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FREEDOM IN THE WORLD

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Bangladesh

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OVERVIEW:

Political polarization and dysfunction continued to worsen during 2012, as the opposition held numerous street protests and threatened to boycott elections that must be held by early 2014. The government failed to address the problem of extrajudicial executions, and other human rights abuses, including forced disappearances and discrimination against women, remained concerns. Critical nongovernmental organizations faced increased pressure and restrictions on their activities, as did labor activists fighting to improve dangerous conditions for factory workers.

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. 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.

However, the ensuing decade featured increasing political deadlock as the opposition center-left Awami League (AL) party, led by Sheikh Hasina Wajed, began boycotting Parliament. After the AL won the 1996 elections, the BNP also marked its time in opposition by boycotting Parliament and organizing periodic nationwide strikes, or hartals. The pattern continued when a new BNP-led coalition that included two Islamist parties took power in 2001. Much of the partisan tension 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.

As planned 2007 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 voting. 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 balloting that lacked credibility, in January 2007 the army pressured the president to declare a state of emergency, cancel the elections, and install a new, military-backed CG, headed by technocrat Fakhruddin Ahmed. This "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, arresting dozens. However, after both main parties decided to boycott preelection talks with the EC unless their leaders were released, the CG capitulated, weakening its anticorruption campaign.

In elections held in December 2008, 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). The BNP took 30 seats, and its ally, the Jamaat-e-Islami (Islamic Party, or JI), took only two. Independents and minor parties captured the remainder. Zia

2013 SCORES

STATUS

Partly Free

FREEDOM RATING

3.5

CIVIL LIBERTIES

4

POLITICAL RIGHTS

3

accepted the results, and Hasina took office as prime minister, returning Bangladesh to elected civilian rule.

In keeping with its campaign promises, the new government established a tribunal to try suspected war criminals in 2010. The tribunal indicted and arrested several key members of the JI, whose leaders and student wing played a role in atrocities against civilians during the 1971 war of independence. However, experts remained concerned that the process would not adhere to international standards.

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, effectively paving the way for a reinstatement of the principle of secularism and a ban on religiously based political parties. Meanwhile, the government took a harder line on Islamist extremism, arresting dozens of activists and those suspected of links to terrorist groups. The first 1971 war crimes trial began in late 2011, and a crackdown in September—in the wake of violent JI protests regarding the war crimes issue—led to the arrest of several party leaders and hundreds of activists.

In June 2011, following a Supreme Court decision on the validity of interim administrations, the AL-dominated Parliament passed the 15th amendment to the constitution, which scrapped the CG system and replaced it with a nominally independent electoral commission. Other articles of the amendment termed any criticism of the constitution an act of sedition, instituted the death penalty for those convicted of plotting to overthrow the government, guaranteed secularism and freedom of religion, and effectively forbade further amendments to large parts of the constitution.

The BNP-led opposition continued to intermittently boycott Parliament and rigidly oppose the AL government's initiatives in 2012, resorting once again to the use of hartals and mass protests. More than 100,000 people participated in one rally in March. A key goal of BNP activism during the year was the reinstatement of the CG system for the next elections, which must be held by early 2014. Following a rally in April that turned violent, 33 senior party leaders were arrested and charged with vandalism and arson. Separately, in another sign of instability, the army alleged in January that it had foiled an attempted coup by mid-ranking officers with Islamist leanings, aided by retired officers and expatriate Bangladeshis. In November 2012, the war crimes trial of JI member Abul Kalam Azad began in absentia.

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. Under provisions contained in the 15th amendment to the constitution, Parliament is composed of 350 members, of whom 300 are directly elected, and 50 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.

A new, considerably more accurate voter registry and a series of other electoral reforms enacted in 2008 were designed to curtail the widespread bribery, rigging, and violence that had characterized past elections. While the December 2008 national voting was relatively clean, more recent local government polls have been marred by more extensive violence and intimidation, as well as suspected rigging. The level of political violence remains relatively high; the human rights group Odhikar registered 169 deaths and more than 17,000 people injured as a result of inter- or intraparty clashes during 2012, an increase from the previous year. Harassment of the opposition became more widespread in 2012, ranging from charges filed against senior BNP members to limitations placed on political activities, particularly rallies and processions. A number of party activists have also disappeared; BNP politician Ilias Ali went missing in April, with some alleging an abduction by security forces and others attributing the case to intraparty politics.

Endemic corruption and criminality, weak rule of law, limited bureaucratic transparency, and political polarization have long undermined government

accountability. Moreover, regular opposition boycotts of Parliament have significantly hampered the legislature's role in providing thorough scrutiny of government policies, budgets, and proposed legislation. The 2009 Right to Information Act mandates public access to all information held by public bodies and overrides secrecy legislation. Bangladesh was ranked 144 out of 176 countries surveyed by Transparency International (TI) in its 2012 Corruption Perceptions Index. Under the present government, anticorruption efforts have been weakened by patchy or biased enforcement and subversion of the judicial process, according to TI-Bangladesh. Dozens of pre-2009 cases against Prime Minister Sheikh Hasina Wajed and other AL politicians have been withdrawn, while those against BNP politicians, including party leader Khaleda Zia and her family, have remained open, and additional charges have been filed by the AL government. In April 2012, newly appointed railway minister Suranjit Sengupta was implicated in a corruption scandal when his personal secretary and two other railway officials were caught traveling with roughly \$90,000 in cash in a minibus. Sengupta denied any link to the money, which allegedly consisted of bribes from railway job applicants, but he nevertheless resigned.

Bangladesh's media environment remained relatively unfettered in 2012, though the legal and regulatory framework allows for some restrictions, and the government showed signs of intolerance during the year. Print media are generally given more leeway when covering sensitive topics than broadcasters. In March 2012, the transmissions of several television stations were suspended shortly before a planned opposition rally.

Journalists continue to be threatened and attacked with impunity by organized crime groups, party activists, and Islamist factions, which sometimes leads to self-censorship on sensitive topics. After seven years without a murder of a journalist, three were killed in 2012, according to the Committee to Protect Journalists. While the motive for the February murder of a husband-and-wife team of broadcast journalists remained unclear, the June killing of newspaper reporter Jamal Uddin was linked to his coverage of local drug traffickers. There also appeared to be an increase in other types of physical harassment against the press. In May, nine journalists were injured when armed men attacked the newsroom of the *bdnews24.com* website. In a separate incident that month, three photojournalists from the daily *Prothom Alo* were badly beaten by police while attempting to cover a story. Some journalists received threatening telephone calls from intelligence agencies seeking to prevent negative coverage.

Attempts to censor internet-based content occasionally occur. In January 2012, a university teacher was given a six-month jail sentence for comments he made about Prime Minister Hasina on the social-networking site Facebook in 2011. In September 2012, the government blocked the video-sharing site YouTube following a global uproar over an anti-Islam video produced in the United States. Various forms of artistic expression, including books and films, are occasionally banned or censored.

A June 2011 amendment to the constitution confirmed Islam as the official religion, but also reaffirmed the secular nature of the state. Muslims form an overwhelming majority; 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 as well as harassment and legal repercussions for proselytizing. In September 2012, more than 20 mostly Buddhist temples, along with homes and shops in ethnic minority villages, were attacked and set on fire by Muslim protesters in southeastern Bangladesh following the posting of a photograph of a burnt Koran on Facebook. Members of the Ahmadiyya sect are considered heretical by some Muslims, and despite increased state protection since 2009, they have encountered physical attacks, boycotts, and demands that the state declare them non-Muslims. They are also occasionally denied permission to hold religious events. In November 2012, Islamist extremists attacked an Ahmadi mosque and several homes of Ahmadis in the village of Taraganj in Rangpur; some 15 people were injured and two homes destroyed in the attack. Religious minorities remain underrepresented in politics and state employment, but the secularist AL government has appointed several members of minority groups to leadership positions. It has also initiated curriculum reform in Islamic schools.

While authorities largely respect academic freedom, research on sensitive political and religious topics is reportedly discouraged. Political polarization at many universities, including occasional clashes involving the armed student wings of the three main parties, inhibits education and access to services.

The rights of assembly and association were restored in late 2008 with the lifting of emergency regulations. The authorities have sometimes tried to prevent rallies by arresting party activists, and protesters are frequently injured and occasionally killed during clashes with police. Nevertheless, demonstrations took place regularly in 2012, including a growing number of nationwide strikes and rallies called by the BNP.

Numerous nongovernmental organizations (NGOs) operate in Bangladesh. While most are able to function without onerous restrictions, they must obtain clearance from the NGO Affairs Bureau (NAB)—which reports to the prime minister's office—to use foreign funds. The bureau is also empowered to approve or reject individual projects after a review period of 45 days. In September 2012, Human Rights Watch criticized the formation of a new commission designed to provide further regulation and scrutiny of NGOs. Authorities also canceled the registration of several thousand NGOs during the year and announced draft legislation to further restrict foreign donations. Groups such as Odhikar that are seen as overly critical of the government, particularly on human rights issues, have been subject to increasing harassment and surveillance and are regularly denied permission for proposed projects. Grameen Bank, one of the country's largest and most influential microfinance institutions, remained without a managing director in 2012 after Nobel laureate Muhammad Yunus was ousted in an allegedly politicized proceeding in 2011. The government was reportedly mulling new rules that would increase the level of political control over the appointment of the bank's board of directors.

Labor union formation is hampered by a 30 percent employee-approval requirement, restrictions on organizing by unregistered unions, and rules against unionization by certain categories of civil servants. Worker grievances fuel unrest at factories, particularly in the rapidly expanding and lucrative garment industry, where strikes and protests against low wages and unsafe working conditions are common. In November 2012, a fire at a garment factory in Dhaka killed more than 100 people, and many more were hospitalized due to burns and smoke inhalation. According to Clean Clothes Campaign, an antisweatshop advocacy organization, more than 500 workers have died in factory fires since 2006. Child labor is widespread. Reforms of the system are hampered by the fact that a growing number of factory owners are also members of Parliament or owners of influential media outlets.

Organizations and individuals that advocate for labor rights have faced increased harassment over the past several years. The Bangladesh Center for Workers' Solidarity (BCWS) was stripped of its legal status by the NAB in 2010 for allegedly inciting labor unrest. Its leaders face pending criminal cases and have reportedly suffered abuse in custody. A prominent organizer for BCWS, Aminul Islam, went missing in April 2012 and was later found dead with marks of torture on his body. According to Amnesty International, his family suspected that he was abducted by security forces as a result of his activism.

Politicization of the judiciary remains an issue, despite a 1999 Supreme Court directive ordering the separation of the judiciary from the executive and efforts by the military-backed CG to implement it. Political authorities have continued to make appointments to the higher judiciary, in some cases demonstrating an overt political bias, leading to protests from the Supreme Court Bar Association. Harassment of witnesses and the dismissal of cases following political pressure are also growing issues of concern.

The court system is prone to corruption and severely backlogged with an estimated two million pending cases. Pretrial detention is often lengthy, and many defendants lack counsel. The indigent have little access to justice through the courts. Prison conditions are extremely poor, severe overcrowding is common, and juveniles are often incarcerated with adults. Suspects are routinely subject to arbitrary arrest and detention, demands for bribes, and physical abuse by police. Torture is often used to extract confessions and intimidate political detainees. Criminal cases against ruling party activists are regularly withdrawn on the grounds of "political consideration," which has undermined the judicial process and entrenched a culture of impunity.

Security forces including the Rapid Action Battalion (RAB), a paramilitary unit composed of military and police personnel, have been criticized for excesses like extrajudicial executions. According to Odhikar, there were 70 extrajudicial killings by law enforcement agencies in 2012, and it is estimated that more than 800 people have been killed by the RAB since its formation in 2004. The Directorate General—Forces Intelligence (DGFI), a military intelligence unit, has been

responsible for a number of cases of abuse during interrogations. Although the AL government initially promised a "zero-tolerance" approach on torture and extrajudicial executions, high-level officials routinely excuse or deny the practices, and the rate of custodial deaths has increased since the AL took office. Abductions and disappearances are also a growing concern, according to the International Crisis Group and other organizations, with dozens recorded in 2012.

Law enforcement abuses are facilitated by legislation such as the 1974 Special Powers Act, which permits arbitrary detention without charge, and Section 54 of the criminal procedure code, which allows detention without a warrant. A 2009 counterterrorism law includes an overly broad definition of terrorism and generally does not meet international standards. In February 2012, Parliament passed an amendment to this law that instated the death penalty as the maximum punishment for funding terrorist activity. The National Human Rights Commission (NHRC), reestablished in 2010, is empowered to investigate and rule on complaints against the armed forces and security services, and it can request reports from the government at its own discretion.

Following a February 2009 mutiny by the paramilitary Bangladesh Rifles (BDR) force—in which some 70 officers and family members were killed—more than 6,000 BDR members have been arrested and at least 60 have died in custody under suspicious circumstances, with some bodies bearing marks of torture and other abuse. The suspects' trials have been marred by problems including limited access to defense counsel, lack of individualized incriminating evidence, and the alleged use of torture to extract confessions. In June 2012, one of several mass trials of BDR members before a military court ended in the conviction of 611 of 621 accused, while a court in July sentenced 253 of 256 soldiers to various terms of imprisonment. Overall, more than 4,000 have been found guilty, and hundreds also face charges under the criminal code that could result in the death penalty.

Revisions in 2009 and 2011 to the International War Crimes Tribunal Act of 1973 and the current tribunal's procedural rules were intended to help meet international standards on issues such as victim and witness protection, the presumption of innocence, defendant access to counsel, and the right to bail. However, observers in 2012 continued to raise concerns about due process shortcomings as well as threats and harassment against witnesses and defense lawyers. As of July, the tribunal had indicted eight prominent political leaders, including six leaders of the JI and two from the BNP. Although some trials had started, none were concluded by year's end. In October, the tribunal commenced trial proceedings against six more former JI leaders, bringing the total number of defendants to 14. Also that month, armed police raided the offices of the war crimes defense counsel and recorded all the names and addresses of the employees present. On November 5, a defense witness was allegedly abducted by plainclothes officers while standing in front of the tribunal building in Dhaka.

Islamist militant groups continue to operate and maintain contact with regional allies, but Islamist violence has been negligible since a 2006 crackdown on the groups. The AL government has been aggressive in arresting cadres and closely monitoring their activities. Separately, casualties from clashes involving Maoist militants have declined somewhat in the past several years; according to the South Asia Terrorism Portal, just 15 people, all of them militants, were killed in 2012.

Land rights for the Hindu minority remain tenuous. The 2011 Vested Properties Return Act allows Hindus to reclaim land that was seized from them by the government or other individuals. However, human rights groups have critiqued the government for its slow implementation of the law. 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 2009 the AL government announced a military drawdown in the area and plans to set up a commission that would allocate land to indigenous tribes, but the panel's activities have suffered from delays and interruptions, and it has not addressed land disputes effectively.

Roughly 230,000 ethnic Rohingyas who fled forced labor, discrimination, and other abuses in Burma in the early 1990s remain in Bangladesh and are subject to some harassment. Starting in June 2012, authorities began turning away

Rohingya and other refugees seeking to escape new outbreaks of ethnic and sectarian violence in Burma, and in August officials suspended the activities of international aid organizations providing humanitarian assistance to the refugees, claiming that such aid was encouraging further influxes. 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.

Under the personal status laws affecting all religious communities, women have fewer marriage, divorce, and inheritance rights than men, which increases their socioeconomic insecurity, according to a September 2012 report by Human Rights Watch. However, Parliament that month passed the Hindu Marriage Bill, which aims to grant legal and social protection to members of the Hindu community, particularly women. In rural areas, religious leaders sometimes impose flogging and other extrajudicial punishments on women accused of violating strict moral codes, despite Supreme Court orders calling on the government to stop such practices. Women also face some discrimination in health care, education, and employment. In 2012, Islamic clergy and women's groups remained at loggerheads over implementation of the National Women Development Policy, which holds that women and men should have equal political, social, and economic rights.

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 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 71 acid attacks during 2012; they affected 98 victims, most of them women. While attacks have declined since the passage of the Acid Crime Prevention Act in 2002, investigations remain inadequate. A 2010 law offers greater protection to women and children from domestic violence, including both physical and mental abuse. Giving or receiving dowry is a criminal offense, but coercive requests remain a problem, as does the country's high rate of early marriage. Odhikar noted an increase in dowry-related violence against women in 2012, with more than 250 murders recorded during the year.

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 labor abroad. The government has taken steps to raise awareness and prosecute sex traffickers somewhat more vigorously, with dozens convicted each year and some sentenced to life in prison. In February 2012, Parliament passed a comprehensive antitrafficking law that provided further protection to male as well as female victims.

A criminal ban on homosexual acts is rarely enforced, but societal discrimination remains the norm. Transgender people also face persecution, though a government-sponsored rally in the capital in October 2011 urged greater recognition for the group.

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