



Freedom in the World - Bangladesh (2011)

Capital: Dhaka

Population:
162,221,000

Political Rights Score: 3 *

Civil Liberties Score: 4 *

Status: Partly Free

Overview

The government pursued its ambitious reform agenda throughout 2010, working to restore the secularist 1972 constitution, establishing a tribunal to try those suspected of committing war crimes during the 1971 war of independence, cracking down on Islamist groups, and improving relations with neighboring India. Extrajudicial executions and other human rights abuses remained a problem during the year, as did concerns that the government was insufficiently committed to combating official corruption.

Bangladesh gained independence from Britain in 1947 as part of the newly formed state of Pakistan, and successfully split from Pakistan in December 1971, after a nine-month war. The 1975 assassination of independence leader and prime minister Sheikh Mujibur Rahman by soldiers precipitated 15 years of military rule and continues to polarize Bangladeshi politics. The last military ruler resigned in 1990 after weeks of prodemocracy demonstrations. Elections in 1991 brought the Bangladesh Nationalist Party (BNP) to power under Prime Minister Khaleda Zia.

A long political deadlock began in 1994, when Sheikh Hasina Wajed's center-left Awami League (AL) party began boycotting Parliament to protest alleged corruption in Zia's government. The disputes between the AL and the BNP often reflected the personal animosity between Hasina, the daughter of Rahman, and Zia, the widow of a military ruler who was allegedly complicit in his assassination. The AL boycotted the February 1996 elections, then forced Zia's resignation in March and triumphed in elections held in June. The BNP also marked its time in opposition by boycotting Parliament and organizing periodic nationwide strikes, or hartals.

In 2001, the AL was voted out of office in elections marred by political violence and intimidation, and a new BNP-led coalition that included two Islamist parties took power. The AL again turned to parliamentary boycotts, strikes, and other forms of protest. Political violence and general lawlessness mounted, partly due to bombings and other attacks by Islamist extremist groups. However, two of the largest were banned in 2005, and a government crackdown in 2006 effectively crippled the organizations.

As planned 2007 general elections approached, the AL demanded reform of Bangladesh's caretaker government (CG) system, in which a theoretically nonpartisan government takes power temporarily to oversee parliamentary elections. The AL also questioned the conduct and impartiality of the Election Commission (EC) and its preparation of a new voter list. Faced with the possibility of an election that lacked credibility, in January 2007 the army pressured the president to declare a state of emergency and cancel the elections. A new, military-backed CG, headed by technocrat Fakhruddin Ahmed, announced plans to tackle endemic corruption and prepare for new elections. Under emergency regulations, freedoms of assembly and association were suspended, controls were placed on the media, and all political activity was banned. However, the "soft coup" was carried out partly within the constitutional framework, stopping short of martial law and leaving a civilian CG in nominal control.

A new Anti-Corruption Commission (ACC) investigated high-level politicians and their business allies, including Hasina, Zia, and their families. Dozens were arrested, and several were subsequently convicted by a special court. However, after both main parties decided to boycott preelection talks with the EC unless their leaders were released, the CG was forced to capitulate, weakening its anticorruption campaign. The new EC also failed to address the issue of suspected war criminals' continued involvement in politics. Of particular concern was the Jamaat-e-Islami (Islamic Party, or JI), whose leaders and student wing played a role in atrocities against civilians during the 1971 war of independence.

The emergency regulations were fully lifted in mid-December 2008, and the elections followed on December 29. Although the longtime party leaders remained in place, there was a considerable infusion of new blood into the parties' candidate lists. Turnout was extremely high, at 87 percent, and included a large proportion of first-time, women, and minority voters. An electoral alliance led by the AL won an overwhelming 263 seats (230 for the AL), while the BNP-led coalition took 32 seats (29 for the BNP and just 2 for the JI). After initial protests, Zia accepted the results, and with Hasina taking office as prime minister, Bangladesh returned to elected civilian rule after a two-year hiatus. AL-backed candidates also won a majority of leadership positions in the January 2009 *upazila parishad* (subdistrict) elections, the first local government polls to be held for 19 years. In contrast to the national elections, the January balloting was marred by more extensive violence and intimidation, as well as suspected rigging.

The new government moved forcefully to implement its campaign promises and ratify most of the ordinances passed by the CG. Several suspected war criminals were arrested in 2009, and in March 2010 the government established a tribunal to prosecute them. However, experts remained concerned that the trials may not adhere to international standards. In late July and August, the tribunal indicted and issued arrest warrants for five JI leaders.

Another important part of the AL's agenda was the restoration of the 1972 constitution, which would reestablish Bangladesh's character as a secular republic. In a key step toward that end, a February 2010 Supreme Court decision nullified elements of the fifth amendment to the constitution, providing for the reinstatement of the principle of secularism and the reintroduction of a ban on religiously-based political parties. Following the ruling, the EC requested that the JI amend its charter accordingly. Meanwhile, the government took a harder line on Islamist militants, arresting dozens of activists and those suspected of links to terrorist groups. Other official attempts to tackle extremism included an August 2010 high court decision—in response to a public interest petition filed by two lawyers—ordering the government to prohibit educational institutions from coercing female employees into wearing headscarves, veils, or burqas. The ruling was extended in October to ban such coercion in any context, and to apply to any religious clothing, including skullcaps for men. In July, a government order barred libraries and mosques from keeping books by a controversial Pakistani Islamist scholar, Syed Abul Ala Maududi.

The BNP-led opposition continued to intermittently boycott Parliament and assail most of the AL government's initiatives, including the constitutional restoration, proposed revisions to education policy, and a shift toward amicable dispute resolution with neighboring India. In 2010, the BNP began resorting to the use of hartals, and led relatively peaceful mass protests in late June. However, the party remained weak and suffered from serious internal divisions, particularly over succession issues.

Political Rights and Civil Liberties

Bangladesh is an electoral democracy. The December 2008 parliamentary elections were deemed free and fair by European Union observers and other monitoring groups. Terms for both the unicameral National Parliament and the largely ceremonial presidency are five years. Parliament is composed of 345 members, of which 300 are directly elected, and 45 are women nominated by political parties—based on their share of the elected seats—and then voted on by their fellow lawmakers. The president is elected by Parliament. The 1996 polls were the first held under a constitutional amendment requiring a CG to oversee the election process.

A series of 2008 electoral reforms mandated that parties disband their student, labor, and overseas units; obliged parties to reserve a third of all positions for women; reduced the number of seats a parliamentary candidate could simultaneously contest from five to three; tripled campaign spending limits to 1.5 million taka (\$22,000) per candidate; and gave voters in each constituency the option of rejecting all candidates. The new regulations were designed to curtail the widespread bribery, rigging, and violence that had characterized past elections, as was a new voter registry that was considerably smaller and more accurate than its predecessor. The EC's reputation as an impartial arbiter was strengthened in June 2010, when the AL suffered a surprise defeat in the Chittagong mayoral election but accepted the results. The level of political violence remained relatively high in 2010; local rights group Odhikar registered 220 deaths and more than 13,000 people injured as a result of inter- or intraparty clashes during the year.

Endemic corruption and criminality, weak rule of law, limited bureaucratic transparency, and political polarization have long undermined government accountability. Moreover, boycotts by both

major parties while in opposition have regularly nullified Parliament's role as a check on the government. The BNP intermittently boycotted Parliament in 2009 and 2010, leaving the AL, with its massive majority, to dominate legislative proceedings. In a step toward greater transparency, lawmakers in 2009 passed the Right to Information Act, which mandates public access to all information held by public bodies and overrides existing secrecy legislation.

Bangladesh was ranked 134 out of 178 countries surveyed by Transparency International (TI) in its 2010 Corruption Perceptions Index. The local branch of TI noted in 2008 that although the CG's efforts had effectively reduced large-scale corruption, graft and bribery on a smaller scale remained rampant. The two main parties have also retained links to criminal networks. In 2009, the ACC continued to investigate and prosecute high-level cases, but local watchdog groups and aid donors expressed concern that political interference was increasingly undermining its work and independence. Starting in 2009, dozens of cases, most against leading AL politicians, were withdrawn. In May 2010, the last of 15 cases against Prime Minister Sheikh Hasina Wajed was dropped. Meanwhile, many cases against BNP politicians, including party leader Khaleda Zia and her family, have remained open. In March, a cabinet committee proposed amendments that would require the ACC to receive government approval before initiating new cases against officials and members of Parliament; the proposal was still pending at year's end.

Bangladesh's media environment opened up considerably in 2009, and news outlets remained relatively unfettered in 2010 despite some signs of intolerance by the government. Print media are generally given more leeway when covering sensitive topics than broadcasters, particularly private television channels that provide 24-hour news coverage. Authorities approved the country's first community radio licenses in April 2010, but later that month ordered the closure of the private Channel 1 television station, citing violations of broadcasting regulations. In June, authorities in Dhaka forcibly closed the oppositionist daily *Amar Desh* and arrested its acting editor, Mahmudur Rahman, who is a close adviser to Zia. Rahman was initially charged with fraud and publishing without a valid license, but then was also charged with sedition. The sedition charge allowed authorities to hold him indefinitely, and he was reportedly tortured in custody. In August, Rahman and several colleagues were sentenced for contempt of court in a separate case initiated in May, and Rahman received the maximum six-month jail sentence. Over the past two years, various employees at the paper have been charged with defamation for articles written about the ruling party. However, after a Supreme Court order expired, the paper resumed publication in July pending a resolution of its licensing application, which remained ongoing at year's end. Separately, a journalist and writer who was first arrested in 2003, Salah Uddin Shoaib Choudhury, still faced sedition, treason, and blasphemy charges; his trial began in 2008 and was ongoing during 2010, but he was allowed to travel abroad while the proceedings continued.

Journalists continue to be threatened and attacked with impunity by organized crime groups, party activists, and Islamist groups, although the level of harassment has declined and no journalists have been killed for the past four years, according to the Committee to Protect Journalists. No other cases of arrest, detention, or custodial torture of journalists were reported during 2010. However, some journalists continued to report receiving threatening telephone calls from intelligence agencies seeking to prevent negative coverage, and many practice self-censorship when reporting on sensitive topics.

In March 2010, police in Dhaka closed down a photography exhibition containing images of alleged extrajudicial executions by security forces. The decision was rescinded a week later after the gallery owner filed a legal appeal against the closure, but he also received death threats connected to the incident. In June, citing material that was deemed insulting both to Islam and to the country's leaders, authorities temporarily blocked access to the social-networking website Facebook and arrested the user who had posted the images.

Islam is the official religion, but about 10 percent of the population is Hindu, and there are smaller numbers of Buddhists and Christians. Although religious minorities have the right to worship freely, they face societal discrimination and remain underrepresented in politics and state employment. A trend of increased intolerance and attacks on minorities was reversed in 2009, after the new government made explicit commitments to defend minority rights and deployed police to protect vulnerable groups like the 100,000-strong Ahmadiyya sect. Ahmadis are considered heretical by some mainstream Muslims, and they have faced physical attacks, boycotts, and demands by extremist groups that they be declared non-Muslims by the state. Nevertheless, societal discrimination and occasional attacks and harassment against religious minorities continue to take place. Other positive steps taken by the secularist AL government included the appointment of

several members of religious minority groups to leadership positions and the initiation of curriculum reform in Islamic schools. In 2010, the Supreme Court reestablished secularism as a constitutional principle and took steps to ban coercive enforcement of religiously inspired dress codes.

While authorities largely respect academic freedom, research on sensitive political and religious topics is discouraged, according to the U.S. State Department's human rights report. Political polarization at many universities inhibits education and access to services, and occasionally leads to clashes between students and security forces or among the armed student wings of the three main political factions (AL, BNP, and JI). In February 2010, violent clashes on a number of campuses led to the deaths of at least five students. Amnesty International criticized the government's failure to investigate the incidents, as well as the fact that only opposition supporters were detained.

The rights of assembly and association were restored in late 2008 with the lifting of emergency regulations. Occasional demonstrations continue to take place, and protesters are sometimes killed or injured during clashes with police. Numerous world-class nongovernmental organizations (NGOs) operate in Bangladesh and meet basic needs in fields such as education, health care, and microcredit. While most NGOs are generally able to operate without onerous restrictions, those perceived to be overly critical of the government, particularly on human rights issues, have on occasion been subject to harassment or denial of permission for proposed projects.

Labor rights were simplified and codified in the Bangladesh Labour Act of 2006, though the new law carried over many of the restrictions contained in previous legislation. For example, labor union formation is hampered by a 30 percent employee-approval requirement, restrictions on organizing by unregistered unions, and rules against union formation by certain categories of civil servants. Labor activists occasionally face harassment, and worker grievances sometimes fuel unrest at factories. In June 2010, protests by garment workers demanding a higher minimum wage sparked violence in which dozens were injured and a factory was burned down, while many others were forced to close temporarily. In similar protests at the end of July, more than 100 people were injured during clashes between workers and police. Members of the Bangladesh Center for Workers' Solidarity were arrested and harassed by authorities during the year, and the NGO was stripped of its legal status in June after authorities accused it of operating outside its mandate. Child labor is widespread.

Politicization of the judiciary remains a concern. The military-backed CG, unlike previous governments, worked to implement a 1999 Supreme Court directive ordering the separation of the judiciary from the executive. In 2007, the power to appoint judges and magistrates was transferred from the executive branch to the Supreme Court. However, political authorities have continued to make appointments to the higher judiciary, including the addition of 17 judges to the High Court and a new head of the Appellate Division of the Supreme Court in 2010. Some have argued that the allegedly politically motivated appointments will enable the ruling party to exercise influence over politically sensitive cases, particularly those involving charges against members of the opposition BNP.

The court system is prone to corruption and severely backlogged; pretrial detention is lengthy, and many defendants lack counsel. The indigent have little access to justice through the courts. In 2009, the government launched an initiative to form small courts in 500 rural administrative councils that could settle local disputes and reduce pressure on the legal system. Prison conditions are extremely poor, and severe overcrowding is common, to the extent that prisoners have to sleep in shifts. In August 2010, more than 1,000 prisoners serving lengthy sentences were released in an effort to ease overcrowding. According to the New Delhi-based Asian Centre for Human Rights, hundreds of juveniles are illegally held in prisons in contravention of the 1974 Children's Act. Suspects are routinely subjected to arrest and detention with warrants, demands for bribes, and physical abuse at the hands of law enforcement officials. Torture is routinely used to extract confessions and intimidate political detainees.

Security forces including the Rapid Action Battalion (RAB), a paramilitary unit composed of some 4,500 military and police personnel, have been criticized for excesses like extrajudicial executions. According to local rights watchdog Odhikar, there were 127 extrajudicial killings by law enforcement agencies in 2010, a similar number to the previous year. The Directorate General-Forces Intelligence (DGFI), a military intelligence unit, has also been responsible for a number of cases of abuse during interrogations. Although the AL government initially promised a "zero-

tolerance” approach to issues of torture and extrajudicial executions, it has not followed through on these commitments, and the rate of custodial deaths remains high.

In March 2010, Human Rights Watch reported that at least 60 suspected participants in a February 2009 mutiny by the paramilitary Bangladesh Rifles (BDR) force—in which some 70 officers and family members were killed—had died in custody under suspicious circumstances, with some bodies bearing marks of torture and other abuse. At least 3,500 BDR members had been arrested by August 2009. The first trials started in late November, and in April 2010 a special tribunal handed down dozens of prison sentences ranging from several months to seven years; hundreds of suspects were still being held without charge. Observers have raised concerns that the trials did not meet minimum standards and that torture had been used to extract confessions.

Law enforcement abuses are facilitated by legislation such as the 1974 Special Powers Act, which permits arbitrary detention without charge, as well as Section 54 of the Criminal Procedure Code, which allows detention without a warrant. A June 2008 counterterrorism ordinance included an overly broad definition of terrorism and generally did not meet international standards; in 2009, the new government adopted this as the Anti-Terrorism Act without modifying its problematic provisions. On a positive note, the International War Crimes Tribunal Act of 1973 was revised in 2009 to meet international standards concerning the right to a fair trial. In 2010, a tribunal was constituted and handed down indictments against five senior JI leaders, but trials had not commenced by year’s end.

In 2009, parliament passed legislation to reestablish the National Human Rights Commission (NHRC), which is empowered to investigate and rule on complaints of abuse against the armed forces and security services; the NHRC can request reports from the government at its own discretion. Despite the appointment of some commissioners, the NHRC was not fully functional by the end of 2010.

Islamist militant groups continue to operate and maintain contact with regional allies, but Islamist violence has been negligible since the 2006 crackdown. The AL government has taken a hard-line approach to both local and international militant groups, arresting cadres and closely monitoring their activities. Casualties from clashes involving Maoist militants have declined somewhat in the past several years; according to the South Asia Terrorism Portal, 56 people, the vast majority of them militants, were killed in 2010.

Land rights for the Hindu minority remain tenuous. Tribal minorities have little control over land decisions affecting them, and Bengali-speaking settlers continue to illegally encroach on tribal lands in the Chittagong Hill Tracts (CHT), with the reported connivance of government officials and the army. A 1997 accord ended a 24-year insurgency by indigenous groups in the CHT, but implementation of the accord has been lacking. Security forces in the area are occasionally implicated in the suppression of protests, the arrest of political activists, and extrajudicial killings. Moreover, indigenous people remain subject to physical attacks and property destruction by Bengali settlers. In July 2009, the AL government said it would immediately withdraw more than 2,000 troops from the CHT and dismantle several dozen military camps. It also announced plans to set up a commission that would allocate land to indigenous tribes. However, in February 2010, the worst clashes since the 1997 peace accord erupted in the CHT; hundreds of houses belonging to indigenous people were burned down, and a number of civilians were killed.

Roughly 260,000 ethnic Rohingyas fleeing forced labor, discrimination, and other abuses in Burma entered Bangladesh in the early 1990s; some 28,000 registered refugees and at least 200,000 other Rohingyas who are not formally documented as refugees remain in the country and are subject to some harassment. Bangladesh also hosts camp-like settlements of some 300,000 non-Bengali Muslims, often called Biharis, who had emigrated from India in 1947 and were rendered stateless at independence in 1971, as many had sided with and initially sought repatriation to Pakistan. A landmark 2008 court ruling granted citizenship rights to this group, enabling their access to social services and the right to vote.

Rape, dowry-related assaults, acid throwing, and other forms of violence against women occur regularly. A law requiring rape victims to file police reports and obtain medical certificates within 24 hours of the crime in order to press charges prevents most rape cases from reaching the courts. Police also accept bribes to quash rape cases and rarely enforce existing laws protecting women. The Acid Survivors Foundation (ASF), a local NGO, recorded 153 acid attacks during 2010; they affected 145 victims, most of them women. While attacks have declined since the passage of the Acid Crime Prevention Act in 2002, investigation of acid-related crimes remains inadequate, with

only seven convictions for perpetrators of such attacks in 2010. In October 2010, Parliament ratified a bill offering greater protection to women and children from domestic violence, including both physical and mental abuse.

Under the legal codes pertaining to Muslims, women have fewer divorce and inheritance rights than men. In rural areas, religious leaders sometimes impose flogging and other punishments on women accused of violating strict moral codes. Women also face some discrimination in health care, education, and employment. They remain underrepresented in government, although a 2004 constitutional amendment reserves 45 parliamentary seats for women, and a large number of women participated in the December 2008 elections. Human trafficking remains a serious problem. Women and children are trafficked both overseas and within the country for the purposes of domestic servitude or sexual exploitation, while men are trafficked primarily for the purposes of labor abroad. The government has taken steps to raise awareness and prosecute sex traffickers somewhat more vigorously. Over the past several years, dozens have been convicted each year, some of whom received life sentences. While homosexual acts are criminalized, this provision is rarely enforced in practice and societal discrimination based on sexual orientation remains the norm.

**Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom. Click [here](#) for a full explanation of Freedom in the World methodology.*