officials had not hired the desired number of sufficiently trained and experienced conciliators and arbitrators.

At a number of other factories, there were acts of management intimidation, abuse, and improprieties during the election process, against workers during and after the elections, including suspension of workers and elected WRWC members, without due process, and contrary to EPZ law. EPZ officials provided limited instruction to factory management and workers on the duties and responsibilities of management and workers under the law. In the aftermath of the labor dispute, however, a labor management agreement was reached, which permitted extensive training of management and labor on their roles and responsibilities under the 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 strength 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, Trafficking).

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

Because of widespread poverty many children began to work at a very young age. According to the government's National Child Labor Survey published in 2003 the government estimated that approximately 3.2 million children between the ages of 5 and 14 years worked. Working children were found in 200 different types of activities, such as shrimp farming, of which 49 were regarded as harmful to children's physical and mental well-being. Sometimes children were seriously injured or killed in workplaces. Children often worked alongside family members in small-scale and subsistence agriculture. Hours usually were long, the pay low, and the conditions hazardous. Many children

worked in the *beedi* (hand-rolled cigarette) industry, and children under 18 years sometimes worked in hazardous circumstances in the leather industry or the brick-breaking industry. There continued to be reports of several thousand children forced to work long hours on fish farms on small islands in southwestern Bagerhat district for five months a year in hazardous conditions. The farm owners paid and fed the children poorly. The coast guard periodically rescued and returned child workers to their home villages.

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 5 or the age of 10 years. However, there was no effective mechanism to enforce this provision.

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 \$4 to \$10 (228 to 570 takas). Most child workers were employed in agriculture and other informal sectors, where no government oversight occurred.

In 2003 the Bangladesh Garment Manufacturers' and Exporters Association (BGMEA), the Department of Labor, and the ILO jointly inspected an estimated 2,200 BGMEA-member factories with the declared intention of eliminating child labor in the garment sector. They found that less than 1 percent of the factories surveyed employed child labor, down from over 25 percent in 1997.

The non-formal education directorate of the government, international organizations, and some NGO partners sponsored programs to provide education to some working children in urban slum areas around the country. The government has been a member of ILO-International Program on the Elimination of Child Labor since 1994. A foreign government-ILO collaborative program included a \$six million (approximately 400 million taka) project to eliminate the worst forms of child labor in five targeted industries: *beedi* production, matchmaking, tanneries, construction, and child domestic workers. As of 2003, 19,874 children had been removed from hazardous work, 19,508 were attending non-formal education training, 7,623 had been admitted to formal schooling, and 3,060 were receiving prevocational training. Employers from 51 *beedi* and brick-breaking industries have declared their sites child labor free.

#### e. Acceptable Conditions of Work

There is no national minimum wage. Instead, the wage commission, which convenes sporadically, sets wages and benefits for each industry, using a range based on skill level. In most cases, private sector employers ignored this wage structure. For example, in the garment industry, many factories did not pay legal minimum wages, and it was common for workers of smaller factories to experience delays in receiving their pay or to receive trainee wages well past the maximum three months. In 2001 according to the ICFTU, 21.7 percent of textile workers in the country earned the minimum wage. Wages in the EPZs were generally higher than outside the zones. The declared minimum monthly wage for a skilled industrial worker was approximately \$58 (taka 3,400) for a worker in an EPZ and approximately \$45 (taka 2,650) for a worker outside an EPZ. This was not sufficient to provide a decent standard of living for a worker and family.

In September the government returned the country to a 5 day, 40 hour work week, with a Friday and Saturday weekend. The law applied to government employees, banks, NGOs, and other office workers. Factory workers continued to labor under the old law, a 48 hour work week, with a mandated 1 day off, and up to 12 hours of overtime. The law was enforced poorly.

The Factories Act nominally sets occupational health and safety standards. The law is comprehensive but largely was ignored by employers. Workers may resort to legal action for enforcement of the law's provisions, but few cases actually 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.

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